



MINUTES

Tuesday, October 10, 2023: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. PRESENTATION

a. Recognize 2040 Comprehensive Plan Citizen Advisory Committee

The Citizen Advisory Committee was created to act as a sounding board with whom the consultants and staff could collaborate while working on the town's new comprehensive plan. Southern Pines would like to recognize these individuals for their time and advocacy of the 2040 Comprehensive Plan process and final document.

Planning Director B.J. Grieve reviewed the work that the Committee had done and thanked them for their involvement. He also thanked Planning & Community Development Specialist, Rachel Mann, for her work managing the plan.

Ms. Mann thanked the CAC for their passion and working to make Southern Pines the best it can be.

Ms. Mann and Mr. Grieve presented members in attendance with a certificate and copy of the newly adopted CLRP.

5. PUBLIC COMMENTS

Hugh Miner, 90 Paddock Lane, spoke on behalf of the proposed Knoll Rd. Multi-Modal Project. He presented the Council with a copy of a survey in which Longleaf residents participated.

Scott Weaver, 776 S. Ridge Street, thanked the Town Council and staff for all their work and time in attending community meetings. He referred to an article published by The Sway on September 27th and was concerned about the depiction of the bar, outdoor lights, speakers, and similar amenities.

6. PUBLIC HEARINGS

a. OA-04-23: Text Amendments to the Unified Development Ordinance (UDO)

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments related to deleting an incomplete sentence in the FRR zoning classification, code compliance provisions, and platting certification requirements.

Councilmember Pate moved to open the hearing, seconded by Mayor Pro-Tem Murphy; the vote was unanimous.

Planning Director B.J. Grieve reviewed the various amendments. There were no members of the public who spoke for this hearing.

Councilmember Pate moved to close the hearing, seconded by Councilmember Petersen; the vote was

unanimous.

Councilmember Pate motioned that the proposed amendment is consistent with the Town's Comprehensive Plan. Councilmember Petersen seconded and the vote was unanimous.

Councilmember Pate motioned to approve the application for OA-04-23, as attached to the staff report. Councilmember Petersen seconded and the vote was unanimous.

7. ACTION ITEMS

a. AR-07-23: Tiara Office Park

A request by Seven Lakes Engineering Services, on behalf of Tiara Properties, LLC, for an Architectural Compliance Permit for a 7,200 square foot office building located on the east side of the intersection of SE Service Road and West Wisconsin Avenue. The packet for this item has been updated since the October 3, 2023, agenda meeting.

Planning Director Grieve reviewed the updated application. He said that staff recommends approval with three conditions.

Councilmember Petersen inquired about the concern from Town Engineer James Michel that the renderings and elevations had been signed by an engineer and not an architect. Mr. Grieve clarified that the type of renderings and drawings that are required for an architectural review do not need to be prepared by a licensed architect.

Sean Rodriguez of Seven Lakes Engineering and Rick Artega of Artega Design reviewed the updated drawings and discussed some questions about building materials. Mr. Artega was unable to bring physical material samples to the meeting.

Councilmember Clement motioned to approve the application with the deviations and conditions presented in the staff report, clarifying that the applicant needs to submit the requested materials to staff. Councilmember Pate seconded the motion. The vote was 4-1, with Councilmember Petersen opposed.

8. CONSENT AGENDA

Councilmember Clement motioned to approve the consent agenda, seconded by Councilmember Pate; the vote was unanimous in favor.

a. Authorize Relief from §50.035 of the Town Code of Ordinances

Ryan Paschal is requesting relief from §50.035 of the Town Code of Ordinances requiring any new house, lot, or subdivision to connect to the Town's water system if it is within 300 feet (plus 100 feet multiplied by the number of additional dwellings) of an existing [water] distribution pipe.

b. Authorize the Town Manager to Execute a Solid Waste Contract with Meridian Waste

This is a five-year contract for garbage and recycling collection and disposal.

c. Approve Meeting Minutes

Staff has prepared the following meeting minutes for approval:

- August 1, 2023 Agenda Meeting
- August 8, 2023 Business Meeting
- August 22, 2023 Work Session
- September 5, 2023 Agenda Meeting
- September 12, 2023 Business Meeting
- September 26, 2023 Work Session

d. Approve a Memorandum of Understanding (MOU) for Participation in the Sandhills Metropolitan Planning Organization (SMPO)

The Town has been asked to approve a document outlining the formation and operational structure of a Metropolitan Planning Organization consisting of Southern Pines, Village of Pinehurst, Town of Aberdeen,

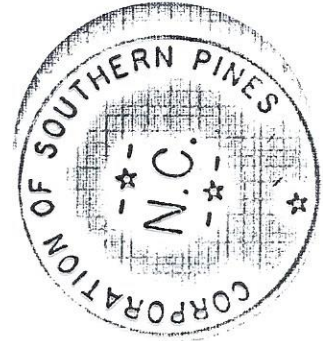
Village of Whispering Pines, Town of Pinebluff, Village of Foxfire, Town of Taylortown, portions of unincorporated Moore County and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation.

9. ADJOURNMENT

Upon motion by Councilmember Clement, seconded by Councilmember Pate and carried unanimously, Council adjourned at 6:53 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk





ORDINANCE #3010
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
OA-04-23

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 October 10th, 2023 at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and.

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

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 10th day of October, 2023:

Section 1. That §3.5.13(C) of the Unified Development Ordinance is hereby amended by deleting the second sentence ending in "sud."

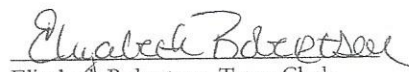
Section 2. That §8.18 and §8.19 of the Unified Development Ordinance is hereby amended as depicted on Attachment A to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

Section 3. That the Major Subdivision – Final Plat Application Checklist and the Minor Subdivision Application Checklist in Appendix A of the Unified Development Ordinance are hereby amended as depicted on Attachment B to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

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

Adopted this 10th day of October, 2023.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on October 10th, 2023, as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk



ATTACHMENT A

Southern Pines Unified Development Ordinance

Chapter 8. Administration

- (I) Once a member is physically present at a meeting of the body, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been or has been allowed to withdraw from the meeting.
- (J) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) If the matter at issue involves the member's own official conduct; or
 - (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (4) If a member has such close personal ties to the Applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (K) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (L) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (M) All members appointed to a body identified under this section shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160A-61.
(Ord. #1919)

Amended

8-8-23

PART III – COMPLIANCE AND ENFORCEMENT

8.18. VIOLATIONS

8.18.1. Inspection of Work in Progress

As the work pursuant to a permit progresses, the Planning Director or Town Engineer, as applicable, shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this UDO and the terms of the permit. In exercising this power, the Planning Director has a right, upon presentation of proper credentials, to enter on any Premises within the territorial jurisdiction at any reasonable hour for the purpose of inspection or other enforcement action; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
(Ord. #1919)

8.18.2. Complaints Regarding Violations

Whenever the Planning Director receives a written, ~~signed~~ signed complaint alleging a violation of this UDO, ~~he or she~~ shall request the Code Enforcement Officer to assist with the investigation of the complaint, take whatever action is warranted and inform the complainant in writing what actions have been or will be taken.

8.18.3. Persons Liable

The owner, tenant or occupant of any Building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

8.18.4. Procedures upon Discovery of Violations

- (A) If the Planning Director finds that any provision of this chapter is being violated, ~~he or she~~ shall send a written notice to the holder of the

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Development Approval and owner of the property involved (if that person is not the holder of the Development Approval), indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.

(Ord. #1919)

- (B) The final written notice (and the initial written notice may be the final notice) shall state what action the Planning Director intends to take if the violation is not corrected and shall advise that the Planning Director's decision or order may be appealed to the Board of Adjustment, ~~in~~ accordance with ~~section~~ Section 2.23, any persons liable under Section 8.18.3 who have received a final written notice pursuant to this section may appeal in writing to the Board of Adjustment and the clerk within thirty (30) days following issuance of the final order. In the absence of an appeal, the order of the Planning Director shall be final.

(Ord. #1919)

- (C) Notwithstanding, the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety or welfare, the Planning Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this UDO, including but not limited to an action for an injunction or abatement as set out in Section 8.19.5.

8.18.5. Violations to Be Corrected

~~When the Planning Director finds violations of applicable state and local laws, it shall be his or her duty to notify the owner of the building of the violation. The owner, persons liable, shall each immediately remedy the violations of law in the property he or she owns/noticed.~~

(Ord. #1919)

8.19. ENFORCEMENT

8.19.1. Stop Orders

Whenever a Building or part thereof is being constructed, reconstructed, altered or repaired in violation of this article, the Planning Director may order the work to be immediately stopped if the violation poses an imminent threat

to life, safety and/or the environment; or where no permits have been issued prior to work commencing. The stop order shall be in writing and directed to holder of the Development Approval and owner of the property involved (if ~~the~~ the person is not the holder of the Development Approval). The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
(Ord. #1919; Ord. #1959)

8.19.2. Revocation of Permits or Approvals

- (A) A Development Approval may be revoked by the Permit Issuing Authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter or any additional requirements lawfully imposed by the Permit Issuing Authority.
(Ord. #1919)
- (B) Before a Development Approval may be revoked, the Development review and approval process required for issuance of the Development Approval shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
(Ord. #1919)
- (C) A motion to revoke a permit shall include, in so far as practicable, a statement of the specific reasons or findings of fact that support the motion. The burden of presenting evidence sufficient to authorize the Permit Issuing Authority to conclude that a permit should be revoked for any of the reasons set forth in this section shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
- (D) Before a Development Approval may be revoked, the Planning Director shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Planning Director shall provide to the permitted a written statement of the decision and the reasons therefore.

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(Ord. #1919)

- (E) No person may continue to make use of land or Buildings in the manner authorized by any Development Approval after such approval has been revoked in accordance with this section.

(Ord. #1919)

8.19.3. Actions in Event of Failure to Take Corrective Action Penalties

(A) Any person found to be violating this UDO or failure to comply with any of its requirements including violations of any conditions, safeguards or standards established in connection with grants of approval shall be subject to fines and other civil penalties as allowed by law.

(Ord. #1959)

(B) Violations of the provisions of this chapter, or failure to comply with any of its requirements including violations of any conditions and safeguards established in connection with grants of variances or Special Use Permits shall be subject to a civil penalty of fifty (50) dollars per day for each day that the violation continues to exist.

(Ord. # 1716, Ord. #1919, Ord. #1959)

(C) If the offender fails to pay this civil penalty within ten (10) days after being notified of a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with this UDO and did not take an appeal to the Board of Adjustment within the prescribed time.

(Ord. #1919, Ord. #1959)

(D) This chapter may also be enforced by any appropriate equitable action. In addition to the remedies allowed by law, the regulations and standards contained in this UDO may be enforced through the issuance of a civil citation by the Planning Director or his designee.

(E) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

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If the owner of a Building or property shall fail to take prompt corrective action, the Planning Director shall give him or her written notice, by certified or registered mail, to the owner's last known address or by personal service:

(A) That the Building or property is in violation of this UDO.

(B) That a hearing will be held before the Planning Director at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

(C) That following the hearing, the Planning Director may issue such order to alter, vacate, or demolish the Building or structure as appropriate.

(Ord. #1919)

8.19.4. Order to Take Corrective Action Separate Offences May Be Charged

Each day that any violation continues after notification by the Planning Director that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section. If, upon a hearing held pursuant to the notice prescribed above, the Planning Director shall find that the Building or Development is in violation of this UDO, he shall make an order in writing to the owner, requiring the owner to remedy the violations, within such period, not less than thirty (30) days; the Planning Director may prescribe; provided, that where the Planning Director finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(Ord. # 1716)

8.19.5. Appeal Injunctions and Order of Abatement

(A) When any person violates a UDO regulation that makes unlawful a condition existing upon or use made of real property or any rule or order adopted or issued, or any term, condition or provision of an approved development approval or permit, the Planning Director may either before or after the institution of any other action or proceeding authorized by this Ordinance, authorize the Town Attorney to institute a civil action in the name of the City for a mandatory or prohibitory injunction and order of

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abatement requiring correction of the unlawful condition upon or cessation of the unlawful use of the property, or threatened violation. When a violation of the Ordinance occurs, the Town may apply to the Moore County Superior Court for a mandatory or prohibitory injunction and order of abatement requiring correction of the unlawful condition upon or cessation of the unlawful use of the property.

- (B) In addition to an injunction, the court may enter an order of abatement as a part of the judgment. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the Ordinance.
- (C) If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Moore County Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.
- (D) An action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violation in specific articles of this Ordinance.

Any owner who has received an order to take corrective action may appeal in writing to the Board of Adjustment and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Planning Director shall be final. The Board of Adjustment shall hear appeals

Amended

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within a reasonable time and may affirm, modify and affirm, or revoke the order.

(Ord. #1919)

8.19.6. Penalties

- (A) Any person found to be violating this UDO or failure to comply with any of its requirements including violations of any conditions, safeguards or standards established in connection with grants of approval shall be subject to fines and other civil penalties as allowed by law.
(Ord. #1959)
- (B) Violations of the provisions of this chapter, or failure to comply with any of its requirements including violations of any conditions and safeguards established in connection with grants of variances or Special Use Permits shall be subject to a fine of fifty (50) dollars per day for each day that the violation continues to exist, or a maximum thirty (30) days imprisonment.
(Ord. #1716; Ord. #1919; Ord. #1959)
- (C) If the offender fails to pay this civil penalty within ten (10) days after being notified of a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with this UDO and did not take an appeal to the Board of Adjustment within the prescribed time.
(Ord. #1919; Ord. #1959)
- (D) This chapter may also be enforced by any appropriate equitable action. In addition to the remedies allowed by law, the regulations and standards contained in this UDO may be enforced through the issuance of a civil citation by the Planning Director or his designee.
- (E) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

8.19.7. Separate Offences May Be Charged

Each day that any violation continues after notification by the Planning Director that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

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ATTACHMENT B

TOWN OF SOUTHERN PINES UDO APPENDICES

MAJOR SUBDIVISION – FINAL PLAT APPLICATION CHECKLIST

Process Overview

Decision Making Body	Review	Recommend	Decision
Technical Review Committee	X		
Director		X	
X = indicates required action			

Submittal Requirements*

Please include the following information on all applications for a Major Subdivision – Final Plat. If any of the information or required materials is missing or incomplete, the application will not be processed.

- ☐ **PROOF OF OWNERSHIP** – Filed deed, vendor's lien, act of donation or tax assessment with legal description.
- ☐ **FINAL PLAT** – Copies (1 full sized copy and 1 digital copy) drawn at a scale of 1" = 100' on sheets with maximum dimensions not exceeding 24 inches by 36 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on the other sheets. The plat shall contain the following information:
 - a. Name of the subdivision;
 - b. The name of the owner or owners, or subdividers;
 - c. Date, scale and north arrow, on each page. Each sheet of the plat shall indicate its page number in relation to the total number of sheets;
 - d. The correct legal description of the property being subdivided shall be shown on the Plat;
 - e. Accurate references to known or permanent monuments, giving the bearing and distance from said monuments and State Plane coordinates of at least two subdivision corners;
 - f. The location of all survey monuments and their descriptions;
 - g. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100th of a foot. The radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners;
 - h. The names, lines and right-of-way widths of all proposed streets with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;
 - i. The location of the subdivision based on an accurate traverse giving angular and linear dimensions which shall mathematically close. Bearings and distances of all exterior boundary lines and along the center lines of streets shall be furnished;
 - j. Accurate location of all existing and recorded roads intersecting the boundaries of the tract;
 - k. The gross area, net area and lot area of the land being subdivided;
 - l. The boundary lines of all adjoining lands for a distance of 150 feet and showing (with dotted lines) the right-of-way lines, adjacent streets and alleys with their widths and names, and adjacent zoning districts;

- m. Easements and easements for rights-of-way provided for public use, services or utilities, with figures showing their dimensions and listing uses that are being provided and any limitations on such easement;
- n. Clearly numbered lots in sequence and blocks clearly lettered in sequence;
- ~~p-q~~ The location of floodplain boundaries, as applicable;
- ~~q-r~~ A statement dedicating all easements, streets alleys and other public areas not previously dedicated, including an accurate outline of any portions of the property intended to be dedicated or granted for public use;
- ~~p-q~~ Appropriate certificates as determined by the Town Attorney. These certificates shall include, but not be limited to:
- (1) Certification signed and dated by a ~~registered-licensed~~ North Carolina Land Surveyor ~~that the subdivision is or is not in a floodplain;~~
 - (2) Certificate of Approval (see template below)
 - (3) Certification of platting signed and dated by the owner, appearing on or attached to the plat and on all separate sheets comprising the plat, acknowledging the dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required;
 - (4) Certificate of Survey and Accuracy (see template below);
 - (5) NCDOT Certification (~~if applicable for streets proposed as public that are outside of~~ municipal corporate limits, see template below); and
 - (6) Review Officer Certification (see template below).

Certificate of Approval

I hereby certify that all streets shown on this plat are within the Town of Southern Pines' planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within twelve months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with the Southern Pines Town Unified Development Ordinance, and therefore this plat has been approved by the Southern Pines ~~planning-Planning director~~ Director, subject to its being recorded in the Moore ~~county-County~~ Registry within sixty days of the date below.

Date Planning Director

Certificate of Ownership and Dedication:

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Southern Pines, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Southern Pines Town Council in the public interest.

Date Owner

(Notarized)

Certificate of Survey and Accuracy:

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision. (Deed description recorded in Book _____, Page _____, etc. (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____; ~~That that~~ the ratio ~~or of~~ precision ~~or positional accuracy~~ as ~~calculation calculated is 1-~~ _____; that this plat was prepared in accordance with G.S. § 47-30. Witness my original signature, ~~registration license~~ number and seal this _____ day of _____, A.D. 20____.

Seal or Stamp

Land Surveyor_____
~~Registration License~~ Number

This certificate of the Notary shall read as follows:

State of North Carolina, _____ County I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of _____, 20____.

Seal or Stamp _____ Notary Public My Commission Expires: _____

Division of Highways District Engineer Certificate

I hereby certify that the public streets shown on this plat have been completed, or that a performance bond or other sufficient surety has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards in accordance with at least the minimum specifications and standards of the State Department of Transportation for acceptance of subdivision streets on the state highway system for maintenance.

Date District EngineerCertificate of Review Officer

Certificate of Review Officer

I, _____, Review officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date: _____

- ☐ DEVELOPMENT AGREEMENT (if applicable) – approved as to form by the Town Attorney.
- ☐ SUBDIVISION IMPROVEMENT AGREEMENT, (if applicable) – Copy of Agreement as prepared by applicant and approved to form by Town Attorney as well as acceptable security, per section 2.20.7.
- ☐ STREET NAME APPROVAL, (if applicable) – Formal written approval from Moore County Public Safety and Moore County GIS of street names within subdivisions.

- ☐ **APPROVED ENGINEERING PLANS**, or as-built plans, conforming with the requirements of the UDO, for all streets, grading, sanitary sewerage system, storm drainage facilities, water distribution system, and other pertinent site improvements.
- ☐ **COVENANTS AND RESTRICTIONS** (if applicable) – two copies of all covenants and restrictions and, if applicable, articles of incorporation and bylaws of a homeowner's association for the proposed subdivision;
- ☐ **HOMEOWNERS ASSOCIATION DOCUMENTATION** (if applicable) – homeowners' association articles of incorporation and/or bylaws shall contain the following information:
 - a. The legal description of the common land;
 - b. A description of common facilities;
 - c. The restrictions placed upon the use and enjoyment of the lands or facilities;
 - d. Persons or entities entitled to enforce the restrictions;
 - e. A mechanism to assess and enforce the common expenses for the land or facilities (e.g., utility systems, private roads and other public or quasi-public improvements) including upkeep and maintenance expenses, real estate taxes and insurance premiums;
 - f. A mechanism for resolving disputes among the owners or association members;
 - g. The conditions and timing of the transfer of ownership and control of land facilities to the association;
 - h. Any other matter the developer deems appropriate.
- ☐ **APPLICATION FEE** – as specified in Appendix H.
- ☐ **SIGNED APPLICATION** – by the applicant or authorized agent. A property owner authorized agent requires an affidavit giving permission to sign the application.
- ☐ **PUBLIC UTILITY EASEMENTS** (if applicable) – copies of utility easements granting the Town of Southern Pines access for future operations and maintenance of utilities.
- ☐ **ADDITIONAL DOCUMENTATION** – Additional text and/or maps provided to demonstrate consistency with the approval criteria in section 2.19 of this UDO.

**Additional information may be required. Fees are subject to change.*

MINOR SUBDIVISION APPLICATION CHECKLIST

Process Overview

Decision Making Body	Review	Recommend	Decision
Technical Review Committee		X	
Director			X
X = indicates required action			
● = indicates actions that may be applicable based on development impact.			

Submittal Requirements*

Please include the following information on all applications for a Minor Subdivision. If any of the information or required materials is missing or incomplete, the application will not be processed.

- ☐ **PROOF OF OWNERSHIP** – Filed deed, vendor's lien, act of donation or tax assessment with legal description.
- ☐ **FINAL PLAT** – Copies drawn at a scale of 1" = 100' on sheets with maximum dimensions not exceeding 24 inches by 36 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on the other sheets. The plat shall contain the following information:
- a. Name of the subdivision;
 - b. The name of the owner or owners, or ~~subdividers~~;
 - c. Date, scale and north arrow, on each page. Each sheet of the plat shall indicate its page number in relation to the total number of sheets;
 - d. The correct legal description of the property being subdivided shall be shown on the Plat;
 - e. Accurate references to known or permanent monuments, giving the bearing and distance from said monuments and State Plane coordinates of at least two subdivision corners;
 - f. The location of all survey monuments and their descriptions;
 - g. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100th of a foot. The radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners;
 - h. The names, lines and right-of-way widths of all proposed streets with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;
 - i. The location of the subdivision based on an accurate traverse giving angular and linear dimensions which shall mathematically close. Bearings and distances of all exterior boundary lines and along the center lines of streets shall be furnished;
 - j. Accurate location of all existing and recorded roads intersecting the boundaries of the tract;
 - k. The gross area, net area and lot area of the land being subdivided;
 - l. The boundary lines of all adjoining lands for a distance of 150 feet and showing (with dotted lines) the right-of-way lines, adjacent streets and alleys with their widths and names, and adjacent zoning districts;
 - m. Easements and easements for rights-of-way provided for public use, services or utilities, with figures showing their dimensions and listing uses that are being provided and any limitations on such easement;
 - n. Clearly numbered lots in sequence and blocks clearly lettered in sequence;
 - n-o. ~~The location of floodplain boundaries, as applicable;~~
 - o-p. A statement dedicating all easements, streets alleys and other public areas not previously dedicated, including an accurate outline of any portions of the property intended to be dedicated or granted for public use;
 - p-q. Appropriate certificates as determined by the Town Attorney. These certificates shall include, but not be limited to:
 - (1) Certification signed and dated by a ~~registered licensed~~ North Carolina Land Surveyor ~~that the subdivision is or is not in a floodplain;~~

- (2) Certificate of Approval (see template below);
- (3) Certification of platting signed and dated by the owner, appearing on or attached to the plat and on all separate sheets comprising the plat, acknowledging the dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required; and
- (4) Certificate of Survey and Accuracy (see template below);
- (5) NCDOT Certification (if applicable for streets proposed as public that are outside of municipal corporate limits, see template below; and
- (6) Review officer certification (see template below).

Certificate of Approval

I hereby certify that all streets shown on this plat are within the Town of Southern Pines' planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within twelve months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with the Southern Pines UDO, and therefore this plat has been approved by the Southern Pines Planning Director, subject to its being recorded in the Moore County Registry within sixty days of the date below.

Date Planning Director

Certificate of Ownership and Dedication:

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Southern Pines, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Southern Pines Town Council in the public interest.

Date Owner

(Notarized)

Certificate of Survey and Accuracy:

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision. (Deed description recorded in Book _____, Page _____, etc. (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____; that the ratio of precision or positional accuracy as calculated is 1:_____; that this plat was prepared in accordance with G.S. § 47-30. Witness my original signature, registration license number and seal this _____ day of _____, A.D. 20____.

Seal or Stamp

Land Surveyor

Registration License Number

~~This certificate of the Notary shall read as follows:~~

~~_____, State of North Carolina, _____ County, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal.~~

this day of _____, 20____

Seal or Stamp _____

Notary Public

My Commission Expires: _____

Division of Highways District Engineer Certificate

I hereby certify that the public streets shown on this plat have been completed, or that a performance bond or other sufficient surety has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards in accordance with at least the minimum specifications and standards of the State Department of Transportation for acceptance of subdivision streets on the state highway system for maintenance.

Date _____ District Engineer _____

Certificate of Review Officer

Certificate of Review Officer

I, _____, Review officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer
Date: _____

- ☐ SUBDIVISION IMPROVEMENT AGREEMENT, (if applicable) – Copy of Agreement as prepared by applicant and approved to form by Town Attorney as well as acceptable security, per section 2.20.7.
- ☐ APPROVED ENGINEERING PLANS (if applicable), or as-built plans, conforming with the requirements of the UDO, for all streets, grading, sanitary sewerage system, storm drainage facilities, water distribution system, and other pertinent site improvements.
- ☐ APPLICATION FEE – as specified in Appendix H.
- ☐ SIGNED APPLICATION – by the applicant or authorized agent. A property owner authorized agent requires an affidavit giving permission to sign the application.
- ☐ ADDITIONAL DOCUMENTATION – Additional text and/or maps provided to demonstrate consistency with the approval criteria in section ____ of this UDO.

**Additional information may be required. Fees are subject to change.*

MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING
TRANSPORTATION PLANNING

AMONG

THE VILLAGE OF PINEHURST, TOWN OF SOUTHERN PINES, TOWN OF ABERDEEN, VILLAGE OF
WHISPERING PINES, TOWN OF PINEBLUFF, VILLAGE OF FOXFIRE, TOWN OF TAYLORTOWN,
MOORE COUNTY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN
COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH:

THAT WHEREAS, the Village of Pinehurst, Town of Southern Pines, Town of Aberdeen, Village of
Whispering Pines, Town of Pinebluff, Village of Foxfire, Town of Taylortown, Moore County and
the North Carolina Department of Transportation (NCDOT) desire to enter into a Memorandum
of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning,
regarding the Sandhills Metropolitan Planning Organization (SMPO);

WHEREAS, each Metropolitan Planning Organization (MPO) is required to develop a
Metropolitan Transportation Plan in cooperation with NCDOT and in accordance with 23 U.S.C.
§ 134, any amendments thereto, and any implementing regulations; and a Comprehensive
Transportation Plan in accordance with North Carolina General Statute §136-66.2; and

WHEREAS, the Metropolitan Transportation Plan serves as the basis for future transportation
improvements within the Metropolitan Planning Area (MPA);

NOW THEREFORE, in consideration of the mutual benefits afforded to each party, the parties
agree as follows:

Section 1. Naming and Boundary of the Metropolitan Planning Area

The "Sandhills Metropolitan Planning Organization" ("SMPO") shall be the formal name for the
organization governing transportation planning for the Pinehurst-Southern Pines Urban Area as
initially defined by the United States Department of Commerce, Bureau of the Census, plus the
additional existing urbanized area beyond the existing urbanized area boundary that is
expected to become urbanized within a twenty-year planning period and as adopted by the
jurisdictions included in the MPA.

The Sandhills MPA consists of the Pinehurst-Southern Pines Urban Area as defined by the
United States Department of Commerce, Bureau of the Census, plus that area beyond the
existing urbanized area boundary that is expected to become urbanized within a twenty-year

planning period. This area is hereinafter referred to as the MPA and is delineated in Exhibit A.

Section 2. Planning Responsibility within the Metropolitan Planning Area

Cooperative, continuing, and comprehensive transportation planning shall be undertaken in the MPA by the SMPO in accordance with all applicable federal and state statutes. The SMPO shall coordinate any transportation planning it undertakes which may have a regional impact with the Triangle Area Rural Planning Organization, and other municipalities in the region.

Section 3. SMPO Governing Board

The SMPO shall be governed by a Governing Board which shall be the policy making board for the MPO. The voting membership of the Governing Board shall include one elected official from each member local government plus an NCDOT Board Member appointed by the Secretary, as well as non-voting members from the following agencies:

- a. Federal Highway Administration (FHWA) North Carolina Division, DA;
- b. Moore County Airport Authority.

Section 4. Conduct of Business by the SMPO Governing Board

The SMPO Governing Board will meet as often as it deems appropriate and advisable, but at least quarterly. The Governing Board shall adopt by-laws and conduct its business in accordance with its adopted by-laws. The Governing Board will select a Chair and Vice-Chair annually at the first scheduled meeting of each calendar year. All meetings of the Governing Board will be subject to the Open Meetings Law.

Section 5. Role and Responsibilities of the SMPO

The SMPO Governing Board will be responsible for carrying out the provisions of 23 U.S.C. § 134 (Federal Highway Administration); and 49 U.S.C. §§ 5303, 5304, 5305, 5306 and 5307 (Federal Transit Administration); including the following duties and responsibilities:

- 5.1. Review and approval of the annual transportation Unified Planning Work Program and any subsequent amendments;
- 5.2. Review and approval of the annual budget;
- 5.3. Review and approval of the Transportation Improvement Program for multimodal capital and operating expenditures to insure coordination between local and State capital and operating improvement programs and any subsequent amendments;

5.4. Review and approval of the Metropolitan Transportation Plan, and subsequent changes thereto, and the Comprehensive Transportation Plan as required by the N.C.G.S. § 136-66.2(d). Revisions in the transportation plans must be jointly approved by the Governing Board and the North Carolina Department of Transportation;

5.5. Endorsement, review and approval of changes to the Federal Highway Administration Functional Classification System, the Adjusted Urbanized Area Boundary and the MPA Boundary;

5.6. Endorsement, review and approval of a Prospectus for Transportation Planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;

5.7. Establishment of goals and objectives for the transportation planning process reflective of and responsive to such comprehensive plans for growth and development in the MPA as are adopted by Boards of General-Purpose Local Government;

5.8. Approval and distribution of federal funds designated for the MPA under the provisions of MAP-21 and any other subsequent transportation funding authorizations;

5.9. Formation of ad-hoc and standing subcommittees.

Section 6. SMPO Voting Procedures

Any member may call for a vote on any issue provided that it is seconded and within the purposes set forth in this "Memorandum of Understanding." Each voting member of the Governing Body shall have one vote unless a weighted vote is called for as described below. A majority vote of those present and voting shall constitute approval of any motion, provided a quorum exists and provided that a super-majority vote is not required for approval of the item under applicable law, or a weighted vote is called for. Abstentions are not included in the tally of the votes.

In order for a vote, or a weighted vote, to be counted, each local government member of SMPO must be current with respect to payment of local match dues; if an entity is not current in payment of dues, then its input will be merely advisory in a non-voting capacity. Currency with respect to dues payment is defined as having paid, in total, an annual or other SMPO dues payment for which said payment's due date has elapsed. Members who are in a non-voting status because of unpaid dues will be classified as non-voting board members and will not count toward calculations of a quorum in any way. Voting privileges will be restored upon full payment of required dues.

After any non-unanimous vote, any member may make a motion for a weighted vote on the matter. If that motion is seconded, a weighted vote will take place. If a weighted vote is taken, all local governments will have at least one vote. Those local governments with populations over 10% of the total MPA population will have one additional vote. Then, any local government with over 20% of the total MPA population will have another additional vote. Population figures shall be determined based on the most recent Federal Decennial Census. Only the non-municipal population of those portions of the county located within the MPA shall be counted for the county. As of the date of this MOU, the weighted voting structure is as follows:

<u>VOTING MEMBER</u>	<u>NUMBER OF WEIGHTED VOTES</u>
Village of Pinehurst	3
Town of Southern Pines	3
Town of Aberdeen	2
Village of Whispering Pines	1
Town of Pinebluff	1
Village of Foxfire	1
Town of Taylortown	1
Moore County	2
Other voting members	1

Section 7. Establishment of the Transportation Coordinating Committee (the TCC)

7.1. The parties acknowledge that transportation planning is a specialized field. In order to give the duly constituted Governing Board access to the technical expertise necessary to meet the requirements of federal and state law, a Transportation Coordinating Committee (the TCC) shall be established with the responsibility for advising the Governing Board of the technical aspects of the transportation planning process, performing such technical analysis as necessary to support transportation planning and making recommendations to the Governing Board, and local and State governmental agencies for any necessary actions relating to the continuing transportation planning process.

7.2. Membership of the TCC shall include technical representation from all local and State governmental agencies directly related to and concerned with the transportation planning process for the MPA and the voting members shall consist of the following:

- a. Village Manager or designee, Pinehurst;
- b. Town Manager or designee, Southern Pines;
- c. Town Manager or designee, Aberdeen;
- d. Village Manager or designee, Whispering Pines;

- e. Town Administrator or designee, Pinebluff;
- f. Village Clerk, Manager or designee, Foxfire;
- g. Town Clerk, Manager or designee, Taylortown;
- h. County Manger or designee, Moore County;
- i. Moore County Transportation Services Director or designee;
- j. Division 8 Engineer or designee, North Carolina Department of Transportation;
- k. NCDOT Transportation Planning Division Representative

In order for a vote to be counted, each local government member of SMPO must be current with respect to payment of local match dues; if an entity is not current in payment of dues, then its input will be merely advisory in a non-voting capacity. Currency with respect to dues payment is defined as having paid, in total, an annual or other SMPO dues payment for which said payment's due date has elapsed. Members who are in a non-voting status because of unpaid dues will be classified as non-voting board members and will not count toward calculations of a quorum in any way. Voting privileges will be restored upon full payment of required dues.

Representatives from each of the following bodies will serve as non-voting members of the Technical Coordinating Committee.

- a. Public Transportation Division, North Carolina Department of Transportation;
- b. Federal Highway Administration (FHWA) North Carolina Division, Planning and Program Development Planner;
- c. Other local, State or Federal agencies impacting transportation in the planning area invited by or staff to a member jurisdiction or at the invitation of the TCC.

Section 8. Conduct of Business by the TCC

The TCC will meet as often as it deems appropriate and advisable, but at least quarterly. The TCC will adopt by-laws and conduct its business in accordance with its adopted bylaws. The TCC will select a chair and vice-chair annually at its first meeting of each calendar year. All meetings of the TCC shall be subject to the Open Meetings Law.

Section 9. Role and Responsibilities of the TCC

The TCC shall be responsible for development, review, and recommendation for approval of the Prospectus, Transportation Improvement Program, Federal-Aid Urban System and Boundary, revisions to the Transportation Plan, planning citizen participation, and documentation reports on the transportation study.

Section 10. TCC Personnel Subcommittee

The TCC shall appoint and maintain a subcommittee made up of three managers for the hiring, counselling, discipline, termination, performance evaluation, etc. of the SMPO Director. The Pinehurst Village Manager will always be a member of Personnel Subcommittee, while its other members may rotate as desired by the TCC.

Section 11. Designation of the Lead Planning Agency (the LPA)

The Village of Pinehurst shall serve as the Lead Planning Agency (LPA). As LPA, the Village of Pinehurst will provide the necessary facilities and administrative support to SMPO to fulfill its responsibilities. An LPA Agreement will be entered into between the Village of Pinehurst as LPA and SMPO which will further clarify the roles and responsibilities the Village will provide on behalf of SMPO. SMPO will be the sole and exclusive common law employer of all SMPO staff; however, SMPO staff shall be considered employees of Pinehurst for the purpose of NC Local Governmental Employees' Retirement System, health and welfare and other benefits, and general payroll administration.

Section 12. The Director and Staff

Administrative coordination for the SMPO Governing Board and the TCC will be performed by a Director. The Director shall be selected by a subcommittee defined in section 10. The Director will be assigned to the Village of Pinehurst Planning and Inspections Department and report to the Village's Director of Planning and Inspections for administrative purposes. As necessary, the Director shall select, with the concurrence of the Personnel Subcommittee, such other staff as may be budgeted and within the annual staffing plan. All staff selected by the Director shall be assigned to the Village of Pinehurst Planning and Inspections Department and subject to the provisions of the Village's personnel rules and policies as further defined in the LPA Agreement.

Section 13. Role and Responsibilities of the Director

The Director shall be responsible to arrange the meetings and agendas in coordination with the Village of Pinehurst Village Clerk, or as otherwise supported by the LPA. In addition, the Director shall prepare the Prospectus, the Unified Planning Work Program the (UPWP), a Transportation Improvement Program in accordance with federal and state regulations and requirements; develop a Metropolitan Transportation Plan (MTP) in accordance with federal and state regulations; maintain the MTP; execute the transportation planning process in accordance with federal and state laws and regulations; prepare invoices and progress reports in accordance with federal, state, and local requirements; structure the public involvement process needed to ensure that the UPWP, Transportation Plan, Transportation Improvement

Program, and any transportation conformity determinations meet federal requirements; and consult with the SMPO Governing Board and the TCC regarding the best approaches to performing the duties listed above.

Section 14. Additional Responsibilities of Member Governments

14.1. The representative from each General-Purpose Local Government on the SMPO Governing Board shall be responsible for instructing the clerk of his/her local government to provide to the Director copies of the minutes of any action taken by his/her local government which involves any MPO plan.

14.2. Each member signatory local government shall seek to maintain harmony between long-range plans, zoning, subdivision approval and SMPO transportation plans.

14.3. All member signatory local governments will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus for Transportation Planning.

Section 15. Funding and Fiscal Matters

15.1. All transportation and related federal aid planning funds available to promote the cooperative transportation planning process will be expended in accordance with the Unified Planning Work Program adopted by the Governing Board. Administration of funding in support of the Transportation Planning Process on behalf of the Governing Board will be conducted by the Village of Pinehurst as the host planning agency. The Village of Pinehurst will execute appropriate agreements with funding agencies as provided by the Planning Work Program.

15.2. The local match for the Federal Aid planning funds will be determined based on the current federal matching requirements. The signatory General Purpose Local Governments will contribute to the local match requirement proportionate to their percentage of the population within the MPA at the most recent decennial census. As of the 2020 census, those percentages are:

<u>LOCAL GOVERNMENT</u>	<u>PERCENT OF POPULATION</u>
Village of Pinehurst	29%
Town of Southern Pines	26%
Town of Aberdeen	14%
Village of Whispering Pines	8%
Town of Pinebluff	2%
Village of Foxfire	2%

Town of Taylortown	1%
Moore County	18%

Only the non-municipal population of those portions of the county located within the MPA shall be counted for the county. Member governments may also be asked to contribute additional local funding for projects wholly within their jurisdictional limits.

15.3. This funding share shall be invoiced by August 15th of each year for actual expenses from the previous fiscal year by the Village of Pinehurst, acting as Lead Planning Agency, and as recipient of the Federal Planning funds distributed by the North Carolina Department of Transportation. All payments will be due to the Village of Pinehurst by October 1st. Annual fees are non-refundable.

Section 16. Methodology for Changes to SMPO MOU

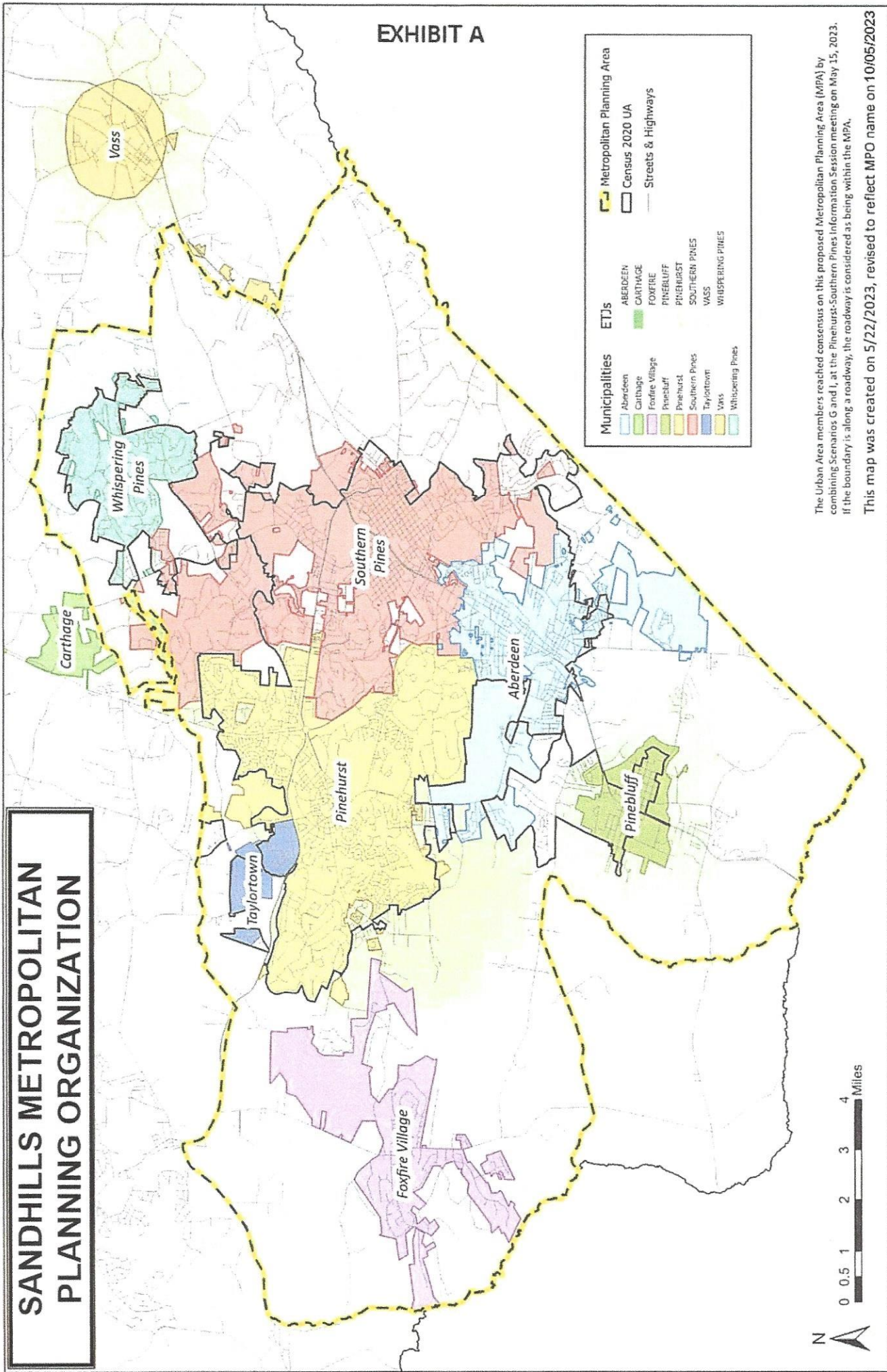
Any changes to the MPA boundaries, Governing board membership or voting structure, or formulation of dues must be approved by the same process as for the creation of the MPO, which is as follows: the units of local government that together represent at least 75% of the affected population in the Pinehurst-Southern Pines Urban Area (including the largest incorporated city, based on population) must vote at a properly called public meeting at each local government's jurisdiction to approve such changes to reach the 75% or more approval standard.

Section 17. Duration of the Agreement

Any party may terminate its participation in the MPO and remove itself from this Agreement by giving sixty days' advance notice in a writing signed by the Chief Elected Official, if a local government, or by the chief executive officer of the agency, if not a local government. This notice shall be delivered to the Chairman of the SMPO Governing Board and to the Director.

SANDHILLS METROPOLITAN PLANNING ORGANIZATION

EXHIBIT A



The Urban Area members reached consensus on this proposed Metropolitan Planning Area (MPA) by combining Scenarios G and I, at the Pinehurst-Southern Pines Information Session meeting on May 15, 2023. If the boundary is along a roadway, the roadway is considered as being within the MPA.

This map was created on 5/22/2023, revised to reflect MPO name on 10/05/2023