



MINUTES

Monday, November 28, 2022: 3:00 PM

Town Council Work Session

**C. Michael Haney Community Room: Southern Pines Police Department
450 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. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Consider Written Decision for PD-11-22: Knollwood Phase 2 PDP

Staff has prepared a formal Written Decision document for the application PD-11-22 Knollwood Phase 2 PDP (multi-family residential) that was approved by the Town Council at the November 15th, 2022 Regular Meeting.

Mayor Haney reminded the Council that Councilmember Pate has been recused from this decision.

Pam Graham introduced the item to the Council.

Councilmember Petersen asked that a sentence on page 8 of the Written Decision be removed due to the lack of Mr. Grosch's qualifications in making the statement regarding the presence of an endangered woodpecker.

Councilmember Petersen requested that for Finding of Fact #2 - Item #3 wording be added that this will be "done at the expense of the developer" for clarification.

Councilmember Clement pointed out several misspellings in the Staff Report that staff will review and correct.

Mayor Pro Tem Murphy motioned to approve the Written Decision for PD-11-22: Knollwood Phase 2 PDP with the requested amendments, seconded by Councilmember Petersen; the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - recused

Councilmember Clement - aye

Councilmember Petersen - aye
Motion passed.

4. COUNCIL UPDATES AND DISCUSSION

a. Town of Southern Pines Audit by Forvis, LLP

Staff will present the results of the audit conducted by Forvis, LLP.

John Frank of Forvis, LLP. and Tess Brubaker-Spies, Finance Director, presented the annual Town of Southern Pines Audit Report to the Council.

Mr. Frank informed the Council that the Town has been awarded the Certificate of Achievement for Excellence and Financial Reporting from G.F.O.A. (Government Finance Officers Association) for the 31st year in a row.

Mr. Frank noted one control comment related to an adjustment that the town identified related to items that had previously been capitalized but should have been expensed under the town's policy within the Water & Sewer fund. This had no impact on the town's budgetary results and the town identified and corrected the item in the current fiscal year.

Discussion ensued.

b. Consider Town Council Meeting Schedule for 2023

Staff will provide a draft meeting schedule for the Council's approval.

Mayor Haney opened the discussion on the proposed Town Council Meeting schedule for 2023.

Councilmember Pate cautioned that the proposed schedule has one of the November meetings falling on election day.

Councilmember Petersen broached the idea of combining the Work Session and Agenda meeting and then holding the two monthly scheduled meetings on the same day every other week.

Town Manager Parsons cautioned that many things could happen that affect an item if the time between meetings is lengthened to 10 - 14 days.

Councilmember Clement proposed keeping the 3 meetings but keeping them on the same day, such as all on Tuesday or Wednesday, and asked if staff could compose a draft calendar showing such.

Discussion ensued.

It was decided to move the November meeting to avoid Election day as necessary.

Town Attorney Mac McCarley was questioned as to his experience with other local government practices and he advised that in most cases the meetings, however they may be, were held on the same day of the week.

Mayor Pro Tem Murphy questioned the impact of changing the Council meeting schedule on the Planning Board hearings with their associated time deadlines.

Discussion ensued.

It was decided to review a draft schedule with all 3 Council meetings being held on Tuesdays the 1st, 2nd and 4th weeks of the month. Staff will prepare the draft for comparison and have it ready for the December Agenda meeting so that the Council can see the two schedules side by side.

c. Source Water Protection Plan

The Town is required to prepare a Source Water Protection Plan in accordance with 15A NCAC 18C .1305. Council must be advised of the creation and implementation plan prior to certification to NCDEQ.

Town Engineer James Michel advised the Council that staff had created and implemented a Source Water Protection Plan as required by NC State mandate. Should any member of the Council wish to view the documents, then Town Engineer Michel will arrange a time with you to review them as they are securely stored and password protected due to the sensitive nature of the information they contain.

d. Solid Waste Service Delivery

GFL has provided a proposal to continue providing solid waste collection services after the current contract expires on June 20, 2023. Staff seeks direction from Council to finalize the terms of the proposed contract, so it can be included on the December 13th business meeting agenda for consideration.

Town Manager Parsons reviewed the item and the options currently available to the Town Council, broaching the subject of hiring a consultant to study and advise the Council about the pros and cons of contracting the work out versus starting an in-house service.

Councilmember Clement presented some of the information she had gathered to the Council.

Discussion ensued.

Asst Public Works Director Cory Albers was present to answer questions and provide his opinion and experience on the different options.

Asst. Town Manager Jessica Roth was present to speak to the Council regarding the research she had done on the issues and answer any questions of the Council.

Discussion ensued.

Staff advise that they feel a consultant should be brought in to give a thorough evaluation of the pros, cons and costs of continuing to contract out waste services versus starting an in-house program.

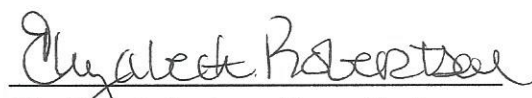
Discussion ensued.

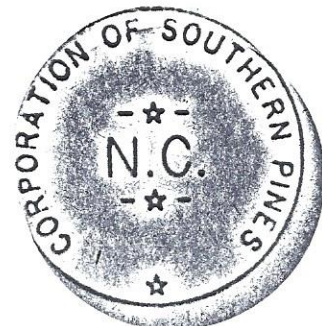
The Council agrees that hiring a consultant would be the advisable next step.

5. ADJOURNMENT

Upon motion by Councilmember Clement, seconded by Mayor Pro Tem Murphy and carried unanimously Council adjourned at 4:14 pm. the meeting adjourned at 4:14 pm

Respectfully submitted:


Elizabeth Robertson, Town Clerk



TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

November 15, 2022

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-11-22

A public hearing regarding a proposed Planned Development - Preliminary Development Plan for Knollwood Multi-Family, known as PD-11-22, was called to order with four (4) members present on November 15, 2022. Councilman Bill Pate was recused by the remaining members of Council from participation in the hearing. The Mayor administered the oath to all witnesses choosing to speak. Ms. Pamela Graham, Principal Planner, presented the staff report. Messrs. Nil Gosch with Morningstar Law Group, attorney for the applicant, Bob Koontz of KoontzJones Design, Travis Fluitt of Kimley Horn, Tim Shaw with Hagen Engineering, and Dr. J.H. Carter presented on behalf of the petitioner.

Matter at Issue:

PD-11-22: Written Decision of the Board for PD-11-22: Planned Development - Preliminary Development Plan for Knollwood Multi-Family.

Mr. Bob Koontz, on behalf of Hawthorne Residential Partners, has submitted a Planned Development District – Preliminary Development Plan (PDP) application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for Knollwood Multi-Family. The project constitutes a portion of the Knollwood Tract Conceptual Development Plan (CDP), and proposes 236 multi-family residential units on a +/- 19.57 acre site that constitutes portions of parcels identified as ParID 00039300701, 00037785, and 00031176. The subject parcels were zoned PD (Planned Development) in accordance with an approved Conceptual Development Plan (CDP) in 2012.

Ms. Pamela Graham, Principal Planner, entered the staff report into the record as Exhibit 1, staff's Powerpoint presentation as Exhibit 2, and a letter from Mr. Kelly Miller dated November 14, 2022 as Exhibit 3. She then provided an overview of the project and applicable criteria for review.

Mr. Nil Gosch, attorney for the applicant, addressed Town Council regarding the proposal, and introduced other parties as noted below. Mr. Gosch asked that all remaining application materials and materials referred to by his witnesses be entered into the record, which constituted the applicant's Powerpoint presentation as Exhibit 4, a letter from Dr. J.H. Carter III & Associates dated November 2, 2022 that provided updates the 2016 Red Cockaded Woodpecker Survey as Exhibit 5, an exhibit illustrating items covered by the J.H. Carter III & Associates letter as Exhibit 6, the Traffic Impact Analysis Addendum as Exhibit 7, and a version of the Overall Site Plan that depicts the proposed phasing of the spine road as Exhibit 8. Mr. Gosch addressed Town Council on three primary topics: the environmental concerns raised in the RLUAC letter, the proposed cross-section of the spine road, and the future bridge crossing. Mr. Gosch stated that they recognized that additional permitting will be required to develop the party, that the applicant has been working with the town engineer on the spine road cross-section, and that bridge connection is not related to the current project.

Mr. Bob Koontz, PLA of Koontz Jones Design was admitted as an expert in landscape architecture and project management, and he presented a Powerpoint slide deck regarding the proposal.

Mr. Tim Shaw and Mr. Bryce Morrison, with Hagen Engineering were admitted as experts in the field of civil engineering. Mr. Shaw testified regarding utilities for the project, including stormwater.

Mr. Travis Fluitt with Kimley Horn was admitted as an expert in the field of traffic engineering, who then addressed the Council regarding the traffic study for the proposal, including the sufficiency of a two-lane spine road for accommodating the current project being proposed.

Dr. J.H. Carter III was admitted as an expert in environmental consulting. Dr. Carter addressed the topics of red-cockaded woodpecker activity on and near the site as well as wildlife corridors.

After presenting details of the development, Mr. Gosch and Mr. Koontz offered to respond to questions from members of the Town Council. Questions were posed by members of Council to several of the expert witnesses as well as to staff.

No additional testimony was provided by the applicant or members of the public.

Town Council Action:

Having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing and discussing the application and information presented at the hearing, the Town Council made the following findings of fact on the application:

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.18.5(H) and as presented in Attachment A in staff report PD-11-22:

Finding of Fact #1: By a vote of 4-0 the Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 4-0 the Town Council finds that the application complies with Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;

The Town Council finds that the Preliminary Development Plan (PDP) for Knollwood Multi-Family implements the purposes of the Planned Development District because the proposed land use, as a component of a CDP that contains a broad mix of land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assemble uses that comply with the employment center Development Patterns in section 6.5 of the UDO. Furthermore, the design of the PDP is consistent with at least half of the fourteen stated intentions of the Planned Development District regulations as set forth in Chapter 3 of the UDO.

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

The Town Council finds that the PDP is consistent with the Knollwood Tract Conceptual Development Plan (CDP) with the exception of the deviations specifically requested by the applicant as part of the PDP application. Furthermore, deviations that vary from UDO standards are allowed, to provide for the application of unique conditions and standards during the process of rezoning to a Planned Development District, and that the Town Council deems the requested deviations to satisfy the following provisions for the PD District found in UDO §3.5.14(F)(3):

- Meets or exceeds the general intent of the UDO standards for the base district;
- Is appropriate given the specific mix of uses and character of the development; and
- Achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

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

Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed multi-phased, mixed-use development is proposed for an area that is designated as Traditional Mixed Use by the Comprehensive Long Range Plan's Future Land Use Map. Furthermore, the development may be served by existing public utilities or by utilities that will be improved by the developer and at the expense of the developer, and is located in an area of town with existing access to necessary infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes. Additionally, the risk of negative impacts to the environmentally sensitive lands within and adjacent to the

project site are being adequately mitigated through the development design.

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

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and any necessary extensions or improvements will be made by the developer. Furthermore, a portion of the property in which the development is proposed has been annexed by the Town and currently benefits from the public safety services available to properties within the Town's corporate boundary. The remaining portion is required to be annexed prior to site plan approval and will require only moderate extension of these services.

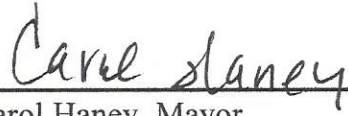
Decision of the Council:

By a vote of 4-0 the Town Council voted to approve the Preliminary Development Plan Application PD-11-22, with the following conditions:

1. The project shall mitigate impacts to the adjacent red-cockaded woodpecker foraging habitat as requested by RLUAC, by preserving as many mature pine trees and as much contiguous undisturbed forested land on the site as possible. The project shall also respond appropriately to any recommendations that may be included in the update to the JH Carter III & Associates Red-Cockaded Woodpecker Survey Report dated November 2, 2022.
2. Construction of the "spine road" that will allow access to the development shall not commence until the design has been approved by the Town Engineer.
3. The Town's long term plan for the sewer system is to eliminate as many lift stations as possible due to their increased maintenance cost and risk of failure. The sewer for this project should be designed such that a future extension could eliminate the ARO lift station located on the opposite side of US-1. In accordance with UDO §4.15.6. Utilities to Be Consistent with Internal and External Development, an extension of the onsite sewer shall be designed to the edge of the property and additional sewer easement provided for future construction. The sewer shall also be designed for a future extension to the southwestern portion of the CDP area.

This is the 28th day of November, 2022.

FOR THE TOWN COUNCIL:



Carol Haney, Mayor

cc: Nil Gosch, Morningstar Law Group
Philip Payonk, Hawthorne Residential Partners
Kelly Miller, Knollwood Partners, LLC; Kaveri Investment Management
Bob Koontz, KoontzJones Design

