AGENDA

Tuesday, April 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

2. TOWN MANAGER'S COMMENTS

a. Adoption of Agenda

3. LEGISLATIVE PUBLIC HEARING

a. Public Hearing to Consider the Award of an Installment Financing Contract to Truist Bank in the Amount of $7.1M to Fulfill Town Obligations Under a Reimbursement Agreement For the Acquisition of Carolina Parkway.

4. ACTION ITEMS

a. Consider SU-01-24: Written Decision for Mid-South CUP Amendment

Staff has prepared a draft Written Decision for application SU-01-24, Mid South Conditional Use Permit Amendment, for the Town Council's review and approval.

b. Consider PD-01-24: Written Decision for Belle Meade PDP

Staff has prepared a draft Written Decision for application PD-01-24, Belle Meade PDP, for the Town Council's review and approval.

c. Resolution Authorizing an Installment Financing Contract for Parkway Acquisition

A Resolution authorizing the award of a $7.1M Installment Loan to Truist Bank for the purpose of fulfilling Town obligations under a Reimbursement Agreement for the acquisition of Carolina Parkway.

d. Consider Adoption of a Memorandum of Understanding with the Sandhills Metropolitan Planning Organization

Resolution #1086 - Adopting a Memorandum of Understanding for the Sandhills Metropolitan Planning Organization includes the removal of Foxfire Village within its language.

5. COUNCIL UPDATES AND DISCUSSION

a. Partnership with Boys & Girls Club

The Boys & Girls Club has approached the Town about partnering to install a "Dream Court" at Pool Park. The Club is pursuing this project through Nancy Lieberman Charities. Staff is confirming the logistics and will provide an update at the 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 2040 Comprehensive Plan.

c. FY 25 Draft Budget Update

Brief update regarding the impact of changes made during the Council Retreat ahead of the first Public Hearing in May.

6. COUNCIL ROUNDTABLE

7. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's YouTube channel. Video of the Town Council meetings will be live streamed on the channel for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream. To receive notifications when new content is published, please "subscribe" to the Town's channel at https://bit.ly/3hXx2Qk

Davenport Public Finance

Independence Center
101 N. Tryon Street
Suite 1220
Charlotte, NC 28246

To	Town of Southern Pines, North Carolina
From	Davenport & Company LLC
Date	April 23, 2024
Subject	2024 Installment Financing Contract RFP Summary

Background

Davenport & Company LLC ("Davenport"), on behalf of the Town of Southern Pines, NC (the "Town"), distributed a Request for Proposals ("RFP") to secure a commitment for a Direct Bank Loan evidenced by an Installment Financing Contract to finance the acquisition of a road connecting U.S. Highway 15-501 and Morganton Road including all related sidewalks, storm drains, medians, landscaping and related infrastructure (the "Parkway") as well as reimbursement of the costs of the construction and financing costs.

The RFP was distributed to over 50 National, Regional, and Local lending institutions. After the initial distribution, Davenport reached out to the potential bidders to assess their interest in the financing and address any questions they had.

As part of the RFP process, responding institutions were asked to provide proposals in an amount of up to $7,100,000 with either 15-year or 20-year terms.

RFP Responses

Through this process, the Town was able to secure four responses to the RFP, including:

1. Capital One Public Funding, LLC ("Capital One");
2. JPMorgan Chase Bank ("JPMorgan");
3. Truist Commercial Equity, Inc. ("Truist");
4. Webster Bank;

The following pages contain a summary of the key terms and conditions for the responses received.

Discussion Points

1. Interest Rate – A summary of the interest rates proposed by the four bidders is outlined in Table 1 below. JPMorgan and Truist were able to offer interest rate proposals with a security interest in the Parkway, while the other two banks would require a security interest in an alternative asset.

Table 1: Summary of Interest Rates

	A	B	C	D	E
	Lender	15-years	20-years	Rate Lock	Security
1	JP Morgan Chase Bank	BQ: Option 1: 3.780% Option 2: 3.890% NBQ: Option 1: 3.870% Option 2: 3.980%	-	Rates are reset daily until formally locked. The rate may be locked within 45 days of closing.	Security interest in the Parkway
2	Truist	BQ or NBQ: Option 1: 4.610% Option 2: 4.740% Option 3: 4.630%	BQ or NBQ: Option 1: 4.670% Option 2: 4.850% Option 3: 4.690%	Rates locked through 6/11/2024 if accepted by 4/24/2024.	Security interest in the Parkway
3	Webster Bank	BQ or NBQ: 4.455%	BQ or NBQ: 4.56%	Rates locked through 5/17/2024 if accepted by 4/10/2024.	Security interest in Essential Governmental Collateral
4	Capital One*	4.540%	4.590%	Rates locked through 5/17/2024 if accepted by 4/10/2024.	Security interest in a mutually agreed upon asset

Interest Rate subject to change.

*Did not specify Bank Qualified or Non-Bank Qualified.

Given the Town's need to secure the financing with the Parkway, the remainder of the memo will focus on the JPMorgan and the Truist proposals.

2. Prepayment Provisions – Prepayment provisions offered by JPMorgan and Truist Bank are shown in Table 2 below.

Table 2: Summary of Prepayment Provisions

Lender	Prepayment Provisions
JPMorgan	Option 1: No Optional Redemption. Option 2: Prepayable in whole or in part on any payment date after 10-Years without penalty.
Truist	Option 1: Prepayable in whole or in part at any time subject to a make-whole call[1]. Option 2: Prepayable in whole or in part at any time after 7-Years without penalty; A make-whole call[1] will exist from closing until the par call date. Option 3: Prepayable in whole or in part at any time after 10-Years without penalty; A make-whole call[1] will exist from closing until the par call date.

[1] Prepayment penalty calculated at the time of prepayment based on the difference in existing loan rate vs. current market and essentially eliminates any ability to payoff/refinance the loan for economic/savings purposes.

Of the various prepayment options provided, JPMorgan Option 2 and Truist Options 2 & 3 provide flexibility to prepay and/or refinance the loan without penalty after an initial lockout period. The remainder of this memo will focus on these options.

3. Bank Closing Fees required by the lending institutions are shown in Table 3 below.

Table 3: Summary of Bank Closing Fees

Lender	Bank Closing Fees
JPMorgan	Not-to-Exceed $7,100
Truist	Not-to-Exceed $8,500

4. Estimated Debt Service – A summary comparison of the estimated debt service payments (Principal & Interest) for the JPMorgan NBQ Option 2 (15-year term), and the Truist Bank 20-Year Options 2 & 3 is shown in Table 4 below.

Table 4: Estimated Annual Debt Service:

		15-Years	20-Years	
	A	B	C	D
1	Lender	JPM Option 2	Truist Option 2	Truist Option 3
2	Financing Description	NBQ	BQ or NBQ	BQ or NBQ
3	Call Provisions	10-Year Par Call	7-Year Par Call	10-Year Par Call
4	Interest Rate	3.98%[1]	4.85%	4.69%
5	Sources of Funds			
6	Par Amount*	$ 6,958,000	$ 6,959,000	$ 6,959,000
7	Debt Service*			
8	Fiscal Year			
9	2025	$ 196,927	$ 240,008	$ 232,090
10	2026	731,695	677,073	666,217
11	2027	713,228	660,195	649,895
12	2028	694,760	643,317	633,574
13	2029	676,293	626,439	617,253
14	2030	657,826	609,561	600,932
15	2031	639,359	592,683	584,611
16	2032	620,892	575,805	568,289
17	2033	602,424	558,927	551,968
18	2034	583,957	542,049	535,647
19	2035	565,490	525,171	519,326
20	2036	547,023	508,293	503,005
21	2037	528,556	491,415	486,683
22	2038	510,088	474,537	470,362
23	2039	490,641	457,659	454,041
24	2040	472,214	440,781	437,720
25	2041	-	423,903	421,399
26	2042	-	407,025	405,077
27	2043	-	390,147	388,756
28	2044	-	373,269	372,435
29	2045	-	355,415	355,137
30	Total	$ 9,231,372	$ 10,573,662	$ 10,454,416

* Preliminary and subject to change.

Interest Rate subject to change.

Recommendation

Based upon our review of the proposals, related analyses, and discussions with Town Staff and Bond Counsel, Davenport recommends that the Town select the Truist 20-year proposal with either the 7-year par call option (4.85% interest rate) or the 10-year par call option (4.69% interest rate). The 20-year term offers lower annual debt service payments than a 15-year term and is consistent with the Town's planning model. The 10-year par call option offers the lowest fixed interest cost while maintaining prepayment flexibility. The 7-year par call option offers an additional three years of prepayment flexibility at a higher interest rate.

Next Steps

April 9th	Town Council Meeting – Town Council considers adopting a Preliminary Findings Resolution.
April 23rd	Town Council Meeting – Town Council considers approval of winning lender, holds a Public Hearing and considers adopting a Final Resolution.
May 7th	LGC approves financing.
Week of June 3rd	Close on Financing
By June 11th	Truist Deadline to Close on Financing.

The U.S. Securities and Exchange Commission (the "SEC") has clarified that a broker, dealer or municipal securities dealer engaging in municipal advisory activities outside the scope of underwriting a particular issuance of municipal securities should be subject to municipal advisor registration. Davenport & Company LLC ("Davenport") has registered as a municipal advisor with the SEC. As a registered municipal advisor Davenport may provide advice to a municipal entity or obligated person. An obligated person is an entity other than a municipal entity, such as a not for profit corporation, that has commenced an application or negotiation with an entity to issue municipal securities on its behalf and for which it will provide support. If and when an issuer engages Davenport to provide financial advisory or consultant services with respect to the issuance of municipal securities, Davenport is obligated to evidence such a financial advisory relationship with a written agreement.

When acting as a registered municipal advisor Davenport is a fiduciary required by federal law to act in the best interest of a municipal entity without regard to its own financial or other interests. Davenport is not a fiduciary when it acts as a registered investment advisor, when advising an obligated person, or when acting as an underwriter, though it is required to deal fairly with such persons.

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2024 IFC – RFP Summary

Town of Southern Pines, North Carolina

April 23, 2024

DAVENPORT PUBLIC FINANCE

Bank Loan RFP Overview

- An RFP for a Direct Bank Loan financing was distributed on February 29, 2024 to over 50 National, Regional and Local lending institutions to finance the acquisition of a road connecting U.S. Highway 15-501 and Morganton Road including all related sidewalks, storm drains, medians, landscaping and related infrastructure (the “Parkway”) as well as reimbursement of the costs of construction and to pay related financing costs.

- After the initial distribution, Davenport reached out to the potential bidders to assess their interest in the financing and address any questions they had.

- Responding institutions were asked to provide proposals for an Installment Financing Contract (the “2024 IFC”) in an amount of up to $7,100,000 with either 15-year or 20-year terms.

- The Town received 4 proposals from the following banks:

  – Capital One Public Funding LLC (“Capital One”);
  – JPMorgan Chase Bank;
  – Truist Commercial Equity, Inc. (“Truist”);
  – Webster Bank.

- As outlined in the accompanying summary memorandum, the recommended Truist proposal provided 20-year fixed interest rates secured by the parkway project with the ability to prepay the loan in either 7 or 10 years. A debt service summary and the resulting estimated MSD Tax Rate impacts of the Truist proposal are shown on the following page.

Debt Service Comparison | Truist Bank

7-Year Par Call Option & 10-Year Par Call Option

	Truist 7-Year Par Call Option						Truist 10-Year Par Call Option					
A	B	C	D	E	F	G	H	I	J	K	L	M
FY	Interest Rate	Principal	Interest	Total Debt Service	MSD Tax Rate (Full Development)[1]	MSD Tax Rate (Existing Property)[2]	Interest Rate	Principal	Interest	Total Debt Service	MSD Tax Rate (Full Development)[1]	MSD Tax Rate (Existing Property)[2]
2025	4.85%	$ -	$ 240,008	$ 240,008	60.00¢	60.00¢	4.69%	$ -	$ 232,090	$ 232,090	60.00¢	60.00¢
2026	4.85%	348,000	329,073	677,073	55.00¢	65.00¢	4.69%	348,000	318,217	666,217	53.00¢	64.00¢
2027	4.85%	348,000	312,195	660,195	55.00¢	65.00¢	4.69%	348,000	301,895	649,895	53.00¢	64.00¢
2028	4.85%	348,000	295,317	643,317	50.00¢	65.00¢	4.69%	348,000	285,574	633,574	50.00¢	64.00¢
2029	4.85%	348,000	278,439	626,439	45.00¢	65.00¢	4.69%	348,000	269,253	617,253	40.00¢	64.00¢
2030	4.85%	348,000	261,561	609,561	39.00¢	65.00¢	4.69%	348,000	252,932	600,932	40.00¢	64.00¢
2031	4.85%	348,000	244,683	592,683	39.00¢	65.00¢	4.69%	348,000	236,611	584,611	40.00¢	64.00¢
2032	4.85%	348,000	227,805	575,805	39.00¢	65.00¢	4.69%	348,000	220,289	568,289	38.00¢	64.00¢
2033	4.85%	348,000	210,927	558,927	36.00¢	60.00¢	4.69%	348,000	203,968	551,968	36.00¢	59.00¢
2034	4.85%	348,000	194,049	542,049	36.00¢	60.00¢	4.69%	348,000	187,647	535,647	36.00¢	59.00¢
2035	4.85%	348,000	177,171	525,171	35.00¢	60.00¢	4.69%	348,000	171,326	519,326	35.00¢	58.00¢
2036	4.85%	348,000	160,293	508,293	34.00¢	58.00¢	4.69%	348,000	155,005	503,005	33.00¢	57.00¢
2037	4.85%	348,000	143,415	491,415	33.00¢	56.00¢	4.69%	348,000	138,683	486,683	33.00¢	55.00¢
2038	4.85%	348,000	126,537	474,537	31.00¢	54.00¢	4.69%	348,000	122,362	470,362	31.00¢	53.00¢
2039	4.85%	348,000	109,659	457,659	30.00¢	52.00¢	4.69%	348,000	106,041	454,041	30.00¢	51.00¢
2040	4.85%	348,000	92,781	440,781	30.00¢	50.00¢	4.69%	348,000	89,720	437,720	30.00¢	49.00¢
2041	4.85%	348,000	75,903	423,903	28.00¢	48.00¢	4.69%	348,000	73,399	421,399	28.00¢	47.00¢
2042	4.85%	348,000	59,025	407,025	27.00¢	46.00¢	4.69%	348,000	57,077	405,077	27.00¢	45.00¢
2043	4.85%	348,000	42,147	390,147	26.00¢	44.00¢	4.69%	348,000	40,756	388,756	26.00¢	43.00¢
2044	4.85%	348,000	25,269	373,269	25.00¢	42.00¢	4.69%	348,000	24,435	372,435	24.00¢	42.00¢
2045	4.85%	347,000	8,415	355,415	24.00¢	40.00¢	4.69%	347,000	8,137	355,137	24.00¢	39.00¢
Total		$ 6,959,000	$ 3,614,662	$ 10,573,662				$ 6,959,000	$ 3,495,416	$ 10,454,416		

[1] Assumes both the Midland and VanCamp properties are developed at their estimated Assessed Valuations ($56,473,390 Midland and $60,806,158 VanCamp) plus existing land of $32,641,456.
[2] Assumes existing Assessed Valuation and projected Midland Retail Property ($41,031,934).
*Assessed value based upon development projections provided by Midland and guidance provided by Moore County on the full proposed development and allocated based on the size (acreage) for each project. Revaluation Growth for FY 2024 and FY 2025 Assessed Value provided by the Town/Moore County.

Next Steps | May LGC

Date	Task
April 9th (6:00pm)	▪ Town Council Meeting – Town Council considers adopting a Preliminary Findings Resolution
April 23rd (3:00pm)	▪ Town Council Meeting – Town Council considers approval of winning lender – Town Council holds a Public Hearing – Town Council considers approving a Final Resolution
April 24th	Deadline to provide draft minutes of Public Hearing to LGC for May LGC approval
May 7th	LGC considers approving the financing
Week of June 3rd	Close on 2024 IFC
June 11th	Truist Closing Deadline
July 1st	Deadline to Close on Financing

Municipal Advisor Disclosure

The enclosed information relates to an existing or potential municipal advisor engagement.

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Version 1.01.24 CW | MB | TC

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: SU-01-24: Special Use Permit to Amend CU-08-88 Mid-South Club Master Plan Boundaries: Owner/Applicant: Plantation Investors, LLC; Authorized Agent: Paul Saathoff, KoontzJones Design

Date: April 23, 2024

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."

Planning staff has prepared a draft of the written decision of the Town Council's approval of application SU-01-24 that was heard by the Town Council on April 9, 2024, that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

II. SUMMARY OF APPLICATION REQUEST

On behalf of PILLCSub, LLC, Paul Saathoff with Koontz Jones Design applied for a special use permit to amend the Mid-South Master Plan approved in 1988 in conjunction with Conditional Use Permit CU-08-88. The amendment proposed removing ±9.26 acres from the Master Plan that is located in Pinehurst's jurisdiction and included the northern-most portion of Palmer Drive between Knoll Road and Midland Road. The subject properties are identified as a portion of PIN: 857200264820 (PARID: 00041026) as well as a portion of Palmer Drive right-of-way (PARID: 20231023). The subject property includes a portion of the Knoll Road Greenway maintained by the Town of Southern Pines, which connects Morganton Road, South Knoll Road and the Mid-South Club to Midland Road.

III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

A public evidentiary hearing regarding the proposed Special Use Permit amendment was opened on April 9, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the April 9 staff report as Exhibit A; staff's April 9 presentation as Exhibit B; September 13, 1988 Town Council meeting minutes as Exhibit C; and email correspondence from Koontz Jones Design dated April 8, 2024, as Exhibit D. The authorized agent, Paul Saathoff of Koontz Jones Design, entered his presentation as Exhibit E. Applicant Bob Levy, Thomas Van Camp (legal counsel for the applicant), BJ Grieve (Planning Director), and two Mid-South Club residents all provided testimony, as well. After closing the hearing, Town Council discussed and voted on the draft findings of fact.

The Town Council voted 4-0 to adopt Attachment 1 of the staff report as Finding of Facts. The Town Council then voted 4-0 to approve SU-01-23 with three conditions regarding open space standards for future development.

IV. ATTACHMENTS

1. Written Decision of the Board: SU-01-24

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-01-24 as prepared by the Town staff;
3. An action listed above with the following conditions…; or
4. Action not listed above...

CASE NUMBER: SU-01-24

FINDINGS OF FACT, DECISION OF THE BOARD, AND ORDER IN THE MATTER OF A SPECIAL USE PERMIT AMENDMENT TO THE MID-SOUTH CLUB MASTER PLAN BOUNDARIES

DESCRIPTION OF MATTER

Koontz Jones Design, on behalf of PILLCSub, 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 amend the boundaries of the Mid-South Club Master Plan approved in 1988 in conjunction with rezoning file #Z-15-87, Conditional Use Permit files #CU-08-88 (residential development conditional use permit) and #CU-07-88 (i.e., golf course conditional use permit), and as amended in 2004 with Conditional Use Permit file #CU-02-04. The subject property includes a portion of the Knoll Road Greenway maintained by the Town of Southern Pines, which connects Morganton Road, South Knoll Road and the Mid-South Club to Midland Road. Per the Moore County tax records, the properties to be amended include a portion of PIN: 857200264820 (PARID: 00041026) as well as a portion of Palmer Drive right-of-way PIN: 857200274309 (PARID: 20231023), which are owned by PILLCSub, LLC.

A public evidentiary hearing regarding the proposed Special Use Permit amendment was opened on April 9, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the April 9, 2024, staff report as Exhibit A; staff's April 9, 2024, presentation as Exhibit B; the September 13, 1988 Town Council meeting minutes as Exhibit C; and email correspondence from Koontz Jones Design dated April 8, 2024, as Exhibit D. The authorized agent, Paul Saathoff of Koontz Jones Design, entered his presentation as Exhibit E. Applicant Bob Levy (representative of PILLCSub, LLC), Thomas Van Camp (legal counsel for the applicant), BJ Grieve (Planning Director), and two Mid-South Club residents all provided testimony, as well. After closing the hearing, Town Council discussed and voted on the draft findings of fact. Detailed discussion during the evidentiary hearing can be found in the meeting minutes on record in the Town Clerk's office and online.

After closing of the evidentiary hearing on April 9, 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 identified existing open space areas that range from ±0.07 to ±4.99 acres in size totaling ±31.7 acres. Therefore, removal of the ±9.26-acre land does not appear to cause the site to be noncompliant with the standard for at least 28.16 acres of open space despite some discrepancies between the 1988 Master Plan and the 2024 Existing Open Spaces map regarding the 25-foot buffer, walking/jogging trails, open space in the rear of residential lots abutting golf course land, and proper platting of open space. No issues related to residential density or access were identified.

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 removing the site removes the natural area/open space entitlement standards that are tied to Mid-South Club in Southern Pines, but that the remaining development will meet the original conditional use permit requirement for at least 28.16 acres of open space.

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 access to the existing development will continue to function and accommodate emergency and waste removal vehicles. The roadway from Midland Road to Knoll Road will continue to be a private road, which will continue to be maintained. The entrance on Midland Road will remain in its current form and will continue to be maintained. Any future development of the site that plans to connect to Southern Pines sewer and water lines would be treated as an "out-of-town" user; otherwise, water and sewer would be under Moore County jurisdiction. If approved and if Moore County requires the developer to connect to Southern Pines water and sewer lines, then the site may have to loop the water lines to Plantation Drive. The applicant also stated, "The portion of the Southern Pines Greenway Trail which exists in the subject property will not be impacted."

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 no evidence about impacts on adjacent property values nor orderly development were submitted into the record. Therefore, the Town Council has not identified any issues that would impede

orderly development of surrounding properties, especially considering that the road and greenway trail will remain.

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 any development on that portion of the property will be subject to Pinehurst's development ordinance and codes. Palmer Drive and the Knoll Road Greenway trail will be retained and the remaining portion of Mid-South Club will have at least 28.16 acres of open space.

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 no individual testimony was identified to outweigh public interest and welfare for removing the ±9.26-acre land from the 1988 Master Plan.

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-01-24 with three conditions, as follows.

1. Open space for the overall remaining development within Southern Pines' jurisdiction shall not fall below the 28.16 acres, as is required by the 1988 conditional use permit (i.e, CU-07-88 and CU-08-88) as amended, the Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988, the expansion of Mid-South club (i.e., CU-02-04), and the 2024 Overall Master Plan – Existing Open Space map. Any future development application, including final plats, within the amended and corrected Mid-South Master Plan shall provide open space labels and calculations for town staff to check for compliance with the open space standards.

2. Any future development application within Southern Pines' jurisdiction, including final plats, implementing the amended and corrected Mid-South Master Plan shall provide "a minimum 25-foot buffer screen" (meeting the standards of UDO §4.3.4 as that standard existed on the date of approval of SU-01-24) along the perimeter of Mid-South Club, as is required by the 1988 conditional use permit (i.e, CU-07-88 and CU-08-88), the amended and corrected Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988, and the expansion of Mid-South club (i.e., CU-02-04).

3. Any future development application within Southern Pines' jurisdiction, including final plats, implementing the amended and corrected Mid-South Master Plan shall include "walking/jogging trails" for use by all residents, where appropriate, within identified open space on new, proposed development sites, as is required by the 1988 conditional use permit (i.e, CU-07-88 and CU-08-88) as amended, the Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988, and the expansion of Mid-South club (i.e., CU-02-04).

This is the 23th day of April, 2024.

FOR THE TOWN COUNCIL:

Taylor Clement, Mayor

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: PD-01-24: Planned Development District - Preliminary Development Plan for Belle Meade Retirement Community, addition of 40 residential units on ±8.96 acres on the west side of Camp Easter Road; Petitioner: St. Joseph of the Pines, Inc. by Van Camp, Meacham & Newman, PLLC, and Thomas & Hutton, Agents

Date: April 23, 2024

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."

Planning staff have prepared a draft of the written decision of the Town Council's approval of application PD-01-24 that was heard by the Town Council at the regular meeting on April 9, 2024 that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

II. SUMMARY OF APPLICATION REQUEST

Thomas Van Camp of Van Camp, Meacham & Newman, PLLC, and Dan Jewell of Thomas & Hutton, on behalf of St. Joseph of the Pines, Inc., submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance for the addition of 40 residential units on the north side of the already existing Belle Meade continuing care retirement center [i.e., on a portion of the parcel identified as PIN 858315743819 (PARID 00040807)]. There are two existing commercial buildings on the north side of the Belle Meade campus that will be demolished to make way for the additional 40 senior living townhome units. Per the Moore County tax record, the subject property is owned by St. Joseph of the Pines, Inc.

III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

A public evidentiary hearing regarding a proposed Preliminary Development Plan (PDP) for the Belle Meade Retirement Community Planned Development was called to order with five members present on April 9, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the April 9, 2024, staff report as Exhibit A and staff's April 9, 2024, presentation as Exhibit B. The authorized agent, Dan Jewell of Thomas & Hutton, entered their presentation as Exhibit C. After closing the hearing, Town Council discussed and voted on the draft findings of fact.

The Town Council voted 5-0 to adopt Attachment 1 of the staff report as Finding of Facts. The Town Council then voted 5-0 to approve PD-01-24 as set forth in the application materials.

IV. ATTACHMENTS

1. Written Decision of the Board: PD-01-24

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-01-24 as prepared by the Town staff;
3. An action listed above with the following conditions…; or
4. Action not listed above...

CASE NUMBER: PD-01-24

FINDINGS OF FACT, DECISION OF THE BOARD, AND ORDER IN THE MATTER OF A PRELIMINARY DEVELOPMENT PLAN APPLICATION FOR BELLE MEADE RETIREMENT COMMUNITY

DESCRIPTION OF MATTER

Thomas Van Camp of Van Camp, Meacham & Newman, PLLC, and Dan Jewell of Thomas & Hutton, on behalf of St. Joseph of the Pines, Inc. submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance for the addition of 40 residential units on the north side of the already existing Belle Meade continuing care retirement center [i.e., on a portion of the parcel identified as PIN 858315743819 (PARID 00040807)]. There are two existing commercial buildings on the north side of the Belle Meade campus that will be demolished to make way for the additional 40 senior living townhome units. Per the Moore County tax record, the subject property is owned by St. Joseph of the Pines, Inc.

A public evidentiary hearing regarding a proposed Preliminary Development Plan (PDP) for the Belle Meade Retirement Community Planned Development was called to order with five members present on April 9, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the April 9, 2024, staff report as Exhibit A and staff's April 9, 2024, presentation as Exhibit B. The authorized agent, Dan Jewell of Thomas & Hutton, entered their presentation as Exhibit C. After closing the hearing, Town Council discussed and voted on the draft findings of fact. Detailed discussion during the evidentiary hearing can be found in the meeting minutes on record in the Town Clerk's office and online.

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 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.
2. The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criterion 1 (i.e., the application demonstrates that it will achieve the purposes of the PD district and the UDO), in that the "Belle Meade" CDP is a mixed-use development that was approved in 2022 (i.e., PD-09-22). The purpose of the CDP was to expand the existing Saint Joseph of the Pines Belle Meade Continuing Care Community with up to 44 additional residential units in either single-family and/or duplex buildings.

According to §3.5.14 of the UDO, Town Council does not find significant inconsistency between the Preliminary Development Plan and the purpose of the CDP or PD districts, generally.

3. The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criterion 2 (i.e., the Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO), in that the application contains enough information to be deemed generally consistent with the CDP and UDO. Further detailed analysis of compliance with both the CDP and the UDO will involve representatives from all other Community Development departments (such as Streets, Engineering, Fire, etc.) and will occur during site plan review.
4. The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criterion 3 (i.e., proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services), in that the proposed development is the first PDP of the mixed-use Belle Meade CDP, but second to existing development that was built between 1990 and 2008. The area being developed was designated "Residential" in the 2016 Comprehensive Long-Range Plan (CLRP) under which this project is vested. The proposed land use will provide additional dwelling units and will further expand housing options within the jurisdiction. Planning staff finds that given the prior phase of development of Belle Meade CCRC, the CLRP designation, and the character of the Camp Easter/Airport Road neighborhood, the proposed development is located in an appropriate area of town.
5. The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criterion 4 (i.e., proposed Development is located in an area of the Town that is appropriate), in that the overall property is served by all necessary utilities and transportation infrastructure and the development will bear the cost of all infrastructure modifications and/or extensions. Development of the subject property in the manner proposed is an efficient way to increase housing options within our community.

CONCLUSION AND DECISION

Therefore, by a vote of 5-0, the Town Council voted to approve the Belle Meade Preliminary Development Plan PD-01-24 with no additional conditions.

This is the 23rd day of April, 2024.

FOR THE TOWN COUNCIL:

Taylor Clement, Mayor

RESOLUTION #1084

AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT TO FINANCE THE ACQUISITION OF A ROAD CONNECTING U.S. HIGHWAY 15-501 TO MORGANTON ROAD, INCLUDING ALL RELATED SIDEWALKS, STORM DRAINS, MEDIANS, LANDSCAPING AND RELATED INFRASTRUCTURE

WHEREAS, the Town of Southern Pines, North Carolina (the "Town") entered into a Reimbursement Agreement dated as of June 14, 2022 (the "Reimbursement Agreement"), between it and Midland Southern Pines Retail, LLC ("Midland"), as permitted by N.C.G.S. § 160A-499; and

WHEREAS, pursuant to the Reimbursement Agreement, Midland agreed to construct a new to-be-named road to connect U.S. Highway 15-501 to Morganton Road (as identified on Exhibit A to the Reimbursement Agreement, the "Parkway"), and the Town agreed to acquire the Parkway by reimbursing Midland for Project Costs (as defined in the Reimbursement Agreement) up to a maximum amount of $6,800,000; and

WHEREAS, the Town Council of the Town of Southern Pines now desires to pursue the financing of the costs of the acquisition of the Parkway, including all related sidewalks, storm drains, medians, landscaping and related infrastructure (the "Project") pursuant to an installment financing contract, as permitted under N.C.G.S. § 160A-20; and

WHEREAS, the Town released a request for proposals to a number of banks relating to the financing on February 29, 2024; and

WHEREAS, Truist Commercial Equity, Inc. (the "Lender") submitted a revised proposal to the Town dated March 20, 2024 (the "Proposal"), pursuant to which the Lender shall enter into an installment financing contract with the Town in the amount of up to $7,100,000 (the "Contract") to finance the Project, and to pay certain costs associated with the financing, to be secured by a deed of trust, security agreement and financing statement that creates a lien on the Project for the benefit of the Lender (the "Deed of Trust"); and

WHEREAS, on the date hereof, the Board held a public hearing regarding the financing of the Project through the execution and delivery of an installment financing contract;

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

1. The Town Council hereby accepts the Proposal, and authorizes and directs the Mayor, the Town Manager, the Director of Finance and the Clerk, or any of them, to execute, acknowledge and deliver the Contract and the Deed of Trust on behalf of the Town, with such changes and modifications as the person executing and delivering such instruments on behalf of the Town shall find acceptable. The Clerk is hereby authorized to affix the official seal of the Town to the Contract and the Deed of Trust and to attest the same.

2. Each of the Mayor, the Town Manager, the Director of Finance, the Clerk, and other appropriate officers of the Town is hereby authorized and directed to execute and deliver any and all papers, instruments, agreements, tax certificates, opinions, certificates, affidavits and other documents, and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution, the Contract and the Deed of Trust, and the acquisition and financing of the Project.

3. All other acts of the Town Council and the officers of the Town, which are in conformity with the purposes and intent of this resolution and in furtherance of the financing of the Project, are hereby ratified, approved and confirmed.

4. This resolution shall take effect immediately.

I, Elizabeth Robertson, Clerk for the Town of Southern Pines, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council for the Town at a regular meeting duly called and held on April 23, 2024, as it relates in any way to the resolutions hereinabove referenced and that such proceedings are recorded in the minutes of the Town Council. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council for the Town is on file in my office.

WITNESS my hand and the official seal of the Town this 23rd day of April, 2024.

____
Elizabeth Robertson, Clerk
Town of Southern Pines, North Carolina

RESOLUTION #1086

ADOPTION OF A MEMORANDUM OF UNDERSTANDING SANDHILLS METROPOLITAN PLANNING ORGANIZATION

THAT WHEREAS, it is recognized that a proper transportation system to support movement within and through the Sandhills Metropolitan Planning Organization (MPO), and

WHEREAS, there are a number of governmental jurisdictions within the Sandhills Metropolitan Planning Organization urbanized area which have been authorized with implementation and regulatory responsibilities for transportation by North Carolina General Statutes, and;

WHEREAS, it is desirable that coordinated, comprehensive, and cooperative transportation planning processes be maintained in the Sandhills Metropolitan Planning Organization urbanized area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare, and;

WHEREAS, a Memorandum of Understanding between the Village of Pinehurst, Town of Southern Pines, Town of Aberdeen, Village of Whispering Pines, Town of Pinebluff, Village of Foxfire, Town of Taylortown, County of Moore, and the North Carolina Department of Transportation has been entered into that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive and cooperative transportation planning process, and;

NOW, THEREFORE, BE IT RESOLVED BY THE Town Council of the Town of Southern Pines, North Carolina that the Memorandum of Understanding between the Village of Pinehurst, Town of Southern Pines, Town of Aberdeen, Village of Whispering Pines, Town of Pinebluff, Village of Foxfire, Town of Taylortown, County of Moore, and the North Carolina Department of Transportation be approved and that the Mayor and Town Clerk are hereby directed to enter into and execute the Memorandum of Understanding.

ADOPTED this the 23rd day of April, 2024.

____
Taylor G. Clement, Mayor

ATTEST:

____
Elizabeth Robertson, Town Clerk

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

____
Elizabeth Robertson, Town Clerk

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

AMONG

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

WITNESSETH:

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

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

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

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

Section 1. Naming and Boundary of the Metropolitan Planning Area

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

The Sandhills MPA consists of the Pinehurst-Southern Pines Urban Area as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized within a twenty-year planning period. This area is hereinafter referred to as the MPA and is delineated in Exhibit A.

Section 2. Planning Responsibility within the Metropolitan Planning Area

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

Section 3. SMPO Governing Board

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

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

Section 4. Conduct of Business by the SMPO Governing Board

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

Section 5. Role and Responsibilities of the SMPO

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

5.1. Review and approval of the annual transportation Unified Planning Work Program and any subsequent amendments;

5.2. Review and approval of the annual budget;

5.3. Review and approval of the Transportation Improvement Program for multimodal capital and operating expenditures to insure coordination between local and State capital and operating improvement programs and any subsequent amendments;

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

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

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

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

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

5.9. Formation of ad-hoc and standing subcommittees.

Section 6. SMPO Voting Procedures

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

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

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

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

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

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

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

a. Village Manager or designee, Pinehurst;
b. Town Manager or designee, Southern Pines;

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

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

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

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

Section 8. Conduct of Business by the TCC

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

Section 9. Role and Responsibilities of the TCC

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

Section 10. TCC Personnel Subcommittee

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

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

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

Section 12. The Director and Staff

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

Section 13. Role and Responsibilities of the Director

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

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

Section 14. Additional Responsibilities of Member Governments

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

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

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

Section 15. Funding and Fiscal Matters

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

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

LOCAL GOVERNMENT	PERCENT OF POPULATION
Village of Pinehurst	29.01%
Town of Southern Pines	25.75%
Town of Aberdeen	14.04%
Village of Whispering Pines	7.92%
Town of Pinebluff	2.41%

Town of Taylortown	1.05%
Moore County (includes the Village of Foxfire)	19.82%

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

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

Section 16. Methodology for Changes to SMPO MOU

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

Section 17. Duration of the Agreement

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

RESOLUTION #
RESOLUTION PASSED BY THE [MPO member governing body]

The following resolution was offered by ________________ and seconded by _____________________ and upon being put to a vote was carried _______ on the [day] of [month, year].

THAT WHEREAS, it is recognized that a proper transportation system to support movement within and through the Sandhills Metropolitan Planning Organization (MPO) urbanized area is highly desirable element of a comprehensive plan for the orderly growth and development of the area, and;

WHEREAS, there are a number of governmental jurisdictions within the Sandhills Metropolitan Planning Organization urbanized area which have been authorized with implementation and regulatory responsibilities for transportation by North Carolina General Statutes, and;

WHEREAS, it is desirable that coordinated, comprehensive and cooperative transportation planning processes be maintained in the Sandhills Metropolitan Planning Organization urbanized area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare, and;

WHEREAS, a Memorandum of Understanding between the Village of Pinehurst, Town of Southern Pines, Town of Aberdeen, Village of Whispering Pines, Town of Pinebluff, Village of Foxfire, Town of Taylortown, County of Moore, and the North Carolina Department of Transportation has been entered into that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive and cooperative transportation planning process, and;

NOW, THEREFORE, BE IT RESOLVED BY THE [enter governmental entity name], NORTH CAROLINA:

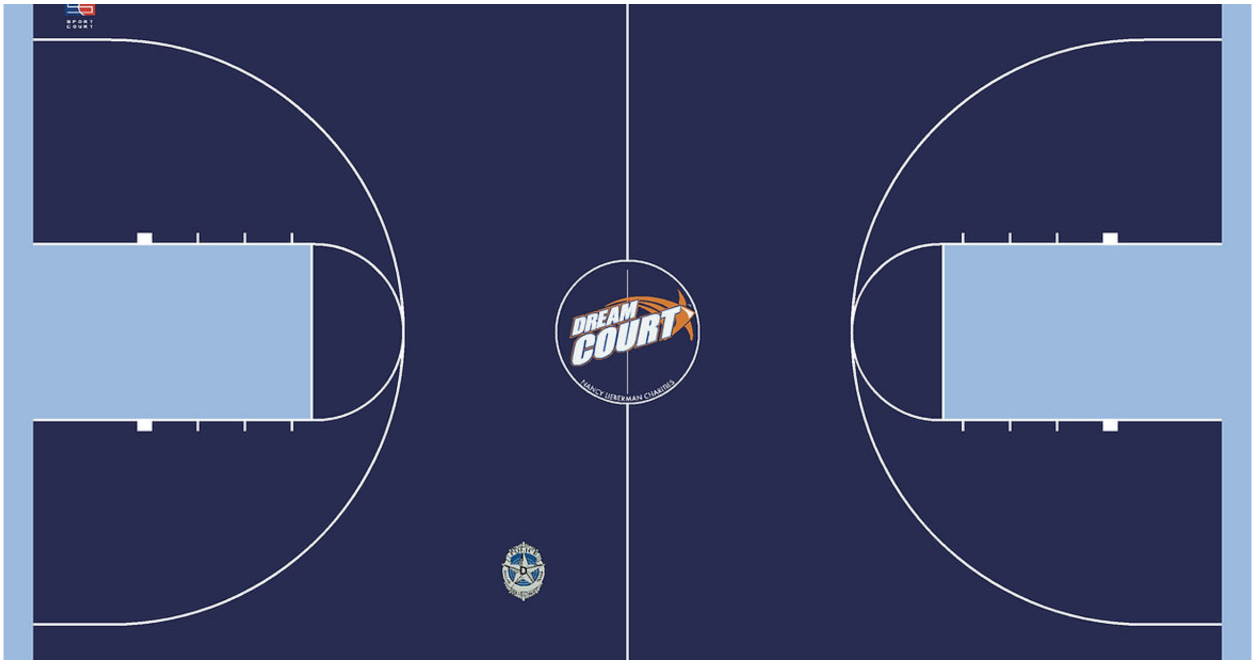
That the Memorandum of Understanding between the Village of Pinehurst, Town of Southern Pines, Town of Aberdeen, Village of Whispering Pines, Town of Pinebluff, Village of Foxfire, Town of Taylortown, County of Moore, and the North Carolina Department of Transportation be approved and that the [head of governing body, e.g., Mayor, Chair] and [City, Town, or County] Clerk are hereby directed to enter into and execute the Memorandum of Understanding.

Adopted by the [name of governing body] in regular session this [day] day of [month, year].

[Governing body name]

(Seal)

[signature of clerk]	[signature of head of governing body]
[typed name of Clerk]	[typed name of signatory]
Clerk	[title, governmental entity]



Here are the dimensions for a Dream Court.

- **Dream Court size is 50'X84' (high school regulation size)**
- **Dream Court material can be put on concrete or asphalt though we prefer concrete due to better longevity of the foundation.**
- **Ideally the slab would measure 86'X52'. If there is an existing slab, we would next need a local Sport Court installer to take measurements and look at the slope of the court to make sure the integrity is good and will fit a Dream Court.**

If there is no slab, they would like to connect the Sport Court installer with whomever would be pouring the slab, so they get the correct information/specs before installation.

Southern Pines
NORTH CAROLINA

MEMO

To: Town Council
From: Reagan

Date: 04 19 2024
Re: Budget Update

Following the Council Retreat, staff has made a series of changes to the draft Budget. The specific items, and resulting General Fund balance sheet showing an AFB of $476,938, follow:

1. Recognition of "excess" January Sales Tax collected in April for FY 2024
2. Removal of Detective request, to include a car and all associated equipment and IT expenses
3. Decrease in the amount for MPO dues from 15k to just under 12k
4. Addition to transfer amount for James Creek Stormwater as we determined interest assumed as part of the initial calculation had been appropriated previously
5. Addition of Revenue based on new Waste Fee discussed by Council
6. Removal of Revenue from originally proposed two penny ad valorem addition
7. Recalculation of the 25% reserve based on items 2 thru 6
8.

	ACTUAL 2022-2023	BUDGET 2023-2024 as of 03/15/24	EXPECTED REVENUES EXPENDITURES 2023-2024	BUDGET 2024-2025
	$ 8,411,282	$ 11,689,353	$ 11,689,353	$ 11,737,003
	27,224,985	29,056,971	31,261,232	26,446,653
	35,636,267	40,746,324	42,950,585	38,183,656
	21,911,979	27,297,931	26,228,995	28,112,000
	2,034,935	4,984,587	4,984,587	2,436,702
	$ 11,689,353	$ 8,463,806	$ 11,737,003	7,634,954
Revenue Replacement Funds:			3,922,210	
RR yard debris trucks			(685,813)	
RR FYE 2023 Projects			(364,460)	
RR FYE 2024 Projects			(441,675)	
RR FYE 2024 Project Ladder Truck			(1,610,246)	
RR FYE 2025 Carriage House Project			(690,000)	
Less Revenue Replacement Balance:				130,016
				7,028,000
				$ 476,938

In addition, we have removed the Utility Truck purchase from the Enterprise Fund Budget and will monitor the subject vehicle for necessary replacement moving forward.