

AGENDA

Regular Business Meeting of the Southern Pines Town Council
February 14, 2012, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

Call To Order

APPEARANCE COMMISSION MEMBER PRESENTATIONS

1. **Manager's Comments**
2. **Consent Agenda**

All items listed below are considered routine and will be enacted by one motion and without discussion.

- A. Adopt Agenda Meeting Minutes of January 4, 2012, and Regular Business Meeting Minutes of January 10, 2012 as written.
- B. Camden Villas Bond Extension
- C. Budget Amendments
 - Fire \$62,966 FEMA Grant to upgrade Extrication Equipment
 - \$16,719 NC Forest Service, Reimbursement for Simmons
 - Road fire in Hyde County
 - Street \$1,989 Insurance Reimbursement, Vehicle Repair
 - Buildings & Grounds \$400 Donation for purchase of a Bench
 - Police \$20,552 Move of Police and Fire Communication Repeaters
 - from tower site to VIPER site
 - Street \$21,583 Purchase of Historic District Signs
- D. Board Appointments
 - Historic District Commission
- E. Adoption of a Proclamation Celebrating the 125th Anniversary of the Birth of Southern Pines
- F. Agreement to Rescind the Traffic Separation Study Agreement and Amend the Supplemental Agreement – NC Department of Transportation Seaboard Airline Train Station

3. **Public Comments**

MINUTES
Agenda Meeting of the Southern Pines Town Council
January 4, 2011, 7:00pm, Community Room, Southern Pines Police Department
450 W. Pennsylvania Avenue

Present: Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Chris Smithson, Councilmember Jim Simeon

Absent: None

Call to Order

1. Architectural Reviews

A. AR-19-11, 115 NE Broad St., Addition/Renovation, Taylor Clement, Petitioner

Petitioner Taylor Clement submitted an application requesting Architectural Review approval for an addition and renovation at 115 NE Broad St. The parcel is identified as PIN 858106380346 (LRK 20050454). Per the Moore County GIS, the property owner is listed as Razorback, LLC. This parcel is Zoned Central Business (CB). This proposal (HD-10-11) is a proposed modification of a previously approved addition/renovation (HD-01-10). HD-10-11 was reviewed and approved by the Historic District Commission at their December 8, 2011 meeting.

Petitioner Taylor Clement was present for discussion with Council along with Travis Greene, Contractor, and John Heckethorn, Architect. Mrs. Clement gave an overview of the project with main points being that the front elevation will not change, parts of the building not previously built to code will be brought to code, new foundation will be added to support the addition of the second story, and very little of the finished project will be viewable from either street.

Mayor Pro Tem Fields noted he believes it will be a nice addition to the Town. Councilmember Walden inquired if the part of the building being renovated was an add-on to the original building. Petitioner responded in the affirmative and noted there were additions in the 1950s and 1980s yet neither were done to code. Councilmember Simeon asked if the roof patio will have access from outside the building. Mr. Green explained there is an indoor stair tower from street level that can take you to the second floor residence or the rooftop patio but there will be no outside stair access. Discussion ensued regarding the approximate start date and anticipated time of completion for the project.

2. Consent Agenda

- A. Adopt Worksession Meeting Minutes of November 28, 2011, Agenda Meeting Minutes of December 7, 2011, and Regular Business Meeting Minutes of December 13, 2011, as written.

Corrections to the minutes were noted by the Clerical Assistant.

B. Budget Ordinances

- Police \$6480 – Governor’s Crime Commission Grant – Live Scan System
- Sewer \$292,286 – Jet Vac Truck – Allocation Prior Fiscal Year
- Recreation \$5500 – Talamore Water Use Agreement
- Buildings & Grounds \$3200 – Southern Pines Garden Club – Purchase of Trees

Town Manager Parsons gave an overview of the budget amendments. Councilmember Simeon asked if funds are received regularly from civic organizations and does Council automatically put the money to use as the organization requests. Town Manager Parsons gave an overview of how organizations will give to the Town and how the organizations work with the Town in regards to donations. Discussion ensued regarding how Council ultimately accepts or declines possible donations depending on what the organizations ask the Town to use the donations for.

C. Scots Glen Bonding

Town Manager Parsons presented an additional item to be added to the Consent Agenda and gave an overview of the history of Scots Glen. Discussion ensued regarding how the bonding will be used within the development, namely trees and sidewalks, as well as the location of Scots Glen and future plans for the development.

D. Board Appointments

- Planning Board
- Appearance Commission

Mayor McNeill inquired if Councilmember Simeon had any recommendations for his vacancy on the Planning Board. Councilmember Simeon recommended Jim Curlee and gave an overview of Mr. Curlee's qualifications.

Councilmember Smithson discussed the idea of an easier way to access all applications on file for Board vacancies. Discussion ensued regarding how to keep applications on file and best ways to access them as well as how long applications last and when applicants should be required to submit a new application or renew their interest.

Mayor McNeill suggested Town staff can come up with good ways to handle how and when applications expire and how to have applicants renew their interest in Board vacancies.

Mayor McNeill reviewed vacancies on the Appearance Commission. Town Manager Parsons inquired if Council wished to limit the Appearance Commission to two consecutive terms by Code as all other Boards and Commissions are limited to two consecutive terms. Discussion ensued regarding the Board application process and the maximum number of consecutive terms that should be allowed.

Council reviewed applicants and discussed candidates for the vacancies on the Appearance Commission. Town Manager Parsons reviewed Council's current choices on who they wished to appoint. Council decided possible candidates are Joyce White, Ed Garrison, Carol Haney and a to-be-determined applicant. Council additionally wished to consider a code amendment to limit board members to two consecutive terms. Mayor McNeill noted Tom Worth will be a potential replacement for Greg Zywockinski in October.

3. Public Hearings

A. Annexation - AX-03-11 Tyler's Ridge Phase I, LLC

Town Manager Parsons noted the Annexation and adoption of the Annexation Ordinance.

4. Miscellaneous

A. Consideration of Adoption of An Annexation Ordinance AX-03-11 Tyler's Ridge Phase I, LLC

Town Manager Parsons noted the Annexation and adoption of the Annexation Ordinance. Councilmember Simeon questioned what would happen if the Town denied the Annexation. Town Manager Parsons noted they would not be incorporated into the Town, they would pay out-of-town rates, and would not pay property tax. Councilmember Smithson noted the Sheriff would respond to any illegal activity instead of the Southern Pines Police Department.

B. US-1 Update from Councilmembers Walden and Smithson

Councilmember Walden brought to Council an update regarding the State transportation meetings that he and Councilmember Smithson attended. He noted the classification of US-1 being a strategic highway was not part of the consideration of placing the bypass, US-1 was to be used as an alternative evacuation route if there was an issue with I-95, and US-1 was an eastern corridor for Fort Bragg in case there were any safety issues.

Councilmember Smithson noted the only law regarding US-1 is that there must be a transportation plan in place similar to how municipalities must have a safety or evacuation plan in place; there is no law that says US-1 must be an expressway. Town Manager Parsons asked for clarification that the strategic highway corridor designation does not require a freeway. Councilmember Smithson responded in the affirmative and noted there is no federal or state law that says US-1 must be a freeway.

Discussion ensued regarding what Council wished relating to US-1 and the continued conversations with NCDOT.

5. Additional Discussion


Mayor McNeill inquired if the Town sent out thank you letters for outgoing board members. Town Manager Parsons noted thank you letters were sent internally but if Council wished to send a separate note that could be arranged.

Mayor McNeill requested that an item be placed on the January Worksession agenda regarding a budget discussion so that members of Council may discuss questions, concerns, or potential projects regarding the Town budget. Councilmember Simeon inquired as to the date of the Annual Retreat. Discussion ensued regarding potential dates for the Retreat as well as topics to be covered during the Retreat.

Councilmember Walden noted he would not be present at the January Regular Business Meeting.

As so incorporated to these minutes of January 4, 2012 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 8:35 p.m.



Kevin Peters
Clerical Assistant III

MINUTES

Regular Business Meeting of the Southern Pines Town Council January 10, 2012, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

Present: Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Chris Smithson, Councilmember Jim Simeon

Absent: Councilmember Fred Walden

Call To Order

Mayor McNeill commented Councilmember Walden secured Birtha Shaw's interest in the Appearance Commission appointment and the appointment application was completed and submitted today.

A motion was made by Mayor Pro Tem Fields to add Birtha Shaw to the Appearance Commission appointments to serve a term of 11/1/2011 through 10/31/2014. Motion was seconded by Councilmember Simeon and carried unanimously.

1. Manager's Comments

Town Manager Parsons gave an overview of the items on the Consent Agenda.

2. Consent Agenda

- A. Adopt Worksession Meeting Minutes of November 28, 2011, Agenda Meeting Minutes of December 7, 2011, and Regular Business Meeting Minutes of December 13, 2011, as written.
- B. Budget Ordinances
 - Police \$6480 – Governor's Crime Commission Grant – Live Scan System
 - Sewer \$292,286 – Jet Vac Truck – Allocation Prior Fiscal Year
 - Recreation \$5500 – Talamore Water Use Agreement
 - Buildings & Grounds \$3200 – Southern Pines Garden Club – Purchase of Trees
- C. Board Appointments
 - Planning Board
 - James P. Curlee 1/10/2012 – 4/30/2012
 - Appearance Commission
 - Joyce White 11/1/2011 – 10/31/2014
 - Ed Garrison (ETJ) 11/1/2011 – 10/31/2014
 - Carol Haney 11/1/2011 – 10/31/2014
 - Birtha Shaw 11/1/2011 – 10/31/2014
- D. Scots Glen Bonding Request / Irrevocable Letter of Credit
- E. Amendment to Code of Ordinances – Chapter 33 Section 33.04 Terms of Appointment

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Simeon and carried unanimously, the Consent Agenda was adopted.

3. Architectural Reviews

A. AR-19-11, 115 NE Broad St., Addition/Renovation, Taylor Clement, Petitioner

Petitioner Taylor Clement submitted an application requesting Architectural Review approval for an addition and renovation at 115 NE Broad St. The parcel is identified as PIN 858106380346 (LRK 20050454). Per the Moore County GIS, the property owner is listed as Razorback, LLC. This parcel is Zoned Central Business (CB). This proposal (HD-10-11) is a proposed modification of a previously approved addition/renovation (HD-01-10). HD-10-11 was reviewed and approved by the Historic District Commission at their December 8, 2011 meeting.

Town Manager Parsons gave an overview of the proposal and commented it has received a certificate of appropriateness from the Historic District Commission.

Mayor McNeill commented this will be a favorable addition to downtown.

Upon motion by Councilmember Smithson, seconded by Mayor Pro Tem Fields and carried unanimously, AR-19-11, 115 NE Broad St., Addition/Renovation was approved.

4. Public Hearing

A. Annexation - AX-03-11 Tyler's Ridge Phase I, LLC

Jim Crawford, 160 Broadmeade Drive questioned if the Town is being premature and if the Town is investing any money that may not be receiving any return. Mr. Crawford commented the way projects are today, they start today and shutdown tomorrow.

Mayor Pro Tem Fields commented the developer is investing money, not the Town and the tax revenues from the property will be coming to the Town.

Town Manager Parsons commented for the Town to provide water and sewer to a project, there is a requirement that the landowner requests annexation. Town Manager Parsons commented water and sewer lines for this project will be handled by the developer, to be turned over to the Town.

Marsh Smith, 568 Santee Road inquired how many acres have been cleared for the project. Town Manager Parsons commented he would provide the numbers to Mr. Smith.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Smithson and carried unanimously, the Public Hearing was closed.

5. Miscellaneous

A. Consideration of Adoption of Annexation Ordinance AX-03-11 Tyler's Ridge Phase I, LLC

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Simeon and carried unanimously, AX-03-11 Tyler's Ridge Phase I, LLC was adopted.

6. Public Comments

Councilmember Simeon recommended inviting those members being replaced on the Appearance Commission to the February 14th meeting for recognition of their service.

Dorothy Brower, 102 Eastman Road commended the Town in the December holiday celebrations and invited those in attendance to community activities commemorating Dr. Martin Luther King. Ms. Brower continued with a brief overview of the activities to be held.

Mayor McNeill commended Greg Zywocki for his efforts in the December holiday celebrations and commented Mr. Zywocki is due a lot of credit.

As so incorporated to these minutes of January 10, 2012 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 7:18 p.m.

A handwritten signature in black ink, appearing to read 'P. Britt', written over a horizontal line.

Phillip Britt
Deputy Town Clerk

MEMORANDUM

To: Reagan Parsons, Town Manager
Town Council
Jane Dreher, Administrative Services Director
Crystal Gabric, Finance Director
Brent Lockamy, Town Engineer

From: David White, Assistant Town Manager
Director of Public Services

Re: Consent Agenda Item – Camden Villas Bonding Extension

Date: January 26, 2012

Please place on the February 14, 2012 Town Council agenda the approval for extension of the Bonding for Camden Villas in the amount of \$51,233.00.

In advance, thank you for your help on this request.



LETTER OF CREDIT NO. S500062

PAGE 1

AMENDMENT NUMBER: 002

DATE OF AMENDMENT: JANUARY 24, 2012

ISSUING BANK:
FIFTH THIRD BANK

APPLICANT:
CAMDEN MID SOUTH LLC
1500 W. 3RD AVENUE, SUITE 400
COLUMBUS, OH 43212

BENEFICIARY:
TOWN OF SOUTHERN PINES
ATTN: DAVID WHITE, CAMPBELL HOUSE
482 EAST CONNECTICUT AVE
SOUTHERN PINES, NC 28387

RE: OUR IRREVOCABLE LETTER OF CREDIT NO. S500062 ISSUED ON MARCH 05, 2010 IN FAVOR OF TOWN OF SOUTHERN PINES FOR THE ACCOUNT OF CAMDEN MID SOUTH LLC

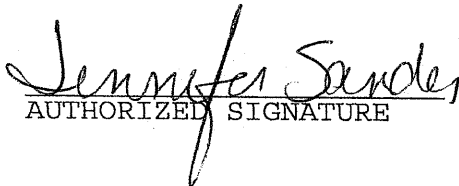
PLEASE AMEND THE ABOVE AS FOLLOWS:

EXPIRATION DATE IS NOW AMENDED TO READ MARCH 05, 2013.

INCREASE THIS CREDIT BY 6,210.00 U.S. DOLLARS. LETTER OF CREDIT AMOUNT AFTER AMENDMENT IS NOW 51,233.00 U.S. DOLLARS.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

REGARDS,


AUTHORIZED SIGNATURE


AUTHORIZED SIGNATURE



Fax 910-692-2706

Southern Pines Fire / Rescue

Serving the Community Since 1898

500 West Pennsylvania Avenue
Southern Pines, North Carolina 28387



Tel. 910-692-2720

To: Reagan Parsons, Town Manager
Southern Pines Town Council

From: Chief Williams

Date: January 24, 2012

Re: Request for Budget Amendment

The fire department has been awarded a matching federal grant from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security in the amount of \$62,966 to upgrade our extrication equipment. The federal share of the grant is ninety five percent or \$59,818 and the Town's matching portion is five percent or \$3,148.

The fire department received a reimbursement from the North Carolina Forest Service in the amount of \$16,719 for assistance in July on the Simmons Road Fire in Hyde County. I am requesting that a portion of the reimbursement offset the Town's grant matching funds and the remaining funds to be used to purchase small equipment out of this year's budget in order to reduce the funds needed for equipment in next year's budget cycle.

I am requesting to amend the Fire Department's departmental supply budget in the amount of \$62,966 and \$13,571 to reflect both the grant award and the reimbursement.

Thank you in advance for your consideration.

cc: Crystal Gabric

**AN ORDINANCE
AMENDING THE 2011/2012 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 14th day of February, 2012 that the Operating Budget for the Fiscal Year 2011/2012 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Fire Department Fees	10-362-0100	\$ 16,719.00	
General Fund	Fire Grant	10-362-0300	\$ 59,818.00	
Fire	Departmental Supplies	10-530-3300	\$ 13,571.00	
Fire	Capital – Other Equipment	10-530-7403	\$ 62,966.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 14, 2012 as shown in the minutes of the Town Council for that date.

Clerk of the Town of Southern Pines

MEMORANDUM

To: Reagan Parsons, Town Manager
Town Council
Crystal Gabric, Finance Director
Jane Dreher, Administrative Services Director
Will Stanley, Fleet Superintendent
Cory Albers, Street Superintendent

From: David White, Assistant Town Manager
Director of Public Services

Re: Budget Amendment Request

Date: January 19, 2012

A truck in the Street Department was involved in an accident which caused some damages to the vehicle. The insurance company has sent a check for \$1,989.02 to pay for the repairs.

Please amend line item **10-560-1700** by **\$1,989.02** to pay for repairs.

In advance, thank you for your help on this request.

**AN ORDINANCE
AMENDING THE 2011/2012 FISCAL YEAR BUDGET**

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<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Miscellaneous Revenue	10-335-0000	\$ 1,989.00	
Transportation	Auto Repair	10-560-1700	\$ 1,989.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 14, 2012 as shown in the minutes of the Town Council for that date.

Clerk of the Town of Southern Pines

MEMORANDUM

To: Reagan Parsons, Town Manager
Town Council
Crystal Gabric, Finance Director
Jane Dreher, Administrative Services Director
Pete Morris, Buildings and Grounds Superintendent
Gregg Zywocinski, Appearance Commission Chair
Vi Janz, Clerk III

From: David White, Assistant Town Manager
Director of Public Services

Re: Budget Amendment Request

Date: January 24, 2012

The Town received a donation of \$400.00 to purchase a bench to be installed on Broad Street in front of the Wine Cellar. The Appearance Commission has approved the placement.

Please amend line item **10-640-3300** by **\$400.00** to purchase the bench.

In advance, thank you for your help on this request.

**AN ORDINANCE
AMENDING THE 2011/2012 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 14th day of February, 2012 that the Operating Budget for the Fiscal Year 2011/2012 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Building & Grounds Donations	10-364-0200	\$ 400.00	
Building & Grounds	Departmental Supplies	10-640-3300	\$ 400.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 14, 2012 as shown in the minutes of the Town Council for that date.

Clerk of the Town of Southern Pines



Town of
Southern Pines
Chartered 1887
Police Department

Mailing
P.O. Box 330
Southern Pines, NC 28388

Physical Location
450 W. Pennsylvania Ave.
Southern Pines, NC 28387

Administration: (910) 692-2732
Communications Center: (910) 692-7031
Patrol Division: (910) 693-4101
Investigation Division: (910) 693-1481
Crime Tips: (910) 693-4110

Email: PD@southernpines.net
www.southernpines.net/Police

To: Town Council
From: John Letteney
Chief of Police
Date: January 25, 2012
Re: Request for Budget Amendment

I would like to request that \$20,552 be transferred from fund balance to line account 10-514-4500. The purpose for this request is to fund the move of one Police Department and one Fire/Rescue Department communications repeater from the current tower site to the new VIPER tower site and to fund acquisition and installation of antennas and related equipment.

Thank you for your consideration of this request.

Xc: Finance Director
file



~ A Nationally Accredited Law Enforcement Agency ~



**AN ORDINANCE
AMENDING THE 2011/2012 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 14th day of February, 2012 that the Operating Budget for the Fiscal Year 2011/2012 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Fund Balance Appropriations	10-397-1000	\$ 20,552.00	
Police-Communications	Contractual Services	10-514-4500	\$ 20,552.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 14, 2012 as shown in the minutes of the Town Council for that date.

Clerk of the Town of Southern Pines

MEMORANDUM

To: Reagan Parsons, Town Manager
Town Council
Crystal Gabric, Finance Director
Jane Dreher, Administrative Services Director
Cory Albers, Street Superintendent

From: David White, Assistant Town Manager
Director of Public Services

Re: Budget Amendment Request

Date: January 24, 2012

Please amend line item **10-560-3300** by **\$21,583.00** to purchase the historic district street signs and posts as discussed at the work session on January 23, 2012.

In advance, thank you for your help on this request.

**AN ORDINANCE
AMENDING THE 2011/2012 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 14th day of February, 2012 that the Operating Budget for the Fiscal Year 2011/2012 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Fund Balance Appropriations	10-397-1000	\$ 21,583.00	
Transportation	Auto Repair	10-560-3300	\$ 21,583.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 14, 2012 as shown in the minutes of the Town Council for that date.

Clerk of the Town of Southern Pines

Agenda Item

To: Reagan Parsons, Town Manager
From: Bart S. Nuckols, Planning Director
Subject: Historic District Commission Appointment
Date: February 14, 2012

K.C. Underwood tendered his resignation effective January 24, 2012. Included with this memorandum is a copy of his resignation. The expiration date of his term is March 11, 2012. A vacancy for this term is available for appointment.

Scott Boulton will complete his second complete term on the Historic District Commission March 11, 2012. He is not eligible for reappointment. A vacancy is available as of that date for appointment.

Carl Kessler, Milton Sills and Dr. Linda Spooner complete first terms on the Historic District Commission which expire March 11, 2012. The all have expressed an interest in serving another term.

**KENNETH C. UNDERWOOD
POST OFFICE BOX 2269
SOUTHERN PINES, NORTH CAROLINA 28388**

January 24, 2012

Ms. Neva Sherry
Secretary, Historic District Commission
Town of Southern Pines
180 Southwest Broad Street
Southern Pines, North Carolina 28387

Dear Neva:

It is with heavy heart that I must inform you that, due to my change in physical residence to Wake County, I am obliged to resign as a member of the Historic District Commission. I have very much enjoyed the experience, and am glad to have been able to serve my community in this capacity.

You, Cathy and Bart have been wonderful to work with. I know that the Town will continue to be in excellent hands. I will continue to be available at my current email address of kc@alumni.virginia.edu, and my cel. phone number of (910) 691-2833.

Please do not hesitate to contact me. Best of luck to you and the Board.

Respectfully submitted,


Kenneth C. Underwood

KCU:hs

Southern Pines, North Carolina

Proclamation

Celebrating the 125th Anniversary of the Birth of Southern Pines - 1887 to 2012

WHEREAS, Southern Pines was founded in 1887 by John Tyrant Patrick on the lands of Old Shaw Homestead at the crossroads of the early Morganton and Pee Dee Roads; and

WHEREAS, the people of the new born town, together with John Tyrant Patrick sought to establish a place of Northern and Southern reconciliation, a place of healing where the cure was the aromatic breath of the longleaf pines; and

WHEREAS, from the dusty remains of a former turpentine and lumber industry outpost, at a place described as "a hole in the wilderness, where even a pea vine wouldn't grow and a grape vine cannot sprout," our predecessors established the first mid-South resort after the American Civil War; and

WHEREAS, at first there were many naysayers who tried branding the town "Patrick's Folly," but our founders were not deterred; and

WHEREAS, in the years of settlement an African-American choir known as the "Singing Society" greeted incoming trains, and potential settlers met with local Scottish families, arranged in an effort to demonstrate that native Southerners were kind and hospitable. African-Americans and Scottish-Americans were the pillars of local society, and with their blessing the town was founded; and

WHEREAS, they named the streets for Southern heroes and the avenues after the northern towns that would supply their settlers, and the locals charmed their guests, and, by 1887, more than 2,000 Northerners had entered the Sandhills; and

WHEREAS, Southern Pines has prospered and grown, coming to be known for world-class golf and equestrian sports - loved for the beauty of its lands and the goodness of its people - and loved as the place we call "home"; and

NOW THEREFORE, I, David McNeill, by virtue of the authority vested in me as Mayor and speaking on behalf of all our citizens, do hereby Celebrate March 7, 2012 as the 125th Anniversary of the Birth of Southern Pines - 1887 to 2012.

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Corporate Seal of the Town to be affixed this 14th day of February, in the year 2012.

W. David McNeill, Mayor

NORTH CAROLINA
MOORE COUNTY

SUPPLEMENTAL AGREEMENT

Date: 1/10/12

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

TIP: P-3309

WBS: 32268

AND

TIP: P-4703

WBS:

TOWN OF SOUTHERN PINES

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Southern Pines, hereinafter referred to as the "Municipality", and each individually hereinafter referred to as "Party", and collectively, as "Parties".

WITNESSETH:

WHEREAS, the Department and the Municipality entered into an Agreement on October 23, 2003, (P-4703) for the rehabilitation of the historic Seaboard Airline Train Station, to include improvements to the passenger train station, platform, parking lot, and landscaping; and,

WHEREAS, as a condition of the Department's funding and construction of the improvements to the historic train station, the Municipality agreed to enter into a separate agreement with the Department to conduct jointly a Traffic Separation Study (TSS) of all the crossings within the Municipality's planning limits; and,

WHEREAS, the Department and the Municipality entered into a Municipal Agreement on August 10, 2004, to conduct the comprehensive Traffic Separation Study and Highway/Railroad At-Grade Crossing Analysis (P-3309) of the public crossings on the tracks of CSX Transportation within the Municipality's planning limits; and the terms of the Agreement stated that the Municipality agreed to the performance of the Traffic Separation Study and Highway/Railroad At-Grade Crossing Analysis and would make a best faith effort to implement the overall recommendations of the completed study; and,

WHEREAS, the Department stands ready to progress with a comprehensive study which may include recommendations for crossing closures, crossing improvements, and grade separations according to the Department's standard practice, which has been recognized by the United States Department of Transportation as a "National Best Practice"; and,

WHEREAS, the Municipality has stated their belief that the at-grade crossings within its corporate and/or planning limits are safe, based on its safety record; and,

WHEREAS, the Municipality has declined to undertake the comprehensive Traffic Separation Study (TSS).

NOW THEREFORE, the Parties wish to supplement the aforementioned Agreements whereby the following actions are taken:

1. TRAFFIC SEPARATION STUDY AGREEMENT (P-3309)

Upon execution of this Supplemental Agreement by all Parties, the Municipal Agreement (Traffic Separation Study Agreement) executed on August 10, 2004, and attached hereto as Exhibit A, is rescinded and **voided**.

2. SEABOARD AIRLINE TRAIN STATION AGREEMENT (P-4703)

Upon execution of this Supplemental Agreement by all Parties, the Agreement executed on the October 23, 2003, and attached hereto as Exhibit B, is **amended** as follows:

Provision 6 is deleted and all of the provisions following the deleted Provision are renumbered sequentially.

The following Provision 8 is added and shall read as follows:

8. The Municipality shall not solicit or be eligible to receive from the Department any existing or future Station Maintenance Program Funding for the historic Seaboard Airline Train Station.

Except as hereinabove provided, the Agreement (P-4703) heretofore executed by the Department and the Municipality «Entity1» on October 23, 2003 «FullyExecutedDate», is ratified and affirmed as therein provided.

DRAFT
Draft Date: 1/10/12

IN WITNESS WHEREOF, this Agreement has been executed the day and year set out below, on the part of the Department and the Municipality by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents, that you are not aware that any gift in violation of N.C.G.S. § 133-32 and Executive Order 24 has been offered, accepted, or promised by any employees of your organization.

WITNESS

TOWN OF SOUTHERN PINES

BY: _____

BY: _____

NAME: _____

NAME: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

SEAL

Approved by the Town of Southern Pines governing board as attested to by the signature of

Clerk of Governing Board, _____
(Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Town Finance Officer

FEDERAL IDENTIFICATION NUMBER

Town of Southern Pines

MAILING ADDRESS

Town of Southern Pines
125 SE Broad Street
Southern Pines, North Carolina 28387
ATTN: _____

DRAFT
Draft Date: 1/10/12

IN WITNESS WHEREOF, this Agreement has been executed the day and year set out below, on the part of the Department and Town of Southern Pines by authority duly given.

ATTEST

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

BY: _____

BY: _____

NAME: Tammy Denning

NAME: Paul C. Worley

TITLE: Secretary to Board
of Transportation

TITLE: Director – Engineering & Safety
Rail Division

DATE: _____

DATE: _____

MAILING ADDRESS

North Carolina Department of Transportation
Rail Division, Engineering & Safety
1556 MSC
Raleigh, North Carolina 27699-1556
ATTN: Nancy Horne, PE
Project Engineer

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)