



MINUTES

Tuesday, February 8, 2022: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Haney called the meeting to order. The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; Bill Pate; and Ann Petersen.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Mayor Haney recognized Beth Robertson as the newly appointed Town Clerk.

Mayor Haney advised the public that the Town staff are working diligently on cleaning up from the last storm and asked for patience due to the volume of debris needing to be disposed of.

The Town Manager, Reagan Parsons, reviewed the agenda.

4. PUBLIC HEARINGS

a. AX-07-21 Morganton Park South

Robert & Julie Van Camp, Trustees, Thomas Van Camp, Trustee, and Morganton Road Enterprises, LLC have petitioned the Town for a voluntary annexation of a parcel totaling +54.94 acres. The parcels are identified as PIN 857100575720

and 857100572972 and are located between US 15-501 and W. Morganton Rd.

Planning Director BJ Grieve gave an overview of the request and staff report.

Councilmember Clement motioned to open the hearing. Mayor Pro Tem Murphy seconded the motion and the vote was unanimous. Motion passed.

There were no questions or public comments.

Councilmember Pate motioned to close the hearing. Councilmember Clement seconded and the vote was unanimous. Motion Passed.

Councilmember Pate moved to approve the voluntary annexation of AX-07-21: Morganton Park South. Mayor Pro Tem Murphy seconded and the vote was unanimous. Motion passed.

b. AX-08-21 Blue Farm Lots

Mr. Benjamin Stout is requesting voluntary annexation of five parcels totaling +4.10 acres, collectively known as Blue Farm, Section Three and located on NC Hwy 22.

Planning Director BJ Grieve gave an overview of the request and staff report.

Mayor Pro Tem Murphy moved to open the hearing. Councilmember Pate seconded the motion and the vote was unanimous. Motion passed.

There were no questions or public comments.

Town Manager Parsons and Planning Director Grieve noted to council that a zoning petition for this property will be coming before Council next month should this annexation application be approved.

Councilmember Pate moved to close the hearing. Mayor Pro Tem Murphy seconded the motion and the vote was unanimous. Motion passed

Councilmember Pate moved to approve the voluntary annexation of AX-08-21: Blue Farm.

Mayor Pro Tem Murphy seconded the motion and the vote was unanimous. Motion passed.

c. PD-12-21 Waterworks Phase 1 PDP

Andy Bleggi with PTAH, LLC has applied for a Preliminary Development Plan (PDP) for Phase 1 of the Waterworks development. Waterworks Phase 1 will include construction of a 33,000 square foot expansion of the existing 4,260 square foot recently-renovated Waterworks building. The new expanded building will be used for office space as permitted by the Waterworks Conceptual Development Plan (CDP). A new, additional 9,600 square foot building will also be built as part of the Phase 1 PDP. The building is presently planned to be occupied by Workhorse Fitness, a by-right use in the Waterworks CDP. However, any other by-right use may occupy the building in the future subject to UDO design standards. Phase 1 will also include construction of 152 permanent parking spaces and 20 temporary gravel parking spaces to serve the proposed buildings. Access will be provided off Central Drive, directly across from Reservoir Park Road.

This is a quasi-judicial hearing and Mayor Haney swore in all interested parties. No Council members had anything to declare. Councilmember Clement motioned to open the public hearing. Councilmember Petersen seconded the motion and the vote was unanimous. Motion passed.

- Planning Director Grieve presented the staff report on the proposed project, entered into the record as Exhibit A.
- Councilmember Petersen asked for clarification on the square footage being added now versus the original plan.
- Mayor Haney questioned Mr. Bledgie onto a previously agreed upon agreement regarding a preservation agreement.
- Councilmember Petersen questioned the timing of the new traffic circle and the TIA presented at that time (2008).
 - Town Engineer James Michel introduced himself, his job and qualifications. Mr. Michel then answered staff questions.

- Councilmember Clement questioned Mr. Michel regarding population growth triggering traffic growth.
 - Councilmember Pate clarified that the TIA will be reviewed again before each phase.
 - Town Manager Parsons clarified that DOT's required traffic improvements are proposed to be finished early in the project and are in excess of the original agreement.
- Kevin Lindsey of Crawford Design spoke for the applicant. Mr. Lindsey reviewed the proposed street improvements planned to help with increased traffic in that area. Mr. Lindsey's PowerPoint presentation was entered into the record as Exhibit B.
 - Councilmember Petersen asked for a breakdown of the proposed uses and questioned Mr. Lindsey on his qualifications.
 - Mr. Andy Bledgie, applicant, addressed the TIA.
 - Councilmember Clement questioned if the applicant plans to whitewash the brick on the building. Mr. Bledgie responded that it is not in the plans at this time and he plans to keep the look as original as possible.
 - Marsh Smith, 568 Sandkey Road, Southern Pines, an attorney since 1989, discussed multiple lawsuits involving NCDOT and road projects with an emphasis on environmental protection. Mr. Smith asked for a continuance to allow him to review the application given his concerns about the environmental impact of the project and his belief that the TIA is being interpreted inaccurately. Mr. Smith submitted documents into the record as Exhibit C.
 - Mr. Bledgie presented his rebuttal to Mr. Smith's points.
 - Councilmember Clement asked if Mr. Bledgie still intends to record the conservation easement, per the terms he agreed to in the 2018 minutes.
 - Councilmember Petersen asked Mr. Bledgie if he had a rebuttal in regards to the TIA remarks from Mr. Smith. Mr. Bledgie and Mr. Lindsey restated their intent to put dedicated turn lanes to access their development and Reservoir Park.
 - Councilmember Clement asked Mr. Michel, if he defined Southern Pines to be rural or urban in light of the exhibits submitted by Mr. Marsh. Mr. Michel stated that while he does not agree with the definitions submitted by Mr. Marsh, there is not a clear way to define those terms and the definitions can vary widely; Town Manager Parsons concurred.
 - Councilmember Pate moved to close the hearing. Mayor Pro Tem Murphy seconded the motion and the vote was unanimous. The motion passed.
 - Following discussion, Councilmember Clement moved to adopt Attachment 'A' of the staff report as Finding of Fact regarding the proposed Preliminary Development Plan PD-12-21. Mayor Pro Tem Murphy seconded and the motion passed 4-1 as follows: Aye (Haney, Murphy, Pate, Clement); Nay (Petersen)

- Councilmember Clement moved to approve the Preliminary Development Plan for PD-12-21. Mayor Pro Tem Murphy seconded and the motion passed 4-1 as follows: Aye (Haney, Murphy, Pate, Clement); Nay (Petersen).

d. PD-13-21 Old Morganton Park South Parcel 1 PDP

The applicant has applied for a preliminary development plan for the purpose of developing a retail building. The proposed Old Morganton Road Lot 1 development will be located in the planned development known as Morganton Park South. The retail building is a 7,000 square foot building located on 1.12 acres that are currently located in the Town of Southern Pines limits. The subject property is located on the corner of West Morganton Road and Brucewood Road with Old Morganton Road on its southwest corner, lies within the Morganton Road Overlay and is designated as traditional mixed use on the future land use map in the comprehensive long-range plan.

This is a quasi-judicial hearing and Mayor Haney swore in all interested parties. No Council members had anything to declare. Mayor Pro Tem Murphy motioned to open the hearing. Councilmember Pate seconded the motion and the vote was unanimous. Motion passed.

- Planning Director Grieve presented the staff report on the proposed project. The staff report and all attachments are entered into the record as Exhibit A.
- Councilmember Clement questioned the use of maximum parking requirements vs. minimum parking requirements and the use in the application. Discussion ensued on the subject of the application's requested deviation of increased parking.
- Mr. Kevin Lindsey, civil engineer for the applicant, entered a series of documents into record as Exhibit B and presented details of the application and the requested parking deviation.
- Councilmember Pate asked a question in regards to procedure. Discussion ensued.
- Councilmember Petersen motioned to close the hearing. Mayor Pro Tem Murphy seconded the motion and the vote was unanimous. Motion passed
- Councilmember Pate moved to adopt Attachment A of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-13-21, noting the request for the parking requirement deviation is denied. Mayor Pro-Tem Murphy seconded the motion and the vote was unanimous. Motion passed.
- Councilmember Pate moved to approve PD-13-21 Old Morganton Park South Parcel 1 PDP. Mayor Pro Tem Murphy seconded and the vote was unanimous. Motion passed.

e. SU-01-21 Patrick's Pointe (Continued)

On behalf of Francis Maser, Mr. Bob Koontz, of Koontz Jones Design, has submitted an application for a Special Use Permit for the new construction of a multi-family residential and office development. The subject property is located along US Highway 1 North between West Connecticut Avenue and Midland Road and is comprised of three

(3) parcels for a total of 25.4 acres of presently undeveloped, wooded land.

This is a quasi-judicial hearing that has been continued. Mayor Haney swore in any new parties not previously sworn in during previous hearings. Council declarations: Councilmember Clement did a site visit, Councilmember Petersen and Mayor Haney have close relatives that live in the Village on the Green.

- Carson Crooms, Crockett and Oldham Attorneys, PLLC., attorney for Village Green, made himself known.
- Nick Robinson of Bradshaw, Robinson, Slawter, LLP located at 128 Hillsboro St., Pittsboro, as attorney for the applicant, made himself known and presented a review of the previous hearings and outlined his plans for today's testimony.
- Logan Burnett, applicant, presented regarding some changes to the site plan due to completed mapping of the wetlands area and entered the document as Exhibit V by Atty. Robinson.
 - Councilmember Petersen questioned Mr. Burnett's residence and the companies which he is associated with and their background.
- Mr. Robinson and Mr. Bob Koontz, landscape architect and land planner of Koontz Jones Design reviewed the:
 - Townhom Design Comparison, entered into the record as Exhibit W
 - Wetland Survey, entered into the record as Exhibit X
 - Revised Site Plan, entered into the record as Exhibit Y
 - Black's Law Definition of Neighborhood as Exhibit Z
- Councilmember Petersen questioned the definition of "neighborhood".
- Mr. Robinson called Travis Fluitt of Kimely Horne & Assoc. and entered the following into the record:
 - 2022.01.11 First TIA Addendum (Exec Summary)- Exhibit AA
 - 2022.01.26 Second TIA Addendum (Exec Summary) - Exhibit BB
 - 2022.01.26 Second TIA Addendum Full Version - Exhibit CC
- Councilmember Petersen and Councilmember questioned the data regarding traffic around Saylor Street and Pennsylvania Avenue. Mayor Pro Tem Murphy clarified the data when turning left off Saylor Street onto Pennsylvania. Discussion ensued.
- Mr. Robinson called Mr. Frank Dean of Village Appraisals, LLC regarding property value impact and entered the following into the record:
 - 2022.01.26 Patrick's Pointe MAI Appraisal Addendum - Exhibit DD
- Mr. Robinson questioned Tad Hardy, a traffic engineer with Kimely Horne & Assoc.,

regarding the noise analysis and entered the following into the record:

- 2022.01.11 Noise Analysis Addendum - Exhibit EE

- Carson Crooms, attorney for Village on the Green, addressed Council and called the following witnesses:
 - Mr. Crooms cross-examined Tad Hardy with Kimley Horne on the Noise Analysis Study on some of his data.
 - Mr. Crooms then recalled Franklin Dean regarding a Sept 2021 letter (exh k) and questioned him about the properties he used for comparison in his study.
 - Mr. Crooms recalled Bob Koontz and questioned him regarding the definition of neighborhood and character along with several details on the project in regards to density. SP CLRP was entered as Exhibit HH
- Linda Brazwill of 19 Village Green Circle - was called by Mr. Crooms as an expert on the character of the neighborhood and gave her educational and work history; Mr. Robinson objected to her standing as an expert. Pictures (Exhibit JJ) were used to show the character of the neighborhood and Ms. Brazwill stated she did not feel the new development will not complement the neighborhood's aesthetics and her concern regarding rentals being introduced so close to a neighborhood filled with home owners. The following were entered into the record:

- SP UDO - Exhibit II

- Village on the Green Pictures - Exhibit JJ

- Village Green Map - Exhibit KK

- Village by the Lake Map - Exhibit LL

- Village in the Woods Map - Exhibit MM

- Mr Robinson presented his rebuttal to Ms. Brazwill's testimony.
- Mr Robinson presented his closing remarks touching on the role and duty of council to determine the extent to which the applicant has put forth the evidence to support the 6 findings required to approve the permit.
- Mr. Crooms presented his closing remarks and commented on the effect this project will have on the neighborhood and questioned if the project meets the intent of the UDO and CLRP.
- Councilmember Petersen moved to close the hearing. Councilmember Pate seconded and the vote was unanimous. Motion passed.
- Mayor Haney stated that as per NC General Statue 160D.406, the board shall determine contested facts and make its decision within a reasonable time and asked for a motion to render a decision at the next Town Council meeting scheduled for February 28, 2022.

- Councilmember Petersen moved to render a decision at the February 28, 2022 Town Council meeting. Mayor Pro Tem Murphy seconded and the vote was unanimous. Motion passed.

5. ACTION ITEMS

There were no action items for consideration.

6. CONSENT AGENDA

Councilmember Pate moved to approve the Consent Agenda, seconded by Mayor Pro Tem Murphy. The vote was unanimous. Motion passed.

a. Approve December 8, 2021 Town Council Agenda Meeting Minutes

Approve December 8, 2021 Town Council Agenda Meeting Minutes

b. Approve December 14, 2021 Town Council Business Meeting Minutes

Approve December 14, 2021 Town Council Business Meeting Minutes

c. AX-01-22: Set Public Hearing for Annexation at 3900 Youngs Road

Michael Tveter and Jamie Tveter are requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines.

Per the Moore County tax records, the subject parcel is identified as PIN 858100892377; PARID 20210139 and is owned by Michael Tveter and Jamie Tveter. The public hearing for this application will be March 8, 2022.

d. Adopt Ordinance #1963 to Amend the Code of Ordinances to Address Membership Qualifications for the Appearance Commission

Based on previous discussion with the Town Council, staff has prepared a draft ordinance that removes term limits for members of the Appearance Commission.

e. Adopt Ordinance #1964 to Add the Library Board to Chapter 33 of the Code of Ordinances

Staff recommends adding the Library Board membership qualifications, terms of appointments, powers and duties, and similar to the Town's Code of Ordinances, which is consistent with the Town's other appointed boards.

f. Adopt Ordinances #1966 and #1967 to Amend Capital Project Funds Associated with Water Line Projects

By adopting these ordinances, the Capital Project Fund (CPF) for the E. Morganton Rd. water line project is closed and the remaining balance of \$109,452 is transferred to the CPF for the Pennsylvania-Peedee water line project.

7. PUBLIC COMMENTS

Mayor Haney recognized the good work of the Town of Southern Pines Police Department and Fire Department.

Councilmember Petersen recognized and thanked the Town's IT Department for their help this past week.

John MacInerney of 460 Crest Road asked the Council to consider the influx of people and development, urging Council to review the direction the town is heading as it will be forever changed. Mr. MacInerney pointed to the proposed townhomes on Bennet St. as an example of density in a small area.

8. ADJOURNMENT

Upon motion by Councilmember Pate and seconded by Mayor Pro Tem Murphy, the vote was unanimous and the Council adjourned at 12:27 am on February 9, 2022.

Respectfully submitted:
