



MINUTES

Tuesday, January 10, 2023: 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.

Mayor Haney reminded everyone of the Whitehall public meeting on Thursday at 6:00 pm.

Martin Luther King Jr. Remembrance Day - some events planned is a breakfast on Saturday at 10:00 am, an evening service on Sunday, and the regular walk downtown.

Mayor Haney asked the Council for support in adopting a resolution proclaiming the community as a welcoming and inclusive place to visit and live. Council voiced their support, 5-0.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. PUBLIC COMMENTS

Lynn Thompson of 957 San Davis Road commented on the budget amendments and voiced her request that the Town provide a tracking of the ARPA funds being spent.

Town Manager Parsons advised that no ARPA funds had been spent yet on projects and that tracking will be provided once the Town starts spending them.

5. CONSENT AGENDA

Councilmember Pate moved to approve the Consent Agenda, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

Mayor Haney welcomed Monica Harvey to the Planning Board.

a. Appoint Monica Harvey to Planning Board - ETJ Position

Town Council has received an application from Monica Harvey of 506 S. Glenwood Trail to be appointed to the Planning Board. Ms. Harvey is applying for one of two positions on the Planning Board that are specifically for residents of the town's Extra-Territorial Jurisdiction (ETJ). The appointment is for a three-year term. If appointed on January 10, 2023, Ms. Harvey's term would expire on January 9, 2026.

b. Confirm Council Assignments for 2023

Re-appointment of individual members to various positions and Boards.

- i. Mayor Pro-Tem: Councilmember Murphy**
- ii. Treasurer and (Vice-Treasurer): Councilmember Pate and (Councilmember Clement)**
- iii. Partners in Progress Delegate: Mayor Haney**
- iv. Triangle J Delegate and (Alternate): Mayor Haney and (Councilmember Pate)**

c. Approve Town Council Meeting Minutes for December 13, 2022

Staff has prepared meeting minutes for approval.

d. Budget Amendments

Staff requests approval on a number of budget amendments which are detailed in the attached memo.

- Ordinance #2042 - Amending the Sanitary Sewer Modernization Capital Project Fund
- Ordinance #2047 - Budget Ordinance for Municipal Service District Revenue Fund
- Ordinance #2048 - Amending the 2022/2023 Fiscal Year Budget - Move Leases
- Ordinance #2049 - Amending the 2022/2023 Fiscal Year Budget - Water Plant-Veolia
- Ordinance #2050 - Amending the 2022/2023 Fiscal Year Budget - ARPA monies to Enterprise Fund
- Ordinance #2051 - Amending the 2022/2023 Fiscal Year Budget - ARPA-Salaries

6. LEGISLATIVE PUBLIC HEARINGS

a. OA-04-22 Various Text Amendments to the Unified Development Ordinance

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments and is requesting Town Council review and approval per UDO §2.17. The proposed amendments cover 9 topics, and the specific text of each amendment is depicted in a markup copy of the UDO that may be reviewed on the Planning Department's website, linked here: <https://www.southernpines.net/840/Pending-Applications>

Planning Director BJ Grieve gave a detailed overview of the proposed changes to the UDO.

Discussion ensued.

Councilmember Pate moved to approve OA-04-22, seconded by Mayor Pro Tem Murphy, the vote was unanimous.

Motion passed.

Councilmember Pate exited the meeting.

7. EVIDENTIARY (QUASI-JUDICIAL) HEARINGS

a. SU-07-22: Southern Pines Country Club (hearing continued from 12/13/22 meeting)

This is a continuation of a public hearing that was opened at the December 13, 2022 Regular Meeting. On behalf of Mid-Pines Development Group, LLC, Mr. Bob Koontz with KoontzJones Design has submitted an application for a special use permit for the development of ten guest cottages on a portion of property that formerly served as the Southern Pines Elks Club Facilities, also known as the Southern Pines Country Club. The development proposal is for ten detached golf cottage temporary dwellings housing a total of fifty-six guest rooms with associated parking and amenities such as a putting green and practice tee. No subdivision of property is proposed for the

site, which constitutes a portion of the +/-292.11 total acreage of the property.
Continuation from December 13, 2023, Regular Business Meeting.

Mayor Haney swore in pending witnesses for the hearing.

Principal Planner Pam Graham advised the Council of several changes to the request. The applicant asked for 2 additional conditions to be added to the agreement. #6 that any fire pits or entertainment areas associated with the cottages be located on the golf course side of the cottages and #7; that individual rooms be limited to an occupancy of 2 adults.

Andy Petisch, of Andy Petisch Law, representing the homeowners Dennis and Lindsay Hunt of 775 S. Ridge, Michele Kiser of 770 S. Ridge Rd., Scott and Rene Weaver, who reside on S. Ridge and also own 2 rental properties, Ken and Holly McDonald of 749 S. Ridge, Bob Gallagher of 545 Highland Road and John and Debra Asset on 761 S. Ridge gave his opening statement.

Mr. Petisch called Mr. Dennis Hunt to testify and stated his name and address, described his home and neighborhood as a very quiet and small neighborhood. Mr. Hunt testified that he could hear maintenance of the golf course and golfers talking from inside his home. Mr. Hunt also testified that there is very little outside traffic and that the neighborhood has a number of walkers along the street. Mr. Petisch asked Mr. Hunt to point to his home on a map and Mr. Hunt pointed to the 2nd to last parcel on the left if traveling towards the end of S. Ridge Road.

Mr. Gosch, on cross examination, asked Mr. Hunt if he was aware of an active social club on the property when he moved in and Mr. Hunt answered yes. Mr. Gosch also questioned if Mr. Hunt knew about the other commercial properties located on the golf course with Mr. Hunt answering that he was aware of some of the businesses but not the restaurant. Mr. Hunt, when questioned regarding a privacy fence around his property, stated that he had recently built one due to golfers urinating in the back area of his property, in open view of his back seating area.

Councilmember Petersen questioned Mr. Hunt regarding:

- the pool and when it was open = during summer months
- what time the pool closes = around 7 pm
- number of homes on the street = around 15 homes
- how many are rentals = no rentals that he knows of aside from one gentleman who has just been deployed.
- was he aware of the restaurant = no, only the club
- majority of traffic = only traffic is golfers and pool users - very little after dark.
- how old is Mr. Hunt's home = approximately 1940
- how old are the other homes on the street = Mr. Hunt believes they were built around the 1940's also.
- are the other homes the same size, approximately 2000 sq. ft, as Mr. Hunts = some houses the same size. The houses are not cookie cutter homes and there are approximately 2 or 3 homes that are double the size of his home.

Councilmember Clement asked Mr. Hunt if he built the privacy fence due to golfers urinating on property with Mr. Hunt answering yes. Mr. Hunt observed the golfer himself, urinating in the morning when he was out drinking his coffee and, upset at the occurrence, wanted the fence as high as possible but it was restricted to 6 feet due to code. Mr. Hunt's house is sitting at a higher elevation and he can still see the parking lot and the drivers coming in and out.

Mr. Gosch, on cross examination, asked Mr. Hunt if he lives next to a rental property and Mr. Hunt answered yes.

Mr. Petisch called Mr. Scott Weaver of 776 S. Ridge Street, a 12-year resident, and currently owns 2 rental properties on S. Ridge Street: 780 S. Ridge, 793 S. Ridge and 776 S. Ridge Street. Mr. Weaver pointed out his residence, the 2nd to last parcel on the right when driving on S Ridge towards the end

of the street, and the rentals being the last 2 properties on S. Ridge Street which abut the subject applicant's property. Mr. Weaver testified that his rentals are long-term rentals and criminal background checks were completed on renters prior to renting. When Mr. Weaver was asked to describe the noise level and street scape on S. Ridge Street and indicated that it was a great old, narrow street with older homes and a lot of pine streets, quaint and quiet with a lot of outdoor activity and abundant wildlife. Mr. Weaver also testified that there are a lot of kids playing, people exercising, people walking dogs or roller skating without a lot of ambient noise other than dogs barking. Mr. Weaver testified to the size of the homes on the street, stating that he had looked them up on the website Zillow and Moore County and indicated that lost cars had to turn around in his driveway as S. Ridge is a dead end street. Mr. Weaver then described the area as beautiful; the view to the west is the golf course but all you can see is woods and you cannot see the golf course (high point elevation). Mr. Weaver observed the Elks Club as quiet with the gatherings not being too loud or lasting too late.

Mr. Gosch, on cross examination, asked Mr. Weaver to confirm that he had testified that he couldn't see the golf course from Ridge Street and Mr. Weaver answered yes.

Councilmember Petersen questioned Mr. Weaver:

- are you a member of the Elks Club = no
- have you played golf there = yes
- have you eaten there = Mr. Weaver stated that his wife would go there on Sunday mornings for breakfast when Sheldon Moody was there.
- was it open for dinner = unaware of it.
- how old are the houses you own? 1923, 2013, 2011
- what are the ages of other houses on the street per your Zillow check = only 3 newer houses on the ridge, the rest were in the 1940's
- were you ever aware of anything that made a lot of noise during the evening hours, including but not limited to the pool = no.

Mr. Petisch entered excerpts from the Town CLRP into evidence (Exhibit 7)

Mr. Brian voiced an objection to the consideration of the CLRP as it's not a criteria for the permit. Mr. Petisch answered that the applicant themselves, asked that judicial notice of the CLRP be taken and included in the case and it was granted. Mayor Haney agreed.

Mr. Petisch entered into evidence a printout of the Golf Club website (Exhibit 8) and a printed excerpt from the Town UDO and definitions from Webster's and [Dictionary.com](https://www.dictionary.com) (Exhibit 9).

Mr. Petisch addressed the Council speaking about the standards of review and the applicant's burden of making a prima facie case on all of the criteria set out in the UDO for a Special Use Permit to be granted, then the burden shifts to the opposition to provide competent substantial and material evidence contradictory to what has been submitted. UDO2.21.06 is where the criteria for granting a Special Use Permit is found and the applicant must meet all criteria.

Mr. Petisch questions whether the development design standards have been met per UDO 4.1.0 which requires evidence of the compatibility of the design of the buildings, since there are no drawings or elevations included with the application and should the Special Use Permit be granted, Mr. Petisch claims that the applicant would have to come back to the Council with an application for an Architectural Compliance Permit.

Mr. Petisch then addresses Subsection b "the proposed special use shall conform to the character of the neighborhood of which it is located and shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted." Mr. Petisch claims that this does not require the testimony of an expert on property values and spoke of the residents, Mr. Hillison, Ms. Coty, Mr. Weaver, Mr. McDonald and Mr. Hunt, who have testified to the damage that they feel this project will have to the existing neighborhood, which is quiet with a lot of outdoor activity. Ms. Coty has testified that the restaurant is not open for dinner though the applicants have submitted

evidence that the restaurant is open from 7 am - 7 pm and Mayor Pro Tem Murphy stated he had been to dinner at the restaurant.

Mr. Petisch noted that throughout the application that the applicant highlights the positive references towards golf and recreation within the CLRP and Mr. Petisch, with the use of Exhibit 7, has shown the references in the CLRP to compatibility with adjacent neighborhoods and the supposed intention within the CLRP to show the importance of balancing the development of commercial areas, the protection and enhancement of golf recreation with the existing communities and neighborhoods. Mr. Petisch ended his argument by reading aloud several sections from his submitted handouts (Exhibit 7, 8 and 9) and detailed how the applicant has failed to meet the requirements for a Special Use Permit and how the project will not conform and would, in fact, injure the existing community and neighborhood.

Mr. Gosch advised the Council of his intention to call a rebuttal witness. Mr. Petisch objected, stating that the applicant had closed their argument. The Mayor ruled that the applicants could continue with their rebuttal.

Mr. Gosch called Mr. Kelly Miller of 301 Grove Road, who is a managing member of MidPines Development Group, LLC that owns Southern Pines Golf Club, to testify to the Council regarding the existence of a restaurant on the property and Mr. Miller stated that there is a restaurant on the property that is open from 6:30 am to the last golfer, which time can vary depending on the season, and the restaurant predates his arrival in 1981. Mr. Gosh then questioned Mr. Miller regarding the Club's maintenance department's adherence to the Town's noise ordinances which Mr. Miller stated that the Club had instructed the maintenance team to adhere to the local ordinances and that he was unaware of any violations by Southern Pines. Mr. Petisch objected to Mr. Miller's knowledge of the noise ordinance. Councilmember Petersen asked Mr. Miller what the times are for the Town's noise ordinance and when Mr. Miller could not answer, then asked how he could comply with a noise ordinance if he didn't know what it was to which Mr. Miller stated that he would have been told if the Club had received any violations and to his knowledge they had not.

Councilmember Petersen then questioned Mr. Miller:

- have you spoken with anyone on the Council regarding this project = no.
- have you spoken with Mr. Parsons regarding this project = perhaps

Mr. Gosch called Mr. Koontz for rebuttal and Mr. Koontz spoke to the Council regarding the addition of the 2 new conditions that were added at the beginning of tonight's hearing - one for the location of the fire pits and the second limiting the individual room occupancy. Mr. Koontz then spoke to the Council regarding the character of the neighborhood and showed slides with depictions and elevations of the proposed buildings and spoke about the similarities. Mr. Koontz addressed the home sizes in the area and the sizes of their buildings in the proposed development. Mr. Koontz then showed pictures of the buffers, taken by them the previous week, and the level of coverage between the development and the neighboring homes.

Councilmember Clement asked why the service road was closed to emergency traffic only. Mr. Koontz stated that the applicant closed the road voluntarily and the UDO and Fire Marshall do require a second emergency access. Mr. Petisch stated that his clients feel the location of the secondary access will increase traffic no matter the intent.

Town Manager Parsons clarified that the driveways surrounding the building were for golf carts only and Mr. Koontz confirmed that it was for golf carts only but would be built to support emergency vehicles should they be needed.

Councilmember Clement asked about the type of barrier that would be put across the access and Mr. Koontz stated that a gate with a "knox box" that the Fire Marshall would have keys to open.

Mr. Koontz showed the Council how the spacing and design of the buildings was done to mirror the existing neighborhood in an effort to match or conform to existing style and character.

Mr. Gosch questioned Mr. Koontz on the square footage of the buildings and the reasoning behind

choosing the site for the project. Mr. Koontz advised the Council that the existing infrastructure was why this particular site was chosen and that was discussed with the Town planning staff. There are other locations on the property that had water lines already, but this was the only location with both water and sewer already existing.

Councilmember Petersen questioned Mr. Koontz regarding his assertion that the cottages reflected the residential area and Mr. Koontz clarified that the scale was reflected.

Mr. Petisch questioned Mr. Koontz, in his testimony that the project was more consistent with a 1 unit/acre ratio than the 1 unit per 5.9 acres ratio that Mr. Petisch has previously asserted and asked if any evidence in the CLRP would support Mr. Koontz's claim, Mr. Koontz was unable to provide anything. Mr. Petisch asked Mr. Koontz for clarification on some of the aerial photos provided in Mr. Koontz's presentation. (Exhibit 10)

Mr. Gosch recalled Mr. Frank Dean, a real estate appraiser, who presented a brief overview of home sales within a golf club showing value comparisons and surmised an overall positive result. Real Estate Handout (Exhibit 11) Mr. Petisch

Councilmember Clement pointed out that all the comparisons Mr. Dean presented is for housing that is within 315ft of the golf lodging. Will houses farther away be detrimentally affected and Mr. Dean's opinion is that they will not be detrimentally affected.

Councilmember Petersen confirmed that Mr. Dean did not provide any comparisons for properties outside of the golf communities nor did he provide any data for a community that existed before a golf resort was built within it.

Mayor Pro Tem Murphy questioned Mr. Dean: when if considering the former usage of the property, the fact that the former structure on the property has been demolished, and the proposed set back of the parking lot from the residential areas, could the cottages decrease in value and Mr. Dean responded that he did not feel the cottages would decrease in value.

Mr. Gosch questioned Mr. Dean for a summary of his prior analysis of the impact of the proposed project on the property values within the community and Mr. Dean responded that the impact was positive. Mr. Gosch confirmed that Mr. Dean is NAI certified, which is the highest one available for land appraisal, and asked what the appropriate method to demonstrate impact value would be and Mr. Dean responded that what he did was the appropriate method.

Mr. Petisch verified with Mr. Dean that his analysis of the impact in value on properties a mile away from the resort was not supported by any data, only by Mr. Dean's expert opinion. Mr. Petisch then gave Mr. Dean a printed page and asked for Mr. Dean to read the website printed on it out loud. Mr. Brian objected to the printed page as the information on it is hearsay without foundation. Mr. Petisch stated that the Council has the final say on the legitimacy of the item with Mr. Brian responded that hearsay is not admissible as evidence. Mayor Haney sustained the objection.

Councilmember Clement questioned Mr. Dean on analyzing the price of home sales prior to the existence of short-term rentals. Mr. Gosch presented his closing arguments.

Councilmember Clement questioned Mr. Weaver regarding a prior concern regarding traffic on S. Ridge Street. Town Attorney McCarley advised Councilmember Clement that any knowledge of this prior concern should not be used during this application because there is not anyone present who could authenticate the report given previously.

Mr. Brian renewed his objection and asked that all testimony and argument in this case be stricken from the record on the grounds that there is lack of standing shown, that no actual competent substantial material evidence has been shown that this project is going to have any negative impact on any properties in the area. Mr. Brian stated that actual evidence is required to be submitted, as Mr. Petisch knows, per the Cherry Case in Raleigh, that Mr. Petisch was on.

Mr. Petisch responded to Mr. Brian's claim by stating that he did not knowingly state anything to the Council that he knows to be untrue and has provided and/or will provide evidence to support his assertions on standing to the Council.

Mr. Petisch clarified his assertions that by expanding the area, it will maintain that the noise from such maintenance will increase and will be heard by the neighbors and that since it is exempted by the Town noise ordinance, it has the potential to be even louder.

Mr. Petisch clarified that the elevations given are not binding as they would be under development standards and not a condition of the application.

Mr. Petisch addressed his questions to Mr. Koontz regarding the aerial photos Mr. Koontz provided and does not believe that they prove that the current buffer is sufficient to screen the proposed cottages from the neighborhood.

Mayor Haney closed the hearing,

Councilmember Clement moved to approve Finding of Fact #1: the Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully 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 Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation. Councilmember Petersen seconded the motion and the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem - aye

Councilmember Pate - recused

Councilmember Clement - aye

Councilmember Petersen - aye

Motion passed.

Upon discussion of Finding of Fact #2 Councilmember Clement requested additional time to review the Town's UDO and the evidence given before making a decision.

Discussion ensued.

Upon motion by Councilmember Petersen, seconded by Mayor Pro Tem Murphy, the Council will continue the quasi-judicial hearing for SU-07-22: Southern Pines Country Club, to the next Town Council Business meeting on February 14, 2023. The vote was as follows:

Mayor Haney - aye

Mayor Pro Tem - aye

Councilmember Pate - recused

Councilmember Clement - aye

Councilmember Petersen - aye

Motion passed.

b. PD-12-22 Caropines Phases 3B & 4

Mr. Bob Koontz has submitted an application on behalf of Caropines Ventures, LLC and 71st Partners, LLC for a Planned Development - Preliminary Development Plan and Major Subdivision Preliminary Plat to create 75 lots in two additional phases of the Caropines development located off Airport Road across from the Moore County Airport. The proposed 75 units consist of 12 detached single-family lots with 8,000 square-foot minimum lot sizes and 11 smaller "cottage lots" with 5,000 square-foot minimum lot sizes in Phase 3B, and 52 attached single-family (townhome) lots with 2,000 square-foot per unit minimum lot sizes in Phase 4.

Mayor Haney 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.

Attorney for the applicant: John Scarborough with Scarborough, Scarborough, Scarborough and Shaw.

Planning Director Grieve presented the Staff Report (Exhibit A) and PowerPoint presentation (Exhibit B) providing the Council with a detailed overview of the proposed project and its history.

Discussion ensued regarding the paving of the Road of the Carolinas. A condition has been included in Finding of Fact #2 by staff that states: *The first phase developed pursuant to this PDP approval, either Phase 3b or Phase 4, shall include engineering plans for paving and completion of the entirety of the Avenue of the Carolinas and that no final plat be approved for Phase 3b or Phase 4 until the entirety of the Avenue of the Carolinas is paved and completed and approved by the Town Engineer. Paving and completion of the entirety of the Avenue of the Carolinas shall not be allowed to be further delayed per a subdivision performance guarantee because it was already required to be completed in March of 2022 per the black and white triangular Section 10 of the CDP.* Staff have discussed this condition with the applicant and agreed to.

Mayor Haney opened the hearing.

Mr. Scarborough gave his opening statement.

Mr. Paul Saathoff, representing the developer Caropines Ventures, LLC., shared a PowerPoint presentation (Exhibit C) with the Council providing additional details of the proposed project.

Public Comment Linda Holmes of 695 Avenue of the Carolinas, shared her concerns regarding the property and its development timeline.

Councilmember Clement asked Mr. Saathoff if there had been any type of neighborhood meeting on the project and was told that there was one during the CDP process but not as part of this, PDP, process.

Mr. Perry Shelley, developer, provided additional background and details of the project to the Council.

Councilmember Clement moved to Adopt Attachment A of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-12-22, 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.

Councilmember Clement moved to approve the Preliminary Plan for PD-12-22 with the following conditions of approval as written in the staff report and presented to Council, 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.

Councilmember Clement moved to Adopt Attachment B of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat, 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.

Councilmember Clement moved to approve the Preliminary Plat for PD-12-22, 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.

c. SU-06-22: MidSouth Modifications

On behalf of Plantation Investors, LLC, Mr. Jeremy Sparrow with Koontz Jones Design has submitted an application for a special use permit and a major subdivision preliminary plat for various modifications to the MidSouth development. Modifications include adding two residential lots near the north entrance, subdividing off the property on which the north gatehouse is located, and amending the boundary of the 1988 MidSouth Master Plan to remove 9.26 acres between Knoll Road and Midland Road. The subject property is identified as PIN: 857200264820 (PARID: 00041026701).

Councilmember Petersen moved to continue the quasi-judicial hearing for SU-06-22: MidSouth Modifications to the next Town Council Business Meeting on February 14, 2023, 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 passes.

8. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 11:03 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk



TOWN OF SOUTHERN PINES ORDINANCE #2042
AMENDING THE SANITARY SEWER MODERNIZATION CAPITAL PROJECT FUND

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 to establish a fund for the purpose to identify, investigate, rehabilitate and/or replace the Town's sewer infrastructure.

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:

Sewer Rehabilitation Grant Expense	<u>\$ 4,999,950</u>
Total Additional Project Appropriation	<u>\$ 4,999,950</u>

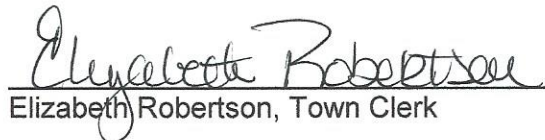
Section 4: The following additional revenue is anticipated to be available for this project:

Grant Proceeds	<u>\$ 4,999,950</u>
Total Additional Project Revenues	<u>\$ 4,999,950</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 January 10, 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk



TOWN OF SOUTHERN PINES ORDINANCE # 2047
MUNICIPAL SERVICE DISTRICT SPECIAL REVENUE FUND

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 ordinance is hereby established:

Section 1: The project authorized is the Municipal Service District #1, described in Ordinance #1993, dated the 12th of April, 2022 and approved at two meetings, May 10th, 2022 and June 14th, 2022.

Section 2: The officers of this unit are hereby directed to proceed with the project within the terms of the ordinance documents, the rules and regulations of the appropriate state laws and the budget contained herein.

Section 3: The following additional revenue is anticipated to be available for the project:

Ad Valorem Tax Revenue	<u>\$49</u>
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Total Project Revenues:	<u>\$49</u>
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Section 4: The following additional amount is appropriated for the project:

Parkway Expenses	<u>\$49</u>
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Total Project Costs:	<u>\$49</u>
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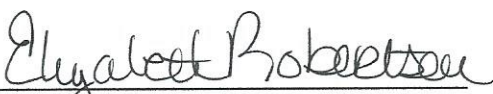
Section 5: The Finance Officer will hereby maintain a separate special revenue fund for the Municipal Service District project. The Finance Officer is hereby directed to maintain within the Special Revenue Fund sufficient specific detailed accounting records to provide accounting to the agency required by the agreement and federal and state regulations.

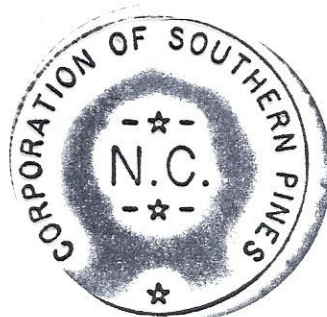
Section 6: Copies of the special revenue project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Section 7: The Finance Officer is directed to report annually on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 8: The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk



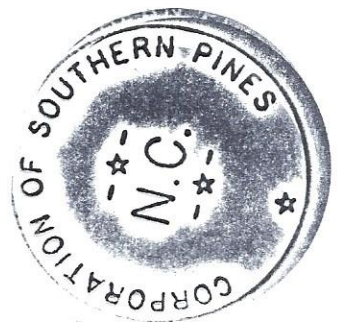
**TOWN OF SOUTHERN PINES ORDINANCE #2048
AMENDING THE 2022/2023 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 10th day of January, 2023 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>
IT	Telephone	10-430-1300		4,800.00
Recreation	Leased Equipment	10-620-2200		7,017.00
Recreation	Leased Equipment – Interest	10-620-2250		983.00
General Fund	Lease Financing	10-692-1000	11,809.00	
General Fund	Debt Interest	10-691-7200	991.00	
General Fund	Rents	10-331-0000		354,013.00
Recreation	Reservoir Park Revenue	10-366-0400		6,662.00
General Fund	Lease Revenue	10-331-0200	360,675.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk



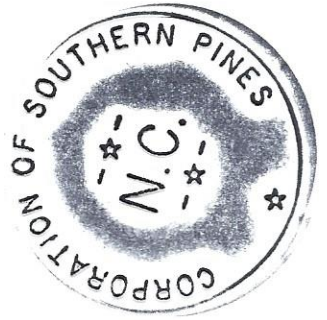
**TOWN OF SOUTHERN PINES ORDINANCE #2049
AMENDING THE 2022/2023 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 10th day of January, 2023 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>
Water Plant	Equipment Maintenance	60-710-1600	\$ 114,218.00	
Utility Fund	Retained Earnings Appropriations	60-397-6000	\$ 114,218.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk

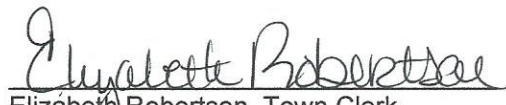


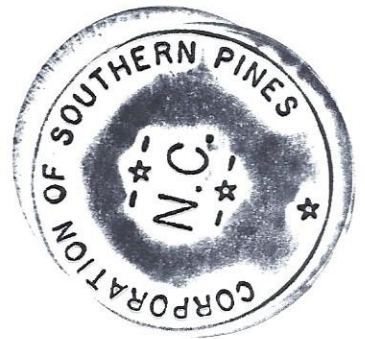
**TOWN OF SOUTHERN PINES ORDINANCE #2050
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
ARPA**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 10th day of January, 2023 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		859,096
General Fund	Transfer In – ARPA	10-397-2400	859,096	
Utility Fund	Retained Earnings	60-397-6000		171,790
Utility Fund	Transfer In – ARPA	60-397-2400	171,790	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk



**TOWN OF SOUTHERN PINES ORDINANCE #2051
AMENDING THE AMERICA RESCUE PLAN ACT (ARPA)
GRANT SPECIAL REVENUE FUND**

BE IT ORDAINED by the town council of the Town of Southern Pines, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

Section 1: This ordinance is to amend the budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Southern Pines has received a total of \$4,671,148 of CSLFRF funds. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

Section 3: The following amounts are appropriate for the project and authorized for expenditure:

Internal Project Code	Project Description	Expenditure Category (EC)	Cost Object	Appropriation of ARP/CSLFRF Funds
001	General Administration services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$1,174,568
			Salaries 7/1/22 - 12/31/22	\$353,889
002	Cultural and Recreation services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$774,200
			Salaries 7/1/22 - 12/31/22	\$185,357
003	Public Safety services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$918,842
			Salaries 7/1/22 - 12/31/22	\$256,621
004	Economic and Physical Development services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$195,504
			Salaries 7/1/22 – 12/31/22	\$63,229
005	Utility Fund services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$577,148
			Salaries 7/1/22 – 12/31/22	\$171,790
	TOTAL			\$4,671,148

Section 4: Previously, Project Ordinance #2022 dated September 13, 2022 amending the American Rescue Plan Act Grant Special Revenue Fund was approved by the Town Council to transfer \$3,063,114 to the General Fund and to transfer \$577,148 to the Enterprise Fund. The following remaining revenues are anticipated to be available to complete the project:

ARP/CSLFRF Remaining Funds:	\$1,030,886
General Fund Transfer:	\$ 859,096
Enterprise Fund Transfer:	\$ 171,790
Total Remaining:	\$ 0

Section 5: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town's Uniform Guidance Allowable Costs and Cost Principles Policy.

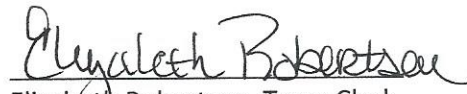
Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

Section 7: This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Section 8: This amended ordinance becomes effective January 10, 2023.

Adopted this 10th day of January 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting January 10, 2023 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk

