



MINUTES

Tuesday, April 12, 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

Mayor Haney let the room in the Pledge of Allegiance.

3. PUBLIC COMMENTS

- John Masson of Pine Barrens Vista, Southern Pines spoke against PD-04-22: St. John Paul Catholic School CDP. The area is currently zoned equestrian and, in addition to the effects on the horses, but as a hand cyclist, is very fearful of the increase in traffic the project would bring.
- John McInerny of 460 Crest Road, Southern Pines, feels the growth of apartments being built in the area is "crazy" and asks the Council to look at possibilities to slow the building (ie. moratorium or review densities). Feels 3 minutes is too short a time limit on public comments.
- Jim O'Malley of 121 National Drive, Pinehurst - spoke in favor of PD-01-22 Ace Hardware CDP development.
- Chris Smithson of 920 N. Saylor Street, Southern Pines
 - disagrees with moving the public comment period to the beginning of the Town Council Business meeting.
 - disagrees with the time limit on speaking during public comments.
 - utility bills continue to inflate
 - solid waste costs increasing
 - predatory collection practices - no grace period before service is cut off
 - bills are hard to understand
 - moratorium on building of apartments in 2004
- Felicia Winfield of 1760 W. New York Avenue, Southern Pines spoke against gentrification
- Joann Gillis of 855 W. Massachusetts, Southern Pines - as a member of West Southern Pines Civic Club spoke against gentrification in the West Southern Pines area
 - feels it's contrary to the UDO and CLRP
 - goes against the historical and cultural character of the community
 - traffic density is increased
 - disturbs the ecosystem
- Lynn Thompson of 957 San Davis Road - feels we need affordable housing for teachers, workers and families that work in the community and asks for a moratorium on building and

changes to the UDO.

- Bob Howell of 957 Sandavis Road, Southern Pines - called for a moratorium in future development and especially apartments till a new UDO is developed.
- Casey Seagroves of 3920 Aberdeen Road, Raeford, NC - is upset that 470 NW Broad Street is scheduled for demolition - claims this is a historic home on the national register that his great grandfather built and feels it's important to keep homes in that neighborhood protected and called for a moratorium on development.
- Suzanne Coleman of 225 N. May Street, Southern Pines - Morganton road apartments rezoning. feels the town's UDO is broken despite tax money spent on consultants. Ms. Coleman feels people who work for our town cannot afford to live in the town and that Quasi-judicial hearings don't allow adequate contact between citizens and counsel. Ms. Coleman then gave several suggestions to improve these points.
- Dorothy Brower of 102 Eastman Road, Southern Pines - asked for staff and council to speak to West Southern Pines residents about what they want for their area and feels that the traffic diverted to west Pennsylvania Ave has opened up the area to new developers who are trying to take over.
- Keith Moneymaker of 140 High Point Road, Pinehurst - grew up locally and is concerned about the increase in housing costs in the area. Mr. Moneymaker doesn't agree with the number of apartments proposed to be developed and the amount they're asking for said housing. He feels the rate of growth is too high and asks the council to consider people over profits.
- Elizabeth May of 265 Hill Road, Southern Pines, NC - is against the PD-04-22: St. John Paul Catholic School CDP development. Ms. May believes it's dangerous to have that many residents/occupants around horses which are flight or fight animals..
- Jenny Williams of 145 W Maine Avenue, Southern Pines - asks the Council for a moratorium on development to allow for time to review the UDO.
- Mary Flynn of 145 Old Clubhouse Lane, Southern Pines - spoke against the lot size and the increase in residential development.
- Jeffery Sheer of 145 1/2 E. Pennsylvania Avenue, Southern Pines - feels the need for a pause in residential development and that the town is developing too fast.
- Lucy Mills Parsons of 241 Calloway Place, Southern Pines - Owner/operator of Faraday Farms, a dressage riding school and has a degree in equestrian science. Ms. Parsons spoke against PD-04-22: St. John Paul Catholic School CDP development states that horses need a quiet environment because they are flight or fight animals and are easily startled.
- Kim Coty of 560 S. Valley Road, Southern Pines - is against new apartment development in Southern Pines. Ms. Coty feels there are already commuter issues on Bennett & Morganton Road and if apartments continue to be built, the traffic issues will just get worse.

4. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

5. PUBLIC HEARINGS

a. Ordinance #1988 - Charter Amendment to Conduct Nonpartisan Municipal Elections Using the Plurality Method

NC General Statues permit the Town to amend its Charter to change the type of elections.

Per the public notice published on March 27, the Council seeks public comments on a proposed amendment to conduct future municipal elections according to the nonpartisan plurality method in accordance with G.S. 163-292. The Council will consider adopting the ordinance to amend the Charter at its regular meeting on May 10, 2022.

Councilmember Pate moved to open the hearing for Ordinance #1988, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Assistant Town Manager Jessica Roth gave an overview of the proposed ordinance to amend the Town Charter to eliminate primary elections. A resolution of intent was adopted in March 2022. This hearing is for comments and questions and the vote will not take place till the May 10, 2022 Town Council Meeting.

Chris Smithson of 920 N Saylor Street, Southern Pines spoke against the charter amendment.

Councilmember Clement commented that the amendment isn't just about money but about increasing the number of people who can come out to vote by reducing two trips to the poll to one.

Councilmember Pate feels economics do play a role and the cost of holding primaries is increasing.

Councilmember Pate moved to close the hearing for Ordinance #1988, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

b. RA-01-22 Request to Abandon a Section of Hill Crest Road

Mr. Will Huntley, on behalf of Longleaf Pines Storage, LLC, has submitted a request for the abandonment of a 5,050 square foot section of Hill Crest Road extending from the intersection with Bell Avenue between the parcels identified as PIN 857100865323 (PARID 00055046) and PIN 857100865141 (PARID 00047591). The purpose of the request is to allow the recombination of the aforementioned parcels.

Councilmember Pate moved to open the hearing for RA-01-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Town Engineer James Michel reviewed the proposed request for the council.

Discussion ensued.

Councilmember Pate questioned if the property was costing the Town any money now? Town Engineer Michel answered no.

Councilmember Petersen questioned the purpose of combining the two properties.

- Tim Carpenter, for applicant, LKC Engineering, gave maps to the council for review. No more than 30% can be occupied by buildings and the added land mass will allow 2 extra rental units in Phase 2. The applicant will add a heavy landscape buffer to US Hwy 1.

Discussion ensued.

Councilmember Clement questioned what the Town could use the property for? Town Engineer Michel answered that we are limited due to the properties' location to projects associated with transportation; ie. roads, sidewalks, underground utilities, etc.

Marsh Smith of 568 Santee Road, Southern Pines would like us to consider selling the

property instead of giving it away and ascertaining that the parcel is real property.

Chris Smithson spoke against vacating the property and hold a high standard of consideration when giving property away.

Tim Carpenter - the applicant has no intention of developing the parcel in question but the applicant may be amenable to a utility easement to the town.

Elizabeth May - 265 Hill Road, Southern Pines feels that if the town doesn't know if it owns land in question or if it is an easement then the application should be denied until property is defined and all options considered.

Town Manager Parsons advised the Council that this parcel is recognized right-of-way not titled land.

- Town Attorney Doug Gill advised that typically it is a right which can be transferred. He does not know if a transfer of rights can be done by a municipality to a private entity, but it could be done between two private entities.

Councilmember Pate moved to close the hearing for RA-01-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Clement moved that the proposed right-of-way vacation request is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property.

No second was made

Councilmember Petersen moved that the proposed right-of-way vacation request is contrary to the public interest, and to those individuals owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property.

No second was made.

Discussion ensued.

Tim Carpenter advised the Council that the applicant is happy to return at a later date to give the town time to research the issue.

Councilmember Clement withdrew her motion.

Doug Gill advised that it is unclear if the town has ever accepted the right-of-way since the area was platted before it was part of the town.

Councilmember Petersen withdrew her motion and moved to continue the public hearing to the Town Council Work Session April 25, 2022, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

c. Ordinance #1971 - PD-01-22 Ace Hardware CDP (Continued from March 8th Meeting)

Mr. Bob Koontz of Koontz Jones Design has submitted a Planned Development District – Conceptual Development Plan application for a commercial development containing GB (General Business) and OS (Office Services) uses. The property owner is Southern Pines Ace Land Company, LLC.

This hearing is a continuation from March 8th.

Councilmember Petersen moved to re-open the hearing for PD01-22, seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

Planning Director BJ Grieve presented the planning staff review to the council. New airport comments were received late yesterday/early today and they withdrew their opposition to the project upon reviewing the modified design.

Planning Grieve noted that a correction to the packet needs to be made: watershed allocation needs to be 12.62 not 8.63.

Randy Saunder of 26 Goldenrod Drive, Southern Pines, is the applicant and spoke of the project and their vision of the area.

Bob Koontz of Koontz Jones Design, on behalf of the applicant, presented an overview of the proposed project and answered questions from the Council.

Discussion ensued.

Councilmember Pate moved to close the hearing for PD-01-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Pate moved that after reviewing the proposed Conceptual Development Plan and the criteria for consideration of a Conceptual Development Plan, and after considering the comments received at the Town Council's public hearing and the Planning Board's written recommendation, the requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendations attached to staff report PD-01-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Pate moved to approve PD-01-22 as submitted and as modified in attachments to staff report PD-01-22 and also to grant 12.62 acres of Water Supply Watershed Exemption Allocation to the proposed development, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

d. Ordinance #1981 - OA-01-22 Text Amendments to the Unified Development Ordinance

The Town of Southern Pines Administration Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments per UDO §2.17.

The proposed amendments are to replace references to “caliper” with “diameter breast height (DBH)” in UDO §4.3.13(B); to add a definition for “Caliper” and “Diameter Breast Height (DBH)” in UDO §9.3; and to remove UDO §8.14.1(C) which limits the number of successive complete terms that a member may serve on the Board of Adjustment.

Mayor Pro Tem Murphy moved to open the hearing for OA-01-22, seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

Planning Director Grieve reviewed the proposed UDO text amendments for the Council.

Councilmember Pate moved to close the hearing for OA-01-22, seconded by Mayor Pro Tem; the vote was unanimous.

Motion passed.

Councilmember Pate moved that after considering the criteria for text amendments found in the UDO §2.17.10, the first of which is consistency with the Comprehensive Long Range Plan, the Town Council finds that the requested text amendments are consistent with the Comprehensive Long Range Plan and are a reasonable way to implement the Comprehensive Long Range Plan and therefore the Town Council adopts the Resolution as adopted by the Planning Board that is included as an attachment to the staff report for OA-01-22. The motion was seconded by Mayor Pro Tem Murphy and the vote was unanimous.

Motion passed.

Councilmember Pate motioned to approve OA-01-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

e. PD-04-22 St. John Paul Catholic School CDP

Mr. Pete Bogle has submitted a Conceptual Development Plan application to allow a private school, athletic fields, cemetery, rectory and religious institution. The subject parcels are currently zoned RE (Rural Estate) and are identified as PARID 00038409, 00991755, and 10001608.

Councilmember Clement moved to open the hearing for PD-04-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Planning Director Grieve reviewed the application and staff report for the Council.

Discussion ensued.

Pete Bogle of Bogle Firm Architecture from Salisbury, NC, representing the applicants, handed out an updated CDP to the council and presented the proposed project to the Council.

Discussion ensued.

Tom VanCamp of 1680 Midland Road, Southern Pines spoke in favor of the development and feels the applicant has made real effort to address the Planning Board's concerns. Mr. VanCamp feels the project could fall under the Town's UDO 5.1.5 = Religious Institutions as an existing religious institution.

Lloyd Sullivan of 225 Pine Barrens Court, Southern Pines

Mary Flynn of 145 Old Clubhouse Lane, Southern Pines gave her support of the project and thinks the new plans will enhance the property. Ms. Flynn feels another Catholic church is needed and that St. Anthony's and Sacred Heart are often full to capacity at service.

Lucy Parsons of 241 Calloway Place, Southern Pines disapproves of the insulting manner in which some are addressing the Council.

Reverend John Forbes, VF of 75 Sawmill Road West, Pinehurst, is the pastor of Sacred Heart Church, the dean of the Fayetteville Deanary, and the administrator of St. John Paul II School, representing the Bishop. St. Anthony's due to it's location and the local population is very overcrowded and is one of the reasons the church has been proposed for the site.

Another issue is parking at St Anthony's which, because it is located in downtown, we are not able to expand. There is also an existing cemetery onsite and the Church hopes to connect that with the church.

John Donnahue, Head of School at St. John Paul School spoke to the Council about the schools' effort to be good neighbors and said that they love the neighborhood and character and don't want to change it.

Kelly Miller of 301 Grove Road, Southern Pines addressed the Council sharing that he sold property to the church. Mr. Miller is concerned about the traffic increase and asks that additional traffic studies need to be done. Mr. Miller feels that with time and effort, everyone can come to an agreement to make the project work.

Andy Petesch from Petesch Law is representing James and Francis Curry of 141 Pine Barrens Court. Mr. Petesch respectfully requests a continuation due to the late hour and detailed presentation by the applicant. Mayor Haney asked Mr. Petesch if he had spoken with all present who were not in favor of the project to see if they agreed to the continuance and he indicated that he had received confirmation from all present.

Chris Smithson of 920 N. Saylor Street, Southern Pines spoke to the Council regarding the history of the property and project as he remembers it.

Councilmember Clement moves to continue the hearing for PD-04-22 to the scheduled Town Council Business Meeting on May 10, 2022 at 6:00 pm. The motion was seconded by Mayor Pro Tem Murphy and the vote was unanimous.

Motion passed.

6. ACTION ITEMS

a. AR-07-22 210 West Pennsylvania Avenue

Neal Smith Engineering, Inc. requests approval of an Architectural Compliance Permit to renovate a 3,100 square foot commercial restaurant, located at 210 West Pennsylvania Ave.

Councilmember Pate moved to approve AR-04-22: 210 West Pennsylvania Ave., seconded by Mayor Pro Tem; the vote was unanimous.

Motion passed.

b. AR-08-22 265 Turner Street

Chick-fil-A, Inc. requests approval of an Architectural Compliance Permit for a 4,948

square foot commercial restaurant at 265 Turner Street. The northwest side of this parcel is located in the Town of Aberdeen. The Architectural Compliance Permit is only for the remaining part of the parcel that is located in the jurisdiction of the Town of Southern Pines.

Councilmember Pate moved to approve AR-04-22: 265 Turner Street, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

c. Presentation of a Proposed Municipal Service District

As discussed at the March 28 work session, a Municipal Service District is proposed in the area between W. Morganton Rd. and 15-501. Staff will present additional details.

Town Manager Parsons presented the proposal to the Council as he did at the March 6th Agenda Meeting. The Municipal Service District report is available to view online as part of the meeting packet or at the Clerks office. A public hearing will be scheduled to be held on May 10th at the Town Council Business Meeting.

7. CONSENT AGENDA

Town Manager Reagan Parsons reviewed the consent agenda.

Councilmember Petersen asked for a revision to the March 28, 2022 Town Council Work Session Minutes and asked that Marsh Smith's public comments concerning conservation easements be included. Minutes will be revised by the Town Clerk prior to publishing. Council agreed.

Councilmember Pate motioned to approve the Consent Agenda with Councilmember Petersen's correction to the March 28, 2022 Town Council Work Session minutes, seconded by Mayor Pro Tem Murphy. The vote was unanimous.

Motion passed.

a. Adopt Resolution Defining a Proposed Municipal Service District and Calling For a Public Hearing on May 10th

Council will receive public comments on the proposed Municipal Service District on May 10.

b. Adopt Ordinance #1974 to Amend the FY 21-22 Operating Budget for Fire

c. Adopt Ordinance #1975 to Amend the FY 21-22 Operating Budget for Police

d. Adopt Ordinances to Transfer \$50,000 from the Recreation Budget to CPF- Recreation Improvement Fund for the Whitehall Master Plan

- Ordinance #1976

- Ordinance #1987

e. Adopt Ordinances to Transfer \$98,736 from the Utility Fund to PW Bldg. Reno Upfit Project Budget

- Ordinance #1977

- Ordinance #1979

f. Ordinance #1982 - Amend the FY 21-22 Utilities Operating Budget to Transfer \$552,000 Retained earnings for the Purchase of a Sewer Vacuum Truck

The utility department had anticipated the replacement of a replacement sewer combination truck (also referred to as a vacuum or jet truck) in FY 22-23. In monitoring the pricing and delivery times, staff feels there is a benefit to ordering before the end of this fiscal year using the available retained earnings. Staff requests authorization to proceed with this order.

g. Approve Budget Amendments to Fund the McDeeds Creek Streambank Stabilization Project

- **Ordinance #1983 - Streambank Transfer Funds**
- **Ordinance #1984 - Amend Streambank Stabilization Budget**
- **Ordinance #1985 - Amend Nick's Creek Project Fund**
- **Ordinance #1986 - Amend General Capital Reserve Project Budget**

The McDeeds Creek streambank runs directly behind the Town's Police and Fire Stations and has created increasing erosion problems, which are impacting the Town's infrastructure. Staff has received bids and recommends transferring \$526,484 to CPF 50 to fund the full scope that was bid.

h. Adopt Updated Water and Wastewater Capital Improvement Plan

Staff plans to submit various water and sewer projects for funding through the upcoming Division of Water Infrastructure's ARPA Spring 2022 Funding round. Applications for the funding are due May 2, 2022. The program is competitive where the highest scoring projects will receive funding. Additional points can be obtained with a current CIP that has been adopted within 2 years of the Application date.

i. Adopt Project Resolutions for NCDEQ SRF/ARPA Funding

Staff plans to submit various water and sewer projects for funding through the upcoming Division of Water Infrastructure's ARPA Spring 2022 Funding round. Applications for the funding are due May 2, 2022. A project resolution approved by Council must be submitted with each project application to be considered complete (staff plans to have these submitted for the April 12 packet). In consultation with funding specialists, the following projects have been identified from the Town's CIP as likely to score the best and have the highest likelihood of receiving funding.

1. Resolution #1005 Southern Pines Water Treatment Plant, Modernization - Phase 2 Project
2. Resolution #1006 Sanitary Sewer Rehabilitation and Replacement Projects
3. Resolution #1007 Water System Asset Inventory and Assessment
4. Resolution #1008 Sanitary Sewer System Asset Inventory and Assessment

j. Approve Extension of Lease with 305 Trackside to October 31, 2023

Staff recommends extending the expiration date and terms of the current lease with 305 Trackside and will discuss this recommendation with Council.

k. Adopt Financial Assistance Policy for Youth Recreation Programs & Athletics

The recreation department occasionally receives requests from parents/guardians seeking financial assistance for their children to participate in youth recreation programs and athletics. Staff has developed a draft policy which includes guidelines for review and approval so these requests can be evaluated in a fair and consistent manner.

l. Appoint A. Parks Cobb, Jr. to the Planning Board

Mr. A. Parks Cobb Jr. has applied to be appointed to the Extraterritorial Jurisdiction (ETJ) position on the Town of Southern Pines Planning Board. This position was previously held by Dr. Ben Greene, whose term ended March 11, 2022. The Planning Director recommends that Mr. A. Parks Cobb, Jr. be considered for appointment to serve on the Planning Board for his first term, which will expire on April 11, 2025.

m. Issue Arbor Day Proclamation

Town of Southern Pines Arbor Day celebration will be held on April 29, 2022, with the planting of a Summerset Red Maple at the Whitehall tract.

n. Approve Town Council Meeting Minutes for March 2022

- **March 2, 2022 Town Council Agenda Meeting Minutes**
- **March 8, 2022 Town Council Business Meeting Minutes**
- **March 28, 2022 Town Council Work Session Minutes**

8. ADJOURNMENT

Councilmember Pate feels that if the Council continues to hold a public comment period at the start of the meeting, then those comments dealing with an item on that meeting's agenda should be held till the time of the public hearing.

Mayor Pro Tem Murphy is not sure of the time limits on public comments.

Upon a motion by Councilmember Petersen, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 11:47 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk