



MINUTES

Tuesday, January 23, 2024: 3:00 PM

Town Council Work Session

C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave

1. CALL TO ORDER

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

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed some changes in the agenda with the removal of the monthly 'Agenda Meeting' and then reviewed the night's agenda for the Council.

3. APPROVAL OF AGENDA

Mayor Pro Tem Pate moved to adopt the Agenda as presented, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

4. PUBLIC COMMENTS

Mayor Clement advised the meeting that a Public Comment sign-in sheet is now available for those wishing to speak.

Sean Larson of 137 Skipping Rock Lane, Garner, NC, shared his concerns regarding homelessness and encouraged the Council to support a community-based solution like the TeamWorkz organization.

Edwin O'Keefe, homeless, shared that he is currently living with his border collie in his truck and Teamworkz has helped him.

Tessie Taylor, 224 Haley Street, shared that this was the 3rd time over the years that she had appeared before the Town Council with the request for help with various plans to help with homelessness issues.

Cliff Brown, 236 Countryside Drive, Aberdeen, is the founder and director of the Teamworkz organization, who is in their 5th year of operation. Mr. Brown shared the work the organization is doing with Moore County staff to help homelessness in the area. Mr. Brown asks that the Council support the creation of a task force to address the problem.

- Councilmember Gray questioned the statement that the dominant number of homeless are located in in Southern Pine and Mr. Brown stated that the encampment behind Staples is an area that the jurisdiction is disputed over between Southern Pines and Aberdeen.

- Councilmember Petersen - asked Mr. Brown for times to drop off items for donation and Mr. Brown shared that they are currently remodeling so no donations at this moment but come February 1st the hours open will be 9am - 4pm, 5 days a week.

Raymond Rodriguez, 152 S. Stevens Street, shared his experience with the Teamworkz organization and that they have helped place him in motel, assisted him in getting a job, his social security card and an identification card.

Tamber Chamberlain, the District Liaison on Homelessness for Moore County Schools and Foster Care Point of Contact, addressed the Council sharing the rising amount of homelessness cases in the District and supporting the work Mr. Brown is doing with his organization.

Margaret Horn - is a former resident who lived on May Street and as a result of the death of her significant other found herself homeless. Ms. Horn shared that she applied for numerous programs within the County to no avail and it was Teamworkz who assisted her in getting vouchers for a hotel, helped her get a job and gifted her with a donated vehicle. Ms. Horn stressed not everyone who is homeless is in that situation as a result of substance abuse or laziness and there is a stigma attached to the situation that is harmful.

5. PRESENTATIONS

a. Concept Plans for Renovations to Finance & Administration Buildings

The finance building is approximately 50% vacant following the relocation of planning and inspections to the community development building. Additionally, both the finance and administrative buildings have needs for ADA accessibility. The FY 23-24 budget allocated \$100,000 to develop concept plans and cost estimates; staff has been working with architects from CPL to advance this project. CPL architects Taylor Bishal and Brad Norvell will present the recommended concept plans and a high-level pre-design cost estimate for building renovations. Staff seeks Council authorization to advance construction drawings and bid documents.

Town Manager Parsons gave a brief introduction of the item.

Assistant Town Manager Jessica Roth introduced Brad Norvell and Taylor Bishal, architects with CPL, with whom staff have been working with to develop concept plans and cost estimates for renovations to the Administration Building and Finance Building. The intended result is to make both buildings ADA compliant for staff and customers and address staffing needs while respecting the historic character of the buildings.

Mr. Bishal and Mr. Novel gave an overview of their company and their qualifications before proceeding to present the Council with some plans and estimates for renovations to the buildings with the goal to:

- make both buildings ADA accessible
- utilize available space in the most efficient way
- to renovate the building internally not expand its footprint and bring the building up to current building code while respecting its historical nature.

Discussion ensued.

Councilmember Petersen questioned if the renovations would result in a Leeds' certification. Town Manager Parsons answered it is common to work Leeds standards into the designs but not get the final certification as that would increase cost significantly. Also some Leeds systems are very costly and time consuming to maintain and repair.

Discussion ensued.

Mayor Clement questioned the goal of today presentation? Town Manager Parsons advised that it was to show the Council the work done so far and preview designs to get the Councils feeling on the direction the project is heading. The reality is that both buildings are in need of significant maintenance and upkeep regardless and staff is trying to best utilize funds so as to not complete maintenance on areas that might get demolished.

Discussion ensued.

Mayor Clement stated that the proposed project budget is high and the proposed renovation would not fulfill the long-term need of staff if the offices are full as soon as the project is finished. Mayor Clement advised that Council would table the discussion while they review the plans.

6. ORGANIZATIONAL MATTERS

a. Appointment to Complete the Remainder of Mayor Clement's Unexpired Council Term

Taylor Clement was elected Mayor in the November 7th election, leaving her former Council seat vacant. In accordance with NCGS § 160A-63, the Town Council appoints a citizen to complete the remainder of her unexpired term through the November 2025 election. Ten citizens submitted applications for this seat as well as responses to follow-up questions. More details are available at sopinesnc.info/council.

Mayor Clement gave a brief overview of the process involved in narrowing the candidate list to get to this point.

Town Attorney McCarley gave several options to help narrow down the candidate pool but recommends that each Councilmember recommend one name for a final pool.

Councilmember Petersen spoke briefly on how she greatly enjoyed talking to all the applicants and feels that everyone has a balanced view on growth. After careful deliberation, her recommendation is Gary Carroll

Councilmember Gray advised that she had succeeded in meeting in person with 9 out of the 10 candidates and had enjoyed the discussions with each. After careful deliberation, her recommendation is Logan King

Mayor Pro Tem Pate shared that he had enjoyed the process and had succeeded in speaking with all the candidates. Mayor Pro Tem Pate appreciates the skills offered and feels that choosing a candidate who possesses experience and skill that differ from his own would serve the Council best. Upon deliberation, Mayor Pro Tem Pate recommends Michael Jones.

Mayor Clement, after sharing several reasons as to why, recommends Brandon Goodman.

Discussion ensued.

Assistant Town Manager Roth shared the dates and rooms available over the upcoming weeks along with legal requirements on certain options.

Town Attorney McCarley advised that by recessing the meeting would be the most prudent option.

Mayor Clement called for a 5 minute recess so that Council could consult their calendars.

Mayor Clement reconvened the meeting 4:34pm.

After discussion the Council choose to reconvene the meeting on Friday, January 26th at 3:00pm in the Haney Room.

Council agreed to give each candidate a maximum of 15 minutes; 3-5 minutes to make a statement to and then remaining time will be spent answering Council questions. Candidates will be called in order of recommendation:

3:00 = Gary Carol
3:20 = Logan King
3:40 = Michael Jones
4:00 = Brandon Goodman

Each candidate will inform their recommended candidate of the time and procedure for the meeting on January 26th.

Mayor Clement will send an email out to all the candidates not chosen.

7. CONSENT AGENDA

Mayor Pro Tem Pate moved to approve the Consent Agenda, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

a. Approve Resolution #1079: Acceptance of Water Asset Inventory and Assessment Grant

The NC Department of Environmental Quality has awarded the Town a \$200,000 grant to perform asset inventory and assessment work for the Town's water system.

b. Approve Resolution #1080: Acceptance of Wastewater Asset Inventory and Assessment Grant

The NC Department of Environmental Quality has awarded the Town a \$200,000 grant to perform asset inventory and assessment work for the Town's wastewater system.

c. Approve Ordinance #3023: Amending the Municipal Service District Special Revenue Fund

Staff requests an amendment to the MSD Project Budget in the amount of \$3,092. This accounts for ad valorem tax revenues.

d. Approve Town Council Meeting Minutes for December 2023

Staff requests approval of the following meeting minutes for December 2023:

- December 5, 2023
- December 12, 2023

8. ACTION ITEMS

a. Consider WP-03-23 Watershed Protection Permit - 1.02 acres on Central Drive

Kevin Lindsay has applied for a Watershed Protection Permit for 1.02 acres on Central Drive. The requested permit would allow for the construction of eight apartment units with 45% total impervious surface. The property is located within the Little River Watershed that is part of the Cape Fear River Basin.

Town Manager Parsons introduced the item.

Planning Director Grieve gave an overview of the watershed permit process for new Councilmember Gray.

Planning Director Grieve presented the application and staff report to the Council.

Discussion ensued.

Mayor Pro Tem Pate moved to approve WP-03-23 Watershed Protection Permit for 1.02

acres on Central Drive, seconded by Councilmember Gray; the vote was 3-1 as follows:

Mayor Clement = aye

Mayor Pro Tem Pate = aye

Councilmember Petersen = nay

Councilmember Gray = aye

Motion passed.

b. Consider Resolution #1081: Reimbursement Agreement for Two Fire Trucks

This resolution declares the Town's intent to pursue tax-exempt financing in an amount not to exceed \$2.5 million. Upon receipt of the borrowed funds, the Town may reimburse itself for funds advanced to purchase one or more fire trucks.

Town Manager Parsons presented the request to the Council which is a resolution that declares the intent to potentially get a loan to reimburse ourselves for the amount spent and, in the event that a loan is needed for some reason in the future, the trucks can be used as collateral. Town Manager Parson stressed that there is no intention of staff to request reimbursement at this time.

Discussion ensued.

Mayor Pro Tem Pate moved to approve Resolution #1081: Reimbursement Agreement for Two Fire Trucks, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

c. 2024 Council Appointments

Individual councilmembers are appointed by the body each year to serve in various capacities and manage certain responsibilities. At the December 5th meeting, Council appointed Bill Pate as Mayor Pro-Tem and Ann Petersen as Treasurer. Council indicated an interest to discuss the other appointments after the 5th Councilmember is selected. The included staff memo outlines more information on these appointments and their responsibilities.

After discussion, the Council agreed to table this item until a 5th councilmember has been chosen.

9. PUBLIC HEARINGS

a. Consider OA-06-23: Proposed Text Amendments to the Unified Development Ordinance

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO). The proposed amendments cover three topics described in the staff report.

Mayor Clement opened the hearing for OA-06-23: Proposed Text Amendments to the Unified Development Ordinance.

Planning Director Grieve presented the application and staff report to the Council. Staff is the applicant and is requesting a series of amendments to the UDO:

- §9.3 and Exhibit 3-15 - definition of *Tourist Home*
- §5.4(A) Fuel Pump Canopies
- §2.19.4(A) Exhibit 2-1 - Final Plat approval process

Discussion ensued.

No public comments were voiced.

Mayor Clement closed the hearing.

Mayor Pro Tem Pate moved that after considering the criteria for text amendment found in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that the proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's recommendation, and therefore the Town Council adopts that Planning Board resolution that is included as an attachment tot the staff report for OA-06-23. The motion was seconded by Councilmember Gray and the vote was unanimous.

Motion passed.

Mayor Pro Tem Pate moved to approve OA-06-23 as attached to the staff report, seconded by Councilmember Gray: the vote was unanimous.

Motion passed.

b. Consider SU-01-23: Expansion of Authorized Land Uses in 1998 Mill Creek Mixed-Use Development Master Plan

Mr. Bob Koontz has applied for a Special Use Permit amendment application to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the Mill Creek development. The public hearing was opened at the December 12th Town Council meeting.

Mayor Pro Tem Pate is recused from this hearing.

Mayor Clement opened the hearing for SU-01-23; Expansion of Authorized Land Uses in 1998 Mill Creek Mixed-Use Development Master Plan.

Town Attorney McCarley qualified the Councilmembers.

Mayor Clement swore in staff and witnesses.

Senior Planner Alaina Mallette presented the request and staff report to the Council. (TOSP Planning memo and staff report = Exhibit A)

(Staff presentation = Exhibit B)

Town Engineer James Michel spoke to the Council regarding aspects of the staff report.

(Updated email correspondence of Senior Planner Mallette = Exhibit C)

Paul Saathoff of KoontzJones Design presented the project to the Council on behalf of the applicant. (Applicant presentation = Exhibit D)

Discussion ensued.

Councilmember Petersen moved to continue the hearing to the Town Council meeting on February 13, 2023 at 6:00pm in the Douglass Community Center, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

c. Consider PD-05-23: Preliminary Development Plan for Phase 10 of Morganton Park North

Mr. Bob Koontz has applied for a Preliminary Development Plan for 160,000 square feet of medical office space on 8.7 acres in Morganton Park North.

Mayor Clement opened the hearing for PD-05-23: Preliminary Development Plan for Phase 10 of Morganton Park North.

Town Attorney McCarley qualified the Councilmembers.

Mayor Clement swore in staff and witnesses.

Planning Director Grieve presented the application and staff report to the Council.

Bob Koontz of KoontzJones Design, representing the applicant, presented a PowerPoint to the Council. (Applicant PowerPoint presentation = Exhibit A)
Discussion ensued.

Mayor Pro Tem Pate moved to adopt Attachment 1 of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-05-23, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

Mayor Pro Tem Pate moved to approve the proposed Preliminary Development Plan PD-05-23: Phase 10 of Morganton Park North, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

d. Consider SU-02-23: Special Use Permit for a Major Subdivision at 730 S. Bennett Street

Mr. Kevin Lindsay has applied for a Special Use Permit, Major Subdivision Preliminary Plat, and Watershed Protection Permit in order to subdivide the parent tract into 13 townhomes with a homeowners' association.

Mayor Clement opened the hearing for SU-02-23: Special Use Permit for Major Subdivision at 730 S. Bennett Street.

Town Attorney McCarley qualified the Councilmembers.

Mayor Clement swore in staff and witnesses.

Senior Planner Alaina Mallette presented the application and staff report to the Council.

Kevin Lindsay of Crawford Design Company, representing the applicant, reviewed the application using the Town Staff Report for visual context.

(Preliminary Plat = Exhibit A)

(Staff Report = Exhibit b)

(PDF of Key Points = Exhibit C)

Public Comments

1st Speaker (Name was unclear) shared his dissatisfaction with what he views as gentrification of the area in question.

Braxton Jefferies questioned the Council about the term gentrification being used, asked about the funding being used for the project and was told that he was allowed to comment but could not question the applicant.

Mayor Clement closed the hearing.

Mayor Pro Tem Pate moved to adopt Attachment 1 of the Staff Report as Finding of Fact for the proposed Special Use Permit SU-02-23 and Major Subdivision Preliminary Plat, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

Mayor Pro Tem Pate moved to approve Special Use Permit SU-02-23 and the accompanying Major Subdivision Preliminary Plat with a deviation to UDO §4.7(D) to allow 6' foot chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line as permitted during special use permit review by UDO §4.7. The motion was seconded by Councilmember Gray and the vote was unanimous.
Motion passed.

Mayor Pro Tem Pate further moved to approve to approve the Watershed Protection Permit WP-04-23, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

10. COUNCIL UPDATES AND DISCUSSION

a. Discussion Regarding Terms for Appointed Boards

Follow-up discussion regarding the status of terms on various Council appointed boards and potentially setting terms to expire at a similar time each year.

Town Manager Parson reviewed the item for the Council.

Mayor Clement commented that she would love the Council to work on recruiting for open board positions within the Town and both she and Councilmember Pate shared the benefits of recruiting the applicants for the open Town Council seat to some of the open board seats for the other boards.

Council agreed to move this discussion to the next Work Session.

b. Planning Department Update

Staff will update Council on applications advancing from the Planning Board to Council and implementation efforts related to the recently adopted CLRP.

Town Manager Parson opened the discussion.

Planning Director Grieve advised the Council that there was not a Planning Board Meeting held in January and that he anticipates there would be a substantial number of text amendments presented at the March meeting.

Council thanked staff for all of their hard work and their proactive approach to maintaining and modifying the UDO.

11. COUNCIL ROUNDTABLE

Mayor Clement shared the following updates:

- met with an Eagle Scout at the Library and feels that there will be more participation from them in future meetings as they work toward their patches.
- met Stephanie Blair of Tom Tillis's Office
- met with Sam Shomate from Senator Ted Bud's Office
- attended the Tri-City Meeting with Mayor Pro Tem Pate and suggests that they make an effort to rotate who attends so that the

Councilmember Gray shared:

- she and Mayor Clement were introduced at the Sunday service over Martin Luther King Jr. weekend.
- participated with her school in the MLK march and the NAACP youth program that followed.

Councilmember Petersen:

- advised the Council that Mayor Clement was elected as chair of the MPO.
- shared that she had received numerous calls from residents regarding the tree coming down on Ashe Street and their lack of notice. She asked that we keep the residents better informed and questioned if there would be any re-planting.
- Town Manager Parsons replied that he cannot commit to replanting at this time because the greenery was removed due to interference with a sewer line.

- questioned the drainage on Bethesda and who is responsible.
- Town Manager Parsons advised that the area in question is under DOT control and that staff would inform them about the issue.

Mayor Pro Tem Pate commented that in-house yard waste pick-up had been started 3 weeks prior and asked for an update.

- Town Manager Parson advised that staff were working hard to streamline the service. Town Manager Parsons shared that the process has been challenging due to equipment delays, that there are still two open positions on the crew that staff is struggling to fill and advised that future challenges due to the Town being subject to the Moore County landfill schedule.

12. ADJOURNMENT

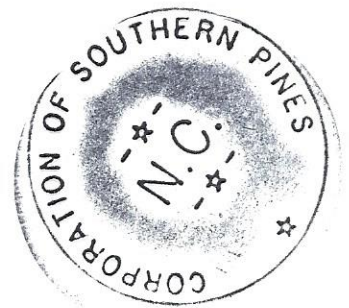
Councilmember Petersen moved to recess the meeting to Friday, January 26, 2024 at 3:00 pm at the Michael C. Haney Room located at the Southern Pines Police Station, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

Council adjourned at 8:24 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk





ORDINANCE # 3024
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
OA-06-23

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its work session meeting held on January 23rd, 2024 at 3:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and.

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

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 23rd day of January, 2024:

Section 1. That Exhibit 3-15 and §9.3 of the Unified Development Ordinance is hereby amended as depicted on Attachment A to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

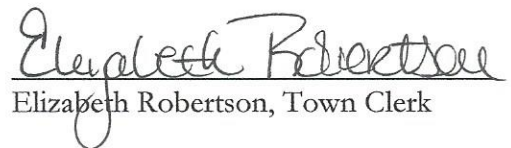
Section 2. That §5.4 of the Unified Development Ordinance is hereby amended as depicted on Attachment B to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

Section 3. That §2.19.4(A) of the Unified Development Ordinance is hereby amended as by replacing "Town Council" with "Planning Director."

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

Adopted this 23rd day of January 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on January 23rd, 2024 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk



Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Multi-Family	S1200	Three or more Dwelling Units													
Multi-Family	1151	Three or more Dwelling Units						ZC	ZC	ZC		ZC	ZC		
Multi-Family Conversion	1152	Three or more Dwelling Units in a converted Single-Family home						ZC	ZC	ZC		ZC	ZC		
Multi-Family Condominium	1153	Three or more Dwelling Units that are individually owned and common elements owned by the unit owners as tenants-in-common						ZC	ZC	ZC		ZC	ZC		
Housing Services	1200	Housing and custodial services for those who cannot care for themselves													
Retirement housing services	1210	Offer minimal convenience services						ZS	ZS						
Congregate living services	1220	Provide convenience services such as housekeeping, transportation, recreational programs						ZS	ZS						
Assisted-living board and care and adult care group homes	1230	Adult care, group homes, board and care (excludes rehab uses in code #6520)	ZS	ZS	ZS	ZS	ZS	ZS	ZS		ZS	ZS	ZS		
Continuing care retirement center (PD zoning required)	1240	Continuing care retirement centers; includes some health care													
Nursing or convalescent home	1250	Nursing homes and convalescent hospitals						ZC	ZC		ZC				
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers													
Bed and Breakfast Home	1311	Primarily in private homes and small Buildings	ZS	ZS	ZS	ZS	ZS	ZS	ZS		ZS	ZS	ZS		
Bed and Breakfast Inn	1312	Primarily in private homes and small Buildings	Z	C	C	C	C	C	C		Z	Z	Z		
<u>Tourist Home</u>	<u>1313</u>	<u>A Dwelling Unit used for periods of less than 30 days</u>								<u>ZS</u>	<u>ZS</u>	<u>ZS</u>	<u>ZS</u>		
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members						Z	Z	ZS			ZS		
Hotel, motel, transient home or tourist home	1330	Hotels that do not have gambling services; includes extended-stay hotels								ZS	ZS		ZS		
GENERAL SALES OR SERVICES															
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair													

ATTACHMENT A

Southern Pines Unified Development Ordinance

proposal. Development Approvals include, but are not limited to, zoning permits, Site Plan approvals, Special Use Permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this UDO, including plat approvals, permits issued, Development agreements entered into, and Building permits issued. Unless provided otherwise by law, Development Approvals attach to and run with the land.

Development Conditions: The written Development program, dimensional standards, special conditions and restrictions on Development submitted with the application for zoning approval.

Development Envelope: Area within which grading, lawns, pavement and Buildings will be located.

Development Pattern: A type of Development described in chapter 6 of this UDO or otherwise established that is characterized by a mix of uses, intensities of Development or specific design characteristics.

Diameter Breast Height: A standard measure of size for existing trees. The tree trunk diameter is measured in inches at a height of four and one-half (4 ½) feet above grade. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split.

Down-zoning: A zoning ordinance that affects an area of land in one of the following ways:

- a. By decreasing the Development density of the land to be less dense than was allowed under its previous usage.
- b. By reducing the permitted land uses of the land that are specified in a zoning ordinance or land Development regulation to fewer than were allowed under its previous usage.

Dwelling: Any Building, structure, Manufactured Home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of minimum housing codes, the term does not include any Manufactured Home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose that contains one or

Chapter 9. Definitions

more Dwelling Units used, rented, leased let or hired out for living purposes for periods of 30 days or more.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Estoppel: A bar or impediment preventing a party from asserting a fact or a claim inconsistent with a position that party previously took, either by conduct or words, especially where a representation has been relied or acted upon by others.

Evidentiary Hearing: A hearing to gather competent, material, and substantial evidence in order to make findings for a Quasi-judicial Decision required by a Development regulation adopted under this UDO.

Existing Development: Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (A) Substantial Expenditures or resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (B) Have an outstanding valid Building permit as authorized by the General Statutes (G.S. 160D-108); or
- (C) Having expended substantial resources (time, labor, money) and having an approved site specific or phased Development plans as authorized by the General Statutes (G.S. 160D-108.1).

Existing Lighting: Any and all lighting installed prior to the effective date of this UDO.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future Expenditures, as well as any other substantial changes in position.

Extraterritorial Planning Area: That portion of the Town's Planning Jurisdiction that lies outside the corporate limits of the Town. Also includes the terms Extraterritorial Jurisdiction and Extraterritorial Area.

Southern Pines Unified Development Ordinance

- (E) The division of a Tract into Parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(Ord. #1871, 8-24-20)

Temporary Emergency, Construction or Repair Residence: A residence (which may be a Manufactured Home if permitted in the district in which located) that is:

- (A) Located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster;
- (B) Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or
- (C) Located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

Tourist Home: ~~A Building occupied by an owner or operator in which rooms are rented~~Dwelling Unit used for periods of less than 30 days for the lodging of transients and travelers for compensation.

Town: The Town of Southern Pines, North Carolina.

Town Engineer: The person designated by the Town Manager to carry out the responsibilities established in this UDO or the Town Engineer's designee.

Tract: A Lot. The term Tract is used interchangeably with the term Parcel, particularly in the context of Subdivisions, where one "tract" is subdivided into several "Lots".

Travel Trailer: A structure that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a

Chapter 9. Definitions

motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definition criteria of a Manufactured Home.

Use, Accessory: A use incidental to and customarily associated with a specific Principal Use located on the same Lot, Tract or Parcel.

Use, Principal: The primary or main use of land or structures, as distinguished from a secondary or Accessory Use.

Vehicle Use Area: That portion of a Lot of Parcel that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of Circulation Areas, loading and unloading areas and parking areas (spaces and aisles).

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wooded Area: An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater Caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard: The area between a Building and the property line.

Yard, Front: The area between the Building Front and the front property line.

Yard, Side: The area between the side of a Building and the side property line that extends from the Building Front to the rear-most part of the Building.

Yard, Rear: The area between the rear of a Building and the rear property line.

Zoning Map or Official Zoning Map: The map pursuant to this UDO and showing the boundaries of zoning districts established herein.

(Ord. #1716; Ord. #1703; Ord. #1820; Ord. #1981; Ord. #2052)

(D) Recreational amenities, such as pools, clubhouses and tennis courts that serve residential subdivisions or Multi-Family Developments shall be considered accessory to the Development and need not be located on the same Lot as the Principal Use, but shall comply with minimum setback requirements applicable to Principal Structures on the Lot on which they are located.

(E) Portable storage containers shall comply with the following standards:

- (1) If associated with a project that requires a Building permit, the temporary use shall be noted on the Building permit application along with an acknowledgement that the container shall be removed within ten (10) days of issuance of the final inspection or certificate of occupancy, if applicable.
- (2) If not associated with a Building permit, the owner or occupant of the site shall apply for a Zoning Compliance Permit and Sign an acknowledgement that the container shall be removed no more than thirty (30) days after its placement on the site.
- (3) Containers shall not be placed within the minimum Side and Rear Setbacks for the applicable zoning district or be located closer than ten (10) feet from the front property line.
- (4) A property owner may receive a one-time extension for an additional thirty (30) calendar days at the discretion of the Planning Director. Each property may only receive one (1) Portable Moving Container permit and one (1) extension in a calendar year.
(Ord. #1716; Ord. #1696)

5.4. AUTOMOBILE SERVICE STATIONS/GAS SALES OPERATIONS

The following standards shall apply to uses that service automobiles or other vehicles, or sell gasoline or diesel fuel.

(A) Fuel pump canopies shall adhere to the same requirements for roofs set forth in Section 4.10. Canopy support columns shall adhere to the same requirements for building materials that apply

Amended

to the primary Building serving the fuel station set forth in Section 4.10 Development Design Standards, and Fuel pump canopy structures (canopy and columns) shall also be consistent with Section 5.3.2 Accessory Structures.

- (B) Signs shall be regulated per Section 4.6. Signs, except: Signs located on the canopy or the primary structure shall be considered wall Signs as defined in the UDO. The maximum number of Wall Signs shall not exceed more than one (1) Wall Sign per street frontage.
- (C) Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto-washing equipment and similar equipment shall be entirely enclosed within a building.
- (D) All garbage and refuse shall be stored in mechanical loading containers located near the rear of the Lot or Building, but not less than twenty (20) feet from any adjacent property lines.
- (E) All accessory retail features including, but not limited to: vending machines, newspaper machines, ice machines, and the like shall be placed underneath the canopy or properly screened per the standards set forth in Section 5.12 Outside Storage and shall be located twenty (20) feet or more from any property line.
- (F) Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.
(Ord. #1696)

5.4.1. Fuel Sales in the HCO or DTO Districts

Fuel sales operations within any Highway Corridor Overlay (HCO) or the Downtown Overlay (DTO) and where permitted by zoning shall meet the following standards:

(A) Fuel pumps shall not be located between the Building and a public street or in any required Building Setback or buffer area. For corner

- (1) The Tract or Parcel to be divided is not exempted under G.S. 160D-802(a)(2).
- (2) No part of the Tract or Parcel to be divided has been divided as an Expedited Review Subdivision in the ten (10) years prior to division.
- (3) The entire area of the Tract or Parcel to be divided is greater than five (5) acres.
- (4) After division, no more than three Lots result from the division.
- (5) After division, all resultant Lots comply with all of the following:
 - (a) All Lot dimension size requirements of the applicable land-use regulations.
 - (b) The use of the Lots is in conformity with the applicable zoning requirements.
 - (c) A permanent means of ingress and egress is recorded for each Lot.

(B) Minor Subdivisions shall include:

- (1) Lot splits or resubdivision of one or more Parcels into not more than five (5) Lots that:
 - (a) Front on an existing street or share a common private driveway meeting the access standards of this ordinance;
 - (b) Do not require the dedication or construction of a public or private street, provided however that perimeter Right-of-Way dedication shall be allowed as part of a minor Subdivision;
 - (c) Do not involve the extension of municipal water or sewer lines by more than two hundred (200) feet from an existing line to the nearest boundary of the Subdivision;
 - (d) Do not adversely affect the remainder of the Parcel or adjoining the property;
 - (e) Are not in conflict with the Comprehensive Plan, official map, or zoning regulations;
 - (f) Do not result in the cumulative creation through one or more minor Subdivisions of more than five (5) Lots; and
 - (g) Do not result in the creation of additional driveway accesses along collector, arterial, freeway, expressway, or interstate roadways. If existing Lot(s) front on an existing street, then each existing Lot may have only one (1) driveway access if along a collector, arterial, freeway, expressway or interstate roadway.
 - (2) The consolidation of existing Parcels or Lots; or
 - (3) Modification of plats to reflect the dedication of rights-of-way or easements.
- (C) Major Subdivision: Any Subdivision not exempted by the UDO or state law, other than a minor Subdivision.
(Ord. #1716; Ord. #1746; Ord. #1919)
- 2.19.4. Plat Procedures, Generally**
- (A) A Final Plat for a major Subdivision plat shall be approved by the ~~Town~~ General Planning Director before the Subdivision of a Parcel may be recorded.
 - (B) Approval of a Final Plat for a minor Subdivision plat shall be approved by the Planning Director before the Subdivision of a Parcel may be recorded.
 - (C) The approval of the Sketch or Preliminary Plat shall not be deemed final acceptance of, but rather an expression of approval of the layout as submitted on the Sketch or Preliminary Plat; such approval shall be noted on the Sketch or Preliminary Plat.
 - (D) Where only a portion of an approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted at any time within two (2) years of the Preliminary Plat, provided that the Final Plat for the additional area conforms substantially to the approved Preliminary Plat.

ATTACHMENT C

Re: Southern Pines Budget public meeting tomorrow at 6 PM - public comment request

If I am able to go on record, I would like to offer this testimony:

Topic: I would like to address the topic of homelessness within Southern Pines.

My professional interest in this topic and background: I have participated with others from the interfaith communities to address the problem with youth homelessness for the last 5 years through the establishment of **Tambra Place** for resilient unaccompanied youth. These youth have no history of crimes, no mental health problems, or other "at risk" behaviors. **Our goals include:** providing safe and stable ^{FREE} housing and nurturing support from caring adults, referral for **medical coverage**, the **ability to save** ^{for} **for their independence**, and values-based counseling and life skills training to enhance their success as full and productive members of our community.

At Tambra Place NPO, we have made 8 beds available for transitional housing for the young adult end of the continuum – ages 18 - 24. My colleague Tambra Chamberlain, MCS Social Worker, in her capacity of her "McKinney-Vento" liason role with Moore County Schools (federal definition), addresses the needs of perhaps 30 more homeless or unaccompanied youth within Moore County Schools **up to graduation**. We established Tambra Place

to follow those youth informally beyond graduation. Based on our national research, these youth represent the population who risk the pitfalls of crime, drug use, mental health problems, abusive relationships, or human trafficking if not "scaffolded" to adulthood. Preventing these risks has a cost, but treating these problems later after they develop has a much higher cost. Many of our churches have helped informally in this effort, and our program has benefitted from planned giving by individuals or groups.

Respectfully, I would like to suggest that the Town of Southern Pines needs to recognize the need for older "unhoused" individuals.

We recognize the clients of the **Coalition and Teamworkz** as similar to our population's risk factors. They're just older versions. Their clients are no less deserving of community support to be the best versions of themselves they can be. As a caring community with some resources, I believe the Town of Southern Pines need to provide for not only basic necessities such as food and clothing, but also to extend to longer-term housing transition. Many of these individuals can and should be helped to transition to robust mental health and stability through employment, counseling, and "values-based" contracting. But these changes do not occur simply with a meal or two, a new set of clothes, and a 3-day hotel voucher.

Thank you for your attention to this critical local need.

**Dr. Christine C. Ganis, PsyD, Community Psychologist
749 Burlwood Drive
Southern Pines, NC 28387
717-571-5732 C**

[illegible]



RESOLUTION #1081
DECLARING OFFICIAL INTENT TO PURSUE TAX EXEMPT FINANCING
AND TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Town Council of the Town of Southern Pines, North Carolina (the "Town") intends to purchase one or more firetrucks and related firefighting equipment for use by its fire department (the "Project");

WHEREAS, the Town may advance its own funds to pay expenditures related to the Project, may borrow funds on a short term taxable or tax-exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

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

1. The Town intends to utilize the proceeds of tax-exempt indebtedness, including but not limited to revenue bonds or notes (the "Indebtedness") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$2,500,000.
2. The Town intends that the proceeds of the Indebtedness be used to reimburse the Town for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The Town reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Indebtedness or other debt.
3. The Town intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
4. This resolution shall take effect immediately upon its passage.

Adopted this the 23rd day of January 2024.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of January 23, 2024, as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk





RESOLUTION #1080

ACCEPTANCE OF WASTEWATER ASSET INVENTORY AND ASSESMENT GRANT

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water and wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan Act (ARPA) funding in the amount of \$200,000 to perform asset inventory and assessment work for the Town of Southern Pines wastewater system, and

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

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

- 1) That the Town of Southern Pines does hereby accept the ARPA Grant offer of \$200,000
- 2) That the Town of Southern Pines does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to, has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.
- 3) That Mayor Taylor Clement, Town Manager Reagan Parsons, and Town Engineer James Michel, the Authorized Officials, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 9th day of January 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on January 23rd, 2024 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk





RESOLUTION #1079
ACCEPTANCE OF WATER ASSET INVENTORY AND ASSESMENT GRANT

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water and wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan Act (ARPA) funding in the amount of \$200,000 to perform asset inventory and assessment work for the Town of Southern Pines water system, and

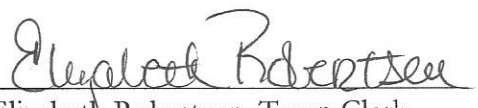
WHEREAS, the Town of Southern Pines intends to perform said project in accordance with the agreed scope of work,

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

- 1) That the Town of Southern Pines does hereby accept the ARPA Grant offer of \$200,000
- 2) That the Town of Southern Pines does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to, has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.
- 3) That Mayor Taylor Clement, Town Manager Reagan Parsons, and Town Engineer James Michel, the Authorized Officials, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 23rd day of January, 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on January 23rd, 2024 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk





ORDINANCE #3023

AMENDING THE MUNICIPAL SERVICE DISTRICT SPECIAL REVENUE FUND

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following ordinance is hereby established:

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

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

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

Ad Valorem Tax Revenue	\$3,092
Total Project Revenues:	\$3,092

Section 4. The following additional amount is appropriated for the project:

Reserve for Parkway Expenses	\$3,046
Moore County Collection Fee	46
Total Project Costs:	\$3,092

Section 5. The Finance Officer will hereby maintain a separate special revenue fund for the Municipal Service District project. The Finance Officer is hereby directed to maintain within the Special Revenue Fund sufficient specific detailed accounting records to provide accounting to the agency required by the agreement and federal and state regulations.

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

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

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

Adopted this 23rd day of January 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on January 23rd, 2024 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk

