



AGENDA

Monday, January 24, 2022: 3:00 PM
Town Council Work Session

VIRTUAL MEETING VIA GOTO WEBINAR

At the meeting start time, please attend using one of the following three options:

Online at <https://attendee.gotowebinar.com/register/6656393237553247504>

Via GoToWebinar app on tablet/smartphone by entering Webinar ID 933-242-555.

By phone*, dial (415) 930-5321, then use Audio Access Code 434-838-719.

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

a. CivicClerk Review

Staff will review the recently launched CivicClerk platform.

3. ACTION ITEMS

a. Authorize Demolition of Unsafe Building at 830 Clark Street and Expenditure of \$7,200 for Demolition Work

Chief Building Inspector John Bullock and Code Enforcement Officer Lisa Webb will present the request and history on this property.

b. AX-01-22: Direct Clerk to Investigate Petition for Annexation at 3900 Youngs Road

Michael Tveter and Jamie Tveter are requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject parcel is identified as PIN 858100892377; PARID 20210139 and is owned by Michael Tveter and Jamie Tveter.

c. SU-03-21 Townhouses on Bennett Written Decision

Planning staff has prepared a draft written decision for SU-03-21 that was heard by the Town Council on January 11, 2022.

d. PD-10-21: Adopt Written Decision for Pinehurst Surgical Center Site 3N PDP

Planning staff has prepared a draft written decision for PD-10-21 that was heard by the Town Council on January 11, 2022.

4. COUNCIL UPDATES AND DISCUSSION

a. Arts Council of Moore County Public Art Program

Mr. Chris Dunn, Executive Director of the Arts Council of Moore County, has requested time to speak

with the Town Council. He wishes to brief the Council about a revised version of a public art program to install privately-funded murals on buildings in Southern Pines. Consideration of such a program was originally initiated as a request from Mr. Steve Harbour in June of 2020.

b. EPA Inspection of Southern Pines Water System

On October 19th, representatives of the Environmental Protection Agency (EPA) performed an inspection of the Town's water treatment and distributions systems. The Town was the only water system in North Carolina that was inspected. The Town passed the inspection with flying colors and no violations were noted by EPA.

c. Municipal Elections Discussion

Council-initiated discussion on options for future municipal elections.

5. ADJOURNMENT

**Participation via telephone is listen-only and lacks the full functionality of the webinar meeting format. If you wish to view presentations, please participate online or via the GoToWebinar app.*

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: John Bullock, Chief Building Inspector

Subject: Requesting approval for demolition of unsafe building – Minimum Housing

Date: January 24, 2022

I. SUMMARY:

On July 20, 2021, the Inspections Department received a complaint concerning the abandoned structures at 830 Clark Street (ParId00032320/PIN 858216726773). After site inspection on September 10, 2021, it was verified the structures were below the Minimum Housing Requirements of the Town of Southern Pines, Code of Ordinances, Section 151.21. Photos were taken of the current conditions and the first Violation notice was sent certified on September 14, 2021. This notice stated the violations and asked the property owner(s) to contact the Inspections Department with a plan to correct the structural issues before October 14, 2021. There was no reply.

On October 18, 2021, a condemnation notice was placed on the structure. Staff then mailed a certified violation notice informing the owners of a hearing on November 17, 2021, in the Chief Building Inspectors office to discuss the situation. Public Notice was posted in the Pilot two times concerning the hearing. Again, no one contacted the Town.

On November 19, 2021, the third notice was mailed certified to the owner listed in Moore County Tax Records as Judy Jordan & Others, explaining that the necessary demolition paperwork is being processed and notice of demolition will be presented to Town Council for their decision.

The Inspections Department gave the property owners yet another 30 days to respond. As no one contacted the Inspections Department, the Chief Building Inspector acquired bids for the demolition. The Inspections Department is requesting approval of \$7,200 for the demolition of the unsafe structure at 830 Clark St. Southern Pines, NC.

II. ATTACHMENTS:

1. Minimum Housing/Demolition Checklist
2. Photos of unsafe building
3. Copy of Notice dated September 14, 2021
4. Copy of Notice dated October 18, 2021
5. Copy of Notice dated November 19, 2021
6. Copy of Legal Notice
7. Copy of bid invoice for \$7,200

III. TOWN COUNCIL RECOMMENDED ACTION:

Town Council is being asked to approve the condemnation of the unsafe structure at 830 Clark St and approve the requested funding of \$7,200 for demolition of said property.

Demolition Check List

Property Owner: JUDY JORDAN & OTHERS

Property Address: 830 CLARK ST, SOUTHERN PINES

- 1) 9/10/21 Verify the house is below minimum standards as identified in the Town Ordinance
(Take photos of property)
- 2) 9/14 Send First Notice Certified Mail – Property Owners Plan of Action Notice (Lisa)
- 3) 9/14 Locate property information
 - a. Township, subdivision, Block and/or Lot
 - b. Person(s) listed on Moore Tax Records
- 4) 10/18 Send Second Notice Certified Mail - to person listed on Tax Record of
date/time/place for Public Hearing. (Lisa)
Put Legal Notice in Paper for 2 Sundays prior to hearing.
- 5) 11/17 Placard the Building with “Condemned Notice” and take photo for file
- 6) 11/17 At the public hearing, give responsible parties 30 days or less to either obtain a
building permit for repair or demolition permit.

~~If no one appears for hearing,~~ mail certified Third Notice stating what was declared
at hearing and that the necessary paperwork for the demolition will be prepared
(Lisa)
- 7) 1/4/22 Get bids on cost of Demolition and clean-up
- 8) 1/24/20 When time expires for responsible persons to respond to #6 (30 days from Public
Hearing), send bid amount and demolition order to the Town Council for Approval
- 9) _____ Issue service release to ALL applicable utilities for the property prior to demo
- 10) _____ After Council Approval – Bidder must obtain a Demo Permit
- 11) _____ When Demolition is complete – check property for cleanup and turn invoice into
finance
for payment and billing property owner (take photos)











8

3

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"CONDEMNED"

THIS BUILDING HAS BEEN CONDEMNED
AS UNSAFE BY THE CHIEF BUILDING
INSPECTOR OF THE TOWN OF
SOUTHERN PINE.

THIS BUILDING IS TO REMAIN CLOSED
AND UNOCCUPIED UNTIL EXISTING
CONDITIONS ARE SAFE TO THE PUBLIC
AND COMPLY TO CODE STANDARDS.

G.S. 142B-429 UNDER PENALTY
OF THE LAW ANYONE IS PROHIBITED
FROM REMOVING THIS NOTICE
EXCEPT A LOCAL INSPECTOR.

John Smith
Chief Building Inspector



Building Department

180 SW Broad Street
Southern Pines, NC 28387

Phone (910) 692-4003
Fax (910) 692-9495

September 14, 2021

Judy Jordan & Others
3213 White Cedar Dr
Chesapeake, VA 23323

RE: 830 Clark St., Southern Pines

Dear Ms. Jordan,

It has come to the attention of the Town that the structure at 830 Clark St, Southern Pines, does not meet the Minimum Housing Requirements. Per the Town of Southern Pines, Code of Ordinances, 151.21 Structural Conditions: "(A) Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean or buckle; shall not be rotted, deteriorated or damaged; and shall not have holes or cracks which might admit rodents" (G) "The roof, flashing, exterior walls, basement walls, floors, and all doors and windows exposed to weather shall be constructed and maintained so as to be weather and watertight".

Please contact the Building/Inspections Department with a plan o with this building. If we do not hear from you before October 1 condemning the building.

Thank you for your cooperation in this matter.

Sincerely,

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Sent To **830 Clark**

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000 90-7 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

☐ Complete items 1, 2, and 3.
☐ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Judy Jordan
3213 White Cedar Dr
Chesapeake, VA 23323
(830 Clark St.)**

Article Number (Transfer from service label)
7018 1130 0000 0341 4830

9590 9402 6714 1060 6243 93

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature **X** **COTTON**

B. Received by (Printed Name) **COTTON**

C. Date **9/14/21**

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

☐ Adult Signature	☐ Priority Mail Express
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☐ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Signature Confirmation
☐ Collect on Delivery	☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery	
☐ 1 Mail Restricted Delivery (500)	

Domestic Return Piece



Building Department

180 SW Broad Street
Southern Pines, NC 28387

Phone (910) 692-4003
Fax (910) 692-9495

October 18, 2021

Judy Jordan & Others
3213 White Cedar Dr
Chesapeake, VA 23323

REF: 830 Clark St., Southern Pines, NC
ParID / PIN 00032320 / 858216726773

Dear Ms. Jordan,

The Town of Southern Pines Inspections Department has condemned the structure located at the above referenced address. The town of Southern Pines will be following through with the necessary procedures to have this structure demolished and cleaned up. This action has been taken based on the following findings on a recent inspection of the property:

- The general stability of the structure is very unsafe
- The structure is home to rodents, snakes and possums
- Complaints from neighboring property owners
- Multiple windows are broken out
- Roof is leaking and falling in
- There is trash and debris throughout the structure

IN its current condition the structure and surrounding property is unsafe for the Town of Southern Pines and the North Carolina State Building Department. The structure will be demolished on Wednesday, November 17, 2021 at 10:00 AM. The structure will be demolished on Monday the 15th of November 2021 at 10:00 AM.

office Monday the 15th of November 2021 at 10:00 AM.

U.S. Postal Service™
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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$
Total Postage and Fees \$

Sent To 830 Clark St
Street and Apt. No., or PO Box No.
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000 9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
*Judy Jordan
3213 White Cedar Dr
Chesapeake, VA 23323*

2. Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

4. Domestic Return Receipt

5. PS Form 3811, July 2020 PSN 7530-02-000-9053

6. 7018 1130 0000 0341 4885

7. 9590 9402 6714 1060 6243 31

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*
B. Received by (Printed Name) *Shirley D. Benge*
C. Date of Delivery *11/18/21*
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:



Building Department

180 SW Broad Street
Southern Pines, NC 28387

Phone (910) 692-4003
Fax (910) 692-9495

November 19, 2021

Judy Jordan & Others
3213 White Cedar Dr
Chesapeake, VA 23323

RE: 830 Clark St., Southern Pines, NC

Dear Ms. Jordan;

On Wednesday, November 17, 2021, at 9:30 a.m., a hearing was held in the Southern Pines Inspections Office at 180 SW Broad Street, c at the above referenced address. The owner of necessary paperwork was sent to Ms. Jordan by cer am and closed at 10:00 am. Ms. Jordan or anyone t discuss the condemnation of the structure in questic

The necessary demolition paperwork will be proces sent to the Town Council for their decision on this i

Sincerely,

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$
Sent To **830 Clark St**
Street and Apt. No., or PO Box No.
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-90-17 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) **Sherwood Seay** C. Date of Delivery **11/26/21**
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Collect on Delivery Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Judy Jordan
3213 White Cedar Dr
Chesapeake Va
23323

2. Article Number (Transfer from service label)
9590 9402 6714 1060 6242 87
7018 1130 0000 0341 4984

PS Form 3811, July 2020 PSN 7530-02-000-9053

AFFIDAVIT OF PUBLICATION

NORTH CAROLINA
MOORE COUNTY

DAVID WORONOFF, PUBLISHER of The Pilot, LLC, a bi-weekly newspaper published in Moore County and the State of North Carolina, being duly sworn, deposes and says: that the attached advertisement:

830 Clark St.

Was published in the aforesaid newspaper for 2 consecutive week(s)/day(s) beginning with the issue dated October 24, 2021 and ending with the issue dated October 31, 2021.

LEGAL NOTICE

Notice of hearing before the Building Inspector under G.S. 160A-428 of Chapter 160A of the General Statutes of North Carolina relating to condemnation of building located at 830 Clark St, Southern Pines, NC 28387 (Tax Reference: PIN #858216726773, LRK #00032320, Owner of Record: Judy Jordan & Others, by the Moore County Tax Department), in the Town of Southern Pines.

The Building is located at the place above designated and is in such condition as appears to constitute a fire or safety hazard or is dangerous to life, health or other property.

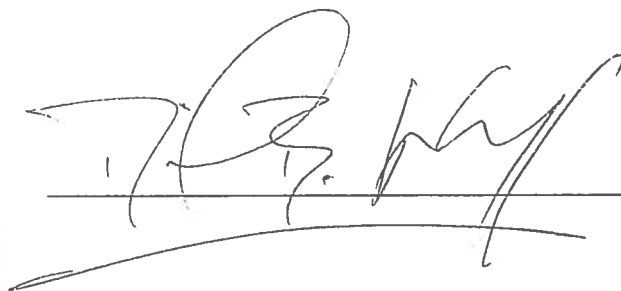
A hearing will be held before the Building Inspector of the Town of Southern Pines, North Carolina, at his office located at 180 SW Broad St on Wednesday, November 17, 2021 at 9:30 A.M., for the purpose of finding the facts as to whether or not the condition of such building falls within the scope of the above referenced General Statute. The property owner is entitled to be heard in person or by council at the hearing and to present arguments and evidence pertaining to the matter.

If upon such hearing the Building Inspector shall find that the above described building is a fire or safety hazard or to be dangerous to life, death or to other property, the Building Inspector will require the owner to remedy such conditions so found to exist or to demolish and remove said building(s) as appear appropriate.

Further information is posted at the site of the building and is available from the undersigned.

John Bullock
Building Inspector
Town of Southern Pines
10:24,31

422797



, this 2 day of November,

Michele Bungarz

MICHELE BUNGARZ
Notary Public, North Carolina
Moore County
My Commission Expires

10-1-24

554556

Statement		DATE	TERMS
TO		1-4-22	
Town of Southern Pines Proposal for Demo. work 830 Clark St. S. Pines			
IN ACCOUNT WITH			
Kenny Ring Grading P.O. Box 512 Vass NC. 28394			
Take down house & out Bldg. haul away debris			
Seed & Straw disturbed Area			
Proposal price \$ 7,200.00			
CURRENT	OVER 30 DAYS	OVER 60 DAYS	TOTAL AMOUNT

**AN ORDINANCE
AMENDING THE 2021/2022 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 24th day of January, 2022 that the Operating Budget for the Fiscal Year 2021/2022 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Inspections	Contractual Services	10-545-4500	\$7,200.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$7,200.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 24, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: Cindy Williams, Planning Technician

Subject: AX-01-22: Investigate the Sufficiency of a Request for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; 1.875 Acres; Petitioners: Michael Tveter and Jamie Tveter

Date: January 24, 2022

I. SUMMARY OF APPLICATION REQUEST:

Michael Tveter and Jamie Tveter are requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject parcel is identified as PIN 858100892377; PARID 20210139 and is owned by Michael Tveter and Jamie Tveter.

II. PROJECT INFORMATION:

A. Physical Address:

3900 Youngs Road
Southern Pines, NC 28387

B. Property Owners/Applicants:

Michael and Jamie Tveter
3900 Youngs Road
Southern Pines, NC 28387

C. Property Identification & Parcel Identification Number:

PIN 858100892377; PARID 20210139

D. Size of Property:

Total current combined acreage: 1.875 acres

III. STAFF COMMENTS:

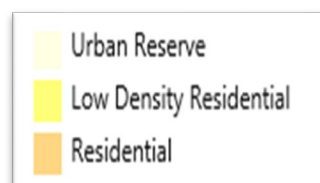
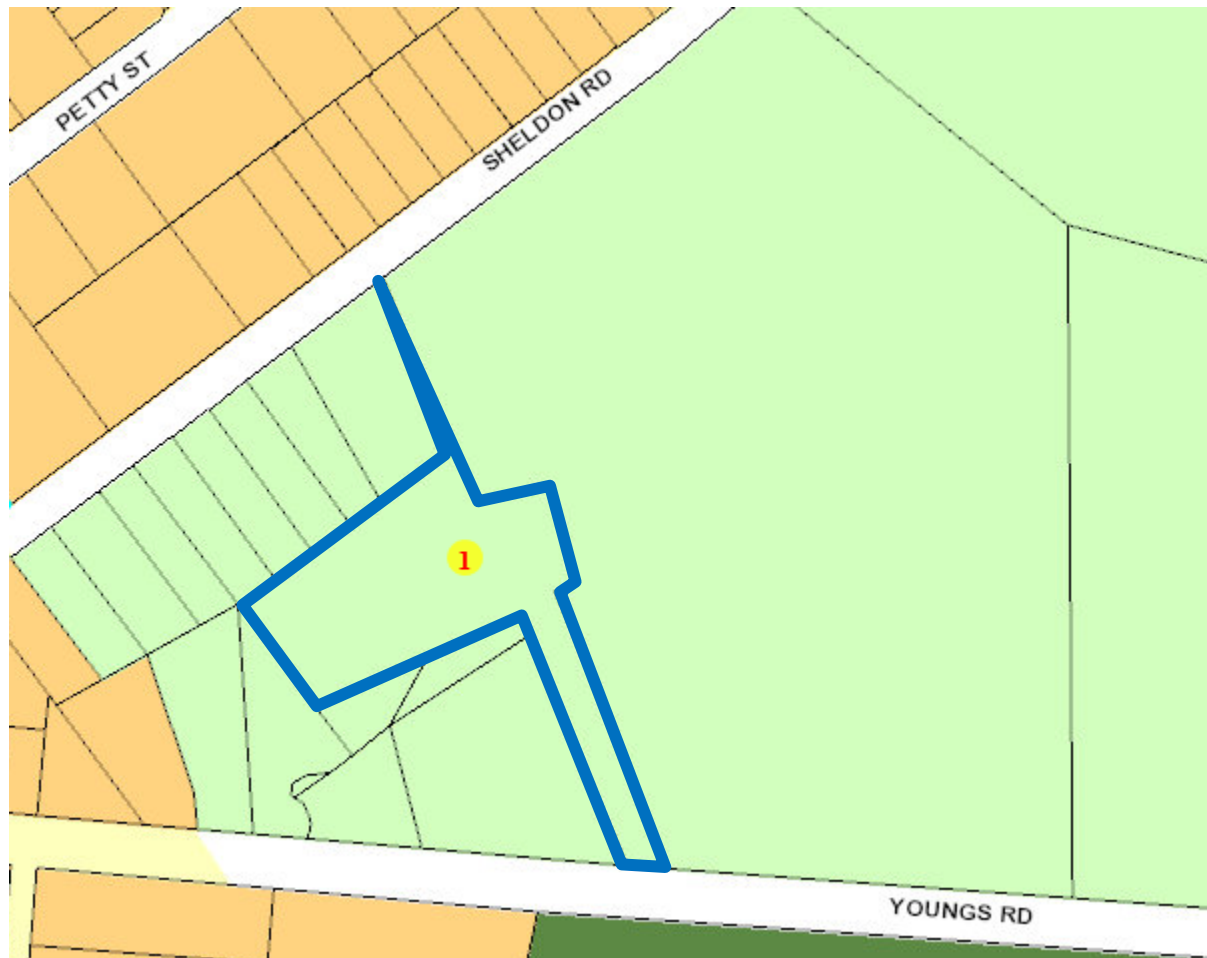
- The applicants have submitted an annexation petition accompanied by a map and a written metes and bounds description of the subject property.
- The written metes and bounds description of the area to be annexed has been forwarded to Moore County for review.

- The request is a voluntary request for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- A majority of the subject property is presently zoned RS-1 (Residential Single-Family) and the remainder is zoned RE (Rural Estate). The adjacent properties are presently zoned RS-1 (Residential Single-Family) and RE (Rural Estate).
- The purpose of this agenda item is for the Town Council to first take action at the Work Session to direct the Town Clerk to investigate the sufficiency of the petition for annexation. Following the investigation, if the Town Clerk certifies the sufficiency of the petition, a Resolution to fix a date for a public hearing will be before the Town Council at the February 8, 2022 Regular Meeting pursuant to N.C.G.S. §160A-31(c).
- **Comprehensive Long Range Plan Analysis:**
 - The subject property is identified as “Rural/Equestrian” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms, the keeping of large animals or other small-scale architectural pursuits.”

 Town of Southern Pines ETJ

Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



IV. ATTACHMENTS:

1. Petition
2. Written metes and bounds description
3. Survey of subject property

V. TOWN COUNCIL ACTION:

Before holding a public hearing and deciding upon a *voluntary annexation* request, the Town Council must first direct the Town Clerk to investigate the request. Upon receiving a Certificate of Sufficiency from the Town Clerk, the Council may then fix a date for the public hearing for the annexation request. The Town Council may choose one of the following motions, or any alternative they wish:

- 1) I move to adopt a Resolution directing the Town Clerk to investigate the petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-01-22.

-or-

- 2) I move to not adopt a Resolution directing the Town Clerk to investigate a petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-01-22.

PETITION FOR VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 858100892377; PARID: 20210139.

Property Owner(s):

Name: Michael Tveter

Signature: Michael Tveter

Address: 3900 Youngs Rd

Southern Pines, NC 28387

Name: Jamie Tveter

Signature: Jamie Tveter

Address: 3900 Youngs Rd

Southern Pines, NC 28387

Name: _____

Signature: _____

Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

7-28-21

EXHIBIT A

Metes and Bounds Description of Property/Properties Petitioning for Voluntary Annexation

Starting at the southwest corner of 3900 Youngs Rd, go easterly along Youngs Rd for 50.29', then northwesterly for 351.66', then northeasterly for 23.09', then northwesterly for 123.29', then southwesterly for 91.07', then northwesterly for 281.96' to Sheldon Rd then 10.31' southwesterly along Sheldon Rd, then southeasterly for 209.64', then southwesterly for 305.11', then southeasterly for 152.63', then northeasterly for 269.27', then southeasterly for 311.12' back to Youngs Rd.

7-28-21

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: SU-03-21 Special Use Permit; S-47-21 Major Subdivision Preliminary Plat; New Construction of a Single-family attached residential Development; Corner of W Wisconsin Avenue and S Bennett Street; Authorized Agent, Kevin Lindsay with Crawford Design, Owner, Colin Webster with Bantembo, LLC

Date: January 24, 2022

I. PURPOSE:

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Staff has prepared a draft of the written decision of the board document for the application SU-03-21 that was heard by the Town Council at the regular meeting on January 11, 2022 and that the Town Council may now wish to adopt. If the Town Council approves the written decision of the board document, the Mayor will sign the document. The original signed version will be delivered to the petitioner, along with the special use permit with staff maintaining copies of the signed document in the file.

II. SUMMARY OF APPLICATION REQUEST:

Mr. Colin Webster with Bantembo has submitted an application on behalf of Townhouses on Bennett, LLC and Grosvenor Land, LLC for a Special Use Permit SU-03-21 and a Major Subdivision Preliminary Plat Application S-47-21 to develop 20 single-family attached dwelling units. The townhome development is bordered on its northwestern boundary by S Bennett Street and it's northeastern boundary by W Wisconsin Avenue (See Figure 1 below). The subject property is located on a 1.23-acre parcel in the central business zoning district, in the watershed overlay and will require a watershed 5/70 permit, in the downtown transition overlay and is designated as commercial on the future land use map in our comprehensive land use plan. The subject parcel is identified as Moore County PIN 858100075253 (PARID 20190227). The Moore County tax records list the property owner as PTAH, LLC.

III. TOWN COUNCIL PUBLIC HEARING AND ACTION:

A public hearing for this request was held at the January 11, 2022 regular business meeting of the Town Council. All public notice requirements were met for that hearing date. The Town Council had all members present. The Town Council opened the quasi-judicial public hearing and received evidence from those in attendance regarding preliminary development plan application SU-03-21 and S-47-21. Planner II, Ms. Suzy Russell entered the staff report into the record as Exhibit A and emails received from the public as Exhibit B and provided an overview of the project and applicable criteria for review.

Mr. Kevin Lindsay, of Crawford Design, presented the application. The applicant's presentation was entered into the record as Exhibit C.

Ms. Leslie Brians with the general public requested to speak as a subject expert in architecture. She provided information on density and spoke about relinquishing public right-of-way. She was also concerned that the proposed development will increase traffic which will bring about safety issues.

The Town Council closed the public hearing and voted on Special Use Permit application SU-03-21 and S-47-21.

The town council voted to adopt Attachment A and B to staff report SU-03-21 as findings of fact. Attachment A included findings of fact that the application is complete, the facts submitted were relevant to the case, and that the application complies with Section 2.18.5(H) criteria for a special use permit, criteria A-F and criteria for preliminary plat criteria 1-6. The Town Council then voted 4-1, with council member Ann Peterson voting in opposition, approving the Special Use Permit under application SU-03-21 and Major Subdivision Preliminary Plat S-47-21.

IV. ATTACHMENTS:

1. Written Decision for SU-03-21 (DRAFT)

V. TOWN COUNCIL ACTION:

The Town Council may wish to take one of the following actions:

1. No action;
2. Accept the Written Decision for SU-03-21 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

January 11, 2022

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: SU-03-21 for S-47-21

A public hearing regarding the proposed Special Use Permit was held on January 11, 2021. The meeting was called to order with all council members present and the Mayor declared a quorum. The oath was administered to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Mr. Kevin Lindsay, of Crawford Design Company, presented as the agent.

Matter at Issue:

SU-03-21 Special Use Permit for the development of single-family attached residential; for Major Subdivision Preliminary Plat application S-47-21; Petitioner: Colin Webster of Bantembo, LLC

Mr. Colin Webster with Bantembo has submitted an application on behalf of Townhouses on Bennett, LLC and Grosvenor Land, LLC for a Special Use Permit SU-03-21 and a Major Subdivision Preliminary Plat Application S-47-21 to develop 20 single-family attached dwelling units. The townhome development is bordered on its northwestern boundary by S Bennett Street and it's northeastern boundary by W Wisconsin Avenue (See Figure 1 below). The subject property is located on a 1.23-acre parcel in the central business zoning district, in the watershed overlay and will require a watershed 5/70 permit, in the downtown transition overlay and is designated as commercial on the future land use map in our comprehensive land use plan. The subject parcel is identified as Moore County PIN 858100075253 (PARID 20190227). The Moore County tax records list the property owner as PTAH, LLC.

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and reviewed compliance with the applicable sections of the Unified Development Ordinance. All emails received from the public were entered into the public record as Exhibit B.

Mr. Kevin Lindsay presented the case for the approval of Special Use Permit application SU-03-21 for S-47-21 (Exhibit C). Mr. Lindsay presented the application and gave explanation the members of Town Council regarding the proposed ROW abandonment and rear setback request along with the repositioning of West Wisconsin.

Ms. Leslie Brians presented argument as an expert on the subject of architecture. She stated that the increased traffic would pose safety issues and the ROW abandonment is needed for infrastructure and should not be granted as an abandonment.

Town Council Action:

Therefore, having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing,

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.21.7 and as presented in Attachment A in staff report SU-03-21 with the changes made to Finding of Fact #2 “C”:

Finding of Fact #1:

By a vote of 4-1, with Ann Peterson in opposition, the Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval have met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

By a vote of 4-1, with Ann Peterson in opposition, the Town Council finds that the application complies with UDO §2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that:

A. The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The Town Council finds that the application SU-03-21 does not deviate from any applicable standards summarized in §3.5.8 *Central Business Zoning District Development Standards* of the Unified Development Ordinance, does deviate from the Downtown Transition Overlay District Development Standards allowed by UDO §2.46.3 (A) allowing the rear setback to be no less than 6’ and does not deviate from any applicable supplemental use regulations summarized in the applicable standards of the Unified Development Ordinance.

B. The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The Town Council finds that the single-family attached residential development is surrounded by *Central Business, CB*, zoned parcels and Residential Mixed Housing, *RM-2*, parcels promoting the quality of the existing neighborhood while maintaining compatible scale and intensity of development.

C. Adequate public facilities shall be provided as set forth herein;

The Town Council finds the subject properties have access to and can be served by TOSP public facilities with the understanding that a minimal amount of ROW shall be granted upon review and conclusion with the Town of Southern Pines Engineer.

- D. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;**

The Town Council finds that the proposed development is consistent with the existing zoning district and standards.

- E. The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and**
The Town Council finds that the development will be required to adhere to all site development standards and building standards, including, but not limited to compliance with the building and fire code. The applicants will be required to meet all conditions imposed as well as meet all regulatory measures.

- F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;**

The Town Council finds that the proposed development complies with applicable standards and regulations found within the Town of Southern Pines UDO that are based on the public interest and welfare.

Decision of the Council:

By a vote of 4-1, the Town Council then voted to approve the Special Use Permit Application SU-03-21 as requested by the applicant.

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.20.5 and as presented in Attachment B in staff report S-47-21:

Finding of Fact #1:

By a vote of 4-1, with Ann Peterson in opposition, The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

By a vote of 4-1, with Ann Peterson in opposition, The Town Council finds that the application complies with UDO §2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that:

- 1. The application is consistent with the approved Sketch Plat, if applicable;**
This is not applicable.
- 2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;**
The Town Council finds that the proposed Preliminary Plat is generally consistent with the standards set forth in the CLRP because the property is designated as commercial on the Future Land Use Map. The commercial designation applies to land dedicated to retail, professional office and higher density residential which may be incorporated into mixed-use developments.

3. The proposed subdivision complies with the UDO and applicable state and federal regulations;

The Town Council finds that the proposed subdivision generally complies with the UDO. The project will not be granted Site Plan approval per UDO §2.48 without necessary approvals from applicable state and federal agencies. The burden of demonstrating compliance with applicable state and federal regulations rests with the applicant per UDO §2.5.6.

4. The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and / or permissible zoning and future land use of adjacent property;

The Town Council finds the proposed subdivision is compatible with the existing and permissible zoning and future land use designation of the adjacent properties because the proposed subdivision is meeting the development zoning regulations, providing 1,500 square feet for each dwelling unit for a total of 35 residential units allowed and the development is providing 20 dwelling units total.

5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

The Town Council finds that the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties because the land use is an allowed use thus compatible with existing and allowable uses on adjacent properties per the zoning map and the development is consistent with the CLRP.

6. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development;

The Town Council finds that public water and sewer utilities are available to serve the project. Adequate stormwater facilities will be verified prior to approval of site plans for the proposed subdivision.

Decision of the Council:

By a vote of 4-1, the Town Council then voted to approve the Major Subdivision Preliminary Plat Application S-47-21 as requested by the applicant.

This is the 24th day of January, 2022.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

Cc: colin@ascotgrp.com
kevinlindsay@crawforddsn.com

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

January 11, 2022

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: SU-03-21 for S-47-21

A public hearing regarding the proposed Special Use Permit was held on January 11, 2021. The meeting was called to order with all council members present and the Mayor declared a quorum. The oath was administered to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Mr. Kevin Lindsay, of Crawford Design Company, presented as the agent.

Matter at Issue:

SU-03-21 Special Use Permit for the development of single-family attached residential; for Major Subdivision Preliminary Plat application S-47-21; Petitioner: Colin Webster of Bantembo, LLC

Mr. Colin Webster with Bantembo has submitted an application on behalf of Townhouses on Bennett, LLC and Grosvenor Land, LLC for a Special Use Permit SU-03-21 and a Major Subdivision Preliminary Plat Application S-47-21 to develop 20 single-family attached dwelling units. The townhome development is bordered on its northwestern boundary by S Bennett Street and it's northeastern boundary by W Wisconsin Avenue (See Figure 1 below). The subject property is located on a 1.23-acre parcel in the central business zoning district, in the watershed overlay and will require a watershed 5/70 permit, in the downtown transition overlay and is designated as commercial on the future land use map in our comprehensive land use plan. The subject parcel is identified as Moore County PIN 858100075253 (PARID 20190227). The Moore County tax records list the property owner as PTAH, LLC.

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and reviewed compliance with the applicable sections of the Unified Development Ordinance. All emails received from the public were entered into the public record as Exhibit B.

Mr. Kevin Lindsay presented the case for the approval of Special Use Permit application SU-03-21 for S-47-21 (Exhibit C). Mr. Lindsay presented the application and gave explanation the members of Town Council regarding the proposed ROW abandonment and rear setback request along with the repositioning of West Wisconsin.

Ms. Leslie Brians presented argument as an expert on the subject of architecture. She stated that the increased traffic would pose safety issues and the ROW abandonment is needed for infrastructure and should not be granted as an abandonment.

Town Council Action:

Therefore, having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing,

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.21.7 and as presented in Attachment A in staff report SU-03-21 with the changes made to Finding of Fact #2 “C”:

Finding of Fact #1:

By a vote of 4-1, with Ann Peterson in opposition, the Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval have met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

By a vote of 4-1, with Ann Peterson in opposition, the Town Council finds that the application complies with UDO §2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that:

A. The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The Town Council finds that the application SU-03-21 does not deviate from any applicable standards summarized in §3.5.8 *Central Business Zoning District Development Standards* of the Unified Development Ordinance, does deviate from the Downtown Transition Overlay District Development Standards allowed by UDO §2.46.3 (A) allowing the rear setback to be no less than 6’ and does not deviate from any applicable supplemental use regulations summarized in the applicable standards of the Unified Development Ordinance.

B. The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The Town Council finds that the single-family attached residential development is surrounded by *Central Business, CB*, zoned parcels and Residential Mixed Housing, *RM-2*, parcels promoting the quality of the existing neighborhood while maintaining compatible scale and intensity of development.

C. Adequate public facilities shall be provided as set forth herein;

The Town Council finds the subject properties have access to and can be served by TOSP public facilities with the understanding that a minimal amount of ROW shall be granted upon review and conclusion with the Town of Southern Pines Engineer.

- D. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;**

The Town Council finds that the proposed development is consistent with the existing zoning district and standards.

- E. The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and**
The Town Council finds that the development will be required to adhere to all site development standards and building standards, including, but not limited to compliance with the building and fire code. The applicants will be required to meet all conditions imposed as well as meet all regulatory measures.

- F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;**

The Town Council finds that the proposed development complies with applicable standards and regulations found within the Town of Southern Pines UDO that are based on the public interest and welfare.

Decision of the Council:

By a vote of 4-1, the Town Council then voted to approve the Special Use Permit Application SU-03-21 as requested by the applicant.

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.20.5 and as presented in Attachment B in staff report S-47-21:

Finding of Fact #1:

By a vote of 4-1, with Ann Peterson in opposition, The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

By a vote of 4-1, with Ann Peterson in opposition, The Town Council finds that the application complies with UDO §2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that:

- 1. The application is consistent with the approved Sketch Plat, if applicable;**
This is not applicable.
- 2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;**
The Town Council finds that the proposed Preliminary Plat is generally consistent with the standards set forth in the CLRP because the property is designated as commercial on the Future Land Use Map. The commercial designation applies to land dedicated to retail, professional office and higher density residential which may be incorporated into mixed-use developments.

3. The proposed subdivision complies with the UDO and applicable state and federal regulations;

The Town Council finds that the proposed subdivision generally complies with the UDO. The project will not be granted Site Plan approval per UDO §2.48 without necessary approvals from applicable state and federal agencies. The burden of demonstrating compliance with applicable state and federal regulations rests with the applicant per UDO §2.5.6.

4. The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and / or permissible zoning and future land use of adjacent property;

The Town Council finds the proposed subdivision is compatible with the existing and permissible zoning and future land use designation of the adjacent properties because the proposed subdivision is meeting the development zoning regulations, providing 1,500 square feet for each dwelling unit for a total of 35 residential units allowed and the development is providing 20 dwelling units total.

5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

The Town Council finds that the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties because the land use is an allowed use thus compatible with existing and allowable uses on adjacent properties per the zoning map and the development is consistent with the CLRP.

6. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development;

The Town Council finds that public water and sewer utilities are available to serve the project. Adequate stormwater facilities will be verified prior to approval of site plans for the proposed subdivision.

Decision of the Council:

By a vote of 4-1, the Town Council then voted to approve the Major Subdivision Preliminary Plat Application S-47-21 as requested by the applicant.

This is the 24th day of January, 2022.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

Cc: colin@ascotgrp.com

kevinlindsay@crawforddsn.com

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: Written Decision of the Board for PD-10-21: Planned Development - Preliminary Development Plan for the development of a medical office building; Applicant: Morganton Park II, LLC; Authorized Agent, Bob Koontz of Koontz Jones Design PLLC,

Date: January 24, 2022

I. PURPOSE:

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Staff has prepared a draft of the written decision of the board document for the application PD-10-21 that was heard by the Town Council at the regular meeting on January 11, 2022 and that the Town Council may now wish to adopt. If the Town Council approves the written decision of the board document, the Mayor will sign the document. The original signed version will be delivered to the petitioner, with staff maintaining a copy of the signed document in the file.

II. SUMMARY OF APPLICATION REQUEST:

The applicant has applied for a preliminary development plan for the purpose of developing a medical office building. The proposed Pinehurst Surgical Clinic – Morganton Park Site 3N medical office building will be located in the planned development known as Morganton Park North. It would be developed as phase 8 of the PD. The medical office building is a 60,000-68,000 square foot building located on 5.19 acres that are currently located in the Town of Southern Pines extraterritorial jurisdiction and must be annexed. The subject property is located along S Carlisle Street on the western side of Patriot Boulevard and Pavilion Way fronts its southern boundary. The subject property is zoned PD planned development, lies within the Morganton Road Overlay and is designated as traditional mixed use on the future land use map in the comprehensive long-range plan. The GIS mapping shows a gravity sewer main line and water main line exists on S Carlisle Street. The subject property is identified as PIN: 857100590565 (PARID: 20190271) and per the Moore County tax records, the property owners are listed as Robert W & Julie VanCamp.

III. TOWN COUNCIL PUBLIC HEARING AND ACTION:

A public hearing for this request was held at the January 11, 2022 regular business meeting of the Town Council. All public notice requirements were met for that hearing date. The Town Council had five (5) members present. The Town Council opened the quasi-judicial public hearing and received evidence from those in attendance regarding preliminary development plan application PD-10-21. Planner II, Ms. Suzy Russell, Planning Department staff, entered the staff report into the record as Exhibit A and provided an overview of the project and applicable criteria for review.

Mr. Bob Koontz and Paul Saathoff of Koontz Jones Design presented the case for the approval of PDP application PD-10-21. Mr. Koontz provided a detailed report describing the location of the parcel, existing conditions, existing utility infrastructure and addressed modification requests for parking and height requirements. The applicant's presentation was entered into the record as Exhibit B. After presenting details of the development Mr. Bob Koontz answered questions from members of the Town Council. The Town Council opened up the meeting to public comment.

There was no testimony from the general public and the town council closed the public hearing and voted on Preliminary Development Plan application PD-10-21.

The town council voted 5-0 to adopt Attachment A to staff report PD-10-21 as findings of fact. Attachment A included findings of fact that the application is complete, the facts submitted were relevant to the case, and that the application complies with Section 2.18.5(H) criteria for a preliminary development plan, criteria 1-4. Attachment A included a description of the manner in which each of the four criteria are met. The Town Council then voted 5-0 to approve the Preliminary Development Plan under application PD-10-21.

IV. ATTACHMENTS:

1. Written Decision for PD-10-21 (DRAFT)

V. TOWN COUNCIL ACTION:

The Town Council may wish to take one of the following actions:

1. No action;
2. Accept the Written Decision for PD-10-21 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUNCIL

January 11, 2022

6:00 pm

DECISION OF THE BOARD

Petitioner: Morganton Park Realty

Case Number: PD-10-21

The meeting was called to order with all members present. The Mayor administered the oath to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Mr. Paul Satthoff and Mr. Bob Koontz, of Koontz Jones Design, authorized agent, presented on behalf of the petitioner.

Matter at Issue:

PD-10-21: A Planned Development District – Preliminary Development Plan: Petitioner: Morganton Park Realty, LLC.

Morganton Park Realty, LLC has submitted an application for a Planned Development - Preliminary Development pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a medical office development located on the north side of West Morganton Road, to the East of Brucewood Road and North of Pavilion Way Street Extension. Access to the proposed development will be provided via entrances/exits on Pavilion Way as well as Patriot Boulevard. All parking will be provided on-site, and the development will be served by the Town of Southern Pines water and sewer facilities. The parcel is zoned PD (Planned Development) and is identified as Phase 8 within Morganton Park North identified as PIN: 857200405185 (PARID: 20190271). Per the Moore County tax records, the property owner is listed as Morganton Park Realty, LLC.

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and provided an overview of the project location and zoning district development standards stating that the site is in the ETJ and will require annexation. Ms. Russell reviewed compliance with the approved CDP and applicable UDO standards. The applicant requested one deviation from the Morganton Road Overlay parking standards, requesting 292 parking spaces, 20 more than the allowed 272 parking spaces. Ms. Russell briefly summarized the Traffic Impact Analysis.

Mr. Robert Koontz and Mr. Paul Satthoff presented the case for the approval of PDP application PD-10-21 (Exhibit B). Mr. Koontz provided a that the annexation will be provided prior to site plan approval. Mr. Satthoff provided the site presentation and discussed the site layout and UDO requirements. Mr. Satthoff requested the parking deviation and explained the parking standards that would apply in other zoning districts that lie outside the Morganton Road Overlay.

After presenting details of the development, the Mr. Koontz answered questions from members of the Town Council.

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

Town Council Action:

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

The Board voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.18.5(H) and as presented in Attachment A, the staff report for PD-10-21:

Finding of Fact #1:

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

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. **The application demonstrates that it will achieve the purposes of the PDD and this section;**
The Town Council finds that the Preliminary Development Plan (PDP) to develop a medical office building on the subject property is generally consistent with the purposes of the PD-planned development zoning district because the Morganton Park North Planned Development District is a established PDD that is compliant with the purposes outlined in UDO §3.5.14.
2. **The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;**
The Town Council finds that the PDP is consistent with the Conceptual Development Plan (CDP), PD-01-18, because the PDP maintains the mix and intensity of land uses as well as the standards evaluated and approved with the CDP. The applicant requested to deviate from the Morganton Road Overlay District parking standard, requesting to provide 20 more parking spaces over the maximum, allowing for 292 total parking spaces. The applicant is required to annex the subject property prior to site plan approval.
3. **The proposed Development is located in an area of the Town that is appropriate; and**
The Town Council finds that the PDP is in an area of the Town that is appropriate because the proposed development establishes a compatible development that facilitates growth in a responsible manner. Morganton Park North is a Planned Development with an allowed mix of uses, with medical offices being an allowed land use.
4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**
The Town Council finds that this development is served by existing public utilities because the subject property has access to public sewer and water as well as electric and gas utilities. The subject property will connect to the existing access and circulation network of existing streets and sidewalks.

By a vote of 5-0, the Town Council then voted to approve the Preliminary Development Plan Application PD-10-21 as requested by the applicant and as described in Exhibits A and B.

Decision of the Board:

The Town Council approves the request under Preliminary Development Plan application PD-10-21 for the development of a medical office building located within the Morganton Park North Planned Development as described and set forth in Exhibits A and B at the public hearing. The approval of the Town Council.

This is the 24th^{day} of January, 2022.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

cc: cgregg@pinehurstsurgical.com
bkoontz@koontzjones.com

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUNCIL

January 11, 2022

6:00 pm

DECISION OF THE BOARD

Petitioner: Morganton Park Realty

Case Number: PD-10-21

The meeting was called to order with all members present. The Mayor administered the oath to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Mr. Paul Satthoff and Mr. Bob Koontz, of Koontz Jones Design, authorized agent, presented on behalf of the petitioner.

Matter at Issue:

PD-10-21: A Planned Development District – Preliminary Development Plan; Petitioner: Morganton Park Realty, LLC.

Morganton Park Realty, LLC has submitted an application for a Planned Development - Preliminary Development pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a medical office development located on the north side of West Morganton Road, to the East of Brucewood Road and North of Pavilion Way Street Extension. Access to the proposed development will be provided via entrances/exits on Pavilion Way as well as Patriot Boulevard. All parking will be provided on-site, and the development will be served by the Town of Southern Pines water and sewer facilities. The parcel is zoned PD (Planned Development) and is identified as Phase 8 within Morganton Park North identified as PIN: 857200405185 (PARID: 20190271). Per the Moore County tax records, the property owner is listed as Morganton Park Realty, LLC.

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and provided an overview of the project location and zoning district development standards stating that the site is in the ETJ and will require annexation. Ms. Russell reviewed compliance with the approved CDP and applicable UDO standards. The applicant requested one deviation from the Morganton Road Overlay parking standards, requesting 292 parking spaces, 20 more than the allowed 272 parking spaces. Ms. Russell briefly summarized the Traffic Impact Analysis.

Mr. Robert Koontz and Mr. Paul Satthoff presented the case for the approval of PDP application PD-10-21 (Exhibit B). Mr. Koontz provided a that the annexation will be provided prior to site plan approval. Mr. Satthoff provided the site presentation and discussed the site layout and UDO requirements. Mr. Satthoff requested the parking deviation and explained the parking standards that would apply in other zoning districts that lie outside the Morganton Road Overlay.

After presenting details of the development, the Mr. Koontz answered questions from members of the Town Council.

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

Town Council Action:

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

The Board voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.18.5(H) and as presented in Attachment A, the staff report for PD-10-21:

Finding of Fact #1:

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

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. **The application demonstrates that it will achieve the purposes of the PDD and this section;**
The Town Council finds that the Preliminary Development Plan (PDP) to develop a medical office building on the subject property is generally consistent with the purposes of the PD-planned development zoning district because the Morganton Park North Planned Development District is a established PDD that is compliant with the purposes outlined in UDO §3.5.14.
2. **The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;**
The Town Council finds that the PDP is consistent with the Conceptual Development Plan (CDP), PD-01-18, because the PDP maintains the mix and intensity of land uses as well as the standards evaluated and approved with the CDP. The applicant requested to deviate from the Morganton Road Overlay District parking standard, requesting to provide 20 more parking spaces over the maximum, allowing for 292 total parking spaces. The applicant is required to annex the subject property prior to site plan approval.
3. **The proposed Development is located in an area of the Town that is appropriate; and**
The Town Council finds that the PDP is in an area of the Town that is appropriate because the proposed development establishes a compatible development that facilitates growth in a responsible manner. Morganton Park North is a Planned Development with an allowed mix of uses, with medical offices being an allowed land use.
4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**
The Town Council finds that this development is served by existing public utilities because the subject property has access to public sewer and water as well as electric and gas utilities. The subject property will connect to the existing access and circulation network of existing streets and sidewalks.

By a vote of 5-0, the Town Council then voted to approve the Preliminary Development Plan Application PD-10-21 as requested by the applicant and as described in Exhibits A and B.

Decision of the Board:

The Town Council approves the request under Preliminary Development Plan application PD-10-21 for the development of a medical office building located within the Morganton Park North Planned Development as described and set forth in Exhibits A and B at the public hearing. The approval of the Town Council.

This is the 24th^{day} of January, 2022.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

cc: cgregg@pinehurstsurgical.com
bkoontz@koontzjones.com

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: Discussion of Arts Council of Moore County Public Art Program.

Date: January 24th, 2022

I. BACKGROUND:

At the July 27th, 2020 Town Council Work Session, Mr. Steve Harbour presented a concept to the Town Council for painting a mural on the side of his existing commercial building at 305-313 SE Broad Street (see sample images provided by Mr. Harbour below). Mr. Harbour discussed a desire to use the blank side of his building to “brighten everyone’s day” and create a mural that “both celebrates Southern Pines and invites people to interact with it.” Planning staff raised concerns with establishing a precedent of privately-initiated artistic murals being used as signs to attract attention to a building, as well as the potential for controversy and legal challenges over what constitutes art and what constitutes a sign. Town Council discussed the issue.

Town Council generally supported the concept of murals for purposes of public art and creating additional traffic for businesses. However, some members of the council raised concerns with the challenges of distinguishing between art and signage, creating a precedent whereby objectionable murals may begin to appear on buildings all over town, and taking the time to ensure art projects in Southern Pines are equitable, inclusive, and celebrate diversity. A majority of the Town Council opposed Mr. Harbour immediately moving forward with his personal mural project, but asked town staff to explore the issue further. The Town Manager further suggested exploring a public art approach that would work in conjunction with the input of existing community groups and committees.

Figure 1: Sample “Before” and “After” of a mural at 313 SE Broad St. as presented to the Town Council on July 27th, 2020 by building owner Mr. Steve Harbour.



On August 19th, 2020 Mr. Harbour emailed members of the Town Council to follow-up on his discussion at the July 27th, 2020 Work Session. He presented information from The Pilot newspaper regarding public reaction to his mural concept and asked for additional consideration by the Town Council. At around the same time, planning staff was corresponding with Chris Dunn, Executive Director of the Arts Council of Moore County (ACMC) to explore the feasibility and conceptual framework of a “Southern Pines Mural Project.” Planning staff and Mr. Dunn researched similar public art projects in other communities and found a model from Belleville, IL. Planning staff and Mr. Dunn worked together to contact a variety of knowledgeable sources regarding sources of funding, best practices and guidelines for successful public art projects, and economic benefits of public art projects. Finally, planning staff and Mr. Dunn contacted three local community groups (West Southern Pines Civic Club, Southern Pines Business Association, and the Southern Pines Appearance Commission) to present and gauge support for the concept of a mural project and corresponded with Mr. Steve Harbour regarding the concept for a mural project.

On September 28th, 2020, Planning staff and Messrs. Dunn and Harbour presented a public art project concept that was the result of the aforementioned research and coordination. The Arts Council asked the Town Council for support of the project and a commitment of \$2,500 per mural as “seed money” to help ACMC fundraise for the remaining costs of the projects. This request was denied by the Town Council. Members of Town Council expressed concerns with available resources for non-essential projects, ownership of the murals, continued maintenance of the murals, and possible damage to murals over time.

Following the September 28th, 2020 meeting with the Town Council, the ACMC and representatives from the aforementioned community groups worked to significantly revise the scope of the project. The project is now simply a public art program sponsored and administered by the Arts Council of Moore County. The program involves one privately-funded mural at a time. Program guidelines have been drafted by the Arts Council and vetted by interested parties, and the program includes an opportunity for Town Council to see and approve the mural and location as part of a required zoning exemption hearing, per UDO §2.11. Mr. Chris Dunn has provided a letter to the Town explaining the latest version of the art program and the four-step process for developing a mural. Attached to the letter is a copy of the current draft of the Request for Proposals (RFP) that artists will receive when the project is initiated. This RFP makes clear that artwork may not be advertising.

II. ATTACHMENTS:

1. Letter from Chris Dunn, Executive Director, Arts Council of Moore County.

III. TOWN COUNCIL ACTION:

Mr. Dunn is requesting time with the Town Council to present revisions to the project. **Town Council is being asked to support a public art program sponsored by the Arts Council of Moore County.** Mr. Dunn is briefing Town Council to make sure they are aware of, and support, the program guidelines and the zoning exemption portion of the project in which they will be involved.



January 10, 2022

Southern Pines Town Council
c/o BJ Grieve, Planning Director
180 SW Broad Street
Southern Pines, NC 28387

Dear Council Members,

On behalf of the Arts Council, thank you for allowing an update on the mural program in Southern Pines. At our meeting last year, it was clear that the former Town Council was supportive of a mural program. However, they did not wish to be the arbiters of what is or is not art and also did not want tax funds to support the endeavor.

For the benefit of the Council's newest members and to address the concerns of the previous Council, below is an overview of the mural program, changes since the last meeting, and the new mural process:

Mural Program Overview:

At a Council meeting in 2020, a Southern Pines business owner requested permission to paint a mural on his building. While the mural idea was generally supported, the Town's sign ordinance required murals to be treated as signs and most likely would not be approved. After the S.P. Planning Dept. suggested treating murals as art, the Council requested creating a process to handle future mural requests. Because this was more of an arts program, the Planning Dept. asked the Arts Council for advice.

The first version of the program required artists to submit mural proposals for five locations in Southern Pines. The Town and the Arts Council would manage the program by forming a mural committee consisting of representatives from the S.P. Appearance Commission, West S.P. Civic Club, S.P. Business Association, Arts Council, and property owners. The mural committee would set the mural guidelines, review the proposals, secure funding, seek suitable mural locations (avoiding the historic district), and make recommendations to the Council for approval. While the Council appreciated the overall concept, they did not approve of the \$2,500 request for seed money to start the program, and requested the program operate without Town funding.

Using the Council's feedback, the next version of the program is submitted with following changes:

Program Changes since last meeting:

- **A program of the Arts Council** – Instead of working directly with the Town of Southern Pines, property owners must submit mural proposals to the Arts Council, thus greatly reducing time needed from the Southern Pines staff and Council.
- **No Town funds used for murals on private property** – The Arts Council will work with property owners to raise funds needed for each mural. Funding may come from various sources, including property owners, grants, individuals, etc. The only possible support we may

request from the Town is use of assets that could help during a mural installation, such as barricades, ladders, scaffolding, traffic cones, trucks & trailers, etc.

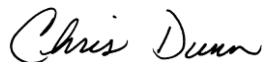
- **Murals viewable before any request** – Prior to any zoning exemption request, the Council will see the mural as envisioned by the artist, accepted by the property owner, and approved by the mural committee.

New Mural Program Process:

- Step 1: Owner submits mural proposal:** Property owner must submit a proposal to the Arts Council using the mural guidelines (attached), which are written to insure murals are appropriate to the location, architecture and social context of the community. The property owner may have an artist in mind for their mural or can ask the Arts Council to send out an RFP to artists. Either way, all murals must meet the guidelines.
- Step 2: Committee reviews proposal:** The Southern Pines Mural Committee reviews and approves each mural proposal before the next step. The committee contains representatives of the S.P. Historic Commission, West S.P. Civic Club, S.P. Business Association, Arts Council and property owners, guaranteeing the interests of the Town are met before any mural proposal is recommended to the Council.
- Step 3: Exemption request:** At the recommendation of the Mural Committee, the Arts Council will request a zoning exemption (per UDO 2.11) for each mural proposal. As a public arts program thoroughly vetted by the mural committee, the Council will have a good basis to declare murals are not signs.
- Step 4: Mural Installation:** The Arts Council will work with each artist, property owner, Town staff (as needed), and other interested parties to install the mural on a schedule that will garner as much community support and enthusiasm as possible.

With the above changes to the mural program and the changes to the guidelines in the attached RFP, I respectfully request your support of this public arts program through the Arts Council. Once we get your approval, we can start working on our first mural proposal.

For the Arts,



Chris Dunn
Executive Director

Enclosures



Arts Council Mural Program

Request for Proposal (RFP)

To promote the charm, history, livability and spirit of Moore County, North Carolina, the Arts Council of Moore County (ACMC) offers the following guidelines for its Mural Program. The program seeks Moore County property owners who wish to install a mural somewhere on their property. The property owner may have an artist they wish to use, or ACMC can hold an open call to artists. The goal of this public arts program is to use the arts to attract more attention and economic activity to areas that will positively impact the entire county.

The program will be directed by ACMC in partnership with the property owner(s). Each mural project must meet the guidelines below and be approved by a mural committee consisting of representatives from ACMC, property owner(s), and other interested parties from the area where the mural is to be installed. This program will also seek guidance and support from the North Carolina Arts Council and other mural experts.

MOORE COUNTY PROFILE: Moore County is a region of scenic beauty and among the most biologically diverse places on earth. Early settlers were mainly subsistence farmers whose principal industry was naval stores (turpentine, tar, pitch, & rosin). Today, we are best known for our world-class equestrian communities, championship golf, vibrant cultural scene with deep-rooted music, literature, visual arts, and pottery traditions, and as a great place to grow a family. Our wide range of sports offerings, fine hotels, locally-owned shops, and thriving restaurants add up to a very special place, enjoyed by residents and visitors alike.

ELIGIBILITY: The Arts Council Mural Program is open to professional artists (or teams of collaborative artists) that are born or reside in North Carolina, ages 18 or older. Other teams, such as groups containing children or amateur artists, may submit, provided an adult, professional artist executes the mural. Applicants will not be discriminated on the basis of any class or disability.

MURAL GUIDELINES: Based on the artist's vision, property owner's input and mural location, a successful mural proposal will ideally meet the following guidelines:

- Artistic design & application is of the highest level and completely original by the submitting artist/art team.
- Broad/universal appeal to locals and visitors, which may be uplifting, playful, inspiring, colorful, thoughtful, or historical in nature. Be creative!
- Compliments the character or history of the mural location and surrounding area.
- Engages and encourages photographic and/or opportunities for pedestrian interaction.
- Acceptable for public viewing by all ages.
- Avoids overt political, religious or social statements and/or influences.
- Contains the names of the artist/art team and sponsors, as requested.
- Feasible budget and timeline.
- Avoids subject matter that could be construed as advertising or contains direct or indirect promotion related solely to the economic interests of any business. Murals that advertise a business, agency, service or product in any way will not be approved and will be directed to the entity that regulates signage in the mural location.

QUESTIONS: Please contact Chris Dunn at 910-692-ARTS (2787) or acmc@mooreart.org.

APPLICATION PROCESS:

Whether a mural proposal is initiated by a property owner who has already chosen an artist or the property owner requests help finding an artist, each artist/artist team must submit all of the following items for review by the mural committee.

REQUIRED ITEMS FOR EACH MURAL PROPOSAL YOU SUBMIT

(You may submit more than one):

1. Letter of Interest addressing: A) Mural concept with description, materials & their durability; B) How your proposed mural fits within the architecture & the function of the space; C) How your concept responds to mural guidelines & property owner's input; D) Detailed wall preparation plan; E) Detailed mural protection & maintenance plan. (3 pages, max.)
2. Full color image illustrating your proposed mural design. If awarded a contract, you must submit a scaled (approx. 1 inch = 1 foot) rendering in the media of your choice that is suitable for framing. Rendering will become the property of ACMC.
3. Itemized budget to include artist fees, materials, installation costs (i.e. lighting, equipment rentals, etc.), liability insurance, travel expenses, and any other costs. (1 page, max.)
4. Timeline of project using the mural timeline below. (1 page, max.)
5. Plans for community engagement activities, if any. (1 page, max.)

REQUIRED ITEMS FROM EACH ARTIST/ART TEAM:

1. Résumé with contact information (phone, email & mailing address). Applicant can be one artist or a team of collaborative artists (including children). If possible, include experience working on comparable mural projects of size and scope, and any experience working with government agencies, arts organizations, etc. (2 pages, max.)
2. Examples of past work to include 5-10 digital images or web links. For each example, include title, date, size, budget, materials used, and location (if public art).
3. Contact information for 2-3 professional references. (1 page, max.)

All proposals must be submitted as a complete package in one of the following ways:

U.S. Mail:

Arts Council of Moore County
Attn: Chris Dunn
P.O. Box 405
Southern Pines, NC 28388

Hand Delivery:

Arts Council of Moore County
Attn: Chris Dunn
482 E. Connecticut Avenue
Southern Pines, NC

Email:

acmc@mooreart.org
(Please include all
materials in one PDF)

SELECTION PROCESS:

All proposals will be reviewed by the mural committee to determine if the mural is appropriate to the location, architecture and social context. The committee has full discretion to accept, decline or request changes to the mural proposal. If required, a successful proposal will then be submitted to the entity that regulates signage in the jurisdiction of the mural location.

QUESTIONS:

Please contact Chris Dunn at 910-692-ARTS (2787) or acmc@mooreart.org.

MURAL PROJECT #1: Harbour Place in Southern Pines

Address: Southwest facing wall at 311 SE Broad Street, Southern Pines, NC

Dimensions: 40 ft. wide and 24 ft. high. (960 square feet)

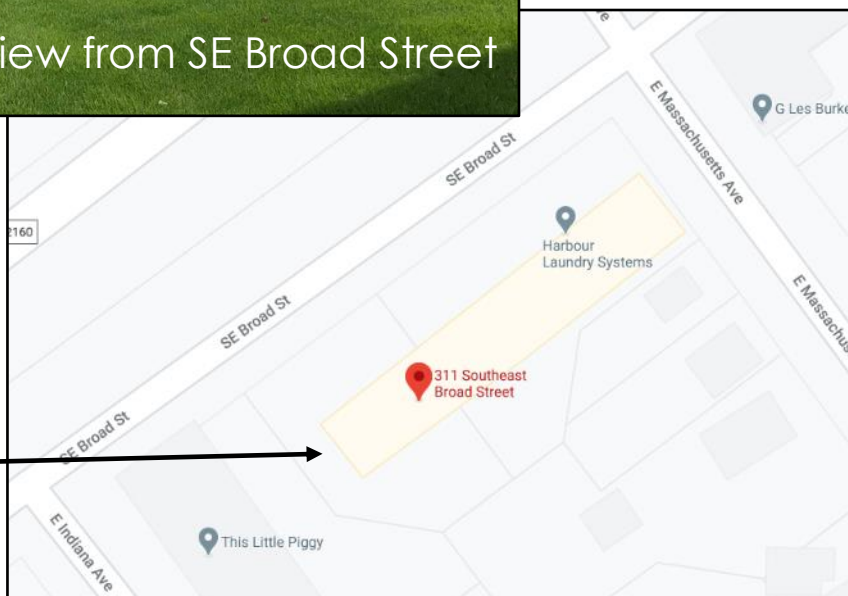
Surface: The surface is currently painted cinder block.

Budget: \$10,000-\$15,000

DESIGN GUIDANCE/THEME: Harbour Place is a plaza for parents/relatives/friends to find different shops and services for their children. On one end we have a small clinic that performs sonograms for expectant mothers, in the middle we have an upscale children's clothing shop, and on the other end is a center for autistic children. We are proud of our tenants and want to celebrate what it means to grow up in a charming, diverse small town. We also ask that it be interactive so families can come and have their photo taken to spread the word about the area and drive traffic to the area.



Wall location for mural





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC EMAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Honorable Mayor Carol R. Haney
Town of Southern Pines
125 S.E. Broad St
Southern Pines, North Carolina 28387
chaney@southernpines.net

Re: Request for Information Pursuant to Section 1445 of the Safe Drinking Water Act
Docket Number: SDWA-1445-2021-05
PWS ID # NC0363010
Town of Southern Pines Public Water System

Dear Mayor Haney:

The U.S. Environmental Protection Agency is responsible for assuring public water systems provide safe drinking water in accordance with the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et. seq.*, and the regulations promulgated thereunder. Based on information contained in the Safe Drinking Water Information System, the Town of Southern Pines Public Water System (Southern Pines PWS) serves 22,240 people, and pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), is therefore a community water system. Per 40 C.F.R. § 141.80, as a community water system, the Southern Pines PWS is subject to the requirements of the Lead and Copper Rule (LCR), 40 C.F.R. Part 141, Subpart I.

Section 1445 of the SDWA, 42 U.S.C. § 300j-4, and 40 Code of Federal Regulations (C.F.R.) § 141.31 authorize the EPA to require the submittal of information to determine whether a public water system is in compliance with federal drinking water regulations. Pursuant to Section 1445(a)(1)(B) of the SDWA, 42 U.S.C. § 300j-4(a)(1)(B), and after consultation with the North Carolina Department of Environmental Quality (NCDEQ)¹, the EPA hereby requests that the Southern Pines PWS provide the information described in Enclosure A within thirty (30) days of receipt of this letter. The EPA seeks this information to determine if the Southern Pines PWS is in compliance with the requirements of the LCR.

The EPA encourages the submission of this information in electronic format to Ms. Rebecca Quiñones at quinones.rebecca@epa.gov. If portions are unavailable in electronic format, please submit in hardcopy to:

¹ NCDEQ is the entity in the State of North Carolina with primary enforcement authority over the SDWA, including oversight of implementation of the Lead and Copper Rule (LCR).

Internet Address (URL) <http://www.epa.gov>

Rebecca Quiñones
Water Enforcement Branch
Enforcement and Compliance Assurance Division
US Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Please be advised that, under Section 1445(c) of the SDWA, 42 U.S.C. § 300j-4(c), as amended by 40 C.F.R. § 19.4, Table 2 (Adjustment of Civil Monetary Penalties for Inflation), failure to provide the information required by this letter may result in a civil penalty of up to \$59,017. In addition, under SDWA Section 1414(g), 42 U.S.C. § 300g-3(g), failure to provide the information required by this letter may result in an order requiring compliance. Violation of such order may lead to sanctions under SDWA Section 1414, 42 U.S.C. § 300g-3(g)(3)(A) and 40 C.F.R. § 19.4, Table 2, which include penalties of up to \$59,017 per day of violation. The information provided in response to this letter may be used by the United States in administrative, civil, or criminal proceedings.

You may, if you so desire, assert a confidential business information (CBI) claim covering any or all the information furnished to the EPA in response to this letter. Every CBI claim must be made in a manner described in 40 C.F.R. § 2.203 and must be fully substantiated with documentary evidence which shows how the claim meets every criterion listed in 40 C.F.R. §§ 2.208 and 2.304. If no CBI claim accompanies your information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. Further details, including how to make a business confidentiality claim, are included in Enclosure B.

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paper Reduction Act because it is not an “informal collection request” within the meaning of 44 U.S.C. §§ 3502(4), (11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paper Reduction Act because it is directed to fewer than 10 persons. *See* 44 U.S.C. § 3502(4), (11); 5 C.F.R. § 1320.5(a).

If you have any questions regarding this matter, please contact Ms. Quiñones of my staff at (404) 562-9282 or at the email address provided above. For legal inquiries, please have your attorneys contact Ms. Suzanne Armor, Associate Regional Counsel, at (404) 562-9701 or at armor.suzanne@epa.gov.

Sincerely,

Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: David McKew, Southern Pines PWS
Robert Midgette, NCDEQ

ENCLOSURE A

INFORMATION REQUEST PURSUANT TO SECTION 1445(a)(1)(B) OF THE SAFE DRINKING WATER ACT

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
3. Precede each answer with the text and the number of the question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the question and subpart of the question to which they are responsive.
5. In answering each Information Request question and subpart thereto, identify all documents and persons consulted, examined or referred to in the preparation of each response, and provide true and accurate copies of all such documents.
6. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA as soon as possible.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to a question, you must respond to the question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
10. The EPA requests that all documents provided in an electronic format be compatible with pdf.
11. The EPA requests that all spreadsheet information be in an electronic format and compatible with MS Excel.
12. You may submit the requested information using a shared online repository.

13. If any question relates to activities undertaken by entities other than the recipient of this Information Request, and to the extent that you have information pertaining to such activities, provide such information for each entity.

Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Safe Drinking Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms “And” and “Or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term “Southern Pines PWS” means the Town of Southern Pines Public Water System.
5. The term “NCDEQ” means the North Carolina Department of Environmental Quality.

Questions

1. Provide a description of Southern Pines PWS and its treatment processes, including schematics and maps, and a list of all water sources (active and inactive) and associated treatment plants.
2. Provide all information regarding Southern Pines PWS’s corrosion control treatment (CCT) required by 40 C.F.R. §§ 141.81 and 141.82, including but not limited to:
 - a. A description of the CCT treatment utilized by Southern Pines PWS;
 - b. CCT approval letters including a copy of the approved CCT study, date of CCT installation, and any letter(s) issued by NCDEQ designating ranges or minimum values for optimal water quality parameters.
3. Provide a description of any source water changes since January 2016 (if any have been made) and any related approval letters, information used to evaluate potential impacts, communication with NCDEQ regarding such changes, and any regulatory approvals regarding the changes.
4. Provide the materials evaluation and the pool of identified targeted sampling sites (including tier designation) for all lead and copper tap monitoring required by 40 C.F.R. §141.86(a) and conducted between January 2016 and the date of this request.
5. Provide all analytical reports for lead and copper tap sampling required by 40 C.F.R. §§ 141.80(c) and 141.89 and conducted between January 2016 and the date of this request,

including all chains of custody (completed by customers, lab personnel, and Southern Pines PWS personnel) and 90th percentile calculations.

6. Provide all public education materials distributed to the public between January 2016 and the date of this request in response to lead action level exceedances and in accordance with 40 C.F.R. §141.85.
7. Provide all analytical reports for water quality parameter monitoring required by 40 C.F.R. §§ 141.87 and 141.89 conducted between January 2016 and the date of this request.
8. Provide all analytical reports for source water monitoring required by 40 C.F.R. §§ 141.88 and 141.89 and conducted between January 2016 and the date of this request.
9. Provide all source water treatment recommendations required by 40 C.F.R. § 141.83 between the January 2016 and the date of this request.
10. Provide all tap sampling instructions provided to customers for all monitoring periods between January 2016 and the date of this request.
11. Provide all Consumer Notices required by 40 C.F.R. § 141.85(d) to notify persons served of individual tap results for monitoring conducted between January 2016 and the date of this request.
12. Provide all lead service line information required by 40 C.F.R. §§ 141.84 and 141.86, including:
 - a. Number of known lead service lines;
 - b. Actions taken by Southern Pines PWS to identify lead service lines; and
 - c. Historical lead service line replacement (partial and full) information, including location and date of replacement.
13. Provide all Consumer Confidence Reports (or Annual Water Quality Reports) and certifications required by 40 C.F.R. § 141.153 and issued between January 2016 and the date of this request.
14. Provide all correspondence between Southern Pines PWS and NCDEQ in response to Lead and Copper Rule (LCR) violations between January 2016 and the date of this request, including but not limited to, notices of violation, consent orders, corrective action plans, any progress reports submitted in response to a consent order, and any responses by NCDEQ to those submittals.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for information which deals with the existence, absence, or level of contaminants in drinking water, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Carol Haney
Mayor of Town of Southern Pines
125 SE Broad Street
Southern Pines, NC 28387

Re: Written Notice to Supplier of Water
Public Water System: Town of Southern Pines
PWS ID Number: NC0363010

Dear Mayor Haney:

The purpose of this letter is to provide written notice, as required by Section 1445(b)(1) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-4(b)(1), that the U.S. Environmental Protection Agency, Region 4 will be inspecting your facility. The EPA plans to conduct the inspection of the facility from October 19, through October 20, 2021.

Section 1445(b)(1) of the SDWA gives the EPA, upon presentation of appropriate credentials and this written notice to any supplier of water or other person subject to national primary drinking water regulations (NPDWR) prescribed under Section 1412 of the SDWA, 42 U.S.C. § 300g-1, or in charge of any of the properties subject to the NPDWR, authority to enter any establishment, facility or other property of such supplier or other person subject to the NPDWR in order to determine whether such supplier or other person has acted or is acting in compliance with this title, including for this purpose, inspection at reasonable times of records, files, papers, processes, controls, and facilities in order to test any feature of a public water system, including its raw water source.

Pursuant to Section 1445(c) of the SDWA, 42 U.S.C. § 300j-4(c), failure or refusal to comply with any requirement of Section 1445(b) or the SDWA may result in a civil penalty not to exceed \$59,017. *See* Civil Monetary Penalty Inflation Adjustment Rule, 85 Fed. Reg. 1751, 83821 (Dec. 23, 2020), codified at 40 C.F.R. § 19.4.

Thank you for your cooperation in this matter. If you have any questions, please contact Ms. Charlotte Bunch of my staff at 404-562-9304 or bunch.charlotte@epa.gov.

Sincerely,

Bryan Myers, Chief
Drinking Water Enforcement Section
Water Enforcement Branch

cc:

Ron Istre, Distribution ORC, Town of Southern Pines
ristre@southernnpines.net

David McKew, WTP Manager, SUEZ Contractor
david.mckew@suez.com

PUBLIC WATER SYSTEM INSPECTION – PRELIMINARY AGENDA
Town of Southern Pines Water System
October 19-20, 2021

Day	Time	Agenda Item
Tuesday, October 19	8:30 AM	Location – 261 Thunder Road Pinebluff, NC 28373
		• Introductions and Opening Discussions • Overview of Water System Operations • Management Approach
	Afternoon	• Water Treatment Facilities Tour
		• Continuation of Water Treatment Facilities Tour
Wednesday, October 20	8:30 AM	• Distribution System Inspection • Storage Assets, Booster/Pump Stations, System Interconnections, Sampling Locations (Specific locations will be selected based on discussions with system personnel)
		• Records Review • Closing Conference



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

The Honorable Carol Haney
Mayor of Town of Southern Pines
125 SE Broad Street
Southern Pines, North Carolina 28387

Re: Inspection Conclusion
Public Water System: Town of Southern Pines
PWS ID Number: NC0363010

Dear Mayor Haney:

This letter is regarding the inspection of your facility by the U.S. Environmental Protection Agency on October 19, 2021. We appreciate your commitment to providing clean and safe drinking water and your efforts in already addressing Findings mentioned in the inspection report.

The EPA has spoken with NCDEQ regarding the report and Finding of incomplete customer collection forms. Moving forward, please ensure forms are completed fully and accurately. At this time, the EPA does not need any further information. Thank you again for your actions to address our concerns.

I would like to thank you and your staff for their continued cooperation and assistance during the inspection. If you have specific questions, please contact Ms. Charlotte Bunch at bunch.charlotte@epa.gov or at (404) 562-9304.

Sincerely,

Bryan Myers, J.D., Chief
Drinking Water Enforcement Section
Water Enforcement Branch

MEMORANDUM

To: Reagan Parsons, Town Manager
From: Jessica Roth, Assistant Town Manager
Re: Options for Town Council Elections
Date: December 30, 2021

Status Quo in Southern Pines: Nonpartisan Primary & Election

Per Section 3.1 of the Town's Charter, Southern Pines elects its Mayor and Councilmembers through the nonpartisan primary and election method. Regular municipal elections are held every two years in odd numbered years and these are staggered so that two positions are elected in one election cycle and three positions (Mayor + two Councilmembers) in the next cycle.

Per state law, the nonpartisan primary and election method requires a primary if the field of candidates is larger than two candidates for each position to be filled, i.e. 5+ candidates to fill 2 seats or 3+ candidates to fill one seat. In this situation, a primary is held to narrow the field to twice as many candidates as there are seats open. On the general election day, the candidates who receive the highest number of votes are deemed the winners through a plurality vote.

Four Options for Municipal Elections

[Chapter 163, Article 23](#) of the state statutes governs elections for North Carolina municipalities. Per state law, municipalities are authorized to use one of four election methods.

ELECTION METHOD	MIN. # OF ELECTIONS	MAX. POTENTIAL # OF ELECTIONS	% OF NC MUNICIPALITIES
NONPARTISAN PLURALITY	1	1	91%
NONPARTISAN PRIMARY & ELECTION	1	2	4%
NONPARTISAN ELECTION & RUNOFF	1	2	3%
PARTISAN ELECTION	2	3	2%

1. **Nonpartisan Plurality Elections:** This is the simplest of the four methods, where the winners are the candidates who receives the most votes, even if no one gets a majority. No primary is held, so there is only a general election on the first Tuesday of November in odd numbered years.

91% of North Carolina's 553 municipalities use nonpartisan plurality elections, which is particularly popular in towns with small populations. Wilmington is the largest municipality to use nonpartisan plurality elections.¹

2. **Nonpartisan Primary & Election:** Southern Pines is one of 24 municipalities which use this method, described above. Other notable cities include Burlington, Durham, Fayetteville, Goldsboro,

¹ Bluestein, Frayda S. *County and Municipal Government in North Carolina*. 2nd ed., UNC School of Government, 2014, p. 756.

Greensboro, Hickory, and High Point.²

3. **Nonpartisan Election & Runoff:** The first step (and possibly only step) with this method is to hold an election prior to general election day; the ballot includes all candidates. Where two Council seats are up for election, the two candidates who earn the highest number of votes are deemed the winners (the “plurality” method). If both of these candidates also earn a majority of the votes cast, no runoff is authorized.

The majority is calculated by dividing the total votes cast for all candidates by the number of offices to be filled and then dividing the result by two. Any number of votes in excess of this resulting number is deemed a majority vote.³

A runoff may be held on the general election day if the plurality winner does not also receive a majority of the votes *AND* the candidate who came in second requests it; otherwise the election results stand. The runoff election only includes the plurality winner and the runner-up; no write-in candidates are allowed. If the runoff results in a tie, the board of elections determines the winner.

Using the official results from the Southern Pines 2021 primary election⁴, one can analyze an outcome applying the nonpartisan election and runoff method. Using this data, Ann Petersen and Taylor Clement would have been declared the winners after the first vote, with both receiving a majority. No runoff would have been held in this case.

Seventeen municipalities use the nonpartisan election and runoff method, including Cary, Raleigh, and Rocky Mount.⁵

4. **Partisan Elections:** Candidates file to run for party nomination in primary elections held on the sixth Tuesday before the November general election. If no candidate receives a substantial plurality (40% plus one single vote), the candidate who finishes second may request a second primary between the top two candidates. The second primary is held on the third Tuesday before the general election.

On general election day, the nominees of the parties appear on the ballot. In addition, candidates may appear on the ballot as unaffiliated through a petition signed by 4% of the Town’s voters. Through a plurality, the candidate with the highest number of votes then wins the general election.

Only eight North Carolina municipalities hold partisan elections, including Charlotte, Winston-Salem, and Asheville.⁶

² Bluestein, p. 756.

³ [G.S. § 163-293](#)

⁴ [NCSBE Official Primary Results](#)

⁵ Bluestein, p. 757.

⁶ Bluestein, p. 756.

Southern Pines History

Data on past Southern Pines municipal elections is archived by the NC State Board of Elections as well as the Moore County Board of Elections. Over the past 20 years, there have been 11 municipal election cycles in Southern Pines; 3 of those required primaries⁷:

- 2021: 5 candidates for 2 Council positions: 1 candidate eliminated in primary.
- 2017: 5 candidates for 2 Council positions: 1 candidate eliminated in primary.
- 2007: 5 candidates for Mayor; 3 candidates eliminated in primary.

YEAR	NUMBER OF CANDIDATES	PRIMARY BALLOTS CAST	% OF VOTER PARTICIPATION IN PRIMARY
2021	5 for 2 seats	842	7%
2017	5 for 2 seats	801	8%
2007	5 for Mayor	Unknown	Unknown

Voter turnout in the Town's primary elections is low, but is relatively consistent with statewide statistics where 9% of North Carolina voters participated in the 2021 municipal primary and 12% in the 2017 primary.⁸

Changing the Election Method

Per [G.S. § 160A-102](#), Council is authorized to change the Town's method of electing its Mayor and Councilmembers through a local amendment to the charter. The process for doing so is mandated by state law and requires various steps and accompanying deadlines:

1. Council adopts a resolution of intent to consider an ordinance amending the charter. The resolution does not need to contain the precise text of the proposed charter amendment, but must describe the intent with reference to the pertinent provisions of G.S. 160A-101.
2. At the same time that a resolution of intent is adopted, Council must also call a public hearing on the proposed charter amendments. The hearing must occur within 45 days of adopting the resolution.
3. At least 10 days prior to the public hearing, the Town must publish a notice of the hearing and summary of the proposed amendments
4. The Town holds a public hearing, but action may not be taken on the proposed charter amendment during the same meeting.
5. The Council may consider an ordinance amending the charter as soon as the next regular Council meeting, but no later than 60 days from the date of the hearing.
6. The charter amendment must be adopted at least 90 days before the affected election.
7. A voter referendum is not required unless a petition is received pursuant to G.S. 160A-103. G.S. 163-287 includes the details and requirements for carrying out this process.
8. The charter amendment must be in effect for a minimum of two years after the officials are elected under the new method.⁹

⁷ Source: North Carolina State Board of Elections (NCSBE)

⁸ NCSBE: <https://www.ncsbe.gov/results-data/voter-turnout/2021-municipal-election-turnout>

⁹ [G.S. § 160A-107](#)

Cost of Elections

The Moore County Board of Elections is responsible for administering elections and invoices the Town for the actual costs after the election(s) are held. While the Town typically budgets \$20,000 per election cycle, actual costs may vary, especially if a primary is needed. For the 2021 election, the BOE invoiced the Town \$22,487.89 for the primary and \$15,590.49 for the general election. Expenses include the ballot printing, mailing, precinct rental, delivery of supplies, and similar; pay for precinct workers makes up the majority of the expenses. The general election costs are typically lower, since the BOE assigns a pro rate share to each municipality; Southern Pines was the only municipality to hold a primary in 2021 and covered 100% of those expenses.