



MINUTES

Tuesday, September 12, 2023: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

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

Absent: Mayor Carol Haney

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Asst. Town Manager Jessica Roth reviewed the agenda.

Councilmember Clement and Councilmember Petersen requested that items 6a and 6b be removed from the Consent Agenda and moved to the next Work Session meeting agenda.

4. PRESENTATION

a. Sprucing Up Southern Pines

Members of the Appearance Commission will attend to present the 2023 Sprucing Up Southern Pines awards.

Terry Lennahan, Chair of the Southern Pines Appearance Commission, presented the winners of the Sprucing up Southern Pines Competition:

- 280 W. Connecticut
- 150 N. Leak Street
- Rec Room Bar & Arcade
- Anh-Sen Noodle Bar
- McLeod's Funeral Home
- Pinehurst Medical Clinic
- Pinehurst Surgical Clinic
- Pine Knoll at St. Joseph of the Pines
- Bellemeade at St. Joseph of the Pines

5. PUBLIC COMMENTS

Pete Gulley of Gulley's Garden Center shared his concerns about the traffic on Broad Street, the railroad crossing pitch and the parking changes being proposed.

- Councilmember Pate advised that no changes are planned for that side of street. Town Engineer Michel asked DOT to review the crossing of Illinois and the grade is now improved.

- Mr. Gulley does agree with the proposed speed limit reduction.

Suzanne Coleman of 225 N. May St. advised that she had encouraged Mr. Gulley to attend tonight's meeting to speak his mind. Ms. Coleman also shared that she approves of the proposed speed limit reduction and feels the parking on SE Broad Street from Massachusetts to Illinois should remain parallel parking.

Ms. Coleman asked the Town Attorney if he could further explain item 6c on the Agenda.

Cliff Brown of Teamworkz Homeless Organization, 236 Countryside Drive, Aberdeen detailed the groups

request to the Council, the amount of money needed to assist the homeless in the area and requested the Town establish a homeless task force to work with them to address the homeless needs in the area.

Scott Weaver of 776 S Ridge Street advised the Council that he attempted and was unable to confirm if the applicant for SU-07-22 ever fulfilled condition 7 of their permit requirement, which was for the applicant to work with DOT to address traffic on Morganton Road. Mr Weaver was advised that the applicant has not yet reached that stage yet in their project to approach DOT.

John Griessel of 135 Elk Road shared his concerns in regards to Item 6c on the agenda and advised the Council that constitutional auditors are increasing in popularity on YouTube and work to embarrass the towns they target. Mr. Griessel feels that Item 6c is only a defensive step and does not adequately address employee training. Mr. Griesel presented a letter to the Council (attached in minutes).

Marsh Smith of 568 Santee Road, distributed a handout to the council in regards to PD-02-23 and shared his concerns that the developer has been working with planning staff and feels the proposal has been altered enough to warrant re-opening the hearing.

Discussion ensued.

6. CONSENT AGENDA

Town Manager Parsons requested that the Council removal of Items 6a and 6b from the Consent Agenda per comments made during opening remarks and moved to the September 26 work session agenda.

Councilmember Pate moved to remove items 6a and 6b from the Consent Agenda and approval of the remaining items, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

a. Approve Ordinance #3002 Amending the Town's Code of Ordinances REMOVED

This is a series of administrative revisions to the Code of Ordinances. These amendments address enforcement actions related to unsafe buildings and fines/fees assessed by the fire and finance departments.

b. Approve Ordinance #3003 Amending the Town's Fee Schedule REMOVED

This ordinance updates the Town's fee schedule, effective September 12, related to charges for fire and rescue services and utility billing.

c. Approve Resolutions #1070 to Designate Public, Limited, and Non-Public Forum Areas in Town Facilities and #1071 to Amend the Southern Pines Public Library Use Policy

#1070 creates a policy to designate areas in Town-owned facilities with regard to public, limited, and non-public forums in order to comply with precedents interpreting the 1st Amendment.

#1071 amends the Town of Southern Pines Public Library Use Policy.

d. Consider Resolution #1072 Confirming Non-Inclusion of a Portion of Long Street in the Southern Pines Street Plan

This request is from Tom Mincher, Jr. pursuant to NCGS 136-96 (e) which requires the filing of a resolution and declaration of withdrawal with the Register of Deeds. Staff reviewed the Town's records and found that this portion of Long Street was not included in any street plan adopted under GS 136-66.2.

e. Approve Resolution #1073 Requesting that NCDOT Reduce the Speed Limit on a Portion of Broad Street

This resolution is a request for NCDOT to reduce the speed limit on SW Broad Street from W. Massachusetts to W. Illinois Ave to 20MPH. This would be consistent with the other sections of

Broad that currently are one-way.

f. Approve Resolution #1074 and Ordinances #3005 and #3006 Accepting CWSRF/ASADRA Funds for the Warrior Woods Lift Station Relocation and Amending the Town's Budget to Receive and Allocate the Funds

The Town has been approved for low interest loan funding for the Warrior Woods Lift Station project. The funding is provided by the Division of Water Infrastructure as part of the Additional Supplemental Appropriation for Disaster Relief Act (ASADRA).

g. Authorize the Town Manager to Execute the 2023 Statewide Mutual Aid Agreement

The Town is currently part of the statewide mutual aid agreement, which is a tool to share resources across jurisdictional boundaries during an emergency event. Through this agreement, participating local governments work together to coordinate activities relating to emergency and disaster mitigation, preparedness, response, and recovery. The Town Manager will be authorized to execute the [2023 agreement](#).

7. ACTION ITEMS

a. AR-08-23 Southern Pines Golf Club Cottages

Mid Pines Development Group, LLC has applied for an Architectural Compliance Permit for seven 4-bedroom cottages and three 8-bedroom cottages totaling 52 bedrooms for the Southern Pines Golf Club off Country Club Circle. The overall project was approved by Town Council on February 14, 2023 through Special Use Permit #SU-07-22.

Senior Planner Alaina Mallette reviewed the application and staff report.

Councilmember Petersen expressed concern regarding the buildings not being diverse enough for the area.

Bob Koontz of KoontzJones Design, representing the applicant, reviewed the design details for the Council and addressed the architectural diversity.

Discussion ensued.

No quorum is present and no action taken. Item will carry over to the September 26 Work Session for action.

b. PD-02-23: Conceptual Development Plan for +/- .786 acres on the West Side of S. Bennett St. between New York Ave. and Pennsylvania Ave. (continued)

Mr. Colin Webster, on behalf of Grovsnor Land, LLC, has submitted an application for a mixed-use development with condominiums, single-family townhouses, office, retail, and restaurant. The public hearing for this agenda item was closed on July 11, 2023.

Planning Director Grieve gave an overview of the application and staff report.

Councilmember Clement thanked the staff for their continued work on this project.

Councilmember Petersen voiced concern regarding the continuing changes to the proposed project.

Colin Webster, the applicant, was present to address any questions from the Council.

Discussion ensued.

Councilmember Pate moved that after reviewing the proposed Conceptual Development Plan and the criteria for consideration of a Conceptual Development Plan, and after considering the comments received at the Town Council's public hearing and the Planning Board's written recommendation, the requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan for the reasons set forth by the applicant in page 5 and 6 of their proposed CDP and the rezoning of this to PD is reasonable because the new zoning is a plan development that will result in the specific mixed use development project that has been reviewed by the Town, revised by the applicant to reflect many of the community's concerns. Seconded by Councilmember Clement; the vote was as follows:

Mayor Pro Tem Murphy - aye
Councilmember Pate - aye
Councilmember Clement - aye
Councilmember Petersen - nay
Motion approved.

Councilmember Pate moved to approve PD-02-23 as presented by the applicant to the Town Council at tonight's meeting. This includes the current version of the Conceptual Development Plan, the exhibits 1-3, the appendices (a-i), and all the documents that appear in the packets for the September and prior regular meetings. Seconded by Councilmember Clement; the vote was as follows:

Mayor Pro Tem Murphy - aye
Councilmember Pate - aye
Councilmember Clement - aye
Councilmember Petersen - nay
Motion approved.

c. Consider Weighted Vote for MPO Items

The newly formed MPO is establishing operational procedures and policies. The participating jurisdictions have been asked to recommend whether a weighted vote should be used in certain circumstances.

Councilmember Clement reviewed the item for the Council.
Discussion ensued.

Councilmember Petersen moved to advocate for a weighted vote; seconded by Councilmember Pate; the vote was unanimous.
Motion passed.

8. PUBLIC HEARINGS

a. AX-04-23: Annexation of 1.01 acres west of Cliff Court, off of Cliff Court Extension

Mary Schwab is requesting voluntary annexation of 1.01 acres, identified as PIN 858005192800 (PARID 00047929).

Councilmember Petersen moved to open the hearing for AX-04-23; Annexation of 1.01 acres west of Cliff Court, seconded by Councilmember Clement; the vote was unanimous.
Motion passed

Planning Director Grieve reviewed the application and staff report for the Council.
No public comments were voiced.

Councilmember Petersen moved to close the hearing for AX-04-23; Annexation of 1.01 acres west of Cliff Court, seconded by Councilmember Clement; the vote was unanimous.
Motion passed

Councilmember Pate moved to approve the application for AX-04-23; Annexation of 1.01 acres west of Cliff Court, seconded by Councilmember Clement; the vote was unanimous.
Motion passed.

b. Convey Property to the YMCA of the Sandhills on the North Side of Morganton Rd at Henley St.

The Town owns a 49-acre tract at the corner of Henley St. and Morganton Rd. The Town has subdivided this parcel, creating a 7.73+/- acre sub-tract . It is the Town's intent to convey this property to the YMCA of the Sandhills, pursuant to G.S. 160A-279.

Town Manager Parson reviewed the item for the Council.

Councilmember Pate moved to open the hearing to convey property to the YMCA of the Sandhills on the north side of Morganton Road at Henley St., seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

Karen Tussing of 210 Grove Rd asked if an indoor pool is included in the plans to which Town Manager Parsons answered yes.

Councilmember Clement moved to close the hearing to convey property to the YMCA of the Sandhills on the north side of Morganton Road at Henley St., seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

Councilmember Pate moved to approve the conveyance of property to the YMCA of the Sandhills on the north side of Morganton Road at Henley St., seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

c. LRP-01-23: Southern Pines 2040 Comprehensive Plan

Town Council will hold a public hearing to receive comments on the draft 2040 Comprehensive Plan. The Planning Board has unanimously recommended approval of the plan with 13 modifications to the text.

Councilmember Clement moved to open the hearing for LRP-01-23; Southern Pines 2040 Comprehensive Plan, seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

Planning Director Grieve introduced the project and gave a brief overview of the process taken to this point.

Planning & Community Development Specialist Rachel Mann gave a brief presentation and introduced the consultant the Town used to help develop the proposed comprehensive plan. Matt Noonkester of City Explained, gave an in depth presentation of the proposed plan and the steps taken to draft it.

Discussion ensued.

- Cory Longstreet of 1630 Valley View Road commented on several areas of the proposed plan and questioned the change of his property from GBCD to residential and the reasons behind it. Councilmember Clement advised Mr. Longstreet that the Town will look into the matter further with the planning department because it is not the intention to put them out of business.

- Lynn Thompson of 957 San Davis asked the Council to consider carefully the public comments raised during the Planning Board Meeting.

- Marsh Smith of 568 Santee Road strongly urged the Town to explore and revamp the 5/70 high density rule.

- Bob Koontz of KoontzJones Design on behalf of the Southern Pines Golf Club asks for consideration in adding an unused piece of Southern Pines Golf Club property to the land use map as a designated neighborhood activity center to allow the owner, at a future date, to request a rezoning of the parcel without having to modify the plan.

- Felicia Winfield of 315 Austin Ridge Circle, spoke at the Planning Board hearing regarding gentrification and displacement of legacy homeowners and urged the Council to take note of the issue.

Councilmember Clement moved to close the hearing for LRP-01-23; Southern Pines 2040 Comprehensive Plan, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

Discussion ensued.

Councilmember Clement moved to approve LRP-01-23; Southern Pines 2040 Comprehensive Plan with the following modifications:

- Planning Board recommendations #1, 2, 3, 4, 6, 8 and 13 approved as written
- updating #7 to remove the word "mass"
- remove #9 in its entirety
- # 5, 10, 11 and 12 to be removed and discussed further at work session.

Seconded by Councilmember Pate the vote was unanimous.

Motion passed.

d. PD-03-23: Preliminary Development Plan (PDP) for Morganton Park South Phase 3

Midland Atlantic Properties has applied for a Preliminary Development Plan for Morganton Park South. The application includes a 101,840-square foot wholesale retail building, a fuel service station, and a 2,050-square foot drive-through restaurant on +/- 13.89 acres. The Town Council will hold an evidentiary hearing prior to making a quasi-judicial decision on this matter.

Mayor Pro Tem Murphy opened the hearing and swore in pending witnesses for the hearing. Town Attorney McCarley 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.

- Senior Planner Mallette presented the application, staff report (Exhibit A) staff PowerPoint (Exhibit b) and draft motion (Exhibit c).
- Planning Director Grieve asked that Exhibit c to be stricken from the record.
- Bob Koontz of KoontzJones Design presented a powerpoint presentation (Exhibit C) on behalf of the applicant.
- John Silverman, applicant, and Travis Fluit, traffic engineer for the applicant, briefly addressed the Council, adding more details to the presentation.

Karen Tussing feels there is a safety issue at the crosswalk depicted near the traffic circle.

Leslie Yarborough questioned if a population study was completed for this sized project. - The applicant stated that the retailer did conduct population studies.

Ann Petersen moved to continue the public hearing to the scheduled work session on September 26, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

9. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Clement and carried unanimously, Council adjourned at 10:49 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk





ORDINANCE #3009
ADOPTING THE TOWN OF SOUTHERN PINES
2040 COMPREHENSIVE PLAN

WHEREAS, according to North Carolina General Statute (NCGS) §160D-501(a), as a condition of adopting and applying zoning requirements a local government shall adopt and reasonably maintain a Comprehensive Plan; and

WHEREAS, the Town of Southern Pines last updated the town's Comprehensive Long Range Plan in 2016 and the pace and nature of growth has changed since that time; and

WHEREAS, in July of 2022 the Town of Southern Pines entered into a contract for consulting services with City Explained, Inc. of Marvin, North Carolina (Consultant) to assist the town with the preparation of a new comprehensive plan; and

WHEREAS, on August 22, 2022 the Southern Pines Town Council did approve Ordinance #2021 creating a Community Advisory Committee to act as a sounding board for the comprehensive plan authors; and

WHEREAS, from August of 2022 to June of 2023 the Consultant did work extensively with the public, town staff, the Community Advisory Committee and members of the Planning Board to prepare a Comprehensive Plan that reflects the community's goals, policies and programs to guide future growth and development; and

WHEREAS, on June 30, 2023 a Public Review Draft 2040 Comprehensive Plan was made available online to the public and comments were collected and reviewed by the Consultant and revisions were made to the draft document; and

WHEREAS, on August 4, 2023 a Public Hearing Draft 2040 Comprehensive Plan was made available to the public online for review prior to public hearings before the Planning Board and the Town Council; and

WHEREAS, in accordance with NCGS §160D-301(b) and 160D-501(c) the Planning Board did review the Public Hearing Draft 2040 Comprehensive Plan and on August 24, 2023 did hold a public hearing to listen to community comments before adopting a Resolution to Recommend Approval of the Public Hearing Draft 2040 Comprehensive Plan with 13 recommended modifications, a copy of which is attached to this Ordinance; and

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 September 12, 2023, at 6:00 PM for the purpose of considering adoption of the Town of Southern Pines 2040 Comprehensive Plan; and

WHEREAS, after the completion of said public hearing, and upon consideration of the Planning Board's recommendation and all comments received at the public hearing, the Town Council of the Town of Southern Pines deems it in the best interest of the Town of Southern Pines that the Public Hearing Draft 2040 Comprehensive be adopted.

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 12th day of September, 2023:

Section 1. That the Public Hearing Draft 2040 Comprehensive Plan be modified in the following manner, based on the 13 modifications set forth in the Planning Board's Resolution to Recommend Approval of the 2040 Comprehensive Plan.

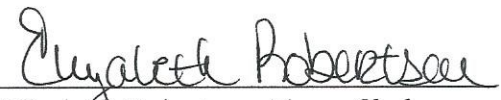
- That recommended modifications 1, 2, 3, 4, 6, 8, and 13 as set forth in the Planning Board's Resolution to Recommend Approval of the 2040 Comprehensive Plan be made to the Public Hearing Draft 2040 Comprehensive Plan.
- That modification 7 as set forth in the Planning Board's Resolution to Recommend Approval of the 2040 Comprehensive Plan be made to the Public Hearing Draft 2040 Comprehensive Plan, but that the word "mass" be stricken.
- That modifications 5, 9, 10, 11, and 12 as set forth in the Planning Board's Resolution to Recommend Approval of the 2040 Comprehensive Plan not be made to the Public Hearing Draft 2040 Comprehensive Plan at this time, but that those recommended modifications be brought back to the Town Council at an appropriate time for further research, discussion and engagement with the Southern Pines community.

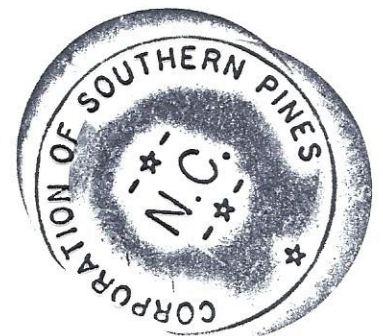
Section 2. That the Public Hearing Draft 2040 Comprehensive Plan, with the modifications listed in Section 1 above, is hereby adopted as the Town of Southern Pines 2040 Comprehensive Plan and a final copy of the plan shall be available to the public on the Town of Southern Pines' website.

Section 3. That this Ordinance shall be and remain in full force and effect from the date of its adoption.

Adopted this 12th day of September, 2023.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on September 12, 2023 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk





ORDINANCE #3006
TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-04-23: 1 Cliff Court Ext.

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-04-23, was scheduled to be held in regular session of the Town Council at the E.S. Douglass Community Center at 6:00 P.M. on the 12th day of September, 2023 after due notice by publication; 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:

Parcel 1 House Tract: A certain parcel or tract of land being bounded on the East by Karl Martin (617-87), on the Northeast by Cliff Court extension, and on all other sides by Jack R. Morris (414-116, 298-535) and more particularly described as follows to/wit:

Beginning at an existing iron pipe (said pipe being the Northwest corner of Karl Martin (617-87) and being in the dividing line between Southern Pines Country Club (PC2, Slide 126) and Jack R. Morris (298-535), the Southwest corner of Lot 510 "Southern Pines Country Club" PC 2, Slide 126, and running thence as the southern line of said lot N 66-58-01E 119.96 feet to a new iron pin, thence a new line N 02-07-00E 40.0 feet to a new iron pin, thence N 87-53-00W 119.07 feet to a new iron pin, thence as a curve to the right having a radius = 325.0 feet, length = 198.55 feet a chord bearing and distance of N 70-07-28W 195.47 feet to a new iron pin, thence leaving said curve S 11-42-18W 225.49 feet to a new iron pin, thence N 80-01-26E 54.57 feet to a new iron pin, thence S 64-01-19E 97.81 feet to a new iron pin, thence S 79-45-18E 57.59 feet to a new iron pin, thence S 65-28-27E 47.83 feet to a new iron pin in the Western line of Lot 511 "Southern Pines Country Club (PC 2, Slide 126), thence as said line N 02-20-20W 126.63 feet to the beginning containing 1.18 acres more or less and being a portion of those tracts of land described in DB 298 Pg. 535, DB 414 Pg. 116, Moore County Registry.

Being the same tract designated as Lot 1 shown on plat thereof recorded in Plat Cabinet 12, Slide 7, Moore County Registry.

Parcel 3 Shoreline: Beginning at an iron stake, the southwest corner of Lot 511 of the Southern Pines Country Club Lands as shown on Plat Cabinet 2, Slide 126; thence South 02 degrees 03 minutes 18 seconds East 135.76 feet to a calculated point; thence North 51 degrees 11 minutes 28 seconds West 319.54 feet to a calculated point; thence North 12 degrees 00 minutes 12 seconds East approximately 20 feet to the southwest corner of the Jane Clark 1.18 acre parcel described in Book 665, Page 317 of the Moore County Registry; thence continuing with the Clark line the following calls and distances; North 80 degrees 37 minutes 49 seconds East 54.44 feet to an iron stake; South 63 degrees 54 minutes 56 seconds East 97.81 feet to an iron stake; South 79 degrees 24 minutes 45 seconds East 57.59 feet to an iron stake; South 65 degrees 10 minutes 35 seconds East 47.83 feet to an iron stake; thence leaving the Clark line South 02 degrees 30 minutes 17 seconds East 9.53 feet to the point of beginning.

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 12th day of September, 2023:

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 12th day of September, 2023.

Section 2. Upon and after the 12th day of September, 2023, 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.

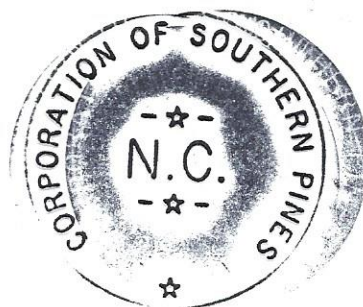
Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also 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.

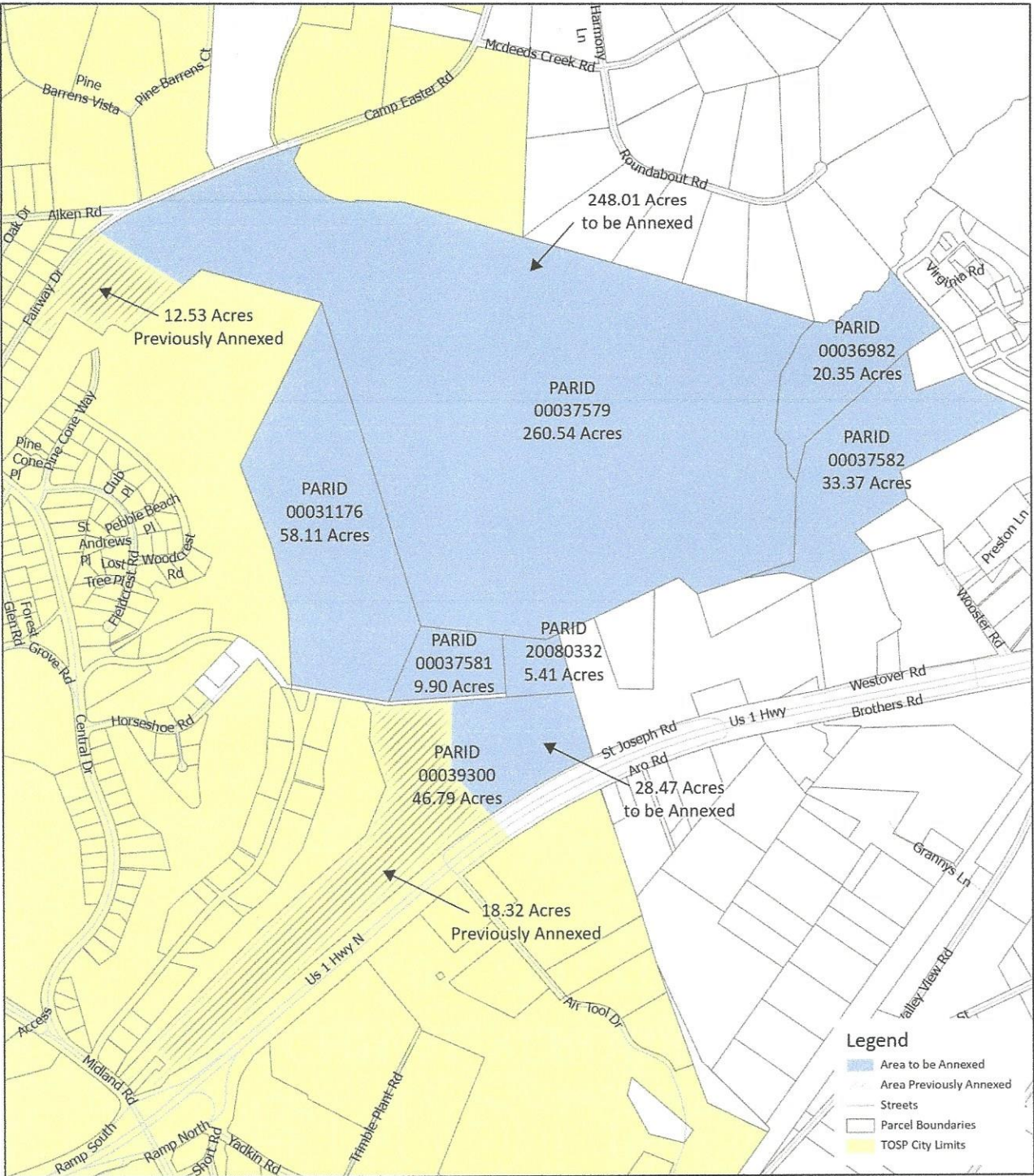
Adopted this 12th day of September, 2023.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on September 12, 2023, as shown in the Minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk



Ordinance #2094 - Attachment A



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)

AX-03-23

0 500 1,000 2,000 Feet



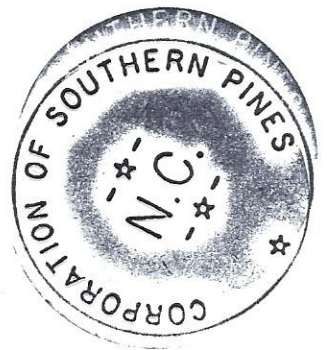
**COUNTY OF MOORE
STATE OF NORTH CAROLINA**

CLERK'S CERTIFICATION

I, Elizabeth Robertson, Town Clerk of the Town of Southern Pines, North Carolina, do hereby certify that the attached is a true and accurate copy of Ordinance #3006 To Extend the Corporate Limits of the Town of Southern Pines, North Carolina AX-04-23; 1 Cliff Court Extension which was adopted at a meeting of the Southern Pines Town Council on the 12th day of September 2023.

WITNESS my hand and the official Seal of the Town of Southern Pines, North Carolina, this the 12th day of September 2023.


Elizabeth Robertson, Town Clerk





**ORDINANCE #2091
AMENDING THE ZONING MAP OF THE TOWN OF SOUTHERN PINES
PD-02-23**

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on April 11th, 2023 at 6:00 PM that was then continued to the regular meetings held on May 9th, 2023, June 13th, 2023 and July 11th, 2023 for the purpose of considering a request for a Planned Development Conceptual Development Plan.

WHEREAS, after the completion of said public hearing on July 11th, 2023 and further Town Council discussion on August 8th, 2023 and September 12th, 2023 and upon consideration of any comments, objections or presentations at the hearing, the Town of Southern Pines Town Council deems it advisable and in the best interest of the Town of Southern Pines that the Zoning Map 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 assembled in regular session on the 12th day of September, 2023:

Section 1. That the Zoning Map of the Town of Southern Pines be, and the same hereby is, amended by changing the zoning of two existing parcels from CB – Central Business to PD - Planned Development with an approved Conceptual Development Plan (CDP). The subject 0.815-acre parcel is identified and described as follows:

PIN: 858105282734 (PARID: 00032263) and PIN: 858105281747 (PARID: 00031983) as described on "Exhibit A" in the Deed recorded at Book 6006, Page 230-233 in the Moore County, North Carolina Registry.

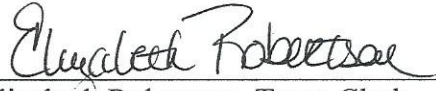
Section 2. That the Planned Development (PD) zoning classification is subject to the mix of land uses set forth in the approved Conceptual Development Plan (CDP).

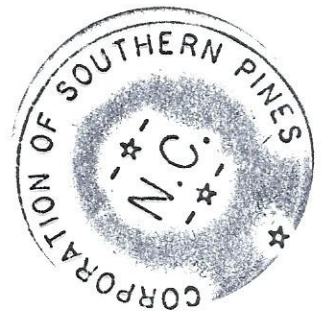
Section 3. That development of the property referenced in Section 1 of this Ordinance is subject to conformance with the text, images and site plan of the Conceptual Development Plan (CDP) as that document (together with Exhibits 1-3 and Attachments A-I) appeared in the Town Council packets for the September 5, 2023 Agenda and September 12, 2023 Regular meetings, a complete copy of which may be found on file in the Town of Southern Pines Planning office, 801 SE Service Road, Southern Pines, North Carolina.

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

Adopted this 12th day of September, 2023.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on September 12, 2023 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk



**COUNTY OF MOORE
STATE OF NORTH CAROLINA**

CLERK'S CERTIFICATION

I, Elizabeth Robertson, Town Clerk of the Town of Southern Pines, North Carolina, do hereby certify that the attached is a true and accurate copy of Ordinance #2091 Amending the Zoning Map of the Town of Southern Pines PD-02-23 which was adopted at a meeting of the Southern Pines Town Council on the 12th day of September 2023.

WITNESS my hand and the official Seal of the Town of Southern Pines, North Carolina, this the 25th day of September 2023.


Elizabeth Robertson, Town Clerk



For Registration Register of Deeds

William Britton

Moore County, NC

Electronically Recorded

April 28, 2023 4:13:32 PM

Book: 6006 Page: 230 - 233 #Pages: 4

Fee: \$26.00 NC Rev Stamp: \$700.00

Instrument # 2023005467

GENERAL WARRANTY DEED**THIS INSTRUMENT PREPARED BY:**

Richard Lee Yelverton III, Esq.
 Van Camp, Meacham & Newman, PLLC
 2 Regional Circle (28374)
 P.O. Box 1389
 Pinehurst, North Carolina 28370

NO TITLE WORK COMPLETED BY PREPARING ATTORNEY

Excise Tax: \$700.00
Parcel I.D.: 00031983, 00032263

TO BE RECORDED IN THE
 DEED RECORDS OF
 MOORE COUNTY, NC

THIS DEED made this 25th day of April, 2023, by and between:

GRANTOR

**THE COTTAGES AT
 LEGACY LAKES LLC,
 a North Carolina
 Limited Liability Company**
 Address: 1015 Ashes Street, Ste 202
 Wilmington, NC 28405

GRANTEE

**GROSVENOR LAND LLC,
 a North Carolina
 Limited Liability Company**
 Mailing Address: PO Box 1872
 Southern Pines, NC 28388

WITNESSETH:

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in the Town of Southern Pines, McNeill Township, Moore County, North Carolina, and more particularly described as follows:

See attached Exhibit "A"

submitted electronically by "sandhills Law Group"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described __ is, or is is not the primary residence of the Grantor.

And being the same property conveyed by instrument recorded in Book 5249, Page 45, in the Moore County, North Carolina, Register of Deeds.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

[SIGNATURES AND NOTARY ACKNOWLEDGMENT ON FOLLOWING PAGE]

THE COTTAGES AT LEGACY LAKES, LLC
a North Carolina Limited Liability Company

By: Jon T. Vincent, Member

(SEAL)

4/25/23
 Date

STATE OF North Carolina
 COUNTY OF New Hanover

I, Stephani L. Garrett a notary public for the
 County of New Hanover and the State of North Carolina certify
 that Jon T. Vincent, personally appeared before me this day, and

- a) ☒ I have personal knowledge of the identity of the principal(s)
 b) ☐ I have seen satisfactory evidence of the principal's identity, by a current state
 or federal identification with the principle's photograph in the form of a:

c) ☐ A credible witness has sworn to the identity of the principal(s)
 each acknowledging to me that he or she voluntarily signed the foregoing document for
 the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 25th day of April, 2023.

Signature of Notary Public: Stephani L. Garrett

My Commission Expires: 1/3/25

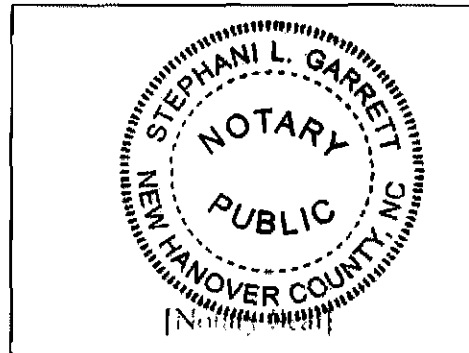


Exhibit "A"

TRACT ONE: BEGINNING at a stake on the West side of Bennett Street, Southern Pines, NC at a point sixty-five (65) feet North 53° 15' East from the intersection of Bennett Street and New York Avenue; running thence parallel with New York Avenue 36° 45' feet West 100.0 feet to a stake; thence North 53° 15' East 141.0 feet to a stake; thence South 36° 45' East 100 feet to a stake in the lot line facing Bennett Street; thence South 53° 15' West 141.0 feet to the point of beginning, being a portion of Lots 2, 3, 4, and part of Clark Street in Block L & 5, as shown on the official map of the Town of Southern Pines, North Carolina, as recorded in Map Book 1, Section 2, Page 70, Moore County Registry, and being a portion of the lands conveyed to Wintrop P. Haynes and wife, Anne Morse Haynes by deeds dated September 28, 1939 (see Deed Book 130, Page 305) and October 19, 1939 (see Deed Book 154, Page 359) from Amella W. Morris, widow, said deeds being duly recorded in the Office of the Register of Deeds for Moore County.

TRACT TWO: BEGINNING at the corner of Block L and 5 at the point of the northwest intersection of New York Avenue and Bennett Street, said point being the southwest corner of Lot No. 1 in said block as shown on a map entitled "A Map of Southern Pines, Moore County, North Carolina", duly filed for record in the Office of the Register of Deeds of Moore County; and running thence along the northerly edge of New York Avenue 36-45 W 200 feet to an iron bar; thence a new line N 53-15 E 146 feet to a stake in the southerly edge of Clark Street, so called; thence with the southerly edge of said street S 36-45 E 100 feet to a stake; thence a new line S 53-15 W 86 feet to a stake; thence a new line S 36-45 E 100 feet to a stake in the westerly edge of Bennett Street; thence S 53-15 W 60 feet to the point of beginning.



ORDINANCE #3006
WARRIOR WOODS PUMP STATION RELOCATION FY23 ASADRA LOAN
PROJECT # CS370893-01

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 Project Ordinance is hereby adopted.

Section 1: The Project authorized is the Warrior Woods Pump Station Relocation Project (project number CS70893-01) to be to be financed by the federal Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) loan funds awarded to the Town of Southern Pines by the North Carolina Department of Environmental Quality (DEQ) Division of Water Infrastructure (DWI).

Section 2: The officers of this unit are hereby directed to proceed with the loan project within the terms of the board resolution, grant documents, the rules and regulations of the Division of Water Infrastructure (DWI), and the budget contained herein.

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

ASADRA Loan Proceeds	\$ 2,998,000
Transfer In – Warrior Woods Construction 61-662-7000	<u>59,960</u>
Total	\$ 3,057,960

Section 4: The following amounts are appropriated for the project expenses:

Engineering, Administration, and Construction Services	\$ 2,998,000
Closing Fee (2%)	<u>59,960</u>
Total	\$ 3,057,960

Section 5: The finance officer is hereby directed to maintain within the Warrior Woods Lift Station Capital Project Fund, CPF 61. Name sufficient specific detailed accounting records to satisfy the requirements of the funding agency, the funding agreements, and federal regulations.

Section 6: Funds may be advanced from the Enterprise Fund or the Sewer Upgrade Fund for the purpose of making payments as due. Reimbursement requests should be made to the State funding agency in an orderly and timely manner. Compliance with all federal and state procurement regulations is required.

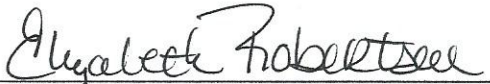
Section 7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 4 and on the total funding revenues received or claimed.

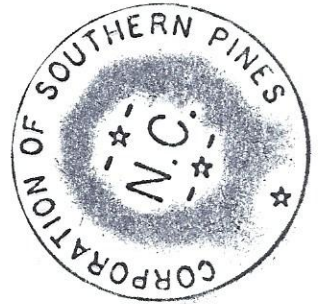
Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project budget ordinance shall be furnished to the Town Clerk, the Budget Officer, and the Finance Officer for direction in carrying out this project.

Adopted this the 12th day of September 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk





**ORDINANCE #3005
AMENDING THE WARRIOR WOODS LIFT STATION 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 upgrades to the lift station, which will increase capacity and meet expected future demand.

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 amount is reduced for the project:

Construction	<u>\$ 59,960</u>
Total Project Reduction	<u>\$ 59,960</u>

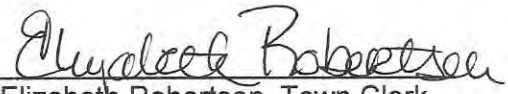
Section 4: The following additional amount is appropriated for this project:

Transfer to – Warrior Woods ASADRA Construction	<u>\$ 59,960</u>
Total additional appropriated	<u>\$ 59,960</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 ordinance becomes effective September 12, 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk





**RESOLUTION #1074
ACCEPTANCE OF CWSRF/ASADRA FUNDING FOR THE
WARRIOR WOODS LIFT STATION**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a Clean Water State Revolving Fund (CWSRF) Loan through the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) in the amount of \$2,998,000 for the construction of wastewater collection system improvements project, and

WHEREAS, the Town of Southern Pines intends to perform said project in accordance with the agreed scope of work,

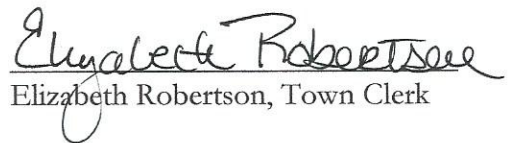
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

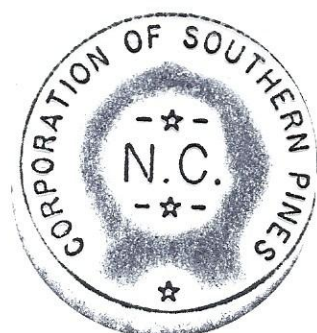
That the Town of Southern Pines does hereby accept the CWSRF/ASADRA Loan offer of \$2,998,000.

That the Town of Southern Pines does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to, has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

That Mayor Carol R. Haney, Town Manager Reagan Parsons, Town Engineer James Michel, AND Town Finance Director Tess Brubaker-Speis are the Authorized Officials, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 12th day of September 2023.


Elizabeth Robertson, Town Clerk





RESOLUTION #1073
REQUESTING NCDOT TO LOWER THE SPEED LIMIT ON A PORTION OF
BROAD STREET

WHEREAS, the Town Council of Southern Pines is comprised of persons elected to both legislate and represent the interests of the population of the Town; and

WHEREAS, the Town Council wishes to increase the available on-street parking along a portion of SW Broad Street (SR-2035) and SE Broad Street from W. Massachusetts Avenue to W. Illinois Avenue; and

WHEREAS, the subject section of SW Broad Street (SR-2035) is maintained and overseen by the North Carolina Department of Transportation (NCDOT); and

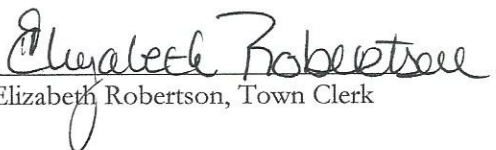
WHEREAS, to achieve additional parking on the subject road, changes in the current traffic pattern would be needed and the Town Council has requested that NCDOT make the changes in the traffic pattern with Resolution #1065; and

WHEREAS, the section of SW Broad Street being changed has an existing speed limit of 35MPH and the existing sections of Broad Street that are currently one-way have a speed limit of 25MPH,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 8th day of August, 2023, that;

1. The Town Council requests that the North Carolina Department of Transportation reduce the speed limit along SW Broad Street (SR-2035) between W. Massachusetts Avenue to W. Illinois Avenue from 35MPH to 20MPH to be consistent with the existing sections of Broad Street that currently utilize a one-way traffic pattern
2. The Mayor and other Town officials are authorized to execute any additional documents that may be required by NCDOT with regard to this request.

This the 12th day of September 2023.


Elizabeth Robertson, Town Clerk





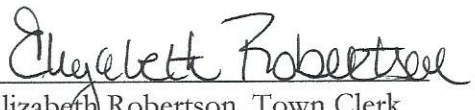
RESOLUTION #1072
CONFIRMING NON-INCLUSION OF A PORTION OF LONG STREET IN
SOUTHERN PINES STREET PLAN

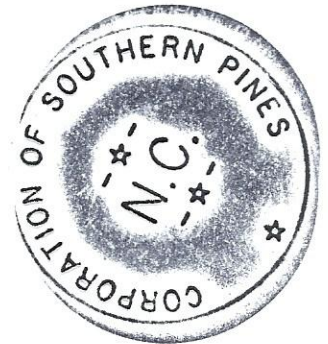
WHEREAS, Tom Mincher, Jr., has requested that a determination of whether a portion of Long Street consisting of 0.178 acres in the Town of Southern Pines, as shown on the copy of a preliminary map attached to this resolution, is shown as a future street on a street plan adopted by the Town of Southern Pines pursuant to G. S. § 136-66.2; and

WHEREAS, the Town has examined its records, which do not show that portion of Long Street as being included in its street plan;

NOW THEREFORE, BE IT RESOLVED that the Town Council of The Town of Southern Pines finds that the portion of Long Street crossing the property of William J. Simpson, Jr., as shown on the copy of a preliminary map attached to this resolution, has not been included in a street plan adopted pursuant to North General Statute § 136-66.2.

This the 12th day of September 2023.


Elizabeth Robertson, Town Clerk





**RESOLUTION #1070
ADOPT A REVISED LIBRARY USE POLICY FOR
THE SOUTHERN PINES PUBLIC LIBRARY**

WHEREAS, the Town of Southern Pines wishes to promote a safe and welcoming environment for all patrons of the Southern Pines Public Library, and prevent behavior in the Library that goes outside of standard societal norms for library usage; and

WHEREAS, the Town Council believes that the Southern Pines Public Library is a limited public forum as that term is defined by the federal courts of the United States, and that therefore the Town is obligated only to permit the public to exercise rights that are consistent with the nature of the Library and consistent with the council's intent in designating the Library as a limited public forum;

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

Section 1. The public areas of the Library are hereby designated as a limited public forum for First Amendment purposes and the storage areas, staff offices, work spaces, staff restrooms and break room, loading dock, building mechanical room areas, and areas behind service desks and counters in the open public areas of the library are hereby designated as non-public forum areas for First Amendment purposes.

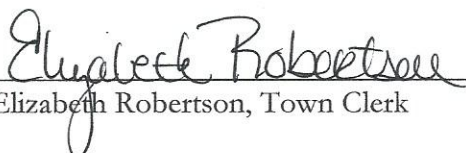
Section 2. The attached "Southern Pines Public Library, Library Use Policy" is hereby adopted.

Section 3. The Town Manager and the Director of the Library are authorized and directed to post appropriate signs in and around the Library specifying the non-public areas of the facility that are restricted to entrance by and use of Town employees only.

Section 4. This Resolution and the actions authorized under it are effective upon adoption.

Adopted this 12th day of September, 2023.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023, as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk

