



AGENDA

Tuesday, October 11, 2022: 6:00 PM
Town Council Business Meeting
Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

a. Code of Ordinances Administrative Updates: Public Works Fee Schedule

As part of the administrative updates to the Town's Code of Ordinances, staff has reviewed the Public Works fee schedule, located in Chapter 50. This is not a schedule that is generally assessed to the general public, but rather when the department has to perform billable work and the Town's expenses should be recouped. The schedule also includes fees for development inspections. This item was originally planned for October 11th, but has been postponed to the October 24th work session agenda.

4. PUBLIC COMMENTS

5. PUBLIC HEARINGS

a. UDO Exemption for Arts Council of Moore County Mural Installation

The Arts Council of Moore County (ACMC) requests an exemption from the UDO to facilitate the installation of an artistic mural on private property as part of a program sponsored by the ACMC. The proposed mural meets the technical definition of a sign, requiring an exemption from the sign code.

b. AX-04-22: Annexation of 2.32 acres at corner of S. Carlisle St. and Brucewood Rd.

S & S Partners, LLP and Morganton Park North Master Association, Inc. request voluntary annexation of contiguous parcels. The 2.32 acres are located at the intersection of S. Carlisle St. and Brucewood Road, outside the corporate limits of Southern Pines.

6. ACTION ITEMS

a. WP-02-22: Watershed Protection Permit for Bantembo, LLC

Bantembo, LLC requests 1.22 acres of Watershed Exemption Allocation in order to develop the Townhomes on Bennett project with up to 70% built-upon area. The project is located at S. Bennett St. and W. Wisconsin Ave. and was approved by the Town Council on January 11, 2022 for 20 attached townhome units.

b. Request for Relief from §50.035 of the Town Code of Ordinances: McNeil Rd.

Mr. Sean Butler requests relief from §50.035 of the Town Code of Ordinances that would otherwise require the extension of about 2,300 LF of water line to serve 5 new lots along McNeil Rd.

7. CONSENT AGENDA

a. Authorize the Mayor to Execute a Waterline Easement at the Moore County Airport

The airport intends to extend new waterlines to provide water service and fire protection for their hangar expansion project. The Airport Authority has approved the language as shown and has forwarded it to the County Commissioners for their consent. If Council approves the easement as written, staff asks that Council authorize the Mayor to execute the easement after approval by the County Commissioners.

b. Re-Appoint Kim Wade to the Planning Board, Term to Expire August 12, 2025

Kim Wade's term on the Planning Board has recently expired. She is interested in serving a second term, which will expire on August 25, 2025.

c. Adopt Ordinance #2027: Updated Library Fee Schedule

As part of the administrative updates to the Town's Code of Ordinances, staff has reviewed the Library's fee schedule, located in Chapter 98.

d. Approve RA-03-22: Resolution of Intent to Vacate Right of Way

Bantembo, LLC requests the abandonment of 867.92 square feet of town right-of-way located at the corner of W. Wisconsin Ave. and S. Bennett St. The property is adjacent to the parcel currently owned by Bantembo, LLC and identified as PIN 858100075283 (PARID 20190227).

e. Approve Amendments to FY 22-23 Budget

This amendment authorizes several capital projects related to revenue replacement as well as legal services for the Town's new Attorney.

f. Approve Town Council Minutes

Draft minutes for Council approval.

i. February 28, 2022 Closed Session Minutes

ii. June 27, 2022 Closed Session Minutes

iii. August 3, 2022 Closed Session Minutes

8. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](#). Video of the Town Council meetings will be live streamed on the channel 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. To receive notifications when new content is published, please "subscribe" to the Town's channel at <https://bit.ly/3hXx2Qk>

CURRENT		PROPOSED	
Equipment	Charge per Hour	Equipment	Charge per Hour
Pick-up truck	\$10	Pick-up truck	\$20
1 ton truck	\$35	1 ton truck	\$35
Dump truck	\$35	Dump truck	\$55
Backhoe with operator	\$75	Backhoe / mini-x	\$75
Skid steer loader with operator	\$50	Skid steer loader	\$50
Motor grader with operator	\$150	Boom Mower	\$150
Street sweeper with operator	\$150	Street Sweeper	\$150
Jet rodder with operator	\$150	Combination jet/vac truck	\$300
Tractor with attachments with operator	\$50	Tractor with attachments	\$50
Air compressor	\$15	Air compressor	\$35
Power rodder	\$15	DELETE	
Hand rodder	\$5	DELETE	
		Asphalt Recycler	\$150
		ATV/UTV	\$30
		Zero turn mower	\$25
		Aerial Lift	\$20
		Wood Chipper	\$50
Dewatering pump	\$15	Dewatering pump	\$15
Asphalt roller	\$15		\$30
Concrete mixer	\$40		\$40
Chain saw	\$10		\$15
Pipe saw	\$15	Pipe saw	\$15
Floor saw	\$25	Floor saw	\$25
Tamp	\$10	Tamp	\$20
Trench roller	\$25	Trench roller	\$65
Wet tap	\$25 per use	Wet tap	\$25 per use
		Hydrant meter - rates	Water Rates
		- Deposit	\$1,000
		- Rental	\$75 per day

CURRENT		PROPOSED	
FEE		Materials	FEE
Single blade	\$105	Single blade	replacement cost plus 20%
Double Blade	\$165	Double Blade	replacement cost plus 20%
Stop, yield and like	\$80	Stop, yield and like	replacement cost plus 20%
Handicapped parking signs	\$25	Handicapped parking signs	replacement cost plus 20%
van accessible sign	\$10	van accessible sign	replacement cost plus 20%
u - channel post	\$35	u - channel post	replacement cost plus 20%
		Round Post	replacement cost plus 20%
Decorative street sign /post	replacement cost plus \$50	Decorative street sign /post	replacement cost plus 20%
Construction Inspection		Construction Inspection	
Street Construction (includes storm drainage)	\$2.60 per linear foot, \$150 minimum	Street & Fire Lane Construction	\$2.00 per linear foot, \$150 minimum
Sidewalk construction	\$0.50 per linear foot, \$150 minimum	Sidewalk and Greenway construction	\$0.75 per linear foot, \$150 minimum
		Storm Line construction	\$1.00 per linear foot, \$150 minimum
		Curb and Gutter Construction	\$0.75 per linear foot, \$150 minimum
Water construction	\$1.00 per linear foot, \$150 minimum	Water construction	\$1.25 per linear foot, \$150 minimum
Sewer construction	\$1.00 per linear foot, \$150 minimum	Sewer construction	\$1.25 per linear foot, \$150 minimum
Unusual improvements	\$35 per hour	Unusual improvements	\$45 per hour
		Repairs	
Aspahalt cut repair up to 300 square foot	\$3	Aspahalt cut repair up to 300 square foot	\$5 per square foot
Over 300 sq ft at 1 location	Cost plus 20%	Over 300 sq ft at 1 location	Cost plus 20%
Sidewalk repair up to 100 square ft	\$5	Sidewalk repair up to 100 square ft	\$7 per square foot
Sidewalk repair over 100 sq ft	Cost plus 20%	Sidewalk repair over 100 sq ft	Cost plus 20%
Curb and gutter repair up to 50 linear ft	\$27	Curb and gutter repair up to 50 linear ft	\$29 per square foot
Curb and gutter repair over 50 linear ft	Cost plus 20%	Curb and gutter repair over 50 linear ft	Cost plus 20%

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: ZE-01-22: Zoning Exemption Request for the Arts Council of Moore County Mural Program

Date: October 11, 2022

I. SUMMARY OF REQUEST:

Mr. Chris Dunn, the Executive Director of the Arts Council of Moore County (ACMC), is requesting an exemption from the Town of Southern Pines Unified Development Ordinance (UDO), per §2.11. The purpose of the request is to allow the installation of a mural on the southwest wall of an existing commercial building located at 311 SE Broad Street. The proposed mural is part of a public art program sponsored by the ACMC. The property on which the existing commercial building is located is identified as PIN 858105270673 (PARID 00034263). The property owner is listed as Harbour Maytag in the Moore County tax record.

II. STAFF REVIEW:

A. Mural Discussion History:

At the July 27th, 2020 Town Council Work Session, Mr. Steve Harbour presented a concept to the Town Council for painting a mural on the side of his existing commercial building at 305-313 SE Broad Street. Mr. Harbour discussed a desire to use the blank side of his building to “brighten everyone’s day” and create a mural that “both celebrates Southern Pines and invites people to interact with it.” Planning staff presented the UDO definition of a sign and raised concerns with establishing a precedent of privately-initiated artistic murals being abused as signs to attract attention to a building, as well as the potential for controversy and legal challenges over what constitutes art and what constitutes a sign. Town Council discussed the issue.

Town Council generally supported the concept of murals for purposes of public art and creating additional traffic for businesses. However, some members of the council raised concerns with the challenges of distinguishing between art and signage, creating a precedent whereby objectionable murals may begin to appear on buildings all over town, and taking the time to ensure art projects in Southern Pines are equitable, inclusive, and celebrate diversity. A majority of the Town Council opposed Mr. Harbour immediately moving forward with his personal mural project, but asked town staff to explore the issue further. The Town Manager further suggested exploring a public art approach that would work in conjunction with the input of existing community groups and committees.

On August 19th, 2020 Mr. Harbour emailed members of the Town Council to follow-up on his discussion at the July 27th, 2020 Work Session. He presented information from The Pilot newspaper regarding public reaction to his mural concept and asked for additional consideration by the Town Council. At around the same time, planning staff was corresponding with Chris Dunn, Executive Director of the Arts Council of Moore County (ACMC) to explore the feasibility of a “Southern Pines Mural Project.” Planning staff and Mr. Dunn researched similar public art projects in other communities and found a model from Belleville, IL. Planning staff and Mr. Dunn worked together to contact a variety of knowledgeable sources regarding sources of funding, best practices and guidelines for successful public art projects, and economic benefits of public art projects. Finally, planning staff and Mr. Dunn contacted three local community groups (West Southern Pines Civic Club, Southern Pines Business Association, and the Southern Pines Appearance Commission) to present and gauge support for the concept of a mural project and corresponded with Mr. Steve Harbour regarding the concept for a mural project.

On September 28th, 2020, Planning staff and Messrs. Dunn and Harbour presented a public art project concept that was the result of the aforementioned research and coordination. The Arts Council asked the Town Council for support of the project and a commitment of \$2,500 per mural as “seed money” to help ACMC fundraise for the remaining costs of the projects. This request was denied by the Town Council. Members of Town Council expressed concerns with available resources for non-essential projects, ownership of the murals, continued maintenance of the murals, and possible damage to murals over time.

Following the September 28th, 2020 meeting with the Town Council, the ACMC and representatives from the aforementioned community groups worked to significantly revise the scope of the project. The project is now a public art program sponsored and administered privately by the Arts Council of Moore County. The ACMC’s mural program involves one privately-funded mural at a time. Program guidelines have been established by the Arts Council and vetted by multiple interested parties. A Southern Pines Mural Committee consisting of representatives from the Appearance Commission, the West Southern Pines Civic Club, the Southern Pines Business Association and the ACMC was created to oversee the program and review applications for murals and mural locations. The program includes an opportunity for Town Council to see and approve the mural and mural location as part of a required zoning exemption hearing, per UDO §2.11. The ACMC’s new mural program was presented to the Town Council at the January 24th, 2022 Work Session and received enthusiastic support from the Town Council.¹

B. Current Proposal:

Mr. Chris Dunn is now requesting Town Council approval of a zoning exemption, per UDO §2.11, to allow the installation of the first mural under the ACMC’s mural program. Again, a zoning exemption is required because a large artistic mural on the

¹ [January 24, 2022 Work Session \(amlegal.com\)](#)

side of a commercial structure that is visible to persons not located on the property technically meets the UDO definition of a sign and therefore is not compliant with the sign code based on size and location of the sign. UDO §2.11 allows the Town Council to grant an exemption to zoning when “the exemption is in the public interest and is not contrary to health, safety, and welfare considerations.” Attached to this report is a letter from Chris Dunn and ACMC describing the basis for their request for a zoning exemption and containing a depiction of the proposed mural and information about the property owner and artist. The ACMC is not asking for any direct funding from the Town of Southern Pines but is requesting use of the Town’s scissor lift as well as barricades and traffic cones for safety purposes.

C. Staff Comments:

Planning staff supports the requested exemption. Multiple studies have demonstrated that public art, combined with infrastructure, architecture and public spaces is critical to creating memorable and special places that community members and visitors cherish.² In 2018, the American Planning Association published a Planner’s Advisory Service (PAS) Quicknotes paper describing the many benefits of public art to placemaking as well as to “economic growth and sustainability, cultural identity, social cohesion and public health.” A copy of this Quicknotes paper is attached to this staff report. The ACMC has a robust set of guidelines for their mural program that are very likely to prevent the program being misused as a commercial signage loophole. The ACMC’s mural program guidelines do not allow murals that are clearly advertising to be part of their privately sponsored and administered mural program. No murals will be proposed in the historic district.

Pursuant to UDO §2.11(C), the Town Council may grant an exemption in full or in part and, if appropriate, may attach conditions relating to the exemption. A zoning exemption is granted by written order of the Town Council. Planning staff has prepared a draft Written Order approving the exemption, with conditions related to following the Arts Council of Moore County’s written Mural Program Guidelines, as provided to the Town of Southern Pines.

III. ATTACHMENTS:

1. Arts Council of Moore County Mural Program Guidelines.
2. Letter from Chris Dunn, Executive Director of the Arts Council of Moore County, requesting approval of a zoning exemption for installation of a mural.
3. American Planning Association – Planner’s Advisory Service (PAS) Quicknotes (2018)

² [Urban Culture Institute Blog - Urban Culture Institute](#)

IV. TOWN COUNCIL ACTION:

The Town Council shall vote on whether to approve or deny the requested zoning exemption.

I move to approve by written order the requested zoning exemption from UDO §4.6 for installation of a mural as described and depicted in the letter from Mr. Chris Dunn of the Arts Council of Moore County dated September 6, 2022. The proposed mural is part of a public art program sponsored and administered privately by a local community nonprofit with a mission “to inspire and strengthen our community through the arts” and is in the public interest for reasons set forth in staff report ZE-01-22. The proposed mural, and the location of the proposed mural, is found by the Town Council to not be contrary to health, safety and welfare considerations because the mural program guidelines put in place by the APMC are adequate to ensure that artistic murals do not become a “workaround” for signage that may be contrary to the purpose of the Southern Pines Sign Code as described in UDO §4.6.1.



ARTS COUNCIL Mural Program Request for Proposal (RFP)

To promote the charm, history, livability and spirit of Moore County, North Carolina, the Arts Council of Moore County (ACMC) offers the following guidelines for its Mural Program. The program seeks Moore County property owners who wish to install a mural somewhere on their property. The property owner may have an artist they wish to use, or ACMC can hold an open call to artists. The goal of this public arts program is to use the arts to attract more attention and economic activity to areas that will positively impact the entire county.

The program will be directed by ACMC in partnership with the property owner(s). Each mural project must meet the guidelines below and be approved by a mural committee consisting of representatives from ACMC, property owner(s), and other interested parties from the area where the mural is to be installed. This program will also seek guidance and support from the North Carolina Arts Council and other mural experts.

MOORE COUNTY PROFILE: Moore County is a region of scenic beauty and among the most biologically diverse places on earth. Early settlers were mainly subsistence farmers whose principal industry was naval stores (turpentine, tar, pitch, & rosin). Today, we are best known for our world-class equestrian communities, championship golf, vibrant cultural scene with deep-rooted music, literature, visual arts, and pottery traditions, and as a great place to grow a family. Our wide range of sports offerings, fine hotels, locally-owned shops, and thriving restaurants add up to a very special place, enjoyed by residents and visitors alike.

ELIGIBILITY: The Arts Council Mural Program is open to professional artists (or teams of collaborative artists) that are born or reside in North Carolina, ages 18 or older. Other teams, such as groups containing children or amateur artists, may submit, provided an adult, professional artist executes the mural. Applicants will not be discriminated on the basis of any class or disability.

MURAL GUIDELINES: Based on the artist's vision, property owner's input and mural location, a successful mural proposal will ideally meet the following guidelines:

- Artistic design & application is of the highest level and completely original by the submitting artist/art team.
- Broad/universal appeal to locals and visitors, which may be uplifting, playful, inspiring, colorful, thoughtful, or historical in nature. Be creative!
- Compliments the character or history of the mural location and surrounding area.
- Engages and encourages photographic and/or opportunities for pedestrian interaction.
- Acceptable for public viewing by all ages.
- Avoids overt political, religious or social statements and/or influences.
- Contains the names of the artist/art team and sponsors, as requested.
- Feasible budget and timeline.
- Avoids subject matter that could be construed as advertising or contains direct or indirect promotion related solely to the economic interests of any business. Murals that advertise a business, agency, service or product in any way will not be approved and will be directed to the entity that regulates signage in the mural location.

QUESTIONS: Please contact Chris Dunn at 910-692-ARTS (2787) or acmc@mooreart.org.

APPLICATION PROCESS:

Whether a mural proposal is initiated by a property owner who has already chosen an artist or the property owner requests help finding an artist, each artist/artist team must submit all of the following items for review by the mural committee.

REQUIRED ITEMS FOR EACH MURAL PROPOSAL YOU SUBMIT

(You may submit more than one):

1. Letter of Interest addressing: A) Mural concept with description, materials & their durability; B) How your proposed mural fits within the architecture & the function of the space; C) How your concept responds to mural guidelines & property owner's input; D) Detailed wall preparation plan; E) Detailed mural protection & maintenance plan. (3 pages, max.)
2. Full color image illustrating your proposed mural design. If awarded a contract, you must submit a scaled (approx. 1 inch = 1 foot) rendering in the media of your choice that is suitable for framing. Rendering will become the property of ACMC.
3. Itemized budget to include artist fees, materials, installation costs (i.e. lighting, equipment rentals, etc.), liability insurance, travel expenses, and any other costs. (1 page, max.)
4. Timeline of project using the mural timeline below. (1 page, max.)
5. Plans for community engagement activities, if any. (1 page, max.)

REQUIRED ITEMS FROM EACH ARTIST/ART TEAM:

1. Résumé with contact information (phone, email & mailing address). Applicant can be one artist or a team of collaborative artists (including children). If possible, include experience working on comparable mural projects of size and scope, and any experience working with government agencies, arts organizations, etc. (2 pages, max.)
2. Examples of past work to include 5-10 digital images or web links. For each example, include title, date, size, budget, materials used, and location (if public art).
3. Contact information for 2-3 professional references. (1 page, max.)

All proposals must be submitted as a complete package in one of the following ways:

U.S. Mail:

Arts Council of Moore County
Attn: Chris Dunn
P.O. Box 405
Southern Pines, NC 28388

Hand Delivery:

Arts Council of Moore County
Attn: Chris Dunn
482 E. Connecticut Avenue
Southern Pines, NC

Email:

acmc@mooreart.org
(Please include all materials in one PDF)

SELECTION PROCESS:

All proposals will be reviewed by the mural committee to determine if the mural is appropriate to the location, architecture and social context. The committee has full discretion to accept, decline or request changes to the mural proposal. If required, a successful proposal will then be submitted to the entity that regulates signage in the jurisdiction of the mural location.

QUESTIONS:

Please contact Chris Dunn at 910-692-ARTS (2787) or acmc@mooreart.org.



Southern Pines Town Council
801 SE Service Rd.
Southern Pines, NC 28387

September 6, 2022

Dear Town Council Members,

On behalf of the Arts Council of Moore County, I am excited to present the first project from our mural program for installation on the southwest wall at Harbour Place (311 SE Broad Street, Southern Pines). The mural was created by the artist (Nick Napoletano), approved by the property owners (Harbour family), and vetted by the Southern Pines Mural Committee, which includes representatives from the S.P. Appearance Commission, West S.P. Civic Club, S.P. Business Association, and the Arts Council.

For this mural, we respectfully request an exemption from the Southern Pines Sign Code pursuant to the following exemption criteria in the Southern Pines UDO:

- §2.11 (A) (1) "The exemption is in the public interest and is not contrary to health, safety, and welfare considerations"
- §4.6.15 (G) "Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights"

We also believe our exemption request is justified as the mural fulfills the intentions of the Southern Pines Sign Code as found in UDO §4.6.1, including:

- "(B) Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic Development and growth"
- "(O) Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all districts of the Town"
- "(Q) Protect property values by precluding, to the maximum extent possible, Sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement"
- "(R) Protect property values by ensuring that Sign types, as well as the number of Signs, are in harmony with buildings, neighborhoods and conforming Signs in the area"

We are not requesting Town funds to for this mural, as the mural costs are being provided by the property owners and the Arts Council. However, we do request use of the Town's scissors lift, a few barricades and/or traffic cones for the artist's use during the mural's 2-week installation.

From what started as a simple mural request over three years ago, we are excited to move forward on this project. With your support, we look forward to mural projects that will enhance Southern Pines' charm, beauty, and economy well into the future.

For the Arts,

A handwritten signature in cursive script that reads "Chris Dunn".

Chris Dunn
Executive Director

Enclosures

Arts Council Mural Program

Mural Project: Harbour Place in Southern Pines

Artist: Nick Napoletano of Charlotte, NC - www.NapoletanoArt.com
Location: Southwest facing wall at 311 SE Broad Street, Southern Pines, NC
Dimensions: 40 ft. wide by 24 ft. high. (960 square feet)
Surface: Painted cinder block
Installation Date: Determined after sign exemption vote; Total installation time approximately two weeks
Artist Warranty: One year

PLEASE NOTE The picture below is the preliminary rendition of the Nick's vision for the mural and NOT the final mural to be installed. Starting with the property owner's request, Nick digitally created this mural concept for review, revisions, and approval. Nick will refine his vision as he paints the mural onsite, thus removing any stock image logos and digital edits. To give you a better sense of Nick's quality of work, check out the samples on the next page and visit his website, www.NapaletanoArt.com.



Artist's description of this mural...

"The piece is playing off the concept of the passage of time and the importance of staying in the present moment. While it was inspired by the first stop motion imagery of a horse in motion by Eadweard Muybridge in the late 1800s, it's also a nod to the critical role horses have played in Southern Pines, from the Native Americans to the modern residents."

~ Nick Napoletano

Before:

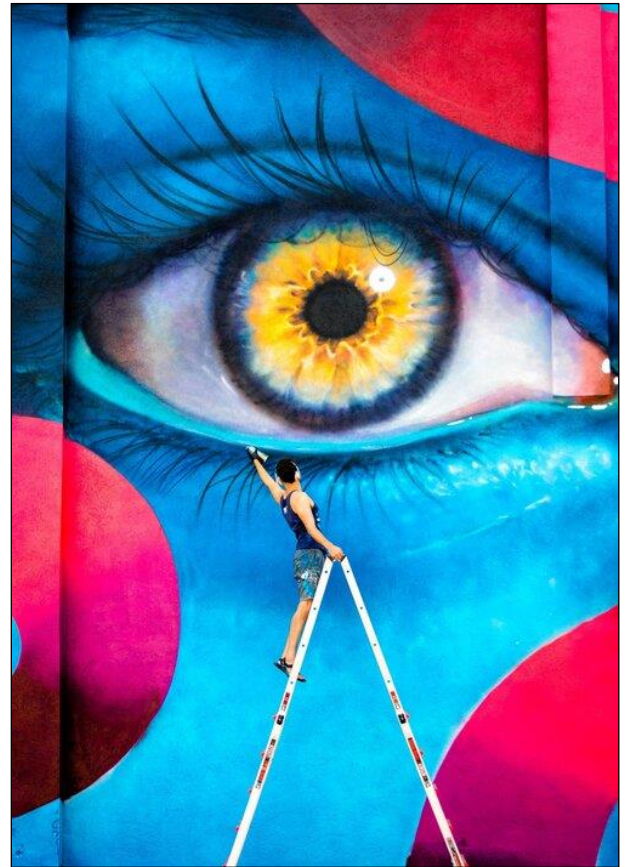


View from SE Broad St.

NICK NAPOLETANO

Nick Napoletano (b. 1990) is a painter, muralist, and designer known for hyperrealist works brimming with allegory and symbolism. The rich color and idealized figures in his compositions are stylistically in line with Mannerism and High Renaissance.

After earning his BFA at the University of Hartford, Napoletano studied under renowned egg tempera painter Fred Wessel, an experience that refined his modern take on allegorical realism. He uses the human figure as "a vehicle to explore and document various facets of the human condition as they relate to both the individual and the universal whole." Community growth and dialogue are a main component of Napoletano's agenda; his installations are meant to function as a mirror, identifying a truth about the community, while paving the way for positive change.



Private collectors and public institutions have commissioned Napoletano; his work can be found in galleries and museums internationally, including the collections of Amway and the New Britain Museum of American Art. Nick recently exhibited at Jerald Melberg Gallery and the Mint Museum and is currently installing a series of exterior murals in the city of Charlotte, North Carolina.



Learn more at www.NapoletanoArt.com.

QUICKNOTES

Public Art and Planning

Public art is any work of art situated in or visible from a publicly accessible space—whether the artwork is publicly or privately funded, or the space is publicly or privately owned. Public art includes artistic objects, experiences, and processes that consider the place and time in which they are situated, as well as their audience and cultural context. It consists of visual art, such as statues and murals, performance art, such as musical and theatrical events, and other creative practices that spur community dialogue, connect communities and issues, generate economic activity, or humanize the built environment.

Both public art and planning play an important role in determining the look and feel of the built environment by creating or enhancing a sense of place. Artist-led community planning processes can also incorporate artistic activities or components as an approach to involving a greater number and variety of stakeholders, surfacing unheard voices, and collecting valuable input.

PUBLIC ART IN THE BUILT ENVIRONMENT

Public art has been a feature of the built environment for as long as people have planned cities, from the pyramids and sculptures of the Bronze Age to the interactive pieces of today. Early forms of public art, such as public monuments, memorials, and murals, remain popular on public or publicly accessible properties such as shopping centers. These locations can also host other types of art that incorporate landscaping, light, water, sound, performance, or social engagement activities.

Hospitals have embraced public art for its demonstrated mental and physical health benefits, including decreased stress, a positive impact on mood, and promoting positive health behaviors.

Parks are a natural location for siting many types of public art as they offer an expansive, open setting as well as a natural community gathering space. The arts can play an important role in reinventing or revitalizing a park through the addition of performance spaces, serving as festival sites, hosting sculpture trails, and incorporating artist-designed benches, amenities, and other visual art pieces. Art along walking and biking trails can benefit community health by creating a sense of curiosity in their users, encouraging people to go farther to see the next piece of art.

The public right-of-way offers another opportunity for public art. Benches, waste receptacles, lighting, transit stops, signage, crosswalks, and other streetscape elements can double as public art pieces that integrate local cultural expression into people's everyday lives. Rather than choosing these functional elements from a catalog, an artist can be hired to create something special and reflective of the community.

PUBLIC ART IN PLANNING PRACTICE

There are many ways to incorporate public art into routine planning practice to articulate community identity and engage the public. A community's comprehensive plan may include a public art chapter or element, or it may recommend public art as a strategy to foster a livable built environment, healthy community, inclusive government, and equitable development.

As part of an economic development strategy, public art can be used to create wayfinding to promote and direct customers to local businesses. Permanent artworks, like sculptures and murals, can draw tourists and new customers to an area. Likewise, freely accessible performance art, festivals, and spectacles draw visitors and attention to a community. Fireworks, for example, are an effective form of public art as pyrotechnics typically attract a crowd.

Photo by Carolyn Torma (CC BY-NC 4.0).
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*Alleyway art in the Pullman neighborhood
of Chicago.*



American Planning Association

Making Great Communities Happen

Public art can play an important role in the community engagement and public participation elements of the planning process, using creative, unconventional engagement and feedback techniques. Artistic methods such as drawing, sculpting, and modeling can empower and engage citizens from a wide variety of racial, ethnic, and social backgrounds who might not otherwise feel comfortable speaking up in a public meeting. Artists can create visual aids and storytelling within a visioning workshop to illustrate potential alternatives in a way that is more accessible to some audiences than a written report.

ADMINISTERING PUBLIC ART PROGRAMS

The design of a public art program should include basic elements that serve the purpose of the program, including management, governance, funding sources and disbursement mechanisms, and siting and selection criteria. Well-balanced public art programs should have policies and procedures that accommodate art initiated by the commissioning entity, as well as projects proposed by artists, the community, or independent organizations. A program should also clarify the roles and responsibilities of potential partners and stakeholders. Funding for public art programs often comes from arts-specific funding sources, such as percent-for-art programs, or budget line items.

Percent-for-art programs levy a fee, typically a percentage (such as one-half or one percent of the project's total construction cost) for the purpose of acquiring and installing public art. The percentage may apply to the construction costs of public buildings, or it may be applied to all construction within a jurisdiction (typically above a certain dollar threshold). Art installations funded through such programs may not necessarily be located at the site of a given project. Some cities and counties may allow a property owner to choose and install publicly accessible art in lieu of making a monetary contribution to the fund. In addition to municipal and county programs, most U.S. states administer percent-for-art programs, as does the federal government through the General Services Administration's Art in Architecture Program.

Alternately, communities may choose to fund public art through their budget process by allocating general funds to support projects throughout a jurisdiction. Others may use special assessments or a value-capture mechanism, such as tax increment financing, to target public art installations within a specific geographic area. Cities and counties may also include public art within private development agreements as a required community benefit or amenity.

Public art programs may also use strategies that require artist participation in public projects. One example of this is San Diego's policy to involve artists in the design phase of city capital improvement projects. Artist-in-residence programs are another way to incorporate art in public processes that can help cities and counties incorporate art and artistic approaches into their community engagement and outreach efforts, as well as their construction projects.

CONCLUSION

Public art can be an engaging tool for creating a sense of place that reflects the character, history, and values of a community. Communities can use public art to further economic growth and sustainability, cultural identity, social cohesion, and public health. There are numerous ways to incorporate art into the built environment and everyday planning processes in a way that engages diverse stakeholders. Communities interested in developing a public art program can find extensive online guidance to help them design an effective public art strategy that meets their unique goals and objectives.

PAS QuickNotes (ISSN 2169-1940) is a publication of the American Planning Association's Planning Advisory Service (PAS). Visit PAS online at planning.org/pas to find out how PAS can work for you. James M. Drinan, JD, Chief Executive Officer; David Rouse, FAICP, Managing Director of Research and Advisory Services; David Morley, AICP, Editor. © 2018 American Planning Association, which has offices at 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601-5927, and 1030 15th St., NW, Suite 750 West, Washington, DC 20005-1503; planning.org. All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means without permission in writing from APA.

FURTHER READING

1. Published by the American Planning Association

American Planning Association. 2011. *Arts and Culture Briefing Papers*. Available at planning.org/research/arts.

Vazquez, Leonardo. 2016. "Creative Placemaking." *PAS Memo*, November/December. Available at planning.org/pas/memo/2016/nov.

2. Other Resources

Americans for the Arts. 2018. "Public Art Resource Center." Available at <http://bit.ly/2BArEr>.

Becker, Jack. 2004. "Public Art: An Essential Component of Creating Communities." *Monograph*, March. Available at <http://bit.ly/2AIWYhM>.

Rose, Kalima, Milly Hawk Daniel, and Jeremy Liu. 2017. *Creating Change through Arts, Culture, and Equitable Development: A Policy and Practice Primer*. Oakland, Calif.: PolicyLink. Available at <http://bit.ly/2KBGZkn>.

**TOWN OF SOUTHERN PINES ORDINANCE #2029
TO APPROVE A ZONING EXEMPTION
(ZE-01-22)**

WHEREAS, the Arts Council of Moore County (ACMC), a local non-profit with a mission “to inspire and strengthen our community through the arts,” has developed a public art program to privately sponsor and administer the installation of artistic murals within Southern Pines’ zoning jurisdiction; and

WHEREAS, murals installed on buildings within Southern Pines’ zoning jurisdiction are technically considered signs based on the definition of a sign in the Town of Southern Pines Unified Development Ordinance (UDO) and therefore most murals would not comply with the location and size restrictions for signage; and

WHEREAS, UDO §2.11 allows for exemptions to zoning when the exemption is found to be in the public interest and not contrary to health, safety and welfare considerations; and

WHEREAS, Mr. Chris Dunn, Executive Director of the Arts Council of Moore County, has submitted a request to install a 40’ wide by 24’ tall mural by artist Nick Napoletano on the side of an existing commercial building located at 311 Southeast Broad Street; and

WHEREAS, the proposed mural is compliant with mural program guidelines adopted by the ACMC and provided to the Town of Southern Pines and has been vetted by a mural committee administered by the ACMC that includes representatives from the Southern Pines Appearance Commission, the West Southern Pines Civic Club, the Southern Pines Business Association and the ACMC; and

WHEREAS, pursuant to §2.11 of the UDO, a public hearing must be held when the Town Council is considers a zoning exemption; and

WHEREAS, a public hearing was held on October 11, 2022 at which time the Town Council listened to and considered the comments of those wishing to speak on the matter of the proposed mural at 311 Southeast Broad Street.

NOW THEREFORE, BE IT RESOLVED by the Town of Southern Pines Town Council at its regular business meeting held on October 11, 2022 that:

1. The proposed mural, as described in the zoning exemption request from Mr. Chris Dunn dated September 6, 2022, is in the public interest because public art contributes to a sense of place that helps keep communities like Southern Pines unique and attractive. Studies show that public art, when combined with infrastructure, architecture and public spaces, is important for creating memorable and special places that both community members and visitors cherish. The mural program guidelines put in place by the ACMC are adequate to ensure that artistic murals do not become a “workaround” for signage that may be contrary to the purpose of the Southern Pines Sign Code as described in UDO §4.6.1, and therefore the proposed mural is not contrary to health, safety and welfare consideration
2. The Town Council orders that an exemption is approved to UDO §4.6 for the installation of a mural at 311 Southeast Broad Street, specifically in the manner and to the extent, as described by Mr. Chris Dunn, Executive Director of the ACMC, in his later dated September 6, 2022 and as governed by the ACMC’s mural program guidelines.

Adopted this the 11th day of October, 2022.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Dewitt McCarley, Town Attorney

I certify that this Order was adopted by the Town Council of the Town of Southern Pines at its meeting on October 11, 2022 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: B.J. Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: AX-04-22: Hold a Public Hearing for Voluntary Annexation of a 2.32 Acre Parcel and a 50' Private Right of Way Contiguous to the Corporate Limits of the Town of Southern Pines; Petitioners: S & S Partners, LLP and Morganton Park North Master Association, Inc.

Date: October 11, 2022

I. SUMMARY OF APPLICATION REQUEST:

William Stewart, M.D., on behalf of S & S Partners, LLP, and Charles Gregg, on behalf of Morganton Park North Master Association, Inc., are requesting voluntary annexation of contiguous parcels that are currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject parcels are identified as PIN 857100496541 (PARID 20190014) and PIN 857100495394 (PARID 20190273).

II. PRIOR TOWN COUNCIL ACTION:

During the August 22, 2022 Town Council Work Session, the Town Council approved a *Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

During the September 13, 2022 Town Council Regular Meeting, the Town Council approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.

III. PROJECT INFORMATION:

A. Physical Addresses:

105 Pavilion Way
Southern Pines, NC 28387

Pavilion Way
Southern Pines, NC 28387

B. Property Owners/Applicants:

S & S Partners, LLP/William Stewart, M.D.
195 W. Illinois Avenue
Southern Pines, NC 28387

Morganton Park North Master Association, Inc./Charles Gregg
2 Regional Circle
Pinehurst, NC 28374

C. Property Identification & Parcel Identification Numbers:

PIN 857100496541; PARID 20190014

PIN 857100495394; PARID 20190273

D. Size of Property:

2.32 acres and 17,117 SF

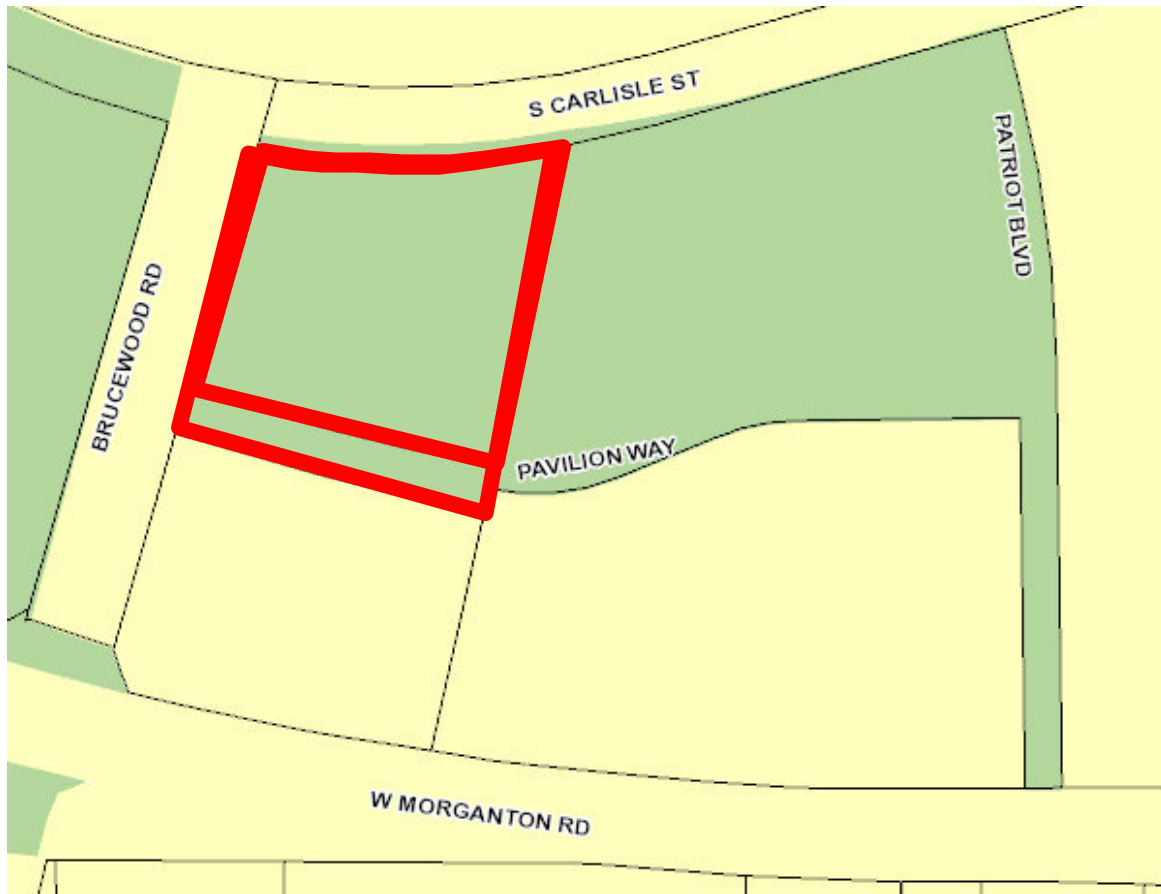
IV. STAFF COMMENTS:

- The applicants have each submitted an annexation petition accompanied by a map and a written metes and bounds description of the subject property.
- The written metes and bounds descriptions of the areas to be annexed have been approved by the Moore County Tax Mapper.
- The requests are voluntary requests for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject properties are presently zoned PD (Planned Development). The adjacent properties are also zoned PD.
- During the August 22, 2022 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the Petition for Voluntary Annexation of the subject properties.
- During the September 13, 2022 Town Council Regular Meeting, the Town Clerk approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.
- The purpose of this agenda item is to hold a public hearing to consider the annexation request.
- **Comprehensive Long Range Plan Analysis:**
 - The subject properties are identified as “Traditional Mixed Use” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“The Traditional Mixed Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This

designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.”

Figure 1: Adjacent Property (Areas to be Annexed Outlined in Red)



Town of Southern Pines Corporate Limits

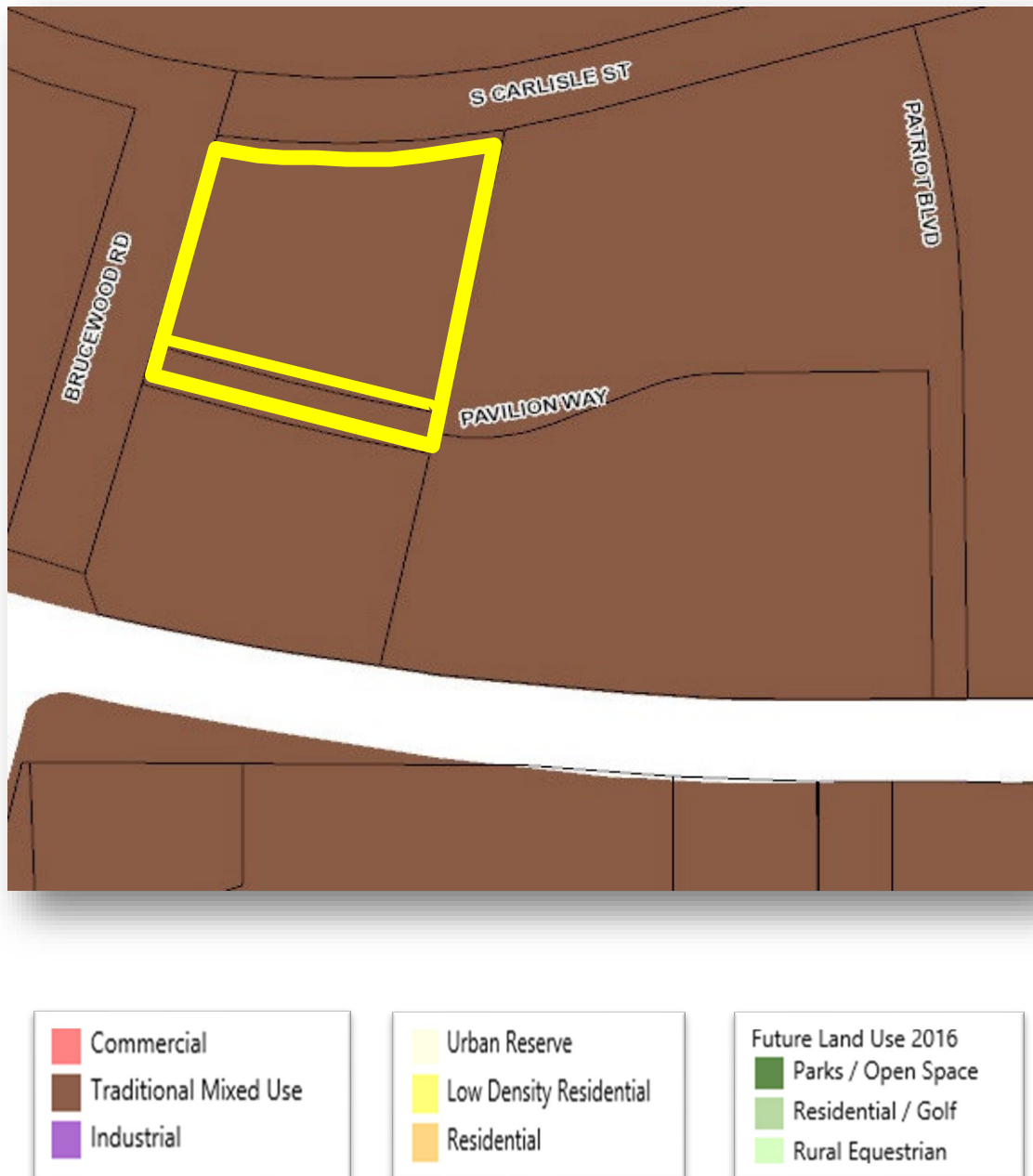


Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Blue)



Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Yellow)



V. ATTACHMENTS:

1. Petitions
2. Written metes and bounds descriptions
3. Surveys of subject properties
4. Resolution

VI. TOWN COUNCIL ACTION:

To either approve or deny the voluntary annexation, the Town Council may choose one of the following motions or any alternative they wish:

- 1) I move to adopt an Ordinance approving voluntary annexation request AX-04-22 for the properties as defined in the submitted written metes and bounds descriptions, and to have the Ordinance effective immediately.

-or-

- 2) I move to deny voluntary annexation request AX-04-22 for the properties as defined in the submitted metes and bounds descriptions.

PETITION 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.
2. 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.
3. The area is identified as PIN: 857100496541; PARID: 20190014.

Property Owner(s):

Name: S & S PARTNERS,
L.L.P.

Signature: W. Stewart 8/2/2022

Address: 195 W ILLINOIS AVE

William H. STEWART, M.D.
General Partner

Southern Pines, NC 28387 - 5808

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

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

7-28-21

EXHIBIT A

Metes and Bounds Description of Property/Properties Petitioning for Voluntary Annexation

BEING A PORTION OF THE ROBERT W. & JULIE M VAN CAMP, THOMAS M. VAN CAMP, TRUSTEE TRACT OR PARCEL OF LAND IN MCNEILL TOWNSHIP, SOUTHERN PINES, MOORE COUNTY, NORTH CAROLINA, DESCRIBED IN DEED BOOK 4593 PAGE 407 IN THE MOORE COUNTY REGISTRY AND MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD SET, SAID IRON ROD BEING LOCATED AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY OF PAVILION WAY (50' RIGHT-OF-WAY) AND THE EASTERN RIGHT-OF-WAY OF BRUCEWOOD ROAD (100' RIGHT-OF-WAY); THENCE WITH THE NORTHERN RIGHT-OF-WAY OF PAVILION WAY THE FOLLOWING CALLS: S 73°54'37" E A DISTANCE OF 164.22' TO AN IRON ROD SET;

THENCE A CURVE TO THE LEFT HAVING A RADIUS OF 1005.00' A CHORD BEARING OF S 76°20'11" E A CHORD DISTANCE OF 85.08' TO AN IRON ROD SET; THENCE S 78°45'45" E A DISTANCE OF 91.51' TO AN IRON ROD SET;

THENCE LEAVING THE PAVILION WAY NORTHERN RIGHT-OF-WAY N 12°34'40" E A DISTANCE OF 354.95' TO AN IRON ROD SET, SAID IRON ROD BEING LOCATED IN THE SOUTHERN RIGHT-OF-WAY OF SOUTH CARLISLE STREET (80' RIGHT-OF-WAY); THENCE A CURVE TO THE RIGHT HAVING A

RADIUS OF 1080.00' A CHORD BEARING OF S 88°55'50" W A CHORD DISTANCE OF 333.92' TO AN IRON ROD SET, SAID IRON ROD BEING LOCATED AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF CARLISLE STREET AND THE EASTERN RIGHT-OF-WAY OF BRUCEWOOD ROAD;

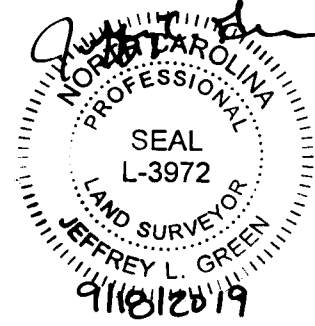
THENCE WITH THE EASTERN RIGHT-OF-WAY OF BRUCEWOOD ROAD S 16°00'21" W A DISTANCE OF 267.11' TO THE POINT OF BEGINNING HAVING AN AREA OF 2.32 ACRES.

7-28-21

I, JEFFREY L. GREEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION (DEED REFERENCES AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS NOT PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 10th DAY OF SEPTEMBER, A.D. 2019

Jeffrey L. Green
PROFESSIONAL LAND SURVEYOR

L-3972
LICENSE NUMBER



I, JEFFREY L. GREEN, PROFESSIONAL LAND SURVEYOR, L-3972, CERTIFY TO THE FOLLOWING AS REQUIRED IN G.S. 47-30(b)(1):

THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Jeffrey L. Green
SURVEYOR

9/18/2019
DATE

State of North Carolina
I, Deanna Spell, Review Officer of Moore County,
North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.
Deanna Spell
Review Officer
9-19-2019
Date

CERTIFICATE OF EXEMPTION

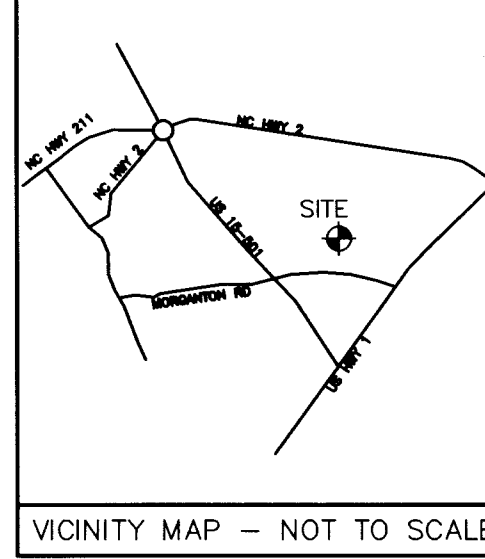
I HEREBY CERTIFY THAT THIS PLAT IS EXEMPT FROM THE DEVELOPMENT ORDINANCE UNDER DEFINITIONS OF EXEMPTION CONTAINED IN 2.19.2 IN THE TOWN OF SOUTHERN PINES UDO:

(B)THE DIVISION OF LAND INTO PARCELS GREATER THAN TEN(10) ACRES WHERE NO STREET RIGHT-OF-WAY DEDICATION IS INVOLVED.

Planning Director
9/18/19
DATE

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Pittman, II, NC
Moore County, NC
September 19, 2019 11:47:06 AM
Book 18 Page 239-239
FEE \$21.00
INSTRUMENT # 2019013866

PLAT CABINET 18 SLIDE 239

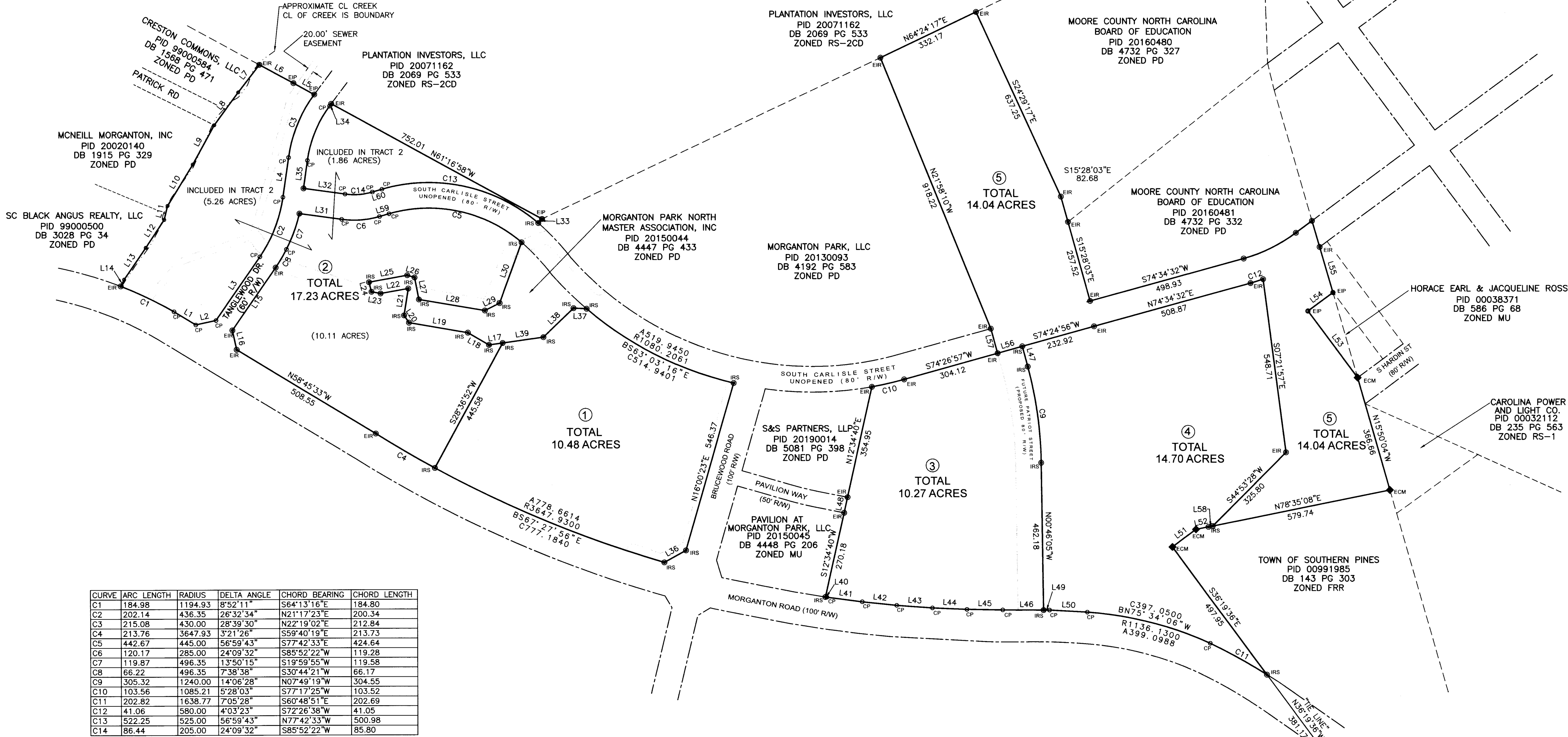


TITLE REFERENCE

PID 20150046
PIN 857100394875
DEED BOOK 4504 PAGE 322
MOORE COUNTY REGISTRY

PID 00037588
PIN 857100595604
DEED BOOK 4504 PAGE 322
MOORE COUNTY REGISTRY

LINE	BEARING	DISTANCE
L1	S58°45'33"E	79.57
L2	N77°45'19"E	64.86
L3	N34°33'35"E	243.15
L4	N08°09'28"E	125.44
L5	N60°51'02"W	74.01
L6	N61°28'45"W	121.48
L7	S37°23'38"W	108.94
L8	S36°13'26"W	127.60
L9	S28°50'09"W	139.85
L10	S31°28'15"W	151.79
L11	S13°36'05"W	44.91
L12	S33°33'17"W	105.13
L13	S34°09'02"W	120.88
L14	S26°43'17"W	23.99
L15	N34°33'35"E	239.46
L16	S12°17'53"E	61.85
L17	S81°56'55"W	43.42
L18	N59°39'48"W	76.25
L19	N80°20'29"W	187.26
L20	N33°33'20"W	27.44
L21	N08°50'56"E	85.46
L22	S79°49'31"W	88.02
L23	N79°02'33"W	28.85
L24	N14°11'01"W	31.27
L25	N79°39'48"E	121.51
L26	N73°18'34"W	24.15
L27	S10°50'05"E	70.87
L28	S80°21'04"E	209.29
L29	N63°19'16"E	51.79
L30	N19°57'19"E	203.40
L31	N82°02'52"W	133.16
L32	S82°02'52"E	131.14
L33	S43°21'21"W	17.59
L34	N35°00'46"E	9.05
L35	S08°00'27"W	88.36
L36	N60°53'55"E	76.69
L37	N87°29'51"W	41.24
L38	S46°08'20"W	130.69
L39	S81°56'41"W	128.92
L40	S80°47'15"E	4.40
L41	S82°27'33"E	111.62
L42	S84°00'26"E	108.22
L43	S85°44'17"E	112.32
L44	S87°27'10"E	108.02
L45	S89°03'27"E	112.41
L46	S89°39'43"E	127.56
L47	N14°52'33"W	65.47
L48	S12°34'40"W	50.01
L49	S89°39'43"E	118.60
L50	S86°48'02"E	118.37
L51	N53°20'16"E	92.38
L52	N78°35'08"E	40.26
L53	N36°34'09"W	260.49
L54	N53°26'54"E	97.56
L55	N18°04'13"W	148.77
L56	S74°26'37"W	80.01
L57	N15°37'23"W	80.03
L58	S78°35'08"W	13.41
L59	N73°47'36"E	30.99
L60	S73°47'36"W	30.99



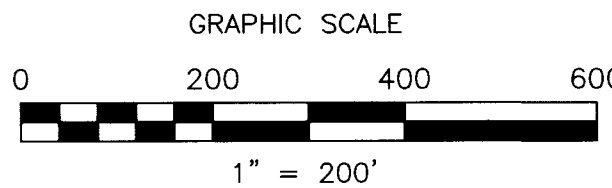
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	184.98	1194.93	8°52'11"	S64°13'16"E	184.80
C2	202.14	436.35	26°32'34"	N21°17'23"E	200.34
C3	215.08	430.00	28°39'30"	N22°19'02"E	212.84
C4	213.76	3647.93	3°21'26"	S59°40'19"E	213.73
C5	442.67	445.00	56°59'43"	S77°42'33"E	424.64
C6	120.17	285.00	24°09'32"	S85°52'22"W	119.28
C7	119.87	496.35	1°35'01"	S19°59'55"W	119.58
C8	66.22	496.35	7°38'38"	S30°44'21"W	66.17
C9	305.32	1240.00	14°06'28"	N07°49'19"W	304.55
C10	103.56	1085.21	5°28'03"	S77°17'25"W	103.52
C11	202.82	1638.77	7°05'28"	S60°48'51"E	202.69
C12	41.06	580.00	4°03'23"	S72°26'38"W	41.05
C13	522.25	525.00	56°59'43"	N77°42'33"W	500.98
C14	86.44	205.00	24°09'32"	S85°52'22"W	85.80

LEGEND
UNLESS OTHERWISE DENOTED
● = EIR = EXISTING IRON ROD
● = IRS = IRON ROD SET
○ = ECM = EXISTING CONCRETE MONUMENT
○ = EIP = EXISTING IRON PIPE
"CC" = CONTROL CORNER
○ = UTILITY POLE
□ = SEWER CLENOT
--- = ADJOINING BOUNDARY LINE
--- = RIGHT-OF-WAY
--- = UTILITY EASEMENT (LOCATIONS PROVIDED BY THE TOWN OF SOUTHERN PINES)

NOTES:

1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.
 2. ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING CORNERS FOUND, EXISTING BOUNDARY EVIDENCE, AND DEEDS AND PLATS OF RECORD IN THE MOORE COUNTY REGISTRY.
 3. ALL DISTANCES ARE HORIZONTAL GROUND.
 4. ALL AREAS BY COORDINATE COMPUTATION.
 5. GRID COORDINATES ESTABLISHED USING GPS METHODS USING OPUS.
 6. THIS PROPERTY DOES NOT LIE WITHIN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 37108571004 WITH AN EFFECTIVE DATE OF 10/17/2006.
 7. ZONING INFORMATION: ZONED PD (PLANNED DEVELOPMENT).
- FOR SETBACK INFORMATION CONTACT
THE TOWN OF SOUTHERN PINES
PLANNING DEPARTMENT 910.632.4003

EXCEMPT SURVEY OF
TRACTS 1, 2, 3, 4 & 5 MORGANTON PARK
MINERAL SPRINGS TOWNSHIP, TOWN OF SOUTHERN PINES
MOORE COUNTY, NORTH CAROLINA
SEPTEMBER 16, 2019 SCALE 1"= 200'
FIELD SURVEY- AUGUST, 2019



OWNER: ROBERT W. & JULIE M.
VAN CAMP, TRUSTEE
P.O. BOX 1389
PINEHURST, N.C. 28370
SURVEYOR: JEFFREY L. GREEN, PLS
6322 BIG OAK CHURCH ROAD
EAGLE SPRINGS, N.C. 27242
(910) 975-2306

PETITION 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.
2. 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.
3. The area is identified as PIN: _____; PARID: _____.

Property Owner(s):

Name: Charles Gress

Signature: 

Address: _____

Name: _____

Signature: _____

Address: _____

Name: _____

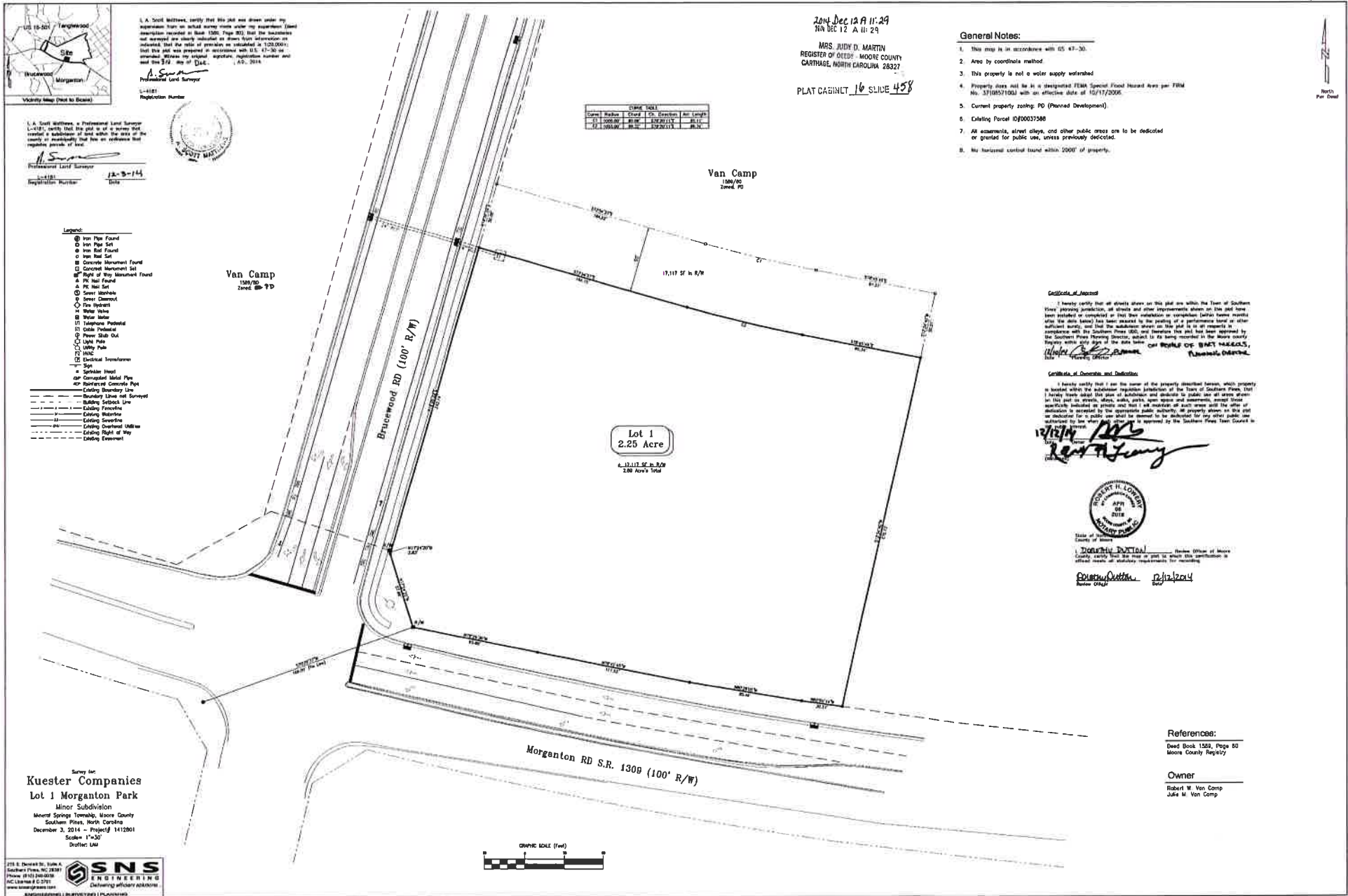
Signature: _____

Address: _____

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

Metes and Bounds Description of Pavilion Way

Beginning at an existing iron rod, said rod being the northwest corner of Lot 1 as shown on Plat Cabinet 16, Slide 458 in the Moore County Registry; thence from the beginning and with the eastern right of way of Brucewood Road N16°00'22"E 50.00' to a point; thence leaving the right of way S73°54'37"E 164.22' to a point, thence a curve to the left having a radius of 1,005' a chord direction of S76°20'11"E and a chord distance of 85.08' to a point; thence S78°45'45"E 91.51' to a point; thence S12°34'40"W 50.01' to an iron rod, the northeast corner of Lot 1; thence as the northern lines of Lot 1; N78°45'45"W 90.34' to an iron rod; thence a curve to the right having a radius of 1,055' a chord direction of N76°20'11"W and a chord distance of 89.32' to an iron rod; thence N73°54'37"W 164.15' to the point and place of beginning and containing 17,117 square feet more or less and being the 17,117 SF R/W as shown on Plat Cabinet 16, Slide 458 in the Moore County Registry.



TOWN OF SOUTHERN PINES RESOLUTION #1022
DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31

AX-04-22: S&S Partners/Morganton Park North Master Association

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 2, 2022 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

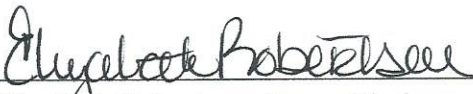
WHEREAS, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

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 22nd day of August, 2022.

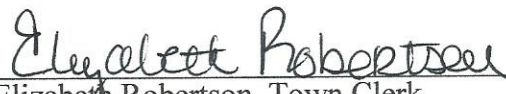
ATTEST:

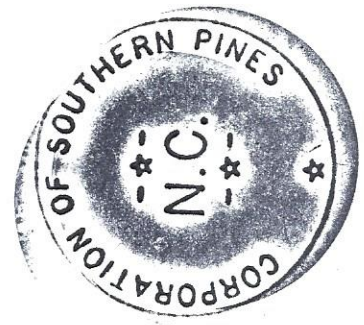
TOWN OF SOUTHERN PINES


Elizabeth Robertson, Town Clerk


Carol R. Haney, Mayor

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on August 22, 2022 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk



TOWN OF SOUTHERN PINES RESOLUTION #1024
SETTING DATE OF PUBLIC HEARING FOR ANNEXATION APPLICATION
AX-04-22; Sandhills Pediatrics

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 6:00 pm on October 11, 2022.

Section 2. The area proposed for annexation is described as follows:

Property Owners/Applicants:

S & S Partners, LLP. /William L. Stewart, M.D.
195 W. Illinois Avenue
Southern Pines, NC 28387

Property Identification Number (PIN) and Parcel Identification:

PIN: 857100496541; PARID: 20190014

Size of Property:

Total Acreage: 2.32 acres

Meets & Bounds Description:

Being a portion of the Robert W. & Julie M. Van Camp, Thomas M. Van Camp, Trustee Tract of Parcel of Land in McNeill Township, Southern Pines, Moore County, North Carolina, described in Deed Book 4593 Page 407 in the Moore County Registry and more particularly described as follows:

Beginning at an iron rod set, said iron rod being located at the intersection of the northern right-of-way of Pavilion Way (50' right-of-way) and the eastern right-of-way of Brucewood Road (100' right-of-way);

thence with the northern right-of-way of Pavilion Way the following calls: S 73°54'37" a distance of 164.22' to an iron rod set;

thence a curve to the left having a radius of 1005.00' a chord bearing of S 76°20'11" E a chord distance of 85.08' to an iron rod set;

thence leaving the pavilion way northern right-of-way N 12°34'40" E a distance of 357.95' to an iron rod set, said iron rod being located in the southern right-of-way of South Carlisle Street (80' right-of-way);

thence a curve to the right having a radius of 1080.00' a chord bearing of S 88°55'50" W a chord distance of 333.92' to an iron rod set, said iron rod being located at the intersection of the Southern right-of-way of Carlisle Street and the eastern right-of-way of Brucewood Road;

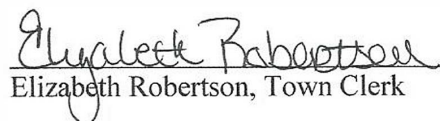
thence with the eastern right-of-way of Brucewood Road S 16°00'21" W a distance of 267.141' to the point of beginning having an area of 2.32 acres.

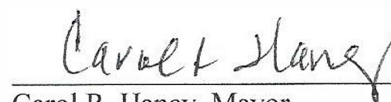
Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

Adopted this 13th day of September, 2022.

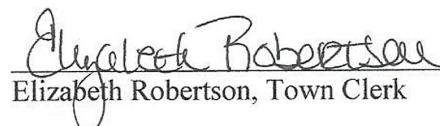
ATTEST:

TOWN OF SOUTHERN PINES


Elizabeth Robertson, Town Clerk


Carol R. Haney, Mayor

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 13, 2022 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk



**TOWN OF SOUTHERN PINES ORDINANCE #2028
TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-04-22; Sandhills Pediatrics**

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-04-22, was scheduled to be held in regular session of the Town Council at the Douglass Community Center at 6:00 P.M. on the 11th day of October, 2022 after due notice by publication on September 25, 2022; and

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

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

Being a portion of the Robert W. & Julie M. Van Camp, Thomas M. Van Camp, Trustee Tract of Parcel of Land in McNeill Township, Southern Pines, Moore County, North Carolina, described in Deed Book 4593 Page 407 in the Moore County Registry and more particularly described as follows:

Beginning at an iron rod set, said iron rod being located at the intersection of the northern right-of-way of Pavilion Way (50' right-of-way) and the eastern right-of-way of Brucewood Road (100' right-of-way);
thence with the northern right-of-way of Pavilion Way the following calls: S 73°54'37" a distance of 164.22' to an iron rod set;
thence a curve to the left having a radius of 1005.00' a chord bearing of S 76°20'11" E a chord distance of 85.08' to an iron rod set;
thence leaving the pavilion way northern right-of-way N 12°34'40" E a distance of 357.95' to an iron rod set, said iron rod being located in the southern right-of-way of South Carlisle Street (80' right-of-way);
thence a curve to the right having a radius of 1080.00' a chord bearing of S 88°55'50" W a chord distance of 333.92' to an iron rod set, said iron rod being located at the intersection of the Southern right-of-way of Carlisle Street and the eastern right-of-way of Brucewood Road;
thence with the eastern right-of-way of Brucewood Road S 16°00'21" W a distance of 267.141' to the point of beginning having an area of 2.32 acres.

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

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 11th day of October, 2022:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 11th day of October, 2022.

Section 2. Upon and after the 11th day of October, 2022 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

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

Adopted this 11th day of October, 2022.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

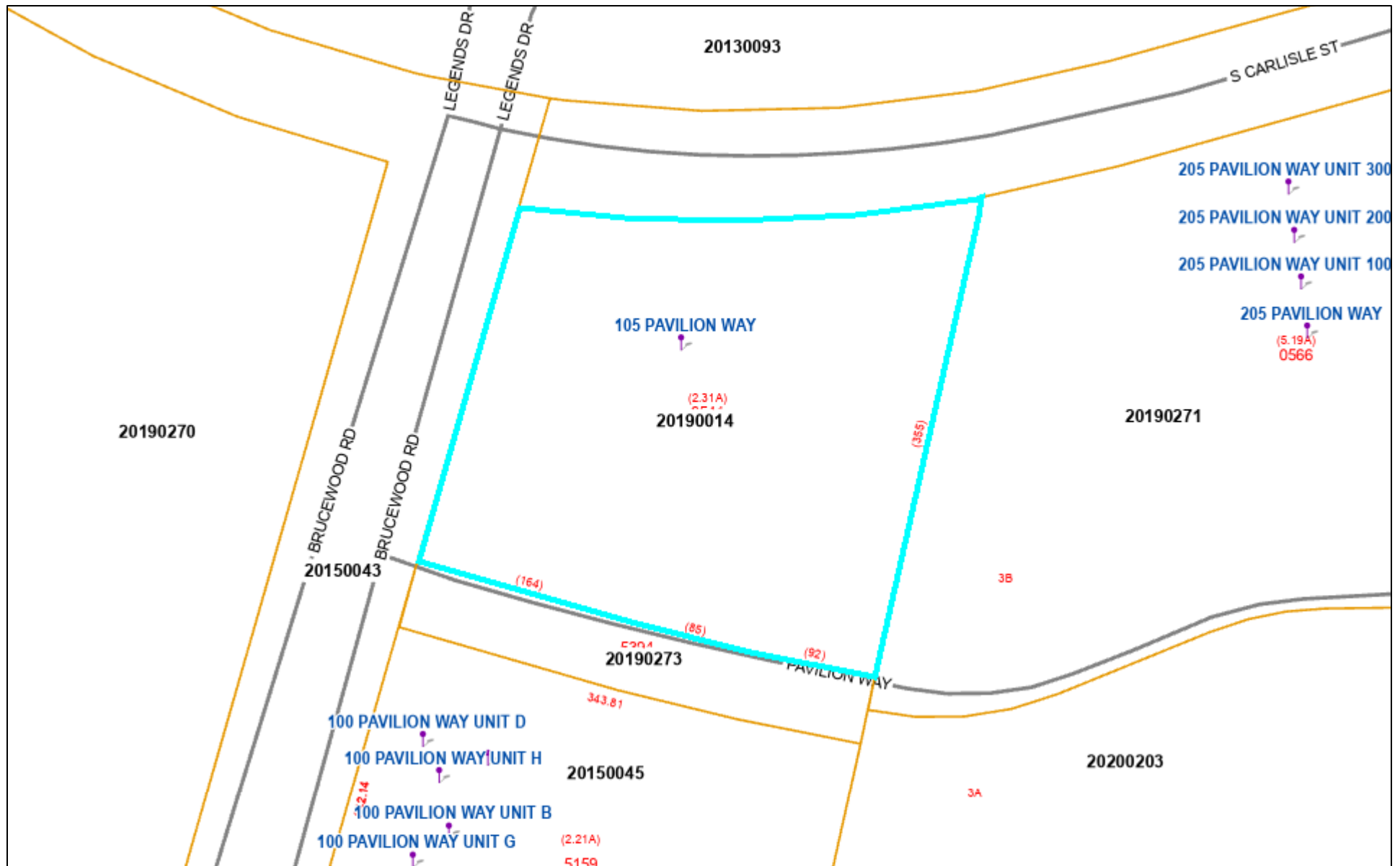
APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on October 11, 2022 as shown in the Minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

ATTACHMENT 'A'



1 inch = 100 feet

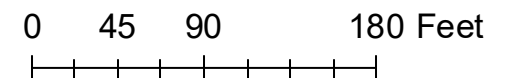
August 30, 2022



Name: S & S PARTNERS LLP

Parcel ID: 20190014

Deeded Acres: 2.32



COUNTY OF MOORE
STATE OF NORTH CAROLINA

I swear that this is a true and accurate copy of Ordinance #2028 amending the Zoning Map of the Town of Southern Pines adopted on October 11, 2022 (AX-04-22).

Elizabeth Robertson, Town Clerk

Date

DRAFT

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: WP-02-22: Watershed Protection Permit Request; 5/70 Allocation to Develop Townhomes at 600 SW Broad Street; Applicant: Bantembo, LLC

Date: October 11, 2022

I. SUMMARY OF APPLICATION REQUEST:

Kevin Lindsay, on behalf of Bantembo, LLC, has submitted an application for a Watershed Protection Permit requesting 1.22 acres of 5/70 exemption allocation to develop 20 single-family attached dwelling units, which will result in 70% total impervious surface on the subject property which is located within the High Quality portion of the Little River Intake No. 2 Watershed within the Cape Fear River Basin. Should the Town Council wish to grant the 5/70 exemption under Watershed Protection Permit WP-02-22, the Town shall deduct 1.23 acres from the Little River Intake No. 2 Watershed tally sheet. The subject parcels are identified as Lot 1A-R and Lot 1B on a plat entitled "*Recombination Survey for Bantembo, LLC*" recorded in Plat Cabinet 19 at Slide 127. The parcels are currently zoned Central Business (CB) and identified as PIN 858100075181 (PARID 20210430) and PIN 858100075283 (PARID 20190227). Per the Moore County tax records, the property owner is listed as Bantembo, LLC.

II. PROJECT INFORMATION:

A. Property Owner & Petitioner Information:

i. Current Property Owner/Applicant:

Bantembo, LLC
PO Box 1872
Southern Pines, NC 28388

ii. Authorized Agent:

Kevin S. Lindsay, PE
Crawford Design Company
230 W. Pennsylvania Avenue
Southern Pines, NC 28387

B. Property Information:

i. Street Address:

600 SW Broad Street
Southern Pines, NC 28387

ii. Property Identification Numbers (PIN) & Parcel Identifications:

PIN: 858100075181 (PARID 20210430)
PIN: 858100075283 (PARID 20190227)

iii. Size of Property:

Total Combined Acreage: 1.22

C. Description of Proposed Development:

Bantembo, LLC plans to construct twenty (20) single-family attached dwelling units on approximately 1.22 acres of property located at the corner of South Bennett Street and West Wisconsin Avenue pursuant to Special Use Permit SU-03-21 which was approved by the Town Council on January 11, 2022. The site will be covered with approximately .86 acres (70%) of total impervious surface.

D. Property Zoning Classification:

The subject property is zoned Central Business (CB).

Figure 1: Vicinity Map (Subject Property Outlined in Bold Red).



Figure 2: Zoning Map (Subject Property Outlined in Blue)



Historic District	
Zoning Text	
Zoning 50% Transparent	
CB, Central Business	
CB-CD, Central Business	
Conditional District	
FRR, Facilities Resources	
Recreation	
FRR-CD, Facilities Resources	
Recreation Conditional District	
GB, General Business	
GBCD, General Business	
Conditional District	
I, Industrial	
NB, Neighborhood Business	
NBCD, Neighborhood Business	
Conditional District	
OS, Office Services	
OSCD, Office Services	
Conditional District	
PD, Planned Development	
RE, Rural Estates	
RE-CD, Rural Estates	
Conditional District	
RM-1, Residential Single & Multi-Family	
RM-2, Residential Single & Multi-Family	
RR, Rural Residential	
RR-CD, Rural Residential - Conditional District	
RS-1, Residential Single Family	
RS-1CD, Residential Single Family - 1 Conditional District	
RS-2, Residential Single Family	
RS-2CD, Residential Single	

E. Staff Comments:

- The entirety of the property is within the Little River Intake #2 (LR#2) Watershed and is therefore subject to the Watershed Protection Overlay District and the standards set forth in UDO §3.6.8.
 - The subject property lies within the High Quality Water/Protected Area portion of the Little River Intake No. 2 Watershed.
 - The proposed development is required to obtain the 5/70 exemption allocation because the proposed improvements will exceed the maximum of 12% built upon area or 24% built-upon land area with implementation of stormwater BMPs within the High Quality Water/Protected portions of the watershed.
 - A total of 0.86 ac. of total built-upon land area, or 70% of the subject property is proposed.
 - Should the Town Council wish to grant the 5/70 exemption, the entirety of the project acreage (1.22 acres) will be deducted from the 5/70 tally sheet for the Little River Intake No. 2 Watershed.
 - The Watershed Protection Permit, if approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% built-upon land area.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 and allows the Town to develop 5% of our watershed to a 70% impervious level.
- All development in the Town's watershed constructed prior to 1993 is statutorily defined as pre-existing development and considered to be exempt from the requirement to obtain the 5/70 exemption. All new development within a watershed shall be subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.
- The UDO defines the Protected Area as "The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the state's High Quality Water (HQP) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles."

- Per UDO Exhibit 3-14, the 5/70 Exemption standards dictate the following for the High Quality Water (HQW) / Protected Area:
 - New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.
- All allocations shall be deducted from the five percent (5%) total area allocation and shall be monitored by the Planning Department.
- If this exemption is granted, a state stormwater permit shall not be required.

III. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. Watershed Protection Permit Application
2. Proposed Site Plan
3. Recorded Plat
4. UDO Exhibit 3-14
5. 5/70 Tally Sheet Excerpt



Watershed Protection Permit Application

Date Received: _____

Case No.: WP-____-____

I, the undersigned, do hereby make application to the Town of Southern Pines Town Council for a Watershed Protection Permit for the property described below.

Project Information:

Project Name: Townhomes on Bennett Zoning District: CB Total Property Acreage: 1.22 ac
PIN: 858100075181 Parcel ID: 20210430
858100075283 Watershed: Little River
Type of Development: Townhomes Total Built-Up Area*: 0.86 ac
% of Total Property Acreage Proposed to be Built-Up Area*: 70%

Applicant:

Name(s): Bantembo, LLC Email: colin@ascotgrp.com
Mailing Address: PO Box 1872 Southern Pines, NC 28388 Phone: 910-639-1065

Authorized Agent, if different from Applicant:

Name(s): Kevin S. Lindsay, PE
Email: kevinlindsay@crawforddsn.com Phone: 910-920-7661
Mailing Address: 230 W. Pennsylvania Ave., Suite C, Southern Pines, NC 28387

Legal Property Owner(s), if different from Applicant:

Name(s): _____
Email: _____ Phone: _____
Mailing Address: _____

Signature of Applicant

*Definition of Built-Up Area May be Found in Chapter 9 of the Unified Development Ordinance.

Please review **UDO §3.6.8 Watershed Protection Overlay District** in its entirety.

APPOINTMENT OF AGENT

The undersigned owner(s), Bantembo, LLC, hereby appoint(s) Kevin Lindsay, PE as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of the site plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Technical Review Committee for the proposed improvements on the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for site plan approval under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 23 day of MAY, 2022.



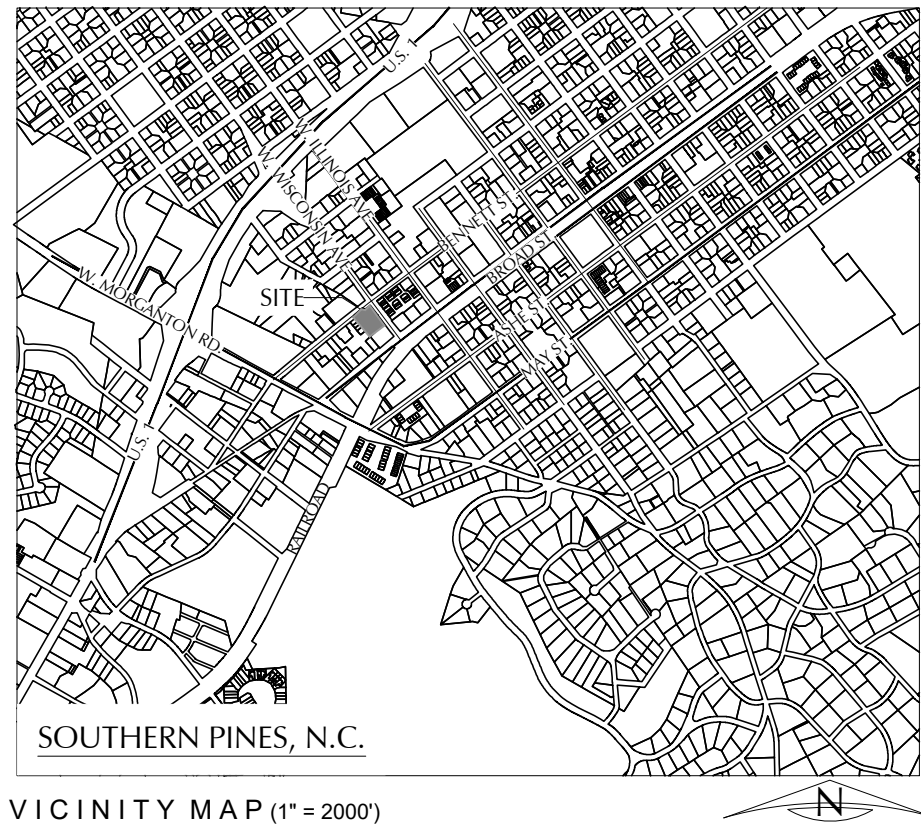
Property Owner

Property Owner

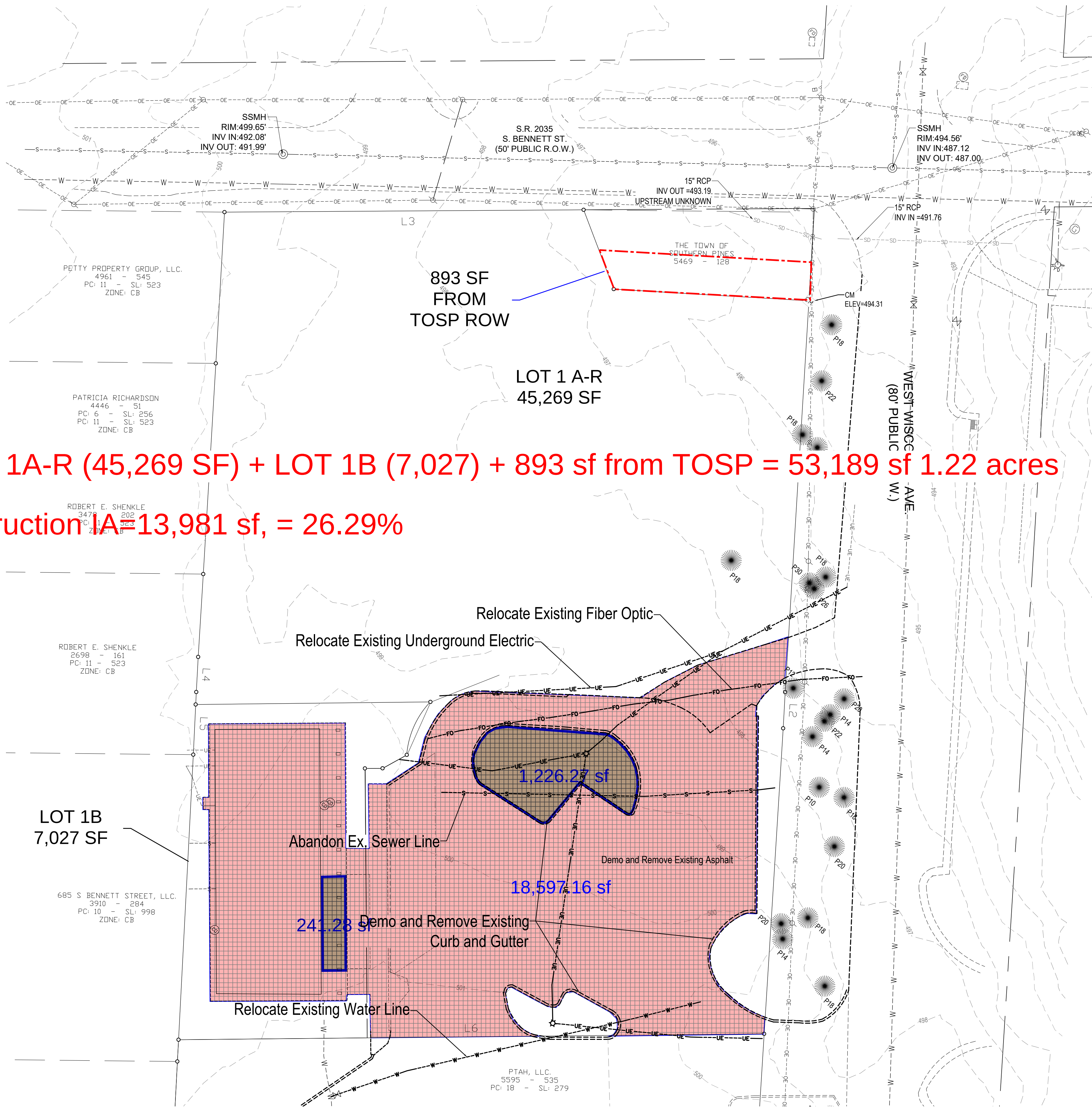
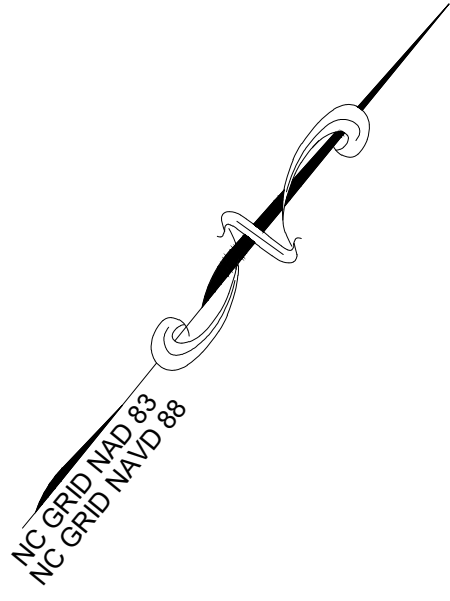


Agent

1/12/22



Crawford Design Company © Copyright 2021 — All drawings, specifications and designs prepared by Crawford Design Company are instruments of service and shall remain the property of Crawford Design Company. The Owner or any other parties shall not use the work on this or any project except by a proper agreement and appropriate compensation.

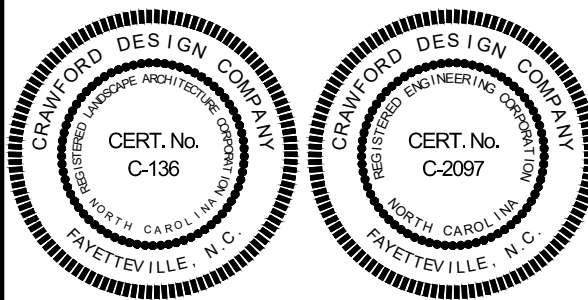


Site =Lots 1A-R (45,269 SF) + LOT 1B (7,027) + 893 sf from TOSP = 53,189 sf 1.22 acres

Pre Construction IA=13,981 sf, = 26.29%



Landscape Architecture ♦ Fayetteville, NC
Civil Engineering ♦ Southern Pines, Nc
116 N. Cool Spring Street ♦ Fayetteville, NC 28301
Voice: 910-221-0033 ♦ Fax: 910-221-0035
www.crawforddsn.com



SEALS

SURVEYING
JOHN G. MATTHEWS
Matthews Land Surveying & Mapping, PLLC
103 Monroe St Suite 104 Carthage, NC 28327
910-947-2871

REVISIONS	DATE	DESCRIPTION

BANTEMBO, LLC
TOWNHOMES ON BENNETT

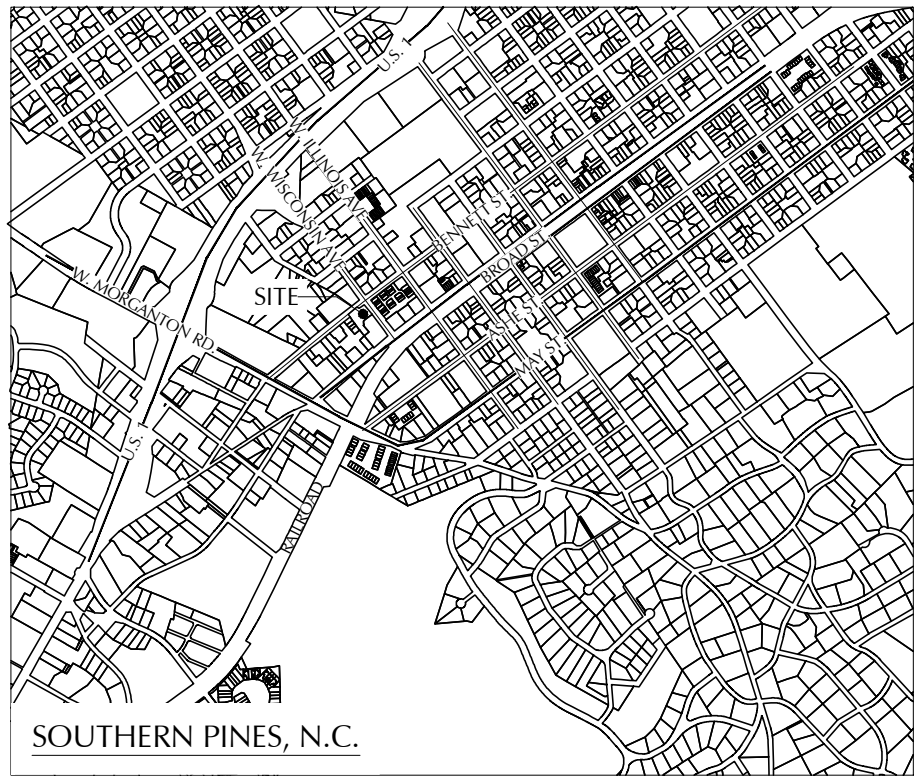
PROJECT DETAILS
Project Manager: KSL
CAD Technician: RFN/GER
Reviewed / Approved By:
Project Number: 21027

SCALE
0 20 40
Full Scale: Horiz.: 1" = 20'
Half Scale: Horiz.: 1" = 40'

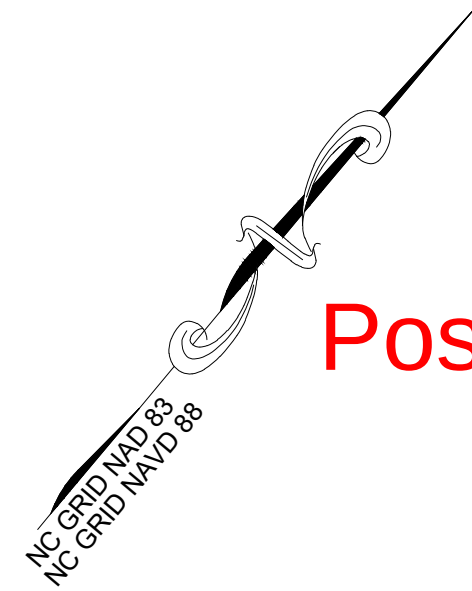
ISSUE DATE
11/15/2021

SHEET NUMBER

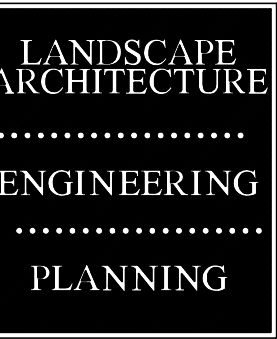
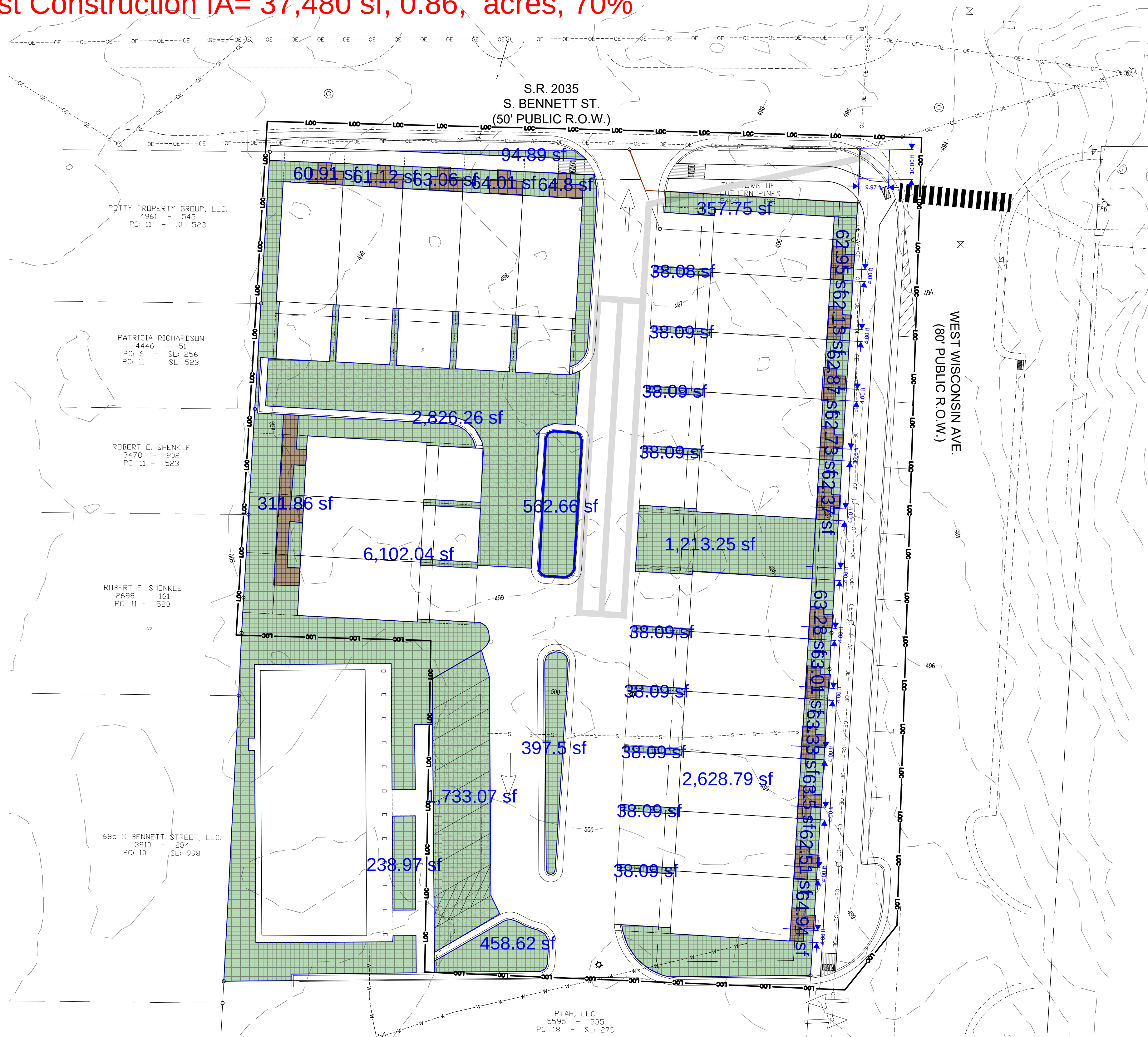
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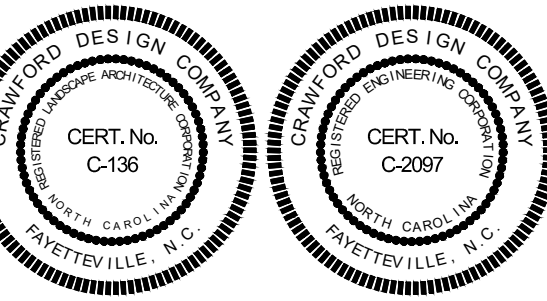
VICINITY MAP (1" = 2000')



Post Construction IA= 37,480 sf, 0.86, acres, 70%



Landscape Architecture ♦ Fayetteville, NC
Civil Engineering ♦ Southern Pines, NC
116 N. Cool Spring Street ♦ Fayetteville, NC 28301
Voice: 910-221-0033 ♦ Fax: 910-221-0035
www.crawforddsn.com



SEALS

REVISIONS		
0	mm-dd-yy	Description

BANTEMBO, LLC
TOWNHOMES ON BENNETT

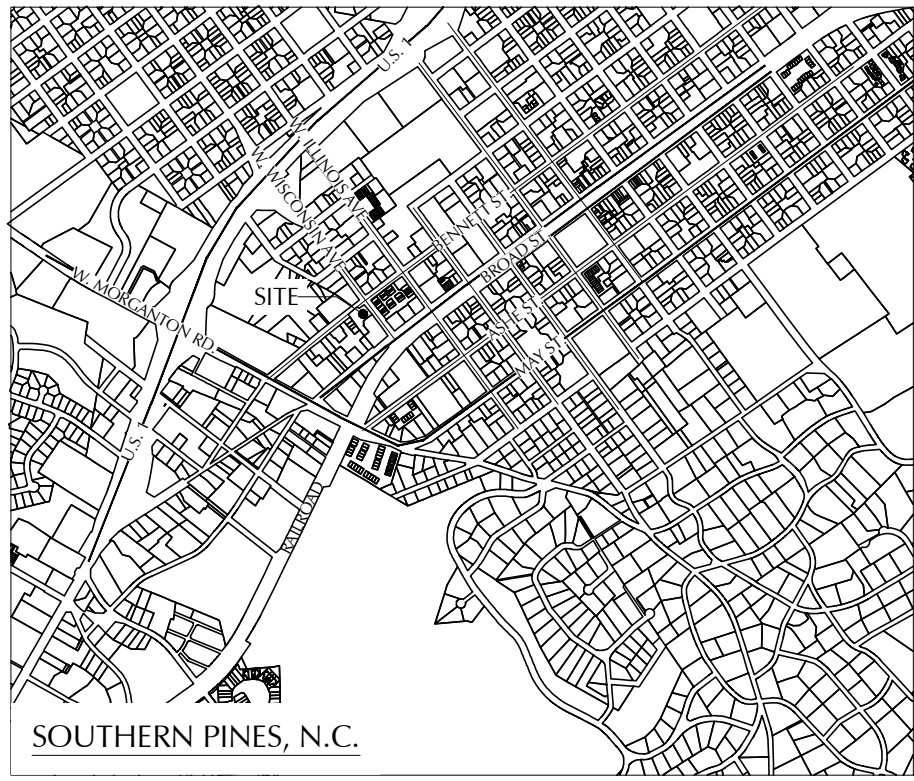
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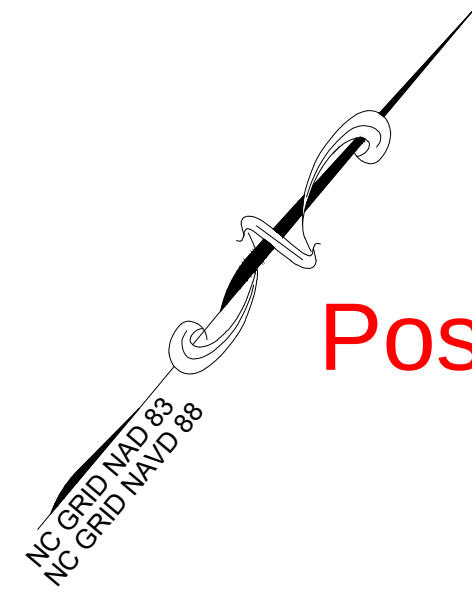
ISSUE DATE: 11/15/2021

SHEET NUMBER

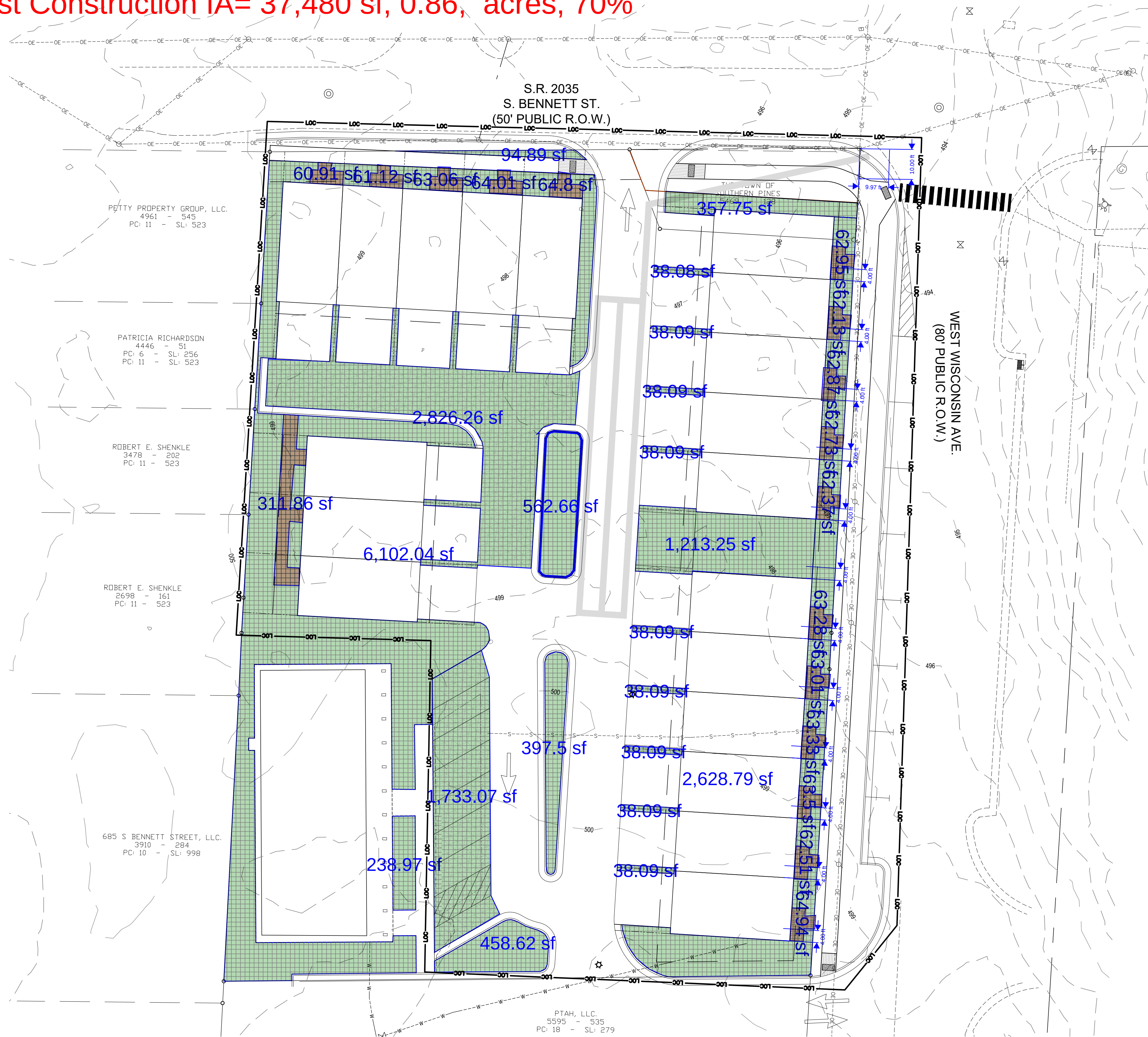
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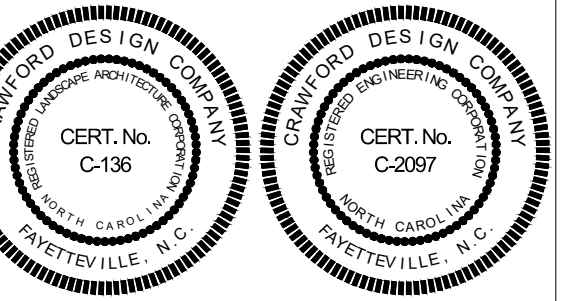
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SEALS

REVISIONS		
0	mm-dd-yy	Description

BANTEMBO, LLC
TOWNHOMES ON BENNETT

PROJECT DETAILS
Project Manager: KSL
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Reviewed / Approved By:
Project Number: 21027

SCALE 0 20 40
Full Scale: Horiz.: 1" = 20'
Half Scale: Horiz.: 1" = 40'

ISSUE DATE: 11/15/2021

SHEET NUMBER

C 3.0

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, Beth Lynd, REVIEW OFFICER OF MOORE COUNTY, NORTH CAROLINA, CERTIFY THAT THE MAP OR PLAT WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

REVIEW OFFICER: Beth Lynd DATE: 10/14/2021

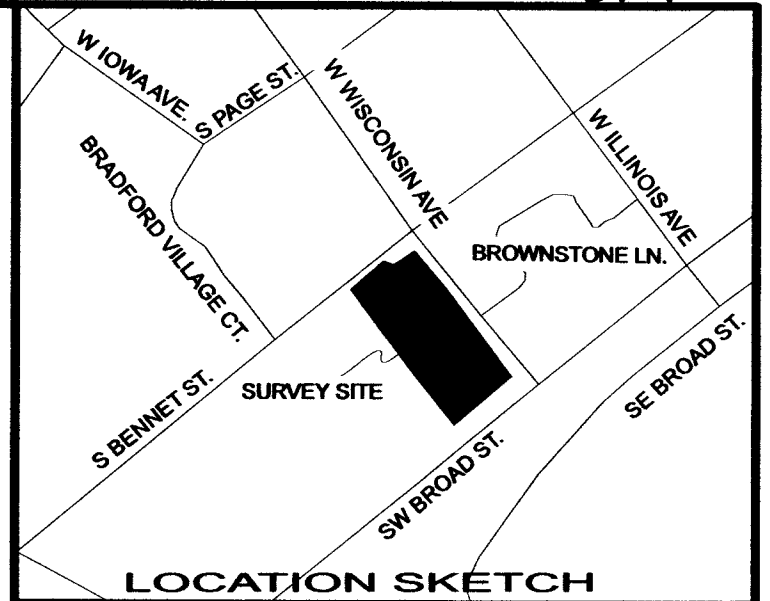
CERTIFICATE OF EXEMPTION

I, John G. Matthews, HEREBY CERTIFY THAT THE DIVISION OF PROPERTY SHOWN AND DESCRIBED HEREON IS EXEMPT FROM THE TOWN OF SOUTHERN PINES SUBDIVISION ORDINANCE BY DEFINITION AND/OR ORDINANCE

SUBDIVISION ADMINISTRATOR: John G. Matthews DATE: 10/13/21

PLAT CABINET 19 SLIDE 127

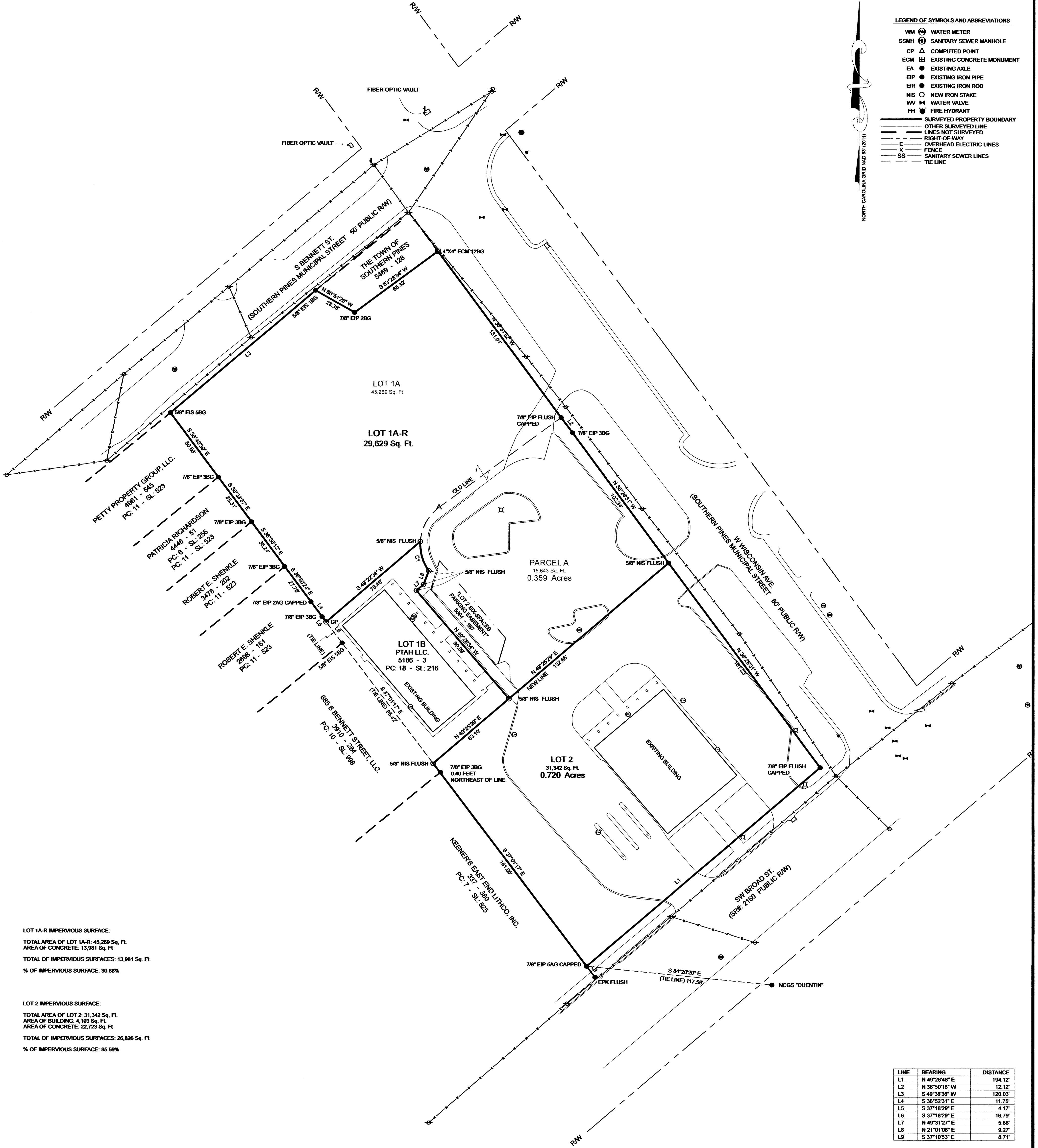
FOR REGISTRATION REGISTER OF DEEDS
JUDY B. REPTIN
NORTH CAROLINA
October 14, 2021 10:19:31 AM
Book 19 Page 127-127
FEE: \$21.00
INSTRUMENT # 2021022718



LEGEND OF SYMBOLS AND ABBREVIATIONS

- WM WATER METER
- SSMH SANITARY SEWER MANHOLE
- CP COMPUTED POINT
- ECM EXISTING CONCRETE MONUMENT
- EA EXISTING AXLE
- EIP EXISTING IRON PIPE
- EIR EXISTING IRON ROD
- NIS NEW IRON STAKE
- WV WATER VALVE
- FH FIRE HYDRANT
- SURVEYED PROPERTY BOUNDARY
- OTHER SURVEYED LINE
- LINE NOT SURVEYED
- RIGHT-OF-WAY
- OVERHEAD ELECTRIC LINES
- FENCE
- SS SANITARY SEWER LINES
- TIE LINE

NORTH CAROLINA GRID NAD 83 (2011)



LOT 1A-R IMPERVIOUS SURFACE:
TOTAL AREA OF LOT 1A-R: 45,269 Sq. Ft.
AREA OF CONCRETE: 13,981 Sq. Ft.
TOTAL OF IMPERVIOUS SURFACES: 13,981 Sq. Ft.
% OF IMPERVIOUS SURFACE: 30.88%

LOT 2 IMPERVIOUS SURFACE:
TOTAL AREA OF LOT 2: 31,342 Sq. Ft.
AREA OF BUILDING: 4,103 Sq. Ft.
AREA OF CONCRETE: 22,723 Sq. Ft.
TOTAL OF IMPERVIOUS SURFACES: 26,826 Sq. Ft.
% OF IMPERVIOUS SURFACE: 85.59%

LINE	BEARING	DISTANCE
L1	N 49°26'46" E	194.12
L2	N 36°50'16" W	12.12
L3	S 49°38'38" W	120.03
L4	S 36°52'31" E	11.75
L5	S 37°16'29" E	4.17
L6	S 37°16'29" E	16.79
L7	N 49°31'27" E	5.88
L8	N 21°01'08" E	9.27
L9	S 37°10'53" E	8.71

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	28.14'	19.73'	19.36'	S 15°58'30" E	38°47'56"

I, JOHN G. MATTHEWS, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

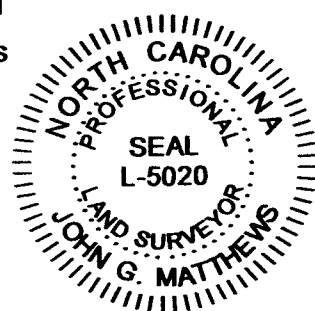
I, JOHN G. MATTHEWS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS/GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: CLASS A
- (2) POSITIONAL ACCURACY: ±0.10'
- (3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORKS
- (4) DATES OF SURVEY: SEPTEMBER 13, 2021
- (5) DATUM/EPOCH: NAD83(2011)
- (6) PUBLISHED/FIXED-CONTROL USE: NC CORRS
- (7) GEOD MODEL: Commercial US, NGS2012B
- (8) COMBINED GRID FACTOR(S): 0.99995502
- (9) UNITS: US SURVEY FEET

GRID TO GROUND SCALE POINT:
N(y): 517068.88142152 US SURVEY FEET
E(x): 1880855.96762054 US SURVEY FEET

I, JOHN G. MATTHEWS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN (SEE REFERENCE TABLE); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (SEE REFERENCE TABLE); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 13TH DAY OF OCTOBER, A.D. 2021.

PROFESSIONAL LAND SURVEYOR, L-5020



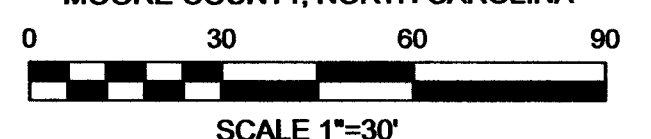
- NOTES:
1. ACREAGE DETERMINED BY COORDINATE METHOD
 2. TAX PARCEL ID: 20190227 & 00041456
 3. ZONING: CB
 4. PUBLIC WATER SUPPLY WATERSHED: WS-41P
 5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY EASEMENTS OR CONVEYANCES OF RECORD.
 6. NO ATTEMPTS MADE TO LOCATE UNDERGROUND UTILITIES

RECOMBINATION SURVEY FOR:

BANTEMBO, LLC,

OCTOBER 13, 2021

TOWN OF SOUTHERN PINES
MCNEILL TOWNSHIP
MOORE COUNTY, NORTH CAROLINA



REFERENCE TABLE:	OWNERS:
DEED BOOK 5694, PAGE 587	LOT 1A ID: 20190227: BANTEMBO, LLC.
PLAT CABINET 18, SLIDE 216	LOT 1B, ID: NONE: BANTEMBO, LLC.
PLAT CABINET 18, SLIDE 279	ID: 00041456: PTAH, INC.
MOORE COUNTY REGISTRY	

PROPERTY ADDRESS: 600 SW BROAD ST. SOUTHERN PINES, NC 28387

OWNERS ADDRESS: BANTEMBO, LLC. PO. BOX 1872 SOUTHERN PINES, NC 28388

MATTHEWS
LAND SURVEYING & MAPPING
FIRM LICENSE: P-1343

10 COURTHOUSE SQUARE
CARYVILLE, NC 28527
910-947-2671
JOB#: 10765

Exhibit 3-14: WPO District Development Density and Intensity Requirements

Location	Maximum Density or Intensity
Critical Area	New Development shall be limited to either one (1) Dwelling Unit per acre or twelve (12) percent built upon land area.
High Quality Water (HQW) / Protected Area	New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the Development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a Development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area. - For Commercial Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*. - For Residential Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.
Rest of Watershed (WS-III)	New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new Development exceeds either of these thresholds the project may apply for the 5/70 exemption*.

Table Notes:

*** 5/70 Exemption Allocation for Non-Residential and High- Density Attached Residential Development:** New Development may be developed at up to seventy (70) percent built-upon land area as follows:

- The total area subject to this provision shall not to exceed five (5) percent of Southern Pines' jurisdiction as of July 1, 1993 within the Watershed and outside of the Critical Area.
- Development in the **CB** district shall qualify for this allocation on a first come, first serve basis until the five (5) percent is exhausted.
- Development outside of the **CB** district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:
 - The use and location of the use are consistent with the Comprehensive Plan;
 - The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;
 - The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the neighborhood and the Town as a whole; and
 - The allocation will not detract from the viability of similar uses in the area or other parts of the Town.
- All allocations shall be deducted from the five (5) percent total area allocation and shall be monitored by the Planning Director.
- If this exemption is granted, a State stormwater permit shall not be required.

Exemptions: Those areas bounded by a pre- existing natural or permanent obstruction which prevents surface storm water runoff from reaching any designated water supply as determined in writing by the North Carolina Division of Water Quality, and the exception would have only an insignificant impact on the available allocation as determined by the Town Council.

Current 5/70 Watershed Tally Sheet:				
Watershed	Gross Acreage (2012)	5% of Watershed	Total Existing Project Acreage Deductions with Post-1993 Built-Up Area Exceeding 24%	Acreage Left Available since 1993 Allotment of 5%
Little River Intake #2	22,470.88	1123.54	672.50	451.04
Proposed Project: WP-02-22 1.22 Acres - Corner of S. Bennett St & W. Wisconsin Ave.				
Total Project Acreage	Total Permitted Amount of Built-Up Area for Project in Acres (70%)	Total Amount of Built-Up Area with Proposed Project	Total Acreage to be Deducted from 5/70 Tally	Acreage Left Available if Request is Approved
1.22	0.86	70%	1.22	449.82

Agenda Item

To: Reagan Parsons, Town Manager

From: James Michel, PE, Town Engineer

Subject: Relief from §50.035 of the Town Code of Ordinances

Date: September 28, 2022

I. SUMMARY:

Sean Butler of Butler Constructs Design and Build has proposed a subdivision dividing property located at 557 McNeill Road (PARID 00056379) into five separate single-family lots. Mr. Butler is requesting relief from §50.035 of the Town Code of Ordinances requiring any new house, lot, or subdivision to connect to the Town's water system if it is within 300 feet (plus 100 feet multiplied by the number of additional dwellings) of an existing [water] distribution pipe. Pursuant to the same section "Only the Town Council may waive this requirement." Therefore, the applicant must request of Town Council a waiver from §50.035 of the Town Code of Ordinances. The proposed subdivision is within approximately 350 feet of an existing water main and without receiving relief from this provision of the Code of Ordinances, would be required to connect to the Town's water system (see attached Map). The requirement to connect to the Town's water system would convert the classification and procedural requirements of an otherwise minor subdivision into a major subdivision.

After reviewing the proposed lot arrangement, it was determined that an extension of the water main for the purpose of provided drinking water to the proposed homes would be an inefficient extension of utilities due to the number of customers utilizing the line and the resulting dead end. It should be noted that there are water system management practices to address potential water quality concerns in this extension though this could result regular flushing of the lines.

The Town Fire Marshall was consulted to ensure that adequate measures were in place to provide fire protection for the five proposed lots and the Fire Marshall felt that the building spacing would be adequate and that the additional protection provided by the extension of the water system would not be warranted. It should be noted that the Fire Marshall does feel that no additional subdivisions should be allowed in this area without the extension of the water system.

The requirement to extend the waterline could lead to higher density development due to the cost of the installation. Some consideration should be given to how the area may develop in the future. There is a large tract of land north of the proposed subdivision that if it were to be developed would require the extension of the Town's water system. There are a number of existing homes along McNeil Road that are currently served by on-site wells and who may benefit in the future from access to the Town's water system.

II. ATTACHMENTS:

1. Letter submitted by applicant requesting relief from §50.035 of the Town Code of Ordinances.
2. Map of the area and surrounding waterlines.

III. TOWN COUNCIL ACTION:

Town Council is being asked to grant a waiver from §50.035 of the Town Code of Ordinances for the proposed subdivision.

Council finds that that the requirement to extend the Town's water system to serve the proposed minor subdivision would result and an inefficient extension of utilities due to the potential operation challenges and does hereby waive the requirements from §50.035 of the Town Code of Ordinances.

Council finds the that requirement to extend the Town's water system to serve the proposed minor subdivision would result in an efficient extension of utilities due to expected growth and development in the area and that the requirements from §50.035 of the Town Code of Ordinances shall be followed.



P.O Box 1201 • Southern Pines, NC 28387

September 12, 2022

Southern Pines Town Council,

Abidin Investments LLC is the owner of a 3.4 ac tract of land(00056379) located on McNeill Rd in the ETJ of Southern Pines. Butler Constructs Design and Builds is applying for a Minor Subdivision and requests not to connect to Town water and sewer.

This request is similar to the previously approved project located approximately 200 yards East on McNeil Rd. We would like to utilize well and septic due to the far proximity of current watermain and the sites relationship away from the downtown infrastructure. The cost of tying into town services would be exceedingly high for 5 lots on a dead end street. Also there are no more vacant parcels suitable for development along this corridor and the property backs up to Fort Bragg. Abidin Investments has no other contracts for purchase or interest in properties along this corridor for future development.

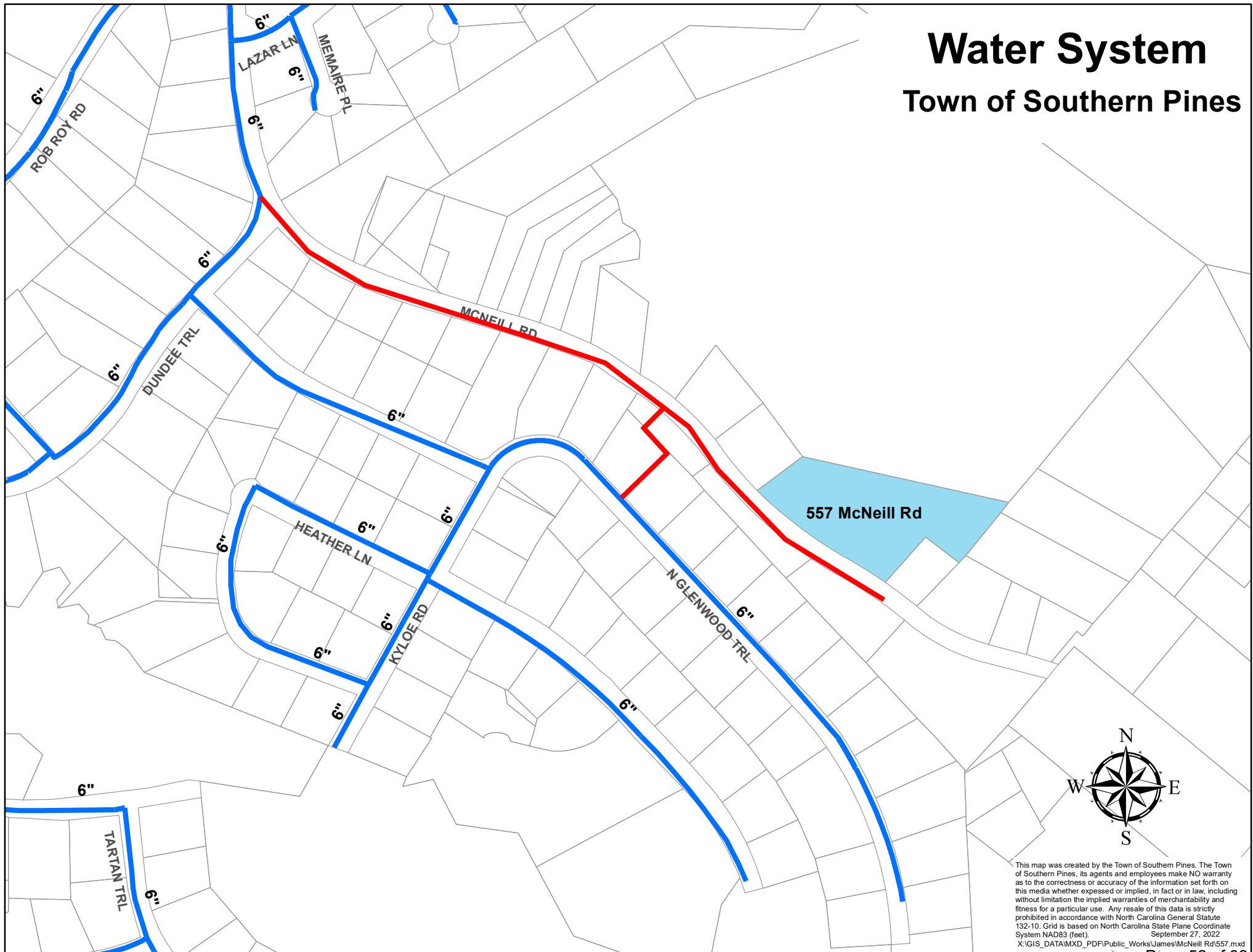
As per Code of Ordinances 50.035 "no official of the town may waive any of the requirements" of the Water System Use ordinance without Town Council approval. Without access to the Town water supply Abidin Investments is seeking private water and sewer connections. Applications for septic and wells are currently in process at Moore County Environmental Health. Based on county soil surveys the preliminary information is favorable for drainage but percolation tests are pending.

Thank you for your consideration of this matter.

Sean Butler

Water System

Town of Southern Pines



This map was created by the Town of Southern Pines. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).
September 27, 2022
X:\GIS_DATA\MXD_PDF\Public_Works\James\McNeill Rd\557.mxd

Prepared by:
John M. May, Esq.
Robbins May & Rich LLP
120 Applecross Road, Pinehurst, NC 28374
No Title Exam By Drafting Attorney

STATE OF NORTH CAROLINA

COUNTY OF MOORE

**EASEMENT DEED
AND AGREEMENT**

KNOW BY ALL MEN THESE PRESENTS, that **the County of Moore, NC a body politic and corporate of the state of North Carolina** hereinafter called “Grantor”, on this the ____ day of _____, 202_, for good and valuable consideration, does hereby grant unto the **Town of Southern Pines, a NC municipal corporation**, its successors and assigns (hereinafter, called “Grantee”), a water pipeline utility easement (hereinafter sometimes referred to as “easement”) which is more specifically described hereinbelow, and which easement traverses and burdens certain portions of that land of Grantor (hereinafter “Premises”) which land is more fully described in Book 397, Page 482 and Book 4047, Page 117 both of the Moore County Public Registry, and which description is specifically incorporated by reference as if fully set forth herein, and which land(s) have the following Moore County Tax Department Parcel Identification Number as of 2022 and Moore County LRK Number, respectively, as follows: 0032538. The location of the Easement is generally shown on Exhibit A attached hereto and herein incorporated by reference. Once the new waterline is installed, the contractor for that work will provide the Moore County Airport Authority an as built survey of the location of the waterline. The parties hereto agree to amend this Easement Deed and Agreement to include the description of the easement area based on that as built survey.

The Moore County Airport Authority is duly empowered to operate, manage, and control the Moore County Airport under the authority of the General Assembly of North Carolina, 1993 session, ratified bill, Chapter 414, Senate Bill 942, and the aforesaid Grantor’s Premises is used for Moore County Airport purposes. The Moore County Airport Authority plans to construct a water pipeline and related apparati (as discussed herein) along and within the easement. Upon completion of construction, the Grantee herein shall operate, maintain, and repair the constructed water pipeline and related apparati. It is acknowledged the Moore County Airport is a public use

airport and based on certain covenants the Airport is required to be operated in accordance with FAA and TSA guidelines. The water line is located within a secured air operations area subject to the FAA and TSA rules and regulations. Except in emergency situations, the Grantee will coordinate with the Moore County Airport Manager before undertaking any activities related to operating, maintaining, repairing, and inspecting the water pipeline system.

Now Therefore, at the Grantee's request and for the purposes herein expressed, the Grantor has agreed to grant and convey to Grantee an easement over, upon, across, under and through a portion of Grantor's property as herein described for the purpose of operating, maintaining, repairing, and inspecting a water pipeline system, and Grantor has agreed to do so under the terms and conditions stated herein with the consent of the MCAA.

The easement herein conveyed is **twenty feet** in width and is more particularly described as follows: *see Exhibit A attached hereto and incorporated by reference as if fully set forth herein (the "Easement Area")*.

and is for the following purposes: to repair, operate, and maintain on the Easement Area an underground water pipeline as well as hydrants, meters, and related appurtenances. The aforesaid pipeline and appurtenances are to be installed by the Moore County Airport Authority and thereafter maintained, operated, and repaired by the Grantee herein, in order to provide water service to the Premises. Further rights conveyed include, but are not limited to, the right to go upon the Premises whenever necessary in accordance with the terms hereof with motor vehicles, and other repair and maintenance equipment for the purpose of inspecting, maintaining, and repairing the water line service (provided that in constructing and repairing the water line service the Grantee shall remove all surplus earth; make level the surface of the ground above the water line. In doing the aforementioned work, the Grantee agrees to coordinate entry and work with the Moore County Airport Manager so as to minimize disruption and hazard to all parties involved thereby enabling the Moore County Airport Authority to continue to be in compliance with FAA and TSA requirements.

TO HAVE AND TO HOLD said right and easement to the Grantee and its successors in title and assigns forever; it being agreed that the right and easement hereby granted is appurtenant to and runs with the Premises now owned by Grantor.

If due to significant changes in Airport, TSA, or FAA requirements or other safety requirements, it becomes impractical for the Grantor to maintain this utility easement, the Grantor reserves the right to terminate the agreement and assume ownership of the water line on airport property and negotiate a new agreement to purchase water from the Town of Southern Pines.

IN TESTIMONY WHEREOF, said Grantor and Grantee has hereunto caused this document to be signed in their individual and corporate names by their duly authorized officers and their seals to be hereunto affixed by authority of their Board of Directors or Town Council or County Commissioners, as the case may be, the day and year first above written.

End of Document – Signatures Begin on Following Pages –

Grantor:

County of Moore, North Carolina

By: _____(SEAL)

_____, Chairman, Moore County Board of Commissioners

Attested by:

_____, Clerk to the Board

State of North Carolina

County of Moore

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Clerk to the Board of County Commissioners of the county of Moore, North Carolina, and that by authority duly given, and as the act of the Board, the foregoing instrument was signed in its name by its Chairman of the Board of County Commissioners, sealed with its seal and attested by her as the Clerk to the Board of County Commissioners.

Witness my hand and official stamp or seal, this ____ day of _____, 202_.

My commission expires: _____

Notary Public

Grantee:

The Town of Southern Pines, NC

By: _____(SEAL)

_____, Mayor, Council of the Town of Southern Pines, NC

Attested by:

_____, Clerk to the Town of Southern Pines Council

State of North Carolina
County of Moore

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Clerk to the Town of Southern Pines Council, and that by authority duly given, and as the act of the Council, the foregoing instrument was signed in its name by its Mayor of the Town of Southern Pines Council, sealed with its seal and attested by her as the Clerk to the Town of Southern Pines Council.

Witness my hand and official stamp or seal, this ____ day of _____, 202__.

My commission expires: _____

Notary Public

To indicate Consent:
MOORE COUNTY AIRPORT AUTHORITY

By: _____
Print Name: _____
Print Title: Chairman

Attested by:

_____, Secretary to the Moore County Airport Authority Board

State of North Carolina
County of Moore

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Secretary to the Moore County Airport Authority Board and that by authority duly given, and as the act of the Board, the foregoing instrument was signed in its name by its Chairman, sealed with its seal and attested by her as the Secretary to the Board of the Moore County Airport Authority.

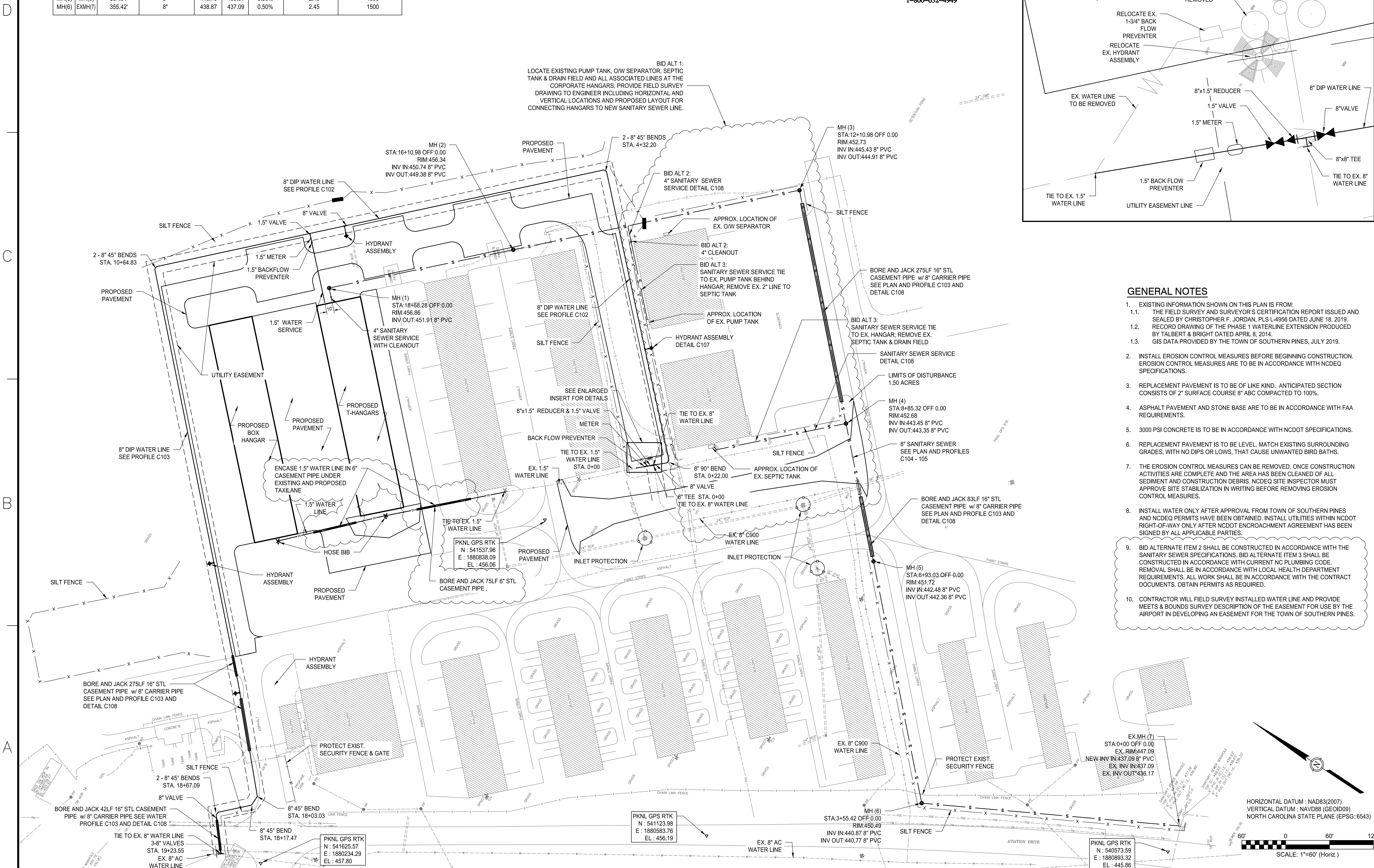
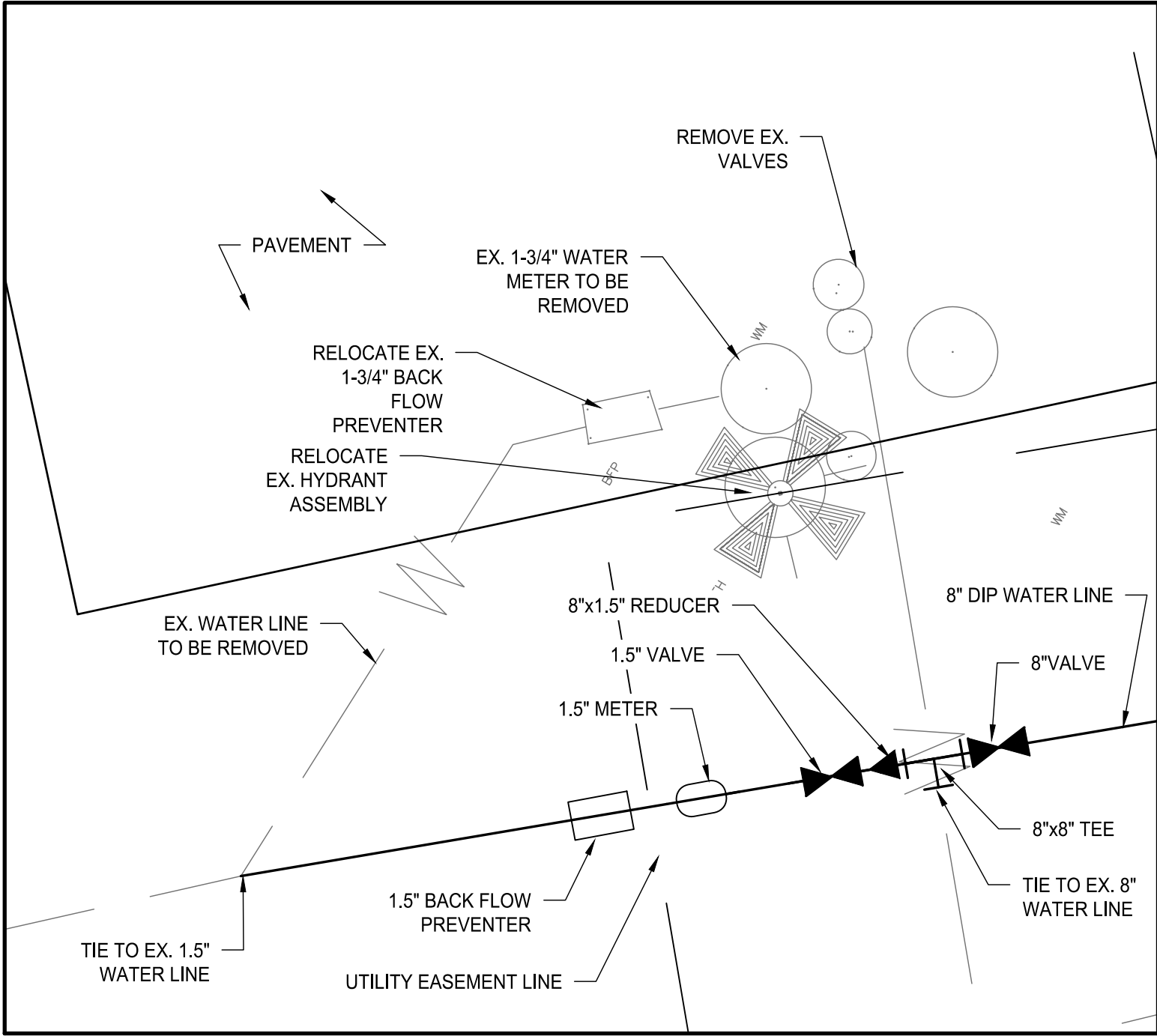
Witness my hand and official stamp or seal, this ____ day of _____, 202_.

My commission expires: _____

Notary Public

SS MH CHART

MANHOLE	FROM	TO	LENGTH	PIPE SIZE (in)	INVERT		SLOPE(%)	VELOCITY(fps)	DESIGN FLOW(gpd)
					UPPER	LOWER			
MH(1)	MH(2)		257.30'	8"	451.91	449.58	0.91%	3.28	1500
MH(2)	MH(3)		400.00'	8"	449.38	443.95	1.36%	4.03	1500
MH(3)	MH(4)		325.68'	8"	443.75	442.12	0.50%	2.45	1500
MH(4)	MH(5)		192.29'	8"	441.92	440.96	0.50%	2.44	1500
MH(5)	MH(6)		337.61'	8"	440.76	439.07	0.50%	2.45	1500
MH(6)	EXMH(7)		355.42'	8"	438.87	437.09	0.50%	2.45	1500



- GENERAL NOTES**
- EXISTING INFORMATION SHOWN ON THIS PLAN IS FROM:
 - THE FIELD SURVEY AND SURVEYOR'S CERTIFICATION REPORT ISSUED AND SEALED BY CHRISTOPHER F. JORDAN, PLS L-4956 DATED JUNE 18, 2019.
 - RECORD DRAWING OF THE PHASE 1 WATERLINE EXTENSION PRODUCED BY TALBERT & BRIGHT DATED APRIL 8, 2014.
 - GIS DATA PROVIDED BY THE TOWN OF SOUTHERN PINES, JULY 2019.
 - INSTALL EROSION CONTROL MEASURES BEFORE BEGINNING CONSTRUCTION. EROSION CONTROL MEASURES ARE TO BE IN ACCORDANCE WITH NCDEQ SPECIFICATIONS.
 - REPLACEMENT PAVEMENT IS TO BE OF LIKE KIND. ANTICIPATED SECTION CONSISTS OF 2" SURFACE COURSE 8" ABC COMPACTED TO 100%.
 - ASPHALT PAVEMENT AND STONE BASE ARE TO BE IN ACCORDANCE WITH FAA REQUIREMENTS.
 - 3000 PSI CONCRETE IS TO BE IN ACCORDANCE WITH NCDOT SPECIFICATIONS.
 - REPLACEMENT PAVEMENT IS TO BE LEVEL, MATCH EXISTING SURROUNDING GRADES, WITH NO DIPS OR LOWS, THAT CAUSE UNWANTED BIRD BATHS.
 - THE EROSION CONTROL MEASURES CAN BE REMOVED, ONCE CONSTRUCTION ACTIVITIES ARE COMPLETE AND THE AREA HAS BEEN CLEANED OF ALL SEDIMENT AND CONSTRUCTION DEBRIS. NCDEQ SITE INSPECTOR MUST APPROVE SITE STABILIZATION IN WRITING BEFORE REMOVING EROSION CONTROL MEASURES.
 - INSTALL WATER ONLY AFTER APPROVAL FROM TOWN OF SOUTHERN PINES AND NCDOT PERMITS HAVE BEEN OBTAINED. INSTALL UTILITIES WITHIN NCDOT RIGHT-OF-WAY ONLY AFTER NCDOT ENCROACHMENT AGREEMENT HAS BEEN SIGNED BY ALL APPLICABLE PARTIES.
 - BID ALTERNATE ITEM 2 SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SANITARY SEWER SPECIFICATIONS. BID ALTERNATE ITEM 3 SHALL BE CONSTRUCTED IN ACCORDANCE WITH CURRENT NC PLUMBING CODE. REMOVAL SHALL BE IN ACCORDANCE WITH LOCAL HEALTH DEPARTMENT REQUIREMENTS. ALL WORK SHALL BE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. OBTAIN PERMITS AS REQUIRED.
 - CONTRACTOR WILL FIELD SURVEY INSTALLED WATER LINE AND PROVIDE MEETS & BOUNDS SURVEY DESCRIPTION OF THE EASEMENT FOR USE BY THE AIRPORT IN DEVELOPING AN EASEMENT FOR THE TOWN OF SOUTHERN PINES.

CATLIN
Engineers and Scientists
220 Old Dairy Road
Wilmington, NC 28405
Corporate License No. for
Engineering Services C-0585

MOORE COUNTY AIRPORT
UTILITY
WATER & SEWER DESIGN
SITE PLAN

DESIGNED BY:	JAR
DRAWN BY:	JAR
CHECKED BY:	MRA
APPROVED BY:	MRA
DATE:	OCT, 2020
PROJECT NO:	218091
SCALE:	SEE PLAN

C101
1 OF

TOWN OF SOUTHERN PINES ORDINANCE #2027: ATTACHMENT A

§ 32.031 FEES.

(A) The following are exempt from payment for library cards and shall receive library cards free of charge. Valid documentation verifying personal identity and either a current home address in the corporate limits of Southern Pines, or payment of property tax to the Town of Southern Pines is required to qualify for either of the first two exempt categories:

1. Individuals who live within the town limits of Southern Pines.
2. Individuals who own property within the town limits of Southern Pines on which the individual pays property taxes.
3. Individuals who own a business located within the town limits of Southern Pines.
4. Individuals who have provided at least 20 hours of volunteer service to the library during the preceding twelve months.
5. Educational institutions with enrolled children ages birth to 17 that operate physical campuses within the town limits of Southern Pines (applies to limited access cards only).
 - a) Educational Institution is defined as any public or private preschool, elementary, or secondary school or any licensed early childcare center.

(B) The following formula determines the annual cost of a library card. Fees for both cards may be prorated for a six-month period.

1. Full Access Card: for use of full collection and services. The cost of card shall be computed annually in July by dividing the total municipal contribution to operating income by the total population, rounded to the nearest \$5.00.
2. Limited Access Card: for use of Juvenile and young adult collection. The cost of card equals one third (1/3) of the cost of a full access card, rounded to the nearest \$5.00.

(C) The following schedule of fees shall be administered by the Library Director:

<i>Description</i>	<i>Fee</i>
B&W copies or prints	\$.15 per page
Color prints	\$.25
Internet kiosk (first 15 minutes free)	\$10/hour
Full access card yearly fee- for use of full collection and services	\$60
Limited access card yearly fee- for use of juvenile and young adult collection	\$20
Lost or damaged materials	\$5 + replacement cost
Inter-library loan:	USPS postage charge for item plus any charge imposed by lending library, if applicable
Replacement of lost library card	\$1
Library Multipurpose Room Rental- Resident	Weekdays: Mon-Thu \$50 for a 3-hour block \$15/each additional hour Weekends: Friday - Sunday \$60 for a 3-hour block \$20/each additional hour
Library Multipurpose Room Rental- Non-Resident	Weekdays: Mon-Thu \$100 for a 3-hour block \$30/each additional hour Weekends: Friday - Sunday \$120 for a 3-hour block \$40/each additional hour

TOWN OF SOUTHERN PINES ORDINANCE #2027
AMENDING §32.031 OF THE TOWN’S CODE OF ORDINANCES RELATED TO
FEES FOR THE SOUTHERN PINES PUBLIC LIBRARY

WHEREAS, the Town desires to expand access to a free library card to all of the educational institutions within the town limits who serve children birth to age 17 as well as those individuals who own a business in the town limits; and

WHEREAS, the Town desires to eliminate fines for overdue library materials in an effort to provide equitable access to library services and resources to all patrons and to foster positive relationships between the library and the community; and

WHEREAS, the Town desires to approve other administrative adjustments to the library fee schedule; and

WHEREAS, §32.031 of the Town’s Code of Ordinances sets forth the fees that are established for the various services provided by the Southern Pines Public Library.

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled on the 11th day of October, 2022, the Code of Ordinances is amended as follows:

- (1) Delete existing section §32.031 in its entirety and replace with Attachment A.
- (2) The adopted revisions to §32.031 shall be effective no later than October 14, 2022.
- (3) Patron account balances shall be adjusted to remove any outstanding fines associated with overdue materials that were incurred prior to the effective date of this ordinance.

Adopted this 11th day of October, 2022.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

DeWitt McCarley, Town Attorney

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: James Michel, Town Engineer

Subject: RA-03-22: Request for Abandonment of Town
Right-of-Way to Vacate Section of W. Wisconsin Avenue
and S. Bennett Street

Date: October 11, 2022

I. SUMMARY OF REQUEST:

Colin Webster, on behalf of Bantembo, LLC, has submitted a request for the abandonment of 867.92 SF of right-of-way at the corner of W. Wisconsin Avenue and S. Bennett Street (see Figure 1) that is currently identified as PIN 858100075356 (PARID 20200114) and located adjacent to the parcel currently owned by Bantembo, LLC and identified as PIN 858100075283 (PARID 20190227) (see Exhibit A).

II. STAFF COMMENTS:

The request to vacate a portion of this right-of-way (ROW) was discussed during the Special Use Permit process for the SU-03-21 Townhouses on Bennet project. It was determined that as little ROW as possible would be vacated in accordance with review by the Town Engineer. The Town Engineer reviewed the requested ROW vacation during the site plan process and agrees that the amount requested is the minimum amount needed and still provides adequate area for sight distances and maintenance of existing Town infrastructure.

There is no public transportation infrastructure nor are there any public utilities located within the subject portion of the right-of-way. Pursuant to NCGS §160A-299 and UDO §2.29, in order for a public right-of-way to be abandoned, a Resolution of Intent to Vacate a Section of Town Right of Way must be adopted by the Town Council and a public hearing regarding the request must be held. A draft of the Resolution for the Council's consideration is attached to this report.

Figure 1: Vicinity Map (approximate location of right-of-way outlined in red)



III. ATTACHMENTS:

1. Request to abandon the right-of-way
2. Draft Resolution

IV. TOWN COUNCIL ACTION:

The Town Council is being asked to consider a Resolution to call for a public hearing on a request to vacate a section of Town rights-of-way for W. Wisconsin Avenue and S. Bennett street based upon the provisions outlined in UDO §2.29. The Council may choose one of the following motions, or any alternative they wish:

- 1) **I move to** approve the Resolution calling for a public hearing on a request to vacate a section of Town rights-of-way for W. Wisconsin Avenue and S. Bennett Street under application RA-03-22.

OR

- 2) **I move to** deny approval of the Resolution calling for a public hearing on a request to vacate a section of Town rights-of-way for W. Wisconsin Avenue and S. Bennett Street under application RA-03-22.

Bantembo, LLC
PO Box 1872
Southern Pines, NC 28388

August 14th, 2022

Mr. Reagan Parsons,
Town Manager
Southern Pines, NC 28387

RE: Right of Way Abandonment Corner of Wisconsin and South Bennett Streets

Dear Reagan,

On behalf of Bantembo, LLC I'm respectfully requesting the partial abandonment of a portion of the Right of Way on the corner of Wisconsin and South Bennett Streets as submitted, and agreed, to by the Town Council last January 11th, 2022, in connection with our Townhouse project on the adjacent property (copy of the recorded Decision is attached).

The property identifier is 20200114. Per the attached site plan, we propose to make use of approximately 868 sqft out of the approximately 2,117 sqft in that right of way.

The Town's UDO under section 2.29 provides guidance for the process leading to the abandonment of a street or alley. This request is only for the abandonment of a portion of the right of way. No streets or alleys are affected. 2.29 is silent on abandonment of rights of way, but right of way abandonments does appear in the wording under Appendices (A31) which provides a checklist for the abandonment process for Streets, Plats or Easements.

This has been reviewed with the Public Works Director Mr. James Michel who has determined there is no adverse impact on the Town's utilities.

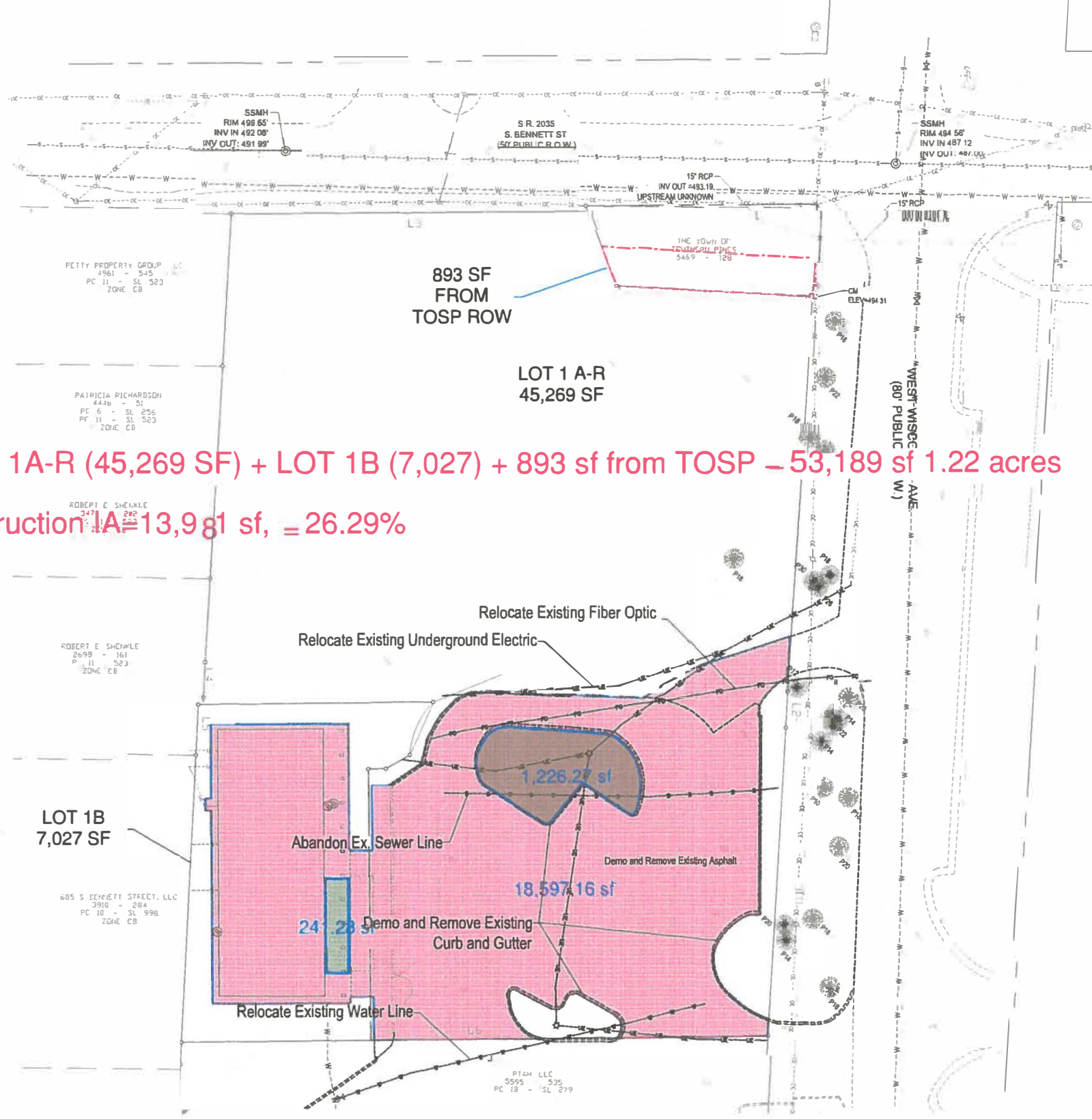
While I don't believe this case requires further consideration, If you believe a process of abandonment needs to be followed then please accept this request for the right of way abandonment to be further considered by the Town Council pursuant to UDO section 2.19, to advertise and conduct a public hearing at its next available meeting.

Very respectfully,

Colin S. Webster
Manager
Bantembo, LLC
PO Box 1872
Southern Pines, NC 28388



Crawford Design Company © Copyright 2021 All drawings, specifications and designs prepared by Crawford Design Company are instruments of service and shall remain the property of Crawford Design Company. The Owner or any other parties shall not use the work on this or any project except by a proper agreement and appropriate compensation.



Site = Lots 1A-R (45,269 SF) + LOT 1B (7,027) + 893 sf from TOSP = 53,189 sf 1.22 acres
Pre Construction 1A = 13,981 sf, = 26.29%

Crawford Design Company

LANDSCAPE
ARCHITECTURE
ENGINEERING
PLANNING

Landscape Architecture • Fayetteville, NC
Civil Engineering • Southern Pines, NC
116 N. Cool Spring Street • Fayetteville, NC 28301
Voice 910-221-0033 • Fax 910-221-0035
www.crawforddsn.com



SCALE

JOHN G. MATTHEWS
Matthews Land Surveying & Mapping, PLLC
103 Monroe St Suite 104 Carthage, NC 28327
910-847-2871

NO.	DESCRIPTION	DATE

BANTERBO LLC
TOWNHOMES ON BENNETT

Project Manager
CAD Technician
Reviewed / Approved By
member 24037

Full Scale Horiz. 1" = 20'
Half Scale Horiz. 1" = 40'

11/15/2021

TOWN OF SOUTHERN PINES RESOLUTION #1029
NOTICE OF INTENT TO VACATE SECTION OF TOWN RIGHT-OF-WAY
FOR WEST WISCONSIN AVENUE AND SOUTH BENNETT STREET
RA-03-22

WHEREAS, Bantembo, LLC has submitted a request for the vacation of a section of right-of-way for West Wisconsin Avenue and South Bennett Street;

WHEREAS, G.S. 160A-299 authorizes the Town of Southern Pines Town Council to close any street or public alley within the Town;

WHEREAS, the Town of Southern Pines owns the aforementioned section of right-of-way; and

WHEREAS, the section of right-of-way for which the petitioner has requested vacation is shown on the Town street listing and transportation map; and

WHEREAS, the Town has no current or future plans to improve the section of right-of-way; and

WHEREAS, the existing Town sewer and water lines along the South Bennett Street and West Wisconsin Avenue rights-of-way are not located within the section of right-of-way to be vacated; and

WHEREAS, pursuant to § 2.29.2 of the Unified Development Ordinance, in order for a street or alley to be vacated, the Town Council must adopt a Resolution of Intent to Vacate and hold a public hearing.

NOW THEREFORE, BE IT RESOLVED by the Town of Southern Pines Town Council at its regular business meeting held on October 11, 2022 that:

1. The Town of Southern Pines hereby intends to vacate the section of right-of-way for West Wisconsin Avenue and South Bennett Street as shown on the map attached hereto as Exhibit A.
2. A public hearing will be held during the regular business meeting of the Town of Southern Pines Town Council on November 8, 2022 at 6:00 PM to consider adopting an Order to vacate the section of Town right-of-way for West Wisconsin Avenue and South Bennett Street as shown on the map attached hereto as Exhibit A.

Adopted this the 11th day of October, 2022.

ATTEST:

TOWN OF SOUTHERN PINES:

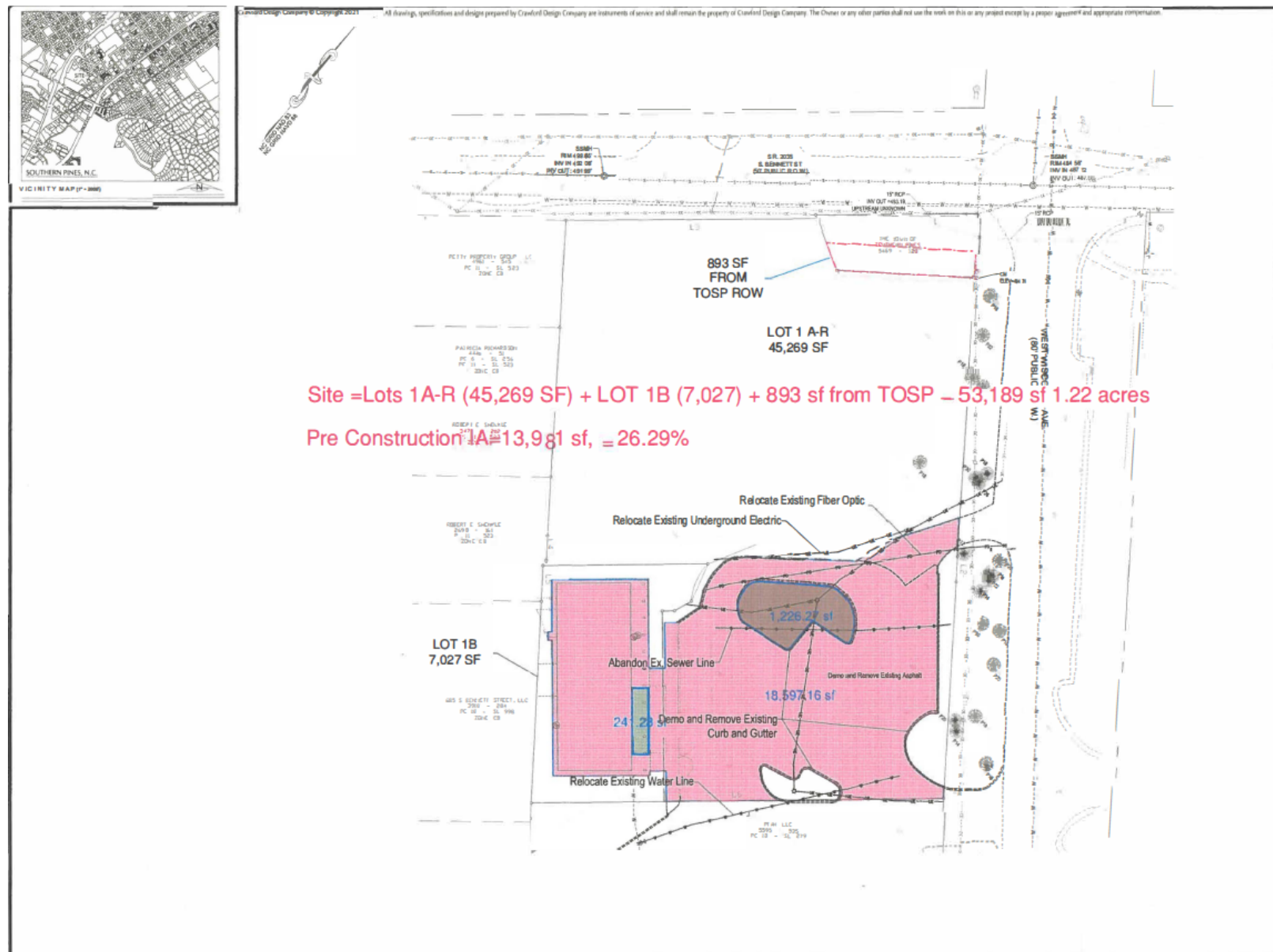
Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on October 11, 2022, as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

Exhibit A



MEMO

TO: Town Council
FROM: Reagan
Date: 10-06-22

RE: Budget Amendments item 10-11-22

Per our discussion at the Agenda Meeting, budget amendments contained in your packet address the following:

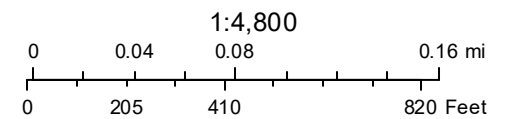
1. The Appearance Commission project along New Hampshire and within the Town Parking lots along with the brick work discussed where we have been unable to establish grass following a Town project a number of years ago. The amendment of **\$77,713** would be “charged against” the revenue recently replaced as part of our ARPA accounting.
2. A transfer to the Parks CPF to cover the costs associated with the roof replacement at Pool Park (\$10,000), Memorial B LED Field Lights and controls (\$160,00), and Campbell House fencing (\$58,300). This **\$228,300** transfer would also be derived from replaced revenues.
3. The funding of upgrades to the E.S. Douglass Center (\$53,500,) in addition to auto-operating functionality being added to the doors of library restrooms (\$15,000.) The **\$68,500** is proposed to count toward Revenue Replacement projects. There will be follow-up information during future discussion regarding options involving the restroom doors at the E.S. Douglass Center.
4. Sidewalks: A transfer to the sidewalk CPF of **\$110,00** toward the completion of recently bid sidewalks within the Bennett Street corridor. It is suggested that this transfer occur from *existing fund balance* given that this represents the planned project for the 22-23 Budget. Additional conversation will occur regarding the potential for an additional sidewalk project this fiscal year.
5. Transfers involving the hiring of the new Law Director to get us through fiscal year's end totaling a net of **\$72,000**

Moore County



October 2, 2022

- Parcels
- Moore County
- Streets
- Highways



**TOWN OF SOUTHERN PINES ORDINANCE #2030
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
American Rescue Fund Act (ARPA)**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 13th day of September, 2022 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Fund Balance Appropriations	10-397-1000		3,063,114.00
General Fund	Transfer In – ARPA	10-397-2400	3,063,114.00	
Utility Fund	Retained Earnings	60-397-6000		577,148.00
Utility Fund	Transfer In – ARPA	60-397-2400	577,148.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2031
AMENDING THE FACILITY MODERNIZATION PROJECT FUND BUDGET**

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of addressing immediate needs and improvements of Town owned buildings.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amounts are appropriated for the project:

Construction – Building Repair & Renovation -General Fund	<u>\$ 68,500.00</u>
Total Additional Project Appropriation	<u>\$ 68,500.00</u>

Section 4: The following additional revenues are anticipated to be available for this project:

Transfer In – General Fund	<u>\$ 68,500.00</u>
Total Additional Project Revenues	<u>\$ 68,500.00</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective October 11, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE #2032
AMENDING THE RECREATION IMPROVEMENT PROJECT FUND BUDGET

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of various recreation & park improvements.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Construction	<u>\$ 228,300.00</u>
Total Additional Project Appropriation	<u>\$ 228,300.00</u>

Section 4: The following additional revenue is anticipated to be available for this project:

Transfer In General Fund	<u>\$ 228,300.00</u>
Total Additional Project Revenues	<u>\$ 228,300.00</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective October 11, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2033
AMENDING THE SIDEWALKS PHASE II PROJECT FUND BUDGET**

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of constructing, repairing and modifying existing sidewalks in the Town.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amounts are appropriated for the project:

Construction	<u>\$ 110,000.00</u>
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Total Additional Project Appropriation	<u>\$ 110,000.00</u>
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Section 4: The following additional revenues are anticipated to be available for this project:

Transfer In – General Fund	<u>\$ 110,000.00</u>
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Total Additional Project Revenues	<u>\$ 110,000.00</u>
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Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective October 11, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2034
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
Capital – Bldgs., Structures & Imp**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 11th day of October, 2022 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Buildings and Grounds	Capital- Bldgs, Structures & Imp	10-640-7405	\$77,713.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$77,713.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2035
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
Administration**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 11th day of October, 2022 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Administration	Salaries & Wages	10-410-0200	81,750.00	
Administration	FICA & Medicare Expenses	10-410-0500	6,250.00	
Administration	Travel & Training	10-410-1400	8,275.00	
Administration	Dues & Subscriptions	10-410-5300	725.00	
General Fund	Fund Balance	10-397-1000	72,000.00	
	Appropriation			
Administration	Professional Services	10-410-4600		25,000.00

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2036
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
CP Sidewalks Phase II**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 11th day of October, 2022 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer to – CP Sidewalks Phase II	10-670-5700	\$110,000.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$110,000.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2037
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
CP Recreation Improvements**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 11th day of October, 2022 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer to – CP Recreation Improvements	10-670-5800	\$228,300.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$228,300.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2038
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
CP Facility Modernization**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 11th day of October, 2022 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer to – CP Facility Modernization	10-670-5200	\$68,500.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$68,500.00	

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 11, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



**FEBRUARY 28, 2022 TOWN COUNCIL CLOSED SESSION
IN ACCORDANCE WITH NCGS § 143-318.11(a)(6)**

MINUTES & GENERAL ACCOUNT

Upon motion by Councilman Pate, seconded by Councilmember Murphy and carried unanimously 5-0, Council retired from the work session to a closed session at 5:41 pm.

The full Council participated in the closed session (Mayor Haney, Mayor Pro-Tem Paul Murphy, and Councilmembers Clement, Pate, and Petersen), along with Town Manager Reagan Parsons, Assistant Town Manager Jessica Roth, and Town Attorney Doug Gill.

Town Manager Parsons updated Council that an offer had been made and accepted by a candidate for Principal Planner and was optimistic that offers may be made soon for the Planning & Community Development Specialist. He also shared that the police department is currently fully staffed with officers, between officers who have recently been sworn in or who are in the process.

Parsons shared that he is advancing the addition of a second Assistant Town Manager, with the intention of selecting Fire Chief Mike Cameron, and will soon present a proposed organization chart reflecting this change. There was general consensus of support from Council for this change.

Parsons shared that he anticipates the need for a sizable salary/COLA adjustment in the FY 22-23 budget, with the current local government market in North Carolina indicating increases around 5%. Fuquay Varina, who competes with Southern Pines, has recently increased starting pay for police officers to \$52,000. There was general consensus of support from Council to address an increase and the actual amount will be reviewed during the budget preparation.

Parsons shared that Town Attorney Gill has announced his intent to retire. While his retirement date is not imminent, he has requested that the Town begin the recruitment process. Parsons reminded the Council that this is a position that Council hires and he is seeking feedback on how they'd like to advance this recruitment.

There was general discussion with Gill about the key functions he performs and what type of qualifications the Town should seek in his replacement. Gill suggested that some experience in trial and appellate work would be beneficial as well as knowledge of local government.

Parsons confirmed that it is key that the attorney be accessible to both staff and Council and have some knowledge of local government, with the opportunity to gain more knowledge through CLE courses on municipal law. Parsons suggested that the Town continue to keep the attorney on retainer so that staff would not feel discouraged to contact him/her and suggested that Council consider an increase in legal fees in the FY 22-23 budget. Gill also confirmed that an increased retainer would almost surely be necessary.

There was some discussion over next steps and good leads for recruiting. There was consensus that faculty/staff from the School of Government or NCLM who are considering retirement would be good candidates; Gill was directed to reach out to potential candidates at both organizations. There was also discussion regarding a local attorney who may be another viable candidate; Pate was directed to reach out to

this person. Gill requested that Council and staff not publicize the news of his pending retirement or launch a widespread, public recruitment effort.

No action was taken during the closed session. Councilmember Pate motioned to exit closed session, which was seconded by Councilmember Clement. The vote was unanimous, 5-0, and Council exited closed session at 6:13 pm.

Respectfully Submitted,

Elizabeth Robertson, Town Clerk



**JUNE 27, 2022 TOWN COUNCIL CLOSED SESSION
IN ACCORDANCE WITH NCGS § 143-318.11(a)(6)**

MINUTES & GENERAL ACCOUNT

Upon motion by Mayor Pro-Tem Murphy, seconded by Councilmember Pate and carried unanimously 5-0, Council retired from the work session to a closed session at 4:34 pm.

The full Council participated in the closed session (Mayor Haney, Mayor Pro-Tem Paul Murphy, and Councilmembers Clement, Pate, and Petersen), along with Town Manager Reagan Parsons, Assistant Town Manager Jessica Roth, and Town Attorney Doug Gill.

Town Attorney Gill announced his intent to retire in a previous closed session on February 28, 2022. During that closed session, Council had asked Mr. Gill and Councilmember Pate to contact some potential candidates about their interest in being considered for the appointment.

Councilmember Pate shared that he had contacted a local attorney identified by Council in the February closed session. After giving some thought to the position, this candidate recently informed Councilmember Pate that he has declined to be considered further.

Mr. Gill shared that he had a conversation with Mac McCarley, who had previously served as an attorney for the City of Charlotte. He is currently working for the firm Parker Poe, with the intention of retiring in the fall. Mr. McCarley had informed Mr. Gill that he would be interested in talking with the Council about the position.

There was consensus from Council that they were interested in scheduling an interview with Mr. McCarley. Councilmember Pate agreed to contact him to discuss his current role with Parker Poe as it would relate to serving Southern Pines and to see if he would be available to meet with Council in a closed session after an upcoming meeting.

No action was taken during the closed session. Councilmember Petersen motioned to exit closed session, which was seconded by Councilmember Pate. The vote was unanimous, 5-0, and Council exited closed session at 4:55 pm.

Respectfully Submitted,

Elizabeth Robertson, Town Clerk



**AUGUST 3, 2022 TOWN COUNCIL CLOSED SESSION
IN ACCORDANCE WITH NCGS § 143-318.11(a)(6)**

MINUTES & GENERAL ACCOUNT

Upon motion by Councilmember Pate, seconded by Mayor Pro-Tem Murphy and carried unanimously 5-0, Council to a closed session following the conclusion of its work session.

The full Council participated in the closed session (Mayor Haney, Mayor Pro-Tem Paul Murphy, and Councilmembers Clement, Pate, and Petersen).

The Council interviewed Mac McCarley, an attorney and candidate for consideration as the Town's next Attorney. There was general discussion between the Council and Mr. McCarley that resulted in a mutual interest to advance Mr. McCarley's appointment.

No action was taken during the closed session. Councilmember Pate motioned to exit closed session, which was seconded by Mayor Pro-Tem Murphy. The vote was unanimous, 5-0, and Council exited closed session at 9:46 pm.

Respectfully Submitted,

Elizabeth Robertson, Town Clerk