



## AGENDA

### Town Council Work Session

Tuesday, January 20, 2026: 3:00 PM

C. Michael Haney Community Room: Southern Pines Police Department  
450 W. Pennsylvania Ave

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. TOWN MANAGER'S COMMENTS

#### 4. ACTION ITEMS

##### a. Review and Request Adoption of the FY25 Audit

Finance Director Brubaker-Speis and representatives of Mauldin & Jenkins, our audit firm, will present the FY25 audit and request adoption.

##### b. Approve Resolution #1143 to Modify the Capitalization Threshold for Leases and Subscription-Based Information Technology Arrangements

Staff recommends increasing the Town's capitalization threshold for GASB 87 Leases and GASB 96 Subscription-Based Information Technology Arrangements from \$20,000 to \$50,000. This is a threshold that determines whether an agreement is reported on the Town's financial statements as a right-to-use asset. The threshold for recognizing all other capital assets would remain at \$20,000, which was last updated in 2023.

##### c. Ordinances #3158 & #3159 - Budget Amendments - FEMA Reimbursement from Tropical Storm Chantal

Ordinances amending the General Fund and Utility Fund for FEMA reimbursement and expenditures related to Tropical Storm Chantal response. Labor and equipment costs are excluded since they are expected to be absorbed within existing budgeted funds; however, they may be eligible for FEMA reimbursement. Longleaf Dam Sewer Line repairs and relocation are also excluded, as design and estimates/quotes for the work are still underway.

##### d. Approve Resolution #1142 — Directing the Clerk to Investigate an Annexation Petition Received Under G.S. 160A-31

A petition has been received requesting the annexation of 609 Clark Street to allow the owner to access the Town's utilities.

##### e. Written Decision for The Oaks Major Subdivision

Planning staff have prepared a draft Written Decision summarizing Town Council approval of MAPP-05-25, The Oaks Major Subdivision.

##### f. Written Decision for Trimble Plant Road PDP

Planning staff have prepared a draft Written Decision summarizing Town Council approval of PD-06-25, Trimble Plant Road Preliminary Development Plan.

##### g. Resolution #1141 Adopting the Cape Fear Hazard Mitigation Plan

Moore County has been working along with representatives from its municipalities toward a Cape Fear Hazard Mitigation Plan. The Final draft, including background and purpose, can be reviewed at [Cape Fear RHMP 12.2.25 - Adobe cloud storage](#)

As a result of the Disaster Mitigation Act of 2000 and NC Senate Bill 300 each local government, including counties, cities, towns, and villages are required to have an approved Hazard Mitigation Plan in order to apply for hazard mitigation funding. The types of plans throughout North Carolina vary from multi-jurisdictional plans, town plans, city plans, and some village plans. North Carolina has approximately 180 hazard mitigation plans that must be updated every five years.

The counties of Moore, Chatham, Lee, Harnett, Johnston and their incorporated jurisdictions have developed a regional hazard mitigation plan with the assistance of a contractor. This plan incorporates five (5) multi-jurisdictional hazard mitigation plans into one (1) regional plan. The Southern Pines Fire Department regularly participates in the Hazard Mitigation Planning Meetings along with other counties and municipalities of this region.

**h. Ordinance #3160 updating the Town Code regarding Utility late fees and shutoffs**

Follow up from October 2025 temporary suspension of late fees and disconnections for past due balances of water and sewer fees.

**5. COUNCIL UPDATES AND DISCUSSION**

**a. Discussion regarding Outdoor Special Event permitting**

Staff wishes to discuss with the Town Council current rules and Codes around alcohol and permitted events and whether changes in current Codes are desired.

**b. Whitehall Sitework Update**

Providing council with an update on work related to the Whitehall Carriage House and site. Including completed, in-progress and pending projects; as well as an update on current budget spending.

**c. Planning Department Update**

Planning staff will briefly update the Town Council on agenda items coming in February. Staff will also present a brief list of projects to be considered for Phase 3 of Comprehensive Plan implementation.

**6. COUNCIL ROUNDTABLE**

**7. ADJOURNMENT**

*Meetings/work sessions of the Southern Pines Town Council are now available on the Town's Website at [sopinesnc.info/agendas](http://sopinesnc.info/agendas)  
Video of the Town Council meetings will be live-streamed on the website for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream.*



# Southern Pines

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NORTH CAROLINA

*Town of Southern Pines,*

*North Carolina*



**Presentation of Audit Results**

**June 30, 2025**



## Agenda

- Engagement Team
- Overview of:
  - Audit Opinion
  - Compliance Reports
- Required Communications
- Accounting Recommendations and Related Matters
- Answer Questions

## MAULDIN & JENKINS BY THE NUMBERS



CONSISTENTLY RANKED AS A TOP ACCOUNTING FIRM IN THE U.S.

**100+ year**  
HISTORY  
OF QUALITY SERVICE

**Serve 725+**  
GOVERNMENT CLIENTS

GOVERNMENTAL PARTNERS & DIRECTORS **25**



**150+** TEAM MEMBERS DEDICATED TO SERVING THE GOVERNMENTAL INDUSTRY



**220+** SINGLE AUDITS PERFORMED LAST YEAR COVERING OVER \$6 BILLION OF FEDERAL GRANTS



**156,000+** HOURS ANNUALLY PROVIDED TO GOVERNMENTAL CLIENTS

**175+**

CURRENT CLIENTS AWARDED THE GFOA CERTIFICATE OF EXCELLENCE

**6**

STATES

**14**

OFFICES



### Engagement Team Leaders

- LeAnn Bagasala, Engagement Partner | Tim Lyons, Quality Review Partner | Chad Jackson, Engagement Manager



### Audit Opinion

- **Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS)**
  - Our audit was performed in accordance with GAAS and *Government Auditing Standards*.
  - We considered the internal control structure for the purpose of expressing our opinion on the Town’s basic financial statements and not for the purpose of providing assurance on the internal control structure.
  - Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free from material misstatement.
  - The basic financial statements are the responsibility of the Town’s management.
  
- **Report on Basic Financial Statements**
  - Unmodified (“clean”) opinion on basic financial statements.
  - Presented fairly in accordance with accounting principles generally accepted in the United States of America (GAAP).
  - Our responsibility does not extend beyond financial information contained in our report.



### Compliance Report and Audit Scopes & Procedures

- *Government Auditing Standards* (“Yellow Book”) Report
  - No material weaknesses or significant deficiencies in internal control reported.
  - No instances of noncompliance reported.
  
- **Compliance Report**
  - Conducted Single Audit in accordance with the Uniform Guidance and the State of North Carolina Single Audit Implementation Act:
    - Federal Program - ARPA Funds.
    - Federal Program - Clean Water State Revolving Funds.
    - State Program - Powell Bill Funds.
  - Unmodified (“clean”) opinion on compliance for the program.
  - No material weaknesses or significant deficiencies in internal control over compliance reported.



## Required Communications

- **Significant Accounting Policies**

- The significant accounting policies used by the Town are described in Note 1 to the basic financial statements.
- During the current year, the Town implemented Governmental Accounting Standards Board (GASB) Statement No. 101, *Compensated Absences* and GASB 102, *Certain Risk Disclosures*.
- In considering the policies used by the Town, we noted they are in accordance with generally accepted accounting principles and similar government organizations with no significant new policies or qualitative aspects of its policies. The Town is not involved in any controversial or emerging issues for which guidance is not available.

- **Management Judgment/Accounting Estimates**

- The Town uses various estimates as part of its financial reporting process – including the useful lives of the Town’s capital assets, leases, and actuarial assumptions related to its pension (LGERS and LEOSSA).
- Management’s estimates used in preparation of the financial statements were deemed reasonable in relation to the financial statements taken as a whole. We considered this information and the qualitative aspects of management’s calculations in evaluating the Town’s significant accounting estimates.



### Required Communications (Continued)

- **Relationship with Management**

- We received full cooperation from the Town's management and staff.
- There were no disagreements with management on accounting issues or financial reporting matters.

- **Management Representation**

- We requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us.

- **Consultation with Other Accountants**

- To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.

- **Significant Issues Discussed with Management**

- There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.



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## Required Communications (Continued)

- **Audit Adjustments**

- There was one passed audit adjustment.
  - Passed on a restatement of beginning net position and increasing current year payroll/benefit expense for exclusion of FICA taxes in the Town's compensated absence liability – total \$65,518.

- **Financial Statement Disclosures**

- The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part of our audit.

- **Information in Documents Containing Audited Financial Statements**

- Our responsibility for other information in documents containing the Town's basic financial statements and our report thereon does not extend beyond the information identified in our report. If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. You must also provide us with a copy of the final reproduced material for our approval before it is distributed.

- **Auditor Independence**

- In accordance with AICPA professional standards, M&J is independent with regard to the Town and their respective financial reporting processes.



### New Accounting Pronouncements

- **New GASB Pronouncements for Future Years**

- GASB Statement No. 103, *Financial Reporting Model Improvements*, was issued by the GASB in the Spring of 2024. This Standard revisits the financial reporting model that has been in use at state and local governments since the adoption of Statement No. 34 in 2001. Specific to the Town, this new standard includes some changes to the management’s discussion and analysis (MD&A) as well as to the presentation of the budgetary comparison information that the Town includes in its ACFR. While the new standard does not change how items are recognized in the financial statements, it does change the presentation of a few items. We encourage management of the Town to familiarize themselves with the new standard – we are happy to review and discuss any implementation questions you have. GASB Statement No. 103 is required to be implemented in the Town’s financial statements for the fiscal year ending June 30, 2026.



New Accounting Pronouncements (Continued)

- **Current / Pending Major GASB Projects**
  - Revenue and expense recognition
  - Severe financial stress evaluation and disclosures
  - Disclosures and RSI surrounding infrastructure assets



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Govt. Clients – Free Quarterly Continuing Education

**FREE QUARTERLY CONTINUING EDUCATION AND NEWSLETTERS  
FOR GOVERNMENTAL CLIENTS**

**Free Continuing Education.** We provide free quarterly continuing education for all of our governmental clients. Each quarter we pick a couple of significant topics tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking among our governmental clients. Examples of subjects addressed in the past few quarters include:

- ACFR Preparation - GASB Updates - Grant Accounting Processes and Controls - GASB 68 (Pensions)
- Internal controls over revenue and cash receipting and accounts payable, payroll, and cash disbursements
- American Recovery & Reinvestment Act (ARRA) information, issues and updates - Single audits for auditees
- Collateralization of Deposits and Investments - Internal Controls over Accounts Payable, Payroll and Controls
- Policies and Procedures Manuals - Segregation of Duties – GASB 75 (OPEB) – GASB 87 (Leases)
- Data Security and General Information Technology Controls and Best Practices

**Communication.** In an effort to better communicate our free continuing education plans and newsletters, please email Paige Vercoe at [pvercoe@mjcpa.com](mailto:pvercoe@mjcpa.com) (send corresponding copy to [lbagasala@mjcpa.com](mailto:lbagasala@mjcpa.com)), and provide to her individual names, mailing addresses, email addresses and phone numbers of anyone you wish to participate and be included in our database.



# Southern Pines

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NORTH CAROLINA

*Questions & Comments*



Thank You for the Opportunity to Serve



**RESOLUTION #1143  
TO MODIFY THE TOWN'S CAPITALIZATION THRESHOLDS FOR LEASES AND  
SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS  
("SBITAS")**

**WHEREAS**, the Town of Southern Pines owns and maintains control over a variety of capital assets. The Town currently defines capital assets as those that have a useful life beyond a single reporting period and exceed a monetary threshold of \$20,000; and

**WHEREAS**, in accordance with GASB Statement No. 87 (Leases), GASB Statement No. 96 (Subscription-Based Information Technology Arrangements), and the Town's Resolutions #1048 and #1077 adopted on June 13, 2023 and November 14, 2023, respectively, the Town currently uses the same monetary threshold to determine whether a lease or SBITA is material to the Town's financial statements; and

**WHEREAS**, capitalizing an asset is primarily a financial reporting matter to guide what assets are reported on the Town's financial statements. Continuing to maintain a threshold at \$20,000 for leases and SBITAs is not efficient and can over-burden the anticipated information needs for users of the Town's external financial reports. The Government Finance Officers Association (GFOA) acknowledges that maintaining an artificially low capitalization threshold leads to reporting data on numerous smaller items, which can be costly and difficult to maintain and operate; and

**WHEREAS**, upon review of audit recommendations, materiality, administrative burden, and industry practices, the Finance Department recommends increasing the capitalization threshold of right-to-use lease and subscription assets to \$50,000; and

**WHEREAS**, staff recommends maintaining the capitalization threshold of \$20,000 for all other capital assets; and

**WHEREAS**, the Town Council finds that revising this threshold is reasonable, materially appropriate, and in the best interest of sound financial management.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 20th day of January, 2026, that:

1. The Town's threshold for defining capital assets is as follows:
  - a. A capital asset, also known as a fixed asset, is a long-term tangible or intangible asset that the Town acquires or constructs and then uses in its operations. Capital assets have a useful life of at least two years or more.
  - b. The monetary threshold for defining capital assets, except for right-to-use lease and subscription assets, is \$20,000 or more. Items that are below this amount are reported as an "expense" or "expenditure" in the period in which they were acquired.
  - c. Direct costs represent expenditures that can be uniquely and directly linked to a specific capital project or asset, such as materials, labor, equipment, and other resources. These costs are incurred for the sole purpose of initiating, developing, constructing, acquiring, or enhancing a particular project or asset.
  - d. Indirect costs are typically administrative, overhead, or operational expenses that the Town may incur to purchase or construct a capital asset. Indirect costs are excluded from the capitalization threshold so the Town's financial statements represent the clear and accurate costs for each capital project and asset.
2. For purposes of reporting in compliance with GASB Statements No. 87 and 96, the Town of Southern Pines will exclude those right-to-use lease and subscription assets which are clearly immaterial to the financial statements based on a materiality threshold.
3. The lease asset is defined as the present value of remaining future lease payments during the lease term (the lease liability) plus prepaid lease payments, less any lease incentives received prior to the commencement of the lease term.
4. For lease assets, the materiality threshold equals \$50,000.
5. The SBITA asset is defined as the present value of lifetime subscription payments (the subscription liability) plus capitalized project costs.
  - a. Project costs are cash outlays for activities associated with selecting, implementing,

- and maintaining SBITAs. Project costs are in addition to subscription payments.
6. If the SBITA asset is used alone and not in combination with a tangible capital asset, the materiality threshold equals \$50,000.
  7. If a SBITA is used in combination with a tangible capital asset that meets the definition of a lease in GASB 87, the Town separates lease components from SBITA components and accounts for each component in accordance with the applicable GASB guidance and materiality threshold.
    - a. If separation of components is not practicable, the Town accounts for the combined contract based on the predominant component, using professional judgment.
  8. This Resolution replaces Resolutions #1048 and #1077 adopted by Town Council on June 13, 2023 and November 14, 2023, respectively.
  9. The Town Council reserves the right to adjust these thresholds from time to time as may be needed or recommended for audit purposes.
  10. This Resolution is effective retroactively to July 1, 2025.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of January 20, 2026 as shown in the minutes of the Town Council for that date.

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Elizabeth Robertson, Town Clerk

DRAFT



**ORDINANCE #3158  
AMENDING THE 2025-2026 FISCAL YEAR BUDGET  
Tropical Storm Chantal Repairs**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 20<sup>th</sup> day of January, 2026 that the Operating Budget for the Fiscal Year 2025-2026 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Administration	Disaster Relief Expenses	10-420-1000	\$87,599	
General Fund	FEMA/Disaster Relief Revenue	10-348-0000	\$87,599	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 20, 2026 as shown in the minutes of the Town Council for that date.

\_\_\_\_\_  
Elizabeth Robertson, Town Clerk

DRAFT



**ORDINANCE #3159**  
**AMENDING THE 2025-2026 FISCAL YEAR BUDGET**  
**Tropical Storm Chantal Repairs**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 20<sup>th</sup> day of January, 2026 that the Operating Budget for the Fiscal Year 2025-2026 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Sewer	Disaster Relief Expenses	60-740-1000	\$ 168,050	
Utility Fund	FEMA/Disaster Relief Revenue	60-348-0000	\$ 168,050	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 20, 2026 as shown in the minutes of the Town Council for that date.

\_\_\_\_\_  
Elizabeth Robertson, Town Clerk

DRAFT

**SUBMITTAL REQUIREMENTS:**

- Completed Petition for Voluntary Annexation (attached).** Petition signed with original wet ink by the owners of all real property located within the subject area to be considered for annexation.
- Legal Description.** Written metes and bounds legal description of the subject property.
- Accurate Map.** Provide a survey or accurate map of subject property.
- Electronic copy (.pdf) of all application materials.** E-mail to [admin@southernpines.net](mailto:admin@southernpines.net).
- NCGS § 160A-31** governs the Town's authority to annex property by a voluntary petition.

**REVIEW & APPROVAL PROCESS:**

- **Submittal (2<sup>nd</sup> Monday – month #1 of process):** Submit a packet as detailed above to the Town Clerk no later than close of business on the 2<sup>nd</sup> Monday of the month. Hard copies shall be submitted in person or by mail to: Town Clerk, Town of Southern Pines Administration Dept., 125 SE Broad St., Southern Pines, NC 28387.
- **Review by Staff:** Town staff will review the petition to ensure all required materials are submitted and properly executed. If the petition is complete, staff will forward it, along with a report, to the Town Council for review at their work session (4<sup>th</sup> Monday of the same month a complete application is submitted).
- **Town Council Work Session (4<sup>th</sup> Monday of month #1):** Staff and the petitioner will present the details of the petition to the Town Council. The Council will vote on a Resolution Directing the Town Clerk to Investigate the Sufficiency of a Petition for Annexation.
- **Investigation by Town Staff:** The Town Clerk will investigate the sufficiency of the petition per North Carolina General Statute §160A-31 and prepare a Certificate of Sufficiency.
- **1<sup>st</sup> Town Council Regular Meeting (2<sup>nd</sup> Tuesday of month #2):** The Town Council will receive the Certificate of Sufficiency and vote on a resolution scheduling a public hearing for the petition.
- **Legal Notice:** Town staff will publish a notice of the public hearing in the newspaper, at least 10 days prior to the date of the public hearing.
- **2<sup>nd</sup> Town Council Regular Meeting (2<sup>nd</sup> Tuesday of month #3):** The Town Council will hold a public hearing to receive public comment on petition and then vote to either approve or deny the petition. If approved, the annexation generally becomes effective the same day.

Application for VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

- 1, I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
- 0, The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
- 1, The area is identified as PIN: 858 200716 458; PARID: 09 0000 96.

Property Owner(s):

Print Name: Clark Spencer

Name: Clark Spencer

Signature: Clark Spencer

Address: 615 Clark St So. Pines NC

Print Name: Annette Spencer

Name: Annette Spencer

Signature: Annette Spencer

Address: 615 Clark St  
Southern Pines NC 28387

Print Name: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Print Name: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

(<https://www.moorecountync.gov/gis/>)



Search Results Layers

Results List

Details

Soil Report  
 (<https://gis.moorecountync.gov/MooreSoilReport/soilreport.aspx?PARID=99000096>)  
 Tax Bill Information  
 (<https://bt taxpayerportal.com/ITSPublicMO/TaxBillSearch>)

Parcel ID: 99000096  
 PIN: 858200716458  
 Owner's Name: SPENCER, CARTER T  
 Owner's Name 2: SPENCER, ANNETTE J & OTHERS  
 Mailing Address: 615 CLARK ST  
 Mailing Address 2:  
 City: SOUTHERN PINES  
 State: NC  
 Zip: 28387  
 Tax Jurisdiction: A  
 Description: SPENCER LAND LOT 2  
 Township: 07  
 Neighborhood: 748  
 Transaction Date: 06/13/2023  
 Deed Book: 6029

Buffer







**RESOLUTION #1142**  
**DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER**  
**G.S. 160A-31**  
**AX-01-26: 609 Clark Street**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on January 7, 2026, by the Town Council of the Town of Southern Pines; and

**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southern Pines that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

Adopted this 20<sup>th</sup> day of January, 2026.

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on January 20, 2026, as shown in the Minutes of the Town Council meeting for that date.

\_\_\_\_\_  
Elizabeth Robertson, Town Clerk

# Planning Staff Report

**To:** Reagan Parsons, Town Manager

**From:** James Broadwell, Senior Planner

**Date:** January 20, 2026

**Item:** **MAPP-05-25 “The Oaks” Major Subdivision:** Written Decision Staff Report.

## I. PURPOSE

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Planning staff have prepared a draft of the written decision of the Town Council’s approval of application MAPP-05-25 that was heard by the Town Council at the regular meeting on December 9, 2025 that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

## II. SUMMARY OF APPLICATION REQUEST

Barczak Engineering Services, on behalf of Fernando Rebollar Silva, LLC, submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the parent tract into 6 single-family detached lots. The parent tract presently comprises an open field with a stand of mature trees on its northern perimeter. The subject property is located on the north side of Country Club Circle. Per the Moore County tax records, the property is identified as PARID 20210259, which comprises ±2.7-acres and is owned by Fernando Rebollar Silva, LLC.

## III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

A public evidentiary hearing, regarding the proposed Major Subdivision Preliminary Plat (MAPP) for “The Oaks” Major Subdivision was called to order with five members present on December 9, 2025. The oath was administered to all witnesses choosing to speak. Planning staff entered the December 9, 2025 staff report as Exhibit A and staff’s December 9, 2025 presentation as Exhibit B. After closing the hearing, the Town Council discussed and voted on the draft findings of fact.

After discussion on topics including, but not limited to, consistency with the Major Subdivision criteria and consistency with the Z-06-25 Conditional Zoning District, the Town Council voted 5-0 to adopt Attachment I of the staff report as Finding of Facts. The Town Council then voted 5-0 to approve MAPP-05-25 as presented at the December

9, 2025 Town Council Meeting. Councilman Pate moved to adopt and Councilwoman Petersen seconded both motions.

**IV. STAFF COMMENTS**

Town planning staff prepared a Written Decision of the Board for the Town Council's review and action decision.

**V. ATTACHMENTS**

1. Written Decision of the Board: MAPP-05-25

**VI. TOWN COUNCIL ACTION**

The Town Council may wish to take one of the following actions.

1. No action;
- 2. Accept the Written Decision for MAPP-05-25 as prepared by the Town staff;**
3. An action listed above with the following conditions...; or
4. Action not listed above...



**CASE NUMBER: MAPP-05-25**

**FINDINGS OF FACT, DECISION OF THE BOARD, AND ORDER IN THE MATTER  
OF A MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION FOR “THE  
OAKS” MAJOR SUBDIVISION**

**DESCRIPTION OF MATTER**

Barczak Engineering Services, on behalf of Fernando Rebollar Silva, LLC, submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The subject property is located on the north side of Country Club Circle. Per the Moore County tax records, the property is identified as PARID 20210259, which comprises  $\pm 2.7$ -acres and is owned by Fernando Rebollar Silva, LLC.

A public evidentiary hearing regarding the proposed Major Subdivision Preliminary Plat (MAPP) for “The Oaks” Major Subdivision was called to order with five members present on December 9, 2025. The oath was administered to all witnesses choosing to speak. Planning staff entered the December 9, 2025 Staff Report as Exhibit A and staff’s December 9, 2025 presentation as Exhibit B. After closing the hearing, the Town Council discussed and voted on the draft findings of fact. Detailed discussion during the evidentiary hearing can be found in the meeting minutes on record in the Town Clerk’s office and online.

**FINDINGS OF FACT**

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Plat, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 1 (the application is consistent with the Comprehensive Plan, as well as other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities) in that the Preliminary Plat aligns with the 2040 Comprehensive Plan. The proposed subdivision is consistent with the General Framework Map and Conservation and Development Maps, which categorize the site as an “Area to Enhance”. The subject property is located less than one mile from the downtown area, offering convenient pedestrian access to nearby services and amenities. Comprehensive Plan Policy 5.2 emphasizes the importance of encouraging infill development within the town limits where existing utility infrastructure can be efficiently extended. Water and sewer service are available for extension to the proposed lots along

Country Club Circle. Overall, the proposed six-lot subdivision is compatible with the surrounding RS-1 and RS-2 neighborhoods and supports context-sensitive residential development. The subdivision layout and associated improvements are consistent with the approved Conditional Rezoning (File #Z-06-25), upon which this Major Subdivision Application (MAPP-05-25) is based.

3. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 2 (the proposed subdivision complies with the UDO and applicable state and federal regulations) in that all applicable UDO, state, and federal regulations have been addressed, or will be addressed during site plan review. The proposed Major Subdivision is consistent with the subject property's zoning, RS-1CD, with the imposition of the conditions tied to the approved file of Z-06-25.
4. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 3 (the proposed Subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property) in that the applicant is following RS-1 zoning standards from the UDO, with the exception of modified standards detailed in the rezoning file Z-06-25. The modifications found and approved in Z-06-25 are consistent with those proposed in the Preliminary Plat.
5. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 4 (the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties) in that the project does not present a safety or viability concern for the surrounding area.
6. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 5 (the proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development) in that town utilities are readily available for extension to the proposed lots. Furthermore, site plan review by the Technical Review Committee will ensure that the site adequately meets water, fire flow, and sewer requirements.

CONCLUSION AND DECISION

Therefore, by a vote of 5-0, the Town Council voted to approve “The Oaks” Major Subdivision, MAPP-05-25, as presented.

This is the 20<sup>th</sup> day of January, 2026.

FOR THE TOWN COUNCIL:

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Taylor Clement, Mayor

# Planning Staff Report

**To:** Reagan Parsons, Town Manager

**From:** Mason Mattox, Planner II

**Date:** January 20, 2026

**Item:** File #PD-06-25 Trimble Plant Road Preliminary Development Plan Written Decision Staff Report

## I. PURPOSE

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Planning staff have prepared a draft of the written decision of the Town Council’s approval of application PD-06-25 that was heard by the Town Council at the business meeting on January 13, 2026 that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

## II. SUMMARY OF APPLICATION REQUEST

Koontz Jones Design + V3 Companies, LLC, on behalf of JBO Holdings, LLC, has submitted a Planned Development District – Preliminary Development Plan (PDP) application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance. The PDP advances the development framework established under the approved Conceptual Development Plan (CDP) for the redevelopment of an existing 21.69-acre commercial campus. The proposal includes enhancements to an existing 232,402-square-foot building and construction of a new 40,000-square-foot shallow bay industrial flex space building. The development is consistent with the land uses permitted under the CDP and reflects previously approved deviations, including a maximum building height of 50 feet, provision of 182 off-street parking spaces within the approved 192-space cap, and flexibility related to usable open space requirements.

## III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

The public evidentiary hearing for the proposed Preliminary Development Plan was called to order on January 13, 2026, with five Council members present. All witnesses intending to speak were duly sworn. Planning staff entered the Staff Report dated January 13, 2026, as Exhibit A, followed by staff’s presentation from the same date as Exhibit B. Bob Koontz, of Koontz Jones Design + V3 Companies, LLC, and authorized as the applicant’s agent, provided a brief verbal presentation and did not submit any additional exhibits.

Following the close of the evidentiary hearing, the Town Council deliberated and voted 5-0 to approve the Preliminary Development Plan, with no additional conditions.

**IV. STAFF COMMENTS**

Town planning staff prepared a Written Decision of the Board for the Town Council's review and action decision.

**V. TOWN COUNCIL ACTION**

**The Town Council may wish to take one of the following actions.**

1. No action;
2. Accept the Written Decision for PD-06-25 as prepared by the Town staff;
3. An action listed above with the following conditions...; or
4. Action not listed above...



**CASE NUMBER: PD-06-25**

**FINDINGS OF FACT, DECISION OF THE BOARD, AND ORDER IN THE MATTER  
OF A PRELIMINARY DEVELOPMENT PLAN APPLICATION FOR TRIMBLE  
PLANT ROAD**

**DESCRIPTION OF MATTER**

Koontz Jones Design + V3 Companies, LLC, on behalf of JBO Holdings, LLC, has submitted a Planned Development District – Preliminary Development Plan (PDP) application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance. The PDP advances the development framework established under the approved Conceptual Development Plan (CDP) for the redevelopment of an existing 21.69-acre commercial campus. The proposal includes enhancements to an existing 232,402-square-foot building and construction of a new 40,000-square-foot shallow bay industrial flex space building. The development is consistent with the land uses permitted under the CDP and reflects previously approved deviations, including a maximum building height of 50 feet, provision of 182 off-street parking spaces within the approved 192-space cap, and flexibility related to usable open space requirements.

The public evidentiary hearing for the proposed Preliminary Development Plan was called to order on January 13, 2026, with five Council members present. All witnesses intending to speak were duly sworn. Planning staff entered the Staff Report dated January 13, 2026, as Exhibit A, followed by staff's presentation from the same date as Exhibit B. Bob Koontz, of Koontz Jones Design + V3 Companies, LLC, and authorized as the applicant's agent, provided a brief verbal presentation and did not submit any additional exhibits.

Following the close of the evidentiary hearing, the Town Council deliberated and voted 5-0 to approve the Preliminary Development Plan, with no additional conditions.

Detailed discussion from the evidentiary hearing is available in the meeting minutes on file in the Town Clerk's office and online.

## FINDINGS OF FACT

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the Preliminary Development Plan application has met the specified submittal requirements in accordance with the Town of Southern Pines Unified Development Ordinance (UDO). The applicant has submitted sufficient documentation and narrative addressing the applicable criteria for a Preliminary Development Plan, and staff has reviewed the materials for accuracy and consistency with adopted regulations.
2. The Town Council finds that the Preliminary Development Plan application complies with the provisions of UDO §2.18.5(H). Specifically, in that:

A. The application demonstrates that it will achieve the purposes of the PD and this section.

The PDP achieves the purposes of the Planned Development District by implementing the development program approved through the Conceptual Development Plan (CDP). The plan proposes a new 40,000-square-foot shallow bay industrial flex building integrated into the existing campus and maintains the approved land use mix, development intensity, and architectural and site design framework established by the CDP.

B. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO.

The PDP is consistent with the CDP and conforms to the UDO, except where standards were previously modified through CDP approval. It carries forward the same development program, including permitted land uses, site layout, circulation, and intensity across the 21.69-acre site. All approved deviations are reflected, including flexibility in architectural design and building materials, and a maximum building height of 50 feet. Impervious surface and open space calculations remain compliant. The plan provides 182 parking spaces, below the CDP-approved maximum of 192, with no new deviations. Buffers follow the approved CDP, including the 75-foot undisturbed Highway Corridor Overlay along US-1, except for a stormwater area in an existing depression as identified on the CDP under Condition #1. No new land uses, dimensional or architectural deviations, or site design changes are introduced. Staff finds the PDP consistent with the CDP and compliant with the UDO except where previously modified.

C. The proposed Development is located in an area of the Town that is appropriate.

The CDP established that the site is appropriate for the proposed development. The subject property is a 21.69-acre, previously developed site surrounded by industrial, warehouse, and light commercial uses. The PDP maintains the approved land use mix, development intensity, buffers, and setbacks, without introducing additional uses or expanded development. Because the PDP implements the same development framework reviewed and approved under the CDP, staff reaffirms that the site remains appropriate for the proposed development and consistent with the purposes of the Planned Development District.

D. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities, and services.

The CDP established that the property is fully served by existing Town utilities and roadway infrastructure. The PDP relies on the same framework and does not propose extensions or expansions of public utilities or services beyond those previously evaluated. Stormwater management will occur on-site in locations identified during CDP review. With parking limited to 182 spaces and circulation maintained internally, the PDP will not create inefficient extensions or expansions of public utilities or services.

CONCLUSION AND DECISION

Therefore, by a vote of 5-0, the Town Council voted to approve the Trimble Plant Road Preliminary Development Plan, PD-06-25 with no additional conditions.

This is the 20<sup>th</sup> day of January, 2026.

FOR THE TOWN COUNCIL:

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Taylor Clement, Mayor



**RESOLUTION #1141**  
**ADOPTING THE CAPE FEAR REGIONAL HAZARD MITIGATION PLAN**

**WHEREAS**, the citizens and property within the Town of Southern Pines are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to drought, extreme heat, hailstorm, hurricane and tropical storm, lightning, thunderstorm wind/high wind, tornado, winter storm and freeze, flood, hazardous material incident, and wildfire; and

**WHEREAS**, the Town desires to seek ways to mitigate the impact of identified hazard risks; and

**WHEREAS**, the Legislature of the State of North Carolina has in Article 5, Section 160D-501 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Legislature of the State of North Carolina has enacted General Statute Section 166A-19.41 (*State emergency assistance funds*) which provides that for a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act; and.

**WHEREAS**, Section 322 of the Federal Disaster Mitigation Act of 2000, as amended, states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five-year cycle; and

**WHEREAS**, the Town has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management, and that the plans have been updated in accordance with federal laws including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; as required under regulations at 44 CFR Part 201, and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management; and

**WHEREAS**, it is the intent of the Southern Pines Town Council to fulfill this obligation in order that the Town will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the Town;

**NOW, THEREFORE**, be it resolved that the Southern Pines Town Council hereby:

1. Adopts the Cape Fear Regional Hazard Mitigation Plan.
2. Vests Southern Pines Fire Department with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the Southern Pines Fire Department to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in

compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Southern Pines Town Council for consideration.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

**Adopted this the 20<sup>th</sup> day of January, 2026.**

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Taylor G. Clement, Mayor  
Town of Southern Pines

Attest:

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Elizabeth Robertson, Town Clerk  
Town of Southern Pines

Certified by: \_\_\_\_\_ (SEAL)

Date: \_\_\_\_\_



# MEMO

**To:** Town Council  
**From:** Manager Parsons  
**Date:** 01/16/26  
**Re:** Utility Late/shut-off fees

The Town Council in October, in reaction to the ongoing Federal shut-down and having discussed the above referenced fees at a very high level at times in the past, voted to suspend late fees and shut-offs (to include reconnect fees) through the end of calendar year 2025. I wanted to provide some data to date, in addition to a few thoughts/suggestions, as we should amend the Code relative to these matters whatever policy direction is ultimately preferred by the elected body, simply to insure proper tracking and adherence to published Code for future financial Audit purposes.

Relative to immediate impacts, the suspension of late fees represented the following foregone revenues:

- October \$3,546 (591 accounts, \*\*\*655 accounts late)
  - November \$3,840 (640 accounts, \*\*\*734 accounts late)
  - December \$4,476 (746 accounts, \*\*\*861 accounts late)
  - January \$3,936 (656 accounts, \*\*\*782 accounts late)
- \*\*\* Accounts past due for the first time do not receive the \$6 fee.

The October total is representative of past data with presumably the ongoing increase thereafter a direct result of shut-offs being suspended and a number of customers simply ceasing payment moving forward. Specifically, as of January 8<sup>th</sup> we noted the following data from a review of the 319 accounts eligible for a \$20 reconnect fee on December 30<sup>th</sup> and when *the last payment occurred* on them:

- July: 1 account
- August: 10 accounts
- September: 26 accounts
- October: 64 accounts
- November: 60 accounts
- December: remaining 158 accounts became eligible for shutoff

With 161 accounts now in an *extended* period of no effort to pay for service, the importance of shut-offs is clear. A small handful of these accounts have stopped showing water usage, likely representing renters that have moved out and left a bill.

The six-dollar late fee has never been about revenue generation, while the \$20 reconnect has not been increased in decades and doesn't truly cover the cost of personnel that are involved in initial efforts to collect, time to physically visit a site and shut-off, and then ultimately revisit and restore service. Lacking a discontinuance of service, there are accounts that will simply never pay a Utility bill. I would offer the following recommendation and change in the Code of Ordinances:

- 1. Permanently discontinue charging of a “late fee.” This will address the various requests over the years that the “due date” be changed to something other than the tenth of the month, generally based on different customers having different pay periods (every two weeks v the 15<sup>th</sup> and 30<sup>th</sup> v a single check a month on some date certain, etc.) The loss of \$40k to \$50k annually in late fees would not significantly impactful to overall rate setting, and if not taking a \$6 hit helps an individual make a payment after they are paid on the 15<sup>th</sup> and before becoming shut-off eligible the overall system will be the better for it.**
- 2. Continue policy of the 24<sup>th</sup> being the shut-off deadline. Continue to shut-off after two months of non-payment. Set a minimum delinquency (\$75 or \$100) in order for shut-off to take place, with entirety of account including a \$25 disconnect fee due prior to reconnect (no “loophole” of only paying enough of bill to leave \$99 on it on a rolling basis – it will happen if not planned for.)**

**Council is aware of the challenges of setting rates that fund operation and maintenance necessary for both the immediate and long-term viability of these essential systems. Monies not collected from delinquent users must ultimately be made up through higher rates to responsible paying customers. The intent is not the setting of draconian or punitive policies but simply an effort to get people to pay their debts, and as I have noted multiple times in the past we have a comparatively great group of customers that utilize our systems. Our caring staff has worked with many customers over the years that run into specific hardships around breaks, leaks, health, and many other considerations. They have set-up sometimes difficult to monitor (and both successful and unsuccessful) payment plans that simply require ongoing payment of current amounts along with agreed upon amounts of payment toward past debts. Overall the system has worked very well, but the proposed tweaks may be viewed as more “customer friendly” without placing the entire enterprise in a compromised financial position.**

**Thank you for your consideration.**



**ORDINANCE #3160**  
**AMENDING THE TOWN'S CODE OF ORDINANCES**  
**CHAPTER 50.005**

**BE IT ORDAINED** by the Town Council of the Town of Southern Pines, North Carolina, duly assembled in regular session on January 20, 2026, that the Town of Southern Pines Code of Ordinances is hereby amended as follows:

1. §50.005: RATES, FEES, AND CHARGES (B) is repealed in its entirety and replaced with the following:

(B) All bills are due and payable upon receipt and the service will be cut off after the twenty-fifth of each month, in accordance with § [50.013](#). There will be a service charge for reconnection service during normal business hours, or a service charge for reconnection at other than normal business hours (see [Appendix](#)). If a customer's history shows no previous cut-offs in the last 12 months, the cut-off fee will be waived and the water not turned off. A customer will not be cut-off for a balance of \$100 or less. A customer who will be out-of-Town may request in writing that his or her water be turned off. When the meter is turned back on, an administrative fee as shown in Appendix A of this chapter will be charged to the account.

Adopted this 20<sup>th</sup> day of January, 2026.

I hereby certify that the foregoing ordinance was duly adopted by the Town Council of the Town of Southern Pines at its regular meeting held on January 20, 2026, as shown in the official minutes of the Town Council.

\_\_\_\_\_  
Elizabeth Robertson, Town Clerk

# MEMO

**To:** Town Council  
**From:** Manager Parsons  
**Date:** 01/16/26  
**Re:** **Outdoor Special Event permitting**

Recent conversations around the leasing of Town Park facilities and holding of events through Outdoor Special Event (OSE) permits has prompted an interest in looking at current Codes around the authorization, use, and sale of alcohol and spirits on Town owned property. Specifically, if a desire exists to welcome additional operations or festivals to Town, staff would ask direction relative to a couple of specific items that would require amendments to Codes by the Council. These items, and a brief description of their current status (highlights added), are as follows:

1. Types of beverages allowed under an OSE permit (there have been inquiries about expanding to include spirits given a local distiller and other sponsorship opportunities groups pursue.)
2. Whether the not-for-profit requirement to obtain permission remains (many festival type events are operated by entities designated in other ways.)
3. Whether the narrow allowance for sale and distribution is extended beyond the Central Business District (DT Park and street closings), opening potential opportunities at sports fields and other venues.

## **From the Outside Special Event Application:**

### **Alcohol**

The only alcoholic beverages that may be sold, distributed, possessed or consumed on Town property are malt beverages and unfortified wine when such use authorized in a permit for a special event. Such use may be authorized only when the Southern Pines Parks and Recreation Department determines that such will not maternally endanger the public safety and will not unreasonably disrupt surrounding property owners, when the Chief of Police or the Chief's designee has reviewed and approved the application and permit, and when the applicant establishes to the Parks and Recreation Department: (a.) that it is a not-for-profit entity; (b.) that any license for the sale or distribution required by the Alcoholic Beverage Commission has been obtained and (c.) that the special event is within the Central Business District. The permit will specify whether malt beverages or wine are permitted at a special event and, if so, what conditions are required.

## **From the SPPD ABC Permit Application – Information & Release Form**

### **SECTION 2 - Special Occasion, Temporary or Special One-Time ABC Permit**

The Southern Pines Police Department will review and acknowledge an application for a Special Occasion, Temporary or Special One-Time Permit once all other Town of Southern Pines departments have signed off on applicable applications and permits. For the Southern Pines Police Department to process your application for a Special Occasion/Temporary ABC Permit, please submit the following documents:

ABC Commission Application for a Special Occasion or Temporary ABC Permit  
Southern Pines Recreation & Parks Outdoor Special Event Permit (for events held on public streets, sidewalks or any Town of Southern Pines property)  
Signed Waiver for Background Investigation (Sign statement below)

## From Code of Ordinances

### 99.08 ALCOHOLIC BEVERAGES AND NARCOTIC DRUGS.

Except as provided in § [130.01\(B\)](#), it shall be unlawful for any person to bring on, possess, consume, or display any beer, wine, malt, or alcoholic beverage containing more than 1% of alcohol or any narcotic drugs in any Town park or recreation area. It shall be unlawful for any person under the influence of the above listed beverages to enter or remain within any Town park or recreation area. It shall be unlawful for any person under the influence of narcotic drugs to enter or remain within any Town park or recreation area. A violation of this section is subject to the penalty provided in § [10.99\(A\)](#).

### 130.01 POSSESSION OR CONSUMPTION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.

(A) Except as provided in division (B) below, it is unlawful within the corporate limits of the Town for a person to possess or consume any alcoholic beverage in any container that is open or has been open, in or on any public property. For the purposes of this section, public property includes streets, alleys, sidewalks, or parks, and refers to both outdoor and enclosed spaces.

(B) Open consumption or possession of an alcoholic beverage is permitted on public property in the following locations:

- (1) During an outdoor special event which has been properly permitted in accordance with § 32.092 and said permit authorizes the sale and consumption of alcoholic beverages; or
- (2) Within a sidewalk café or outdoor seating area which was permitted in accordance with § 100.42; and/or
- (3) Premises leased by the Town, where the lease does not forbid the lessee to serve alcoholic beverages.

It is important to note that this discussion is intended to be specific to *permitted events and lease/contractual/Use/Management agreements*, and is not a suggestion to change “open container” laws as highlighted above or otherwise open Parks and streets up to general consumption. You will also recall we dealt with Farmers’ Market sales separately in recent years.

With direction regarding the three items above, staff can draft what will amount to minor (relative to number of words/changes, not policy direction) Code amendments to place before the Council in February.