



## **MINUTES**

**Tuesday, November 15, 2022: 6:00 PM**

**Town Council Business Meeting**

**Douglass Community Center: 1185 W. Pennsylvania Ave**

### **1. CALL TO ORDER**

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

### **2. PLEDGE OF ALLEGIANCE**

### **3. TOWN MANAGER'S COMMENTS**

Town Manager Reagan Parsons reviewed the agenda.

### **4. PRESENTATIONS**

#### **a. Sprucing Up Southern Pines Annual Awards**

Members of the Appearance Commission will attend to present the annual awards to property owners.

Mayor Haney and Appearance Commission Chairman Terry Lanahan presented the Sprucing Up Southern Pines Awards to this year's winners.

- Red's Corner 901 SW Broad Street - Rachel Jurgens
- 135 Hedgelawn - Nancy Greenfield
- 350 E Illinois Avenue - Cassandra Poling

### **5. PUBLIC COMMENTS**

Dorothy Brower of 102 E. Monroe, Southern Pines spoke about E.S. Douglass, former Town of Southern Pines Mayor, and the placing of his name onto Douglass Community Center and asks the Council to keep in mind the impact their work has on the community.

Ms. Browers also commends the town staff on their work in putting up the holiday wreaths and for listening and replacing the bows when asked.

Scott Weaver of 776, 780 and 793 S. Ridge Street asked the Council for a speed limit reduction

on the 600 & 700 blocks of S. Ridge and a golf course directional sign on E. Morganton Road before S. Ridge Street in an effort to reduce the traffic on S. Ridge Street.

## **6. PUBLIC HEARINGS**

### **a. Order #2022-03 Zoning Exemption ZE-02-22: Public art at 1012 N. May St.**

Mr. Chris Dunn, Executive Director of the Arts Council of Moore County (ACMC), is requesting an exemption from the Town of Southern Pines Sign Code pursuant to §2.11 of the Southern Pines Unified Development Ordinance (UDO) to allow a mural that is currently located on the southeast wall of the building located at 1012 N. May Street to remain on the building as part of the ACMC's public art program.

Councilmember Pate moved to open the hearing for ZE-02-22: Request for Zoning Exemption for Public Art at 1012 N. May Street, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

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

Chris Dunn, Director of the Arts Council of Moore County, thanked the Council for their past support. On behalf of the Southern Pines Mural Committee, Mr. Dunn proceeded to give details about the mural "*Ode to the Pines*" which was created by the Pinecrest High School Art Club and is located at and funded by the Moore Equine. Mr. Dunn respectfully asks for a sign code exemption for the mural as it is already installed at 1012 N. May Street pursuant to Section 2.11 and Section 4.6.15 in the Southern Pines UDO.

No Public Comments were voiced.

Councilmember Pate moved to close the hearing for ZE-02-22: Request for Zoning Exemption for Public Art at 1012 N. May Street, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Pate moved to approve by written order the requested zoning exemption from UDO §4.6 for the mural as presented in the letter from Mr. Chris Dunn of the Arts Council of Moore County, dated September 22, 2022. The proposed mural may be incorporated into 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-02-22 and attachments. 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 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. Seconded by Councilmember Clement, the vote was unanimous.

Motion passed.

**b. OA-03-22: Text Amendments to Unified Development Ordinance**

The proposed amendments will return UDO §4.2.1(B), (F) and (G) to the text as it was adopted on October 8, 2013 restricting buildings in CB-Central Business, GB-General Business and PD-Planned Development districts to a maximum of three stories with the ceiling of the top story not to exceed 38' in height and restricting buildings in I districts to a maximum of four stories. The proposed amendments will also amend UDO §4.14.3(A)(3) to exempt single-family residential lots that are developed in accordance with the WPO-Watershed Protection Overlay from also meeting pre-development/post-development stormwater management requirements.

Councilmember Petersen moved to open the hearing for OA-03-22: Text Amendments to Unified Development Ordinance, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion Passed

Planning Director Grieve presented the request for an amendment to Southern Pines UDO Section 4.2.1B, 4.2.1F, 4.2.1G, 4.14.3A and 4.14.3A3 to the Council.

Discussion ensued.

No public comments were voiced.

Councilmember Petersen moved to close the hearing for OA-03-22: Text Amendments to Unified Development Ordinance, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Pate moved that after considering the criteria for text amendments found in UDO §2.17.10, the first of which is consistency with the Comprehensive Long-Range Plan, the Town Council finds that the proposed text amendments are consistent with the C.L.R.P. and are a reasonable way to implement the C.L.R.P. for the reason set forth for the planning board's recommendation and therefore the Town Council adopts the Planning Boards resolution that is included as an attachment to the Staff Report OA-3-22, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

Councilmember Pate moved to approve OA-3-22 as attached to the Staff Report, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

**c. PD-11-22: Knollwood Tract Phase 2 MFR PDP**

An application by Hawthorne Residential Partners for a Preliminary Development Plan (PDP) to develop 236 multi-family residential units on approximately 19.57 acres of land located on the north side of US Highway 1 near the intersection with Air Tool Drive. This is the second phase of development of the Knollwood Tract Conceptual Development Plan that was approved in 2017.

Councilmember Pate has been recused from the hearing and requested to be excused from the meeting at this time. With a unanimous vote, Councilmember Pate exited the meeting.

Mayor Haney advised that this was a quasi-judicial hearing and swore in pending witnesses for the hearing. She asked Councilmembers to disclose the following relative to the application and property: any specialized knowledge; a fixed opinion not subject to change; close relation to the applicant or property owner; and/or a financial interest in the outcome.

Principal Planner Graham requested that the Staff Report be entered into record as Exhibit #1, the Staff Powerpoint as Exhibit #2 and a letter from Mr. Miller entered as Exhibit #3.

Principal Planner Graham presented all 3 exhibits to the Council.

Mr. Neil Gosch, attorney for Hawthorne Residential Partners, presented the development to the Council and asked that the presentation be entered into record as Exhibit #4.

Mr. Gosh presented the applicant's expert witnesses, which were all accepted by the Council.

Bob Koontz of KoontzJones Design provided his qualifications for the Council and gave a detailed overview of the project.

Tim Shaw of Hagan Engineering provided his qualifications for the Council and reviewed the details around the sewer and stormwater systems of the proposed project and also design details of Spine Road.

Travel Fluitt of Kinely Horne briefly reviewed his qualifications as a traffic engineer and provided the Council with details concerning transportation improvements and traffic data surrounding the site.

Questions were raised about the road being 2 or 4 lanes and also about the plans for the bridge.

Councilmember Petersen questioned Mr. Fluitt regarding his testimony regarding curb and gutter on 1 side or 1 of Spine Road - 2 sides are planned.

Councilmember Petersen questioned Mr. Fluitt regarding his testimony regarding his assertions of what NCDOT said when in contact with him and not having written proof to confirm NCDOT's statements.

Mr. Bill Brian, attorney for Hawthorn Residential Partners, addressed the Council stating that an expert witness can rely on hearsay when forming his own opinion under The Rules of Evidence. Under this type of hearing, Mr. Brian asserts that the question is whether Mr. Fluitt, as an expert witness, has formed an opinion on whether the project meets the requirements of the ordinance. Mr. Fluitt referenced his discussion with NCDOT as a basis for his opinion and it does not apply as hearsay.

Councilmember Petersen feels that Mr. Fluitt did not word his testimony in such a way that it's clear the NCDOT interaction was used to base his opinion on and that, as Mr. Fluitt worded his testimony, the statement referencing NCDOT should be considered hearsay.

Mr. Fluitt and Mr. Gosch testified that, in his opinion, the intersection of the project and US 1 would operate safely.

Doctor JH Carter, zoologist, reviewed his education and experience for the Council and then testified in regards to red-cockaded woodpeckers. Dr. Carter stated that at this time there were no red-cockaded woodpecker cavity trees located within the project area.

Councilmember Petersen questioned the dates of the survey and whether Dr. Carter has walked the property personally. Dr. Carter stated that the survey is good until the summer of 2023 and while he did not personally walk the property, his staff, fully trained, did.

Councilmember Clement questioned the presence of mature trees and the Department of Fish and Wildlife opinion. Dr. Carter feels that the Dept. of Fish and Wildlife's response will satisfy RULAC concerns.

Councilmember Clement questioned the stormwater runoff issue brought up by RULAC. Mr. Shaw testified they are able to treat the runoff and feels that they will be able to address and mitigate any water quality requirements from RULAC.

Upon the request of the Planning Director and at the recommendation from the Town Attorney, it is requested that Staff Recommendation #1 from the draft Staff Report be removed.

With the Council and applicant's agreement, the staff recommendation is so removed.

James Michel is confident that the applicant will be able to meet the water standards. Mr. Shaw concurs

Mayor Pro Tem Murphy moved to close the hearing for PD-11-22: Knollwood Tract Phase 2 MFR PDP, seconded by Councilmember Clement; the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - recused

Councilmember Clement - aye

Councilmember Petersen - aye

Motion passed.

Mayor Pro Tem Murphy moved to adopt Attachment A of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-11-22, seconded by Councilmember Clement; the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - recused

Councilmember Clement - aye

Councilmember Petersen - aye

Motion passed.

Councilmember Petersen moved to approve PD-11-22 with the following additional conditions: staff recommendations 2, 3, and 4 of the staff report; seconded by Mayor Pro Tem Murphy; the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - recused

Councilmember Clement - aye

Councilmember Petersen - aye

Motion passed.

## 7. ACTION ITEMS

### **a. AR-21-22 LKC Building - 390 W. Pennsylvania Ave.**

Pinnacle Development Design Build, LLC, is requesting an Architectural Compliance Permit for significant exterior renovations and an addition to the existing commercial building located at 390 W. Pennsylvania Ave. The building is being renovated for use by LKC Engineering.

Principal Planner Pam Graham advised the Council that no changes had been made to the request since the presentation at the November Agenda meeting.

Councilmember Pate moved to approve AR-21-22 LKC Building, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

### **b. AR-22-22: Morganton Park North Apartments**

Mr. Daniel Jellicorse with DHIC, LLC, on behalf PACN Realty, LLC and Morganton Park Realty Site 2, LLC (legal property owners), is requesting approval of an Architectural Compliance Permit for "Morganton Park North Apartments," a 300-unit apartment home community constituting the initial construction phase of the Preliminary Development Plan for Morganton Park North Phase 9. The development is located on the northwest corner of the intersection of Brucewood Road and West Morganton Road.

Principal Planner Graham presented the request to the Council.

Discussion ensued.

Mr. Daniel Jellicorse of DHIC, LLC. on behalf of PACN Realty, LLC and Morganton Park Realty Site 2, LLC, was present to answer any questions.

Councilmember Pate moved to approve AR-21-22 LKC Building 390 W. Pennsylvania Ave. with the conditions provided at tonight's meeting by Planner Graham, seconded by Mayor Pro Tem Murphy; the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - aye

Councilmember Clement - aye

Councilmember Petersen - nay

Motion passed.

### **c. Ordinance #2034 Amending the FY 22-23 Budget for the W. New Hampshire Tree Replacement Project**

The Appearance Commission has identified hazardous trees that need to be removed along W. New Hampshire Ave. and the municipal parking lot between NW Broad St. and Bennett St. This ordinance appropriates \$62,713 from Fund Balance toward the removal and replacement of these trees and associated infrastructure work.

Town Manager Parsons introduced the item.

Mayor Haney appreciates the work the staff has done on this project.

Councilmember Pate moved to approve Ordinance #2034 Amending the FY22-23 Budget for the W. New Hampshire Tree Replacement Project in the amount of \$62,713, seconded by Mayor Pro Tem Murphy; the vote was unanimous.  
Motion passed.

**d. Ordinance #2041 Amending the FY 22-23 Budget for the E. New Hampshire Tree Replacement Right-of-Way Project**

This ordinance appropriates \$15,000 from Fund Balance to complete a project on E. New Hampshire Ave, including the installation of brick pavers in an unimproved area between the sidewalk and curb.

Town Manager Parsons gave a brief overview of the request.

Councilmember Clement questioned if cement instead of brick was a possibility. Town Manager Parsons advised that while not consistent with that downtown area, it was a possibility that it would have to be priced.

Councilmember Pate moved to approve Ordinance #2041 Amending the FY22-23 Budget in the amount of \$15,000, seconded by Mayor Pro Tem Murphy; the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate -aye

Councilmember Clement - nay

Councilmember Petersen - nay

Motion passed.

**8. CONSENT AGENDA**

Mayor Pro Tem Murphy moved to approve the Consent Agenda, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

**a. Approve Ordinances #2032 and 2037 Amending the FY 22-23 Budget for Recreation Improvement Projects**

The FY 22-23 budget will be amended to appropriate \$324,460 from Fund Balance to : 1) add lighting to Memorial Park Field B; 2) complete limited fencing replacement at Campbell House; 3) repair the roof of a storage shed roof at Pool Park; and 4) install concrete pavers on the pool deck at the swimming pool.

**b. Approve Resolution #1034 AX-05-22 Set December 13, 2022 Public Hearing for Annexation of .41 acres at 480 S. Pine St.**

Veronica Lofton requests voluntary annexation of .41 acres at 480 S. Pine St. Per the Moore County tax records, the subject property is identified as PIN 857216729769 (PARID 00033536).

**c. Approve Resolution #1036 AX-06-22 to Set December 13, 2022 Public Hearing for Annexation of .56 acres at 275, 285 and 295 Duncan Rd.**

Dewey Holderfield, on behalf of Moore HL Properties, Inc., requests voluntary annexation of 0.56 acres at 275, 285, and 295 Duncan Rd. Per the Moore County tax records, the subject properties are identified as PIN 858220804641 (PARID 00032386) and PIN 858220805642 (PARID 20020514). The request also includes annexation of the portion of Duncan Road that abuts the subject property as well as the intersection of Duncan Road and Petty Street.

**d. Approve Town Council Meeting Minutes for October 2022**

- October 5, 2022
- October 11, 2022
- October 24, 2022

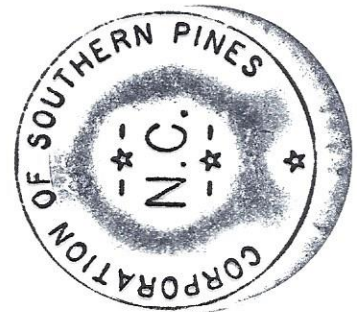
Staff has prepared the October meeting minutes for review.

**9. ADJOURNMENT**

Upon motion by Councilmember Petersen, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 9:01 pm.

Respectfully submitted:

  
Elizabeth Robertson, Town Clerk



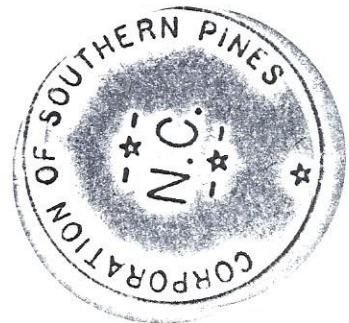
**TOWN OF SOUTHERN PINES ORDINANCE #2041  
AMENDING THE 2022/2023 FISCAL YEAR BUDGET  
Capital – Bldgs., Structures & Imp**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 15<sup>th</sup> day of November, 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 | \$15,000.00     |                 |
| General Fund          | Fund Balance Appropriations      | 10-397-1000 | \$15,000.00     |                 |

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of November 15, 2022 as shown in the minutes of the Town Council for that date.

  
Elizabeth Robertson, Town Clerk



**TOWN OF SOUTHERN PINES ORDINANCE #2040**  
**AMENDING THE UNIFIED DEVELOPMENT ORDINANCE**  
**OA-03-22**

**THAT WHEREAS**, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, during its regular meeting on November 15, 2022 at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and

**WHEREAS**, after the completion of said public hearing, and upon consideration of any comments, objections or presentations at the hearing, the Town Council of the Town of Southern Pines deems it advisable and in the best interest of the Town of Southern Pines that the Unified Development Ordinance of the Town of Southern Pines be amended as herein set forth below.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 15<sup>th</sup> day of November, 2022:

**Section 1.** That §4.2.1(B) of the Unified Development Ordinance be amended by deleting the language of that section in its entirety and inserting the following language:

*(B) The Height of a building is the vertical distance measured from the mean elevation of finished grade at the front of the building to the highest point of the building.*

**Section 2.** That §4.2.1(F) of the Unified Development Ordinance be amended by deleting the language of that section in its entirety and inserting the following language:

*(F) In the CB, GB and PD Districts, buildings are limited to a maximum of three (3) stories with the ceiling of the top story not to exceed thirty-eight (38) feet in height. Buildings must have pitched or mansard roofs, or provide a parapet along any side facing a street.*

**Section 3.** That §4.2.1(G) of the Unified Development Ordinance be amended by deleting the language of that section in its entirety and inserting the following language:

*(G) In the I districts, buildings are limited to a maximum of four (4) stories. Buildings must have pitched or mansard roofs, or provide a parapet along any side facing a street. Buildings that are taller than thirty-five (35) feet shall not be located within two-hundred (200) feet of a residential zoning district.*

**Section 4.** That §4.14.3(A)(3) of the Unified Development Ordinance be amended by adding the following subsection (a):

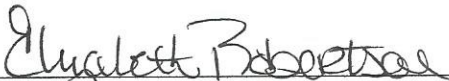
*(a) Exemption: Existing single family residential lots built in accordance with the Watershed Protection Overlay requirements.*

**Section 5.** That this Ordinance shall be and remain in full force and effect from the date of its adoption.

Adopted this 15<sup>th</sup> day of November, 2022.

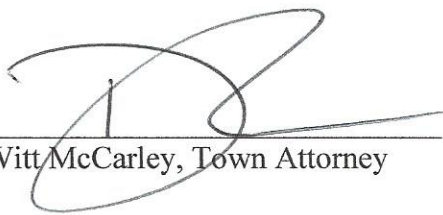
ATTEST:

TOWN OF SOUTHERN PINES

  
Elizabeth Robertson, Town Clerk

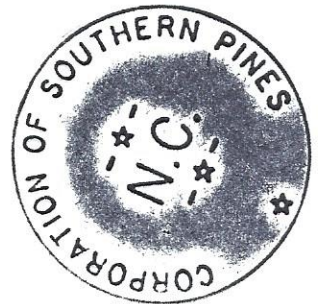
  
Carol R. Haney, Mayor

APPROVED AS TO FORM:

  
DeWitt McCarley, Town Attorney

I certify that this Ordinance (OA-03-22) was adopted by the Town Council of the Town of Southern Pines at its meeting on November 15, 2022 as shown in the Minutes of the Town Council meeting for that date.

  
Elizabeth Robertson, Town Clerk



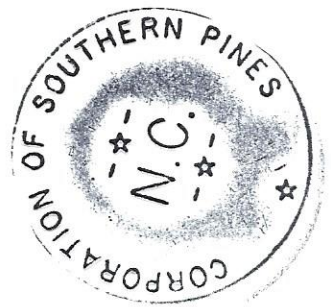
**TOWN OF SOUTHERN PINES ORDINANCE #2037  
AMENDING THE 2022/2023 FISCAL YEAR BUDGET  
CP Recreation Improvements**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 15th day of November, 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 | \$324,460.00    |                 |
| General Fund      | Fund Balance Appropriations              | 10-397-1000 | \$324,460.00    |                 |

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of November 15, 2022 as shown in the minutes of the Town Council for that date.

  
Elizabeth Robertson, Town Clerk

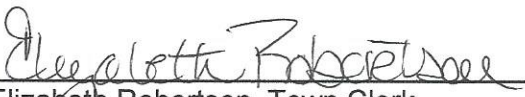


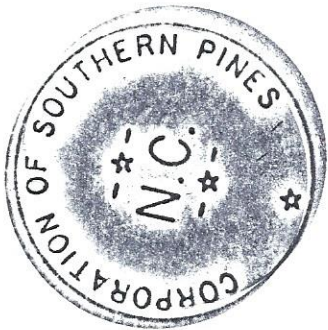
TOWN OF SOUTHERN PINES ORDINANCE #2034  
AMENDING THE 2022/2023 FISCAL YEAR BUDGET  
Capital – Bldgs., Structures & Imp

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 15<sup>th</sup> day of November, 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 | \$62,713.00     |                 |
| General Fund          | Fund Balance Appropriations      | 10-397-1000 | \$62,713.00     |                 |

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of November 15, 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>\$ 324,460.00</u> |
| Total Additional Project Appropriation | <u>\$ 324,460.00</u> |

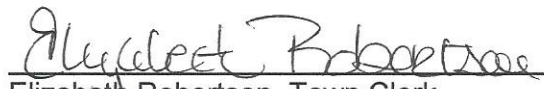
Section 4: The following additional revenue is anticipated to be available for this project:

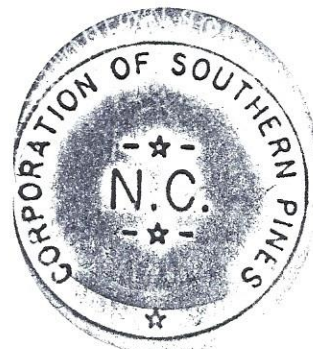
|                                   |                      |
|-----------------------------------|----------------------|
| Transfer In General Fund          | <u>\$ 324,460.00</u> |
| Total Additional Project Revenues | <u>\$ 324,460.00</u> |

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 November 15, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of November 15, 2022 as shown in the minutes of the Town Council for that date.

  
Elizabeth Robertson, Town Clerk



**TOWN OF SOUTHERN PINES ORDER 2022-03  
TO APPROVE A ZONING EXEMPTION (ZE-02-22)**

**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 all an existing 28’ wide by 7’ tall mural entitled “Ode to the Pines” by artists from the Pinecrest High School Art Club (Christine Wilson, art teacher) to remain on the side of an existing commercial building located at 1012 North May 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 November 15, 2022 at which time the Town Council listened to and considered the comments of those wishing to speak on the matter of the mural at 1012 North May Street.

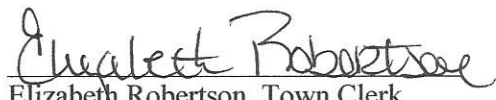
**NOW THEREFORE, BE IT RESOLVED** by the Town of Southern Pines Town Council at its regular business meeting held on November 15, 2022 that:

1. The proposed mural, as described in the zoning exemption request from Mr. Chris Dunn dated September 22, 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 so that the mural installed by Pinecrest High School Art Club located at 1012 North May Street may remain in place in the manner and to the extent described by Mr. Chris Dunn, Executive Director of the ACMC, in his later dated September 22, 2022 and as governed by the ACMC’s mural program guidelines.

Adopted this the 15<sup>th</sup> day of November, 2022.

ATTEST:

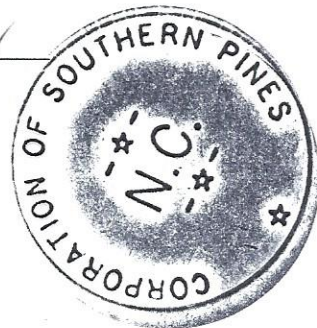
TOWN OF SOUTHERN PINES

  
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 November 15, 2022 as shown in the Minutes of the Town Council meeting for that date.

  
Elizabeth Robertson, Town Clerk