



AGENDA

Tuesday, May 14, 2024: 6:00 PM

Town Council Business Meeting

**C. Michael Haney Room, Southern Pines Police Department
450 W. Pennsylvania Ave.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

a. Adopt Agenda

4. PUBLIC COMMENTS

5. CONSENT AGENDA

a. Budget Amendments

FY 2023/2024 Budget Amendments

b. Approve Town Council Meeting Minutes for April 2024

Staff has prepared the following minutes for approval:

- April 9, 2024, Town Council Agenda Meeting Minutes
- April 23, 2024, Town Council Business Meeting Minutes

c. Approve Appointments: Historic District Commission

The Historic District Commission has two vacancies and the town has received two applications to fill those vacancies. The Planning Department recommends the following appointments:

- Talmadge Shepherd (Term to expire 5/13/28)
- Karl Ecker (Term to expire 5/13/28)

d. Approve Appointment: BPAC

The Bicycle and Pedestrian Advisory Committee (BPAC) has received an application to fill an open vacancy. Staff recommends that the Town Council appoint Mr. Kristopher Kendall to the open vacancy with a term to expire on May 13, 2027.

6. PUBLIC HEARINGS

a. OA-02-24 Cell Tower Distance from Residential

TowerCo 2013, LLC is proposing to amend the Unified Development Ordinance (UDO) Section 5.23(B) to allow towers and related structures greater than 50 feet to be, at least, 800 feet from any Rural Estate, Residential Single-Family, Residential Multi-Family, or Planned Development zoning districts (every residential district except Rural Residential) rather than the current UDO standard of, at least, 1,000 feet away.

b. System Development Fees Analysis

The Town Council of Southern Pines, NC will hold a public hearing giving all interested parties an opportunity to speak on the adoption of a proposed system development fee analysis.

c. FY25 Budget Hearing

The first of two scheduled Public Hearings on the FY24-25 Budget supporting operations of the Town of Southern Pines. A second Hearing will occur in June the evening of requested adoption. The proposed budget can be found on the Town website here: sopinesnc.info/budget/fy24-25

7. ACTION ITEMS

8. ADJOURNMENT



ORDINANCE #3038
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:

Design & Construction – Carriage House	<u>\$ 185,000</u>
Total Additional Project Appropriation	<u>\$ 185,000</u>

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

Grant Proceeds	<u>\$ 185,000</u>
Total Additional Project Revenues	<u>\$ 185,000</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 May 14, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 14, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3039
AMENDING THE CAPITAL RESERVE FUND WATER SYSTEM DEVELOPMENT FEES

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 reserve fund budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of accounting for water system development fees to be utilized in the manner described in the Water Capital Reserve Fund Resolution.

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

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

Transfer to Water Capital Project Funds – Penn/PeeDeeWL	<u>\$180,025</u>
Total Project Appropriation	<u>\$180,025</u>

Section 4: The following additional revenue is anticipated to be available to complete this fund:

Water System Development Fees	<u>\$180,025</u>
Total Project Revenues	<u>\$180,025</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 fund.

Section 6: This ordinance becomes effective May 14, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 14, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3040
AMENDING THE NORTH PRESSURE ZONE PROJECT 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 capital reserve fund budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of increasing domestic water pressures for the Town’s customers.

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

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

Construction	<u>\$1,194,642</u>
Total Additional Project Appropriation	<u>\$1,194,642</u>

Section 4: The following additional revenue is anticipated to be available to complete this fund:

Transfer In – Penn/PeeDee CPF	<u>\$1,194,642</u>
Total Additional Project Revenues	<u>\$1,194,642</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 fund.

Section 6: This ordinance becomes effective May 14, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 14, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3041
AMENDING THE 2023/2024 FISCAL YEAR BUDGET
Legislative

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 14th day of May, 2024 that the Operating Budget for the Fiscal Year 2023/2024 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Legislation	Contractual Services	10-410-4500	\$10,000	
Legislation	Professional Services	10-410-4600	\$12,500	
General Fund	Fund Balance Appropriations	10-397-1000	\$22,500	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 14, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3042
AMENDING & CLOSING THE PENNSYLVANIA/PEEDEE ROAD
WATERLINE REPLACEMENT 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 capital project budget is hereby adopted:

Section 1: The project authorized is to establish a fund for the purpose of upgrading existing 10" waterline with a 16" transmission main.

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 amount is reduced for the project:

Design and Construction	<u>\$ 840,243</u>
Total Project Appropriation Reduction	<u>\$ 840,243</u>

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

Transfer to Capital Project Fund – North Pressure Zone	<u>\$1,194,642</u>
Total Additional Project Appropriation	<u>\$1,194,642</u>

Section 5: The following revenue is anticipated to be available to complete this project:

Interest on Investments	<u>\$ 174,374</u>
Transfer In – System Development Fees, Water	<u>180,025</u>
Total Additional Project Revenues	<u>\$ 354,399</u>

Section 6: 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 7: This ordinance becomes effective May 14, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 14, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3043
AMENDING THE MUNICIPAL SERVICE DISTRICT #1 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:

Financing Proceeds	<u>\$7,100,000</u>
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Total Project Revenues:	<u>\$7,100,000</u>
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Section 4: The following additional amount is appropriated for the project:

Parkway Acquisition	<u>\$7,100,000</u>
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Total Project Costs:	<u>\$7,100,000</u>
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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.

Section 9: This amendment becomes effective May 14, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 14, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, April 9, 2024: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 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; Debra Gray; and Brandon Goodman.

2. PLEDGE OF ALLEGIANCE

This item was deleted from the paper copy of the Agenda in error, Mayor Clement led the group in the Pledge of Allegiance.

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

a. Adopt Agenda

Mayor Clement requested the addition of Item 6d - Approve a request for a charter amendment to incorporate council procedures into the existing Town Charter.

Mayor Pro Tem Pate moved to approve the proposed meeting agenda with the additions of:

- Add #2 Pledge of Allegiance back in - removed from the paper copies of the agenda distributed at the meeting by mistake.

- Add item 6d - Approve a request for a charter amendment incorporating council procedures in the Town Charter

Councilmember Goodman seconded the motion and the vote was unanimous.

Motion passed.

4. PUBLIC COMMENTS

Dorothy Brower of 102 Eastman Rd reported her opinions that the streets of Carlisle, Harden, Gaines, and Stevens; the Avenues of West Wisconsin, Iowa, and Indiana in the area between West Pennsylvania, Morganton, and US 15/501 Business have become more dangerous than reported due to speeding and reckless drivers. Ms. Brower shared her thoughts on improvements and asked for government support in resolving the issues.

Lee Miller, who resides in the Longleaf Community, addressed the Council regarding the proposed Knollwood Rd. Multi-Modal Trail project and cited several articles (copies given to Council) regarding the growth in Moore County.

Hugh Minor of Paddock Lane addressed the Council regarding an article in the latest utility bill insert regarding the Move Over Law and what he views as the inability to follow such a law should a lane be removed on Knollwood Rd. for the proposed Multi-Modal Project.

Michele Alvarez of the Longleaf Community shared her opinions on the proposed Knollwood Rd Multi-Modal Trail Project and the reasons she is against the proposed plan.

Debra Payer of the Longleaf Community shared her reasons why she is against the proposed Knollwood Rd. Multi-Modal Project. - against any changes to Knoll Road.

Linda White of 1160 W. Illinois Ave. complained about the how early the dump trucks and construction on Midland Road is starting in mornings. Ms. White also expressed her frustration regarding the lack of police response to calls about a certain car racing up and down Wisconsin Ave.

5. CONSENT AGENDA

Town Manager Parsons reviewed the Consent Agenda for the Council.
Discussion ensued.

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

Motion passed.

a. Appoint Kelly Ficker to the Library Advisory Board

The Library Advisory Board currently has a vacancy due to a previous member who was unable to serve her full term. Kelly Ficker has submitted an application and the Board requests Council approval. Ms. Ficker's appointment will be for the remainder of the unexpired term, until December 31, 2025.

b. Adopt Ordinance #3034 to Modify the Town's Code of Ordinances for Cemeteries

This amendment addresses burials and maintenance at the Town's Mt. Hope Cemetery. These changes will allow up to two people to be buried in a single plot. This amendment also clarifies items that are prohibited in or near the grave sites in order to ensure safety, ease of maintenance, and the visual character of the cemetery.

c. Adopt Ordinance #3035 Setting Fees for the Mt. Hope Cemetery

This amendment removes all fees from the Code of Ordinance and incorporates them into the Town's fee schedule. It also sets current prices for the sale of plots, including the ability to bury two people in a single plot. The fee schedule also sets an administrative fee for requests of Town staff to locate grave sites.

d. Approve Town Council Meeting Minutes for March 2024

- March 12, 2024, Town Council Business Meeting
- March 19, 2024, Town Council Work Session

e. Approve Ordinance #3036 - Budget Amendment for SBITA Clarification

This amendment provides corrections, involving no bottom line impact, to a previously adopted Budget Amendment specific to GASB requirements.

f. Call for an April 23rd Public Hearing for Installment Financing to Fulfill the Obligations of a Reimbursement Agreement for Carolina Parkway.

The Local Government Commission (LGC) meets in May Town Council has a statutory requirement to hold a Public Hearing ahead of consideration of an installment loan contract for the purpose of the Parkway Reimbursement at the LGC May meeting.

6. ACTION ITEMS

a. Adopt Resolution #1083 Regarding the Issuance of an Installment Contract for the Financing of a Reimbursement Agreement.

Resolution authorizing the filing of an application for approval of an installment financing contract authorized by North Carolina General Statutes § 160A-20 and making certain findings required by North Carolina General Statutes § 159-151

Town Manager Parsons reviewed the request for the Council.
Discussion ensued.

Mayor Pro Tem Pate moved the approved Resolution #1083 - Approving the Issuance of an Installment Contract for the Financing of a Reimbursement Agreement, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

b. Request for extension of Special Use Permit SU-04-22: Expansion of Boles Funeral Home at 425 W. Pennsylvania Ave.

Boles Family LLC, requests an extension to a special use permit in order to construct a 340 square foot addition to the existing funeral home. A special use permit was required due to the use being a legal nonconforming use in the Central Business (CB) District where the proposed project is located.

Planning Director BJ Grieve presented the request and staff report to the Council.

Discussion ensued.

Mayor Pro Tem Pate moved to approve the Request for Extension of Special Use Permit SU-04-22: Boles Funeral Homes, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

c. WP-01-24: Watershed Protection Permit for .29 acres at 650 E. Ohio Ave.

George and Ramona Garrell have submitted an application for a Watershed Protection Permit requesting .29 of an acre of 5/70 exemption allocation to develop an accessory structure, which will result in 35% total impervious surface on the subject property which is located within the Little River Intake No. 2 Watershed.

Planning Director BJ Grieve presented the request and staff report to the Council.

Discussion ensued.

Mayor Pro Tem Pate moved to approve WP-01-24; Watershed Protection Permit for .29 acres at 650 E. Ohio Ave., seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

d. Town Attorney McCarley requests to amend the Town Charter to clarify Council voting practices.

Town Attorney McCarley requests a change to the Town Charter to clarify the voting requirements for the Town Council.

Mayor Clement reviewed the item request with the Council and Town Attorney McCarley added some additional detail to the explanation.

Discussion ensued.

Mayor Pro Tem Pate moved to approve the request to amend the Town Charter to clarify Council voting procedures, seconded by Councilmember Petersen, the vote was unanimous.

Motion passed.

7. PUBLIC HEARINGS

a. PD-01-24 Preliminary Development Plan for Belle Meade Retirement Community

St. Joseph of the Pines, Inc. requests approval to add 40 residential units on the north side of the existing Belle Meade continuing care retirement center.

Mayor Clement opened the hearing.

Town Attorney McCarley qualified the Council.

Town Clerk Beth Robertson swore in all participants:

- Town Planner Grieve
- Senior Planner Alaina Mallette
- Dan Jewel
- Elizabeth Wilcox

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

Staff Report entered as Exhibit A
Staff Presentation entered as Exhibit B

Mayor Pro Tem Pate questioned the timing of the different phases. After research, Senior Planner Mallette clarified the work to be completed in each of Phase I and Phase II.

Dan Jewel and Elizabeth Wilcox of Thomas & Hutton, on behalf of the applicant, gave a brief presentation on the proposed project.

Councilmember Petersen questioned how the applicant had improved the run-off and was informed it's a matter of reducing the impervious surfaces, reducing the amount of runoff and improvements drainage ponds.

Mayor Clement asked for clarification regarding the buffer and was told it was to be an undisturbed buffer.

Councilmember Petersen asked for confirmation of requirements for buffer and was informed it was a condition of approval.

Applicant presentation entered as Exhibit C.

Senior Planner Mallette clarified for the Council the conditions that their decision was to based off of.

No public comments were voiced.

Mayor Clement TC closed the public hearing

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-01-24. The motion was seconded by Councilmember Goodman and the vote was unanimous.
Motion passed.

Mayor Pro Tem Pate further moved to approve the Preliminary Development Plan for PD-01-24, seconded by Councilmember Goodman; the vote was unanimous.
Motion passed.

b. SU-01-24 Special Use Permit to Amend Boundaries of Mid South Master Plan

PILLCSub, LLC requests an amendment to the Mid-South Master Plan approved in 1988 (Conditional Use Permit CU-08-88). The amendment proposes removing +/-9.26acres from the Master Plan that is located in Pinehurst's jurisdiction. This is the northernmost portion of Palmer Dr, between Knoll Rd and Midland Rd.

Mayor Pro Tem Pate has requested to be recused from the hearing for SU-01-24. So moved by Councilmember Gray, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

Town Attorney McCarley qualified the Council.

Mayor Clement opened the hearing.

Mayor Clement swore in all people wishing to testify::

- Town Planner Grieve
- Senior Planner Alaina Mallette
- Bob Levy
- Thomas Van Camp
- Paul Saathoff
- Cliff Doll
- Randall Frye

Senior Planner Mallette reviewed the request and staff report for the Council.
Staff Report w/links and attachments entered as Exhibit A.
Staff Presentation entered as Exhibit B.
TOSP Meeting minutes dated September 13, 1988 entered as Exhibit C.
Email Correspondence dated April 7 & 8, 2024 entered as Exhibit D.

Mayor Clement clarified for the record that the 1988 referenced minutes refer to Councilmember Marquita Daniels as a 'man' and she was actually a woman.

Councilmember Goodman stated that the annexation was adopted at the meeting of October 11, 1988 per meeting minutes.

Planning Director Grieve spoke to the Council regarding the minutes of September 1988, that show that the annexation was discussed and asked on to remove the 5-10 acres that are located in Pinehurst and the hearing was closed. The meeting on October 11, 1988 voted to approve the annexation from September minus the acreage removed at the September meeting.

Discussion ensued.

The 25-ft buffer screen and the existence of jogging/walking trails were debated and discussed.

Councilmember Petersen requests that the word 'may' be removed from conditions. Mr. Levy agrees to the change as long as the condition only affect future development.

Paul Saathoff addressed the Council and entered his presentation as Exhibit E.
Discussion ensued.

Councilmember Petersen requests that the following changes be made:

- remove the 'may include' to 'include'
- create jogging walking trails
- include a 25-ft buffer screen, as defined in the current UDO

Mr. Levy and Mr. Van Camp agree to the 3 requests with the condition that they only pertain to future development.

Cliff Doll of 115 Belfair Court asked for a definition of open space (is it considered public space)? Planning Director Grieve addressed the question by stating that it depends on when the open space was declare, where it is located and what its purpose was to be.

Randall Frye of 101 Old Clubhouse Lane and Vice-President of the Mid-South Board of Directors of the Property Association and is representing the board The board supports the removal of the 9+ acres as long as the open space requirements were met. The expectation of the Board is that the owner will continue to coordinate his efforts with the Town of Southern Pines and the Village of Pinehurst and our hope that he will cooperate with the homeowners. Biggest concern at the moment is the safety of the entrance at Knoll Road.

Tom VanCamp on behalf of the applicant addressed the comments by Mr. Frye. He is going to work with the applicant to address some of the issues with the POA and be reasonable in their dealings.

Discussion ensued.

Mayor Clement closed the hearing.

Mr. Van Camp reviewed the modified conditions as discussed by Council during the hearing and prepared by staff and agreed verbally to the language to be read in the final motion.

Councilmember Goodman moved to adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-245, seconded by Councilmember Petersen; the

vote was unanimous.

Motion passed

Councilmember Goodman moved to approve Special Use Permit SU-01-24 with the following conditions:

a) 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 Mast Plan shall provide open space labels and calculations for town staff to check for compliance with the open space standards.

b) 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).

c) 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-04-88 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).

The motion was seconded by Councilmember Petersen and the vote was unanimous.

Motion passed.

8. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Gray and carried unanimously, Council adjourned at 9:57 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

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

Mayor Clement called the meeting to order. The following members of 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 and asked to add an item (4e) to the Agenda to address a question by the Local Government Commission regarding the Town's most recent audit.

Town Manager Parsons advised the Council that large amounts of yard waste were being dumped around town by suspected landscaping crews in front of land not currently occupied and was resulting in a strain on the environmental services personnel as well the citizens who own the properties since this could result in potential fines for them. Measures are being investigated to resolve the issue and the Council will be updated appropriately.

a. Adoption of Agenda

Councilmember Peterson moved to adopt the meeting agenda with the addition of Item 4e as presented by Town Manager Parsons, seconded by Councilmember Gray; the vote was unanimous

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.

Mayor Clement opened the hearing

Town Manager Parsons and Mitch Brigulio of Davenport Public Financing reviewed the loan options available and explained the proposed Installment Financing Contract terms to the Council.

Discussion was held regarding the pros and cons of different loan terms, payoff terms, interest rates, and length of loan. The Council came to the consensus that the preferred option was given by Truist Bank with a 7-year call, 20-year term at the interest rate of 4.85%, thus giving the Town the best rate with the most flexibility in the long term. Finance Director Tess Brubaker-Speis concurred with the final decision.

No public comments were voiced.

Mayor Clement closed the public hearing.

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.

Planning Director Grieve gave a brief overview of the item.

Mayor Pro Tem has been recused from this hearing

Councilmember Petersen moved to approve the Written Decision for SU-01-24; Mid-South CUP Amendment, seconded by Councilmember Goodman; the vote was unanimous.
Motion passed.

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.

Planning Director Grieve gave a brief overview of the item.

Mayor Pro Tem Pate moved to approve the Written Decision for PD-01-24; Belle Meade PDP, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

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.

Town Manager Parsons gave a brief recap of the Public Hearing.

Mayor Pro Tem Pate moved to adopt the Resolution Authorizing an Installment Financing Contract by Truist Bank for \$17.1 million with a 20-year term and a 7-year call at the interest rate presented during the Public Hearing (option #2 in the meeting packet), seconded by Councilmember Goodman; the vote was unanimous.
Motion passed.

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.

Mayor Clement gave an overview of the request to adopt an amended MOU with the Sandhills Metropolitan Planning Organization to include the removal of Foxfire at their request.

Councilmember Petersen moved to adopt a Memorandum of Understanding with the Sandhills Metropolitan Planning Organization as edited to remove Foxfire, seconded Councilmember Goodman; the vote was unanimous.
Motion passed.

e. Consider Adoption of Financial Performance Indicators of Concern (FPIC) Inquiry Reply to NC Treasurer's Office

The Finance Office has drafted a reply to inquiries made by the NC Treasurer's Office regarding Town Finances and a pending application before the Local Government Commission for an Installment Loan contract.

Town Manager Parsons gave a brief overview of the item.

Councilmember Goodman moved that the responses provided by staff to the Financial Performance Indicators of Concern Inquiry are both accurate and appropriate and that the Finance Director forward the signed response to the NC Treasurer's Office for consideration ahead of the May meeting of the Local Government Commission. The motion was seconded by Councilmember Gray and the vote was unanimous.
Motion passed.

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.

Town Manager Parsons and Assistant Town Manager Jessica Roth presented the proposed partnership with Boys & Girls Club to install a Dream Court which would consist of a regulation-sized high school basketball court in one of the Town's parks. The Boys & Girls Club has the opportunity to procure a grant to pay for the Dream Court. The Club would fund the site prep work and the Town would provide the land.

Mayor Pro Tem Pate supports the project with the condition that the Town getting assurances regarding the project completion before the Town puts any funds towards the project.

Councilmember Petersen is for the project but would like to get feedback from the West Southern Pines Advisory Group before agreeing to place a court in their neighborhood. Councilmember Petersen also questioned the cost of insurance liability and the cost of adding lighting to the site as well as future upkeep.

Long-term upkeep costs and alternate location options besides Pool Park were discussed. The Council agrees that the opportunity is a good one but the details need to be discussed further and finalized. The Council asks staff to continue forward with the project with the details to be addressed once more information

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.

Planning Director Grieve updated the Council on the recent work the Planning Department has been doing and reviewed upcoming items that will be coming before the Council at the May meeting.

The Historic District Commission and The Bicycle and Pedestrian Advisory Commission vacancies and possible appointments were discussed.

Planning Director Grieve advised the Council that Planning Board member John Earp is moving, so May is his last meeting creating an opening on the board.

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.

Town Manager Parsons reviewed the draft budget and advised the Council that the previously requested utility truck replacement had been removed from the enterprise fund budget they reviewed at the Budget Retreat.

Councilmember Petersen questioned the reasoning behind the removal and was told that staff re-evaluated the request in light of the Council's questions at the Budget Retreat and deemed the item a low priority at this time.

6. COUNCIL ROUNDTABLE

Councilmember Petersen asked for an update on the issue of the off-leash dogs at Whitehall Park.

Councilmember Gray thanked the Council for their support at the event honoring her as the first black councilmember mentioned at the last work session.

Mayor Pro Tem Pate recognized Parks and Recreation Director Cindi King for her great work with the Town as this is her last week.

Mayor Clement advised that she and Councilmember Goodman visited with NCDOT in Raleigh regarding the rail project. They were informed that the project is currently active north of Raleigh with plans to address our area in the future. New local public transit options were also discussed and that will most likely be handled at the MPO level.

Councilmember Gray applauded consultant Sarah Sinatra for her work involving the character districts and her work on portraying the feel of the different districts

Town Attorney McCarley reminded the Council that Attorney Catherine Claudfetter would be present at the May meeting as interim attorney while he is away.

Mayor Clement reminded everyone that due to the election next month the May 14th meeting will be held in the Haney Room.

7. ADJOURNMENT

Upon motion by Mayor Pro Tem Pate, seconded by Council Goodman and carried unanimously, Council adjourned at 4:55 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

Consent Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: Historic District Commission Appointments

Date: May 14, 2024

I. BACKGROUND:

- Sandra Carroll's first term expired on March 9, 2024. Ms. Carroll declined to serve another term.
- Molly Goodman's second term expired on April 30, 2024.
- There are presently two vacancies on the Historic District Commission.
- Talmadge Shepherd, a Town resident, has expressed an interest in serving on the Commission. Mr. Shepherd has a BA in Art Studies and is a real estate professional.
- Karl Ecker, a Town resident, has expressed an interest in serving on the Commission. Mr. Ecker was a Tufts Archives research assistant and has served on the Village of Pinehurst Historic Preservation Commission.

II. LEGAL REVIEW:

Pursuant to UDO §8.16.1 Appointment and Composition:

- *The HDC shall consist of seven (7) members, all of whom shall reside within the planning and development regulation jurisdiction of the Town.*
- *HDC members shall be appointed for four -year staggered terms. Members may be appointed to not more than two (2) successive complete terms.*
- *Members shall have demonstrated special interest, experience or education in history or architecture and all member shall be residents of the Town of Southern Pines.*

III. RECOMMENDATIONS:

1. The Planning Director recommends that Talmadge Shepherd be appointed as a member of the HDC for a four-year term to expire May 13, 2028.
2. The Planning Director recommends that Karl Ecker be appointed for a four-year term to

expire May 13, 2028.

IV. ATTACHMENTS:

1. Proposed Historic District Commission Roster
2. Talmadge Shepherd's Data Sheet
3. Karl Ecker's Data Sheet



HISTORIC DISTRICT COMMISSION ROSTER 05/14/24

	<u>1st Term</u>	<u>2nd Term</u>
Elizabeth Oettinger	02/09/21 - 02/08/25	
Michelle Peele	10/24/22 – 07/12/25**	
Lane West	12/14/21 – 12/13/25	
Robert Brown	12/14/21 – 12/13/25	
Robert Anderson	03/12/19 - 03/11/23	03/11/23 – 03/10/27
Talmadge Shepherd	05/14/24 – 05/13/28	
Karl Ecker	05/14/24 – 05/13/28	

*Michelle Peele has been appointed to serve the remainder of Michaela Harr’s term.

In accordance with UDO §8.16.1, the Historic District Commission shall consist of seven (7) members, all of whom shall be resident citizens of the Town and appointed for four-year staggered terms. Members may be appointed for not more than two (2) successive complete terms.

Received
APR 09 2024
Administration
Town of Southern Pines

Karl Ecker
127 Waters Drive
Southern Pines, NC 28387
910-725-0089
kecker022@gmail.com

April 4, 2024

Reagan Parsons,
Southern Pines Town Manager
125 SE Broad St.
Southern Pines, NC 28387

Dear Mr. Parsons

I am interested in serving on the Southern Pines Historic District Commission and have enclosed a completed "Data Sheet For Appointment to Committees, Commissions and Boards."

Having been Research Assistant at the Tufts Archives, having served on the Pinehurst Historical Commission and now being a resident of Southern Pines, I would like to contribute and serve the Town of Southern Pines in an area in which I have interest and expertise, in land use and development as outlined in the enclosed resume.

I look forward to speaking with you or other members of the Commission to discuss possible appointment.

Thank you for your consideration in this matter.


Karl Ecker

DATA SHEET FOR APPOINTMENT TO COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: _____

HISTORIC DISTRICT COMMISSION

NAME: KARL ECKER

TELEPHONE: 910-725-0089 (H) 910-975-1303 (C)

ADDRESS: 127 Waters Dr. Southern Pines

EMAIL: KECKER022@gmail.com

EDUCATIONAL BACKGROUND

SEE ATTACHED RESUME

EMPLOYMENT

JOB TITLE: RETIRED ATTORNEY SEE ATTACHED RESUME

EMPLOYER: _____

CIVIC AND PROFESSIONAL ACTIVITIES: SEE ATTACHED RESUME

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: SEE ATTACHED RESUME

ANY ADDITIONAL INFORMATION AND COMMENTS: SEE ENCLOSED LETTER

DATE: _____

4/4/24

SIGNATURE: _____

Karl Ecker

PLEASE RETURN TO:

Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

Your application will remain on file 12 months from the date of completion

Karl L. Ecker
127 Waters Dr.
Southern Pines, NC 28387
(910)-275-0089
cell (910)-975-1303
kecker022@gmail.com

Employment in Pinehurst:

Adjunct Professor Business Law Sandhills Community College
with courses in business law and real estate (2000-2017)

Prior Work Experience:

Senior Partner, Shulman, Rogers, Gandal, Pordy & Ecker
Commercial Law Firm, Rockville, MD, Area of
Specialization-Business Transactions (including real estate
development), Mergers and Acquisitions, Corporate and
Securities Law (1974-1999)

Partner, Feldman & Ecker, Washington, DC, Corporate Law
Firm (1968-1974)

Government Service as an Attorney (1965-1968)
District of Columbia Redevelopment Land Agency
Department of Housing and Urban Development-
Urban Renewal Administration
General Services Administration

Education:

Masters of Law, Columbia University Law School (1965)
Juris Doctor, Wayne State University Law School (1964)
Article Editor Wayne Law Review
Bachelor of Arts, University of Michigan (1961).

Bar Memberships

Michigan State Bar Association (1964-1974, now inactive)

District of Columbia Bar Association (1966-1999, now inactive)
Maryland State Bar Association (1973-2002, now inactive)

Community Activities

Member of the Pinehurst Historical Commission (2022-2023)
Research Assistant at Tufts Archives (2019-2022)
Asst. District Governor, Rotary District 7690 (2003-2005)
President Sandhills Rotary Club (2002-2003)
Building Chairman Sandhills Jewish Congregation
(2001-2002)
Chairman of Sandhills Jewish Congregation Cemetery Committee
(2003-present)
President of North Bethesda Rotary Club (1991-1992)
Founder of Business Against Drugs, Montgomery County, MD
General Counsel to various community organizations.



DATA SHEET FOR APPOINTMENT TO
COMMITTEES, COMMISSIONS
AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: The Historic District Commission

NAME: Talmadge Shepherd TELEPHONE: (910) 639-9020

ADDRESS: 445 Crestview Rd. Southern Pines, NC 28387 EMAIL: talmadgenc@gmail.com

EDUCATIONAL BACKGROUND

North Carolina State University - 2012-2016 - BA in Art Studies

Real Estate License: #349922

EMPLOYMENT

JOB TITLE: Property Manager

EMPLOYER: Taproot Management

CIVIC AND PROFESSIONAL ACTIVITIES: Past contender for Southern Pines Town Council seat (2023)

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: Moore County Choral Society

Hot Asana University - Southern Pines

ANY ADDITIONAL INFORMATION AND COMMENTS: Born and raised in this county, I have a vested interest in this town's development and appearance. In 2022, I moved back to Southern Pines after buying my first house. Now, as a property manager, I want to use my experience in real-estate and advertising to make contributions to the area. I know that I can bring experience and dedication to this position.

DATE: 2/16/2024 SIGNATURE: T. Shepherd

PLEASE RETURN TO: Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

Your application will remain on file 12 months from the date of completion



MEMO

To: Town of Southern Pines Town Council
Reagan Parsons, ICMA-CM, Town Manager

From: Beth Robertson, NCCMC, Town Clerk

Date: May 9, 2024

Re: Bicycle & Pedestrian Advisory Committee

Background

The Town of Southern Pines Bicycle and Pedestrian Advisory Committee (BPAC) advises the Southern Pines Town Council regarding the Bike and Sidewalk Plan and set priorities for new facilities or enhancements of existing routes in the Bike and Sidewalk Plan. The BPAC also promotes walking and biking as alternative modes of transportation with emphasis on education of school age children on safe, effective bicycling and walking.

The committee is comprised of seven members who serve three-year terms. Presently, there is one vacancy on the committee, as only six members are actively serving.

Request

Mr. Kristopher Kendall has applied to join the BPAC Committee. Staff recommends that the Town Council review his application and consider appointing him to fill the vacant seat. His term would begin on May 15, 2024, and expire on May 14, 2027.

*Southern Pines is a beautiful and safe place. People choose Southern Pines over other places because of its charm, and we are proud to contribute to maintaining its appeal.
It's the Southern Pines Way.*





DATA SHEET FOR APPOINTMENT TO
COMMITTEES, COMMISSIONS
AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: _____

NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

EDUCATIONAL BACKGROUND

EMPLOYMENT

JOB TITLE: _____

EMPLOYER: _____

CIVIC AND PROFESSIONAL ACTIVITIES: _____

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: _____

ANY ADDITIONAL INFORMATION AND COMMENTS: _____

DATE: February 5th, 2024 SIGNATURE: Kristopher A. Kendall

PLEASE RETURN TO: Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

Your application will remain on file 12 months from the date of completion

Agenda Item

To: Town Council

From: Alaina Mallette, Senior Planner

Subject: OA-02-24: Tower Amendments to the Unified Development Ordinance (UDO).

Date: May 14, 2024

I. SUMMARY OF AMENDMENT REQUEST

TowerCo 2013, LLC is proposing to amend the Unified Development Ordinance (UDO) Section 5.23(B) to allow towers and related structures greater than 50 feet to be, at least, 800 feet from any Rural Estate, Residential Single-Family, Residential Multi-Family, or Planned Development zoning districts (every residential district except Rural Residential) rather than the current UDO standard of, at least, 1,000 feet away. The applicant is requesting Planning Board and Town Council review and approval per UDO §2.17. The specific text of the proposed amendment may be found in the attachments to this staff report.

II. PLANNING BOARD REVIEW

At the April 18, 2024, Planning Board regular meeting, a public hearing was held. Planning staff presented the proposed amendments and responded to a variety of questions and comments from the Planning Board. Following planning staff's presentation, Marc Tucker, attorney for the Applicant, made a presentation to the Board. He and representatives of TowerCo, 2013, LLC, responded to their questions as well. No other public comment was made regarding the proposed amendments. Questions included differences in tower types, process requirements for proposed towers greater than 50 feet tall, pending applications, site suitability analyses, other jurisdictions' regulations, and how 800 feet was selected among other questions.

After closing the public hearing, a motion was made and seconded that the text amendments are consistent with the 2040 Comprehensive Plan and that the Board adopts Attachment A of the staff report with modifications to limit the reduction solely for monopole-type towers greater than 50 feet tall. Furthermore, the Planning Board recommends approval of OA-02-24 to the Town Council with a modification to permit a setback reduction solely for monopole-type towers greater than 50 feet tall. The motion to recommend approval with modification passed on a 6-0 unanimous vote.

The Planning Board's recommended modifications have been incorporated into a version of the UDO showing proposed amendments that is shown in Attachment 2, as drafted by the Applicant and edited by Planning staff.

III. APPLICATION REVIEW

A. Application Review Dates

- Continued Rezoning Application
 - Submitted: **January 17, 2024**
 - Deemed Complete: **January 23, 2024**
 - Continuance Request Granted: **March 4, 2024**
- UDO Text Amendment Application Submitted: **March 7, 2024**
- Additional Application Materials Received: **March 29, 2024**
- Additional Application Materials Received: **April 1, 2024**
- Additional Application Materials Received
- Application Deemed Complete: **March 11, 2024**
- Notice of Planning Board Public Hearing
 - Internet: **March 25, 2024**
 - Published: **April 3 and April 10, 2024**
- Planning Board Public Hearing: **April 18, 2024**
- Notice of Planning Board Public Hearing
 - Internet: **April 22, 2024**
 - Published: **May 1 and May 8, 2024**
- Town Council Public Hearing: **May 14, 2024**

B. Review Process

Applications for text amendments are reviewed pursuant to UDO §2.17.

C. Criteria for Review

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10¹:

(A) Consistency. *The text amendment shall be consistent with the adopted Comprehensive Plan.*

Staff did a word search of the 2040 Comprehensive Plan for “internet,” “broadband,” “cell,” “coverage,” “communication,” and “tower” and no language returned that addressed the community’s view on proximity of towers to residential districts. The applicant’s narrative argues that their proposed amendment supports many economic goals by providing opportunities to expand reliable wireless coverage, internet access, and digital capabilities. The applicant’s narrative also states that “the Towers are a small-scale low impact commercial use that seeks to preserve the surrounding trees and natural environment and will be sited on the parcel in order to have the least visibility possible thereby maintaining the character and natural landscape of the surrounding area. Towers are unmanned facilities, do not require water, sewer, or garbage collection.” Lastly, the applicant argues that the proposed

¹ In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

amendment supports the 2040 Comprehensive Plan Policy 2.4, 4.10, 6.1, 6.4, 6.6, 7.1, 9.3, 9.4, and 9.7.

Planning staff agree that towers are a lower-impact commercial use that most commercial land uses and that wireless and internet coverage are essential to modern life. Planning also agrees the 2040 Comprehensive Plan Policy 6.6 that calls for the Town to look for opportunities to use smart city technology to improve efficiency and the effectiveness of capital projects could benefit from more communications towers. Lastly, Planning agrees that the proposed amendment could address aspects of 2040 Comprehensive Plan Policy 9.3, which aims to support local businesses and entrepreneurship in the community.

Planning staff have not identified any inconsistencies with the 2040 Comprehensive Plan.

(B) Health, Safety, and Welfare. *The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*

The two noteworthy concerns regarding safety and welfare are regarding tower fall zones and impacts to community aesthetics. Towers and antennas taller than 50 feet are permitted by Special Use Permit in Rural Residential (RR), General Business (GB), and Facilities, Resources, and Recreation (FRR) zoning districts. Regarding safety, the applicant presents testimony that all towers are required to comply with federal radio emissions standards and that “in the unlikely event of a failure, Towers are designed to collapse on themselves and remain in the ‘fall radius’ within the area upon which the Tower is situated and avoiding any impact to immediately adjacent properties.” The applicant states that greater accessibility to wireless services provided by more towers would be essential for first responders, especially during a state of emergency.

Regarding community aesthetics, the proposed amendment to reduce the minimum required distance of communications towers from non-RR residential districts from 1000 feet to 800 feet, would impact 14 parcels, according to an analysis submitted by the applicant (see Attachment 4). The parcels identified by the applicant’s analysis are new parcels that could host a greater-than-50-foot tower and antenna at least 800 feet from a non-RR residential district, and does not include parcels that are already over 1000 feet from RE, RS, RM, and PD districts. The applicant added a caveat that many of the identified parcels are in the same area of town, and that multiple communications “towers in one area of a town are not standard in the industry.”

Planning staff checked the analysis using the Town’s geographic information system, and found that only 11 of their 14 identified parcels could be developed with towers taller than 50 feet. The 11 parcels, as modified by Town staff, include those listed below and as shown in Figures 1 and 2.

1. General Business-zoned parcel IDs 20040150, 20040148, 20070068, 00053613, 00054795, 00033401, and 00035333;

2. Rural Residential-zoned parcel IDs 00037105, 20080752, 00040585, and 00031561; and
3. No parcels in Facilities, Resources, and Recreation districts.

According to the applicant's photo simulation analysis for one specific site (i.e., PARID 00035333 presently under consideration for an applicant-continued rezoning, file #Z-01-24), of the 16 selected viewing areas, half of the sites were visible off-site and half were not. 10 of the 16 viewing areas were adjacent to a residential improved or vacant lot. Of those 10 viewing areas, six could view the tower with the reduced setback (see View #5, #6, #10, #12, #13, and #14 in Attachment 3).

Another concern that the public may have is regarding environmental health. [The American Cancer Society wrote in June of 2020](#) that "at this time, there's no strong evidence that exposure to [radiofrequency waves] from cell phone towers causes any noticeable health effects." However, they are quick to clarify that the absence of evidence does not prove that they are safe, which has yet to be proven. They further state that more research is needed to clarify what short-term and long-term effects may exist from cell tower radiofrequency waves.

Considering the comments made in the applicant's narrative, the photo simulations, and the parcel setback reduction analysis. Planning did not identify any risk to health, safety, and general welfare. With regard to impacts to historic and cultural areas, more available sites to develop greater-than-50-foot towers could impact rural views, but the public benefits appear to outweigh the interests of a few individuals.

(C) Public Policy. *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*

On March 4, 2024, Planning staff emailed Town management regarding the origin of the 1000-foot standard. Town management responded that, to their recollection, the topic of towers taller than 50 feet's distance from residential districts has not come up since, at least, 2014, and that the 1000 feet may be a template used when the original regulations were adopted in 1997. A search of archived Town Council meeting minutes, shared by Town management, resulted in three meetings where proximity of towers to other land uses was discussed.

1. In the [September 10, 1991, Town Council meeting](#) in which a conditional use permit (file #CU-05-91) for the ~400-foot tower near the corner of W Morganton Road and S Henley Street was approved, the council heard from the public that cellular coverage and service was important for the business, medical, and emergency response communities even if it impacted the aesthetics of the area.

Figure 1. Northern Section of the Southern Pines Planning Jurisdiction with Applicant's Alleged Newly Developable Tower Sites Identified by Red Flags.

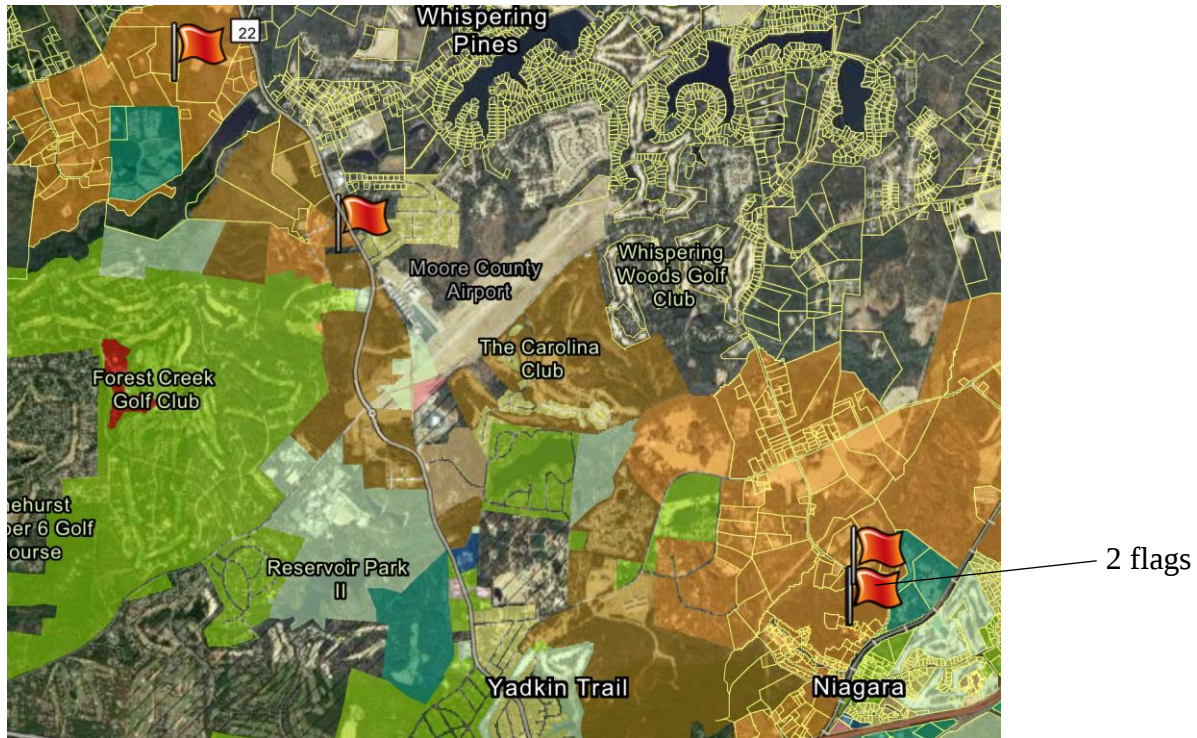
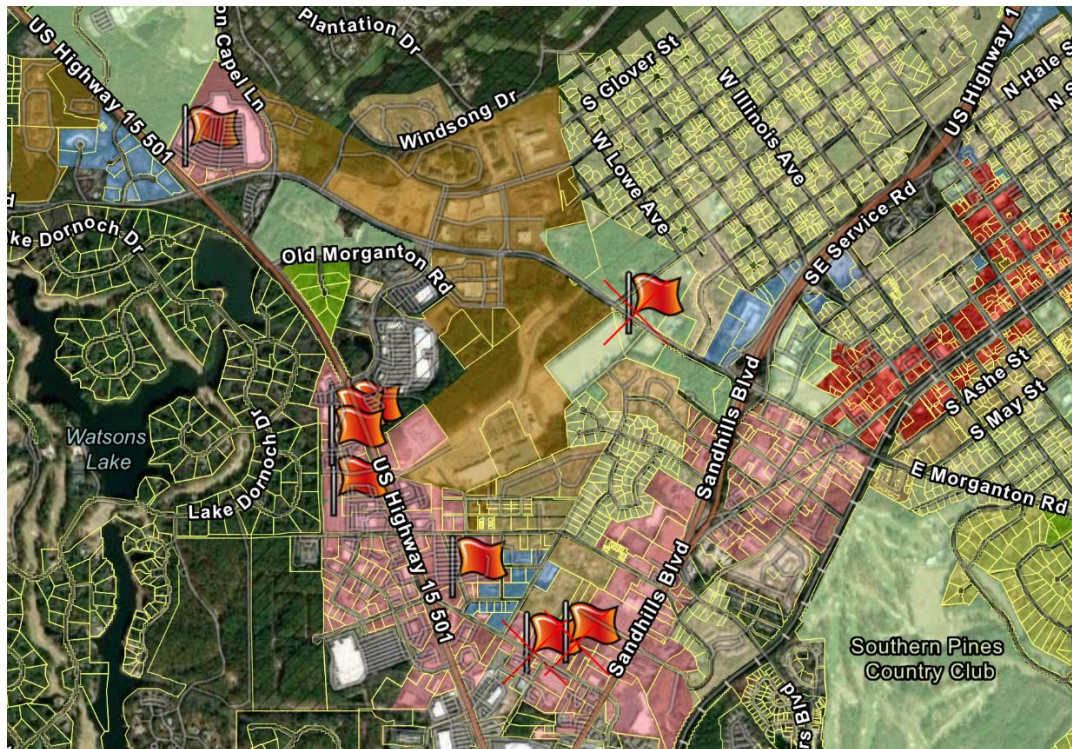


Figure 2. Southern Section of the Southern Pines Planning Jurisdiction with Applicant's Alleged Newly Developable Tower Sites Identified by Red Flags. Red Flags with a Red "X" Are Not Developable, Per Staff Analysis.



2. In the [October 14, 1997, Town Council meeting](#) in which the approved UDO text amendment (file #OA-04-97) that established additional development standards for cellular towers, the provision in question was added to the UDO. The Planning Board at the time recommended to the Town Council that the provision in question be removed, but the Town Council, in a vote of 3 to 2, approved the amendments with the 1000-foot distance provision.
3. Lastly, in the [October 14, 2024, Town Council meeting](#), in which a conditional use permit (file #CU-04-14) to establish a 180-foot tall tower on PARID 00036553 at the end of Boling Way was considered, the Town Council found as a finding of fact that the 1000-foot distance protected the use and enjoyment of neighboring residential properties.

Planning has not found anything in the public record aside from the 1997 Town Council decision to reject the Planning Board's recommendation to remove the 1000-foot setback requirement (i.e., keep the 1000-foot setback requirement) that speaks to the Town's policy of the distance of cell tower location from residential areas.

(D) Other Factors. *The Hearing Body may consider any other factors relevant to a text amendment application under state law.*

The impact of cell towers on property values may come up in discussion about benefits and costs of cell towers near residential areas. [The National Association of Realtors has a list of four references](#) from journals, books, and/or articles regarding the impact of cell towers on property values, dated 2005, 2018 (two references), and 2019. These references appear to show that in some places towers could effect property values and that there tend to be varying distances where proximity has no effect on property values. There may be a strong perception that property values could be affected, but Planning staff has insufficient evidence to make a strong conclusion either way.

(E) Impacts. *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

Of special note is that the applicant has an administratively continued rezoning application to permit a greater-than-50-foot tower on a parcel where they were unable to meet the 1000-foot setback requirement from non-RR residential districts. However, in staff's analysis and research no major negative impacts of the proposed amendment on the public were identified aside from the perceived aesthetics of certain areas of the town. The benefit to the public appear to outweigh the impact on community aesthetics, especially considering that these commercial uses have lower horizontal (i.e., site) impacts than most commercial uses, but insufficient evidence has been found to determine the environmental health and property value impacts.

D. Staff Recommendation

Planning staff recommend approval of OA-02-24 with modification proposed by the Planning Board on April 18, 2024, and the Applicant on May 1, 2024 (see Attachment 2), which reads:

*“Towers cannot be located within one thousand (1,000) feet of any **RE**, **RS** or **RM** zoning district or any residential Development in a **PD** zoning district unless the tower is a monopole style and does not exceed a total height of two hundred (200) feet excluding lighting protection systems, in which case this setback shall be reduced to eight hundred (800) feet.”*

E. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport and representatives of the Town of Southern Pines on March 26, 2024.

As of the completion of the staff report on May 2, 2024, a response has been received from RLUAC stating that they have no comment on the proposed amendments. Any responses received from other agencies following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

IV. ATTACHMENTS:

1. Planning Board Resolution to Adopt a Written Recommendation
2. Draft Ordinance with both proposed amendments attached, the original proposal and the modified proposal, using ~~strikeout~~ for proposed deletions and underline for proposed additions.
3. Applicant’s Application and Narrative for Proposed Amendments
4. Applicant’s Photo Simulation Analysis
5. Applicant’s Setback Reduction Analysis
6. Email Correspondence from Applicant dated May 1, 2024

V. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance:

I move that after considering the criteria for text amendment found in in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

- 1. The proposed text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the staff report for OA-02-24;**
2. 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 resolution that is included as an attachment to the staff report for OA-02-24, but with the following edits or additions to the resolution...
3. The proposed text amendment is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

- 1. Approve OA-02-24 with modifications recommended by the Planning Board, Applicant, and Planning staff, and as written in the draft ordinance** *(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);*
2. Approve OA-02-24 with modifications recommended by the Planning Board and as attached to the ordinance, and with the following additional changes... *(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed);*
3. Deny OA-02-24 *(the Town Council shall state any reasons for denial of the proposed amendment);* OR
4. Other...



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-02-24**

WHEREAS, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted Comprehensive Plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on April 18, 2024 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-02-24.

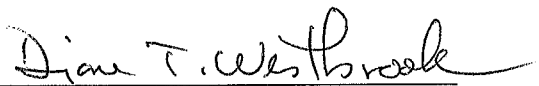
NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by TowerCo 2013, LLC are reasonable, in the public interest, and are consistent with the 2040 Town of Southern Pines Comprehensive Plan ("2040 Comprehensive Plan") if only applied to monopoles.

The 2040 Comprehensive Plan supports growth and development as long as it retains the character of the community. The proposed amendment to reduce the 1000-foot tower setback from non-Rural Residential residential districts (i.e., Rural Estate, Residential Single-Family, and Residential Multi-Family districts) to 800 feet would, according to the applicant and as corrected by Town Planning staff, open tower development opportunities on 11 new parcels, which could impact the viewshed of neighboring residential properties. However, expanding the potential site locations of telecommunication facilities could improve reliable wireless coverage, internet access, and digital capabilities. Furthermore, Policies 6.6 and 9.3 call for smart city improvements to accommodate town facilities as well as economic growth and general development. Finally, photographic simulations provided by the applicant indicate a modest visual impact due to the presence of trees that obscure full view of future towers.

The proposed change to UDO §5.23(B) does not appear to create major public health, safety, or general welfare concerns as they must follow federal regulations and are designed to fall in on themselves and remain in a fall radius that should not impact adjacent property, according to the applicant. Cell phone towers and other types of towers above 50 feet must go through a special use permit process and any impacts to existing neighborhood characteristics could be mitigated at that time as they relate to UDO §2.21.6 Special Use Permit criteria A through F.

Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the new 2040 Comprehensive Plan if only applied to monopoles.

ADOPTED this the 18nd day of April, 2024.


Diane T. Westbrook, Chair

ATTEST:


Cindy Williams
Secretary to the Planning Board

- (H) A special services home located outside of a CCRC campus may not be located within one thousand three hundred twenty (1,320) feet of a CCRC campus property line.

5.21. TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCES

- (A) Temporary emergency residences may be established on a Lot during the repair or reconstruction of residences destroyed or made uninhabitable by fire, wind water or other catastrophic event.
- (B) Temporary residences used on construction sites of non-residential Premises shall be removed immediately upon the completion of the project.
- (C) Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential Building on a site shall expire within six months after the date of issuance. The Planning Director may renew such permit for one additional period not to exceed three months after determining that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential Building to complete the construction, repair, renovation or restoration work necessary to make such Building habitable.

5.22. TEMPORARY USES

- (A) A Zoning Permit may be authorized by the administrator for Christmas Tree, pumpkin and related ornamental sales, collective retail merchant sales and shows provided that:
- (1) All applicable Town and state permits and/or licenses have been obtained.
 - (2) No more than one ground or Wall Sign, not to exceed six square feet in area is located on the Premises and no banners,

pennants, streamers, strings of twirlers or propellers and similar devices are erected.

- (3) The temporary use is operated only during the hours of 7 a.m. and midnight and is conducted for a period not to exceed thirty consecutive days.
 - (4) No more than two (2) Zoning Permits are issued to the same person, household, site, firm or organization in any one calendar year.
- (B) Other temporary uses of land must be approved as Special Events in accordance with section 5.18.

5.23. TOWERS AND RELATED STRUCTURES

Towers and related structures that are fifty (50) feet or taller in Height shall require a Special Use Permit prior to construction or installation and are subject to the following standards:

- (A) Towers cannot be located in the **HCO, CB, NB** or **OS** districts.
- (B) Towers cannot be located within ~~one thousand eight hundred~~ **(1,000)** feet of any **RE, RS** or **RM** zoning district or any residential Development in a **PD** zoning district.
- (C) Towers taller than fifty (50) are allowed by Special Use Permit in the **RR, GB** and **FRR** districts.
- (D) The Special Use Permit application shall provide information that:
 - (1) Demonstrates the antenna's compliance with State and Federal radio frequency emission standards.
 - (2) Specifies the tower height and design and include a cross-section of the structure.
 - (3) Details any technical, engineering, economic and other pertinent factors governing the selection of the proposed design.

- (A) A special services home located outside of a CCRC campus may not be located within one thousand three hundred twenty (1,320) feet of a CCRC campus property line.

5.21. TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCES

- (A) Temporary emergency residences may be established on a Lot during the repair or reconstruction of residences destroyed or made uninhabitable by fire, wind water or other catastrophic event.
- (B) Temporary residences used on construction sites of non-residential Premises shall be removed immediately upon the completion of the project.
- (C) Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential Building on a site shall expire within six months after the date of issuance. The Planning Director may renew such permit for one additional period not to exceed three months after determining that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential Building to complete the construction, repair, renovation or restoration work necessary to make such Building habitable.

5.22. TEMPORARY USES

- (A) A Zoning Permit may be authorized by the administrator for Christmas Tree, pumpkin and related ornamental sales, collective retail merchant sales and shows provided that:
- (1) All applicable Town and state permits and/or licenses have been obtained.
 - (2) No more than one ground or Wall Sign, not to exceed six square feet in area is located on the Premises and no banners,

pennants, streamers, strings of twirlers or propellers and similar devices are erected.

- (3) The temporary use is operated only during the hours of 7 a.m. and midnight and is conducted for a period not to exceed thirty consecutive days.
 - (4) No more than two (2) Zoning Permits are issued to the same person, household, site, firm or organization in any one calendar year.
- (B) Other temporary uses of land must be approved as Special Events in accordance with section 5.18.

5.23. TOWERS AND RELATED STRUCTURES

Towers and related structures that are fifty (50) feet or taller in Height shall require a Special Use Permit prior to construction or installation and are subject to the following standards:

- (A) Towers cannot be located in the **HCO, CB, NB** or **OS** districts.
- (B) Towers cannot be located within one thousand (1,000) feet of any **RE, RS** or **RM** zoning district or any residential Development in a **PD** zoning district unless the tower is a monopole style and does not exceed a total height of two hundred (200) feet excluding lighting protection systems, in which case this setback shall be reduced to eight hundred (800) feet.
- (C) Towers taller than fifty (50) are allowed by Special Use Permit in the **RR, GB** and **FRR** districts.
- (D) The Special Use Permit application shall provide information that:
 - (1) Demonstrates the antenna's compliance with State and Federal radio frequency emission standards.
 - (2) Specifies the tower height and design and include a cross-section of the structure.



UDO Text Amendment Application

Fee \$1,000.00

Date Received: _____

Case No.: OA-____-____

Applicant:

Name: TowerCo. 2013 LLC

Email: dhockey@towerco.com

Phone: 843-452-6242 (Mobile)

919-653-5746 (Office)

Mailing Address: dhockey@towerco.com

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to amend the text the Town of Southern Pines Zoning Ordinance based upon Section(s) 5.23(B) of the **Town of Southern Pines Unified Development Ordinance**. The proposed text is as follows:

Applicant seeks to amend Section 5.23(B) (Towers and Related Structures) of the UDO which states "Towers cannot be located within one thousand (1,000) feet of any RE, RS or RM zoning district or any residential Development in a PD zoning district." The proposed text amendment seeks to reduce the one thousand (1,000) feet limitation to eight hundred (800) feet. The proposed amendment will read as follows: "Towers cannot be located within eight hundred (800) feet of any RE, RS or RM zoning district or any residential Development in a PD zoning district."

Date: 03/07/24


Applicant
TowerCo 2013 LLC
By: David Hockey
Director of Mid-South Business Development

STATE OF NORTH CAROLINA		BEFORE THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL
TOWN OF SOUTHERN PINES		
IN REGARD TO TOWERCO 2013, LLC'S TEXT AMENDMENT	))))))	PROJECT NARRATIVE AND STATEMENT OF COMPLIANCE WITH THE TOWN OF SOUTHERN PINES UNIFIED DEVELOPMENT ORDINANCE

Introduction and Proposed Text Amendment

The applicant, TowerCo 2013, LLC (“Applicant”), submits this Project Narrative in support of its application of an amendment to the Town of Southern Pines’ (“Southern Pines”) Unified Development Ordinance (“UDO”). More specifically, the Applicant seeks to amend Section 5.23(B) (Towers and Related Structures)¹ of the UDO which states “Towers cannot be located within one thousand (1,000) feet of any RE, RS or RM zoning district or any residential Development in a PD zoning district.” The proposed text amendment seeks to reduce the one thousand (1000) feet limitation to eight hundred (800) feet (“Amendment”). The proposed Amendment will read as follows: “Towers cannot be located within eight hundred (800) feet of any RE, RS or Rm zoning district or any residential Development in a PD zoning district.”

2.17.10 Criteria for UDO Text Amendments

In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(A) Consistency. The text amendment shall be consistent with the adopted

¹ For purposes of this Project Narrative, “Towers” will refer to a monopole type telecommunications tower. A monopole type tower represents the industry standard for use in a jurisdiction such as Sothern Pines. Monopoles do not exceed 195’ in height.

Comprehensive Plan.

The proposed Amendment is consistent with the adopted principles and objectives of the Southern Pines 2024 Comprehensive Plan (“Plan”). Generally, the Amendment furthers the town’s commitment to the Plan’s vision statement and guiding principles as it will enable new opportunities, facilities, and services throughout Southern Pines by providing essential community services to all residents and the business community through the provision of reliable wireless communication services that contribute to the economic vitality and development of the surrounding community. In our ever changing social, family, and work environments, people increasingly prefer to live and work where wireless coverage and internet and digital capabilities are available. Wireless communications provide a variety of services including voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. Such services create a vibrant environment to prospective families/residential communities and businesses, in particular small businesses, all of which contributes to the long-term economic development and financial stability of Southern Pines.

1. The proposed Amendment is consistent with the big picture ideas and growth concepts presented in the General Framework Map.

By their nature, Towers are a low impact use, they are unmanned facilities that are not open to the public. They do not generate any odor or noise, they do not generate additional traffic or be of any significant impact to the nearby public roadway. Accordingly, by virtue of their minimal impact on surrounding areas, Towers preserve the character and natural environment of the surrounding community. While preserving Southern Pine’s character and natural environment, the Amendment will simultaneously enable new opportunities, facilities, and services throughout

Southern Pines contributing to the economic vitality and development of the surrounding community.

2. The Proposed Amendment is consistent with the guiding principles set forth in the Conservation and Development Map(s).

As discussed above, the Amendment will be protective of the existing and surrounding community, will promote economic development, and will enhance the quality of life for individuals in the area. More specifically, Towers are a small-scale low impact commercial use. Towers do not necessitate mass grading and preserve the surrounding trees and natural environment while simultaneously providing a service essential to the creation of entertainment, economic, and residential development opportunities.

The principles set forth in the Conservation and Development Map(s) are largely implemented through Southern Pine's UDO. In accordance with the UDO, Towers taller than fifty (50) feet are allowed by Special Use Permit in the RR, GB and FRR zoning districts. Section 5.23(C) of the UDO provides specific standards with which Towers must comply as part of the special use permit process. These standards seek to ensure that the implementation of Towers is consistent with the vision for conservation, character, and development presented in the Plan.

3. The proposed Amendment complies with the intent of the Character District Map(s).

The proposed Amendment will create new opportunities for the expansion of wireless telecommunications systems throughout Southern Pines. As discussed, Towers are a small-scale low impact commercial use that seek to preserve the surrounding trees and natural environment and while having the least visibility possible by maintaining the character and natural landscape of the surrounding area.

- 4. The proposed Amendment takes into consideration the board's recommendations and system maps presented for supporting infrastructure in Chapter 3 of the Plan and incorporates features or facilities presented on the maps as a component of the proposed Amendment.**

The proposed Amendment will create opportunities for the provision of essential community facilities and services to all residents and the business community through the provision of reliable wireless communication services that contribute to the economic vitality and development of the surrounding community. With technology advancements, including wireless telecommunication services, society has seen significant changes in the economy, consumer preferences, and lifestyle choices. Most people prefer to live and work where wireless coverage, internet, and digital capabilities are available representing a new and changing infrastructure need for Southern Pines. As the Town continues to grow, enhanced wireless telecommunication services are essential and enable Southern Pines to meet these new needs by enabling a variety of services including voice, advanced messaging, data, real-time information, photographs, video, entertainment, and connections to social media.

Furthermore, as discussed elsewhere, the Towers are a small-scale low impact commercial use that seeks to preserve the surrounding trees and natural environment and will be sited on the parcel in order to have the least visibility possible thereby maintaining the character and natural landscape of the surrounding area. Towers are unmanned facilities, do not require water, sewer, or garbage collection. They only require electrical utility service. Generally speaking, Towers will have little to no impact on public services provided by Southern Pines.

The benefits afforded by enhanced telecommunication services are not limited to residents, businesses, or visitors; such benefits will directly impact Southern Pines itself including, but not limited to Southern Pines employees and those who provide services to the community, transit, police and fire, and other first responders.

5. The proposed Amendment implements one or more of the town-wide planning concepts presented in Chapter 4 of the Plan.

Please see the points discussed above, and the information provided below identifying specific policies and recommendations set forth in Chapter 5, in support of how the proposed Amendment facilitates the implementation of the town-wide planning concepts set forth in Chapter 4, particularly an emphasis on the public realm and preservation of open space, through the provision of reliable wireless communication services to residents and businesses.

6. The proposed Amendment positively impacts the specific policies and recommendations set forth in Chapter 5 of the 2040 Comprehensive Plan.

The proposed Amendment positively impacts, but is not limited to, the following specific policies and recommendations:

- Policy 2.4. Enabling residents and businesses to access Southern Pines' official website and social media tools, particularly in a more rural area of Southern Pines.
- Policy 4.10. Limiting the impact on the environment by minimizing tree loss and loss of impervious cover, minimizing clearing and grading, and will utilize native trees as a natural buffer.
- Policy 6.1. The provision of reliable wireless communication services serving residents, schools, and police and fire.

- Policy 6.4. Working with a private developer/business owner to meet an essential infrastructure need that will facilitate the implementation of the recommendations contained in the 2040 Comprehensive Plan.
- Policy 6.6. The provision of reliable wireless communication services enables the development of smart city technologies for the improvement of facilities and services offered to the community including the linking together of different information systems and providing more opportunities for real time information sharing with the community.
- Policy 7.1. Facilitating and supporting housing diversity in the community by providing reliable wireless communication services expected by younger families and professionals.
- Policies 9.3 and 9.4. Enhancing economic growth and development by providing essential wireless communication services to small business that rely on wireless communication services to conduct and promote their businesses.
- Policy 9.7. Enabling Southern Pines to continue to be a place-based tourist destination as visitors will have access to reliable wireless communications services providing easy access to information regarding local restaurants, shops, businesses, and travel needs including the nearby Moore County Airport.

(B) Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.

The proposed Amendment will improve the public health, safety, welfare and prosperity of the residents, businesses, and travelers in and through the area by providing improved telecommunications coverage in the surrounding area of Southern Pines.

The proposed Amendment will enable the provision of essential community facilities and services to all residents and the business community through the provision of reliable wireless communication services that contribute to the economic vitality and development of the surrounding community. Most people prefer to live and work where wireless coverage and internet and digital capabilities are available. Wireless communications provide a variety of services including voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. Such services create a vibrant environment to prospective families/residential communities and businesses, in particular small businesses, all of which contribute to the long-term economic development and financial stability of Southern Pines.

Wireless telecommunications are a public safety necessity. Seventy-four percent of Americans who own mobile phones say that they have used their hand-held devices in an emergency and gained valuable help. Most importantly, in times of natural disasters, wireless communication consistently emerges as the essential—and often only—means for emergency communication. Southern Pines first responders, businesses, travelers, and residents in the coverage area will be able to access 911 emergency services in the event severe weather or other unforeseen circumstances downs traditional land-line communication services. Thus, the first responders, businesses, travelers, citizens and residents in this area of Southern Pines will directly benefit from improved wireless telecommunications services.

Moreover, the proposed Amendment will have no adverse effect on the surrounding properties. Towers are a small-scale low impact commercial use that seeks to preserve the surrounding trees and natural environment and will be sited on the parcel in order to have the least visibility possible thereby maintaining the character and natural landscape of the surrounding area. Towers are unmanned facilities, do not require water, sewer, garbage collection, and only necessitate monthly maintenance visits minimizing, if any, impact on traffic.

Thousands of facilities such as this one are located throughout the State of North Carolina (and tens of thousands nationwide). None present any threat or danger to public health or safety. Per the Southern Pines UDO, radio emissions from facilities will comply with all federal laws, including those established by the Federal Communications Commission (FCC) and by the American National Standards Institute (ANSI). Additionally, in the unlikely event of a failure, Towers are designed to collapse on themselves and remain in a “fall radius” within the area upon which the Tower is situated and avoiding any impact to immediately adjacent properties.

(C) Public Policy. Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with the Town, area, Neighborhood, or specific plans.

The addition of the proposed Amendment will be an attribute to the economic development of Southern Pines and is critical to the needs of those working, living, traveling and going to school. As discussed, the proposed Amendment will enable the provision of essential community facilities and services to all residents and the business community through the provision of reliable wireless communication services that contribute to the economic vitality and development of the surrounding community. Most people prefer to live and work where wireless coverage and internet

and digital capabilities are available. Wireless communications provide a variety of services including voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. Such services create a vibrant environment to prospective families/residential communities and businesses, in particular small businesses, all of which contribute to the long-term economic development and financial stability of Southern Pines.

(D) Other Factors. The Hearing Body may consider any other factors relevant to a text amendment application under state law.

In connection with the submission of the Amendment, Applicant has undertaken a review of the unified development ordinances of communities adjacent to Southern Pines as well as communities that have grown and developed along lines similar to Southern Pines (collectively “Jurisdictions”). The jurisdictions include Holly Springs, Fuquay-Varina, Aberdeen, Pinehurst, Taylortown, Pinebluff, Foxfire Village, Vass, and Clayton. Based on the Applicant’s review of the Jurisdictions’ respective treatment of Towers, many of the Jurisdictions have provisions limiting Towers to particular zoning districts and have provisions similar to Section 5.23(C) of the UDO containing standards with which Towers must comply as part of a special use permit process. However, we did not identify a Jurisdiction with language similar to Section 5.23(B) creating a one thousand (1,000) foot setback, or a setback of any distance, from a, or similar to, RE, RS or RM zoning district or any residential Development in a PD zoning district.

(E) Impacts. The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed amendment on the public at large.

Modern wireless communications include far more than cellular and digital phone networks. Today, wireless communications include a great number of services, such as voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. The number of services that are available continues to increase.

The convenience, safety and efficiency benefits—as well as the “connectedness” with the world—achieved through digital devices has created a tremendous demand for these and other burgeoning services. It is clear that wireless infrastructure is needed to serve a growing population of wireless customers, especially since roughly one of five traditional U.S. landline phone users has switched to “wireless-only.” Today, more than 247 billion emails and 90 billion “tweets” are sent each day, and it is projected that video-over-instant messaging and video calling will increase sevenfold in the next few years. Individuals and households are not the only ones who are going wireless. Businesses increasingly depend on wireless service to conduct their business, and more people are working remotely from their homes and away from their businesses’ physical locations. For example, more than three times as many small businesses today strongly agree that wireless technology is key to staying competitive—49 percent versus 16 percent in 2007.

The Amendment seeks to facilitate the implementation of a wireless network throughout Southern Pines through the availability of additional, suitable, sites all while ensuring and preserving the public health, safety, and general welfare, and the unique character of Southern Pines.

Conclusion

The Amendment is in conformity with the Town of Southern Pines Unified Development Ordinance and will ensure reliable wireless telecommunication services to Southern Pines’ first

responders, citizens, residents, businesses, visitors and travelers to the area. Accordingly, Applicant respectfully requests that the requested Amendment be approved.

Respectfully submitted on this 8th day of March, 2024.

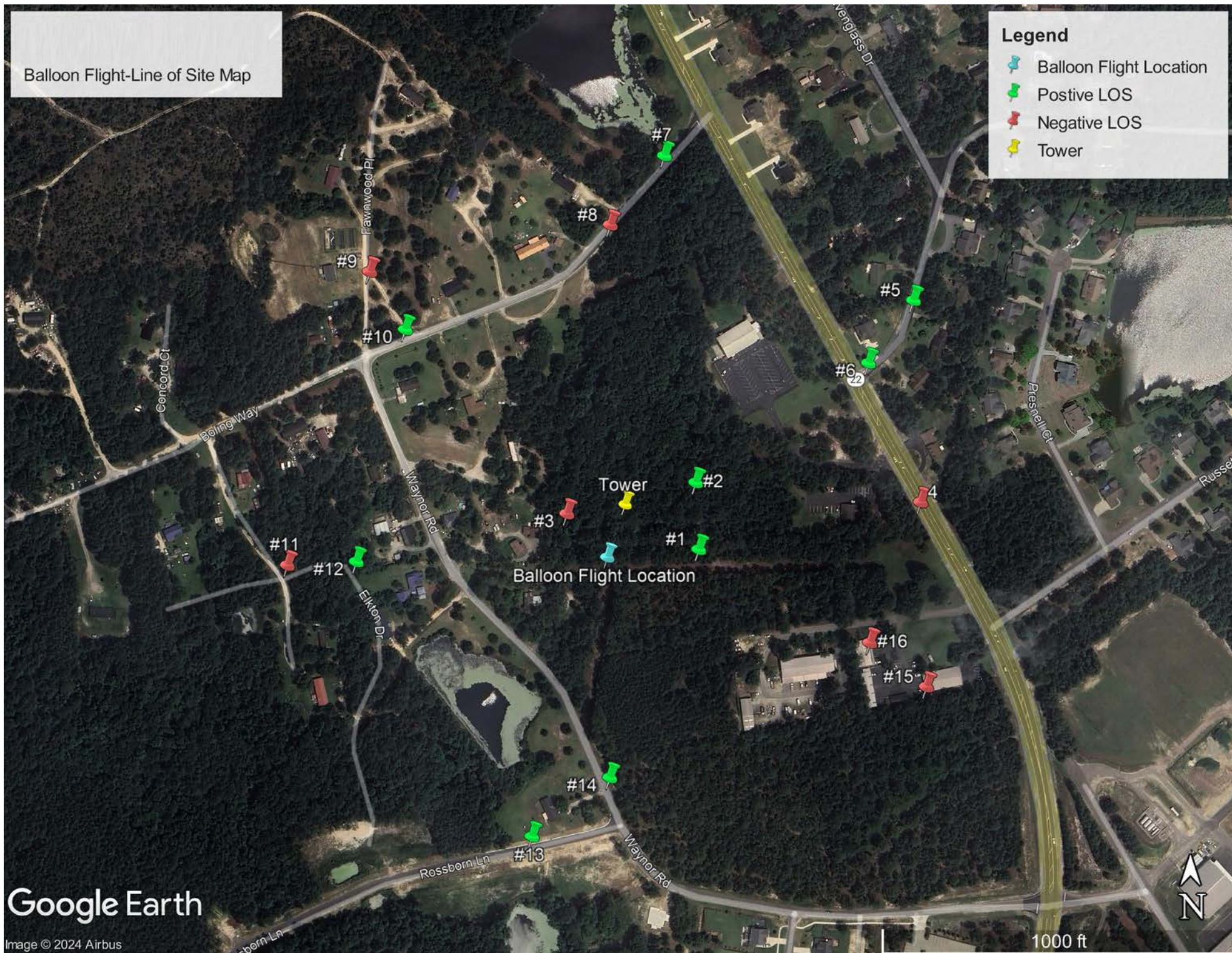
/s/ Marc C. Tucker

Marc C. Tucker
NC Zoning Counsel for Applicant TowerCo 2013,
LLC and Authorized Agent for Property Owner
Sullivan Property, LLC

Balloon Flight-Line of Site Map

Legend

- Balloon Flight Location
- Postive LOS
- Negative LOS
- Tower



Google Earth

Image © 2024 Airbus



View from 126'SSW.

View #1 looking west from 250-ft+/- (.05 miles)



View from 126'SSW.

View #2 looking east from 250-ft+/- (.05 miles)

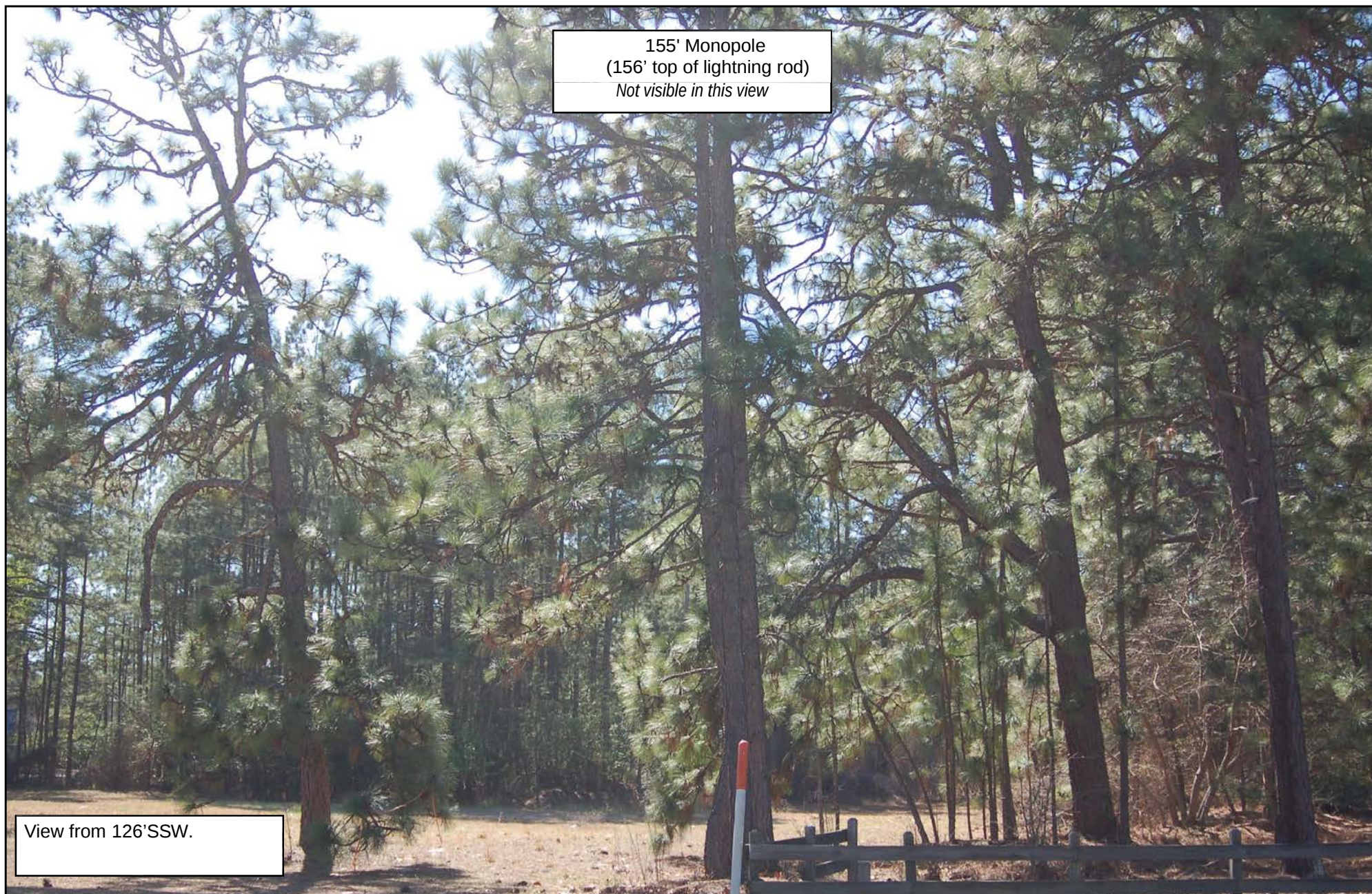
Kimley»»Horn



155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #3 looking east from 250-ft+/- (.05 miles)



View #4 looking west from 800-ft (0.15 miles)



155' Monopole
(156' top of lightning rod)



View from 126°SSW.

View #5 looking southwest from 1,000-ft (0.19 miles)



155' Monopole
(156' top of lightning rod)

View from 126'SSW.

View #6 looking southwest from 800-ft (0.15 miles)

Kimley»»Horn



View #7 looking south from 1,000-ft (0.19 miles)



155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #8 looking south from 800-ft (0.15 miles)

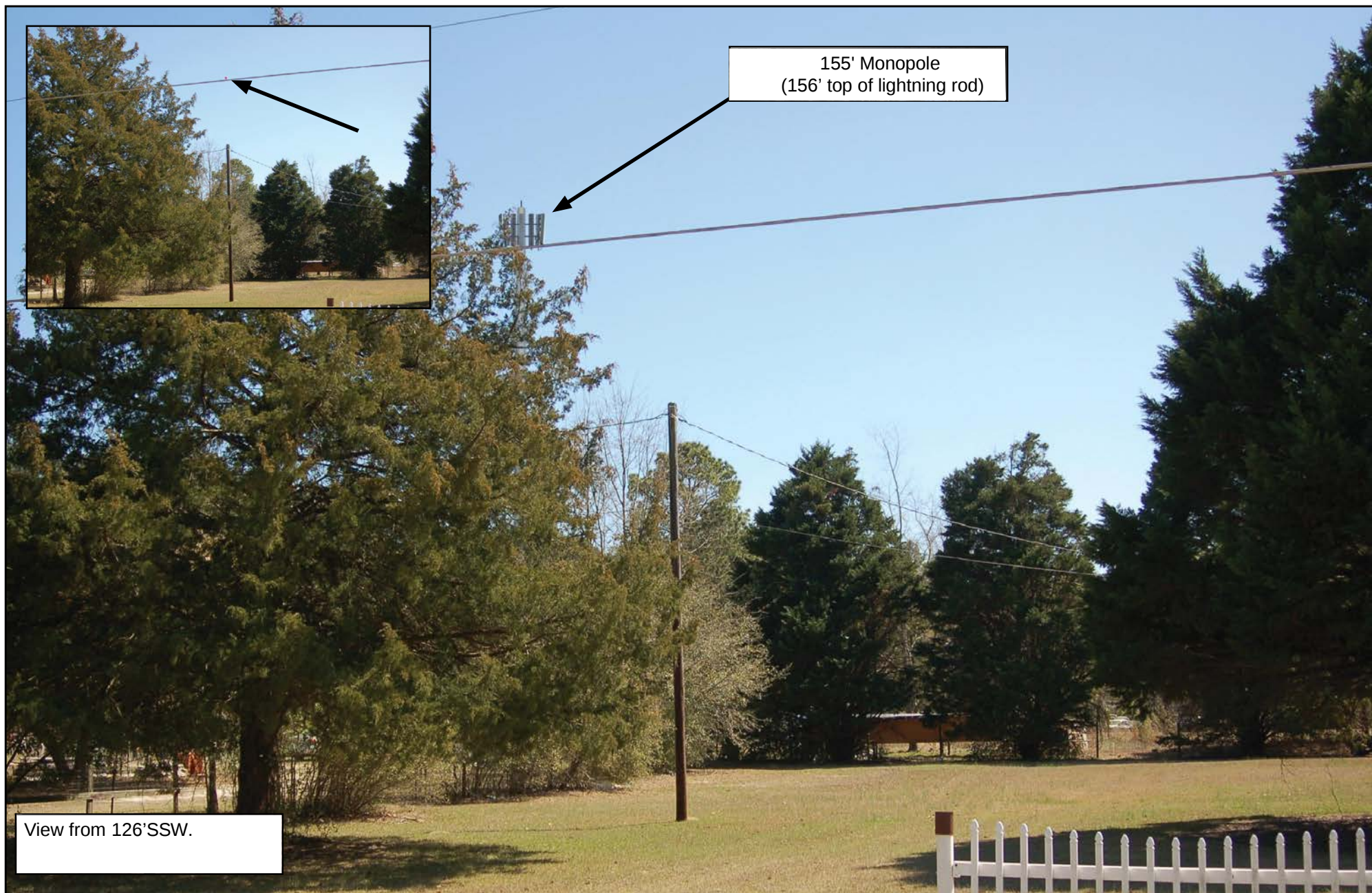
Kimley»Horn

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #9 looking southeast from 1,000-ft (0.19 miles)

Kimley»Horn



View #10 looking southeast from 800-ft (0.15 miles)

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #11 looking east from 1,000-ft (0.19 miles)

Kimley»Horn



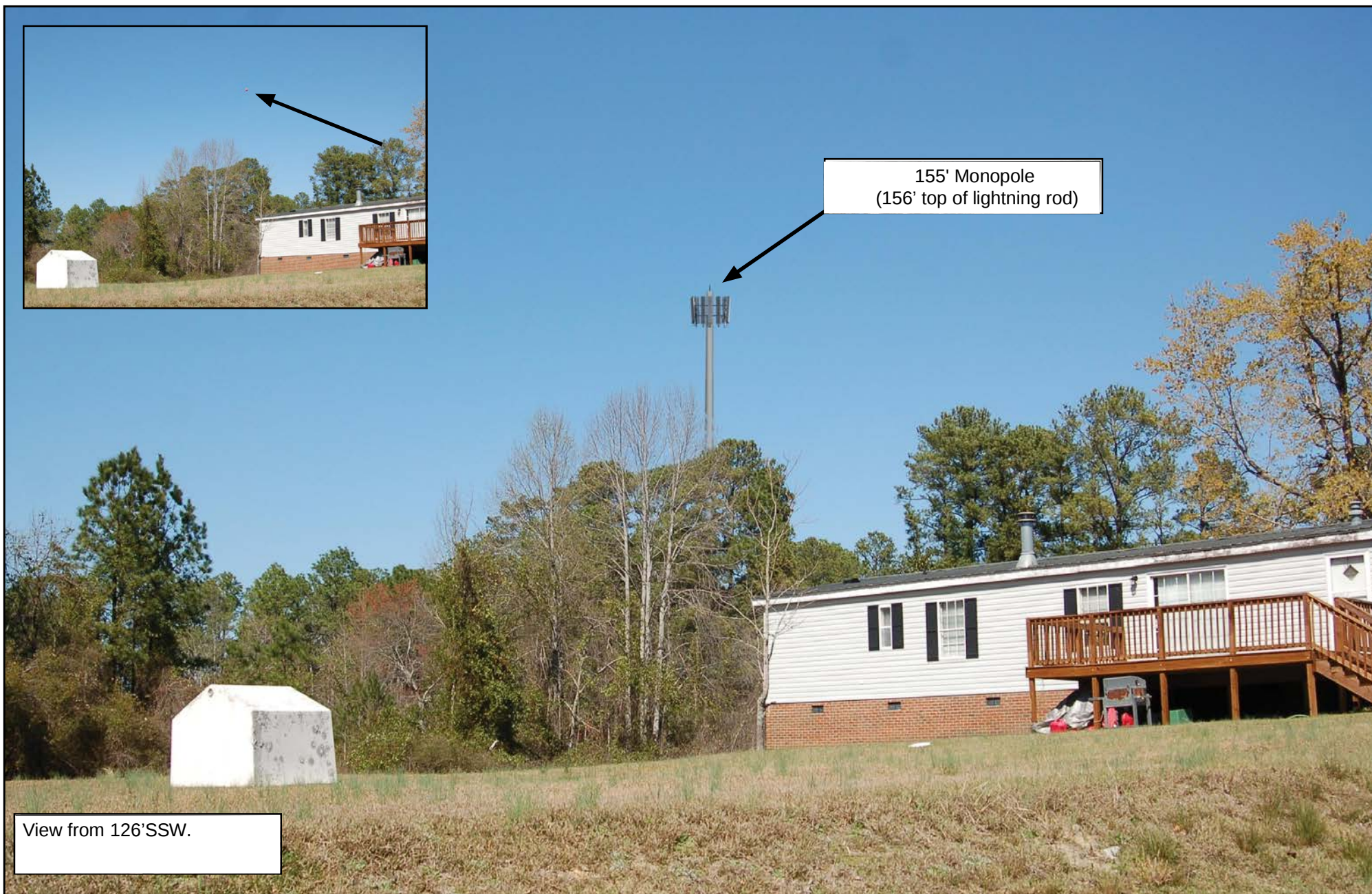
155' Monopole
(156' top of lightning rod)

View from 126'SSW.

View #12 looking east from 800-ft (0.15 miles)



155' Monopole
(156' top of lightning rod)



View from 126'SSW.

View #13 looking north northeast from 1,000-ft (0.19 miles)



View #14 looking north from 800-ft (0.15 miles)

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #15 looking northwest from 1,000-ft (0.19 miles)

Kimley»Horn

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #16 looking northwest from 800-ft (0.15 miles)

Kimley»Horn

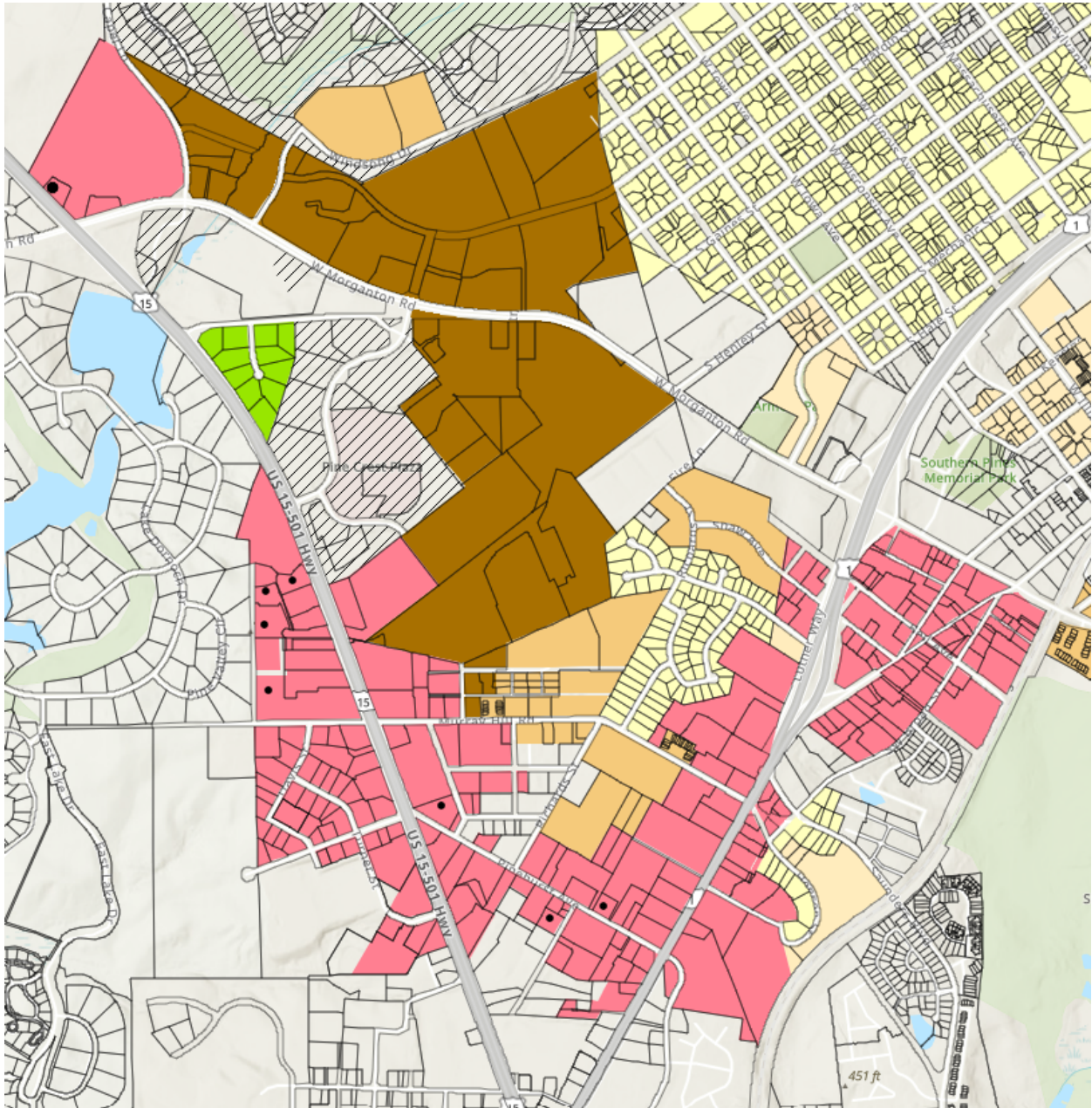
Southern Pines Unified Development Ordinance Proposed Text Amendment Summary

- §5.23. Towers and Related Structures
 - (B) – Towers cannot be located within one thousand (1,000) feet of any **RE, RS, RM** zoning district or any residential development in a **PD** zoning district.
 - (C) Towers taller than fifty feet (50') are allowed by Special Use Permit in the **RR, GB** and **FRR** districts.
- TowerCo proposes an amendment to the Unified Development Ordinance to reduce setbacks to 800' of any **RE, RS, RM** zoning district or any residential development in a **PD** zoning district.
- Using the Town of Southern Pines online mapping tool, TowerCo measured 800' from the nearest **RE, RS, RM** and **PD** lot line to the nearest **RR, GB** or **FRR** districts.
- A total of fourteen (14) parcels are impacted by the reduction of 1000' setbacks to 800' setbacks.
- The greatest impacts were on the GB parcels (9 total) and all were within the same GB area of the map (shown below). Multiple towers in one area of a town are not standard in the industry.
- Several of the parcels for the **RR, GB**, and **FRR** districts already meet the 1000' setbacks.
- Residential development was not considered when analyzing the **PD** zoning district, therefore all measurements were made using the assumption that residential development is in every **PD** district.

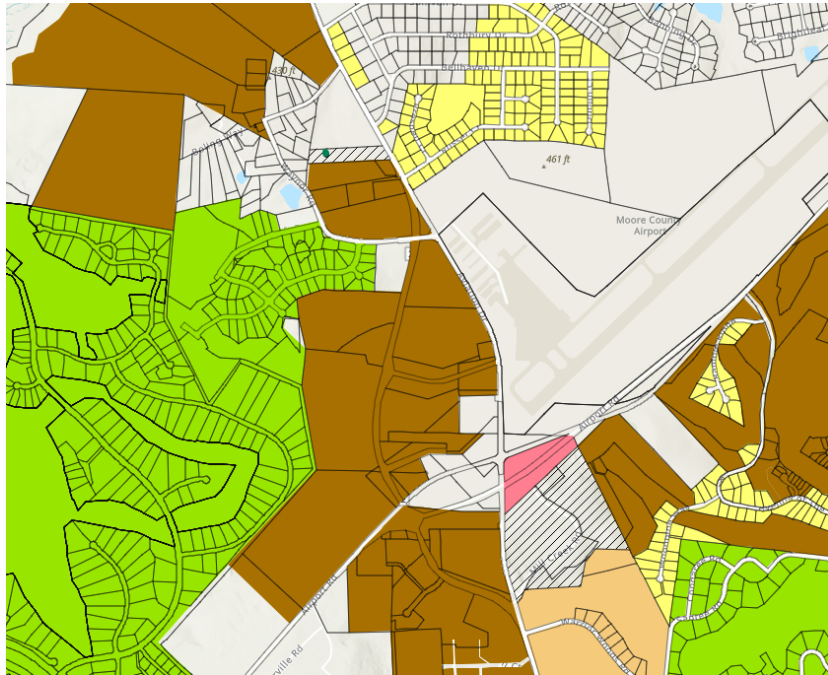
GB / GBCD DISTRICTS

- GB, General Business
- GBCD, General Business Conditional District

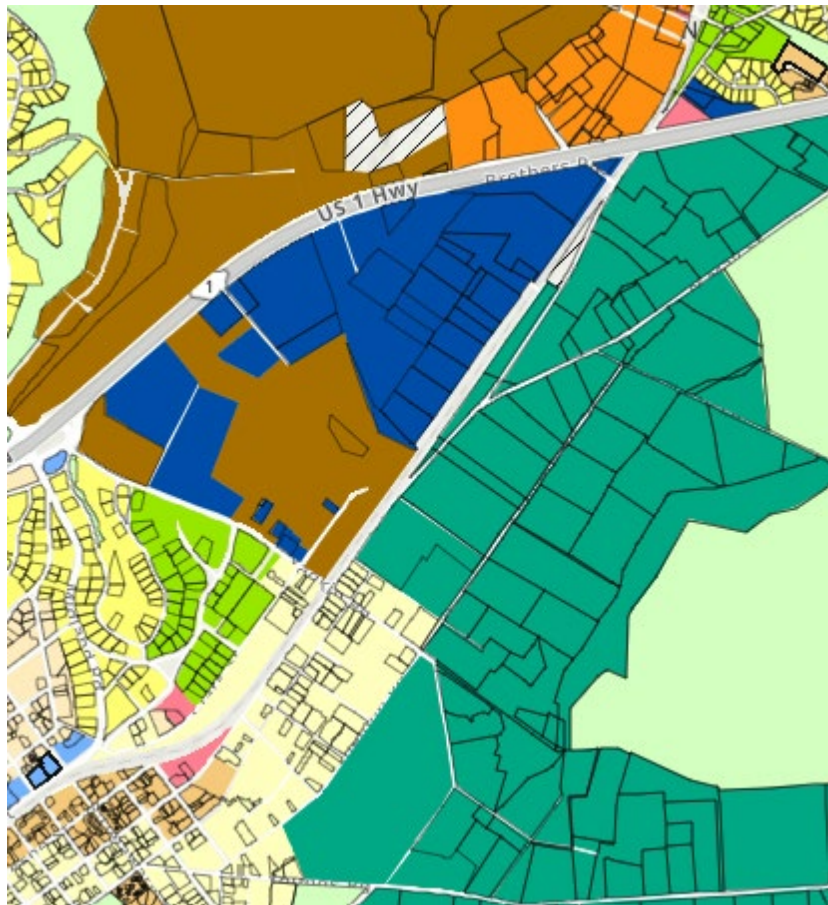
Nine (9) total properties impacted in these areas out of 100+ GB/GBCD parcels are impacted and identified by the “•.”
Eight (8) impacted parcels in the below area.



One (1) GB parcel is impacted in the below area.



No GB parcels impacted in the below area.

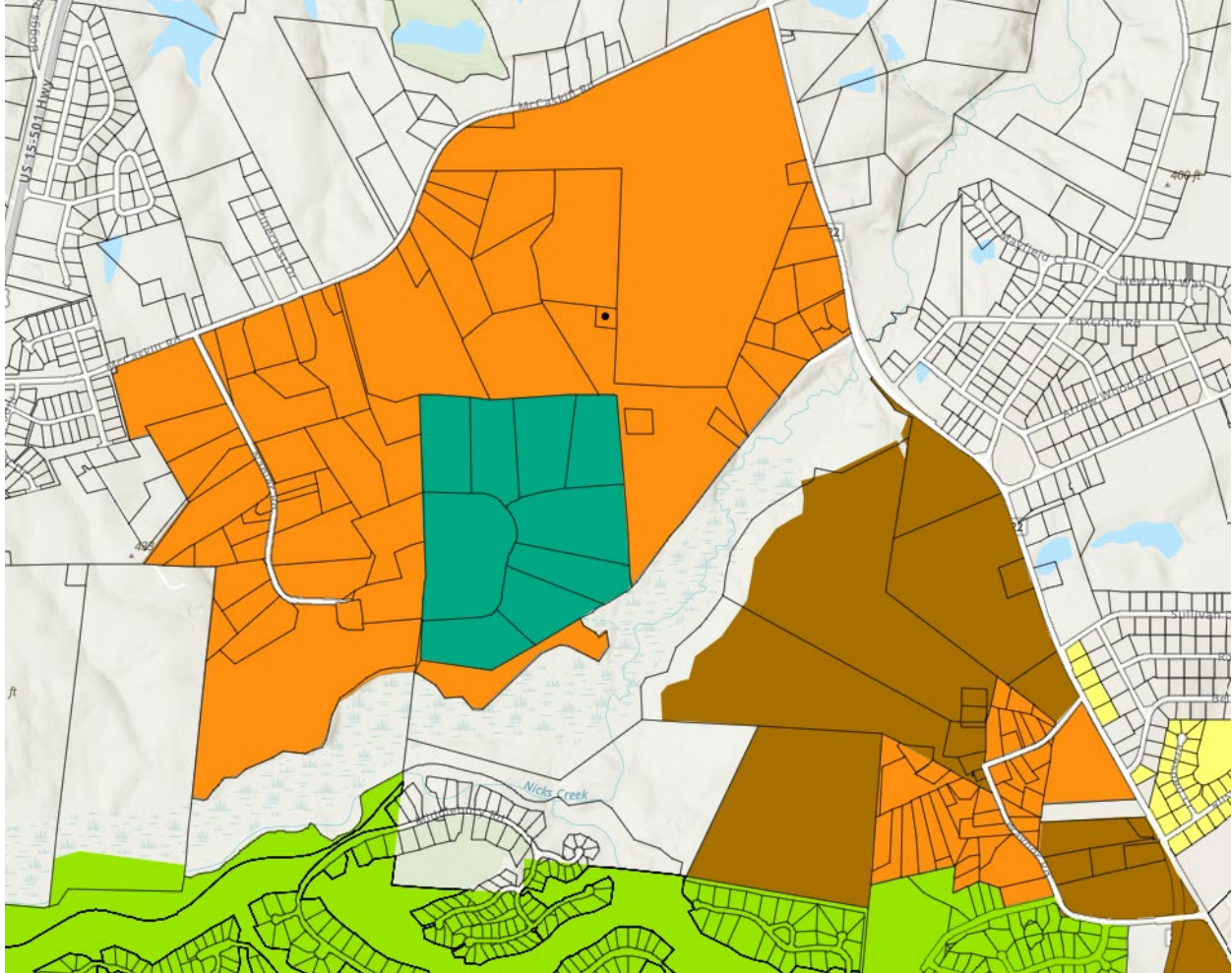


RR PARCELS

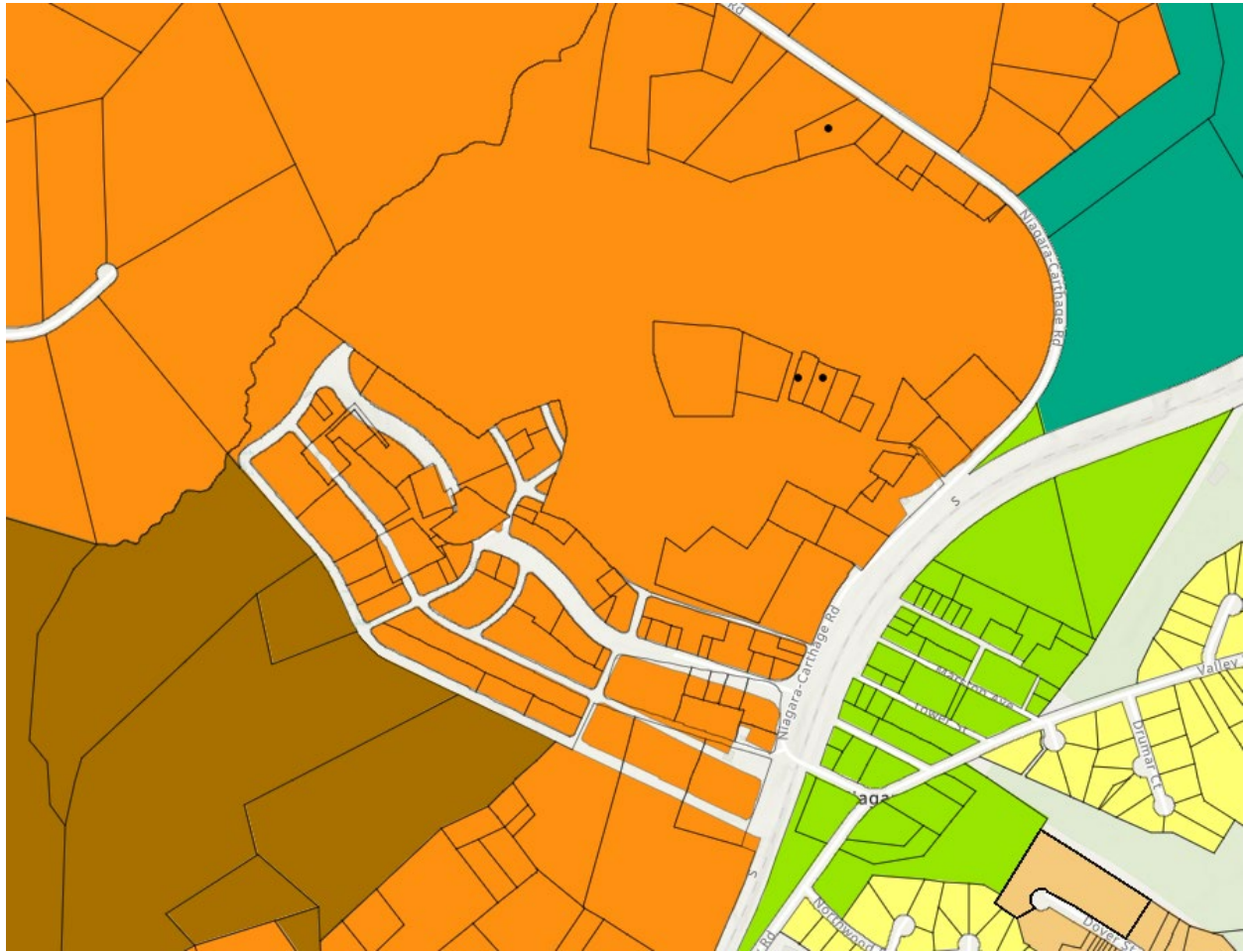
- RR, Rural Residential
- RR-CD, Rural Residential - Conditional District

Four (4) parcels total impacted in RR zoning district out of 300+ parcels

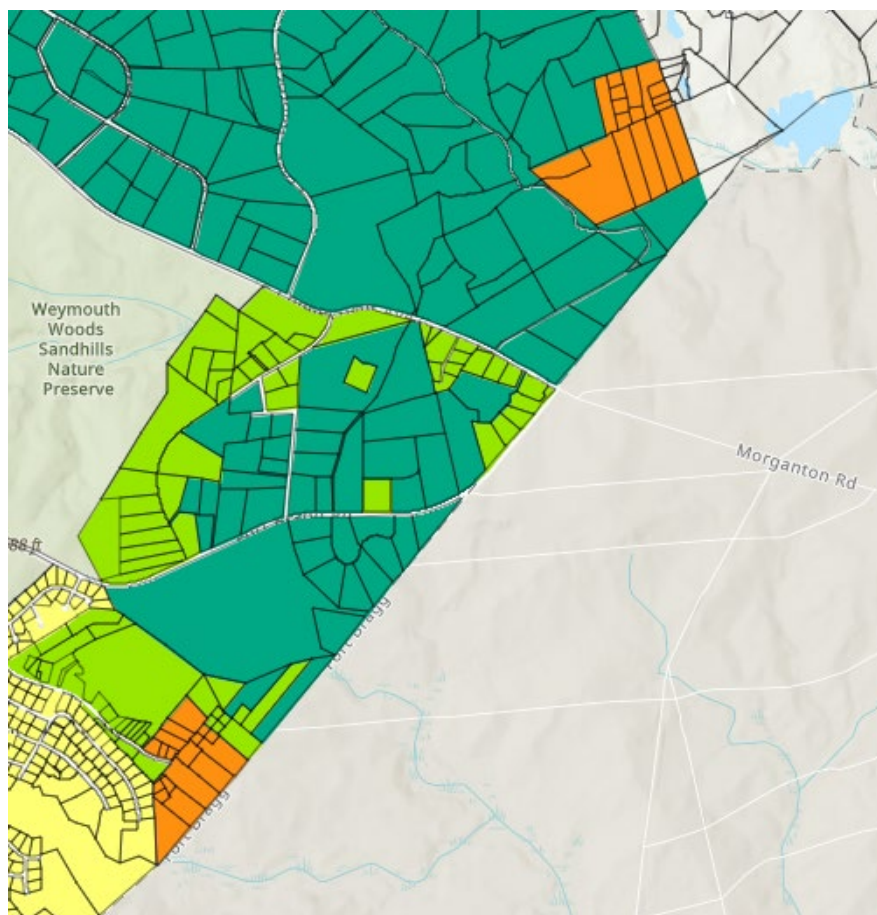
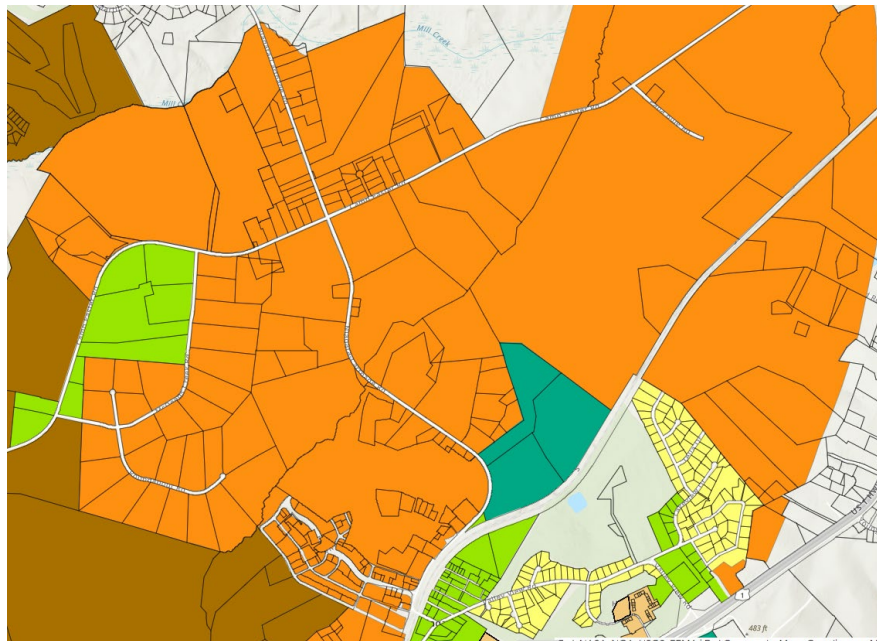
One parcel impacted in these RR areas and identified by the “•.”



Three (3) parcels impacted in this RR area and identified by the “•.”



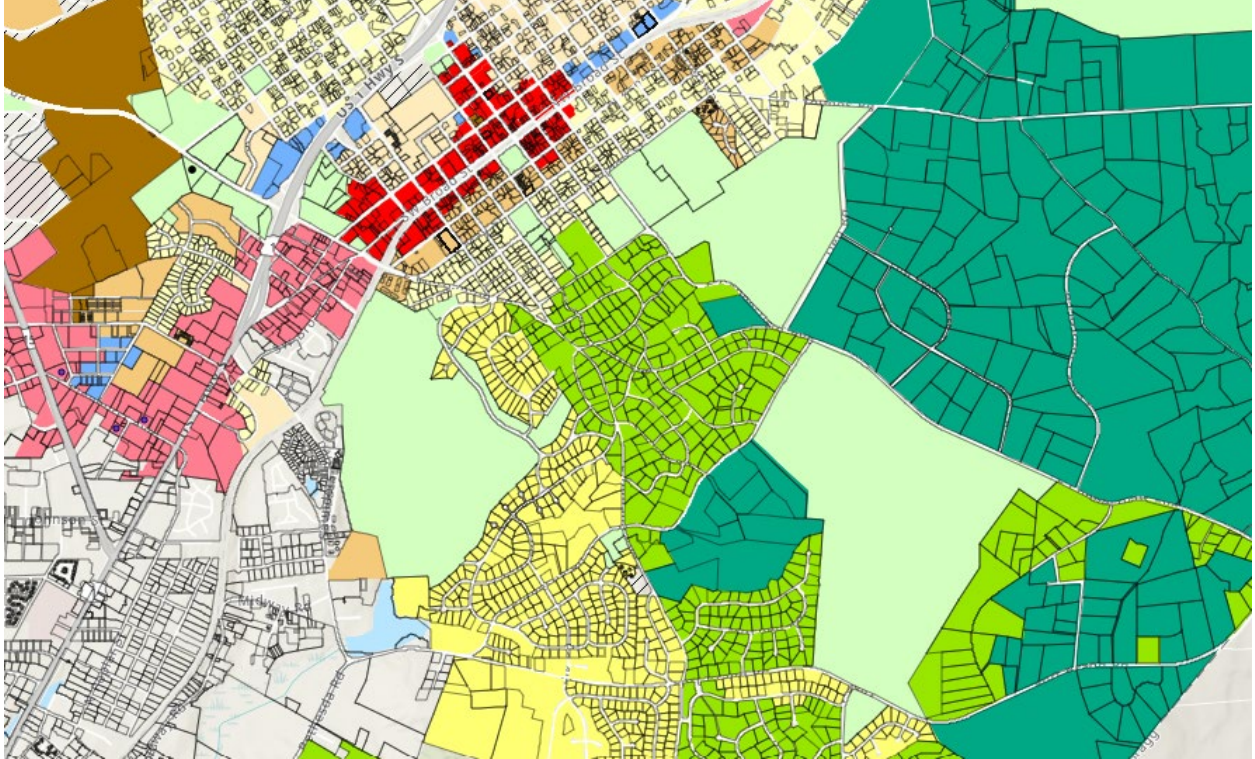
No parcels impacted in these RR areas.



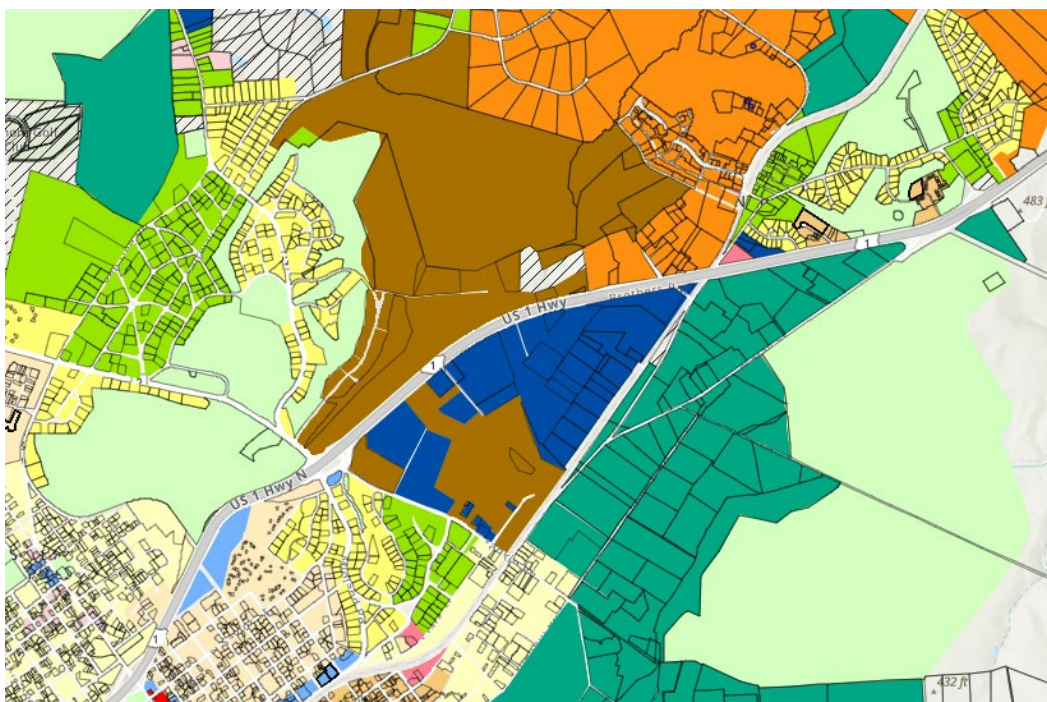
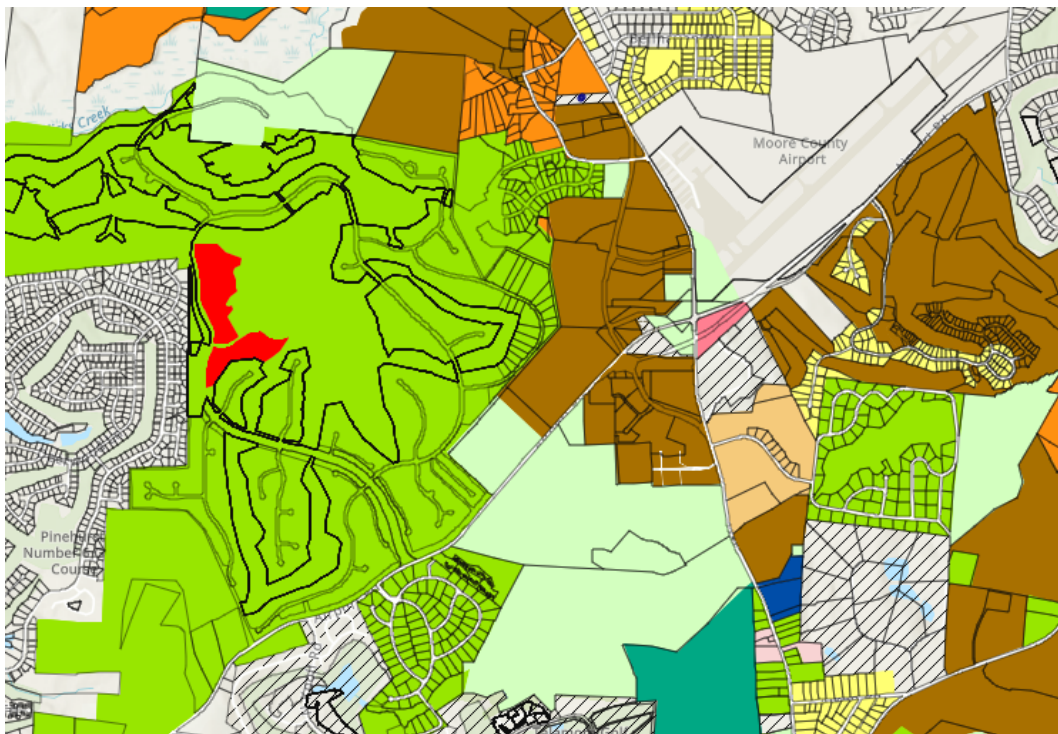
FRR/FRRCD DISTRICTS

-  FRR, Facilities Resources Recreation
 -  FRR-CD, Facilities Resources Recreation Conditional District
-

One (1) parcel total impacted in FRR/FRRCD zoning districts out of 50+ parcels and identified by the “•.”



No parcels are impacted in these FRR/FRRCD areas.



From: [Tucker, Marc C.](#)
To: [Alaina Mallette](#)
Subject: TowerCo Text Amendment Revised Language
Date: Wednesday, May 1, 2024 12:34:47 PM

Alaina,

Good afternoon, I hope you are well. As a follow-up to our recent conversation, below is proposed language to bring TowerCo's text amendment in line with the Planning Board's recommendation.

"Towers cannot be located within one thousand (1000) feet, of any RE, RS or RM zoning district or any residential Development in a PD zoning district unless the tower is a monopole style and does not exceed a total height of two hundred (200) feet, in which case the setbacks are reduced to 800'."

Once you have reviewed the above, I welcome your thoughts on the above.

I am on the road the next couple of days, but have time to talk tomorrow if you like.

I appreciate your ongoing assistance with this matter.

Marc

Marc Tucker

Partner

Fox Rothschild LLP

434 Fayetteville St.

Suite 2800

Raleigh, NC 27601-2943

(919) 755-8713 - direct

(919) 755-8800 - fax

MTucker@foxrothschild.com

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and delete the original and reply emails. Thank you.



ORDINANCE #3044
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
OA-02-24

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on May 14th, 2024 at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and.

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

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 14th day of May, 2024:

Section 1. That section 5.23(B) of the Unified Development Ordinance is hereby amended to add “unless the tower is a monopole style and does not exceed a total height of two hundred (200) feet excluding lighting protection systems, in which case this setback shall be reduced to eight hundred (800) feet.”

Section 2. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption.

Adopted this 14th day of May, 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on May 14th, 2024 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

System Development Fees - Update

May 15, 2024



Facts and Figures

- Definition

System Development Fee - “a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs.”

NCGS Chapter 162A, Article 8

Establishes maximum amount

10-20 Year Planning Horizon

3 allowable methods

Update at least every 5 years

Requires 25% Credit (min)

Only utilized capacity amount can be used

Cost per gallon X gallons per SU

Water and Wastewater SDF

Water

Growth CIP (10 Years) - \$18,796,000

Cost per gallon/day - \$5.46

Credit (Town) - \$1.35

Buy In cost per gallon/day - \$6.26

SDF cost per gallon/day - \$10.37

Planning gpcd - 296 (Master Plan)

SDF = \$10.37 * 296 = \$3,070.19



Wastewater

Growth CIP (10 Years) - \$3,714,000

Cost per gallon/day - \$1.89

Credit (Town) - \$0.47

Buy In cost per gallon/day - \$5.65

SDF cost per gallon/day - \$7.07

Planning gpcd - 220 (Master Plan)

SDF = \$7.07 * 220 = \$1,555.41



Total Maximum SDF = \$3,070.19 + \$1,555.41 = \$4,625.60

Costs per Meter Size

Meter Size	Service Unit Equivalent	Water SDF	Wastewater SDF	Combined SDF
3/4"	1	\$3,070.19	\$1,555.41	\$4,625.60
1"	2.2	\$6,754.42	\$3,421.91	\$10,176.33
1-1/2"	4	\$12,280.77	\$6,221.65	\$18,502.41
2"	6.4	\$19,649.22	\$9,954.63	\$29,603.86
3"	22.4	\$68,772.29	\$34,841.22	\$103,613.51
4"	44	\$135,088.42	\$68,438.11	\$203,526.53
6"	80	\$245,615.31	\$124,432.93	\$370,048.24
8"	140	\$429,826.79	\$217,757.62	\$647,584.42



Innovative approaches
Practical results
Outstanding service

Water and Wastewater System Development Fee Report

March 2024

Prepared for:



Town of Southern Pines

Prepared by:

FREESE AND NICHOLS, INC.
1017 Main Campus Drive, Suite 1200
Raleigh, North Carolina 27606
(919) 582-5800

Water and Wastewater System Development Fee Report March 2024

TOWN OF SOUTHERN PINES
125 SE Broad Street
Southern Pines, North Carolina 28387

FREESE AND NICHOLS, INC.
1017 Main Campus Drive, Suite 1200
Raleigh, North Carolina 27606
FNI Project Number: SPN17646

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1.0 EXECUTIVE SUMMARY

The purpose of this report is to address the methodology used in the development and calculation of water and wastewater system development fees (SDF) for the Town of Southern Pines. The Town originally went through the process and adopted a system development fee in 2017. Since that time, the Town has updated their Water, Wastewater and Water Treatment Plant (WTP) Capital Improvements Plan (CIP) to address future needs. In addition, several rehabilitation and modernization projects have been identified prompting a re-evaluation of the current SDF in accordance with the methodology described in the North Carolina General Statutes (NCGS) Chapter 162A Article 8, as amended by House Bill 436, for the establishment of water and wastewater SDF (see section 2.0 below for more detail). Also, in accordance with the statute, the Town has retained Freese and Nichols, Inc. (FNI) to perform the analysis. The maximum SDF per Service Unit (SU) utilizing each of the allowable calculation methods are shown in **Table 1-1** below:

Table 1-1 Maximum Allowable System Development Fees per SU

Method	Water SDF	Wastewater SDF	Total SDF
Incremental	\$1,213.33	\$312.44	\$1,525.77
Buy-In	\$1,856.86	\$1,242.97	\$3,099.83
Combined	\$3,070.19	\$1,555.41	\$4,625.60

2.0 INTRODUCTION

House Bill 436 (HB 436) regarding SDF was passed by the General Assembly of North Carolina in 2017. This bill amended Chapter 162A, Article 8 of the NCGS and defines an SDF as “a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs.” The statute requires that should a municipality desire to implement an SDF, an analysis must be performed and fee adoption by the corresponding local government unit occur, and this fee be re-evaluated and updated every five years or less. NCGS Chapter 162A, Article 8 allows the calculation of fees based on the following methods:

- Incremental/Marginal Cost – This method requires new development to pay the proportional share of new capital costs that are attributable to new development.
- Buy-In – This method requires new development to pay a proportional share of the capital costs previously incurred by the local government unit that allow sufficient capacity to serve the new development.
- Combined – This method uses a combination of the incremental/marginal cost and the buy-in method.

Further, the statute allows fees to be calculated based on a planning horizon of not less than 10 years and not more than 20-year planning horizon. The statute also identifies system development fee expenditures. The following items have been identified as costs the revenue from system development fees may be spent on:

- Construction contract price
- Surveying and engineering fees
- Land acquisition costs
- Principal and interest on bonds, notes, or other obligations issued by or on behalf of the local government unit to finance the costs above.
- Fees paid to the consultant preparing or updating the system development fee analysis.
- Previously completed capital projects for which capacity exists (buy-in method)
- Capital rehabilitation projects (buy-in method)

The Town has developed proposed CIP projects to support future growth that require increasing system capacity. Additionally, rehabilitation and modernization improvements have been identified that are needed to prolong the longevity of the existing systems. As part of this analysis, the buy-in method, incremental/marginal method, and combined method were all evaluated; the combined method was determined to be most appropriate.

3.0 CAPITAL IMPROVEMENTS PLAN

Each year, the Town develops a water and wastewater system CIP based on known needs for both capacity and rehabilitation/modernization needs. This 10-year plan was evaluated for applicability and utilized as the basis of the SDF calculations.

3.1 Water and Wastewater System Improvements

The Town developed a comprehensive list of proposed water and wastewater capital improvement projects to meet projected needs through 2034. FNI evaluated these projects for their applicability to system development fees. Based on this evaluation, the list of projects was then narrowed, for the incremental/marginal method, to only include those driven by growth and development in the Town's system or rehabilitation/modernization upgrades to existing system components for the buy-in method.

A summary of the costs for each CIP project required for the 10-year planning horizon for both the water and wastewater systems are shown in **Table 3-1** through **Table 3-3**.

Table 3-1 Water Distribution CIP

	Project No. (per CIP)	Project Description	Project Cost (2024 Value)
2026	2	North Pressure Water Zone	\$7,019,000
2026	3	US 1 Parallel Transmission Main	\$3,747,000
2027	4	US1 Booster Pump Station Pump Addition	\$731,000
2027	6	NCDOT U-5815BA	\$2,490,000
2028	1	Midland Road Water Line Replacement	\$2,536,000
2032	5	US15-501 Water Line Replacement	\$1,511,000
2034+	7	Pinebluff Parallel Transmission Main*	\$30,123,000
Total 2024 - 2034			\$48,157,000

* Project costs include post-2034 costs. \$3,102,000 is projected for 2024-2034; therefore, this amount has been used in the SDF calculations.

Table 3-2 Water Treatment Plant Projects/Improvements

FY	Project No. (per CIP)	Project Description	Project Cost (2023 Value)
2024	7	Misc Upgrades	\$100,000
2025	1	Filter Improvements	\$1,743,968
2025	2	Sludge Dewatering Improvements	\$4,091,383
2025	3	Ammonia Feed System Modifications	\$300,000
2025	4	Hypochlorite Feed System Modifications	\$2,468,617
2028	6	Water Treatment Plant Expansion Permit	\$150,000
2031	5	Raw Water Main Replacement	\$5,750,000
Total 2024 - 2034			\$14,603,968

Table 3-3 Wastewater Projects

FY	Project No. (per CIP)	Project Description	Project Cost (2023 Value)
2025	2	Warrior Woods PS Upgrade Phase II	\$2,509,000
2025	7	Longleaf Dam Sewer Relocation	\$393,000
2026	6	Sewer Lift Station Emergency Backups	\$691,000
2030	1	Warrior Woods PS Upgrade Phase IB	\$1,205,000
3034+	4	Annual Rehabilitation*	\$10,013,802
Total 2024 - 2034			\$14,811,802

* Project costs include post-2034 costs. \$4,307,873 is projected for 2024-2034; therefore, this amount has been used in the SDF calculations.

4.0 SYSTEM DEVELOPMENT FEE ANALYSIS

The system development fee was analyzed utilizing the three statutorily allowable methods:

- Incremental/Marginal
- Buy In
- Combined

A discussion on the process is included herein.

4.1 Service Units (SU)

A critical factor used to determine the maximum SDF is a service unit. A service unit (SU) is defined as the service equivalent to a domestic water connection for a single-family residence. It is used to calculate both water and wastewater SDF.

The allowable flow associated with residential, commercial, and industrial connections is converted into SU based upon the capacity of the meter used or planned for the location. The number of equivalent residential SU required to represent each meter size is based on the maximum continuous operating capacity of the appropriate meter type. The Town primarily uses Badger e-series ultrasonic meters for all new installations; however, compound meters may also be used for meter sizes 4-inches and greater. Badger specification sheets for these meter types were used to determine the maximum continuous operating capacity. The SU equivalent for each meter size used by the Town is listed in **Table 4-1**.

Table 4-1 SU Equivalencies

Meter Size	Maximum Continuous Operating Capacity (gpm) ⁽¹⁾	Service Unit Equivalent
3/4"	25	1
1"	55	2.2
1-1/2"	100	4
2"	160	6.4
3"	560	22.4
4"	1,100	44
6"	2,000	80
8"	3,500	140

⁽¹⁾Maximum continuous operating capacity is based on Badger meter specification sheets.

Typically, in Southern Pines, single-family residences are served with 3/4-inch water meters. Larger meters serve multi-family, commercial, and industrial water users. The Town provided data that included the meter size of each active water meter as of the end of calendar year 2023. **Table 4-2** shows the water SU for calendar year 2023.

Table 4-2 Water SU

Meter Size	2023 Meters	2023 Service Units
3/4"	8,461	8,461
1"	493	1,085
1 1/2"	89	356
2"	146	934
3"	19	426
4"	6	264
6"	6	480
8"	1	140
Total	9,221	12,146

The Town has water customers that are not currently wastewater customers. This impacts the number of wastewater SU. The Town provided data that included the meter size of each active water meter for each of the wastewater customers as of the end of calendar year 2023. Table 4-3 shows the wastewater SU for calendar year 2023.

Table 4-3 Wastewater SU

Meter Size	2023 Meters	2023 Service Units
3/4"	6,367	6,367
1"	259	570
1 1/2"	78	312
2"	129	826
3"	18	403
4"	6	264
6"	10	800
8"	1	140
Total	6,868	9,682

4.2 Gallons per SU

Calculation of maximum allowable fees is based on gallons of water and wastewater used by each SU on a daily basis multiplied by the calculated cost per gallons per day per SU (gpd/SU). For the purposes of this study, the gpd/SU for water is based on a usage of 109 gallons per person per

day with a maximum day peaking factor of 1.7 based on the analysis developed in the Town's current water master plan. The current Local Water Supply Plan filed with the State assumes 1.6 people per connection. The product of these numbers results in 296 gpd/SU. Further, for purposes of this study, 220 gpd/SU is used for wastewater based the Town's current master plan. For purposes of this study, the gpd/SU is shown in **Table 4-4** below:

Table 4-4 Gallons per day per SU

Component	Value
Water	296
Wastewater	220

4.3 Credit Calculation

NCGS 162A Article 8 outlines the procedures and requirements for calculating maximum allowable SDF to recover costs associated with capital improvement projects needed due to growth over the planning horizon. NCGS 162A Article 8 also requires a plan that addresses possible duplication of payments for capital improvements. This plan must provide a credit for the portion of revenues generated by new development that is used for the payment of eligible improvements, including payment of debt. This credit must not be less than twenty-five percent (25%) of the cost of capital improvements. Per the statutory requirements, the credit is only to be applied to the proposed capital improvement projects (capacity related projects) used in the incremental/marginal method. The basis for the buy-in method includes the value of capital improvements less depreciation, debt credits, grants and other generally accepted valuation adjustments.

Funding sources and the need for financing for the capital improvement projects listed in this report are unknown at this time. The Town does not utilize more than 25% of the rates collected for capital improvement projects; therefore, for the purposes of this report as applicable, a minimum credit of 25% was applied for both the calculated water and wastewater system development fees.

4.4 Assets

Based on the 2023 Town of Southern Pines Annual Comprehensive Financial Report (ACFR), the total combined water and wastewater system is valued at \$72,199,231 and has a depreciation of \$32,829,719 for a total depreciated value of \$39,012,012. This information was used as the basis for the Buy In and Combined Methods and is depicted in **Table 4-6** below:

Table 4-5 Water and Wastewater Assets

Asset	Asset Original Value*	Depreciation	Debt Service Principal	Asset Value
Water Treatment Plant	\$46,929,500	\$21,339,317	\$232,375	\$25,357,808
Water Distribution System	\$14,439,846	\$6,565,944	\$71,500	\$7,802,402
Wastewater System	\$10,829,885	\$4,924,458	\$53,625	\$5,851,802
WTP, Water Distribution and Sewer System	\$72,199,231	\$32,829,719	\$357,500	\$39,012,012

*Asset value includes assets, land, construction in progress and buildings.

4.5 System Development Fee – Incremental/Marginal Method

The SDF analysis for the Incremental / Marginal method requires the determination of the utilization of proposed projects as defined in the CIP to serve new development over the planning horizon. In this case, the planning horizon is defined as 10-years. For proposed projects, the SDF is calculated as a percentage of the project cost, based upon the percentage of the project's capacity required to serve development projected to occur between 2024 and 2034. Capacity serving development projected beyond the planning period cannot be included in the calculation of SDF. Based on the CIP defined water system projects, considering their respective capacities and projected use over the next 10-year planning horizon and the required credit, a cost of \$4.09 per gpd/SU has been calculated as shown in **Table 4-7** below:

Table 4-6 Water System SDF Projects for Incremental/Marginal Method

#	Project	Capital Cost	% Applicable to SDF	Adjusted Cost	Capacity (MGD)	\$/gpd/SU
Water Distribution System						
1	Midland Road Water Line Replacement	\$2,536,000	30%	\$760,800	2.1	\$0.36
2	North Pressure Water Zone	\$7,019,000	60%	\$4,211,400	1.0	\$4.21
3	US 1 Parallel Transmission Main	\$3,747,000	90%	\$3,372,300	6.2	\$0.54
4	US1 Booster Pump Station Pump Addition	\$731,000	55%	\$402,050	6.5	\$0.06
5	US15-501 Water Line Replacement	\$1,511,000	20%	\$302,200	2.1	\$0.14
7	Pinebluff Parallel Transmission Main	\$3,102,000	50%	\$1,551,000	16.2	\$0.10
Water Treatment Plant						
6	Water Treatment Plant Expansion Permit	\$150,000	100%	\$150,000	4.0	\$0.04
	Subtotal			\$10,749,750		\$5.46
	Credit (25%)					(\$1.36)
	Total					\$4.09

Similarly, the wastewater system projects were evaluated and a cost of \$1.42 per gpd/SU, including the required credit was calculated as shown in **Table 4-8** below:

Table 4-7 Wastewater System SDF Projects for Incremental/Marginal Method

#	Name of Project	Capital Cost	% Applicable to SDF	Adjusted Cost	Capacity (MGD)	\$/gpd/SU
1	Warrior Woods PS Upgrade Phase IB	\$1,205,000	100%	\$1,205,000	1.6	\$0.75
2	Warrior Woods PS Upgrade Phase II	\$2,509,000	100%	\$2,509,000	2.2	\$1.14
	Subtotal			\$3,714,000		\$1.89
	Credit (25%)					(\$0.47)
	Total					\$1.42

4.6 System Development Fee – Buy-In Method

The existing water and wastewater systems have existing capacity for new development to buy in. Additionally, the Town is planning a series of rehabilitation and modernization projects to

prolong the longevity of existing water and wastewater system assets. The depreciated value of the existing water treatment and distribution system is shown in **Table 4-6**. Utilizing this information, a cost of \$6.26 per gpd/SU was calculated to be applied to the Buy In method as shown in **Table 4-9**.

Table 4-8 Water System Buy-In Costs

Asset	Depreciated Total	Planned Rehab Projects*	Total Cost	Capacity (MGD)	\$/gpd/SU
Water Treatment Plant	\$25,357,808	\$14,453,968	\$39,811,775	8	\$4.98
Water Distribution System	\$7,802,402	\$2,490,000	\$10,292,402	8	\$1.29
Total	\$33,160,210	\$16,943,968	\$50,104,178	8	\$6.26

* Includes NCDOT U-5815BA and WTP Modernization and Rehabilitation Projects as shown in the current CIP.

The total depreciated value of the wastewater collection system is shown in **Table 4-6**. Utilizing this information, a cost of \$5.65 per gpd/SU was calculated to be applied to the wastewater Buy-In method as shown in **Table 4-10** below:

Table 4-9 Wastewater System Buy In Costs

Asset	Depreciated Total	Planned Rehab Projects*	Total Cost	Capacity (MGD)	\$/gpd/SU
Wastewater Collection System	\$5,851,802	\$11,097,802	\$16,949,604	3	\$5.65
Total	\$5,851,802	\$11,097,802	\$16,949,604	3	\$5.65

* Includes Annual Rehabilitation Projects, Sewer Lift Station Backups and the Longleaf Dam Sewer Relocation.

4.7 System Development Fee – Combined Method

Because there is sufficient capacity in the system to provide service to future development and additional projects are needed in the future, the Combined method was considered. This method combines fees calculated by both the Buy-In and Incremental/Marginal methods. Based on information developed for the Incremental / Marginal and Buy-In costs, the combined costs for water and wastewater are as shown in **Table 4-11** and **Table 4-12** below:

Table 4-10 SDF Costs – Combined Method

System	Water	Wastewater
Incremental	\$4.09	\$1.42
Buy-In	\$6.26	\$5.65
Combined	\$10.36	\$7.07

4.8 Maximum Allowable System Development Fees

Based on the calculations for both water and wastewater system development fees for the Incremental/Marginal, Buy-In and Combined method, the maximum allowable fees are as shown in **Table 4-13** below:

Table 4-11 Maximum Allowable SDF per SU

Method	Water SDF	Wastewater SDF	Total SDF
Incremental	\$1,213.33	\$312.44	\$1,525.77
Buy-In	\$1,856.86	\$1,242.97	\$3,099.83
Combined	\$3,070.19	\$1,555.41	\$4,625.60

Utilizing the SU Equivalencies as shown in **Table 4-1**, and the maximum SDF as shown in **Table 4-13**, the maximum allowable fee per meter size and method is shown in **Table 4-14** below:

Table 4-12 Maximum Allowable SDF per Meter Size

Meter Size	Service Unit Equivalent	Water			Sewer			TOTAL
		Incremental / Marginal	Buy-In	Combined	Incremental / Marginal	Buy-In	Combined	Combined
3/4"	1	\$1,213	\$1,857	\$3,070	\$312	\$1,243	\$1,555	\$4,626
1"	2.2	\$2,669	\$4,085	\$6,754	\$687	\$2,735	\$3,422	\$10,176
1-1/2"	4	\$4,853	\$7,427	\$12,281	\$1,250	\$4,972	\$6,222	\$18,502
2"	6.4	\$7,765	\$11,884	\$19,649	\$2,000	\$7,955	\$9,955	\$29,604
3"	22.4	\$27,179	\$41,594	\$68,772	\$6,999	\$27,843	\$34,841	\$103,614
4"	44	\$53,387	\$81,702	\$135,088	\$13,747	\$54,691	\$68,438	\$203,527
6"	80	\$97,066	\$148,549	\$245,615	\$24,995	\$99,438	\$124,433	\$370,048
8"	140	\$169,866	\$259,961	\$429,827	\$43,742	\$174,016	\$217,758	\$647,584