



MINUTES

Tuesday, March 11, 2025: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

a. Approve Agenda

Mayor Pro Tem Pate requested that Item 5a be moved from the Consent Agenda to the Action Items, making it Item 7c to allow citizens to comment should they want to. All councilmembers were in agreement.

Mayor Pro Tem Pate moved to approve the meeting agenda with the move of Item 5a to 7c, seconded by Councilmember Gray: the vote was unanimous.

Motion passed.

4. PUBLIC COMMENTS

No public comments were voiced.

5. CONSENT AGENDA

Mayor Pro Tem Pate moved to approve the Consent Agenda with the move of Item 5a to 7c, seconded by Councilmember Petersen: the vote was unanimous.

Motion passed.

a. Approve Ordinance #3108: Code Revision to Permit Off Premises Alcohol Sales at Farmers Market

Cameron-based James Creek Cider House has approached the Town about selling their hard ciders at our Farmers Market. The intent is to sell closed bottles for off-premise consumption elsewhere.

With some minor amendments to the Code of Ordinances, this request could be permitted, if Council desires. The Moore County Farmers Market has expressed support for this amendment.

Discussion ensued.

Mayor Pro Tem Pate moved to approve Ordinance #3108: Code Revision to Permit Off-Premises Alcohol Sales at Farmers Market, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

b. Authorize Town Manager to Execute NCDOT Utility Relocation Agreement

The NCDOT U5814/5815 (US1/15-501) project has begun, which includes the relocation of Town-owned water and sewer utilities. State law mandates that the Town pay for 25% of the non-betterment cost, which is \$811,714.75 for this project. Staff asks that Town Council authorize the Town Manager to execute the agreement.

c. Approve Meeting Minutes

Staff has prepared the following meeting minutes for approval:

- January 14, 2025, Town Council Business Meeting
- February 11, 2025, Town Council Business Meeting
- February 28, 2028, Town Council Work Session Meeting

6. LEGISLATIVE PUBLIC HEARINGS

a. OA-03-24: Landscaping & Tree Protection Amendments

A continuation of a legislative public hearing that began at the November 12, 2024 meeting, and was continued three months at the December 17, 2024 meeting, regarding proposed amendments to the UDO.

Planning Director Grieve reminded the Council that this item was originally on the November 2024 agenda and had been postponed to today's meeting due to the recent passage of Senate Bill 382 and discussion in the state legislature regarding amending the bill. Staff suggested another continuance to the June 10, 2025, meeting since the discussion is still ongoing.

Mayor Pro Tem Pate moved to continue the hearing for OA-03-24 to June 10, 2025. Councilmember Petersen seconded the motion and the vote was unanimous.
Motion Passed.

b. Z-04-24 & OA-04-24: Zoning Map Amendment and UDO Text Amendments to Create Two Character Districts

A continuation of a legislative public hearing that began at the November 12, 2024 meeting, and was continued three months to the December 17, 2024 meeting, related to the creation of a Downtown Character District and a West Southern Pines Character District.

Planning Director Grieve reminded the Council that this item was originally on the November 2024 agenda and had been postponed to today's meeting due to the recent passage of Senate Bill 382 and discussion in the state legislature regarding amending the bill. Staff suggested another continuance to the June 10, 2025, meeting since the discussion is still ongoing.
Discussion ensued.

Mayor Pro Tem Pate moved to continue the hearing for Z-04-24 & OA-04-24 to June 10, 2025.
Councilmember Petersen seconded the motion and the vote was unanimous.
Motion Passed.

c. Z-07-24 Conditional Zoning District Rezoning for 4.13 Acres on E. Indiana Avenue

Jeremy Sparrow of Longitude Planning Group PLLC, authorized agent of Fifteen Pinecones LLC, has submitted a request to rezone two parcels to RM-2 Conditional Zoning District with 25 conditions to allow the development of either single-family detached units or duplexes totaling no more than 11 dwellings/residences - on ±4.13 acres.

Planning Director Grieve presented the application and staff report to the Council.

Public Comments

- Shannon Smith, 1624 Indiana Ave. #14, Huntcliff HOA President, stated that the 6 properties have been deeded to Huntcliff HOA. Discussion ensued as to who and what was owned, including the land beneath the townhomes. Ms. Smith continued by addressing the homeowners' concerns regarding the development and phasing of construction.
- Meridith Mucci, 103 Canterbury Road, addressed the Council stating the area in question should never have been rezoned to R1 due to the rezoning being a condition of a prior application that was never fulfilled. Discussion ensued.

- Marco Rotting, 1605 E. Indiana Ave., invited the council to come to his home and view the amount of traffic on Indiana Ave. and shared his concerns that the proposed development will increase the traffic congestion further.
- Mark Moen, 30 Broad St., shared his concerns about the over-development of the area.

Councilmember Goodman moved to excuse Councilmember Petersen from the meeting, seconded by Councilmember Gray; the vote was unanimous.

Motion Passed.

Councilmember Petersen exited the meeting at 7:15 pm.

- Shannon Courtley, 250 Broad Street, is concerned about the effect the construction will have to the wildlife that currently lives in the area.
- Andrea Pedicelli, 102 Canterbury Road, shared her strong opposition to the proposed 11-unit development and believes it threatens the character, stability and livability of the current neighborhood.

Jeremy Sparrow, Longitude Planning Group, represents the applicant. Mr. Sparrow presented a PowerPoint presentation and gave some detailed responses to the concerns raised during the public comments.

Discussion ensued.

Craig Phifer, attorney for the applicant, spoke regarding the restrictive covenants put into place in 1982 on the property that requires the approval of the HOA on the architectural plans.

Discussion ensued.

Bobby Hartlick, 108 Canturbury Rd., asked the Council for copies of the maps in the presentation and was informed that they were available online in the meeting packet already or a person could come by the Community Development Building and get a hard copy.

Bryan Pascal, applicant, addressed the Council regarding the HOA and combining the new and old.

Discussion ensued.

Mayor Pro Tem Pate moved to continue the hearing for Z-07-24 to the April 8, 2025, meeting. The motion was seconded by Councilmember Goodman and the vote was unanimous.

Motion passed.

7. ACTION ITEMS

a. Consider RD-01-25: Offer of Dedication for Southern Road

MSP Retail II, LLC is petitioning the Town of Southern Pines to accept an offer of dedication for an extension of Southern Road from the former dead-end behind Kohl's east to a connection with Carolina Green Parkway.

Planning Director Grieve gave a brief overview of the request.

Discussion ensued.

Councilmember Goodman moved to accept the offer of Dedication for Southern Road, seconded by Mayor Pro Tem Pate; the vote was unanimous.

Motion passed.

b. Consider Resolution #1108 - Opposition to NC Senate Bill 382 RE: Zoning Authority of Local Governments

Resolution #1108 has been drafted to express the Town's opposition to NC Senate Bill 382 RE: Zoning Authority of Local Governments.

Town Manager Parsons gave a brief overview of the item.
Discussion ensued.

Mayor Pro Tem Pate moved to approve Resolution #1108 - Opposition to NC Senate Bill 382 Regarding Zoning Authority of Local Governments. The motion was seconded by Councilmember Goodman and the vote was unanimous.

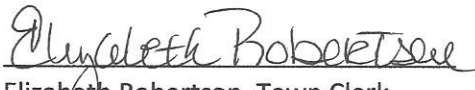
Motion passed.

8. ADJOURNMENT

Upon motion by Mayor Pro Tem Pate, seconded by Councilmember Gray and carried unanimously, Council adjourned at 8:43 pm.

Motion passed.

Respectfully submitted:


Elizabeth Robertson, Town Clerk



ORDINANCE #3108
AMENDING THE TOWN'S CODE OF ORDINANCES
TO PERMIT RETAIL SALES OF ALCOHOL AT THE FARMER'S MARKET

WHEREAS, the Town of Southern Pines has a user agreement with Moore County Farmers Market, Inc., which operates a year-round market in Town-owned parks; and

WHEREAS, Moore County Farmers Market, Inc. is a non-profit organization registered with the North Carolina Secretary of State to provide a regular market for producers who are generally located within 50 miles of Moore County; and

WHEREAS, the Town's current Code of Ordinances would not authorize a producer of malt beverages, fortified wine, and/or unfortified wine to sell at the Farmers Market. Amending the Code of Ordinances would allow these local producers to sell closed bottles for off-premises consumption; and

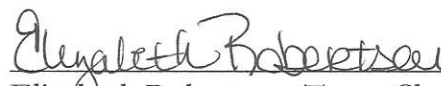
WHEREAS, this amendment supports the Town's 2040 Comprehensive Plan, which encourages the expansion of local businesses and employment opportunities as well as providing micro-retail opportunities. Policy 2.3 also encourages the revision of Town documents, such as the Code of Ordinances, to implement Comprehensive Plan policies and recommendations; and

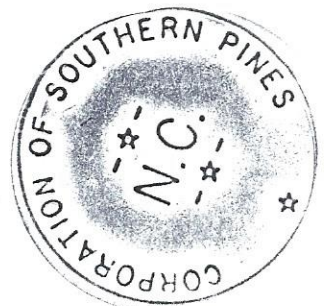
WHEREAS, the North Carolina Alcoholic Beverage Control Commission (NC ABC Commission) is an independent state agency that regulates and permits businesses with regard to alcohol sales. The Town's authority extends to regulating alcohol sales on public property within the corporate boundary of Southern Pines.

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

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

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of March 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 as follows:

REVISE EXISTING SECTION §32.092

1. Delete and replace the first sentence of §32.092(B) with the following: "Outdoor special events may take place on public property if the Town Manager or his/her designee has granted a permit for the event."
2. Update §32.092(B), second sentence, by deleting "Department" and replacing it with "Town."
3. Update §32.092(B)(3) to add fortified wine so that it reads, "The alcoholic beverages are limited to malt beverages, fortified wine, and unfortified wine; and"
4. Add new section §32.092(E) that reads, "If the event includes alcohol sales only in the manufacturer's original, sealed container for consumption off premises, a Town permit may not be required unless the event meets the other characteristics defined in subsection (B)."

REVISE EXISTING SECTION §112.01

1. Delete and replace the definition of Farmer's Market with the following: "*FARMER'S MARKET*. An event held at a facility or park maintained and operated by Moore County or the Town for the sole purpose of providing an outlet for the sale of farm products."

REVISE EXISTING SECTION §112.04

1. Revise the second sentence to add the term "organization" after "imposed by" so that it reads: "Sales of farm products in a properly established farmer's market area shall be subject to all rules and regulations imposed by the organization or governmental unit operating any market."

ADD NEW SECTION §112.05 AS BELOW

§112.05 SALE OF ALCOHOL BEVERAGES AT FARMER'S MARKET.

Farmer's market vendors may sell alcohol beverages under the following conditions:

- (A) The vendor has obtained and displays any and all necessary permits, licenses, and/or approvals from the Alcohol Beverage Control Commission and remains in compliance with all local and state ABC laws.
- (B) Vendors may only sell malt beverages, fortified wine, and/or unfortified wine in the manufacturer's original sealed container for consumption off premises.
- (C) Tastings for the purpose of offering a sample of the vendor's alcohol product are not permitted.
- (D) The vendor must display signage informing customers that alcohol may not be opened and/or consumed at the Farmers Market.
- (E) Unless the event has been permitted as an outdoor special event with alcohol sales in accordance with §32.092, alcohol sales are only permitted at farmer's markets defined herein and for which the host organization has a current user agreement with the Town to operate a farmer's market.



RESOLUTION #1108

RESOLUTION IN OPPOSITION TO NORTH CAROLINA SENATE BILL 382 RE: ZONING AUTHORITY OF LOCAL GOVERNMENTS

WHEREAS, Senate Bill 382, entitled DISASTER RELIEF-3/BUDGET/VARIOUS LAW CHANGES was initially drafted as Dental Practice Act Changes and then modified for the stated purpose of prioritizing aid for Hurricane Helene recovery efforts; and

WHEREAS, Senate Bill 382 was initially ratified by the General Assembly on November 20, 2024 and subsequently vetoed by Governor Cooper on November 26, 2024; and

WHEREAS, the General Assembly overrode Governor Cooper's veto on December 11, 2024, and ratified Senate Bill 382 as Session Law 2024-57; and

WHEREAS, Senate Bill 382 includes a section that specifically modifies G.S. 160D-601 titled SECTION 3K.1(d): NO LOCAL GOVERNMENT INITIATED DOWN-ZONING WITHOUT THE CONSENT OF THE AFFECTED PROPERTY OWNER which removed local authority to initiate down-zoning amendments without the written consent of all property owners whose property is the subject of the down-zoning; and

WHEREAS, more specifically, the statute requires that communities obtain consent from all property owners that are affected by changes to permitted building types, setbacks, height, bulk, or open space standards of zoning ordinances which meet the definition of down-zoning; and

WHEREAS, these are considered the most basic tools communities have available to maintain land use compatibility, manage growth and development, and achieve the public's vision as captured in a Comprehensive Plan; and

WHEREAS, this new law contradicts the purpose and recognized benefit of local zoning regulation in that it empowers a small number of individual landowners to impede the adoption of new regulations enacted to protect and promote the health, safety, and welfare of the public as a whole; and

WHEREAS, G.S. 160D requires local governments to have a reasonably maintained Comprehensive Plan in order to retain authority to adopt and enforce zoning regulation and plan consistency must be considered by a governing body for zoning amendments; and

WHEREAS, this law has blocked the adoption of Southern Pines Z-04-24 & OA-04-24: Zoning Map Amendment and UDO Text Amendments to Create Two Character Districts, a years long process of developing zoning regulations designed with substantial community engagement; and

WHEREAS, managing growth is challenging in a high-growth state like North Carolina and most communities rely on their respective zoning authority to ensure orderly growth and development and respond to constituents' concerns; and

WHEREAS, the newly adopted provisions related to down-zoning in Senate Bill 382 inadvertently lock the current zoning frameworks of most communities in place now and into the future, making it nearly impossible for local governments to modify and change ordinances as elected officials see fit; and

WHEREAS, the reasons for these specific changes were not made clear to the public and local governments and were not provided an opportunity to review or comment on the proposed changes prior to Senate Bill 382's adoption by the General Assembly.

NOW THEREFORE BE IT RESOLVED, that the Southern Pines Town Council in open meeting assembled in the Town of Southern Pines, North Carolina, this 11th day of March, 2025, that the Town of Southern Pines oppose the recent adoption of Senate Bill 382, specifically, the section which modifies G.S. 160D-601(d) and restricts all local governments in North Carolina and their ability to manage community planning and implement regulatory ordinances to achieve the vision captured in the Comprehensive Plan. Further, the Town of Southern Pines encourages the North Carolina General Assembly to revisit the down-zoning provisions included in Senate Bill 382 at their earliest opportunity possible and would welcome the opportunity to review and comment on any proposed new legislation related to land use regulatory authority.

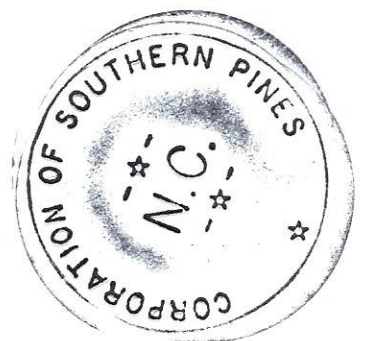
Adopted on the 11th day of March 2025.

ATTEST:

TOWN OF SOUTHERN PINES


Elizabeth Robertson, Town Clerk


Taylor G. Clement, Mayor





RESOLUTION #1109

THE TOWN OF SOUTHERN PINES TOWN COUNCIL OFFICIALLY ACCEPTING OFFER OF DEDICATION TO THE PUBLIC FOR A PORTION OF SOUTHERN ROAD (RD-01-25)

WHEREAS, the Town of Southern Pines has subdivision regulation jurisdiction over the land on which a portion of Southern Road—from about the Southern Road entrance to 190 Brucewood Road to the Carolina Green Parkway roundabout—is located; and

WHEREAS, pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, North Carolina, a plat entitled “Minor Subdivision for MSP Retail II, LLC, Lot 2 – 12.92 acres, Lot 3 – 2.36 Acres, Lot 4 – 0.92 Acres, Lot 5 – 0.41 Acres, and Right-of-Way for Southern Road” and recorded in Plat Cabinet 20 Page 662 depicts the right-of-way of a newly constructed portion of Southern Road (Exhibit A); and

WHEREAS, the aforementioned plat depicts the accurate location of street boundary lines, ownership of adjacent properties and adjacent and intersecting streets; and

WHEREAS, MSP Retail II, LLC, has constructed road infrastructure improvements to the described newly constructed portion of Southern Road to provide access to Lots 2, 3, 4, and 5 as shown on the aforementioned plat as well as to connect to Carolina Green Parkway; and

WHEREAS, North Carolina General Statutes §160A-296 and §160D-806 allows any city—as defined in North Carolina General Statutes §160A-1—council to accept by resolution any offer of dedication made to the public of lands for streets when the lands are located within its subdivision-regulation jurisdiction; and

WHEREAS, the construction of all required portions of Southern Road, including street surfaces, curbs, sidewalks, street lights and landscaping, is complete pursuant to Town Code of Ordinances §100.20-100.27 and the Town Engineer and Planning Director have inspected and approved construction.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Town of Southern Pines hereby accepts for ownership, operation and maintenance the Southern Road right of way as depicted on Plat Cabinet 20, Slide 662 as shown on Exhibit A attached hereto.

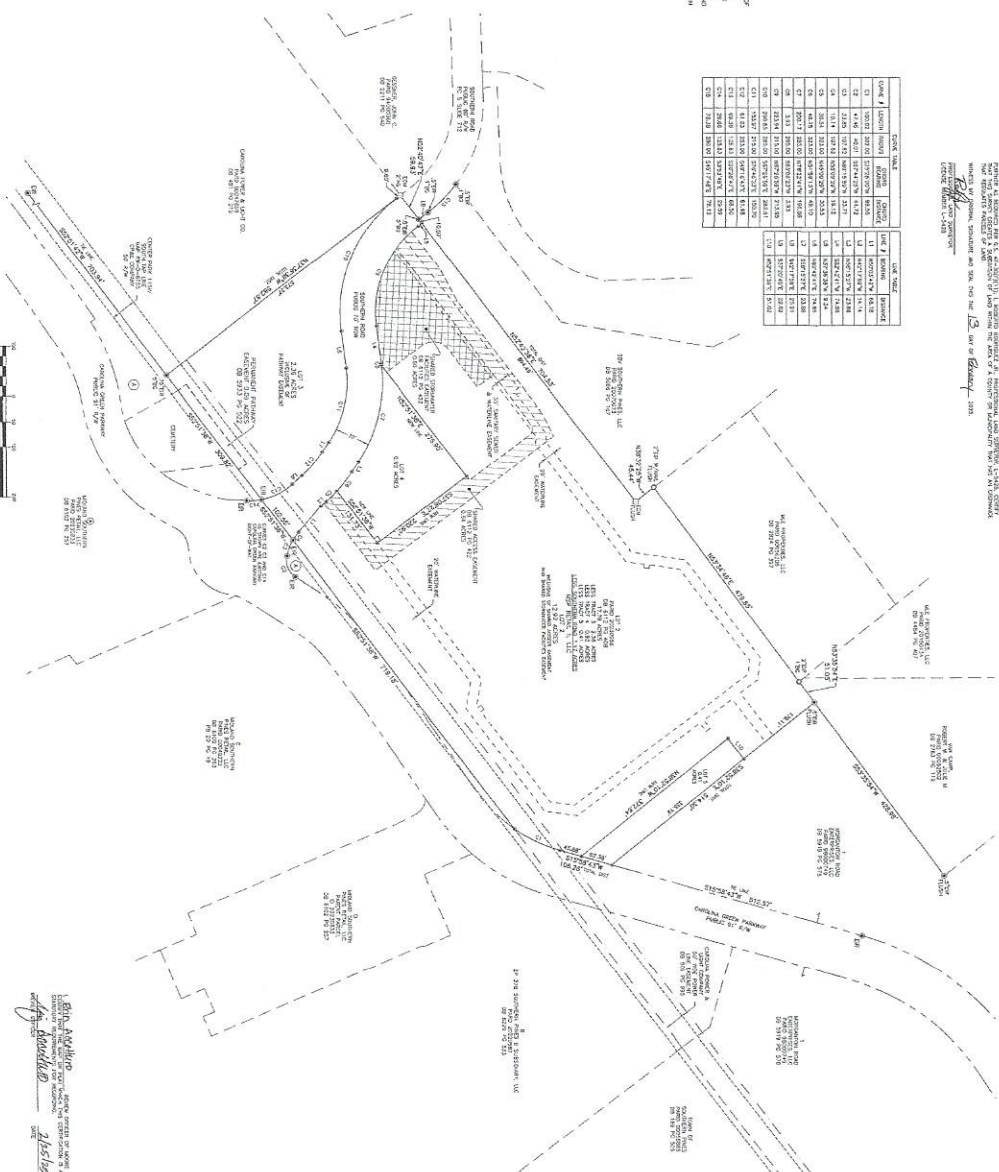
Adopted this 11th day of March 2025.

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




Elizabeth Robertson, Town Clerk

Exhibit A

[illegible]

Velocity

Bin Auldred
 BOUND OFFICER OF MOORE COUNTY, NORTH CAROLINA
 DECLARE THAT THE SIGNATURE HAS CERTIFICATION IS AFFIXED HEREIN ALL
 STANDARD REQUIREMENTS FOR REGISTRATION.
 Date: 2/25/15
 DATE

**COUNTY OF MOORE
STATE OF NORTH CAROLINA**

CLERK'S CERTIFICATION

I, Elizabeth Robertson, Town Clerk of the Town of Southern Pines, North Carolina, do hereby certify that the attached is a true and accurate copy of Resolution #1109: The Town of Southern Pines Town Council Officially Accepting Offer of Dedication to the Public for a Portion of Southern Road (RD-01-25)) which was adopted at a meeting of the Southern Pines Town Council on the 11th day of March 2025.

WITNESS my hand and the official Seal of the Town of Southern Pines, North Carolina, this the 11th day of March 2025.


Elizabeth Robertson, Town Clerk

