



MINUTES

Tuesday, March 19, 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 the Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Consider SU-01-23: Written Decision for Mill Creek CUP Amendment

Staff has prepared a draft Written Decision for application SU-01-23, Mill Creek Conditional Use Permit Amendment, for the Town Council's review and approval.

Mayor Pro Tem Pate has abstained from this hearing.

Discussion ensued.

Councilmember Goodman moved to approve the Written Decision for SU-01-23 as prepared by Town staff, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

b. Consider Ordinance #3033 to Amend the Recreation Improvements Project Fund Budget

When the Town's pool was inspected and permitted for the 2023 summer season, the County Environmental Health department noted that the pool interior "will have to be sanded and repainted before the 2024 pool season." Staff has explored various options to complete this work and bring into compliance. With the recommended approach, a vendor will hydro-blast the surface and apply an epoxy paint for a total estimated cost of \$28,923. There are some available funds that can be applied to this project, requiring a budget amendment of \$18,500. More details are included in the packet.

Town Manager Parsons gave an overview of the request.

Mayor Pro Tem Pate moved to approve Ordinance #3033 to Amend the Recreation Improvement Project Fund Budget, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

c. Reschedule the May Business Meeting to Wednesday, May 15th

The Moore County Board of Elections will use the E.S. Douglass Community Center for a second primary on Tuesday, May 14, which conflicts with the regularly scheduled Town Council business meeting and public hearing on the FY 24-25 budget. The Council is expected to take action to move this meeting to Wednesday, May 15th at 6pm, still at the E.S. Douglass Center.

Mayor Clement opened the discussion.

The pros and cons of moving the meeting date versus moving the meeting location were discussed by the Council members.

Councilmember Petersen made a motion that the meeting would remain on the scheduled date of May 14, 2024, at 6:00 pm, and the meeting location would be changed to the C. Michael Haney Room at 450 W. Pennsylvania Ave. This motion was seconded by Councilmember Gray and the vote was unanimous.

Motion passed.

d. Consider Executing a Professional Services Contract with CPL to Complete a Feasibility Study for an Addition to the Finance Building

At the February 27th Council work session, staff presented options for advancing renovations to the finance and administration building. Council asked staff to obtain a cost proposal from CPL to evaluate the feasibility of adding onto the 7,100 square-foot finance building to increase its size. CPL has provided a proposal to evaluate two potential additions for a not-to-exceed fee of \$24,520. More details are included in the packet.

Asst. Town Managers Jessica Roth and Chief Michael Cameron presented the request to the Council.

Discussion ensued, and it was the Council's consensus that they would prefer to speak with the Historic District Commission regarding options for the current Finance Building before agreeing to fund possible design options. Mayor Clement and Councilmember Petersen will request the opinion of the Historic District Commission at their scheduled meeting on April 11, 2024, and report those findings to the Council at the April Work Session meeting.

The Council delayed action on this item until the Work Session meeting on April 23, 2024.

4. COUNCIL UPDATES AND DISCUSSION

a. Mt. Hope Cemetery Plot Fees

Staff is working on some minor updates to Chapter 92 of the Code of Ordinances, which regulates the manner in which Mt. Hope Cemetery is maintained, including the sale of lots and burials. One change includes removing fees from Chapter 92 and adding them to the stand-alone Town fee schedule. Staff seeks direction from Council on 1) the desire to increase the plot fees and 2) the proposed fees. It appears that the fees have not been increased since at least 1994. More details are included in the packet.

Asst. Town Manager Roth presented the request to the Council.

Discussion ensued regarding the fees and comparison data for similar municipality-owned cemeteries. The council agreed to the following charges:

- * Allow the sale of double lots & urns.

- * New Fee's: Resident Single = \$750, Double = \$1000 and Non-Residents Single = \$1500, Double = \$2000.

- * Grave Locate Fee will now be \$50 during business hours and \$100 for requests during non-business hours.

Staff will prepare the necessary documents to enact the change for the Council's final approval.

b. System Development Fee Analysis

Staff will provide some history and background on system development fees (SDF). This discussion is intended to provide some context for newer council members ahead of a public hearing, planned for May, on the detailed SDF analysis report.

Asst Town Manager/Asst Public Work Director James Michel gave a presentation on System Development Fees and the effect of the upcoming budget on future fee adjustments.

Discussion ensued.

c. Planning Department Update

Staff will update the Council on applications advancing from the Planning Board to the Council and implementation efforts related to the 2040 Comprehensive Plan.

Planning Director BJ Grieve gave the Council an overview of the items coming before the Planning Board at its next meeting and some of the topics the Planning Department is currently handling.

5. COUNCIL ROUNDTABLE

Councilmember Goodman asked for future discussion regarding the sales & use tax report and details on the different funds.

Councilmember Petersen has no new information to share at this time.

Mayor Pro Tem Pate - shared that he and Town Manager Parsons attended the Moore100 meeting at BHawk, which also celebrated their official ribbon cutting. He added that BHawk has been very complimentary regarding their interactions with Town staff.

Councilmember Gray praised Town Manager Parsons and the Southern Pines Police Department on their handling of a recent incident involving a dog.

- Town Manager Parsons advised the Council that there has been an increase in the number of calls involving dog-related incidents lately all around the Town but especially at Whitehall and for the Council to see an increase in the Police Department presence there.

Councilmember Gray shared that there would be a celebration held on April 14th where she will be recognized as the first black female on the Southern Pines Town Council and will also honor the African-American retired teachers in the community who were once part of the segregated school located in West Southern Pines. The celebration will be held at Down Memory Lane and starts at 2:00 pm; tickets are \$30 each

Mayor Clement:

- shared that Attorney McCarley has been working on updating the Town ethics statement and ensured that everyone had received a copy.

- asked Attorney McCarley to draft a quick statement of intent or ethics statement to be read at the beginning of each meeting.

- would like to allow local adolescents and groups the opportunity to read the pledge of allegiance at the beginning of the Council meeting and ask the Council to explore recruitment.

- would like to add the pledge of allegiance before the Council Work Sessions.

- appreciates the effort the staff puts into maintaining a level of decorum by referring to the Council and other staff members by their proper titles and would ask the Council to make an effort to address the staff by title and last name.

6. ADJOURNMENT

Upon motion by Councilmember Gray, seconded by Councilmember Petersen and carried unanimously, the Council adjourned at 5:35 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk





CASE NUMBER: SU-01-23

**FINDINGS OF FACT, DECISION OF THE BOARD, AND ORDER IN THE MATTER
OF A SPECIAL USE PERMIT AMENDMENT TO THE MILL CREEK MIXED-USE
DEVELOPMENT MASTER PLAN MAP AND LIST OF AUTHORIZED LAND USES**

DESCRIPTION OF MATTER

Koontz Jones Design, on behalf of Mill Creek Partners, LLC, submitted a Special Use Permit major amendment application pursuant to §2.21.12(A) of the Town of Southern Pines Unified Development Ordinance (UDO) to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the development. The amendment proposed adding land uses—dry-cleaning/laundry, special needs educational services, bar/drinking place, mobile food, caterer, courier and messenger services, preschool, and temporary uses—to the list of authorized uses in the GB-CD portion of the development. The amendment also proposed modifications to the Master Plan map to change “Shopping” and “Office/Condominium” sites within the GB-CD to “General Business.” Lastly, a Traffic Impact Analysis was required and was submitted for the Town’s review.

The subject property is accessed from Highway 22 and Airport Road and includes Mill Creek Road. Per the Moore County tax records, the properties to be amended include PARIDs 20070989, 20070990, and 20190237, which are owned by Mill Creek Partners, LLC; Mill Creek Partners II, LLC; and Harris Teeter Properties, LLC; respectively.

A public evidentiary hearing regarding the proposed Special Use Permit amendment was opened on January 23, 2024, and closed on February 13, 2024, then re-opened and re-closed on March 12, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the January 9 staff report as Exhibit A, staff’s January 9 presentation as Exhibit B, email correspondence regarding the TIA as Exhibit C, the February 13 staff report as Exhibit E, the North Carolina Department of Transportation letter in response to the TIA as Exhibit F, the March 12 staff report as Exhibit G, and email correspondence from KoontzJones Design as Exhibit H. The authorized agent, Paul Saathoff of KoontzJones Design, entered his presentation as Exhibit D. Travis Fluitt (the TIA preparer), Robert Koontz of KoontzJones Design (the authorized agent), Bob Klug (the applicant), and BJ Grieve (Planning Director) all provided testimony as well. Detailed discussion during the evidentiary hearing can be found in the meeting minutes on record in the Town Clerk’s office and online.

After the second closing of the evidentiary hearing on March 12, 2024, Town Council discussed and voted on the draft findings of fact and final decision.

FINDINGS 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 Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion A (i.e., the proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations), in that the applicant's Justification document (Attachment 4 in Exhibit E) states that the intent of the major amendment is to clarify permissible uses within the General Business portion of the development. The applicant uses a similar format to UDO Exhibit 3-15 Table of Authorized Land Uses to create a list of permissible uses. Applicable supplemental use regulations will be reviewed during site plan review and architectural compliance review. Therefore, the application satisfies this criterion
3. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion B (i.e., 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), in that the applicant states that they will adhere to the UDO General Business standards and other applicable zoning standards. Additionally, the area surrounding the subject properties include Planned Development districts—such as Tyler's Ridge and Ace Hardware— which include commercial land uses and buildings. Therefore, Town Council believe that the proposed amendment, with the removal of specific land uses mentioned in the conditions of approval, conforms to the commercial neighborhood where it is located.
4. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion C (i.e., adequate public facilities shall be provided as set forth herein), in that the applicant states that water and sewer are readily available to the site, infrastructure has been installed in previous phases of development, and any further expansion will be borne at the cost of the developer. The Town's geographic information systems spatial data layers show both sewer gravity main and water main lines intersecting the properties. Furthermore, Mill Creek Road is a paved town road while Airport Road and Central Drive are both minor arterial roads owned and maintained by North Carolina Department of Transportation. The applicant has committed to both vehicular and multi-modal improvements. Improvements will be made as described in the January 2024 Traffic Impact Analysis or subsequent version approved by the Town Engineer or as required by NCDOT. Considering this information, the Town Council consider the properties to have adequate public facilities.
5. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion D (i.e., 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), in that the

Master Plan states in Section III Planning Goals, that the development intends to “Provide for orderly and efficient circulation and access... as to allow for the efficient circulation and access of pedestrian and vehicular movement.” The application narrative states that the modifications are “in conformance with the surrounding development and zoning classifications.” No analysis has been submitted on the potential impact of the expanded permitted uses on property values within the neighborhood nor on other potential positive or negative impacts to orderly development (such as sewer and water demand, noise generation, parking, etc.) by the applicant.

The applicant has committed to both vehicular and multi-modal improvements. Improvements will be made as described in the January 2024 Traffic Impact Analysis or subsequent version approved by the Town Engineer or as required by NCDOT. Considering this information, the Town Council finds that sufficient qualified evidence was presented to show that the proposed uses will not impede orderly development and the improvement of the surrounding properties nor impair property values in the neighborhood, especially considering the commitment to vehicular and multimodal improvements when triggered.

6. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion E (i.e., the establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare), in that the Applicant’s justification states that “future phases will conform to all development standards... and requirements of the Town. As a result, the use will not be detrimental...” The traffic impact analysis entered into the record for SU-01-23 found that the proposed development will create a roadway safety issue, including multiple level of service issues at failing intersections. The applicant has committed to both vehicular and multi-modal improvements. Improvements will be made as described in the January 2024 Traffic Impact Analysis or subsequent version approved by the Town Engineer or as required by NCDOT. Town Council finds that, there being no additional qualified evidence entered into the record of potential negative impacts resulting from the expansion of proposed permissible uses, there is no expected detrimental impact to the public health, safety, comfort or general welfare.
7. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion F (i.e., 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), in that Policy P-7 Streetscapes states that “when streets are developed as part of new developments, ensure that the streets are designed and constructed to support the needs of all users (e.g., cars, bicycles, pedestrians and, where applicable, truck traffic) in context with their location and function in the region, Town and neighborhood in which they are located...” Furthermore, UDO Section 4.12.2(A)(1)(f) states that a Traffic Impact Analysis should “ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided.” The applicant has committed to both vehicular and multi-modal improvements. Improvements will be made as described in the January 2024 Traffic Impact Analysis or subsequent version approved by the Town Engineer or as required by NCDOT. Therefore, the proposed expansion of permissible uses within the General Business Conditional Zoning District portion of the Mill Creek Master Plan is consistent with the future land use designation of Commercial as denoted in the 2016 Comprehensive Long-Range Plan’s (CLRP) Future Land Use Map.

Town Council has determined that sufficient evidence was presented that the public interest and welfare, if any of the proposed individual uses were to be constructed, outweigh individual interests that are adversely affected by the establishment of the proposed use.

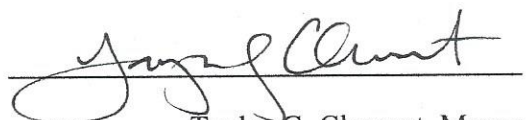
CONCLUSION AND DECISION

Therefore, by a vote of 4-0 (with the fifth councilmember recused due to a conflict of interest), the Town Council voted to approve Special Use Permit SU-01-23 with one condition, as follows.

1. The Mill Creek Table of Permissible GB-CD Uses shall be updated to remove the following land uses that do not conform to the character of the neighborhood in which it is located, and the updated list of land uses shall be submitted to the Planning Department by March 29, 2024:
 - a. Car rental and leasing (Land Based Classification Standard 2331);
 - b. Photofinishing (Land Based Classification Standard 2630);
 - c. Animal services (Land Based Classification Standard 2721);
 - d. Public fitness, recreational sports, gym, athletic club, or multipurpose facility (Land Based Classification Standard 5371);
 - e. Public safety, fire and rescue facilities (Land Based Classification Standard 6410);
 - f. Public safety, police facilities (Land Based Classification Standard 6420);
 - g. Public safety, emergency response facilities (Land Based Classification Standard 6430);
 - h. Building, developing, and general contracting (Land Based Classification Standard 7100); and
 - i. Nightclubs (portion of Land Based Classification Standard 2540), which shall be defined as "an establishment for entertainment, typically, at night, serving drinks and offering music, dancing, and/or shows."

This is the 19th day of March, 2024.

FOR THE TOWN COUNCIL:


Taylor G. Clement, Mayor



ORDINANCE #3033
AMENDING THE RECREATION IMPROVEMENT PROJECT FUND BUDGET

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

Section 1: The project authorized is for the purpose of various recreation & park improvements.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Construction	<u>\$ 18,500</u>
Total Additional Project Appropriation	<u>\$ 18,500</u>

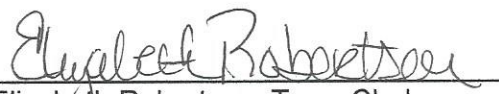
Section 4: The following additional revenue is anticipated to be available for this project:

Interest	<u>\$ 18,500</u>
Total Additional Project Revenues	<u>\$ 18,500</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective March 19, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of March 19, 2024 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk

