



AGENDA

Tuesday, June 8, 2021 — 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. PUBLIC HEARINGS *(action may be taken by Council following the close of any hearing)*

a. PD-02-21: Planned Development – Preliminary Development Plan for expansion of the Multi-family Legends Apartment Community; Applicant: Morganton Park II, LLC

The applicant requests approval of a Preliminary Development Plan in order to expand the existing multi-family development, Legends Apartments, at 500 Legends Drive. The two parcels included in this application total 8.56 acres. If approved, the overall development would total 432 units on 27.03 acres.

b. PD-03-21: Planned Development – Preliminary Development Plan for a new four-phased development of Brad Halling American Whiskey; Owner/Applicant: Brad Halling and Jessica Halling dba Rickhouse Properties, LLC

The applicant requests approval of a Preliminary Development Plan (PDP) in order to construct a whiskey distillery. The subject parcel is a 15.04-acre parcel located on the North side of Yadkin Road between Trimble Plant Road and US HWY #1.

c. OA-01-21: Text Amendments to the Unified Development Ordinance (UDO)

The North Carolina legislature adopted Chapter 160D of the general statutes in 2019, which consolidated statutes for local government development regulations into a single chapter. Local governments are mandated to adopt necessary amendments to conform local ordinances to this new law by July 1.

d. Public Hearing on FY 22 Budget

This is the final public hearing on the proposed FY 22 budget, which begins July 1, 2021.

5. ACTION ITEMS

a. Adoption of the FY 2021-2022 Budget and Setting the Tax Rate

b. Approve AR-01-21: Architectural Compliance Permit for Southern Pines Crossfit

Dean King, on behalf of T & S Developers LLC, is requesting approval of an Architectural Compliance Permit for an 8,910 square foot commercial gym located at 1042 SW Broad Street. Council reviewed this application on June 2.

c. Resolution Awarding the Badge and Service Weapon Carried by Lieutenant Rodney Allred to Him on His Retirement

G.S. 20-187.2 allows the Town to award the badge and service sidearm to a retiring law enforcement officer. Lieutenant Rodney Allred is retiring after serving as a sworn law enforcement officer for 28 years.

d. Consent Agenda

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

i. Approve Resolution to Set Public Hearing for AX-02-21 Voluntary Annexation Petition at 465 Petty Street

Gareth and Lorraine Williams have petitioned the Town for a voluntary annexation of a contiguous +.353-acre parcel, located at 465 Petty Street, PIN 858220802013 (PARID 00991745). Upon receipt of a Certificate of Sufficiency from the Town Clerk concerning this petition, the next step in the process is for Council to adopt a resolution setting a date for a public hearing. The hearing is proposed for July 13.

ii. Approve Resolution Authorizing Town Manager to Enter into Agreement with the Owners of Warrior Woods Lake Regarding Funding for Cleanup Efforts

Staff recommends entering into an agreement with the owners of Warrior Woods Lake. The Town will provide \$16,100 toward remediation efforts following a discharge from the Town's sewer lift station.

iii. Approve Resolution Adopting Local Water Supply Plan

NCGS §143-355(1) requires a local government that provides public water services to prepare and submit a Local Water Supply Plan (LWSP) to the Division of Water Resources for the North Carolina Department of Environmental Quality.

iv. Approve Ordinances Amending the FY 20-21 Budget

- 1. \$150,000 increase for contractual services for sewer*
- 2. \$8,500 increase for planning contractual services*
- 3. \$1,421 for fire department supplies*

v. Approve Capital Reserve Fund Ordinances

- 1. Capital Reserve Fund Resolution*
- 2. Amending Fund 64: CRF – Water Ordinance \$726,504*
- 3. Amending Fund 65: CRF – Sewer Ordinance \$256,135*

vi. Approve Amendments to Code of Ordinances

1. *Chapter 32, Public Works, Section 32.076*
2. *Chapter 50, Water and Sewer Use*

vii. Approve Capital Project Fund Ordinances

1. *Fund 50: Amending the Streambank Stabilization Budget - \$110,000*
2. *Fund 57: Amending the Sidewalk Phase II Budget - \$200,000*
3. *Fund 58: Amending the Recreation Fund – \$92,000*
4. *Fund 61: Amending the Warrior Woods Lift Station Budget - \$175,049*
5. *Fund 63: Amending the Sanitary Sewer Modernization Budget – \$508,590*
6. *Fund 66: Amending the Water Treatment Process Modernization Budget - \$415,966*
7. *Fund 67: Amending the Water and Sewer Improvements Budget - \$185,000*
8. *Fund 74: Amending the Pennsylvania/PeeDee Waterline Budget - \$425,474*
9. *Fund 53: Creating the Reservoir Park Dam CPF - \$75,000*

viii. Approve Resolution to Close Water and Sewer Impact Fees

Staff requests authorization to close these funds, which were established in 1990 to cover the cost of expanding the water and sewer systems. All funds have been transferred to appropriate projects leaving a zero balance and the Town no longer applies these fees.

ix. Approve Project Budget Ordinance and Create the American Rescue Plan Act Special Revenue Fund

In accordance with the terms of the ARPA documents and the rules and regulations of the U. S. Treasury, the Town must create a special revenue fund to account for revenues and expenditures associated with the ARPA.

x. Approve Resolution Authorizing the Execution of Contracts for Legal and Consulting Services

The Town seeks legal and consulting services for infrastructure projects located in the Central City area of Morganton Park.

xi. Award Contract to Dixon Hughes Goodman, LLP to Audit the Town's Financial Statements

Dixon Hughes Goodman, LLP will audit the Town's basic financial statements for the fiscal year ending June 30, 2021 and deliver a final report by October 30.

xii. Approve Council Minutes

1. *May 5, 2021 Agenda Meeting Minutes*
2. *May 11, 2021 Business Meeting Minutes*

6. PUBLIC COMMENTS

PUBLIC COMMENT PROCEDURES

The Southern Pines Town Council is committed to allowing members of the public an opportunity to offer comments and suggestions. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Council during the Public Comment Period shall be subject to the following procedures:

1. The Public Comment Period will be held at the end of the Council Meeting.
2. Each person choosing to speak is asked to keep their statements to a reasonable length in time in recognition that others may also wish to speak and that the Council requires time to conduct its normal business. The Chair retains the right to limit discussion as he/she deems necessary.
3. Speakers will be acknowledged by the Mayor/Chair. Speakers will address the Council from the lectern at the front of the room and begin their remarks by stating their name and address for the record.
4. Public comment is not intended to require the Council and/or staff to answer any impromptu questions. Speakers will address all comments to the entire Council as whole and not one individual member. Discussions between speakers and members of the audience will not be permitted.
5. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of the Town shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.
6. Any applause will be held until the end of the Public Comment Period.
7. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Clerk to the Council.
8. Speakers shall not discuss any of the following: matters which concern the candidacy of any person seeking public office, including the candidacy of the person addressing the Council; matters which are closed session matters, including but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel, property acquisition, matters which are made confidential by law; matters which are the subject of public hearings.
9. Action on items brought up during the Public Comment Period will be at the discretion of the Council.

Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: PD-02-21: Planned Development - Preliminary Development Plan for expansion of the multi-family Legends Apartment Community; Applicant: Morganton Park II, LLC; Watson Caviness; Authorized Agent: Bob Koontz of Koontz Jones Design PLLC

Date: June 8, 2021

I. SUMMARY OF APPLICATION REQUEST:

Mr. Bob Koontz has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) proposing to expand the existing multi-family development approved under MRD-01-12 and CU-05-12 for Legends Apartments. This portion of the development is to be developed on two (2) parcels, Parcel 1 and 3, for a total of 8.56 acres. These parcels are located within the Morganton Park North Development. Parcel 1 is located at the end of Patriot Boulevard situated next to the Southern Pines Elementary School, which lies to the East of Parcel 1, on South Carlisle Street. Parcel 3 is located on the Carlisle Street extension next to the existing Legends Apartment community, which lies to the East of Parcel 3. The subject parcels are zoned PD (Planned Development) and they are identified as PIN: 857200502304 (PARID: 20190146) and per the Moore County tax records, the property owners are listed as Robert W VanCamp Trustee for Parcel 1 and PIN: 857100392796 (PARID: 20150046) and per Moore County tax records, the property owners are listed as Robert W & Julie M VanCamp Trustee.

II. REQUEST TO CONTINUE:

Per UDO §2.5.14 the Town of Southern Pines received a request to continue PD-02-21 on May 7th, 2021, from Mr. Bob Koontz of Koontz Jones Design on behalf of Morganton Park II, LLC. Mr. Koontz stated that they were unable to attend the May 11th, 2021 Town Council meeting because he was presenting at another public hearing in a neighboring jurisdiction. Because the request for a continuance was less than seven (7) days prior to the public hearing date of May 11th, 2021, the applicant was not entitled to an automatic continuance. At the May 11th, 2021 Town Council Regular Meeting the Town of Southern Pines Town Council opened the public hearing for PD-02-21 and granted Mr. Koontz his request for continuance to the June 8th, 2021 regular meeting of the Town Council.

III. PLANNING BOARD ACTION:

At the April 22, 2021 Regular Meeting of the Planning Board, the Planning Board held a public hearing and followed the rules for a legislative public hearing per UDO §2.5.2 which states that when the Planning Board serves as a recommending body for an action requiring a quasi-judicial hearing by the Town Council, the Board may follow the rules for a legislative hearing to gather broader public testimony. Planning staff, Ms. Suzy Russell, presented a review of the Preliminary Development Plan application. Ms. Russell reviewed the application for compliance with the Comprehensive Long Range Plan, the Conceptual Development Plan, and the applicable sections of the Unified Development Ordinance.

Following staff's comments, the applicant's agent, Mr. Bob Koontz, presented the case for approval of the Preliminary Development Plan. The Planning Board followed with questions for Mr. Koontz. Mr. Koontz offered explanation regarding the height of the existing Legends apartment community and how the height of the proposed Legends apartments is compatible with the character and vitality of the neighborhood and community. Mr. Koontz stated that the buildings will have elevators and described how the subject property has a dramatic slope stating that the first building from Carlisle will be more than a story lower than the road. Mr. Koontz gave explanation concerning future open space requirements and described parking arrangement and that the current garages at the existing Legends apartment community will remain and that there will be an additional 4 added with this portion of development. Mr. Cooper Carter asked for further explanation of the TIA and why it was not detailed with this application, to which Mr. Koontz explained that it will be contemplated and Mr. Fluitt, who has done all of the TIA's for the Morganton Park North Planned Development, will have all the information he needs to provide an appropriate TIA. Mr. Carter stated that he is concerned because the four new developments that have been approved inside MPN, that are currently built or underway are going to add thousands of cars to this area. Diane Westbrook asked who maintains the gravel road and Mr. Koontz stated that it is supposed to be maintained through the POA and that the Legends apartment community is responsible. Mr. Carter stated that there will be a 50% increase in units and there are no playgrounds or play areas for children proposed with this portion of development and Mr. Koontz responded that there is an existing pool and a large playground as well as a clubhouse that the entire community will have access to. Mr. Carter asked what the current demographics were to which Mr. Koontz responded that it ranges to families with children to retirees and everything in-between.

After closing the public hearing, a motion was made by Mr. Lem Dowdy to adopt Amended Attachment A of the staff report as findings of fact. Changes were made to the language under the second finding of fact as found on the "Amended Attachment A". The applicant also amended the application at the Planning Board Regular Meeting on April 22, 2021. The applicant's amended statements are as follows:

- The applicant will apply for a sign permit for a multi-family development entrance sign under UDO § 4.6.12.
- The applicant will provide the required setbacks as required in UDO § 4.10.8

Along with this motion was a motion to recommend to the Town Council that the application for a Preliminary Development Plan PD-02-21 be approved with the amended

application statements and was seconded by Ms. Kim Wade and was approved 5-2 by the Planning Board. Planning Board members Mr. Andy Bleggi and Mr. Ben Greene abstained from the vote because they were not present for the entirety of the meeting.

Please find the Amended Finding of Facts as adopted by the Planning Board under Attachment "Amended Attachment A" in this report.

IV. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

- i. Property Owners:**
Robert & Julie VanCamp Trustees
2 Regional Circle
Pinehurst, NC 28374
- ii. Applicant**
Morganton Park II, LLC
Watson Caviness
639 Executive Place
Suite 400
Southern Pines, NC 28387
- iii. Authorized Agent:**
Koontz Jones Design, PLLC
Robert Koontz
150 S Page Street
Southern Pines, NC 28387

B. Property Information:

- i. Street Address:**
500 Legends Drive
Southern Pines, NC 28387
- ii. Size of Property:**
Previous file MRD-0-12 Legends Apartment Community #1 Total Size of Parcel 2: 18.47 acres
Legends Apartment Community # 2 Total Size of Parcel 1 and Parcel 3: 8.56 acres
Total Project Acreage: 27.03 acres
- iii. Existing Infrastructure:**
The 8.56 acre portion of property being proposed for development as a multi-family apartment community (hereafter referred to as subject property) is located on the northern area of the undeveloped section of Morganton Park

North. (See Figure 1: Vicinity Map below). Parcel 1 would tie into the existing Legends parking lot and the applicant will create one (1) additional ingress/egress point on S Carlisle Street.

The subject property has access to existing public water and sewer facilities on S Carlisle Street and within the existing multi-family community. Existing access, water and sewer facility locations are shown below (see Figure 2: Existing Infrastructure below).

iv. Property Zoning and CLRP Classification:

The current zoning of the subject property is PD (Planned Development). Adjoining properties are a mixture of zoning classifications, including FRR (Facilities, Resource and Recreation), GB (General Business) and the same PD (Planned Development) classification as the subject property (see Figure 3: Zoning Map below). The Town of Southern Pines' Comprehensive Long Range Plan (CLRP) designates this property as Traditional Mixed-Use.

C. Planned Development History & Current Project Description:

i. Planned Development History:

The subject property is part of the 116.7-acre nine (9) phased Morganton Park North Conceptual Development Plan (CDP) that was amended from the original CDP (MRD-01-14 approved on July 24, 2014) and approved by the Town of Southern Pines on May 15, 2018 (PD-01-18). The proposed multi-family community is the seventh phase of the Morganton Park North CDP. Phase 1 included "The Legends at Morganton Park," approved under MRD-01-12 and CU-05-12, apartment complex development, Phase 2 included "The Pavilion" mixed-use building at the intersection of West Morganton Road and Brucewood Road, Phase 3 included the new Southern Pines Elementary School, Phase 4 included the Sandhills Pediatrics medical office building, Phase 5 included the Pinehurst Medical development and Phase 6 was the Pinehurst Surgical development.

The applicant is referring to this PD as the second phase of Legends apartment community, however this is not a second phase of the original approvals MRD-01-12 and CU-05-12 files. The prior development did not contain a phasing plan and therefore this portion of the Legends apartment community is a standalone PDP. The applicant attempts to combine certain requirements that were approved in the first development with this submittal. Normally, this would be processed as an amendment to the MRD-01-12 and CU-05-12 files. UDO § 2.11 states that Town Council may approve exemption from the requirements of the UDO provided that it makes findings based on the evidence presented, in this case, (A) (1) *the exemption is in the public interest and is not contrary to health, safety and welfare considerations*. Also, UDO § 2.18.2 acknowledges that most PD's involve flexible development standards that deviate from the specific standards in other zoning districts.

ii. Current Project Description:

The proposed expansion of the Legends apartment community would be developed as three buildings each having 48 dwelling units, for a total of 144 du. UDO § 4.5 establishes the required parking spaces to total 269 with 278 provided, and the required bicycle parking comes to a total of 14 bike spaces per exhibit 4-6. The applicant does not show bicycle parking but will be required to provide them which will be required at TRC site plan review.

The buildings will require separate review for compliance with the Town's architectural standards for multi-family buildings and the site must undergo detailed site plan review for compliance with all Town development standards prior to construction.

Figure 1: Vicinity Map (Subject Properties Outlined in Red)

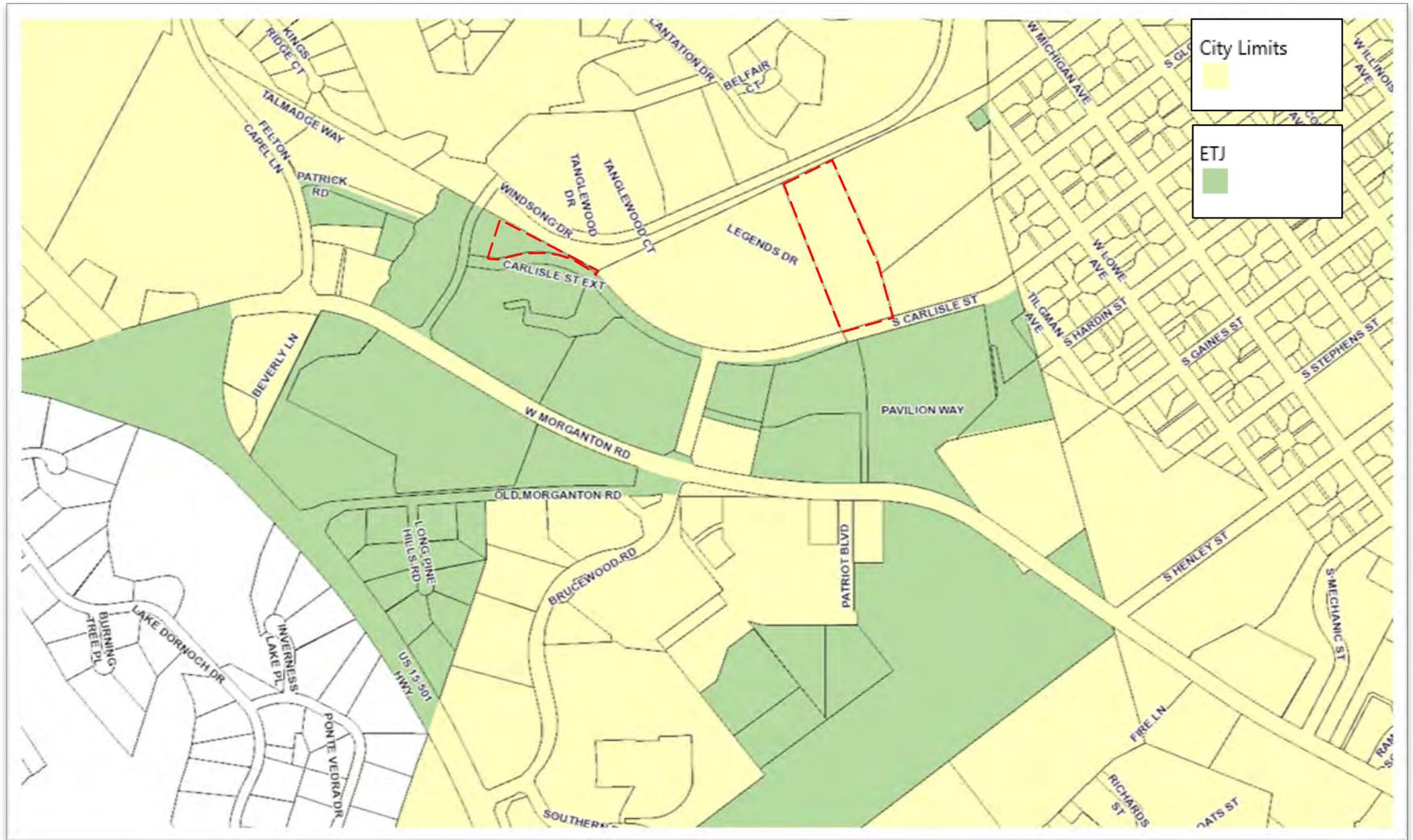
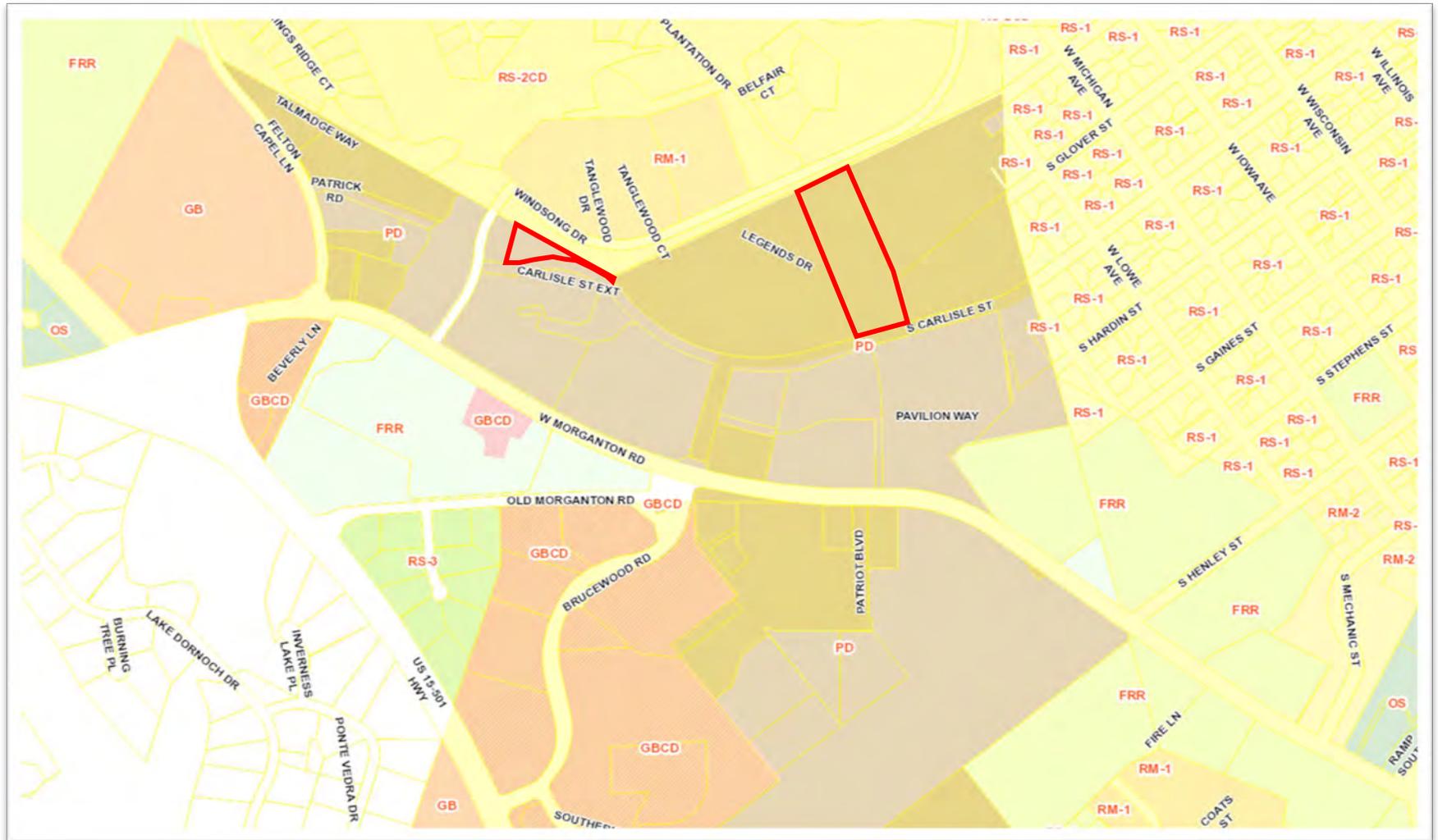


Figure 3: Zoning Map (Subject Property Outlined in Red)



V. STAFF REVIEW:

A. Application Review Dates & Associated Postings:

- Preliminary Development Plan Application Submitted: March 16, 2021
- Application Incomplete: March 18, 2021
- Application Complete: April 01, 2021
- Notice of Planning Board Public Hearing:
 - Posted On-site: April 01, 2021
 - Mailed: April 01, 2021
 - Internet: April 01, 2021
- Planning Board Agenda Meeting: April 15, 2021
- Planning Board Public Hearing: April 22, 2021
- Notice of Town Council Public Hearing:
 - Posted On-site: April 01, 2021 (Remains on-site from PB)
 - Mailed: April 21, 2021
 - Internet: April 27, 2021
- Town Council Agenda Meeting: May 5, 2021
- Town Council Public Hearing: May 11, 2021 (Granted continuation to June 8, 2021)
- Town Council Public Hearing: June 8, 2021

B. Process of Review:

The procedures for review and approval of a Planned Development (PD) District, per UDO § 2.18 where a three-step process of Conceptual Development Plan, Preliminary Development Plan and Final Development Plan are required to complete a Planned Development (PD) District.

C. Criteria for Review:

The criteria for review and approval of the second step in the process, Preliminary Development Plan, are as follows:

Preliminary Development Plan - UDO § 2.18.5(H):

1. *The application demonstrates that it will achieve the purposes of the PDD and this section;*
2. *The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;*
3. *The proposed Development is located in an area of the Town that is appropriate; and*
4. *The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*

PD-Planned Development District – UDO § 3.5.14 (A-P):

MRO-Morganton Road Overlay District - UDO § 3.6.6 (A-K):

Multi-Family Development Standards - UDO § 4.10.8 (A-F):

D. Staff Comments:

i. Request to combine prior approval with this application:

- The applicant is proposing to utilize the approved amenities for the existing Legends apartment community. The amenities approved include a clubhouse with fitness center, business center, theater room, pool area, fire pit, outdoor seating areas, and children's play area. The applicant requests to remove the existing dog park to accommodate additional parking areas and provide a new dog walk area around the stormwater area presented with this PDP. The applicant has stated they will also provide a new outdoor seating and fire pit area with this PDP. Residents across the entire Legends community would have access to all amenities.
 - The request to combine the first development approval with this proposed development approval in order to allow for the utilization of the existing Legends apartment community site prior to the combination of all three lots would be evaluated under standard UDO § 1.5 which states that the UDO is intended to be administered with the flexibility to respond to unique circumstances of individual properties in ways that best achieve its purposes. UDO § 2.11 states that Town Council may approve exemption from the requirements of the UDO provided that it makes findings based on the evidence presented, in this case, (A) (1) *the exemption is in the public interest and is not contrary to health, safety and welfare considerations.* Also, UDO § 2.18.2 acknowledges that most PD's involve flexible development standards that deviate from the specific standards in other zoning districts.

ii. Consistency evaluation with the Conceptual Development Plan for Morganton Park North:

- The applicant stated at the Regular Planning Board Meeting that the remaining Carlisle Street extension will be developed with development that follows this PDP as the remainder of the lots are developed. Also, at TRC on April 20, 2021 the Town Engineer and Town Fire Marshal stated that they are okay with the existing path remaining and that the path is for emergency vehicles only. Please see the approved street layout plan below:



- Please note the approved street layout above as approved in the CDP. With the CDP a Conceptual Transportation Plan (CTP) was submitted showing access to the project, internal circulation, street cross-sections and classification of internal roadways.
- Land uses and bulk and dimensional standards within the development are restricted to those set forth in GB – General Business or OS – Office Services zoning classifications. The applicant stated at the Planning Board Regular meeting they will utilize the OS zoning district for the multi-family land use because it is allowed in the OS zoning district but not the GB zoning district.

iii. Consistency evaluation with the Unified Development Ordinance (UDO) and the Morganton Park North Conceptual Development Plan (CDP):

- Per UDO 3.5.14 (O) (2) building heights shall adhere to the limitations set forth in Chapter 4 for the RM-1 district, which is 40'. The applicant is requesting the building height of 50'.
 - Per UDO 3.5.14 (O) (2) the applicant may propose an alternative height that exceeds the established limits, provided the increased height does not negatively affect surrounding properties and is approved by Town Council.
- UDO § 3.6.6 (K) (1) requires that the maximum residential density is 16 dwelling units per acre. Parcel 1 is 7.51 acres and allows for 120 du. The applicant is requesting 144 du which is an overage of 24 du. The total acreage for all three parcels is 27.03 acres and at 16 du/acre the whole community would be allowed 432 du, which is what the applicant is proposing.

- UDO § 2.18.2 allows the applicant to request from Town Council flexible development standards that deviate from the specific standards.
- UDO § 3.6.6 (K) (2) requires no more than 35% of the 115 acres north of Morganton Road be developed for residential uses for a total of 40.25 acres. This application for the second portion of Legends Apartment Community brings the residential total acreage to 27.03 acres.
- UDO § 4.10.8 (B) that applies to multi-family development requires buildings be set back a minimum of 10' and a maximum of 15' from sidewalks, public walkways or street right of way. The applicant amended his application at the Regular Planning Board meeting to include a statement that they will meet UDO § 4.10.8 (B).
- UDO § 4.10.8 (F) (6) that applies to multi-family development requires well-equipped and challenging play areas for school age children, with places to sit and a space for ball games, within a five (5) minute walk from each du. The applicant stated at the Planning Board Regular Meeting that the original Legends apartment community contains an abundance of amenities that the proposed Legends apartment community would have full access to.
- The applicant is requesting to place a subdivision sign at the entrance from Carlisle Street. Multi-family development entrance sign requirements are found in UDO § 4.6.12. The applicant amended his application at the Planning Board Regular meeting to include they will apply for a multi-family development entrance sign permit and will need to provide the following information:
 - At any entrance to a residential subdivision or multi-family development, there may be either one double faced identification sign not to exceed 32 square feet in size or two single faced identification signs not to exceed 32 square feet per face. Such signs must be of a monument style and shall not exceed six feet in height. Is there currently a monument identification sign? Is it double sided? What size is it?
- The applicants have submitted a TIA that is consistent with the requirements of UDO §4.12 (attached to this memo below) Please see under Agency Comments that the Town Engineer could not review the TIA as submitted because of the limited detail provided.

The AM and PM peak hour turning movement counts were obtained from the revised Pinehurst Medical Morganton Park North Medical Office Building TIA. Please see below for highlighted information from the TIA study:

Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
221	Multifamily Housing (Mid-Rise) – Existing	288	d.u.	1,054	1,054	25	72	74	78
221	Multifamily Housing (Mid-Rise) – Proposed	432	d.u.	1,581	1,581	37	107	110	70
Net Increase: Net New External Trips				527	527	12	35	36	22

Table 1 shows that the additional 144 apartments units are anticipated to increase overall site traffic generation by approximately 1,054 trips on a typical weekday, 47 trips during the AM peak hour, and 58 trips during the PM peak hour.

- The applicants have addressed the availability of water and sewer services to serve the proposed multi-family community, and have stated water and sewer utilities are readily available for the project and are located in Carlisle Street and the adjacent property.
- The applicants have stated there are no endangered species located on this property. The applicants have not submitted letters from NC Fish and Wildlife.
- Site plan review and approval pursuant to UDO §2.48 will be required prior to the approval of a building permit for the subject property.
- Final Development Plans pursuant to UDO §2.18.7 will be required to demonstrate compliance with the Preliminary Development Plan.

iv. General Comments:

- The public hearing for this request will be evidentiary in format and will follow the procedures set forth in UDO §2.14.

E. Outside Agency Comments:

- A request for comments was emailed to agencies on March 25, 2020. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC) and the North Carolina Department of Transportation (NCDOT).
- On April 1, 2021 the Town of Southern Pines Fire Marshal, Mr. Ken Skipper, provided the comment: *no comments at this time.*
- On April 13, 2021 the Town of Southern Pines Engineer, Mr. James Michel, provided the comment: *Given the limited detail provided at this stage, a review for conformance with the Town’s Engineering and Construction*

Standards has not been performed. A detail review will occur during the site plan review process. Any issues identified during the site plan review will not be considered as approved based on approval of the PD, and will be required to be corrected. Corrections for compliance with the engineering standards that affect the original PD approval will have to be addressed through the appropriate process.

- Comment was received from RLUAC and is attached.
- Comment was not received from the United States Fish & Wildlife Service (USFWS).
- Comment was not received from NCDOT.

VI. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. Preliminary Development Plan Application
2. List of Adjoiners
3. Agent Authorization Form
4. Preliminary Development Plan Narrative
5. Preliminary Development Plan Justification
6. Preliminary Development Plan Site Plan
7. RLUAC Courtesy Review
8. Revised Kimley Horn TIA Report (pages 1-5)
9. Morganton Park North Land Plan & CTP (approved May 15, 2018)
10. Planning Board Amended Finding of Fact

Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, deeds, CDP PD-01-18, TIA full report, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

VII. TOWN COUNCIL ACTION:

To either approve or deny a Preliminary Development Plan application, the Town Council must make findings of fact and conclusions to the applicable standards. The Town Council must first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council must then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4. The Town Council may choose one of the following motions, or any alternative they wish:

I move to:

1. Adopt Attachment “A” of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-02-21.
2. Adopt Attachment “A” of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-02-21, with the following changes_____.

Next, the Town Council shall vote to approve, deny or approve with conditions the proposed Preliminary Development Plan. The Town Council may choose one of the following motions, or any alternative they wish:

I move to:

1. Approve the Preliminary Development Plan for PD-02-21;
2. Deny the Preliminary Development Plan for PD-02-21;
3. Approve the Preliminary Development Plan for PD-02-21 with the following additional conditions...

ATTACHMENT “A”

Draft Town Council Findings of Fact Preliminary Development Plan Application PD-02-21

Finding of Fact #1:

Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;

Town Council finds that the Preliminary Development Plan (PDP) for a multi-family community that has been submitted as Phase 7 of the Morganton Park North Conceptual Development Plan (CDP) will achieve the purposes of the PD-Planned Development zoning district with the applicants requested deviations related to allowing for a 50’ building height, a total of 432 du building density for Parcel 1,2 and 3, and specifically 144 du on Parcel 1, Parcel 1 not to include a play area for school aged children, the removal of the existing dog park and the allowance of parking on Parcel 2 along with new ingress /egress locations to and from the existing parking lot and the proposed parking lot and the addition of one ingress/egress location onto Carlisle Street, because the Town of Southern Pines Town Council finds these requests to be in the public interest and are not contrary to the health, safety and welfare considerations.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

Town Council finds the PDP to be generally consistent with the CDP and the request to increase the building height to 50’ conforms to the applicable UDO standard because the increased height does not negatively affect surrounding properties as required by UDO 3.5.14 (O) (2).

3. The proposed Development is located in an area of the Town that is appropriate;

Town Council finds that the proposed PDP is located in an appropriate area of Town because the proposed multi-family community within the Morganton Park North Planned Development is served by existing public utilities and is accessed by an existing Town roadway. The proposed addition of multi-family residences

to the already existing multi-family community will provide easy access to throughout the multi-family development and surrounding shopping and employment centers. Furthermore, development of the site will not remove critical wildlife habitat or add impervious surface in a High-Quality Watershed.

4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services;

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed lot and the development is to be accessed by existing Town roadways. Municipal public services are presently provided to adjoining land uses so the proposed multi-family community is not creating a new location of public service delivery demand.



Planned Development District Preliminary Development Plan Application

Fee: \$ _____ Date Received: _____ Case No.: PD-____-____

Project Information:

Project Name: Legends Apartments - Phase 2

Physical Address: 500 Legends Drive, Southern Pines, NC 28387

PIN: 857200502304, 857100392796, 857200405185

Parcel ID: 20190146, 20150046, 20130093

Site Size: 27.03

Zoning: PD

Applicant:

Name(s): Morganton Park II, LLC c/o Watson Caviness

Email: watson@cavinessandcates.com

Phone: 910.460.5985

Mailing Address: 639 Executive Place, Suite 400, Fayetteville, NC 28305

Authorized Agent, if different from Applicant:

Name(s): Robert Koontz c/o Koontz Jones Design

Email: bkoontz@koontzjones.com

Phone: 910-684-8487

Mailing Address: 150 S Page Street, Southern Pines, NC 28387

Legal Property Owner(s), if different from Applicant:

Name(s): Robert and Julie Van Camp, Trustees

Email: thomasv@vancampplaw.com

Phone: 910.295.2525

Mailing Address: 2 Regional Circle, Pinehurst, NC 28374

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 for approval of a Planned Development District – Preliminary Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the North side of Carlisle Street (St./Ave.), between Brucewood Road (St./Ave.) and W. Lowe Avenue (St./Ave.). The property has a frontage of +/- 308 feet and a depth of +/- 945 feet.

The request is based upon **Section 2.18.5** of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:
Multi-family Apartments

ADJACENT PROPERTY OWNERS:

Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.

1. Adjacent property: See attached Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
2. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
3. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
4. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
5. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
6. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

- 7. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 8. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 9. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 10. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

Date: 3/15/21



Applicant

Parcel ID	PIN	Deed Book	Deed Page	Owner's Name	Owner's Name 2	Mailing Address	Mailing Address cont.	City	STATE	Zip Code
00038504	857100297376	5145	249	PINES CEMETERY SERVICES LLC		PO BOX 655		CARTHAGE	NC	28327
00039526	857218307758	490	865	TANGLEWOOD ASSOCIATES		C/O ORIX REAL ESTATE CAPITAL LLC	1717 MAIN ST SUITE 900	DALLAS	TX	75201
20020140	857218206431	1915	329	MCNEILL MORGANTON, INC		PO BOX 396		ABERDEEN	NC	28315
20020459	857217203555	896	76	MCNEILL GROUP, THE		PO BOX 396		ABERDEEN	NC	28315
20040157	857200428061	2535	405	MID TAL GOLF, LLC		48 TALAMORE DR		SOUTHERN PINES	NC	28388
20050390	857218206971	4929	451	WHITE, JUSTIN	DUROCHER, CHARLOTTE	PO BOX 2711		SOUTHERN PINES	NC	28388
20071162	857200614867	2069	533	PLANTATION INVESTORS, LLC	ATTN: LAURA LANG	P O BOX 8000		PINEHURST	NC	28374-8000
20130093	857200405185	4192	583	MORGANTON PARK, LLC		PO BOX 56607		ATLANTA	GA	30343
20150043	857100492841	4447	433	MORGANTON PARK NORTH	MASTER ASSOCIATION, INC	PO BOX 1389		PINEHURST	NC	28370
20150046	857100392796	4504	322	VAN CAMP, ROBERT W & JULIE M	TRUSTEES	1001 OPPENHEIMER DR	APT 201	LOS ALAMOS	NM	87544
20160262	857100293068	4677	329	PINELAWN MANAGEMENT, LLC		360 N WALUNT STREET		PINEBLUFF	NC	28373
20190270	857100399573	5210	269	PACN REALTY LLC		205 PAGE ROAD		PINEHURST	NC	28374
99000500	857217204136	3028	34	SC BLACK ANGUS REALTY, LLC		C/O HEATHER IRRIZARRY	186 SEVEN FARMS DR STE F 396	DANIEL ISLAND	SC	29492
99000584	857217203855	1568	471	CRESTON COMMONS, LLC	C/O CME	PO BOX 2185		RALEIGH	NC	27602-2185
00037588	857100597998	4504	322	VAN CAMP, ROBERT W & JULIE M TRUSTEES	VAN CAMP, THOMAS M TRUSTEE	PO BOX 1389		PINEHURST	NC	28370
00039528	857218403921	529	67	TANGLEWOOD II ASSOCIATES		C/O ORIX REAL ESTATE CAPITAL LLC	1717 MAIN STREET SUITE 900	DALLAS	TX	75201
20040158	857218416012	2535	405	MID TAL GOLF, LLC		48 TALAMORE DR		SOUTHERN PINES	NC	28388
20190014	857100496541	5081	398	S & S PARTNERS LLP		195 W ILLINOIS AVE		SOUTHERN PINES	NC	28387-5808
20190146	857200502304	1589	80	VAN CAMP, ROBERT W TRUSTEE	VAN CAMP, JULIE M TRUSTEE	PO BOX 1389		PINEHURST	NC	28370
20190271	857100590565	5210	279	MORGANTON PARK REALTY LLC		5 FIRST VILLAGE DRIVE		PINEHURST	NC	28374
20190272	857100597408	5210	301	PINEHURST SURGICAL CLINIC	REALTY LLC	5 FIRST VILLAGE DIRVE		PINEHURST	NC	28374
20160480	857200506765	4732	327	MOORE COUNTY NORTH CAROLINA	BOARD OF EDUCATION	PO BOX 1180		CARTHAGE	NC	28327

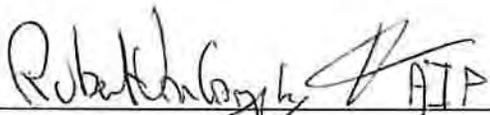
APPOINTMENT OF AGENT

The undersigned owner(s), Robert Van Camp, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

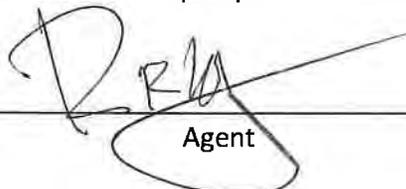
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 15 day of March, 2021.



Property Owner

Property Owner


Agent

APPOINTMENT OF AGENT

The undersigned owner(s), Morganton Park II, LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

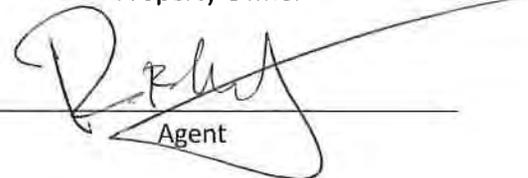
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 15 day of March, 2021.



Property Owner

Property Owner


Agent

LEGENDS APARTMENTS – PHASE 2 PRELIMINARY DEVELOPMENT PLAN NARRATIVE

The purpose of this PD – Preliminary Development Plan (PDP) application is to fully describe the proposed new phase of development for the existing Legends at Morganton Park multi-family development. Legends Phase 2 meets the standards of the Morganton Park North Property Conceptual Development Plan (CDP). As stated in the Town of Southern Pines Unified Development Ordinance (UDO) in Section 2.18.5(A), the PDP is intended to show, with greater detail, the proposed portion of development and illustrate how “proposed land use mix and intensity are consistent with the Comprehensive Plan, the purposes of the PDD and the approved Conceptual Development Plan”. The following narrative will provide information related to the submitted plans and provide details of the proposed apartment community expansion. This narrative will describe how the PDP meets the criteria set forth in Section 2.18.5(A). The apartment community is consistent with the PD zoning district, CDP and the Town’s Comprehensive Long-Range Plan (CLRP). The property is indicated as Traditional Mixed-Use in the Town’s CLRP.

All plans incorporate the existing apartment community and overall development calculations for impervious surface, open space and density take in to account the existing development and the expanded area. The apartment community, as described in this PDP application, is intended to include the second phase of development for the Legends at Morganton Park property and includes 144 multi-family residential apartments. Morganton Park Phase 1 is currently 288 units. Phase 2 will bring the overall total to 432 multi-family residential units. This development conforms with the standards of the original multi-family development and the standards of the current Unified Development Ordinance (UDO), with one exception to building height, which will be described in the architectural character section of this exhibit. Tabulations for the overall Legends at Morganton Park development and this specific phase are provided on sheet L-1.1 of the submission documents indicating conformance to the development program and open space requirements as described in the overall Morganton Park North CDP. Following is a description of the individual phase and overall design elements of the PDP.

Overall Community

Walkability

Walkability is an important component of the proposed neighborhood. Concrete sidewalks are provided throughout the community to provide convenient access to apartment buildings and amenities. An interconnected network of walkways and sidewalks provide access throughout the community. Phase 2 will tie into the existing sidewalk and walkway system throughout the community. All units in the new phase are connected through pedestrian pathways to the open spaces, clubhouse, children’s play area, and other amenity areas throughout the property. A pedestrian spine has been developed within the plan to connect all units from the new phase through the courtyard open spaces to the clubhouse and other on-site amenities.



Amenities

Amenities for Phase 1 will be utilized by the residents of Phase 2. These amenities include a clubhouse with fitness center, business center, and theater room, pool area, fire pit, outdoor seating areas, and children's play area. Construction of Phase 2 will remove an existing dog park to accommodate additional parking area, however, a new dog walk area will be provided in Phase 2 around the stormwater area. In addition, a new amenity area will be provided for the residents that will include outdoor seating and a fire pit. Residents in both Phase 1 and Phase 2 will have access to all community amenities.

Lighting

All lighting on the property will follow Section 4.5.6 of the CDP and Section 4.8 of the UDO. Lighting levels in parking areas and throughout the community will be provided to meet the UDO standards for safety. All light will be projected downward in order to limit any light spilling onto adjacent properties.

Endangered Species

There are no endangered species located on this property.

Utilities and Stormwater Management

Water and sewer utilities are readily available for the project and have been developed in previous phases of Morganton Park North development and the existing multi-family community. Water and sewer utilities are located in Carlisle Street and the adjacent property, which have been designed to accommodate this development. Stormwater management facilities will be provided on the property to accommodate the proposed development and constructed to meet Town of Southern Pines development standards. Previous development of the property contemplated development of this parcel and utilities have been constructed to adequately accommodate the project.

Vehicular Circulation and Parking

Access to the property will be provided through an entrance on Carlisle Street. Parking and roadway areas will also connect to the existing parking areas in Phase 1 of the development. This connection will allow for adequate service, circulation, and emergency access to the property.

Parking areas will be designed and landscaped per Town of Southern Pines Unified Development Ordinance standards in Section 4.3.

Architectural Character

A modification to the building height limitation is requested for the proposed project. The current ordinance and zoning limits buildings on this property to 35' in height. Due to the site grading conditions and understanding that the lower floor

of the building(s) will be significantly below the level of Carlisle Street (minimum of 15' up to 25' for the closest building, we would request the permitted building height be increased to a 50' maximum for the buildings to allow for a four (4) story apartment building to use the land as efficiently as possible. These buildings will include elevators that can be utilized by residents.

At such time as engineering drawings and/or Final Development Plans are submitted for the project or any construction begins, architectural elevations will be submitted as required for all commercial, multi-family, and office buildings for review by the Town of Southern Pines Architectural Review Board.

Landscaping

Landscaping will be provided as required by the Town of Southern Pines UDO in Section 4.3. This will include tree islands, parking lot landscaping, and buffer plantings.

Signage

One additional subdivision sign will be provided at the new entrance from Carlisle Street. This sign will follow the standards of Section 4.6 of the UDO.

Open Space

Required open space for Morganton Park North is 20%. Open space is not required for each individual parcel within Morganton Park North, however, both phases of the Legends Apartments will include more than 20% open space. These tabulations and an updated 'running' tabulation for the overall Morganton Park North property have been provided on Sheet L.1.1 of the submission set.

The descriptions and conditions described above will apply to the entire project as indicated in the Preliminary Development Plan documents. Phase 1 of the development will remain in place as developed except for the road connection and additional parking area that is being created. Phase 2 of the development will utilize the standards set forth with the previous development and the proposed plan utilizes the CDP's development standards to implement the next phase of development within the Morganton Park North property. This phase of development meets the standards of the Morganton Park North CDP as approved on May 15, 2018.

In summary, the proposed PD – PDP is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Mixed-Use. This PDP contains an additional phase of the Legends and Morganton Park Apartments within the overall mixed-use development, similar in scale and size of the existing Morganton Park North. The approved CDP describes a master planned mixed-use development. The proposed PDP is the commencement of the next phase of development for Morganton Park North.

EXHIBIT B

Legends Apartments – Phase 2 Preliminary Development Plan Justification

Below are listed the four (4) criteria required to approve a Preliminary Development Plan (PDP) application as described in Section 2.18.5(H) of the Town of Southern Pines Unified Development Ordinance (UDO). Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Preliminary Development Plan is permitted if the Applicant demonstrates that:

(1) The application demonstrates that it will achieve the purposes of the PDD and this section;

This application will expand an existing multi-family development within the Morganton Park North property. Morganton Park North is a mixed-use development with an approved Conceptual Development Plan (CDP) for the overall property area. Legends Phase 2 will continue the mixed-use nature of the overall property and provide additional residential development near the elementary school, medical offices, and retail/commercial properties. This expansion of the mixed-use achieves the purpose of the PDD and Section 2.18.5 of the UDO.

(2) The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO except for a request to increase the building height as explained in the Exhibit A - Narrative. This proposed development is an extension of a previously approved multi-family development, which was permitted in the Morganton Park North Planned Development District and is part of the approved CDP. The plans included with the approved CDP demonstrates the overall compliance with the UDO and this PDP follows the standards of the CDP. The PD District, Comprehensive Long-Range Plan (CLRP) and the CDP all encourage a mixed-use development that reflects the standards of the existing area, surrounding the phase of development described in the PDP. The PDP submitted meets these goals.

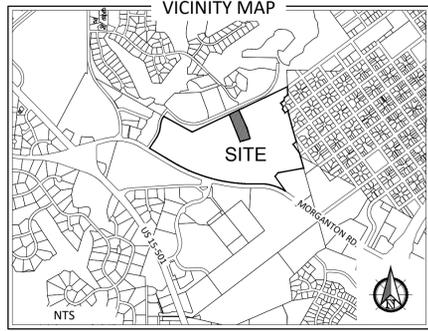
(3) The proposed Development is located in an area of the Town that is appropriate; and

The proposed PDP incorporates and existing multi-family development and expands the overall community. Plans are consistent with the CDP, surrounding community and the Morganton Park North mixed-use development which includes a mixed-use building (office, medical office, retail and restaurant), medical office buildings, multi-family apartment community and an elementary school. The CLRP, which takes in to account surrounding land uses, designates this property as mixed-use. The continued development of the existing multi-family community included in the PDP is consistent with the surrounding land uses and appropriate for this area. With the development standards set forth in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses as this is an extension of an existing use within Morganton Park.

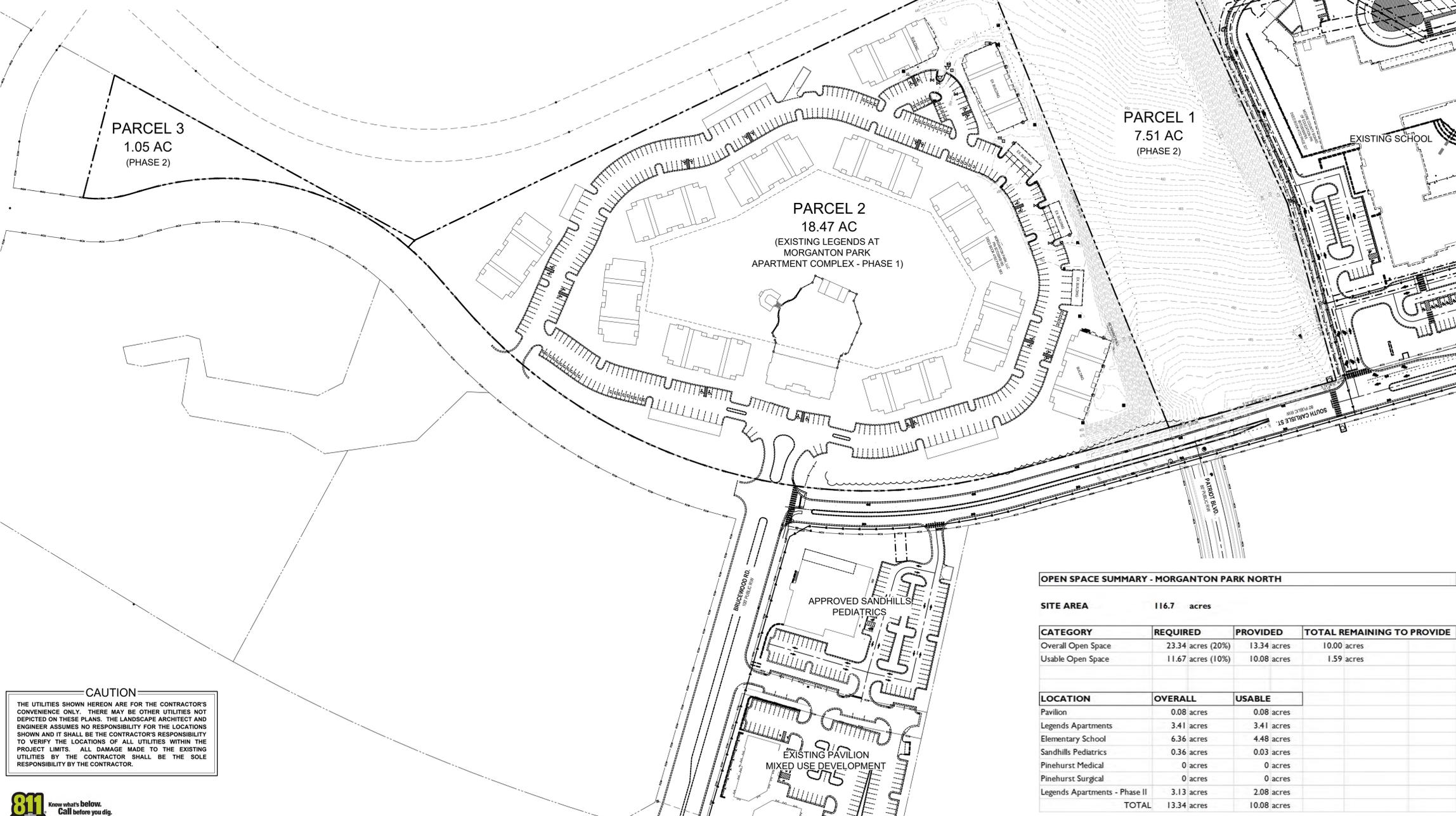
(4) The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities, and services

EXHIBIT B

Water and sewer utilities are readily available for the project and have been developed in previous phases of Morganton Park North development and the existing multi-family community. Water and sewer utilities are located in Carlisle Street and the adjacent property, which have been designed to accommodate this development. Stormwater management facilities will be provided on the property to accommodate the proposed development and constructed to meet Town of Southern Pines development standards. Previous development of the property contemplated development of this parcel and utilities have been constructed to adequately accommodate the project.



- GENERAL NOTES:**
1. ALL STREETS AND PARKING AREAS WILL REMAIN PRIVATE STREETS. STREETS WILL BE MAINTAINED BY THE DEVELOPER.
 2. LANDSCAPE STANDARDS FOR PHASE II WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
 3. DRAINAGE FOR PHASE II WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. STORMWATER MANAGEMENT DEVICES TO MEET THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER. PHASE I WILL CONTINUE TO DRAIN AS CONSTRUCTED.
 4. ALL STREETS AND PARKING AREAS WILL HAVE CONCRETE CURB AND GUTTER PER TOWN OF SOUTHERN PINES STANDARDS.
 5. OPEN SPACE WILL BE PRIVATELY OWNED AND MAINTAINED.



LEGEND

- — — — — = PROPERTY BOUNDARY
- - - - - = EXISTING MINOR CONTOUR
- - - - - = EXISTING MAJOR CONTOUR
- — — — — = EXISTING STORM DRAINAGE
- — — — — = EXISTING STORM DRAIN INLET
- — — — — = EXISTING SEWER LINE
- — — — — = EXISTING WATER LINE
- = PROPOSED DRAINAGE FLOW

FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8571, 8572 MAP(S): 3710857100J, 3710857200J DATE: OCTOBER 17, 2006

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:
PD - CONCEPTUAL DEVELOPMENT PLAN

REQUIRED SETBACKS:
FRONT: NO MINIMUM
SIDE-STREET: NO MINIMUM
SIDE INTERIOR: NO MINIMUM
REAR: NO MINIMUM

MAX. BUILDING HEIGHT (PROPOSED): 45'

PROPERTY INFORMATION

PROPERTY OWNERS:

PARCEL 1:
VAN CAMP, ROBERT W TRUSTEE
VAN CAMP, JULIE M TRUSTEE
PO BOX 1389
PINEHURST, NC 28370
PARCEL ID: 20190146; PIN: 857200502304

PARCEL 2:
MORGANTON PARK, LLC
PO BOX 56607
ATLANTA, GA 30343
PARCEL ID: 20130093; PIN: 857200405185

PARCEL 3:
VAN CAMP, ROBERT W & JULIE M TRUSTEES
1001 OPPENHEIMER DR APT 201
LOS ALAMOS, NM 87544
PARCEL ID: 20150046; PIN: 857100392796

APPLICANT:
MORGANTON PARK II, LLC
639 EXECUTIVE PLACE, SUITE 400
FAYETTEVILLE, NC 28305

TOTAL ACREAGE:
PHASE 1 (EXISTING): ±18.47 AC
PHASE 2: ±8.56 AC
TOTAL: ±27.03

OPEN SPACE SUMMARY - MORGANTON PARK NORTH

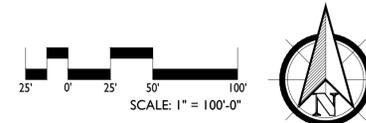
SITE AREA 116.7 acres

CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	23.34 acres (20%)	13.34 acres	10.00 acres
Usable Open Space	11.67 acres (10%)	10.08 acres	1.59 acres

LOCATION	OVERALL	USABLE
Pavilion	0.08 acres	0.08 acres
Legends Apartments	3.41 acres	3.41 acres
Elementary School	6.36 acres	4.48 acres
Sandhills Pediatrics	0.36 acres	0.03 acres
Pinehurst Medical	0 acres	0 acres
Pinehurst Surgical	0 acres	0 acres
Legends Apartments - Phase II	3.13 acres	2.08 acres
TOTAL	13.34 acres	10.08 acres

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-6467
W: www.koontzjonesdesign.com

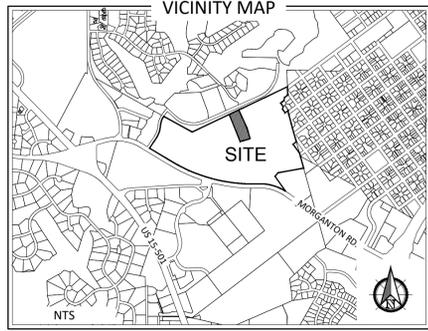
REVISIONS:

REVISIONS:

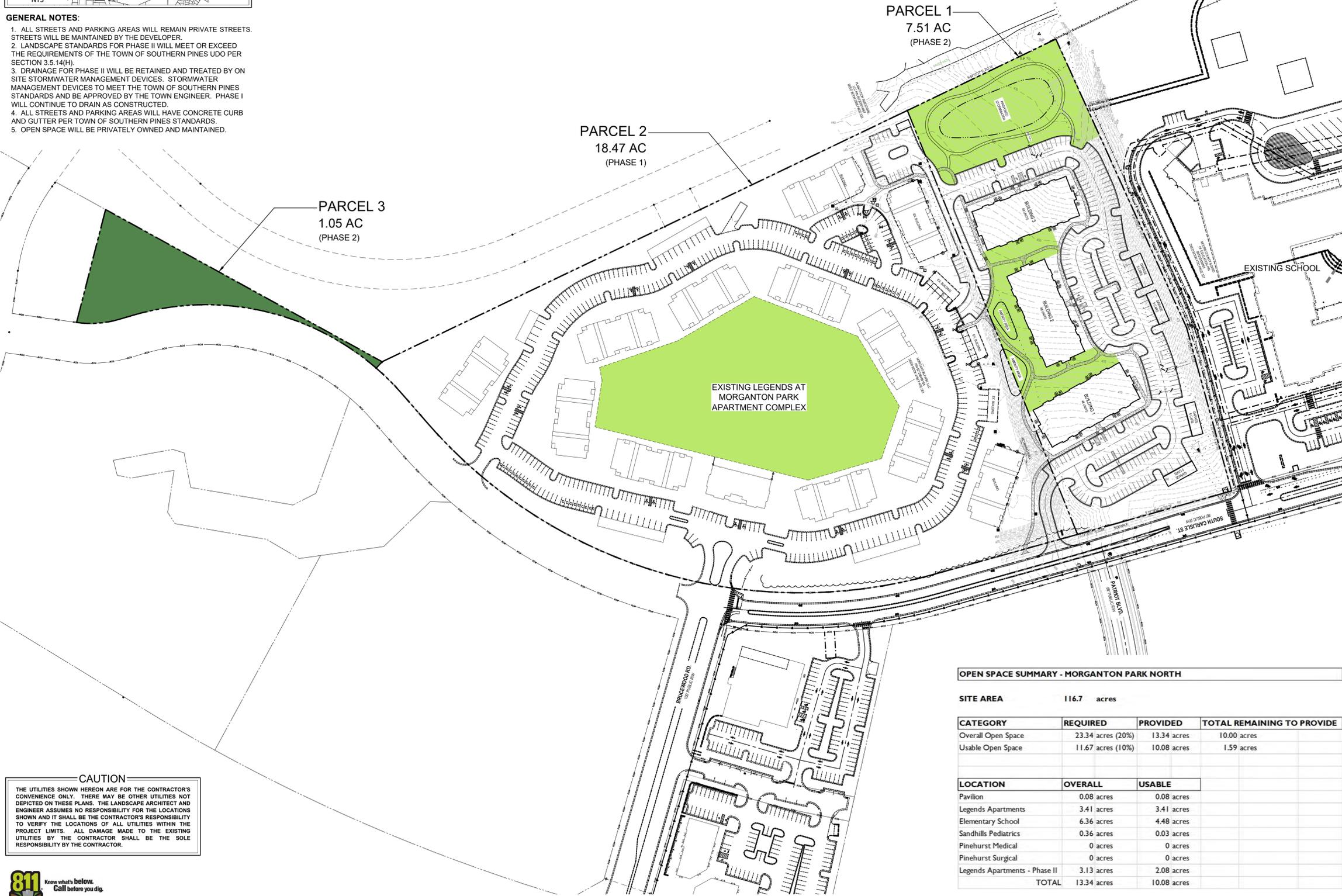
REVISIONS:

LEGENDS - PHASE II
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 03.15.2021
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 50'
PROJECT #: K1D21011
SHEET NUMBER#: **L-1.0**



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LEGEND

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- - - EXISTING MAJOR CONTOUR
- - - EXISTING STORM DRAINAGE
- - - EXISTING STORM DRAIN INLET
- - - EXISTING SEWER LINE
- - - EXISTING WATER LINE
- PROPOSED DRAINAGE FLOW
- PROPOSED OPEN SPACE
- PROPOSED USEABLE OPEN SPACE

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 SIDE INTERIOR: NO MINIMUM
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 1001 OPPENHEIMER DR APT 201
 LOS ALAMOS, NM 87544
 PARCEL ID: 20150046; PIN: 857100392796

APPLICANT:
 MORGANTON PARK II, LLC
 639 EXECUTIVE PLACE, SUITE 400
 FAYETTEVILLE, NC 28305

TOTAL ACREAGE:
 PHASE 1 (EXISTING): ±18.47 AC
 PHASE 2: ±8.56 AC
 TOTAL: ±27.03

TOTAL IMPERVIOUS SURFACE:
 PHASE 1: ±9.67 AC
 PHASE 2: ±3.81 AC
 TOTAL: ±13.48 AC (49.9%)

TOTAL UNITS:
 PHASE 1: 288 MULTI-FAMILY RESIDENTIAL UNITS
 PHASE 2: 144 MULTI-FAMILY RESIDENTIAL UNITS
 TOTAL: 432 UNITS (16 DU/AC)

REQUIRED PARKING:

PHASE 1:
 APARTMENTS (288 TOTAL UNITS)
 -1 BEDROOM UNITS (88) 1 SPACE/UNIT = 88
 -2 BEDROOM UNITS (160) 2 SPACES/UNIT = 320
 -3 BEDROOM UNITS (40) 2 SPACES/UNIT = 80
 -1 VISITOR SPACE PER EVERY 5 UNITS = 58
 = 546 SPACES REQUIRED

PHASE 2:
 APARTMENTS (144 TOTAL UNITS)
 -1 BEDROOM UNITS (48) 1 SPACE/UNIT = 48
 -2 BEDROOM UNITS (84) 2 SPACES/UNIT = 168
 -3 BEDROOM UNITS (12) 2 SPACES/UNIT = 24
 -1 VISITOR SPACER PER EVERY 5 UNITS = 29
 = 269 SPACES REQUIRED

PROVIDED PARKING:

PHASE 1 (EXISTING):
 558 TOTAL SPACES (503 SURFACE / 55 GARAGE)

PHASE 2:
 278 TOTAL SPACES (258 SURFACE / 20 GARAGE)

OPEN SPACE:
 PHASE 1: 3.41 AC (USEABLE)
 PHASE 2: 2.08 AC (USEABLE)
 1.05 AC (OTHER)
 TOTAL: 6.54 AC (24.19%)

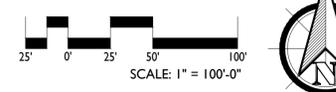
OPEN SPACE SUMMARY - MORGANTON PARK NORTH

SITE AREA 116.7 acres			
CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	23.34 acres (20%)	13.34 acres	10.00 acres
Usable Open Space	11.67 acres (10%)	10.08 acres	1.59 acres

LOCATION	OVERALL	USABLE
Pavilion	0.08 acres	0.08 acres
Legends Apartments	3.41 acres	3.41 acres
Elementary School	6.36 acres	4.48 acres
Sandhills Pediatrics	0.36 acres	0.03 acres
Pinehurst Medical	0 acres	0 acres
Pinehurst Surgical	0 acres	0 acres
Legends Apartments - Phase II	3.13 acres	2.08 acres
TOTAL	13.34 acres	10.08 acres

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.



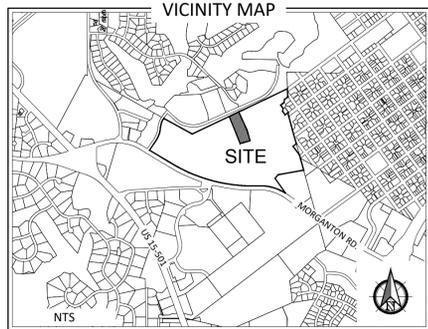
PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)



REVISIONS:

LEGENDS - PHASE II
PRELIMINARY DEVELOPMENT PLAN
 SOUTHERN PINES, NORTH CAROLINA
SITE PLAN

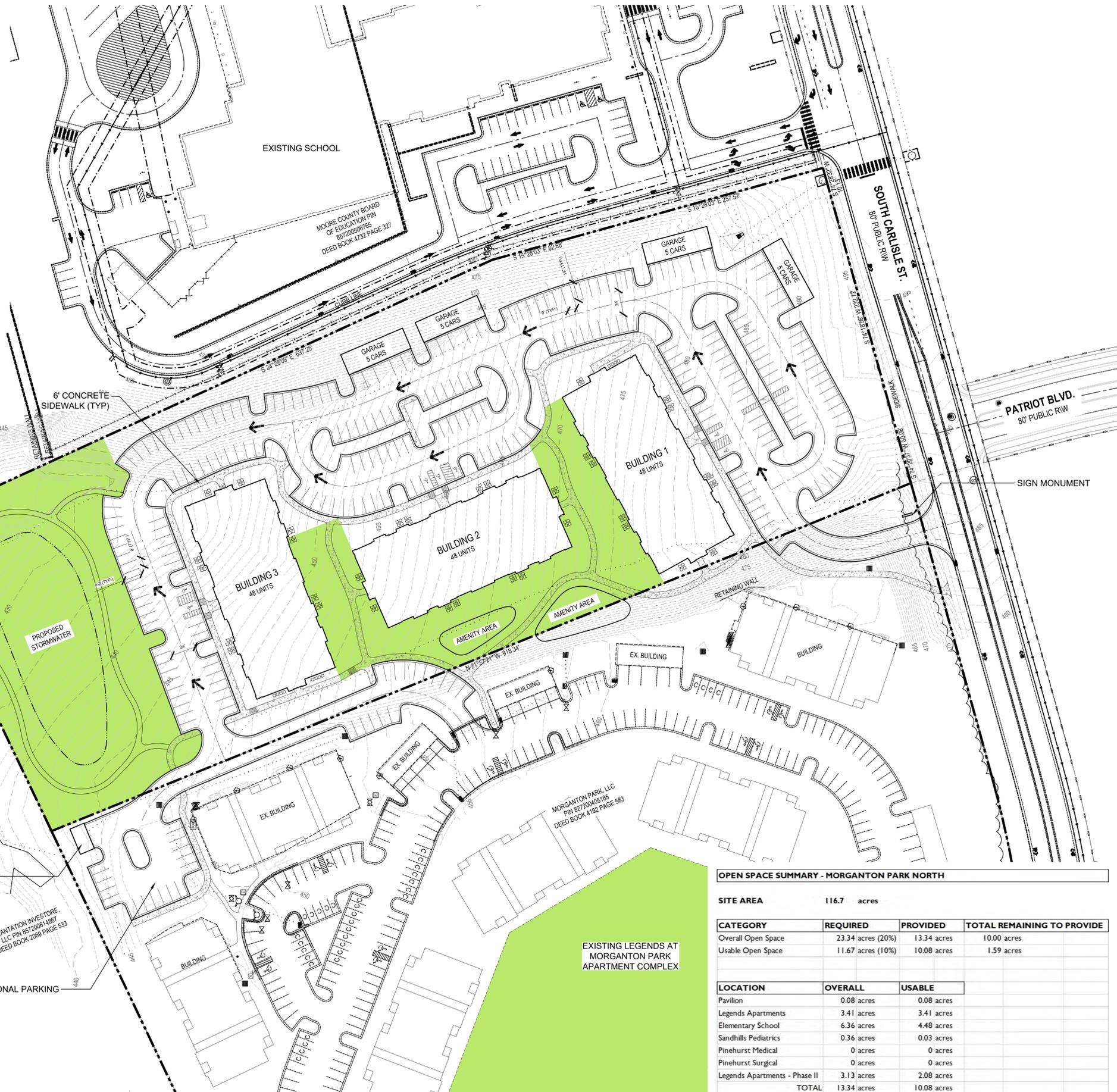
DATE: 03.15.2021
 DESIGNED BY: REK
 DRAWN BY: PJS
 CHECKED BY: REK
 SCALE: 1" = 50'
 PROJECT #: K1D21011
 SHEET NUMBER#: L-1.1



- GENERAL NOTES:**
1. ALL STREETS AND PARKING AREAS WILL REMAIN PRIVATE STREETS. STREETS WILL BE MAINTAINED BY THE DEVELOPER.
 2. LANDSCAPE STANDARDS FOR PHASE II WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
 3. DRAINAGE FOR PHASE II WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. STORMWATER MANAGEMENT DEVICES TO MEET THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER. PHASE I WILL CONTINUE TO DRAIN AS CONSTRUCTED.
 4. ALL STREETS AND PARKING AREAS WILL HAVE CONCRETE CURB AND GUTTER PER TOWN OF SOUTHERN PINES STANDARDS.
 5. OPEN SPACE WILL BE PRIVATELY OWNED AND MAINTAINED.

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LEGEND

- PROPERTY BOUNDARY
- - - EXISTING MINOR CONTOUR
- - - EXISTING MAJOR CONTOUR
- - - EXISTING STORM DRAINAGE
- - - EXISTING STORM DRAIN INLET
- - - EXISTING SEWER LINE
- - - EXISTING WATER LINE
- PROPOSED DRAINAGE FLOW
- PROPOSED OPEN SPACE
- PROPOSED USEABLE OPEN SPACE

FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8571, 8572
 MAP(S): 3710857100J; 3710857200J
 DATE: OCTOBER 17, 2006

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:
 PD - CONCEPTUAL DEVELOPMENT PLAN

REQUIRED SETBACKS:
 FRONT: NO MINIMUM
 SIDE-STREET: NO MINIMUM
 SIDE INTERIOR: NO MINIMUM
 REAR: NO MINIMUM

MAX. BUILDING HEIGHT (PROPOSED): 45'

PROPERTY INFORMATION

PROPERTY OWNERS:

PARCEL 1:
 VAN CAMP, ROBERT W TRUSTEE
 VAN CAMP, JULIE M TRUSTEE
 PO BOX 1389
 PINEHURST, NC 28370
 PARCEL ID: 20190146; PIN: 857200502304

PARCEL 2:
 MORGANTON PARK, LLC
 PO BOX 56607
 ATLANTA, GA 30343
 PARCEL ID: 20130093; PIN: 857200405185

PARCEL 3:
 VAN CAMP, ROBERT W & JULIE M TRUSTEES
 1001 OPPENHEIMER DR APT 201
 LOS ALAMOS, NM 87544
 PARCEL ID: 20150046; PIN: 857100392796

APPLICANT:
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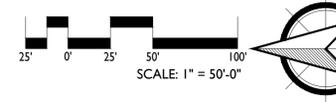
PHASE 1 (EXISTING):
 TOTAL USABLE: 3.41 AC
 TOTAL AREA: 3.41 AC

PHASE 2:
 TOTAL USABLE: 2.08 AC
 TOTAL AREA: 3.13 AC

OPEN SPACE SUMMARY - MORGANTON PARK NORTH

SITE AREA 116.7 acres			
CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
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TOTAL	13.34 acres	10.08 acres



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZJONESdesign
 LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
 SOUTHERN PINES, NC 28387
 P: (910) 684-6467
 W: www.koontzjonesdesign.com

REVISIONS:

LEGENDS - PHASE II
PRELIMINARY DEVELOPMENT PLAN
 SOUTHERN PINES, NORTH CAROLINA
SITE PLAN ENLARGEMENT

DATE: 03.15.2021
 DESIGNED BY: REK
 DRAWN BY: PJS
 CHECKED BY: REK
 SCALE: 1" = 50'
 PROJECT #: K1D21011
 SHEET NUMBER:
L-1.2



TOWN OF SOUTHERN PINES / COURTESY REVIEW

PD-02-21: Planned Development District - Preliminary Development Plan for Phase Two of the Legends at Morganton Park Planned Development
Pin#s: 857200502304, 857100392796, and 857200405185

April 5 2021

Following an examination of the materials provided for the courtesy review by the RLUAC staff and Board of Directors, and recognizing that our findings are non-binding on the Town of Southern Pines, the RLUAC Board of Directors finds that:

- The case involves properties that are neither identified as critical nor important to conserve on the Joint Land Use Study maps, and
- They contain no identified military impacts.

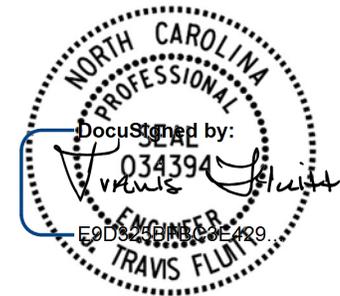
Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman

Pete Campbell, Executive Director

March 31, 2021 (*Revised April 6, 2021*)

Mr. Bob Koontz
Koontz Jones Design
150 South Page Street
Southern Pines, NC 28387



4/6/2021

RE: *Legends Apartments Expansion, Southern Pines, NC – Traffic Impact Analysis*

Dear Mr. Koontz,

Kimley-Horn has revised the Traffic Impact Analysis (original study dated March 31, 2021) for the proposed expansion of the Legends Apartments at Morganton Park development located north of Carlisle Street at Brucewood Road in Southern Pines, NC based on comments provided by Town of Southern Pines staff. The existing development currently includes 288 apartments with access on Carlisle Street. The proposed expansion will add 144 units for a total of 432 dwelling units and provide an additional right-in/right-out driveway on Carlisle Street between Brucewood Road and Patriot Way. The proposed expansion has an anticipated build-out year of 2022.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the projected (2022) build-out year and the projected (2031) ten-year horizon condition per the Town's UDO. The site location is shown on **Figure 1**, while **Figure 2** shows the proposed site plan. The existing roadway laneage at the study intersections is shown on **Figure 3**.

Existing and Background Traffic

AM and PM peak hour turning movement counts performed on February 11, 2020 were obtained from the *Revised Pinehurst Medical Morganton Park North Medical Office Building TIA* (Kimley-Horn, March 2020) for the following intersections:

- Morganton Road at Brucewood Road
- Brucewood Road at Pavilion Way

As those turning movement counts are more than one year old, a 2% growth rate was applied for one year up to the existing study year 2021. No growth was applied to traffic volumes north of Morganton Road as approved development traffic is expected to account for those traffic increases.

Based on historic daily traffic volumes in the area and to be consistent with other TIA's performed in the area, an annual growth factor of 2% was applied to existing volumes for the 2022 study year scenarios, and an annual growth factor of 1% was applied to 2022 volumes to the 2031 study year scenarios.

Traffic from the Morganton Park Elementary School, Sandhills Pediatrics, and Pinehurst Medical sites were also included in this analysis as background traffic. Morganton Park Elementary School is now open but was not open when the 2020 traffic counts were performed. Site traffic volumes for those developments were obtained from the *Revised Pinehurst Medical Morganton Park North Medical Office*

Building TIA. Traffic diversions due to the extension of Carlisle Street from W. Lowe Avenue to Brucewood Road for both school and non-school traffic were also obtained from that study.

Existing and projected (2022) background peak hour traffic volumes, which include historic growth traffic, approved development traffic, and Carlisle Street/Morganton Park Elementary School traffic diversions, are shown on **Figures 4** and **5**. Projected (2031) background traffic volumes are shown on **Figures 6** and **7**.

Trip Generation

The peak hour trip generation potential of the additional units was determined using the traffic generation data published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Tenth Edition, 2017), while daily trip generation was based on data in “Exhibit 4-20” of the Town’s UDO. These calculations were based on the net increase in trips between the existing and proposed conditions, and Table 1 summarizes the estimated traffic generation potential for the site.

Table 1 ITE Traffic Generation (Vehicles)									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
221	Multifamily Housing (Mid-Rise) – Existing	288	d.u.	1,054	1,054	25	72	74	78
221	Multifamily Housing (Mid-Rise) – Proposed	432	d.u.	1,581	1,581	37	107	110	70
Net Increase: Net New External Trips				527	527	12	35	36	22

Table 1 shows that the additional 144 apartments units are anticipated to increase overall site traffic generation by approximately 1,054 trips on a typical weekday, 47 trips during the AM peak hour, and 58 trips during the PM peak hour.

Trip Distribution and Assignment

The new site trips were assigned to the surrounding roadway network according to the distribution below. The directional distribution and assignment were based on existing and projected travel patterns in the area.

- 35% to/from the west along Morganton Road
- 30% to/from the south on Brucewood Road
- 25% to/from the east along Morganton Road
- 10% to/from the east on Carlisle Street Extension

The site traffic distribution and percent assignment are shown on **Figure 8**.

The attached **Figures 9** and **10** show the projected (2022) site and build-out traffic volumes at the study intersections for the AM and PM peak hours, respectively. **Figures 11** and **12** show the projected (2031) site and build-out traffic volumes at the study intersections for the AM and PM peak hours, respectively.

Capacity Analysis

Capacity analyses were performed using Synchro Version 10 software. Existing signal timings were obtained from previous studies in the area. Existing peak hour factors (PHF) were used for the existing traffic condition at existing study intersections. For all future AM peak hour conditions, a weighted PHF was used for all movements carrying projected Morganton Park Elementary School project traffic, with a PHF of 0.50 used for school-generated traffic volumes and existing PHF values used for non-school volumes. Synchro intersection level-of-service (LOS) reports are attached. The LOS for the study intersections are summarized in [Table 2](#).

Table 2 Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Morganton Road at Brucewood Road (Signalized)		
Existing (2021) Traffic	B (11.2)	B (15.2)
Background (2022) Traffic	B (19.8)	B (18.3)
Build-out (2022) Traffic	B (19.9)	B (19.5)
Background (2031) Traffic	C (20.8)	C (20.1)
Build-out (2031) Traffic	C (21.0)	B (20.2)
Brucewood Road at Pavilion Way (Unsignalized)		
Existing (2021) Traffic	WB – A (9.1) SBL – A (7.4)	WB – A (9.6) SBL – A (7.5)
Background (2022) Traffic	WB – B (13.2) SBL – A (8.0)	WB – B (12.4) SBL – A (7.7)
Build-out (2022) Traffic	WB – B (13.8) SBL – A (8.0)	WB – B (13.1) SBL – A (7.8)
Background (2031) Traffic	WB – B (13.2) SBL – A (8.0)	WB – B (12.4) SBL – A (7.7)
Build-out (2031) Traffic	WB – B (13.8) SBL – A (8.0)	WB – B (13.1) SBL – A (7.8)
Brucewood Road at Carlisle Street Extension (Unsignalized)		
Background (2022) Traffic	WB – B (12.1) SBL – A (7.5)	WB – A (9.8) SBL – A (7.5)
Build-out (2022) Traffic	WB – B (12.7) SBL – A (7.5)	WB – B (10.2) SBL – A (7.6)
Background (2031) Traffic	WB – B (12.1) SBL – A (7.5)	WB – A (9.8) SBL – A (7.5)
Build-out (2031) Traffic	WB – B (12.7) SBL – A (7.5)	WB – B (10.2) SBL – A (7.6)

Table 2 Level-of-Service Summary (cont.)		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Morganton Road at Patriot Way (Unsignalized)		
Background (2022) Traffic	SB – B (11.5)	SB – B (12.8)
Build-out (2022) Traffic	SB – B (11.5)	SB – B (12.8)
Background (2031) Traffic	SB – B (11.9)	SB – B (13.4)
Build-out (2031) Traffic	SB – B (11.9)	SB – B (13.4)
Carlisle Street Extension at Patriot Way (Unsignalized)		
Background (2022) Traffic	NB – B (10.2) WBL – A (7.5)	NB – A (8.7) WBL – A (7.3)
Build-out (2022) Traffic	NB – B (10.3) WBL – A (7.5)	NB – A (8.7) WBL – A (7.3)
Background (2031) Traffic	NB – B (10.2) WBL – A (7.5)	NB – A (8.7) WBL – A (7.3)
Build-out (2031) Traffic	NB – B (10.3) WBL – A (7.5)	NB – A (8.7) WBL – A (7.3)
Pavilion Way at Patriot Way (Unsignalized)		
Background (2022) Traffic	EB – B (11.6) WB – B (11.2) NBL – A (7.3) SBL – A (7.8)	EB – A (9.3) WB – A (9.9) NBL – A (7.2) SBL – A (7.3)
Build-out (2022) Traffic	EB – B (11.5) WB – B (11.2) NBL – A (7.3) SBL – A (7.8)	EB – A (9.3) WB – A (9.9) NBL – A (7.2) SBL – A (7.3)
Background (2031) Traffic	EB – B (11.6) WB – B (11.2) NBL – A (7.3) SBL – A (7.8)	EB – A (9.3) WB – A (9.9) NBL – A (7.2) SBL – A (7.3)
Build-out (2031) Traffic	EB – B (11.5) WB – B (11.2) NBL – A (7.3) SBL – A (7.8)	EB – A (9.3) WB – A (9.9) NBL – A (7.2) SBL – A (7.3)
Carlisle Street Extension at East Site Driveway (Unsignalized)		
Build-out (2022) Traffic	SB – A (9.8)	SB – A (8.6)
Build-out (2031) Traffic	SB – A (9.8)	SB – A (8.6)

The following roadway improvements are proposed to be constructed/implemented as part of other projects in the study area. Note that some of these improvements are already in place but were assumed to only be included in future conditions based on the timing of the turning movement counts:

Morganton Road at Brucewood Road (NCDOT):

- Traffic signal modifications as part of Morganton Road resurfacing project
 - Convert the eastbound and westbound left turns to Dallas Permitted+Protected
 - Convert the westbound right to a Permitted Overlap phase

S. Carlisle Street Extension (Morganton Park Elementary School):

- Extend S. Carlisle Street from Lowe Avenue to Brucewood Road

Morganton Road at Patriot Way (Pinehurst Medical):

- Construct an exclusive westbound right-turn lane on Morganton Road with 150 feet of storage and appropriate tapers
- Construct Patriot Way as a right-in/right-out with one ingress and one egress lane

Carlisle Street Extension at Patriot Way (Pinehurst Medical):

- Construct Patriot Way with one ingress and one egress lane

With the committed improvements in place, all study intersections are expected to operate at an acceptable LOS in the projected 2021 and 2030 build-out traffic conditions, and only minor increases in intersection delay (typically less than 1 second) are anticipated with the addition of project traffic.

It should be noted that Synchro outputs and SimTraffic simulations show the potential for queues for the southbound left-turn movement on Brucewood Road at Morganton Road to extend beyond the available storage in the AM peak hour in the background and build-out scenarios. However, these spillbacks are short in duration are expected to be resolved with signal timings modifications as development occurs.

The future roadway laneage including background roadway improvements and recommended laneage is shown on **Figure 13**.

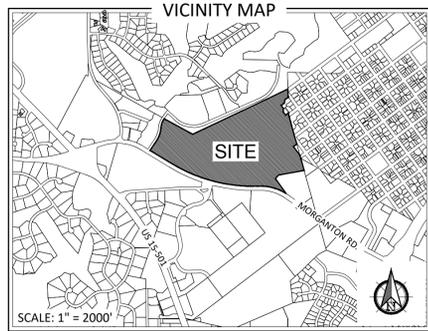
Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

Sincerely,

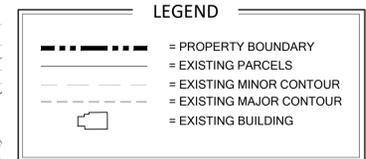
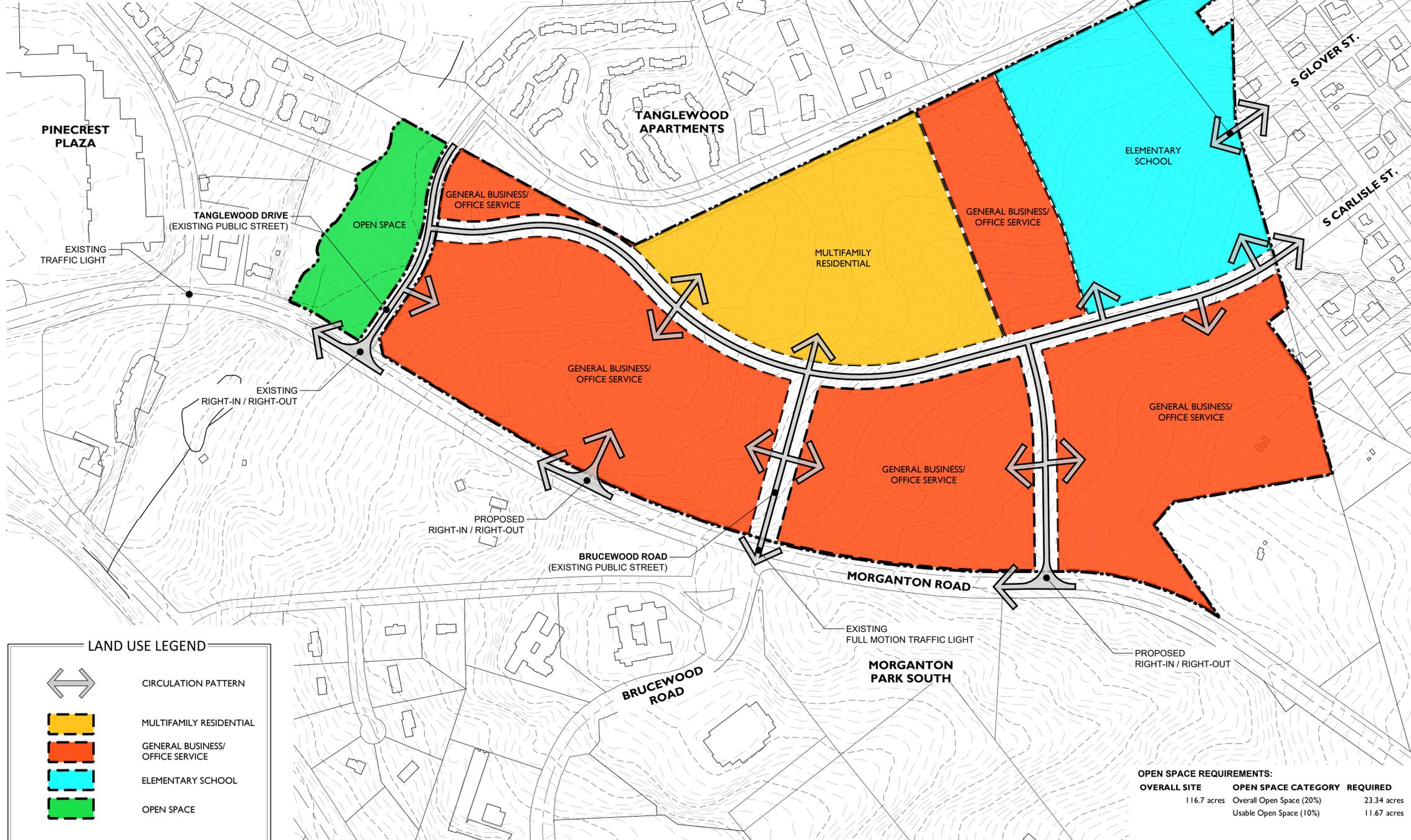


Travis Fluitt, P.E.
Senior Project Manager

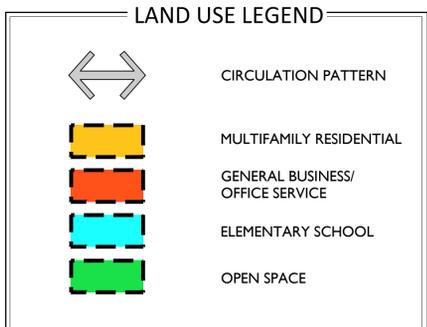
Attachments: Figures 1-13, Traffic Count Data, Approved Development and Traffic Diversion Volumes, Trip Generation Calculations, Volume Development Worksheets, Synchro LOS Reports, Signal Plans and Timing Data



* THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO CHANGE. THE PROPERTY OWNER MAY MODIFY THIS PLAN, THE ILLUSTRATED USES AND ANY PHASING.

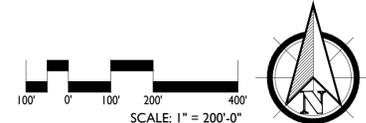


- GENERAL NOTES**
1. ALL DEVELOPMENT ON THE PROPERTY WILL ADHERE TO THE USES, DIMENSIONAL STANDARDS AND REQUIREMENTS OF EITHER THE GENERAL BUSINESS (GB) OR OFFICE SERVICE (OS) ZONING CLASSIFICATIONS PER THE TOWN OF SOUTHERN PINES UDO. THESE USES MAY BE MIXED ON INDIVIDUAL PROPERTIES OR WITHIN INDIVIDUAL BUILDINGS TO PROMOTE A MIXTURE OF USES THROUGHOUT THE PROPERTY.
 2. DEVELOPMENT WILL ALSO ADHERE TO THE MORGANTON ROAD OVERLAY STANDARDS AS DESCRIBED IN SECTION 3.6.6 OF THE UDO, EXCEPT FOR THE LOCATION OF THE MULTI-USE PATH ALONG MORGANTON ROAD. A WAIVER FROM SECTION 3.5.6(H)(4) WOULD BE AS FOLLOWS: A TRAIL MEASURING EIGHT (8) FEET IN WIDTH WILL BE INSTALLED ALONG THE EDGE OF MORGANTON ROAD. PHASE ONE AND TWO OF THE TRAIL HAVE BEEN CONSTRUCTED WITHIN THE RIGHT-OF-WAY OF MORGANTON ROAD AND CONNECT TO THE GREENWAY IN FRONT OF THE TOWN OWNED PARCELS NEAR HENLEY STREET. ANY REMAINING PHASES OF THE TRAIL SHALL CONNECT TO THE EXISTING TRAIL, REFLECT THE SAME TRAIL DESIGN AND BE LOCATED WITHIN THE RIGHT-OF-WAY ALONG MORGANTON ROAD PER THE PREVIOUS DEVELOPMENT AGREEMENT. THE THIRD AND FINAL SEGMENT OF THE MULTI-USE TRAIL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND TIMEFRAME DESCRIBED IN THE DEVELOPMENT AGREEMENT FOR MORGANTON PARK NORTH.
 3. ALL DEVELOPMENT AND BUILDING PERMITS ARE SUBJECT TO ALL LOCAL, STATE AND FEDERAL PERMITTING GUIDELINES, ARCHITECTURAL REVIEW, RULES AND REGULATIONS AND MUST BE APPROVED BY THE TOWN OF SOUTHERN PINES.
 4. SMALL AREAS OF WETLANDS EXIST ON THE SITE. MOST OF THE PROPERTY'S WETLANDS WILL REMAIN UNDISTURBED, AS REQUIRED BY LAW. ANY IMPACTS MUST BE PERMITTED AND MITIGATED PER THE REQUIREMENTS OF THE ARMY CORPS OF ENGINEERS AND THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.
 5. AS REQUIRED BY US FISH AND WILDLIFE, ANY POTENTIAL RED COCKADED WOODPECKER FORAGING HABITAT WILL BE MANAGED DURING THE DEVELOPMENT PROCESS AND APPROVALS OBTAINED FROM THE AGENCY IF NECESSARY.
 6. THE COMMUNITY LIES OUTSIDE OF ANY PROTECTED WATERSHED DISTRICT ESTABLISHED BY NODDWO. THE PROJECT WILL COMPLY WITH ALL STATE AND LOCAL STANDARDS FOR STORM WATER MANAGEMENT. THE PROJECT WILL UTILIZE BEST MANAGEMENT PRACTICES AND ENGINEERED STORM WATER FACILITIES.
 7. STORMWATER WILL BE PROVIDED IN THE EXISTING STORMWATER BASIN AND OTHER STORMWATER BASINS LOCATED ON THE PROPERTY. THE EXISTING BASIN WAS DESIGNED TO PROVIDE STORMWATER MANAGEMENT FOR A SIGNIFICANT PORTION OF THE PROPERTY. ADDITIONAL STORMWATER BASINS WILL BE ADDED AS NECESSARY TO MANAGE THE BALANCE OF THE PROPERTY. STORMWATER BASINS WILL BE PROVIDED ON THE SCHOOL SITE TO PROVIDE ADEQUATE MANAGEMENT OF THE SITE'S RUNOFF.
 8. ALL ROADWAYS, MULTI-USE PATHS, SIDEWALKS AND ANY POTENTIAL TRAILS WILL BE DEDICATED TO THE TOWN OF SOUTHERN PINES.
 9. OPEN SPACE WILL BE PROVIDED THROUGHOUT THE COMMUNITY AS REQUIRED BY THE TOWN'S UDO. A MINIMUM OF 20% OF THE SITE MUST BE DEDICATED TO OPEN SPACE WITH 50% OF THE OVERALL OPEN SPACE BEING USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. EACH PRELIMINARY DEVELOPMENT PLAN (PDP) PREPARED FOR ANY AREA OF THE OVERALL MORGANTON PARK NORTH PROPERTY SHALL PROVIDE A TABULATION ILLUSTRATING THE OPEN SPACE BEING PROVIDED WITH THEIR PHASE, PREVIOUSLY PROVIDED OPEN SPACE FROM OTHER PHASES AND THE BALANCE OF OPEN SPACE THAT MUST BE PROVIDED IN FUTURE PHASES TO MEET THE OPEN SPACE REQUIREMENTS OF SECTION 3.5.14.
 10. OPEN SPACE WITHIN THE SCHOOL AREA INCLUDING OPEN PLAY FIELDS, PLAYGROUNDS OR OTHER STUDENT RECREATION AREAS WILL BE CREDITED TOWARD USABLE OPEN SPACE REQUIREMENTS.
 11. THE TOWN OF SOUTHERN PINES ARCHITECTURAL REVIEW BOARD WILL REVIEW AND APPROVE ALL NON-RESIDENTIAL BUILDING PLANS FOR COMPLIANCE WITH THE TOWN'S ARCHITECTURAL STANDARDS.
 12. ALL DEVELOPMENT AND BUILDING PERMITS ARE SUBJECT TO ALL LOCAL, STATE AND FEDERAL PERMITTING GUIDELINES, ARCHITECTURAL REVIEW, RULES AND REGULATIONS.
 13. LANDSCAPE STANDARDS WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
 14. SCHOOLS MAY BE PERMITTED A REDUCTION IN LANDSCAPING REQUIREMENTS. THIS REDUCTION IN LANDSCAPING WILL BE ILLUSTRATED ON ANY PRELIMINARY DEVELOPMENT PLAN SUBMITTED FOR A SCHOOL AND CONSIDERED BY TOWN COUNCIL.
 15. ELECTRIC, WATER, SEWER AND GAS UTILITIES ARE READILY AVAILABLE FOR THE SITE. NEW UTILITY LINES WILL BE INSTALLED PER THE POLICIES OF THE LOCAL UTILITY PROVIDERS AND THE TOWN OF SOUTHERN PINES FOR UNDERGROUND UTILITIES.
 16. FROM TIME TO TIME, TEMPORARY SERVICES MAY BE REQUIRED AND SHALL BE ALLOWED AT COMMUNITY FACILITIES, TEMPORARY CONSTRUCTION OFFICES, TEMPORARY SALES CENTERS, TEMPORARY CONSTRUCTION OFFICES, AND OTHER COMMON AMENITIES SUCH AS PARKS.
 17. STREET LIGHTING WILL BE DESIGNED IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 4.8 IN THE TOWN OF SOUTHERN PINES UDO.
 18. SIGNAGE WILL BE DESIGNED ON A PARCEL BY PARCEL BASIS AND ADHERE THE STANDARDS PROVIDED IN SECTION 4.6 OF THE UDO. UNIFIED SIGN PLANS MAY BE PROVIDED FOR EACH OF THESE PARCELS. HOWEVER, NO OVERALL UNIFIED SIGN PLAN WILL BE PROVIDED FOR THE OVERALL PROPERTY.



OPEN SPACE REQUIREMENTS:

OVERALL SITE	OPEN SPACE CATEGORY	REQUIRED
116.7 acres	Overall Open Space (20%)	23.34 acres
	Usable Open Space (10%)	11.67 acres



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

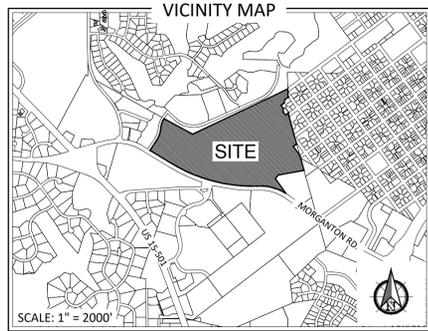
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-6867
W: www.koontzjonesdesign.com

REVISIONS:

MORGANTON PARK NORTH
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
CONCEPTUAL LAND USE PLAN

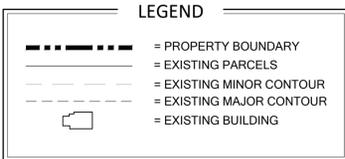
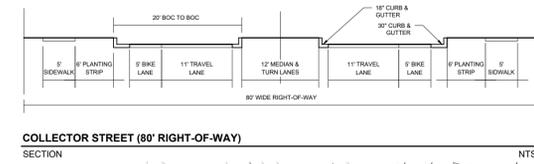
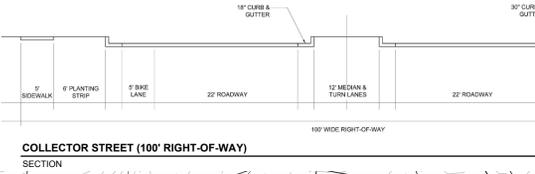
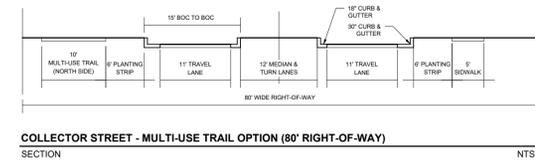
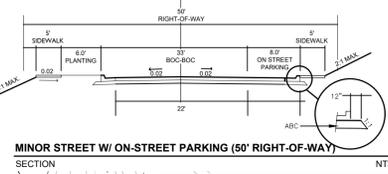
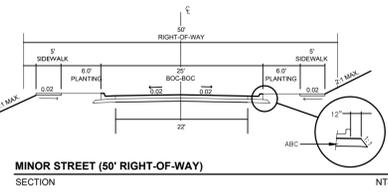
DATE: 03.23.2018
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 200'
PROJECT #: K01803
SHEET NUMBER: L-1.1





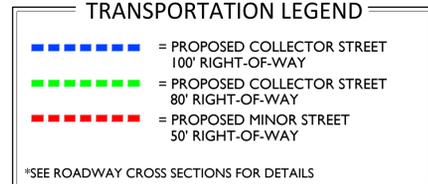
SCALE: 1" = 2000'

* THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO CHANGE. THE PROPERTY OWNER MAY MODIFY THIS PLAN, THE ILLUSTRATED USES AND ANY PHASING.



TRANSPORTATION PLAN NOTES

1. STORMWATER MANAGEMENT FOR THE TRANSPORTATION FACILITIES AND FUTURE DEVELOPMENT WILL BE PROVIDED USING BEST MANAGEMENT PRACTICES, IN REGIONAL STORMWATER DETENTION FACILITIES. FACILITIES WILL BE LOCATED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPTUAL DEVELOPMENT PLAN. AS ILLUSTRATED ON THIS SHEET, THE DRAINAGE FLOW LINE DESIGNATES THE GENERAL LOCATION DIVIDING THE SITE DRAINAGE BASINS. STORMWATER, WEST OF THE DRAINAGE FLOW LINE, WILL FLOW TOWARD THE STORMWATER MANAGEMENT DEVICE LOCATED ON THE WEST SIDE OF THE PROPERTY. THE DRAINAGE BASIN LOCATED ON THE NORTHEASTERN PORTION OF THE SITE WILL FLOW TOWARD A STORMWATER DEVICE LOCATED GENERALLY IN THE AREA INDICATED ON THE PLAN. THESE LOCATIONS ARE SUBJECT TO CHANGE THROUGHOUT THE CONTINUED DEVELOPMENT OF THE PROPERTY BASED ON DETAILED ENGINEERING PLANS. EACH INDIVIDUAL SITE MAY ALSO ELECT TO PROVIDE STORMWATER ON-SITE DEPENDING UPON THE SITE CONDITIONS AND ENGINEERING STANDARDS. STORMWATER MUST BE MAINTAINED ON THE OVERALL PROPERTY TO MEET THE TOWN OF SOUTHERN PINES AND ALL STATE AND FEDERAL STANDARDS.
2. MORGANTON PARK NORTH IS NOT LOCATED WITHIN ANY HIGH-QUALITY OR WATER SUPPLY WATERSHED.
3. NO ENDANGERED SPECIES ARE LOCATED ON THE PROPERTY.
4. ALL ROADWAYS WILL BE CONSTRUCTED TO TOWN OF SOUTHERN PINES AND NCDOT STANDARDS.
5. ALL ROADWAYS WITHIN THE DEVELOPMENT WILL BE DEDICATED TO THE TOWN OF SOUTHERN PINES AND BECOME PUBLIC STREETS.
6. STREET STANDARDS WILL FOLLOW TOWN OF SOUTHERN PINES GUIDELINES EXCEPT WITH THE LOCATION OF BIKE LANES AND TRAILS. THE ROAD CROSS SECTION FOR SUB-COLLECTOR STREETS MAY DEVIATE FROM THE TOWN STANDARD. AN ASPHALT MULTI-USE PATH MAY BE USED IN LIEU OF BIKE LANES IN THE ROADWAY FOR SAFETY REASONS. WITH THE CONSTRUCTION OF THE ELEMENTARY SCHOOL ON THE PROPERTY, IT IS ANTICIPATED THAT CHILDREN FROM LOCAL NEIGHBORHOODS AND THE MORGANTON PARK APARTMENT COMMUNITY, WILL BE WALKING AND/OR BIKING TO SCHOOL. IT WOULD BE PREFERABLE TO HAVE A WIDENED MULTI-USE PATH, SEPARATED FROM VEHICULAR TRAFFIC TO ALLOW STUDENTS A SAFE PATHWAY TO SCHOOL. THIS CROSS SECTION WAS ALSO USED ALONG OLD MORGANTON ROAD IN MORGAN PARK ON THE SOUTH SIDE OF MORGANTON ROAD.
7. IN THE VICINITY OF THIS PROPERTY THERE IS ONE OTHER APPROVED PROJECT. MORGANTON PARK SOUTH PHASE II (ADJACENT TO LOWE'S FOOD) HAS BEEN APPROVED. THE MORGANTON ROAD MEDIAN PREVENTS DIRECT CONNECTION TO ROADWAYS IN THE MORGANTON PARK SOUTH SHOPPING CENTER. CONNECTION TO THIS APPROVED DEVELOPMENT WOULD UTILIZE THE TRAFFIC LIGHT AT BRUCEWOOD ROAD.
8. GLOVER STREET MAY BE EXTENDED AND UTILIZED BY THE SCHOOL, FOR ACCESS TO BUS OR CAR DROP-OFF AND CONNECT TO THE SCHOOL CIRCULATION SYSTEM.
9. OPEN SPACE WILL BE PROVIDED FOR THE OVERALL DEVELOPMENT. AS REQUIRED, A MINIMUM OF 20% OPEN SPACE WILL BE PROVIDED THROUGHOUT THE DEVELOPMENT.
10. ALL TRAVEL DISTANCES & TIMES ARE BASED FROM THE EXISTING TRAFFIC LIGHT AT BRUCEWOOD ROAD. TRAVEL DISTANCES & TIMES WERE OBTAINED FROM GOOGLE MAPS AND REFLECT TYPICAL DRIVING TIMES OBSERVED AT 6 PM. TRAVEL TIMES MAY FLUCTUATE BASED ON TIME, WEATHER, CONSTRUCTION, TRAFFIC ACCIDENTS, AND INCREASES IN TRAFFIC DUE TO HOLIDAYS AND SPECIAL EVENTS.



*SEE ROADWAY CROSS SECTIONS FOR DETAILS

PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

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LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
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W: www.koontzjonesdesign.com

**MORGANTON PARK NORTH
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
CONCEPTUAL TRANSPORTATION PLAN**

DATE: 05.11.2018
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 200'
PROJECT #: KCD1803
SHEET NUMBER:
L-1.3



AMENDED ATTACHMENT “A”
Draft Planning Board Findings of Fact
Preliminary Development Plan Application PD-02-21

Finding of Fact #1:

The Planning Board finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Planning Board finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;

The Planning Board finds that the Preliminary Development Plan (PDP) for a multi-family community that has been submitted as Phase 7 of the Morganton Park North Conceptual Development Plan (CDP) will achieve the purposes of the PD-Planned Development zoning district with the appropriate modifications related to approving deviations from building height, building density increase, building setback requirements, and signage requirements and as PD-02-21 was amended by applicant.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

The Planning Board finds that the proposed PDP is generally consistent with the approved PD-01-18 file, plans and “General Notes” that are set forth in the approved Morganton Park North CDP. The proposed PDP is also generally consistent with the Unified Development Ordinance. However, in order to be approved, deviations that the applicant has not addressed must be evaluated. The deviations that the applicant needs to address are: the applicant is proposing a 50’ building height, that once all three (3) parcels are combined, the applicant will meet density requirements, not to provide play areas for school aged children and signage that cannot be determined if it meets the standards of the UDO. The Planning Board finds that each of the deviation requests for a 50’ building height, and not requiring play areas for school aged children meet the respective criteria for approval of a deviation, and therefore the Planning Board recommends approval of these deviation requests. The developer shall be relieved of the requirement to provide the Carlisle Street extension and sidewalks as the path that exists currently is adequate, as stated by the Town Engineer and Fire Marshal at the April 20, 2021 TRC Meeting. The applicant shall provide the required setbacks as required in UDO § 4.10.8 and will apply for a sign permit for a multi-family development entrance sign in accordance with UDO §

4.6.12 and meet the UDO § 4.10.8 setback requirements as the applicant amended in the application at the PB Regular meeting April 22, 2021.

3. **The proposed Development is located in an area of the Town that is appropriate; and**

The Planning Board finds that the proposed PDP is located in an appropriate area of Town because the proposed multi-family community is served by existing public utilities, is accessed by an existing Town roadway. The proposed addition of multi-family residences will provide easy access to shopping and employment centers. Furthermore, development of the site will not remove critical wildlife habitat or add impervious surface in a High Quality Watershed.

4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**

The Planning board finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed lots and the development is to be accessed by existing Town roadways. Most municipal public services are presently provided to adjoining land uses so the proposed multi-family community is not creating a new location of public service delivery demand.

Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: PD-03-21: Planned Development - Preliminary Development Plan for a new four phased development of Brad Halling American Whiskey; Owner/Applicant: Brad Halling and Jessica Halling dba Rickhouse Properties, LLC; Authorized Agent: Neal Smith Engineering, Inc

Date: June 8, 2021

I. SUMMARY OF APPLICATION REQUEST:

Mr. Neal Smith of Neal Smith Engineering, Inc., on behalf of Rickhouse Properties, LLC., has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a new four-phased whiskey distillery. The applicant is proposing to construct a mixed-use development to include a whiskey distillery along with retail, office, restaurant, bar, storage, special events and manufacturing with onsite sales. This subject property is an undeveloped 15.04-acre parcel located on the North side of Yadkin Road between Trimble Plant Road and US HWY #1. The subject property is currently zoned PD and has an approved CDP, but the zoning map has not been updated in GIS and still shows the property as I (Industrial). The subject property is identified as PIN: 858200642631 (PARID: 00036849) and per the Moore County tax records, the property owner is listed as Rickhouse Properties, LLC.

II. PLANNING BOARD ACTION:

At the May 20, 2021 Regular Meeting of the Planning Board, the Planning Board held a public hearing and followed the rules for a legislative public hearing per UDO §2.5.2 which states that when the Planning Board serves as a recommending body for an action requiring a quasi-judicial hearing by the Town Council, the Board may follow the rules for a legislative hearing to gather broader public testimony. Planning staff, Ms. Suzy Russell, presented a review of the Preliminary Development Plan application. Ms. Russell reviewed the application for compliance with the Comprehensive Long Range Plan, the Conceptual Development Plan, and the applicable sections of the Unified Development Ordinance.

Following staff's comments, the property owner, Ms. Jessica Halling, gave opening comments that consisted of thankfulness for support from the community. She gave an update of the NCDEQ Brownfield assessment, and stated that the project is on track and that at this point it looks like NCDEQ will not require remediation. The applicant's agent, Mr. Neal Smith of Neal Smith Engineering, LLC., presented the case for approval of the

Preliminary Development Plan. Mr. Smith specifically stated that the drive aisles would not be less than 24' except the drive located in front of the bay of rickhouses. The applicant's agent was asked if they are given feedback at TRC that they all drive aisles must be 24' at minimum would the applicant comply? Mr. Smith responded that they would. Ms. Halling responded that they would if they had to. Mr. Gary Carroll asked staff to explain why the condition was imposed and Ms. Suzy Russell responded If the applicant had not provided information that was contrary to the standard in the UDO staff would not have to address it. Ms. Russell also stated that site plan review with the TRC is the correct place for the conversation to occur when it comes to compliance with the standards and that is why the condition was added. Mr. Smith stated that the parking lot surfaces as presented in the application were creating feedback from members of the TRC. He stated that he felt that the only issue would be the hammerhead area and that they would comply with the standards required at TRC. Mr. Galyean stated that parking at the hammerheads may be moved to phase 2 instead of phase 1. Mr. Cooper Carter asked what those spaces used for and Mr. Galyean responded they are assigned employee parking. Mr. Cooper Carter stated that hopefully they will have tremendous success and will be like other destination distilleries and will have bus traffic and asked how they will accommodate buses. Mr. Smith responded that they will modify parking if they need bus parking and more than likely rickhouse 4 would become bus parking. Mr. Gary Carroll stated that he has no concerns with the Town Fire Marshall working through the standards at TRC because he is diligent and the applicant has committed that they will comply to whatever is required of them.

Mr. Carroll opened public comment and Ms. Rebecca Hernandez wrote a comment and asked how they would deal with traffic. Mr. Smith stated that they provided a preliminary traffic study and that the Town Engineer needs more information. Ms. Hallings stated that they have streamlined ingress and egress and have complied with NCDOT recommendations and placed the Yadkin Road entrance where NCDOT recommended it be placed. Mr. Smith stated that they are just over 300 trips per day and explained that the majority of traffic will be from group destination traffic and restaurant traffic for lunch and dinner. He stated the goal is to have a lot of traffic. Ms. Tania Smith called in and stated they were interested in how traffic would be dealt with and how would noise be dealt with. Ms. Hallings stated that some events would occur in the facility and the outside terrace. In phase 2 a stage will be nestled down in the terrain to create a private green space setting to be away from the Boiling Springs property. Mr. Carroll asked if the Town has a noise ordinance and Mr. BJ Grieve, the Town Planning Director, stated that the Town does have a noise ordinance.

After closing the public hearing Ms. Diane Westbrook asked about the agency comment from NCDOT and Ms. Russell explained that the driveway permitting process will happen after site plan review. Mr. Lem Dowdy requested to discuss the conditions with the applicant. The aisle width condition was amended to read *aisle widths will be approved at TRC review*. Mr. Carroll stated that the total parking actually equates to 147 parking spaces and not 146. The applicants consented to the conditions as written and as amended and the parking total being 147.

A motion was made by Mr. Lem Dowdy to adopt Amended Attachment A of the staff report as findings of fact, with changes to the language under the second finding of fact as found on the “Amended Attachment A” and to recommend approval of the Preliminary Development Plan for PD-03-21 with conditions.

Please find the Amended Finding of Facts as adopted by the Planning Board under Attachment “Amended Attachment A” in this report.

III. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

i. Property Owners and Applicant:

Rickhouse Properties, LLC
Brad Halling and Jessica Halling
304 Edgewood Road
Cameron, NC 28326

ii. Authorized Agent:

Neal Smith Engineering, LLC
Neal Smith
139 Pinehurst Avenue
Suite C
Southern Pines, NC 28387

B. Property Information:

i. Street Address:

175 Yadkin Road
Southern Pines, NC 28387

ii. Size of Property:

Total Project Acreage: 15.04 acres

iii. Existing Infrastructure:

The subject property would be accessed from Yadkin Road, which is an NCDOT road and Trimble Plant Road, which is a paved Town street. The property is bisected by an 8” sewer line and is adjacent to existing water lines, a 12” line on Yadkin Road and an 8” on Trimble Plant Road. The subject property has access to electrical, gas, telephone and cable services and will not require any utility extensions. (See Figure 2: Existing Public Utilities Map)

iv. Current Property Zoning and CLRP Classification:

The zoning district of the subject property is presently PD but was just recently rezoned from I - Industrial (See Figure 1: Vicinity & Zoning Map below). The subject property was approved to be rezoned to PD – Planned

Development at the March 22, 2021 Town Council Worksession meeting. Please see the signed Ordinance in the attachment section of this report.

C. Planned Development History & Current Project Description:

i. Planned Development History:

The subject property is part of the 15.04-acre, four-phased Brad Halling American Whiskey Conceptual Development Plan (CDP) approved by the Town of Southern Pines on March 22, 2021 (PD-01-21). The applicant proposes to construct a distilled spirits plant in the first phase. This would include production, blending, bottling, storage, delivery and pickup, and a cocktail bar, kitchen, restaurant, retail, office, private tasting and dining, bathrooms, and terraces. Rickhouse A would be constructed in Phase 2 which would consist of a building for barrel, equipment and supply storage along with an outdoor stage. Rickhouse B and Rickhouse C would be constructed in Phase 3 along with the north side expansion of the distilled spirits plant for additional capacity space and in phase 4, the construction of the south side expansion of the distilled spirits plant for additional private tasting and dining space along with caterer’s kitchen space, the headquarters office suite building and Rickhouse D. The applicant is including all four (4) phases with this PDP development approval.

ii. Current Project Description:

- The proposed development as approved with the CDP of the distilled spirits plant along with the additional supportive land uses as listed below:

2510: Restaurant
2540: Bar
3110: Manufacturing with Onsite Sales - Distillery
2421: Office
2150: Retail
3620: Warehouse

- The site would be developed according to the proposed ten year phasing plan as approved in the CDP as shown below, with all phases starting with the phase 1 initial building permit, then, phase 1 ending within 24 months (2 year period), phase 2 ending within 60 months or 5 years from initial building permit issuance with phase 1 (3 year period), phase 3 ending within 96 months or 8 years from initial building permit issuance with phase 1 (3 year period) and phase 4 ending within 120 months or 10 years from initial building permit issuance with phase 1 (2 year period). Please see UDO §2.18.5 (J) (1) below.

Per UDO §2.18.5 (J) Expiration

(1) The approval of the Preliminary Development Plan shall be null and void unless a Final Development Plan for at least the initial phase has been submitted for review and approval within three (3) years after the date of

approval of the PDD Conceptual Development Plan application. (The CDP for this project was approved March 22, 2021 (PD-01-21); Final Development Plan must be submitted in three (3) years from this date which is: March 22, 2024.)

(2) Upon written request, one extension of time may be granted by the Town Council for a period not to exceed one (1) year for good cause shown. No request for an extension shall be considered unless a written request is submitted to the Planning Director no later than forty-five (45) calendar days prior to the date the PDD is to expire.

(3) The extension shall be deemed granted until the Town Council has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the approved PDD Land Use Plan null and void upon the expiration of the three-year term.

BRAD HALLING AMERICAN WHISKEY COMPANY
CAMPUS STYLE DISTILLED SPIRITS PLANT GROWTH PLAN

AS OF FEB 1, 2021

FOR PRESENTATION AT FEB 18, 2021 TOWN OF SOUTHERN PINES CONCEPTUAL DEVELOPMENT PLAN ZONING MEETING

PHASE 1: Construction of **Distilled Spirits Plant** (approx. 15,500 sq ft - including production, blending, bottling, delivery/pickup, and storage; cocktail bar, kitchen, restaurant, retail, office and private tasting/dining space, bathrooms and terraces) with completion of the following infrastructure:

1. Entry / Exit driveway on Trimble Plant Road.
2. Entry /Exit driveway on Yadkin Road.
3. Minimum parking required pursuant to approved Planned Development.
4. Required fire access drives for the completed building.
5. Installation of water, sewer, electrical, gas, communication and signs.
6. Main sidewalks and landscaping to the completed building.
7. Required storm water infrastructure.

Construction of Phase 1 is to be completed within 24 months of the issuance of building permits.

PHASE 2: Construction of **Rickhouse A:** (approx. 120 x 40 sq ft) building for barrel and equipment/supply storage, tastings.

Construction of **Stage** (approx. 30 x 30 sq ft) with roof, with final grading and seeding of land to accommodate amphitheater setting.

Phase 2 is to be completed within 60 months of issuance of building permits.

PHASE 3: Construction of **Rickhouse B** (approx. 150 x 40 sq ft) and **Rickhouse C** (180 x 40 sq ft) buildings for barrel storage and equipment/supply storage, tastings.

Construction of **North Side Expansion** of the **Distilled Spirits Plant** for additional production, blending, bottling, delivery, pick/up and storage capacity space.

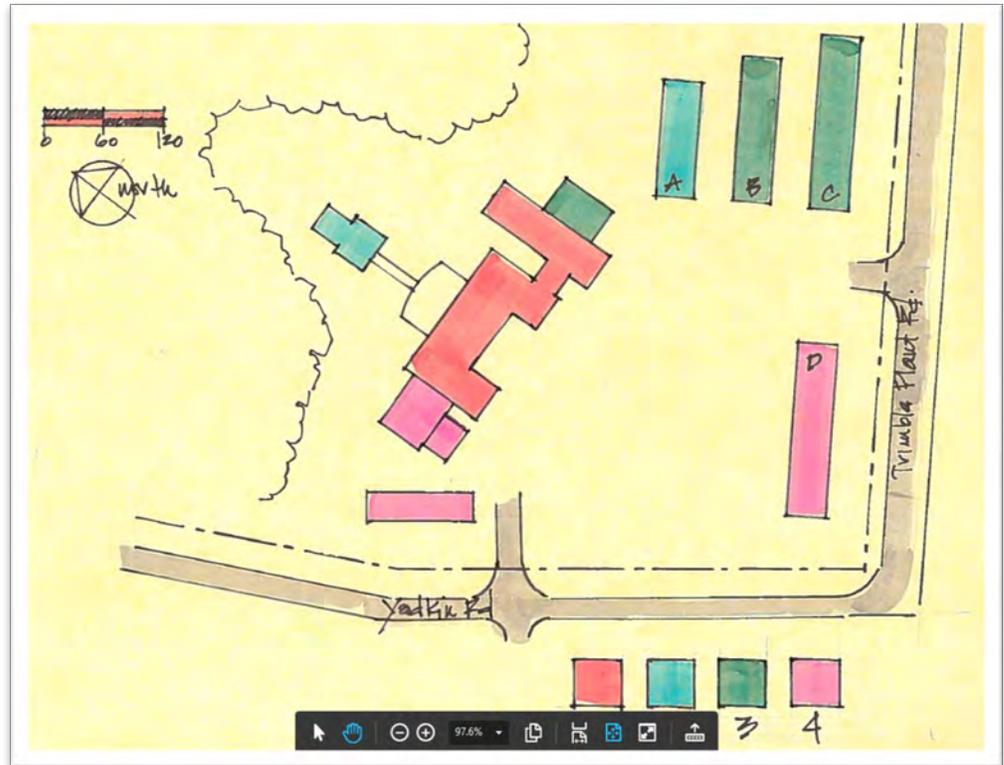
Phase 3 is to be completed within 96 months of the issuance of building permits.

PHASE 4: Construction of **South Side Expansion** of the **Distilled Spirits Plant** for add'l private tasting/dining space and caterer's kitchen space.

Construction of **Headquarters Office Suite Building**.

Construction of **Rickhouse D** (approx. 180 x 40 sq ft) for barrel and equipment supply/storage, tastings.

Phase 4 is to be completed within 120 months of issuance of building permits.



- Each phase will be subject to site plan review must undergo detailed site plan review with the Technical Review Committee (TRC) for compliance with all Town development standards prior to construction.
- Per UDO §2.9 Phased Development:
An Applicant may submit plans that show multiple phases provided that: (A) The requirements of this UDO will be satisfied with respect to each phase. (B) A phasing plan shall be approved by the Town that designates a date or event by which substantial work on each phase will begin and be completed. (C) If a Development that is to be built in phases includes improvements that benefit the entire Development, then the Applicant shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases. (D) Once a schedule has been approved and made part of the approval by the Permit Issuing Authority, no land may be used, buildings occupied or subdivision Lots sold except in accordance with the approved schedule unless otherwise provided in this chapter.
- Per UDO §1.8.2 *Development under prior regulations shall be allowed, provided a valid development approval has not expired.*
- Per UDO §2.8.1. Expiration of Development Approval:
Unless otherwise identified in this chapter or specified in the approval, approvals shall expire when: (A) There is no substantial construction, erection, alteration, excavation, demolition or similar work authorized by such permits within one (1) year after issuance. (B) Work has commenced, but there is no

substantial progress on the project for a period of one (1) year. (C) The project has not been completed within two (2) years of issuance of the permit.

Figure 1: Vicinity Map (Subject Property Outlined in Red)

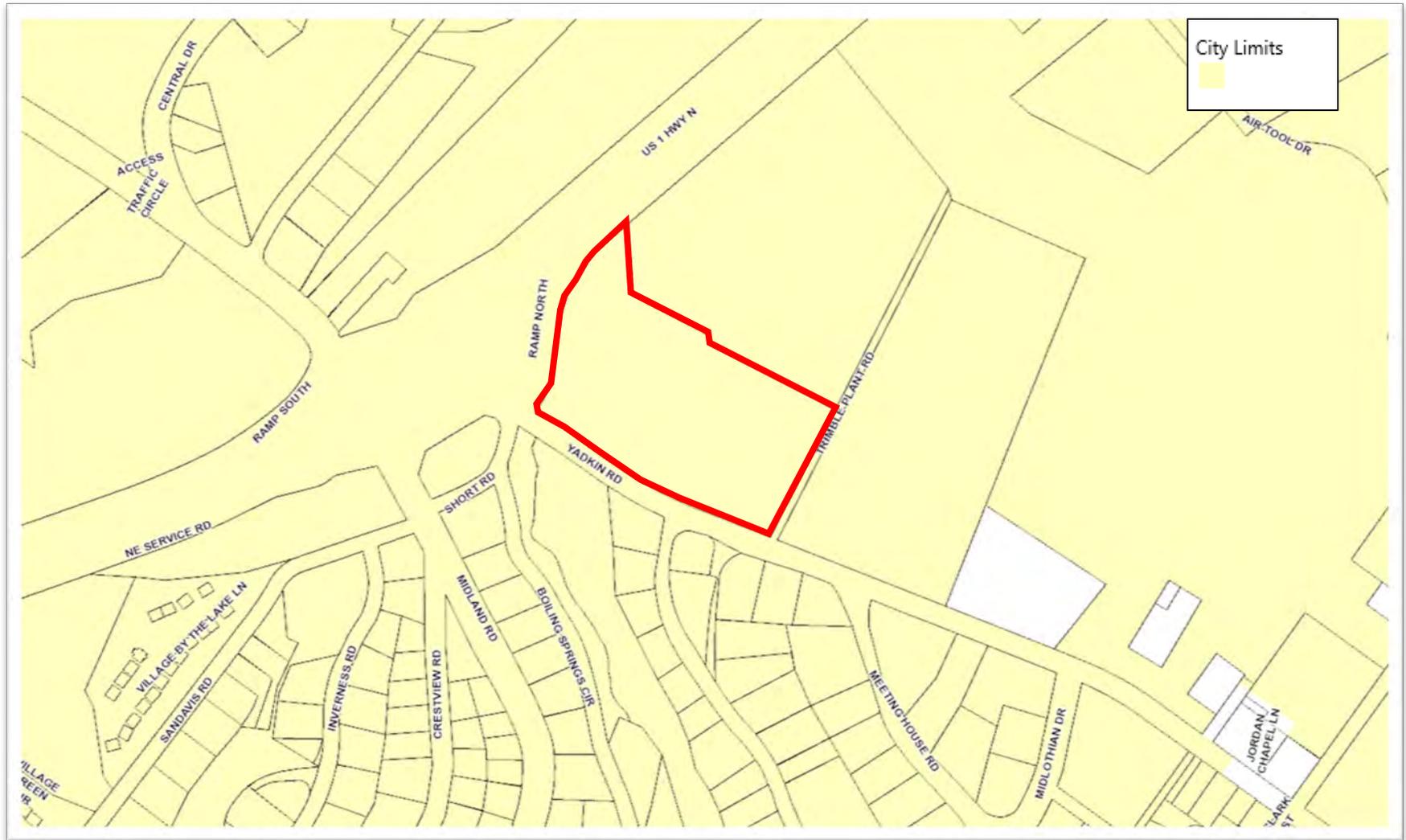


Figure 2: Existing Infrastructure (Subject Property Outlined in Yellow)

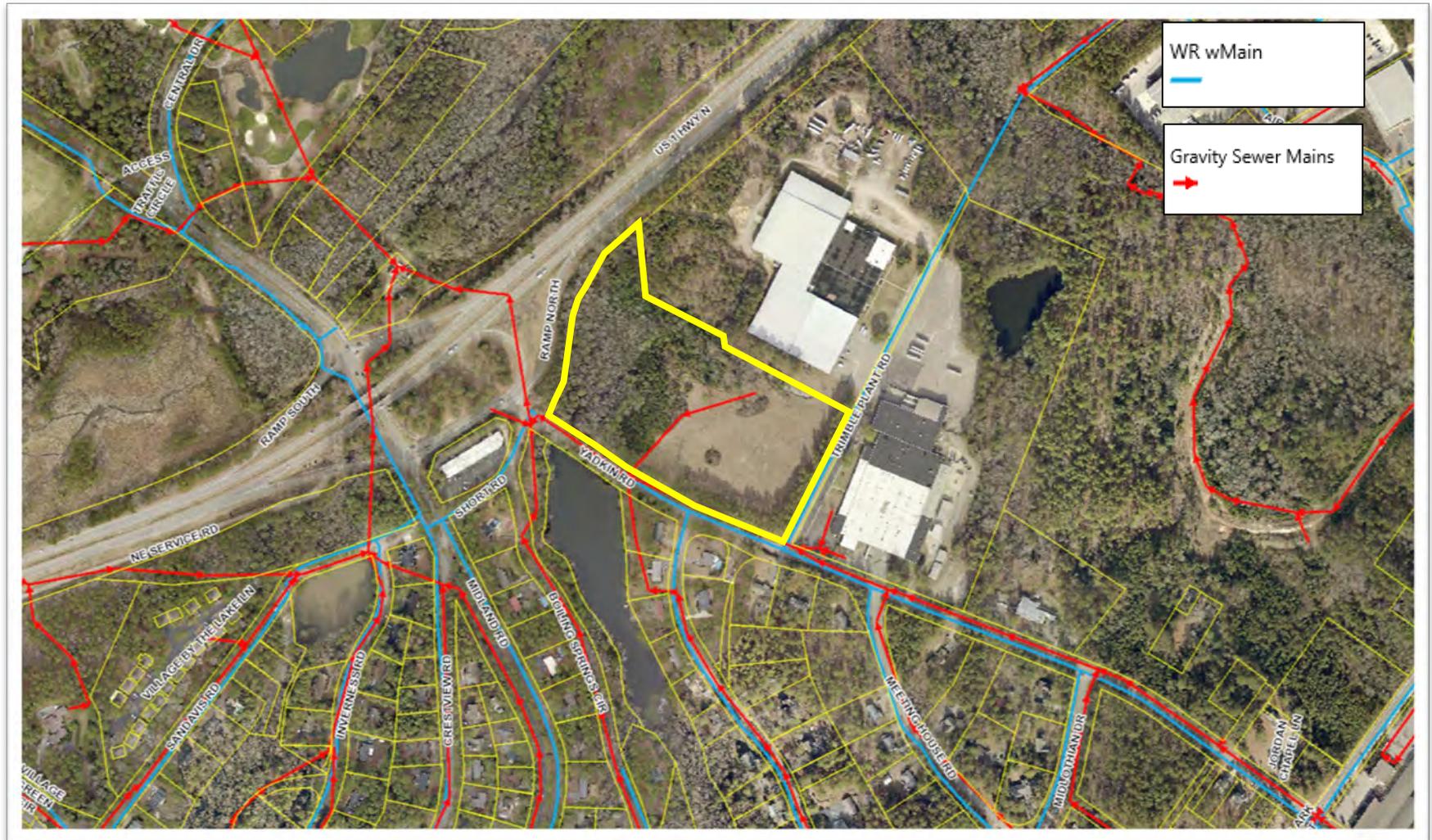


Figure 3: Zoning Map: (Subject Property has been rezoned to PD but has not been updated in GIS; Outlined in Red)



IV. STAFF REVIEW:

A. Application Review Dates & Associated Postings:

- Preliminary Development Plan Application Submitted: April 12, 2021
- Application Complete: April 15, 2021
- Notice of Planning Board Public Hearing:
 - Posted On-site: April 27, 2021
 - Mailed: April 28, 2021
 - Internet: May 05, 2021
- Planning Board Agenda Meeting: May 13, 2021
- Planning Board Public Hearing: May 20, 2021
- Notice of Town Council Public Hearing
 - Mailed: May 19, 2021
 - Internet: May 19, 2021
- Town Council Agenda Meeting: June 2, 2021
- Town Council Public Hearing: June 8, 2021

B. Process of Review:

The procedures for review and approval of a Planned Development (PD) District, per UDO §2.18 where a three-step process of Conceptual Development Plan, Preliminary Development Plan and Final Development Plan are required to complete a Planned Development (PD) District.

C. Criteria for Review:

The criteria for review for this submittal and approval of the second step in the Planned Development process, the Preliminary Development Plan, are as follows:

Preliminary Development Plan - UDO §2.18.5(H):

1. *The application demonstrates that it will achieve the purposes of the PDD and this section;*
2. *The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;*
3. *The proposed Development is located in an area of the Town that is appropriate; and*
4. *The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*

PD-Planned Development District – UDO §3.5.14 (A-P).

D. Staff Comments:

- i. **Consistency evaluation with the Conceptual Development Plan, PD-01-21, for Brad Halling American Whiskey Company:**
 - *Per UDO §2.18.4 (I) (3), the approval of the Conceptual Development Plan shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one (1) year behind*

the approved phasing plan, the approval shall expire unless the applicant submits a written request for the extension and continuance of the Conceptual Development Plan. Approval of any such extension request shall be automatic one time only for a period of twelve (12) months. Subsequent extensions to the Conceptual Development Plan shall require approval of the Planning Board. The CDP for this project was approved March 22, 2021 (PD-01-21).

- The CDP was approved with the following two (2) conditions:
 - Allow a 50’ building height for the distillation still roof column
 - The CDP approval did not include parking space requirement details. Parking space requirement details will be provided with the Preliminary Development Plan submission.
- The applicant has provided a detailed parking analysis, this document can be found in the attachment section of this report. In summary the applicant is proposing to provide:

PHASE 1:

Paved Parking Spaces	Gravel Parking Spaces
50	18 Employee 06 Motorcycle

FOLLOWING PHASE 1 AS NEEDED:

Gravel Overflow #2:

Paved Parking Spaces	Gravel Parking Spaces
None	43

Gravel Overflow #3:

Paved Parking Spaces	Gravel Parking Spaces
None	30

For a grand total of 147 parking spaces.

- The CDP contained staff’s evaluation of UDO §4.5 Off-street Parking and Loading parking standards set forth in Exhibit 4-6 along with the site-specific following data:

LBCS CODE	GFA	Parking Requirement	Parking Spaces Required
2510: Restaurant	8,125	1/100	104
2540: Bar	2,300 outdoor	1/100	
3110: Manufacturing with Onsite Sales - Distillery	10,240	1/200 for sales and administrative area/600 sq. ft. of production area + 1space	51

2421: Office	4,580	1/400	12
2150: Retail	3,125	1/200	16
3620: Warehouse	25,200	1 space for every 2 employees on the max shift but not less than 1 space per 5000 square feet of area devoted to storage	5

For a grand total of 188 required parking spaces.

- The applicant is proposing 74 parking spaces for Phase 1.
- UDO §4.5.4 states *the Town Council recognizes that, due to the particularities of any given Development, the inflexible application of the parking standards set forth in Exhibit 4-6 may result in a development either with inadequate or excess parking space.* The Planning director may reduce the number of spaces when the applicant submits a parking study prepared by a qualified professional, in this case, Neal Smith Engineering. The study must illustrate that the parking requirements do not accurately apply to the specific development proposal, the data submitted must include at a minimum the size and type of the proposed development with the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses and the data must be obtained from relevant studies published in refereed journals or other secondary sources of comparable authority or from primary studies of no fewer than three comparable developments within the regional market. The applicant has provided such information and after evaluation of the parking analysis provided staff supports the reduction in parking spaces.
 - A total of 74 parking spaces are proposed to be provided in Phase 1. 50 parking spaces will be graded and surfaced with asphalt, concrete or other material and shall meet UDO §4.5.8 (A) requirements and specifications set forth in Appendix E. 24 parking spaces will be graded and surfaced with crushed stone, gravel, or other suitable material and shall meet UDO §4.5.8 (B) requirements and specifications set forth in Appendix E. This proposed parking arrangement by the applicant is not likely to be allowed per TOSP Engineering and Fire. Please see comments in Section E. Outside Agency Comments of this report.

- ii. **Consistency evaluation with the Unified Development Ordinance (UDO):**
 - The applicant is generally consistent with UDO §3.5.14 (D) Land Use Mix.
 - The applicant states that they will provide the 20%, 3 acres, open space requirement with 50%, or 1.5 acres, of that 20% (10%) being usable open space. The other open space will be 1.5 acres of wetlands. This is generally consistent with the open space requirements of UDO §3.5.14 (G).

- Per UDO §4.3.2 landscaping is required for all new mixed-use development. The applicant shall be required to be compliant with UDO §4.3, and specifically:
 - §4.3.4 Buffers – the applicant is proposing a 20’ buffer between the development and the property adjacent to the North. UDO §4.3.4 (b) (1) (a) states that buffers within and surrounding a PDD shall be established during the PDD approval process. UDO §3.5.14 (H) (1) states that buffer requirements apply only to the perimeter of the PDD unless otherwise specified in the PD District conditions. The adjacent property is zoned Industrial (I). Here is the minimum buffer widths as shown in UDO Exhibit 4-2:

Exhibit 4-2: Minimum Buffer Widths

Zoning District or Use of Proposed Development	Zoning/Use of Abutting Development					
	RE, RR, RS-1, RS-2, RS-3	RM-1, RM-2	NB, OS	GB	I	Single-Family Residence
RE, RR, RS-1, RS-2, RS-3	none	none	none	30'	80'	none
RM-1, RM-2	10'	10'	none	20'	80'	20' if Multi-Family building proposed
NB, OS	20'	20'	none	none	20'	20'
GB	50'	30'	none	none	20'	20'
I	80'	80'	20'	20'	10'	30'
Golf Course	10'	10'	10'	10'	30'	10'
Active Recreational Facilities	20'	20'	none	10'	30'	20'
Institutions (public, private or religious)	20'	20'	none	none	20'	20'
Shopping Centers	80'	80'	10'	10'	20'	80'

(Per U 1716)

The applicant appears to be generally compliant with buffering requirements.

- §4.3.5 (B) requires the following uses to be screened from unobstructed off-site views.

Possible On-site Uses:

 - Loading docks for semi-trailers and trucks over 35’ in length
 - Mini warehouses
 - Service areas
 - Operation areas
 - Dumpsters
 - HVAC and other mechanical equipment

UDO §4.3.6 (B) (4) requires landscape screens for parking lots with 75 or more parking spaces. The applicant is proposing to build 74 parking spaces in Phase 1, thus UDO 4.3.6 (B) (4) will not be triggered in Phase 1. Screening will be triggered in Phase 2.

 - UDO § 3.5.14 (H) (3) states that deviations from landscaping, buffer, street tree and screening standards of Chapter 4 shall not be allowed unless approved as a PD Development condition.
- The applicant shall comply with signage requirements found in UDO §4.6 and the applicant may submit a unified sign plan for the project and shall comply with UDO §3.5.14 (I).

- The applicant will meet or exceed the State’s minimum requirements for storm water management as required by UDO §3.5.14 (K). The applicant stated that the site is below the 24% impervious area that would require stormwater water quality treatment. They will be required to maintain the pre-construction stormwater flows for the 10-year 24-hour storm event and this will be reviewed at site plan review with TRC.
- The applicant is proposing to hold special events at this facility.
- The applicant has addressed the availability of water and sewer services and have stated water and sewer utilities are readily available for the project and will not require the extension of any public utilities.
- The applicant has stated that the property does fall within an inactive red-cockaded woodpecker foraging area.
- The applicant has stated that the wetlands located on the property will not be disturbed.
- An Architectural Compliance Permit pursuant to UDO §2.26 will be required.
- Site plan review and approval pursuant to UDO §2.48 will be required prior to the approval of a building permit for the subject property.
- Final Development Plans pursuant to UDO §2.18.7 will be required to demonstrate compliance with the Preliminary Development Plan.

iii. General Comments:

- The public hearing for this request will be evidentiary in format and will follow the procedures set forth in UDO §2.14.

E. Outside Agency Comments:

- A request for comments was emailed to agencies on April 26, 2021. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC) and the North Carolina Department of Transportation (NCDOT).
- On May 4, 2021 the Town of Southern Pines Fire Marshal, Mr. Ken Skipper, provided the comment: *recommends paved fire lanes.*
- On May 4, 2021 the Town of Southern Pines Engineer, Mr. James Michel, provided the comment: *The driveway at Yadkin intersection would not be allowed. A traffic analysis needs to be prepared for all four (4) phases to determine what improvements may be triggered based on traffic projections for the different phases. Trip generation estimates based on the latest version of the ITRE Trip Generation Manual should be provided to the Town Engineer for each of the proposed phases. A review of the information will allow for a determination to be made about the timing of a Traffic Impact Analysis or Traffic Design Analysis as defined in Section 4.12 TRANSPORTATION /TRAFFIC ANALYSES of the UDO.*

Any parking areas intended for regular use, or fire access should be constructed in accordance with The Town Engineering Standards, Chapter 2: Streets Section 9 Parking,

Off-street parking spaces shall be provided in accordance with the requirements in Chapter 4.5 Off Street Parking and Loading of the Southern Pines UDO. The Planning Department reviews and approves the parking requirements and the Planning Director shall be authorized to approve any alternate parking plans for developments.

A pavement design report produced and certified by a professional engineer, using AASHTO methodology shall be provided to the Town Engineer during the Engineering Plan review. The report shall be based on field and lab testing of in place subgrade materials by a qualified geotechnical firm and shall incorporate the following criteria: 25-year design life, 4% annual growth rate, and appropriate traffic projections with truck factor. The traffic projections shall account for offsite areas that the parking lot will connect to or is planned to connect to, based on the current zoning or land use. The minimum structure shall be the equivalent to an Alley in Table A-1.

Concrete parking areas shall be designed and constructed the same as pavement except that the concrete surface shall be a minimum of six (6) inches in thickness.

Chapter 2: Streets Section 9 Parking, does provide provisions for alternative parking lot surface design as defined below. Any areas not intended for regular use or fire access, such as event overflow parking, may use the below standard or other proposed engineered solution with approval of the Town Engineer.

When justified, the Town Engineer may allow other paving materials to be used so long as a design report is produced and certified by a professional engineer that an equivalent level of stability is achieved.

When parking areas are not required to be paved with asphalt, concrete, or other paving material in accordance with Chapter 4.5 Off Street Parking and Loading of the UDO, the parking areas shall be designed and constructed the same as pavement with a minimum depth of six (6) inches of base stone and two (2) inches of surface stone.

- *The applicant responded to these comments in writing on May 8, 2021 and a copy of the applicant's responses are attached to this staff report and can be found in the attachments.*
- *Comments were received from the Town Engineer on May 11, 2021 to address the applicant's response to the first set of comments: I don't have any issues with the driveway connection on Yadkin as shown the plans. My opinion that this facility presents significantly more risk than a small commercial site and where gravel fire lanes have been approved in the past. Ultimately I will defer to the Fire Marshall, but I feel that a paved surface is more appropriate for a project like this. The submitted trip generation uses number of employees for calculating the trips for the manufacturing portion (ITRE Code 140) of the facility. The*

versions of the Trip Generation Manual that I have seen and also NCDOT's spreadsheet use square footage as the basis of the trip generation calculation. This will need to be updated or provide a copy of the most recent manual showing the change to employees.

A variety store is defined as "A variety store is a retail store that sells a broad range of inexpensive items often at a single price. These stores are typically referred to as "dollar stores". Items sold at these stores typically include kitchen supplies, cleaning products, home office supplies, food products, household goods, decorations and toys. These stores are sometimes stand-alone sites, but they may also be located in small strip shopping centers. Free-standing discount store (Land Use 815) is a related use." This does not appear to fit this project. Please provide additional justification or revise with a different use code.

The warehouses should be included in the trip generation calculation. They are not anticipated to add much demand, but should be included to ensure a proper assessment of the potential impact from the project.

I agree with the assessment that the Gallery not be included in the trip generation calculation. This would typically be incorporated into an internal capture calculation which essentially means that the trips would be deducted from the overall calculation anyways.

The stage area will need to be included in the trip generation calculation. Based on the information provided, I am not comfortable with assuming that the special events will be wholly separate from the normal day to day operation of the facility and that they will not add trips in excess to the normal operations. During discussion of any potential analysis they may be needed, the operational plan for the facility can be reviewed and reductions of the stage area trips may be justified.

- *On May 11, 2021 the Fire Marshal Commented: These roads because of the access it provides and the type of facility will need to be a paved surface. The Fire Departments policy has been not to allow gravel except for temporary use or where other low impact circumstances allowed.*
- *Comment was received from NCDOT on April 27, 2021: For some reason I thought they had already submitted a driveway permit, but I couldn't find one, so they may have only be reaching out to us in the past. If they have not already done so, they will need to a driveway permit for their connection to Yadkin Rd. Based on a trip gen, no roadway improvements were warranted.*

V. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. Preliminary Development Plan Application
2. Preliminary Development Plan Narrative
3. Preliminary Development Plan Justification

4. Preliminary Development Plan Site Plan
5. Anticipated Trip Generation
6. Parking Analysis
7. Neal Smith Responses to Engineering and Fire Requests
8. American Whiskey CDP Ordinance (approved May 22, 2021)
9. Planning Board Amended Attachment "A"

Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

VI. TOWN COUNCIL ACTION:

To either approve or deny a Preliminary Development Plan application, the Town Council must make findings of fact and conclusions to the applicable standards. The Town Council must first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council must then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4. The Town Council may choose one of the following motions, or any alternative they wish:

I move to:

1. Adopt Attachment “A” of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-03-21.
2. Adopt Attachment “A” of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-03-21, with the following changes _____.

Next, the Town Council shall vote to approve, deny or approve with conditions the proposed Preliminary Development Plan. The Town Council may choose one of the following motions, or any alternative they wish:

I move to:

1. Approve the Preliminary Development Plan for PD-03-21;
2. Deny the Preliminary Development Plan for PD-03-21;
3. Approve the Preliminary Development Plan for PD-03-21 with the following additional conditions...
 - The applicant shall be allowed a parking reduction, based on the parking analysis provided by the applicant, and to meet the parking requirements for 147 parking spaces.
 - Parking will comply with the UDO regulations and requirements put forth at site plan review with the Technical Review Committee and specifically:
 - Aisle widths will be approved at TRC review.
 - Surface material will be approved at TRC review.
 - Per UDO 3.5.14 (M) (4) the applicant shall meet off street loading requirements.
 - The applicant will comply with the Town of Southern Pines landscape code found in the UDO § 4.3 and specifically:

- Landscape screening for the parking lot shall be provided in Phase 2 or when the 75th parking space is proposed.

ATTACHMENT “A”
Draft Town Council Findings of Fact
Preliminary Development Plan Application PD-03-21

Finding of Fact #1:

Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;

Town Council finds that the Preliminary Development Plan (PDP) to develop a whiskey distillery with supportive uses in four phases is generally consistent with the purposes of the PD-Planned Development zoning district. The land use mix is consistent with the CLRP and incorporates a variety of uses which is a standard of the traditional mixed-use category.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

Town Council finds that the PDP is consistent with the Conceptual Development Plan (CDP) because the PDP maintains the mix and intensity of land uses as well as the phasing plan set forth, evaluated and approved with the CDP. The applicant has requested a parking reduction for 147 parking spaces to be the minimum required and provided a parking analysis as conditioned with the CDP. Town Council finds that the 147-parking space request is adequate because the parking analysis illustrates the parking standards within the UDO do not accurately apply to the proposed whiskey distillery and an inflexible application of the parking standards would result in an excess of parking spaces. The applicant also requested to deviate from the standards set forth for parking aisle width in their parking analysis on page 3. Because the site contains 10 or more parking spaces, Town Council finds that the applicant shall comply with the review for site plan with the Technical Review Committee (TRC). The applicant requested to deviate from vehicle use area material standards and because the Town of Southern Pines staff has specifically commented that the current standards should be met, Town Council finds that the applicant will comply with the applicable standards as administered by the Technical Review Committee at site plan review. Town Council finds that the loading and unloading area shall comply with the UDO in order to accommodate loading and unloading in a safe and convenient manner. Town Council finds that the applicant will meet the landscaping

standards found within the UDO and specifically will provide landscape screening for the parking lot in Phase 2, or when the 75th parking space is proposed. The applicant is providing 74 parking spaces in phase 1 and therefore does not trigger this standard until they provide the 75th parking space.

3. **The proposed Development is located in an area of the Town that is appropriate; and**
Town Council finds that the PDP is in an area of the Town that is appropriate because the proposed mixed-use development establishes a compatible transition into the surrounding Industrial zoned land. With a distilled spirit plant being an allowed land use in the Industrial zoning district the distilled spirit plant along with the mutually supportive uses will behave as a transition to the surrounding Industrial (I) zoned properties.
4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**
Town Council finds that the PDP is consistent with the Conceptual Development Plan and this development is served by existing public utilities and they are located in a manner that is respectful of existing natural features and environmentally sensitive areas.



Planned Development District Preliminary Development Plan

REQUIRED APPLICATION MATERIALS:

- Application fee** in the amount of **\$1,800.00 plus \$25.00 per lot.**
- Completed Application** for a Planned Development District - Preliminary Development Plan signed by the applicant.
- Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- Written narrative** describing the application's consistency with the Conceptual Development Plan, the UDO, and any other applicable regulations.
- Neighborhood meeting records** if not provided in conjunction with an application for Conceptual Development Plan approval or if additional meetings have been held.
- Additional documentation:** Additional text and/or maps to demonstrate consistency with **UDO §2.18.5(H) Criteria (1) through (4).**
- PDD Preliminary Development Plan:** One (1) full-size copy of a preliminary plat or scaled drawings of the entire tract to be subdivided. Please refer to the **UDO Appendices** for plan requirements.
- Drainage concept plan** if applicable.
- Traffic Impact Analysis** if applicable.
- Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff review:** Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearing:** The applicant is expected to attend a public hearing on the application before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) The Town Council will consider evidence and testimony presented and may approve, conditionally approve or deny the request.
3. **Approval:** Please refer to UDO **§2.18.5(I) Effect of Approval.**

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Planned Development District Preliminary Development Plan Application

Fee: \$ _____ Date Received: _____ Case No.: PD-____-____

Project Information:

Project Name: BRAD HALLING AMERICAN WHISKEY KOMPANY

Physical Address: 1754 YADKIN ROAD

PIN: 858200642631

Parcel ID: 36849

Site Size: 15.04

Zoning: I

Applicant:

Name(s): BRAD HALLING, JESSICA HALLING dba. RICKHOUSE PROPERTIES, LLC

Email: jhalling@yahoo.com

Phone: 910-986-6885

Mailing Address: 304 EDGEWOOD ROAD, CAMERON, NC 28326

Authorized Agent, if different from Applicant:

Name(s): NEAL SMITH ENGINEERING, INC

Email: nsmith@nsengineering.com

Phone: 910-695-8825

Mailing Address: 139 PINEHURST AVE. SUITE C, SOUTHERN PINES, NC 28387

Legal Property Owner(s), if different from Applicant:

Name(s): RICKHOUSE PROPERTIES, LLC

Email: jhalling@yahoo.com

Phone: 910-986-6885

Mailing Address: 304 EDGEWOOD ROAD, CAMERON, NC 28326

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 for approval of a Planned Development District – Preliminary Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the NORTH side of YADKIN ROAD (St./Ave.), between TRIMBLE PLANT ROAD (St./Ave.) and US HWY #1 (St./Ave.). The property has a frontage of 976.45 feet and a depth of 563.09 feet.

The request is based upon **Section 2.18.5** of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

DISTILLED SPIRITS MANUFACTURING FACILITY AND ASSOCIATED OFFICES, RETAIL SALES, AND SUPPLIES WITH A RESTAURANT, COCKTAIL BAR, AND AN OUTDOOR STAGE

FOR VARIOUS EVENTS.

ADJACENT PROPERTY OWNERS:

Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail. SEE ATTACHED

1. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
2. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
3. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
4. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
5. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
6. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

- 7. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
- 8. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
- 9. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
- 10. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____

Date: 4-12-21



 Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), RICKHOUSE PROPERTIES, LLC, hereby appoint(s) NEAL SMITH ENGINEERING, INC. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 10 day of APRIL, 2021.



Property Owner



Property Owner



Agent

UDO §2.18 Planned Development

§2.18.5(H) Preliminary Development Plan Criteria

- (1) The application demonstrates that it will achieve the purposes of the PDD and this section;
- (2) The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;
- (3) The proposed Development is located in an area of the Town that is appropriate; and
- (4) The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

- #1 OLIVE BRANCH PROPERTIES,LLC PO BOX 1100 SOUTHERN PINES NC 28388
- #2 WHITMAN, ELIZABETH HUTCHISON 140 BOILING SPRINGS CIR SOUTHERN PINES NC 28387
- #3 WILLIAMS, HAMPTON VERNON & TONI YVETTE CAFFERATA 141 BOILING SPRINGS CIRCLE SOUTHERN PINES NC 28387
- #4 RYNER, ADRIAN & CAROLYN 220 YADKIN RD SOUTHERN PINES NC 28387
- #5 HAMILTON BEACH/PROCTOR SILEX ATTN: RICHARD SNEAD INC. 4421 WATERFRONT DR. GLEN ALLEN VA 23060
- #6 JBO HOLDINGS, LLC 890 ELM GROVE RD STE 207-A ELM GROVE WI 53122
- #7 MONROY, IVAN HERNANDEZ & REBECCA B HERNANDEZ
195 MEETING HOUSE ROAD, SOUTHERN PINES, 28387
- #8 SMITH, TANIYA ROSEMARY 250 YADKIN ROAD, SOUTHERN PINES NC 28387
- #9 WIEFERY, RICHARD 142 BOILINGS SPRINGS CIRCLE SOUTHERN PINES NC 28387
- #10 SHALALA, ROBERT & DAWN M SHALALA 143 BOILING SPRINGS CIRCLE, SOUTHERN PINES, NC 28387



Neal Smith Engineering, Inc.

139 Pinehurst Avenue - Suite C
Southern Pines, NC 28387
Phone: (910) 695-8825
Fax: (910) 695-8832
www.nseengineering.com
License No. C-1425



April 12, 2021

**Subject: Narrative-Preliminary Development Plan
Brad Halling American Whiskey, Ko.
175 Yadkin Road
Southern Pines, North Carolina 28387
NSE Project #2000534
PD-01-21**

Purpose

The purpose of this narrative is to provide a Preliminary Development Plan(PDP) and documents that site layout and proposed uses are consistent with the approved Conceptual Development Plans(CDP), the UDO with exceptions noted, and any other applicable regulations.

Development

Proposed Uses:

The proposed uses comply with the CPD and are as follows:

- 2150: Retail
- 2421: Office
- 2510: Restaurant
- 2540: Bar
- 3110: Manufacturing With Onsite Sales (Distillery)
- 3620: Warehouse

Phasing:

The development will be constructed in 4 phases. The phasing shall comply with the phasing plan provided in the CDP documents. Additional information regarding the phasing of parking has been provided on the PDP plan.

Timeline of Phasing

- Phase 1 24 months/2 years
- Phase 2 60 months/5 years
- Phase 3 96 months/8 years
- Phase 4 120 months/10 years

Open Space Requirement:

The development will maintain a 20% open space requirement. This will require a minimum of 3 acres of open space with 50% (1.5 acres) being usable space. The remaining portion will be 1.5 acres of wetlands. New development is not proposed within the wetlands.

Landscaping Requirements:

Buffers:

The UDO requires a 20' buffer between the development and the parcel to the north (PID 20130115, PIN 858200656274, JBO Holdings, LLC). The buffer shall be planted in accordance with UDO Section 4.3.4.

Street Trees:

Street trees are required along US HWY #1, Yadkin Road, and Trimble Plant Road. The existing vegetation shall be evaluated for compliance and any deficiencies shall be planted in accordance with the UDO.

Vehicle Use Area (Perimeter Landscaping):

The perimeter (between vehicle use area and property line) shall be planted in accordance with UDO Section 4.3.6.

Vehicle Use Area (Internal Parking Lot Landscaping):

A minimum of 15% of the paved vehicle use area shall be used for landscaping in accordance with UDO Section 4.3.6.

Parking Requirements:

A review of the parking requirements of the UDO has been provided.

Special Events:

Special events that occur on the property shall meet the requirements of UDO Section 5.18-Special Events.

Building Height:

The building height for the distillation column shall not exceed the CDP approved height of 50'.

Utilities:

The project site has access to public water and sewer as well as other utilities. The project will not require the extension of any public utilities.

Utility Providers:

Water and Sewer Service
Electric Service
Natural Gas Service
Phone Service
Cable Service

Town of Southern Pines
Duke Energy
Piedmont Natural Gas
Windstream/Century Link/Spectrum
Spectrum

Signage:

Signage shall comply with UDO Section 4.6-Signage. Once a signage plan has been developed, sign permit application and plan will be provided to the Town for approval.

Site Access:

The site will have an access on Trimble Plant Road (Town road) and Yadkin Road (NCDOT). A driveway permit will be submitted to NCDOT and the Town. Any street improvements along Yadkin Road shall be incorporated into the plans. At this time, NCDOT does not expect any roadway improvements to be required.

USFAW:

The property does fall within an inactive red-cockaded woodpecker foraging area (SOPI-021). An update topographic survey and tree location survey are currently being completed. Once completed, the plan will be provided to USFAW for a review. It is the intent of this project to protect existing mature trees.

Wetlands, Stormwater, and Watershed:

The wetlands located on the property will not be disturbed. The site will comply will all stormwater and/or water quality requirements. Currently the site is below the 24% impervious area that would require stormwater water quality treatment but will be required to maintain the pre-construction stormwater flows for the 10yr 24hr storm event.

Site Lighting:

A site lighting plan will meet the requirements of the UDO.

Architectural Compliance:

An architectural compliance permit is required and shall be submitted upon completion of elevation drawings.

Preliminary Development Plan UDO Requirement

UDO Section 2.18.5(H) Preliminary Development Plan Criteria

- (1) *The application demonstrates that it will achieve the purposes of the PDD and this section;*

The preliminary plan conforms to all applicable provisions of the UDO. The narrative and materials provided demonstrate the requirements for a Preliminary Development Plan in accordance with the UDO.

- (2) *The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;*

The Preliminary Development Plan is consistent with the Conceptual Development Plan and will conform to applicable provisions of the UDO (with exceptions noted.)

- (3) *The proposed Development is located in an area of the Town that is appropriate; and*

The surrounding developments include single family residential, industrial operations, storage facility, and general office. The industrial portion of the development along with the incidental operations are geared for and industrially zoned property.

- (4) *The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*

The development has access to public water and sewer and all other necessary utilities. A utility extension is not necessary for this development.

Sincerely,
NEAL SMITH ENGINEERING, INC.


Neal Smith, PE
President

BRAD HALLING AMERICAN WHISKEY COMPANY

Southern Pines, North Carolina

Planned Development Preliminary Plans

For
Rickhouse Properties
3004 Edgewood Rd.
Cameron, nc 28326

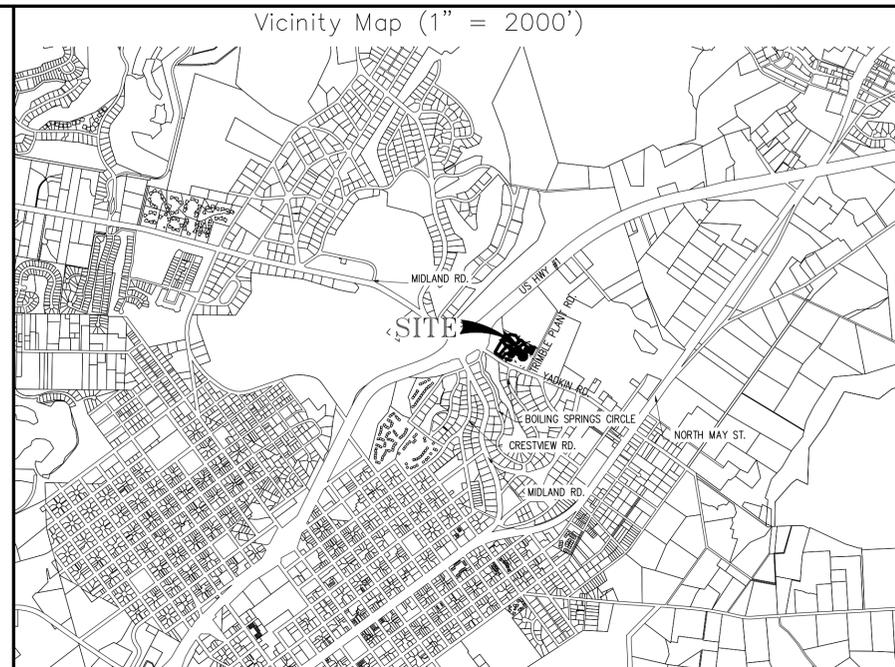
GENERAL NOTES:

THIS MAP IS NOT IN ACCORDANCE WITH GS 47-30.

SURVEY AND SITE DATA PROVIDED BY:
EMMETT S. RAYNOR, PLS
265 E. CONNECTICUT AVE.
SOUTHERN PINES, NC 28387

AREA BY COORDINATE METHOD.

PROPERTY CURRENTLY ZONED I PER THE TOWN OF
SOUTHERN PINES.



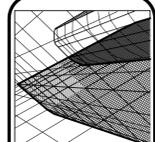
SITE DATA

PARCEL ID:	36849
PIN:	858200642631
DEED BOOK & PAGE:	BOOK 5475, PAGE 429
ADDRESS:	175 YADKIN RD.
CURRENT ZONING:	I
SETBACKS:	
FRONT:	40'(FROM RIGHT OF WAY) 70'(FROM C/L OF ROAD)
SIDE:	15'(FROM RIGHT OF WAY) 45'(FROM C/L OF ROAD)
REAR:	10'(INTERIOR) 20'(INTERIOR)
WATERSHED:	WS-III-BW
DOWNSREAM RECEIVING STREAM:	LITTLE RIVER INTAKE #2
STREAM CLASSIFICATION:	SWANN LAKE
RIVER BASIN:	HOW
TOTAL ACREAGE:	CAPE FEAR 15.04 ACRES
PROPOSED USE:	INDUSTRIAL/COMMERCIAL
EXISTING IMPERVIOUS AREA:	30,562 SF (4.67%)
PROPOSED IMPERVIOUS AREA:	142,365 SF (21.73%)
MAXIMUM BUILDING AREA:	51,270 SF

DRAWING INDEX	
COVER SHEET	COVER
EXISTING CONDITIONS	XC-1
PRELIMINARY SITE LAYOUT PLAN	SP-1

BRAD HALLING AMERICAN WHISKEY COMPANY
Southern Pines, NC
Cover Sheet

REVISIONS:		REVISIONS:



Neal Smith Engineering, Inc.
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Fax: (910) 695-8832
www.nseengineering.com
License No. CE1425



SEAL
NEAL E. SMITH
ENGINEER
04-12-2021

PRELIMINARY
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construction

DRAWN BY:
BCW
SCALE:
As Noted
DATE:
04-12-2021
JOB NUMBER:
2000534
DRAWING KEY:
Cover

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NUMBER	DIRECTION	DISTANCE
L1	N64°11'35"E	67.99'
L2	N64°11'35"E	30.93'
L3	N01°46'52"E	32.20'
L4	N42°54'11"E	44.80'
L5	N46°44'53"E	40.79'
L6	N54°55'40"E	42.36'
L7	N15°24'06"E	31.38'
L8	N27°50'08"E	27.41'
L9	N29°18'48"W	21.53'
L10	N40°37'25"W	58.82'
L11	N09°34'25"W	40.05'
L12	N24°49'23"E	46.58'
L13	N14°27'45"E	26.79'
L14	N41°59'58"E	36.96'
L15	N69°24'12"E	36.18'
L16	S65°25'06"E	43.17'
L17	S48°55'55"E	39.41'
L18	S33°02'07"E	34.41'
L19	S50°12'11"E	32.75'
L20	S34°40'60"E	45.25'
L21	S48°45'23"E	29.53'
L22	S69°58'31"E	38.78'
L23	S89°28'26"E	30.99'
L24	N38°55'37"E	49.15'
L25	N19°03'56"E	35.99'
L26	N52°20'42"W	23.81'
L27	N36°02'18"W	93.91'
L28	N15°05'39"W	18.16'
L29	S79°47'42"W	23.62'
L30	S81°56'31"W	17.80'
L31	N65°49'14"W	44.65'
L32	N26°50'32"W	33.82'
L33	N60°43'24"W	45.80'
L34	N70°43'08"W	32.66'
L35	N61°33'02"W	47.84'
L36	N71°09'25"W	39.59'
L37	N73°23'32"W	42.12'
L38	N65°03'60"W	36.52'
L39	N50°53'16"W	33.54'
L40	N22°30'56"W	50.49'
L41	S85°47'32"W	29.22'
L42	N87°18'22"W	26.52'
L43	S51°55'03"W	16.01'
L44	S44°35'29"W	30.76'
L45	N21°03'48"W	39.58'
L46	N56°45'32"W	9.22'
L47	S50°00'37"W	6.76'

N45°09'45"E
ch= 97.83'

TIE LINE
N09°26'13"W
8.36'

N35°43'15"E
ch= 96.00'

N31°17'16"E
ch= 87.06'

N17°51'16"E
ch= 75.60'

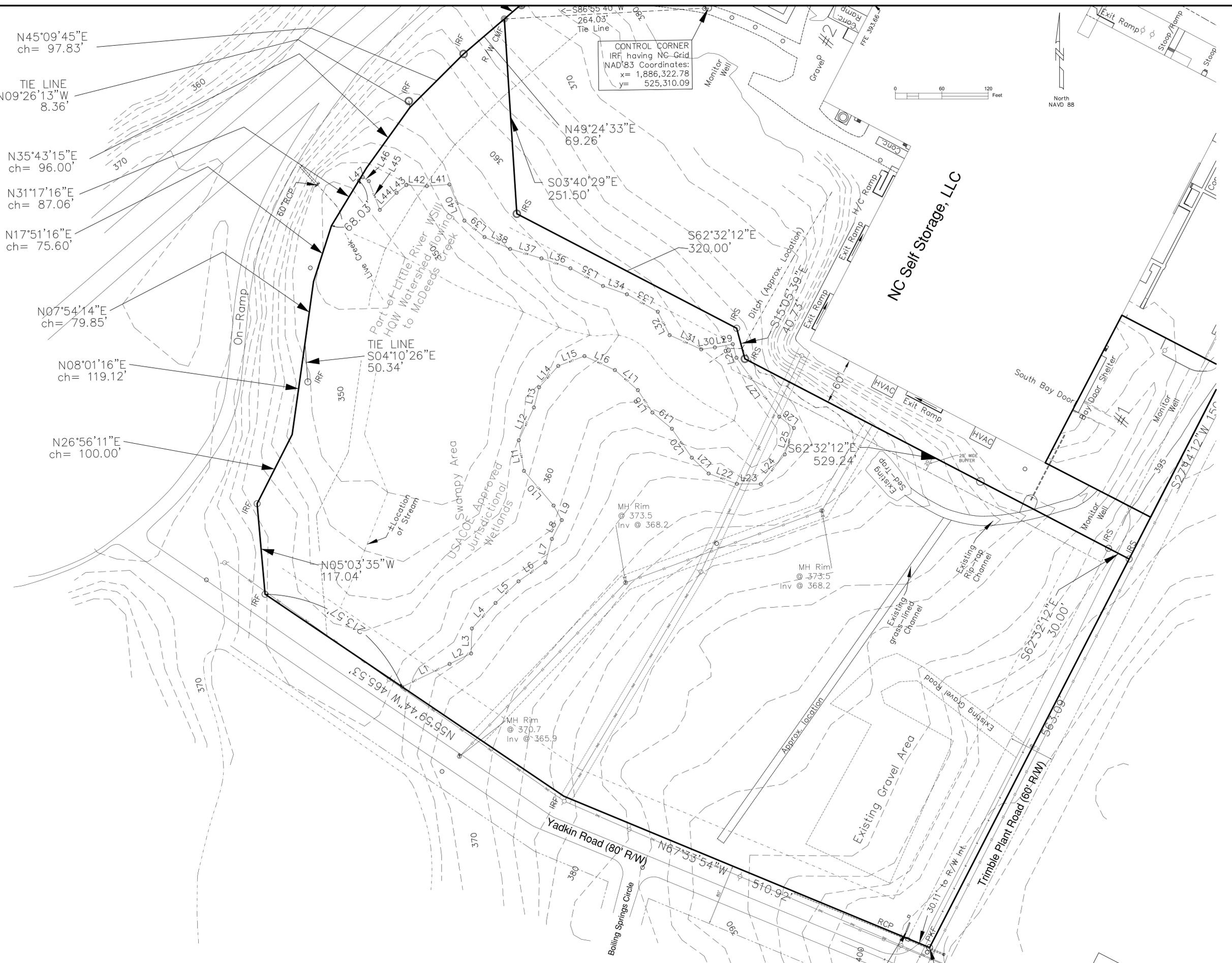
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N08°01'16"E
ch= 119.12'

N26°56'11"E
ch= 100.00'

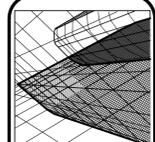
TIE LINE
S04°10'26"E
50.34'

CONTROL CORNER
IRF having NC-Grid
NAD'83 Coordinates:
x= 1,886,322.78
y= 525,310.09



BRAD HALLING AMERICAN WHISKEY COMPANY
Southern Pines, NC
EXISTING CONDITIONS PLAN

REVISIONS:	BY:	DATE:
1	BCW	04-12-2021



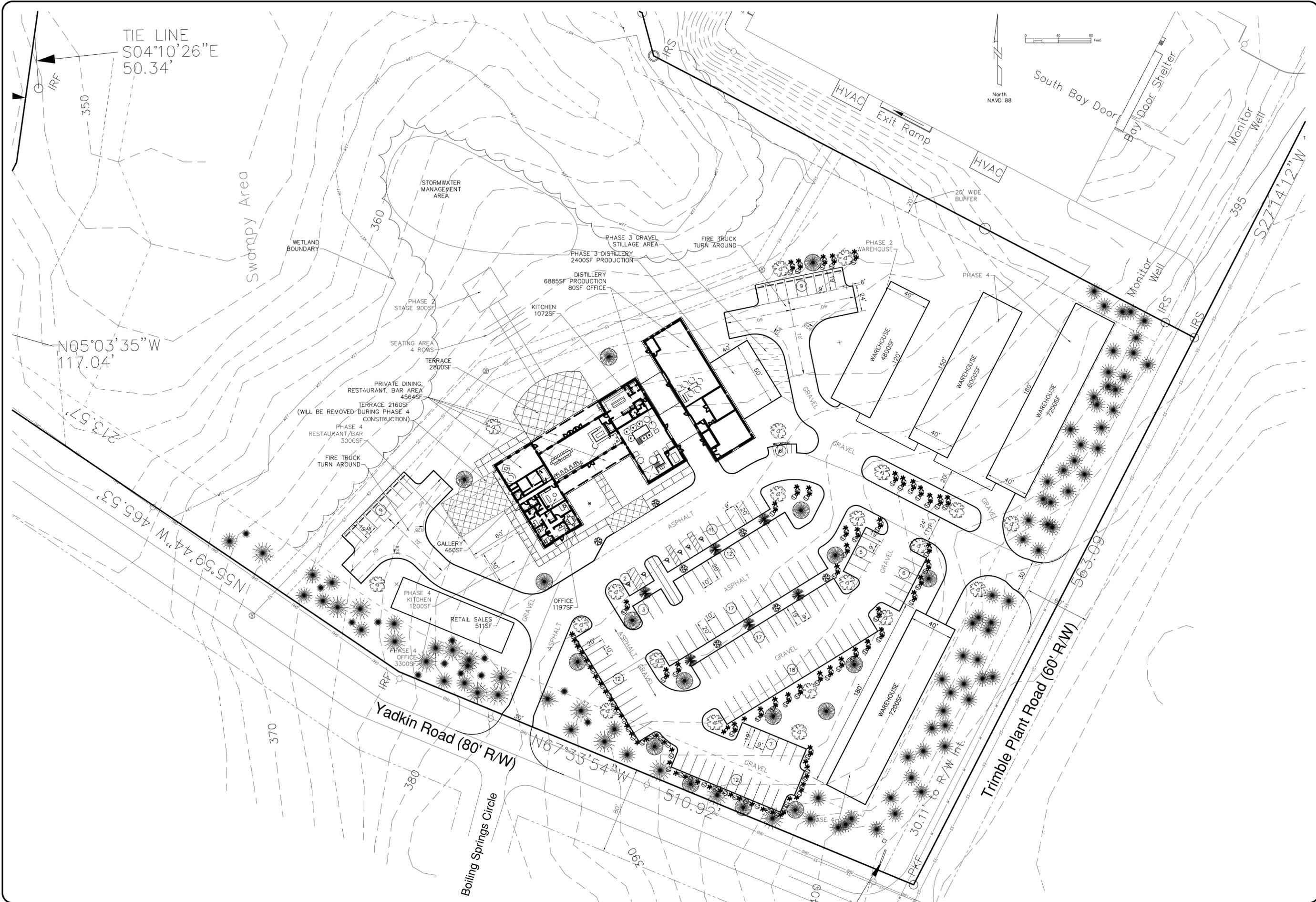
Neal Smith Engineering, Inc.
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www.nseengineering.com
License No. 041425



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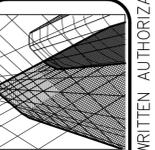
DRAWN BY:
BCW
SCALE:
As Noted
DATE:
01-11-2021
JOB NUMBER:
2000534
DRAWING KEY:
XC-1

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BRAD HALLING AMERICAN WHISKEY COMPANY
SOUTHERN PINES, NC
PRELIMINARY SITE LAYOUT PLAN

REVISIONS:	REVISIONS:



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www.neal-smith-engineering.com
License No. CE1425



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DRAWN BY:
BCW
SCALE:
As Noted
DATE:
04-12-2021
JOB NUMBER:
2000534
DRAWING KEY:
SP-1



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www.nseengineering.com
Firm License No. C-1425



May 7, 2021

Subject: Trip Generation
Brad Halling American Whiskey Co.
175 Yadkin Road
Southern Pines, NC 28387
NSE Project #2000534
PD-01-21

To Whom It May Concern:

NSE has determined the following anticipated trip generation for the above-mentioned project.

PHASE 1			Expected	
Description/ITE Code	Units	Weekday	Units	ADT
Manufacturing 140	Employees	2.47	12.0	30
Variety Store 814	KSF ²	63.47	0.5	32
Quality Restaurant 931	Seats	2.57	93.0	239
			TOTAL ADT	301

Note: Areas not included in this calculation:

- Gallery

PHASE 2			Expected	
Description/ITE Code	Units	Weekday	Units	ADT
Manufacturing 140	Employees	2.47	12.0	30
Variety Store 814	KSF ²	63.47	0.5	32
Quality Restaurant 931	Seats	2.57	93.0	239
			TOTAL ADT	301

Note: Areas not included in this calculation:

- Gallery
- Stage
- Warehouse

PHASE 3				
Description/ITE Code	Units	Weekday	Expected Units	ADT
Manufacturing 140	Employees	2.47	17.0	42
Variety Store 814	KSF ²	63.47	0.5	32
Quality Restaurant 931	Seats	2.57	93.0	239
			TOTAL ADT	313

Note: Areas not included in this calculation:

- Gallery
- Stage
- Warehouse

Description/ITE Code	Units	Weekday	Expected Units	ADT
Manufacturing 140	Employees	2.47	17.0	42
Variety Store 814	KSF ²	63.47	0.5	32
General Office 710	KSF ²	9.74	3.3	32
Quality Restaurant 931	Seats	2.57	120.0	308
			TOTAL ADT	383

Note: Areas not included in this calculation:

- Gallery
- Stage
- Warehouse(s)

The gallery and the stage were not included in the calculation because the use would not generate additional services. The stage would be used on special events and the gallery is available to all patrons. The warehouses will not generate the need for additional employees and are for long term storage/ageing of the products from the distillery.

The annual average daily traffic count for Yadkin Road is 1800 trips. This information was taken from the NCDOT AADT Mapping Application. The trip generations were based on ITE rates from the ITE Trip Generation Manual 10th Edition.

Sincerely,
NEAL SMITH ENGINEERING, INC.

Neal Smith, PE
 President



Manufacturing (140)

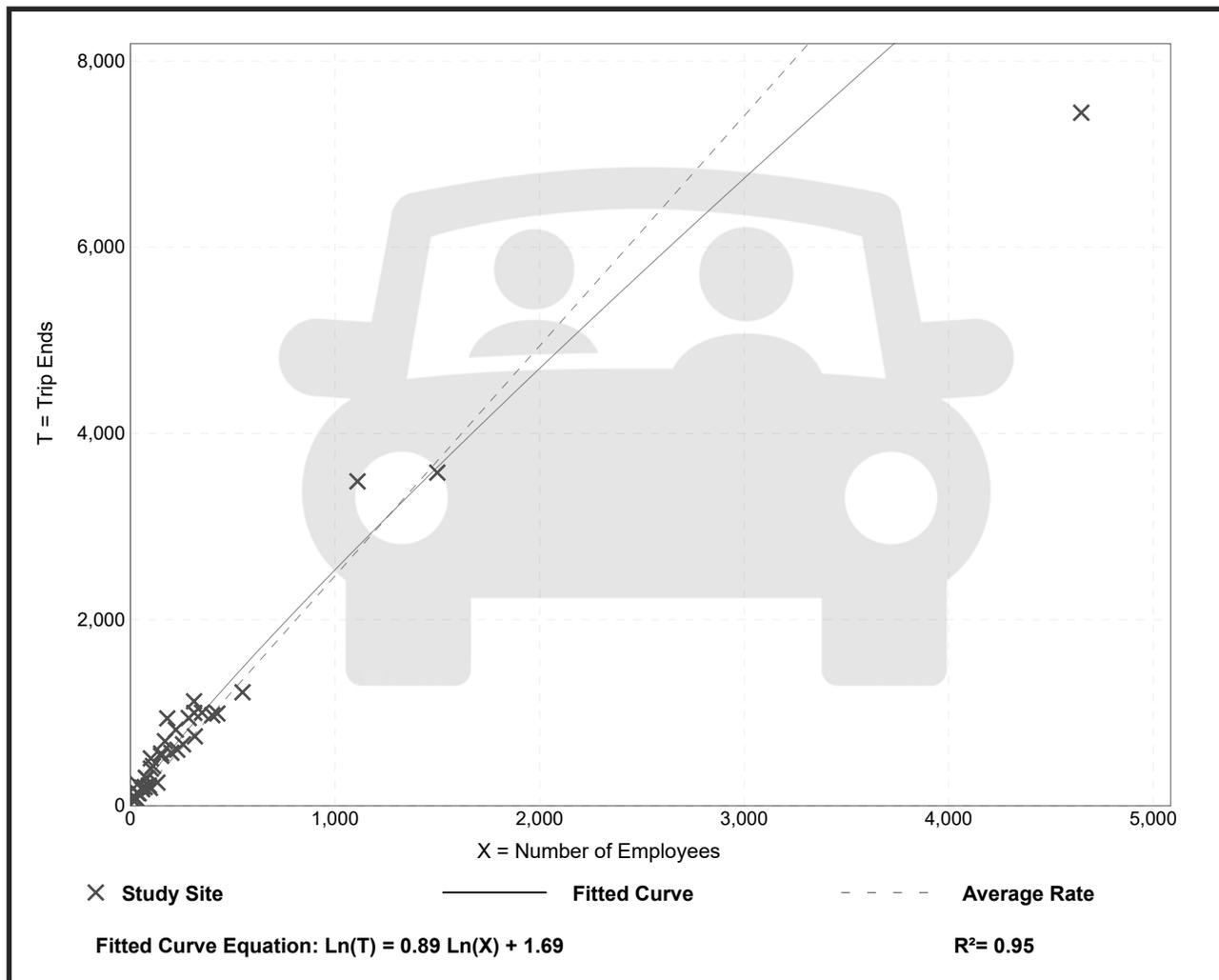
Vehicle Trip Ends vs: Employees
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 38
Avg. Num. of Employees: 341
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
2.47	1.60 - 6.66	0.89

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

General Office Building (710)

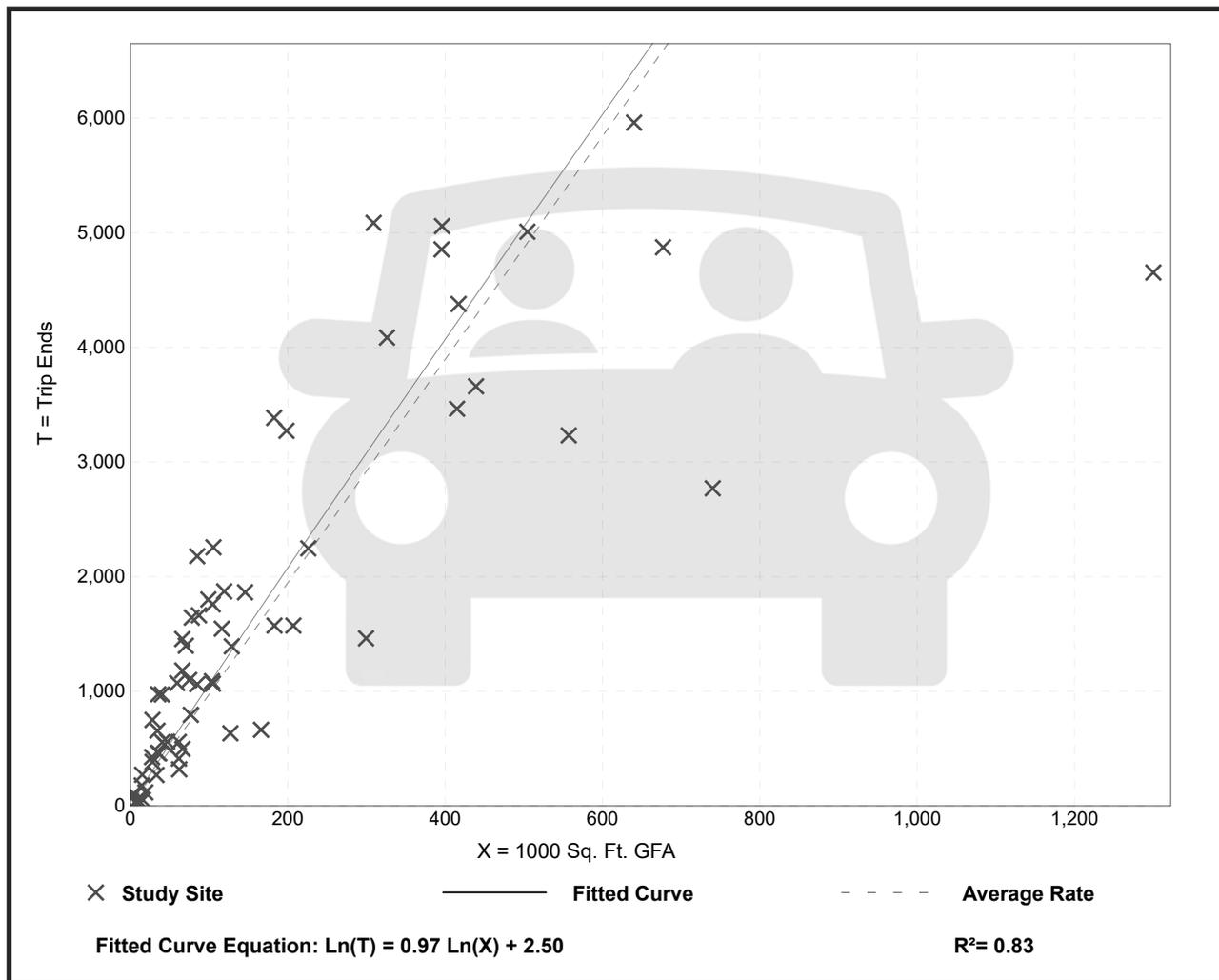
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 66
Avg. 1000 Sq. Ft. GFA: 171
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
9.74	2.71 - 27.56	5.15

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Variety Store (814)

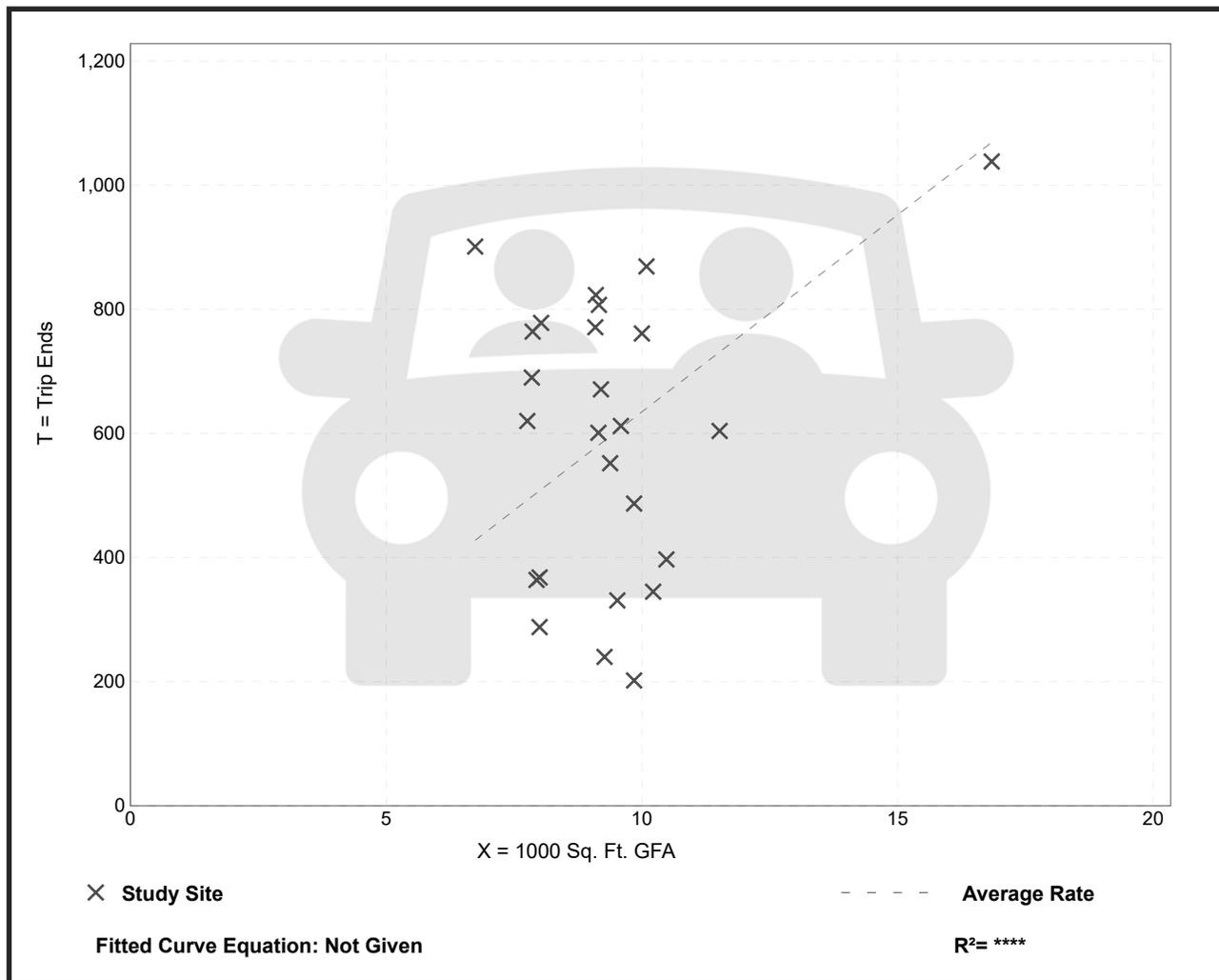
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 25
Avg. 1000 Sq. Ft. GFA: 9
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
63.47	20.51 - 133.68	25.93

Data Plot and Equation



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Quality Restaurant (931)

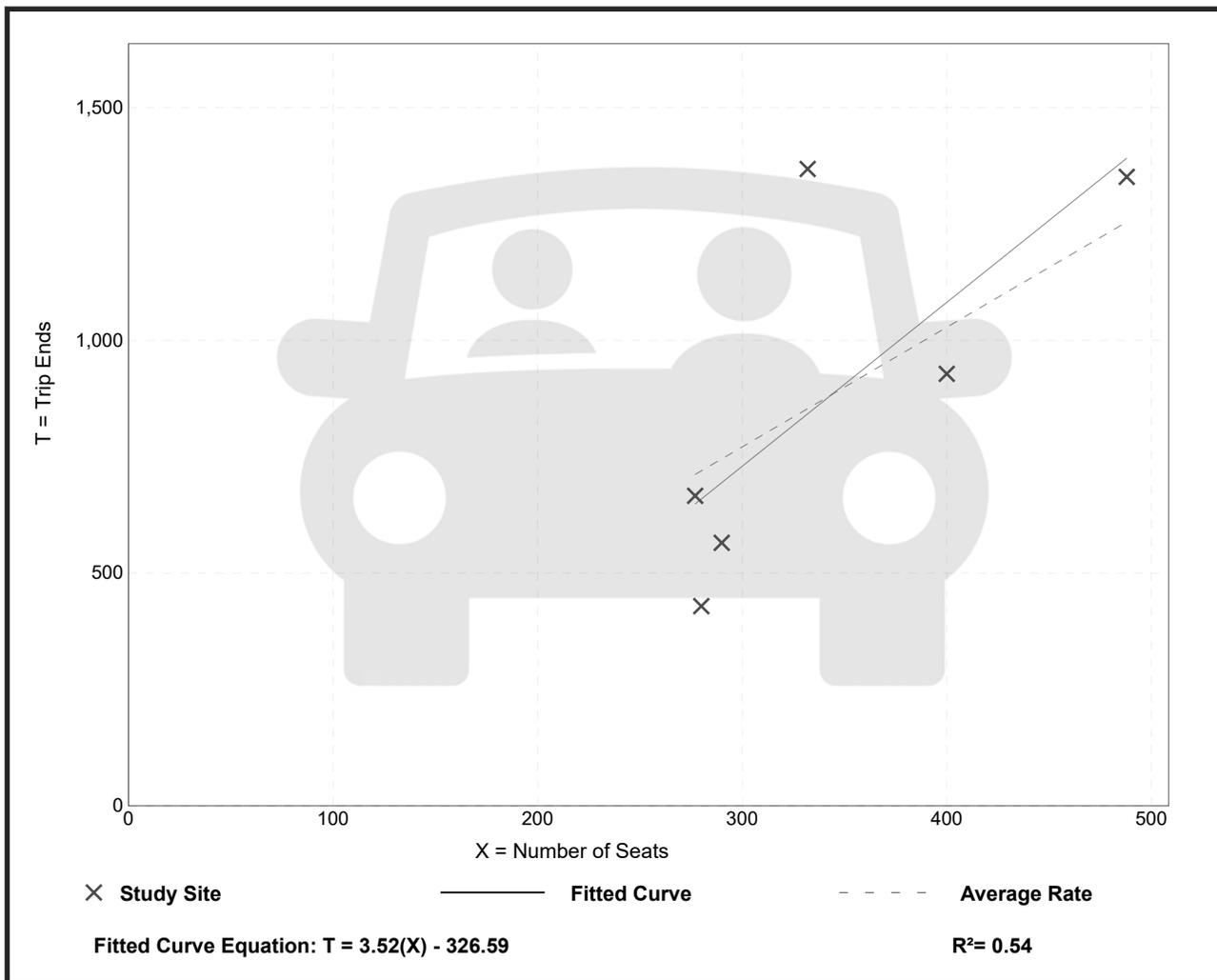
Vehicle Trip Ends vs: Seats
On a: Saturday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Num. of Seats: 345
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
2.57	1.53 - 4.12	0.86

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

To: Town of Southern Pines Planning Board

From: Mr. Bradley Halling and Ms. Jessica Halling acting as Rickhouse Properties, LLC for Brad Halling American Whiskey Co.

Represented by Neal Smith Engineering, LLC

Subject: Parking Analysis for Preliminary Development Plan (PD-01-21) by Petitioners and Moore County residents, Bradley and Jessica Halling, acting as Rickhouse Properties, LLC

Date: April 8, 2021

Enclosures

1. Supporting Statement, Mr. Tag Galyean, President Emeritus Smooth Ambler Spirits, Inc.
2. Parking Rendering dated April 12, 2021
3. Supporting Chart with Phase One Parking Analysis Based on Employee/Guest Count

Procedural History

- December 22, 2020: Neighborhood Meeting to discuss Conceptual Development Plan
- January 11, 2020: Petitioners Zoning Application submitted
- January 22, 2020: Petitioners Zoning Application found complete
- February 18, 2021: Town of Southern Pines Virtual Planning Board Meeting, wherein the board voted unanimously to recommend approval of PD-01-21.
- March 9, 2021: Virtual Town Council meeting wherein Petitioners presented their Conceptual Development Plan to the Town Council.
- March 22, 2021: Town Council unanimously approved PD-01-21's Conceptual Development Plan, pending a decision on Parking Requirements.

Petitioners' Request:

We greatly appreciate the support given us by the Zoning Board and the Town Council thus far on our distilled spirits plant project. With no formal research study available, we reached out to distilleries to conduct an informal analysis. We've concluded based on our research that the most accurate way to predict parking usage is numbers of people and numbers of seats and numbers of people per car. This method is available to us because we know the specific uses (and the days/ times/ shifts the areas of the facility will be used) and to assess that reliance on square foot allowances alone will produce a disproportionately high number of spaces. We also firmly believe that the party that is most interested in being sure that parking is adequate in this destination location (where there is no street parking option) is the owner/operator, and note that it is our best interests to get this 100% right.

Based upon Phase 1 needs, we assess that 50 paved, landscaped spaces + 6 motorcycle spaces + 18 gravel employee spaces in Phase one will be adequate, with a programme to expand into areas #2 (42 spaces) and #3 (30 spaces) as usage and future phases may require.

Consistent with Enclosure 1, Parking Rendering dated April 12, 2021 this means:

PHASE 1 50 PAVED/ + 18 gravel employee + 6 motorcycle = 68 + 6 motorcycle = 74

THEN AS NEEDED: + Gravel Overflow #2 with 43 spaces = 110 + 6 motorcycle = 116

THEN AS NEEDED: + Gravel Overflow #3 with 30 spaces = 140 + 6 motorcycle = 146

This number has been calculated based upon projected employee counts and guest estimates during busy times; further, it has been informed by a study of other distillery parking lot examples. We have programmed for additional gravel parking spots on an as needed basis throughout the (10) ten year phasing plan. We will monitor persons per vehicle averages and anticipated increased use of Uber and other for-hire transport services to determine whether / when additional spots will be required.

We do not assess that our request constitutes a parking spot reduction from the Southern Pines Unified Development Ordinance (UDO) requirements, but this request is *calculated differently* than the UDO, which calls for parking spot calculations based upon only building square footage instead of employees and guest estimates. It is our specific use and plan that allows this specific method.

Town of Southern Pines UDO Parking Requirements. UDO, Para. 3.5.14, *Planned Development District*, sets forth that Ch. 4, Development and Design Standards, shall apply to Planned Developments. Specifically, Para. 4.5.3 addresses Parking Space Requirements and states that Exhibit 4-7 establishes the minimum number of required off-street parking spaces for specified land uses. It further provides that number and design of parking spaces for the disabled shall comply with the North Carolina State Building Code requirements and bicycle parking shall be designed and located consistent with the Town's Bicycle Transportation Plan.

Parking Study. After soliciting input from Architect and Designer Mr. Galyean (www.tagstudios.com), Thoroughbred Spirits Consultants (www.tbspirits.com), and our Distillery Advisory Partners at Bardstown Bourbon Company (www.bardstownbourbon.com), we assess that 74 total spaces in phase one and all eventual 146 spaces is both ample and consistent with regional destination distillery businesses parking precedent, and *is not* a significant departure from the Southern Pines UDO.

Expert advise offered by Thoroughbred Spirits Consultants indicated that while there is a wide range of parking space precedent with regional destination distilleries, most destination distilleries have between 80 and 150 parking spots. This accounts for 3-7 management employees, 15-25 hourly rate employees, bar/restaurant seats between 40-80, and event space between 50-125.

Urban distilleries of similar size such as Old Dominick in Memphis, Tennessee have only 25 parking spots in addition to street parking and nearby parking garages. In contrast, O'Shaughnessy Distillery in Minneapolis, which is larger than BHAWK's operation by 50-75%, has 150 spots.

Areas with multiple distilleries, breweries, and wineries, typically are governed by parking spot per square foot ratio. For example, Woodinville Whiskey Co. in King County, Washington which is co-located with other such facilities used a two-pronged analysis to determine parking. First, they calculated for 1 spot per 1,000 sq. ft of total distillery square footage and, in addition, one to nine (1-9) spots per 300 sq. ft of tasting area. Applying Woodinville's example to BHAWK, our building is 13,895 sq. ft with a 4,540 sq. ft restaurant/tasting/outdoor area. This would require 14 spots for the overall building plus between 15 and 136.2 spots for the restaurant/tasting/outdoor area for a minimum of 29 spots and a max of 150.2 spots.

In contrast, to provide the context of a larger facility, Bardstown Bourbon Company, which is a 47,000 sq. ft facility on 100 acres with over 10 rick house storage facilities, a rick house tasting room with capacity of approximately 25, a restaurant/bar/retail capacity of 112, and 141 employees started with only 154 parking spots (100 for the restaurant and 54 for the employees). Bardstown Bourbon Company has

since added 93 additional spots for a total of 247 for an operation. This is consistent with Kentucky's largest destination tourist distilleries.

In 2019, the North Carolina legislature passed the North Carolina Distillery and ABC Modernization Act, which now allows distilleries to have cocktail bars. Given that surrounding states have more restrictive legislation, primary studies of comparable developments within the regional market do not exist, and therefore such studies are not provided with this request.

We anticipate a steady rate of parking turnover throughout the business day, given that the vast majority of guests will begin their visit by joining a tour which starts on an hourly basis. We further anticipate peak parking to occur on weekend afternoons and evenings, as well as during privately hosted gatherings and during special activities at the distillery (guest speakers, music). During featured activities and private functions, guests are more likely to travel in vehicles with 2-4 per person.

Parking will comply with Para. 4.5.5., *Parking Space and Aisle Dimensions*. We do not propose to have a compact car section. Motorcycle parking is less than 1% over the 5% maximum of spots. Driveways will not be not less than 10 feet in width for one-way traffic and 20 feet in width for two-way traffic.

Consistent with Para. 4.5.8, the principal parking lot, which has more than 10 parking spaces and will be used regularly for 5 days per week, will be graded and surfaced with asphalt, concrete or other material. Paved parking spaces will be appropriately demarcated with painted lines.

Overflow parking areas will be graded and surfaced with crushed stone, gravel or other suitable material. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties or other similar items as required by the UDO.

Also as required by the UDO, parking areas be properly maintained in all respects and kept in good condition and parking space lines or markings shall be kept clearly visible and distinct.

Loading and unloading areas will be of sufficient size to accommodate a single 18-wheel semi-truck at a given time, which is sufficient for this operation even with the stills running at max capacity.

We appreciate the Town's consideration of this request, and consideration of our need for flexibility in attempting to right size parking for this project.

Sincerely,

//original signed//

Bradley J. Halling

//original signed//

Jessica A. Halling



Neal Smith Engineering, Inc.

139 Pinehurst Avenue - Suite C
Southern Pines, NC 28387
Phone: (910) 695-8825
Fax: (910) 695-8832
www.nseengineering.com
License No. C-1425



May 7, 2021

Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387

Subject: Brad Halling American Whiskey, Ko.
175 Yadkin Road
Southern Pines, North Carolina 28387
NSE Project #2000534
PD-01-21

To Whom It May Concern:

This letter is in response to emails received asking for additional information, changes to the site plan and information about how the project will proceed for the above-mentioned project. The purpose of the letter is to address those issues.

It was mentioned in a email from Suzy Russell that this PDP is for Phase 1 only. The plan, if approved, would go through site plan approval for Phase 1 and the other 3 phases will go through separate PDP applications at the appropriate times. NSE will provide a site plan that will address complete buildout of the site which will include the phasing of the project. It is requested that the PDP be approved for all phases. Phase 1 will include all the uses that apply to the site. Each phase will have a separate building permit and construction will follow the approved site plans.

There was a comment that stated the Fire Department Access Road and Turn-Around could not be gravel. NSE has not seen this requirement and is certain that there have been gravel fire access roads approved in the past.

There was another comment stating that the driveway along Yadkin Road would need to be moved, because driveways could not be at intersections. NSE contacted NCDOT and was informed that the driveway location shown is their preferred location. We have attached the correspondence from NCDOT.

In a separate email it was requested that NSE provide trip generation estimates for all phases. A trip generation estimate based on the ITE Trip Generation Manual 10th Edition is being provided as a part of this response.

Sincerely,
NEAL SMITH ENGINEERING, INC.

Neal Smith, PE
President

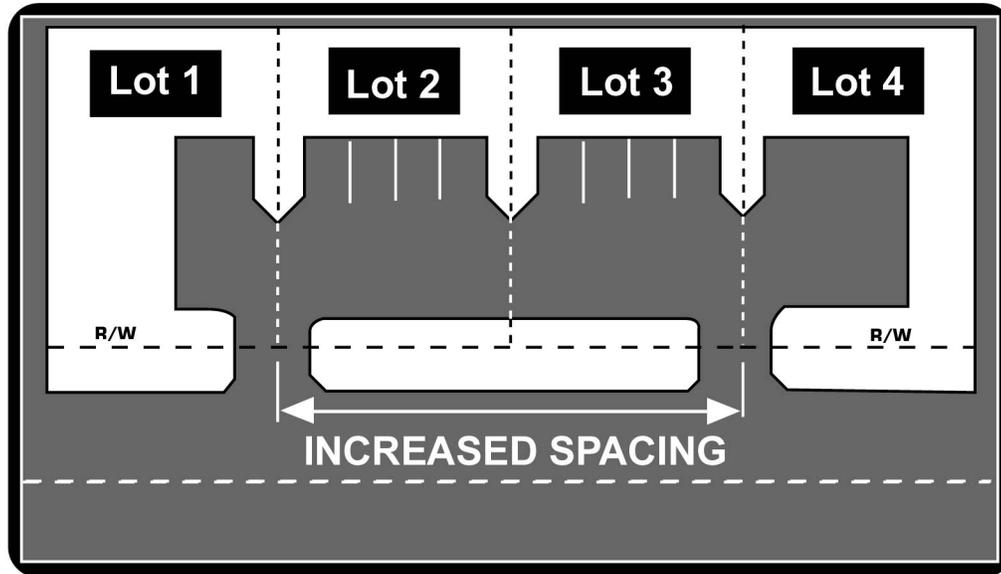


Neal Smith Engineering, Inc. – Southern Pines, North Carolina

Policy On Street And Driveway Access to North Carolina Highways

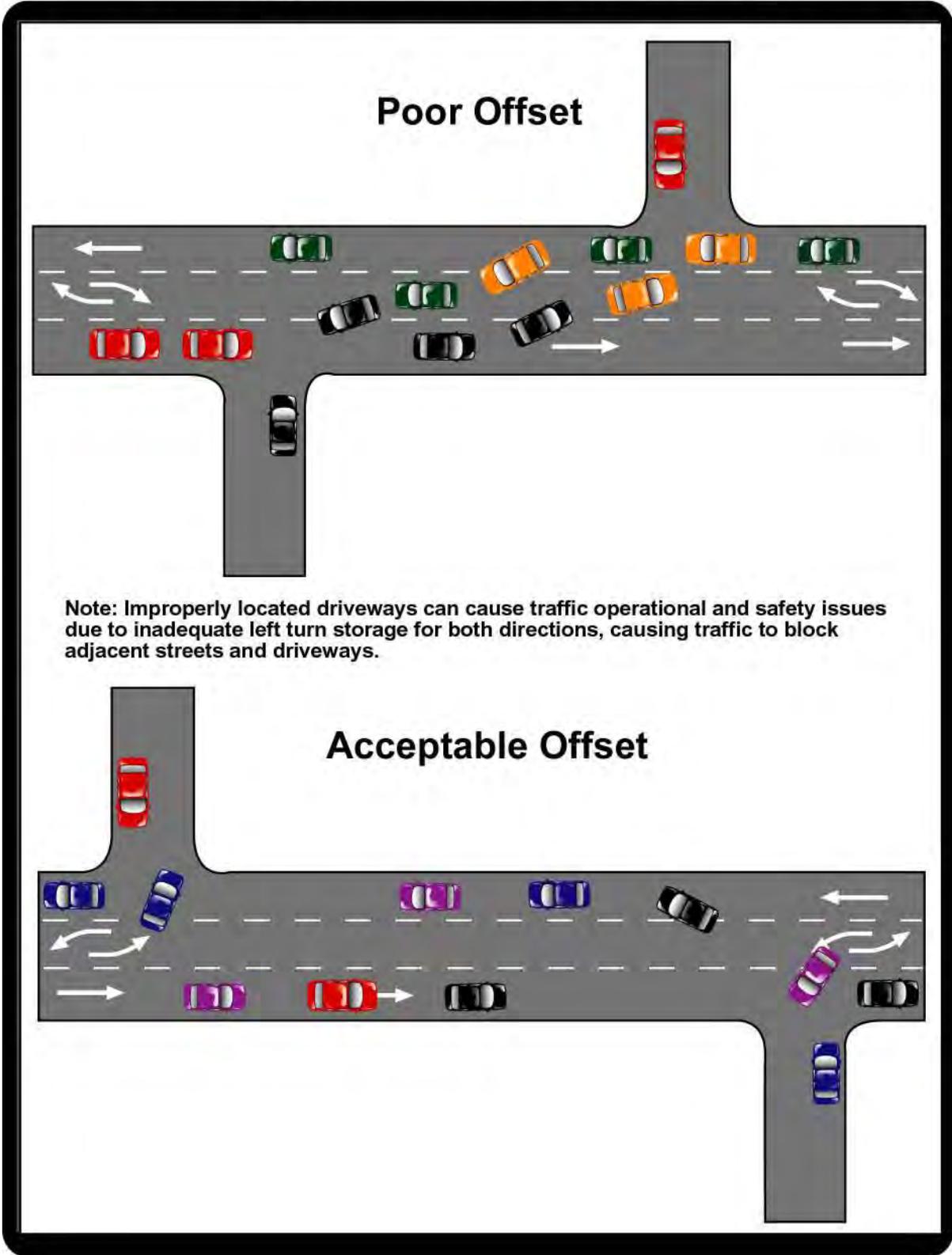
Adjacent property owners are encouraged to construct a shared driveway by written mutual agreement to serve both properties. Joint Access provides improved internal circulation and parking capabilities, as well as reduces conflict points and increases distance between driveways. Shared driveways are subject to all requirements of the “[Policy on Street and Driveway Access to North Carolina Highways](#)” except that the edge clearance dimension will not apply.

Encourage Joint & Cross Access



Care should be taken to avoid creating incorrectly offset left turn conditions. **Opposite side drives should be aligned directly across from existing/proposed opposite side streets and driveways.** When it is necessary to offset driveways or streets, care should be taken to provide adequate separation for vehicular storage/queuing and maneuvering between access points.

Example of Offset Driveways



Policy On Street And Driveway Access to North Carolina Highways

On most State maintained routes, the minimum distance between the centerlines of full-movement driveways into developments that generate high traffic volumes should be at least 600 feet. However, on routes with safety, congestion, or operational problems, 1,000 feet or more may be required between the centerline of any left turn access points and any adjacent street and driveways. The minimum distance between drives does not apply to service drives not used by the general public.

Driveways for fire stations should be designed to accommodate maneuvering of fire trucks within the driveway stem in order to avoid conflict with traffic. Because of the size of fire trucks, station buildings that are within 100 feet from the edge of pavement will be allowed up to 15 feet of driveway width per bay up to a maximum of 75 feet total driveway width. For station buildings more than 100 feet from the edge of pavement, a driveway width of up to 12 feet-6 inches per bay is allowable up to a maximum of 50 feet of total driveway width. The PERMIT for this type of service will be reviewed and approved by the Division Engineer or their designee. The Division Engineer may deviate from the above standards on a case-by-case basis using sound engineering judgement.

D. Driveway Profile

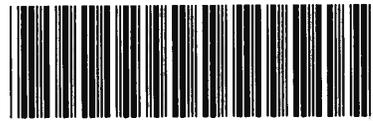
Generally, all driveways shall have a grade that slopes away from the highway surface at a rate equal to the slope of the shoulder, but not less than 1/4 inch per foot nor greater than one inch per foot in a normal crown typical section. The slope shall continue for a distance equal to the prevailing shoulder width or longer so as not to cause a hump or a depression in the shoulder area. Beyond the shoulder, the grade of commercial driveways within the right-of-way should not exceed +/- ten percent. The slopes of drives shall be compatible with provisions for drainage of the designed cross-section. Where special circumstances require driveway grades in excess of these requirements, the NCDOT may approve deviation on a case-by-case basis.

Where a sidewalk is located close to the curb line and the driveway opening is to be provided across a depression or curb cut, the sidewalk should be constructed to conform to the driveway profile. Either one or both edges of the sidewalk may be depressed across the driveway provided the resulting sidewalk cross slope does not exceed 1/2 inch per foot. In some cases, it may be necessary to discontinue the sidewalk across the driveway and to construct a curb along each driveway edge. In such instances, the curb cuts and curb ramps must be constructed in conformance with the latest edition of the NCDOT [“Guidelines for Curb Cuts and Curb Ramps for Disabled Persons.”](#)

mail: Town of Southern
Pines
125 SE Broad St.
Southern Pines, NC 28387

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
April 05, 2021 11:32:49 AM
Book 5583 Page 554-557
FEE: \$26.00
INSTRUMENT # 2021007906

###



INSTRUMENT # 2021007906

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF SOUTHERN PINES**

THAT WHEREAS, after notice being duly given according to law, a virtual public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on March 9th 2021 at 6:00 PM for the purpose of hearing a legislative request for a Planned Development Conceptual Development Plan.

WHEREAS, action on this agenda item, per G.S. §166A-19.24(e), was not taken until allowing a minimum of 24 hours following the remote public hearing for submittal of written comments, and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentations at the hearing as well as allowing for the 24 hour period after the remote public hearing, the Town Council of the Town of Southern Pines at its Worksession Meeting on March 22, 2021 passed an ordinance amending the Zoning Map of the Town of Southern Pines, North Carolina; and, 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 Zoning Map be amended as herein set forth below, and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina assembled in Worksession on the 22nd day of March, 2021:

Section 1. That the Zoning Map of the Town of Southern Pines be, and the same hereby is, amended by changing the zoning of one existing parcel totaling 15.04 acres identified as PIN: 858200642631 (PARID: 00036849) a from I (Industrial) to PD (Planned Development) with an approved Conceptual Development Plan (CDP). The subject parcels are described as follows:

PIN: 858200642631; PARID: 00036849

Being Tract 1 containing 15.04 acres, more or less, as shown on a plat thereof recorded in the Office of the Register of Deeds for Moore County, North Carolina, in Plat Cabinet 15, Slide 858.

Section 2. That the Planned Development (PD) zoning classification is subject to the mix of land uses set forth in the approved Conceptual Development Plan (CDP).

Section 3. That development of the property referenced in Section 1 of this Ordinance is subject to conformance with the text and site plan that accompanied Planned Development - Conceptual Development Plan (CDP) application PD-01-21, a copy of which may be found on file in the Town of Southern Pines Planning Office, 180 SW Broad Street, Southern Pines, North Carolina.

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

Adopted this 22nd day of March, 2021

ATTEST:

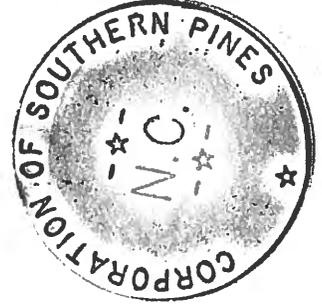
Peggy K. Smith
Peggy K. Smith, Town Clerk

TOWN OF SOUTHERN PINES

Carol Haney
Carol Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill
Douglas R. Gill, Town Attorney



I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on March 22, 2021 as shown in the Minutes of the Town Council meeting for that date.

Peggy K. Smith
Peggy K. Smith, Town Clerk

**COUNTY OF MOORE
STATE OF NORTH CAROLINA**

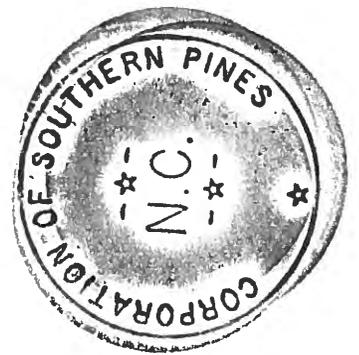
I swear that this is a true and accurate copy of an Ordinance amending the Zoning Map of the Town of Southern Pines adopted on March 22nd, 2021 (PD-01-21).



Peggy K. Smith, Town Clerk

3/30/21

Date





**TOWN COUNCIL
RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-01-21**

WHEREAS, Section 160A-383 of the North Carolina General Statutes specifies that the governing board shall, with any ordinance amendment or zoning map amendment decision, approve a statement describing whether the action of the governing board is consistent with the adopted comprehensive plan.

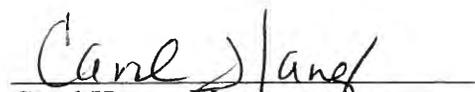
WHEREAS, Section 160A-383 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements, which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.

WHEREAS, zoning regulations shall be designed to promote the public health, safety, and general welfare. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

WHEREAS, the Town Council conducted a public hearing on March 9th, 2021 for consideration of Planned Development Conceptual Development Plan application PD-01-21; **NOW, THEREFORE BE IT RESOLVED** that the Town Council finds that the Conceptual Development Plan application PD-01-21 is reasonable, in the public interest and consistent with the Town of Southern Pines Comprehensive Long Range Plan (CLRP) because the proposed mixed use development establishes a compatible transition into the surrounding Industrial zoned land. The development utilizes the light industrial intensity with compatible and mutually supportive mix of uses. This will create a corner parcel that transitions into the surrounding Industrial zoned land that will be developed more in character with the vitality of Southern Pines enhancing the Future Land Use Designation of "Industrial".

ADOPTED this the 22nd day of March, 2021.


Carol Haney, Mayor

ATTEST:



Peggy Smith,
Town Clerk

AMENDED ATTACHMENT “A”
Draft Planning Board Findings of Fact
Preliminary Development Plan Application PD-03-21

Finding of Fact #1:

The Planning Board finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Planning Board finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;

The Planning Board finds that the Preliminary Development Plan (PDP) to develop a whiskey distillery with supportive uses in four phases is generally consistent with the purposes of the PD-Planned Development zoning district. The land use mix is consistent with the CLRP and incorporates a variety of uses which is a standard of the traditional mixed-use category.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

The Planning Board finds that the PDP is consistent with the Conceptual Development Plan (CDP) because the PDP maintains the mix and intensity of land uses as well as the phasing plan set forth, evaluated and approved with the CDP. The applicant has requested a parking reduction for 147 parking spaces to be the minimum required and provided a parking analysis as conditioned with the CDP. The Planning Board finds that the 147 parking space request is adequate because the parking analysis illustrates the parking standards within the UDO do not accurately apply to the proposed whiskey distillery and an inflexible application of the parking standards would result in an excess of parking spaces. The applicant also requested to deviate from the standards set forth for parking aisle width. Because the site contains 10 or more parking spaces the Planning Board finds that the applicant shall comply with the minimum dimensions established for 90 degree parking angles which is 24' for both one way and two way traffic. The applicant requested to deviate from vehicle use area material standards and because the Town of Southern Pines staff has specifically commented that the current standards should be met, the Planning Board finds that the applicant will comply with the applicable standards as administered by the Technical Review Committee at site plan review. The Planning Board finds that the loading and unloading area shall comply with the UDO in order to accommodate loading and unloading in a safe and convenient manner. The Planning Board finds that the

applicant will meet the landscaping standards found within the UDO and specifically will provide landscape screening for the parking lot in Phase 2, or when the 75th parking space is proposed. The applicant is providing 74 parking spaces in phase 1 and therefore does not trigger this standard until they provide the 75th parking space.

3. **The proposed Development is located in an area of the Town that is appropriate; and**
The Planning Board finds that the PDP is in an area of the Town that is appropriate because the proposed mixed-use development establishes a compatible transition into the surrounding Industrial zoned land. With a distilled spirits plant already an allowed land use in the Industrial zoning district the mutually supportive uses will behave as a transition to the surrounding Industrial (I) zoned properties.
4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**
The Planning Board finds that the PDP is consistent with the Conceptual Development Plan and this development is served by existing public utilities and they are located in a manner that is respectful of existing natural features and environmentally sensitive areas.

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: OA-01-21: Text Amendments to the Unified Development Ordinance (UDO); Petitioner, Town of Southern Pines Planning Division Staff

Date: June 8, 2021

I. SUMMARY OF APPLICATION REQUEST:

On July 11, 2019, Governor Roy Cooper signed Session Law 2019-111. This legislation made a variety of substantive changes to North Carolina laws that govern local land development regulations and reorganized most land development statutes into one new chapter of North Carolina General Statute (NCGS). NCGS Chapter 160D became effective January 1, 2021 and local governments were given until July 1, 2021 to revise local land development regulations as necessary to be consistent and compliant with Chapter 160D.

The Town of Southern Pines Planning Department has methodically reviewed the Town's Unified Development Ordinance (UDO) and is proposing a variety of changes to the UDO to comply with the requirements of NCGS Chapter 160D. Planning staff has attempted to restrict proposed changes to only those that are necessary to comply with NCGS Chapter 160D, or those that are necessary to improve the clarity of existing language in the UDO due to changes in NCGS Chapter 160D. A copy of the UDO with all proposed changes shown in red, with additions underlined and deletions ~~stricken~~, has been posted on the Town's website for public review since May 4th, 2021.

II. PLANNING BOARD ACTION:

At the May 20, 2021 Regular Meeting of the Planning Board, the Planning Board held a public hearing to consider the proposed amendments to the Unified Development Ordinance (UDO). Planning staff presented a brief history of NCGS 160D and a summary of materials that have been posted to the Town's website for public review since May 4th, 2021. Following town staff's presentation, no members of the public spoke regarding the proposed amendments to the UDO.

The Planning Board held a discussion of the proposed ordinance amendments. Following discussion, Mrs. Diane Westbrook made a motion to approve the Resolution to Adopt a Statement of Plan Consistency that was included as Attachment A to the staff report and to recommend approval of OA-01-21 because the amendments are consistent with the Comprehensive Long Range Plan and the amendments are a reasonable way to implement the plan in a legally defensible manner consist with North Carolina law. The motion was

seconded by Mr. Lem Dowdy. The motion passed 7-0 on a roll call vote. A copy of the Planning Board's adopted statement regarding plan consistency is attached to this report.

III. PROJECT INFORMATION:

a. Physical Address:

Not applicable to Ordinance Amendment requests.

b. Owners:

Not applicable to Ordinance Amendment requests.

c. Applicant:

Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387

IV. APPLICATION REVIEW:

A. Review Process:

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

B. Application Review Dates:

Application Submitted:	April 12 th , 2021
Application Complete:	April 12 th , 2021
TRC Consultation:	March 30 th , 2021
Notice of Planning Board Public Hearing:	
• Internet:	May 6 th , 2021
• Newspaper:	May 5 th and 12 th , 2021
Planning Board Agenda Meeting:	May 13 th , 2021.
Planning Board Public Hearing:	May 20 th , 2021
Notice of Town Council Public Hearing:	
• Internet:	May 20 th , 2021
• Newspaper:	May 26 th and June 2 nd , 2021
Town Council Agenda Meeting:	June 2 nd , 2021.
Town Council Public Hearing:	June 8 th , 2021

C. Criteria for Review:

When reviewing an application for a UDO text amendment, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

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

D. General Staff Comments:

- The history of Session Law (S.L.) 2019-111 that resulted in the revision and reorganization of land development regulation statutes in North Carolina is long and complicated and is outside the scope of this staff report. A good source for reading about the history of S.L. 2019-111 is a bulletin entitled “2019 North Carolina Legislation Related to Planning and Development Regulation” that is available for download from the UNC School of Government.¹
- S.L. 2019-111 originally was effective on January 1, 2021 and also required that local regulations be revised to conform with Chapter 160D by that date. While many provisions of S.L. 2019-111 still become effective on January 1, 2021, the deadline for local regulations to conform with the new Chapter 160D- was extended by S.L. 2020-25 to July 1, 2021 due to COVID-19.
- Town of Southern Pines planning staff began the process of updating the Unified Development Ordinance (UDO) soon after S.L. 2019-111 was passed by attending training workshops, professional conference sessions and remote meetings hosted by the UNC School of Government throughout 2020. Planning staff also studied publications provided to local governments by the UNC School of Government via the Chapter 160D microsite² from 2019 to present. Publications include various legal bulletins, interpretive guidance documents (covering six specific topics in Chapter 160D) and multiple blog posts from professional staff with expertise in various topics. UNC School of Government also published a 255-page book entitled “Chapter 160D: A New Land Use Law for North Carolina” and distributed copies of this book at regional workshops.

¹ <https://www.sog.unc.edu/publications/bulletins/2019-north-carolina-legislation-related-planning-and-development-regulation>

² <https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019>

- One particular publication provided by UNC School of Government, upon which planning staff relied while reviewing and drafting revision to the UDO, is entitled “G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices.”³ This 15-page publication is organized in the form of a checklist for local governments and includes approximately 150 items to review in local ordinances. The approximately 150 items are organized in a manner that corresponds to topics and explanations provided in the 255-page Chapter 160D book referenced above. Items are further prioritized as *must* change items, *may* change items and *be aware of* items. Staff re-formatted this checklist as an Excel spreadsheet, and used this spreadsheet to review the UDO.

- Planning staff began writing draft revisions to the text of the UDO in January of 2020, working primarily from the UNC School of Government’s 160D checklist. Planning staff worked through the checklist and either revised the corresponding section or sections of the UDO or documented a reason why no change is needed at this time. In crafting language for draft revisions, planning staff followed some basic internal policies:
 - Only revise that which must be revised right now in order for the UDO to conform with the new Chapter 160D requirements.
 - Keep amendments as simple as possible. For example, rather than re-writing entire sections to achieve “perfect” language, try to make smaller changes to achieve acceptable (and defensible) language.
 - Whenever professional judgment was necessary to draft a revision, document the rationale for the proposed draft revision so that the public, Planning Board and Town Council could review planning staff’s thoughts.
 - When a topic was identified that may be ripe for an amendment in the UDO but is not required to conform with Chapter 160D, planning staff added these topics to a separate list. The community may work on these other topics as interest and resources permit in the future.

- Planning staff completed a first draft of Chapter 160D UDO revisions on March 18, 2021. Each draft revision was depicted in a single copy of the UDO using Word’s “Track Changes” feature (whereby all changes are shown in red, proposed additions are underlined and proposed ~~deletions are stricken~~). All amendments were furthermore cross-referenced using margin notes to the corresponding item in the UNC School of Government’s Chapter 160D checklist.

- Given the complexity of the required Chapter 160D revisions, the Town of Southern Pines utilized the “Code Scan” review service offered by the UNC School of Government. Professional staff at the UNC School of

³ <https://www.sog.unc.edu/sites/www.sog.unc.edu/files/160D%20Checklist%20Aug%202020%20update.pdf>

Government reviewed planning staff's first draft Chapter 160D revisions and provided comments. The Code Scan review took two weeks to complete, and planning staff received comments on the first draft revisions on April 2, 2021. Using comments received from the Code Scan review, planning staff made another round of revisions to the UDO. Each of the additional revisions were noted using margin comments so that the source of the revision was documented. UNC School of Government's Code Scan comments are an internal document, but are certainly available for public review during regular business hours at the Planning Office.

- Once all revisions were completed, a copy of the UDO showing all proposed changes and all margin notes was posted to the Town website on May 4th, 2021.⁴ A copy of the UNC School of Government 160D checklist with all staff notes was also posted to the Town website. Furthermore, electronic copies of the same documents were emailed to Town management, the Town Attorney, members of the Town's Technical Review Committee, and all agencies to which referrals are normally mailed.

The documents that have been prepared and posted, along with the links to various UNC School of Government resources contained in this staff memo, should provide the public, Planning Board and ultimately the Town Council the information and explanation needed to adequately consider the proposed Chapter 160D revisions to the UDO.

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 May 5, 2021. As of the completion of the staff report on May 13, 2021, no responses have been received. Any agency responses, particularly a RLUAC response in light of NCGS §160D-601(b), will be provided to the Town Council at the Town Council hearing if received after the Planning Board hearing.

V. ATTACHMENTS:

Instead of creating a Town Council packet of nearly 500 pages, a copy of the UDO showing all proposed revisions, the UNC School of Government's 160D Checklist with all planning staff comments and the entire NCGS Chapter 160D, Articles 1-14, is available for download at the following website:

<https://www.southernpines.net/230/Planning-Pending-Applications>

⁴ <https://www.southernpines.net/230/Planning-Pending-Applications>

Additionally, three attachments are provided with this staff report:

1. Attachment A: Town Council Resolution Adopting a Statement of Plan Consistency.
2. Ordinance Adopting Proposed Changes to the UDO (Note: The entire final revised UDO is not attached to the ordinance for packet length purposes, all revisions are shown in the version posted online that is linked above.)
3. Planning Board's adopted resolution regarding plan consistency.

VI. TOWN COUNCIL ACTION:

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

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

1. The requested text amendments are consistent with the Comprehensive Long Range Plan and are a reasonable way to implement the Comprehensive Long Range Plan and therefore the Town Council adopts the Resolution that is included as Attachment A in the staff report for OA-01-21;
2. The requested text amendments are consistent with the Comprehensive Long Range Plan and are a reasonable way to implement the Comprehensive Long Range Plan and therefore the Town Council adopts the Resolution that is included as Attachment A in the staff report for OA-01-21 with the following edits or additions to Attachment A...
3. The requested text amendments are not consistent with the Comprehensive Long Range Plan and/or are unreasonable for the following reasons...

And, therefore, I move to:

1. Approve OA-01-21 (*if desired, the Town Council may state any additional reasons you support the proposed amendments, besides those already listed in Attachment A*).
2. Approval of OA-01-21 with the following changes... (*if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed*);
3. Deny OA-01-20 (the Town Council state any reasons for denial of the proposed amendments).
4. Other...

(ATTACHMENT A)

**TOWN COUNCIL RESOLUTION TO ADOPT A STATEMENT
OF CONSISTENCY FOR AN ORDINANCE AMENDMENT
OA-01-21**

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 public hearing on May 20th, 2021 to listen to public comments, ask questions of the Town's planning staff and to consider ordinance amendment application OA-01-21; and

WHEREAS, the Town Council conducted a public hearing on June 8th, 2021 to listen to public comments, ask questions of the Town's planning staff and to consider ordinance amendment application OA-01-21.

NOW, THEREFORE BE IT RESOLVED that the Town Council finds that the revisions to the Unified Development Ordinance (UDO) that have been prepared by planning staff to comply with the recently revised and reorganized North Carolina land development statutes are reasonable, in the public interest and are generally consistent with the Town of Southern Pines Comprehensive Long Range Plan (CLRP). Whereas many revisions to the Town of Southern Pines UDO will implement a specific portion of the community vision and/or will help achieve specific goals and policies of the CLRP, the proposed revisions are intended to ensure that the UDO remains a legally-defensible document that will continue to guide growth and provide a framework for local land development regulations. Implementing the CLRP, and doing so in a manner that is compliant with North Carolina statutes governing local use of development regulations, is certainly reasonable, in the public interest and consistent with the CLRP.

ADOPTED this the 8th day of June, 2021.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF SOUTHERN PINES**

THAT WHEREAS, Session Law (S.L.) 2019-111 was signed by Governor Roy Cooper on July 11, 2019 and this legislation significantly revised and reorganized North Carolina statutes regarding local development regulations and gave local jurisdictions until January 1, 2021 to amend their local regulations; and

WHEREAS, due to COVID-19, subsequent legislation (S.L. 2020-25) extended the deadline for local jurisdictions to amend their local regulations to comply with S.L. 2019-111 to July 1, 2021; and

WHEREAS, the Town of Southern Pines planning staff prepared a copy of the Town of Southern Pines Unified Development Ordinance (UDO) showing all proposed changes to the text deemed necessary to comply with S.L. 2019-111 and used margin notes to provide explanations of every proposed change and posted this version of the UDO and other documents referenced therein to the Town of Southern Pines' website on May 4th, 2021.

THAT WHEREAS, after notice being duly given according to the UDO, a public hearing was held before the Town of Southern Pines Planning Board during its regular remote meeting on May 20, 2021 at 6:00 PM for the purpose of considering and making a recommendation on the proposed changes to the UDO; and

WHEREAS, after holding a public hearing and discussing the proposed changes to the UDO, the Planning Board did determine that the proposed changes are consistent with the Comprehensive Long Range Plan (CLRP) and are reasonable as an implementation of the CLRP, and did therefore unanimously vote to recommend approval of the proposed changes to the Town Council.

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, during its regular meeting on June 8, 2020 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 changed as herein set forth below.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina assembled at Regular Meeting on the 8th day of June, 2021:

Section 1. The Southern Pines Unified Development Ordinance is deleted in its entirety and the attached Unified Development Ordinance is substituted for it.

Section 2. This amendment is effective from and after 12:00 a.m., July 1, 2021.

Adopted this 8th day of June, 2021.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on June 8, 2021 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Deputy Town Clerk



**PLANNING BOARD
RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
FOR ORDINANCE AMENDMENT APPLICATION
OA-02-21**

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 public hearing on May 20th, 2021 to listen to public comments, ask questions of the Town’s planning staff and to consider of ordinance amendment application OA-02-21.

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 planning staff to comply with the recently revised and reorganized North Carolina land development statutes are reasonable, in the public interest and are generally consistent with the Town of Southern Pines Comprehensive Long Range Plan (CLRP). Whereas many revisions to the Town of Southern Pines UDO will implement a specific portion of the community vision and/or will help achieve specific goals and policies of the CLRP, the proposed revisions are intended to ensure that the UDO remains a legally-defensible document that will continue to guide growth and provide a framework for local land development regulations. Implementing the CLRP, and doing so in a manner that is compliant with North Carolina statutes governing local use of development regulations, is certainly reasonable and in the public interest and consistent with the CLRP.

ADOPTED this the 20th day of May, 2021.



Gary Carroll, Chairman

ATTEST:

Cindy Williams

Cindy Williams
Secretary to the Planning Board

**AN ORDINANCE ADOPTING
THE FISCAL YEAR 2021/2022 BUDGET
AND LEVYING THE TAX RATE**

BE IT ORDAINED AND ESTABLISHED by the Town Council of Southern Pines assembled in regular session this 8th day of June 2021, as follows:

SECTION 1. That for the expenses of the Town government and its activities for the fiscal year ending June 30, 2022 as set forth in the Town of Southern Pines, North Carolina Annual Budget, the amounts in the following section, or as much thereof as may be necessary, are hereby appropriated in the manner prescribed in the budget document, and the revenue estimates as forth are hereby adopted:

I. GENERAL FUND

	<u>BUDGET 2021-2022</u>
1. REVENUES	
AD VALOREM TAXES:	
Current	\$ 11,136,348
Delinquent	10,000
Penalties & Interest	12,000
TOTAL	\$ 11,158,348
OTHER TAXES AND LICENSES	
1 Cent Local Sales Tax-Article 39	\$ 1,451,155
1/2 Cent Local Sales Tax-Article 40	768,855
1/2 Cent Local Sales Tax-Article 42	713,324
1/2 Cent Local Sales Tax-Article 44/Hold Harmless	728,107
Short Term Rental Property Tax	50,000
Beer/Wine License	2,400
Solid Waste Disposal Tax	10,000
Municipal Vehicle Tax	61,150
Alcoholic Beverage Ctrl	175,000
TOTAL	\$ 3,959,991
UNRESTRICTED INTERGOVT REVENUE:	
Beer and Wine Tax	\$ 58,000
Video Programming	146,000
Utilities Franchise/Sales	1,000,000
TOTAL	\$ 1,204,000
RESTRICTED INTERGOVT REVENUE:	
Powell Bill Allocation	\$ 390,000
Fire Grant	75,120
Fema Revenue	0
State Aid Library	6,200
Recreation Grants	1,000
TOTAL	\$ 472,320
PERMITS AND FEES:	
Inspections	\$ 325,000
Planning	85,000
Zoning Fees	15,000
Homeowner Recovery Fee	1,000
Street Department	30,000
Public Works	35,000
Police Department	18,000
TOTAL	\$ 509,000

BUDGET
2021-2022

SALES AND SERVICES:	
Library	\$ 35,000
Police Extra Duty	65,000
Recreation Fees	195,000
Rents	320,500
Facility Rental - Recreation	25,000
Court Facilities Fee	300
Reservoir Park	6,000
Disposal Fee/Recycling Fee	964,800
TOTAL	\$ 1,611,600
INVESTMENT EARNINGS:	\$ 38,000
OTHER REVENUES:	
Miscellaneous Revenue	\$ 50,000
Surplus Property Sale	70,000
Cemetery	1,000
Court Costs	2,500
Fire District Revenue	449,158
Fire District Revenue - Escrow	89,838
Donations	3,000
TOTAL	\$ 665,496
FUND BALANCE:	2,834,047
TOTAL GENERAL FUND REVENUES	\$ 22,452,802
Legislative	\$ 198,201
General Administration	894,803
Information Technology	1,233,183
Financial Services	803,550
Police Administration and Patrol	4,123,635
Police Communications	764,762
Investigations	793,555
Fire/Rescue	3,242,865
Planning	533,772
Inspections	472,789
Street Maintenance	1,828,132
Public Works/Sanitation	2,608,904
Garage	341,349
Recreation	1,521,342
Library	971,545
Buildings and Grounds	1,371,823
Special Appropriations	29,000
W/S Indirect Cost	(1,184,485)
Debt Service - Fire Sub-Station	432,910
Debt Service - Police Station	469,701
Debt Service - Annex Up Fit	71,782
Debt Service - Whitehall Land	315,758
Debt Service - Fire Truck	136,926
Transfer to CP Reservoir Dam Improvements	75,000
Transfer to CP Recreation Improvements	92,000
Transfer to CP Steambank Stabilization	110,000
Transfer to CP Sidewalks - Phase II	200,000
TOTAL GENERAL FUND APPROPRIATIONS	\$ 22,452,802

WATER AND SEWER OPERATING FUND

		BUDGET
		<u>2021-2022</u>
II.	1. REVENUES	
	Water Charges	\$ 4,792,499
	Sewer Charges	2,965,311
	Connection and Tap Fees	200,000
	Service Charge & Penalties	120,000
	Interest on Investments	9,500
	Bulk Water Sales	640,000
	Gain on Sale of Assets	20,000
	Miscellaneous	5,000
	Transfer In- Retained Earnings	325,567
	TOTAL WATER/SEWER FUND OPERATING REVENUES	<u><u>\$ 9,077,877</u></u>
	Water Treatment	\$ 1,558,711
	Water Extension/Maintenance	1,240,329
	Sewer Extension/Maintenance	1,109,458
	Billing and Collections	537,346
	Sewage Treatment	2,200,000
	Water/Sewer Indirect Cost	1,184,485
	Transfer to CP Water Treatment Proc Modernization	250,000
	Transfer to CP Sanitary Sewer Modernization	462,000
	Transfer to CP Penn/PeeDee Road Line Replacement	139,200
	Transfer to CP Water & Sewer Improvements	185,000
	Interest Expense/Financing Principal	211,348
	TOTAL WATER/SEWER OPERATING APPROPRIATIONS	<u><u>\$ 9,077,877</u></u>

	<u>2020-2021</u> <u>PROJECT</u> <u>AUTHORIZATION</u>	<u>2021-2022</u> <u>ADJUSTMENTS</u> <u>INCR/(DECR)</u>	<u>AMENDED</u> <u>PROJECT</u> <u>AUTHORIZATION</u>
CEMETERY PERPETUAL CARE			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 14,500	\$ -	\$ 14,500
Sale of Plots	70,000	10,000	80,000
TOTAL	<u><u>\$ 84,500</u></u>	<u><u>\$ 10,000</u></u>	<u><u>\$ 94,500</u></u>
2. APPROPRIATIONS			
Reserved for Future Exp	\$ 84,500	\$ 10,000	\$ 94,500
TOTAL	<u><u>\$ 84,500</u></u>	<u><u>\$ 10,000</u></u>	<u><u>\$ 94,500</u></u>
SPECIAL REVENUE FUND - ARPA			
1. REVENUES AND OTHER FINANCING SOURCES			
ARPA Funds	\$ 4,671,000	\$ -	\$ 4,671,000
TOTAL	<u><u>\$ 4,671,000</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 4,671,000</u></u>
2. APPROPRIATIONS			
Transfers to			
Capital Projects Infrastructure	\$ 4,671,000	\$ -	\$ 4,671,000
TOTAL	<u><u>\$ 4,671,000</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 4,671,000</u></u>

	2020-2021 PROJECT AUTHORIZATION	2021-2022 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - BUILDING RENOVATION FUND			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 1,100	\$ -	\$ 1,100
Transfer In-General Fund	113,000	-	113,000
Transfer In-Capital Reserve	87,500	-	87,500
Financing Proceeds	1,250,000	-	1,250,000
TOTAL	\$ 1,451,600	\$ -	\$ 1,451,600
2. APPROPRIATIONS			
Construction-Garage	\$ -	\$ -	\$ -
Construction-Comm Serv	1,451,600	-	1,451,600
TOTAL	\$ 1,451,600	\$ -	\$ 1,451,600
CAPITAL PROJECT - OPEN SPACE			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 9,700	\$ -	\$ 9,700
Financing Proceeds	900,000	-	900,000
Transfer In-General Fund	519,262	-	519,262
Transfer In- Capital Reserve	245,000	-	245,000
Transfer In-Fund 47	126,000	-	126,000
TOTAL	\$ 1,799,962	\$ -	\$ 1,799,962
2. APPROPRIATIONS			
Land	\$ 1,799,962	\$ -	\$ 1,799,962
TOTAL	\$ 1,799,962	\$ -	\$ 1,799,962
CAPITAL PROJECT - NICKS CREEK PARKWAY			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 15,000	\$ -	\$ 15,000
Land Exc Proceeds/60 Fd	57,000	-	57,000
TOTAL	\$ 72,000	\$ -	\$ 72,000
2. APPROPRIATIONS			
Construction	\$ 72,000	\$ -	\$ 72,000
TOTAL	\$ 72,000	\$ -	\$ 72,000
CAPITAL PROJECT - ENTERPRISE INFORMATION AND DOCUMENT MANAGEMENT SYSTEM			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 14,200	\$ -	\$ 14,200
Transfer In-CP Police Station	240,500	-	240,500
Transfer In-CP Patrick Road	49,985	-	49,985
Transfer In-Utility Fund	256,500	-	256,500
Transfer In-General Fund	525,000	-	525,000
TOTAL	\$ 1,086,185	\$ -	\$ 1,086,185
2. APPROPRIATIONS			
ERP Expenditures	\$ 861,185	\$ -	\$ 861,185
Transfer Out - CP Lib HVAC	225,000	-	225,000
TOTAL	\$ 1,086,185	\$ -	\$ 1,086,185

	2020-2021 PROJECT AUTHORIZATION	2021-2022 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - PARKING LOT PROJECT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-GF	\$ 288,000	\$ -	\$ 288,000
TOTAL	<u>\$ 288,000</u>	<u>\$ -</u>	<u>\$ 288,000</u>
2. APPROPRIATIONS			
Construction	\$ 288,000	\$ -	\$ 288,000
TOTAL	<u>\$ 288,000</u>	<u>\$ -</u>	<u>\$ 288,000</u>
CAPITAL PROJECT - STORM WATER IMPROVEMENTS			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 22,500	\$ -	\$ 22,500
Transfer In-CP Patrick Rd	50,000	-	50,000
Transfer In-GF	499,000	-	499,000
TOTAL	<u>\$ 571,500</u>	<u>\$ -</u>	<u>\$ 571,500</u>
2. APPROPRIATIONS			
Construction	\$ 571,500	\$ -	\$ 571,500
TOTAL	<u>\$ 571,500</u>	<u>\$ -</u>	<u>\$ 571,500</u>
CAPITAL PROJECT - BIKE TRANSPORTATION PROJECT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-CP Patrick Rd	\$ 138,000	\$ -	\$ 138,000
Transfer In-GF	140,000	-	140,000
TOTAL	<u>\$ 278,000</u>	<u>\$ -</u>	<u>\$ 278,000</u>
2. APPROPRIATIONS			
Construction	\$ 278,000	\$ -	\$ 278,000
TOTAL	<u>\$ 278,000</u>	<u>\$ -</u>	<u>\$ 278,000</u>
CAPITAL PROJECT - STREAMBANK STABILIZATION PROJECT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-GF	\$ 75,000	\$ 110,000	\$ 185,000
TOTAL	<u>\$ 75,000</u>	<u>\$ 110,000</u>	<u>\$ 185,000</u>
2. APPROPRIATIONS			
Construction	\$ 75,000	\$ 110,000	\$ 185,000
TOTAL	<u>\$ 75,000</u>	<u>\$ 110,000</u>	<u>\$ 185,000</u>

	2020-2021 PROJECT AUTHORIZATION	2021-2022 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - FACILITY MODERNIZATION FUND			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	\$ 416,567	\$ -	\$ 416,567
Transfer In-Utility Fund	302,334	-	302,334
Interest Earned	-	-	-
TOTAL	<u>\$ 718,901</u>	<u>\$ -</u>	<u>\$ 718,901</u>
2. APPROPRIATIONS			
Construction-DCC	\$ 102,750	\$ -	\$ 102,750
Construction-Plan/Finance	45,967	-	45,967
Construction-PW Offices	56,500	-	56,500
Construction-Library Bldg	65,250	-	65,250
Construction-Fleet Maint Bldg	24,350	-	24,350
Construction-Campbell Hou	63,750	-	63,750
Construction-Plan/Finance	22,984	-	22,984
Construction-PW Offices	56,500	-	56,500
Construction-Fleet Maint Bldg	24,350	-	24,350
Construction-Water Trmt Fac	198,500	-	198,500
Construction-Miscellaneous Bldg	58,000	-	58,000
TOTAL	<u>\$ 718,901</u>	<u>\$ -</u>	<u>\$ 718,901</u>
CAPITAL PROJECT - UNPAVED STREET			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-GF	\$ 657,500	\$ -	\$ 657,500
TOTAL	<u>\$ 657,500</u>	<u>\$ -</u>	<u>\$ 657,500</u>
2. APPROPRIATIONS			
Construction	\$ 657,500	\$ -	\$ 657,500
TOTAL	<u>\$ 657,500</u>	<u>\$ -</u>	<u>\$ 657,500</u>
CAPITAL PROJECT - SIDEWALKS - PHASE II			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-GF	\$ 811,150	\$ 200,000	\$ 1,011,150
Transfer In-CP SIDEWALKS	46,727	-	46,727
TOTAL	<u>\$ 857,877</u>	<u>\$ 200,000</u>	<u>\$ 1,057,877</u>
2. APPROPRIATIONS			
Construction	\$ 857,877	\$ 200,000	\$ 1,057,877
TOTAL	<u>\$ 857,877</u>	<u>\$ 200,000</u>	<u>\$ 1,057,877</u>
CAPITAL PROJECT - RECREATION IMPROV			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-GF	\$ 357,500	\$ 92,000	\$ 449,500
TOTAL	<u>\$ 357,500</u>	<u>\$ 92,000</u>	<u>\$ 449,500</u>
2. APPROPRIATIONS			
Construction	\$ 357,500	\$ 92,000	\$ 449,500
TOTAL	<u>\$ 357,500</u>	<u>\$ 92,000</u>	<u>\$ 449,500</u>

	2020-2021 PROJECT <u>AUTHORIZATION</u>	2021-2022 ADJUSTMENTS <u>INCR/(DECR)</u>	AMENDED PROJECT <u>AUTHORIZATION</u>
GENERAL CAPITAL RESERVE			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-GF	\$ 112,500	\$ -	\$ 112,500
Transfer In-CP PS Comm	3,697	-	3,697
Transfer In-CP Library HVAC	161	-	161
Transfer In-CP Tyr Tactical	620	-	620
Transfer In-CP Fiber Optics	2,120	-	2,120
Transfer In-CP Patrick Rd	80,773	-	80,773
Transfer In-Downtown Park	6,748	-	6,748
Transfer In-Pool Park	12,740	-	12,740
Transfer In-Public Access Road	27,590	-	27,590
Transfer In-Fire Sub Station	273,642	-	273,642
TOTAL	<u>\$ 520,591</u>	<u>\$ -</u>	<u>\$ 520,591</u>
2. APPROPRIATIONS			
Transfer to Capital Project Fund	\$ 188,091	\$ -	\$ 188,091
Transfer to CP Open Space	245,000	-	245,000
Transfer to CP Building Renovation	87,500	-	87,500
TOTAL	<u>\$ 520,591</u>	<u>\$ -</u>	<u>\$ 520,591</u>
CAPITAL PROJECT - WARRIOR WOODS LIFT STATION			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-Utility Fund	\$ 263,750	\$ -	\$ 263,750
Transfer In-System Dev Fees-Sewer	227,851	175,049	402,900
Transfer In-Sewer Impact	846,550	-	846,550
TOTAL	<u>\$ 1,338,151</u>	<u>\$ 175,049</u>	<u>\$ 1,513,200</u>
2. APPROPRIATIONS			
Construction	\$ 1,338,151	\$ 175,049	\$ 1,513,200
TOTAL	<u>\$ 1,338,151</u>	<u>\$ 175,049</u>	<u>\$ 1,513,200</u>
CAPITAL PROJECT - NORTH PRESSURE WATER ZONE			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 10,000	\$ -	\$ 10,000
Transfer In-Utility Fund	750,000	-	750,000
TOTAL	<u>\$ 760,000</u>	<u>\$ -</u>	<u>\$ 760,000</u>
2. APPROPRIATIONS			
Construction	\$ 760,000	\$ -	\$ 760,000
TOTAL	<u>\$ 760,000</u>	<u>\$ -</u>	<u>\$ 760,000</u>
CAPITAL PROJECT - SANITARY SEWER MODERNIZATION			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ -	\$ -	\$ -
Transfer In-System Dev Fees	-	46,590	46,590
Transfer In-Utility Fund	750,000	462,000	1,212,000
TOTAL	<u>\$ 750,000</u>	<u>\$ 508,590</u>	<u>\$ 1,258,590</u>
2. APPROPRIATIONS			
Construction	\$ 750,000	\$ 508,590	\$ 1,258,590
TOTAL	<u>\$ 750,000</u>	<u>\$ 508,590</u>	<u>\$ 1,258,590</u>

	2020-2021 PROJECT AUTHORIZATION	2021-2022 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - WATER SYSTEM DEVELOPMENT FEES			
1. REVENUES AND OTHER FINANCING SOURCES			
System Develop Fees	\$ 502,231	\$ 623,795	\$ 1,126,026
TOTAL	<u>\$ 502,231</u>	<u>\$ 623,795</u>	<u>\$ 1,126,026</u>
2. APPROPRIATIONS			
Transfer to Cap Imp Water	\$ 207,820	\$ 171,555	\$ 379,375
Transfer to Penn/PeeDee Rd	118,483	286,274	404,757
Transfer to Water Treatment Plant	-	165,966	165,966
Transfer to East Morganton Rd	175,928	-	175,928
TOTAL	<u>\$ 502,231</u>	<u>\$ 623,795</u>	<u>\$ 1,126,026</u>
CAPITAL PROJECT - SEWER SYSTEM DEVELOPMENT FEES			
1. REVENUES AND OTHER FINANCING SOURCES			
System Develop Fees	\$ 388,692	\$ 263,930	\$ 652,622
TOTAL	<u>\$ 388,692</u>	<u>\$ 263,930</u>	<u>\$ 652,622</u>
2. APPROPRIATIONS			
Transfer to Cap Imp Sewer	\$ 160,841	\$ 42,291	\$ 203,132
Transfer to Sanitary Sewer	-	46,590	46,590
Transfer to Warrior Woods	227,851	175,049	402,900
TOTAL	<u>\$ 388,692</u>	<u>\$ 263,930</u>	<u>\$ 652,622</u>
CAPITAL PROJECT - WATER TREATMENT PROCESS MODERNIZATION			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest	\$ 21,600	\$ -	\$ 21,600
Transfer In -CP Water Distribution	1,212,000	-	1,212,000
Transfer In- System Develop Fees	-	165,966	165,966
Transfer In-Utility Fund	1,638,900	250,000	1,888,900
TOTAL	<u>\$ 2,872,500</u>	<u>\$ 415,966</u>	<u>\$ 3,288,466</u>
2. APPROPRIATIONS			
Construction	\$ 2,872,500	\$ 415,966	\$ 3,288,466
TOTAL	<u>\$ 2,872,500</u>	<u>\$ 415,966</u>	<u>\$ 3,288,466</u>
CAPITAL PROJECT - WATER DISTRIBUTION SYSTEM			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 5,000	\$ -	\$ 5,000
Transfer In-CP Water Dist	400,000	-	400,000
Transfer In-CP Raw Water	788,580	-	788,580
Transfer In-CP Morgan Rd Bridge	1,195	-	1,195
Transfer In-CP Econ Dev	15,455	-	15,455
Transfer In-AMR	257,812	-	257,812
Transfer In-E Morganton Waterline	36,000	-	36,000
Transfer In-Water Impact Fees	34,638	-	34,638
Transfer In-Utility Fund	1,700,000	185,000	1,885,000
TOTAL	<u>\$ 3,238,680</u>	<u>\$ 185,000</u>	<u>\$ 3,423,680</u>
2. APPROPRIATIONS			
Construction	\$ 1,843,504	\$ 185,000	\$ 2,028,504
Transfer Out-CP Wat PI Mod	1,212,000	-	1,212,000
Transfer Out-CP Morganton Water	140,000	-	140,000
Transfer Out-CP Morgan. Bridge	43,176	-	43,176
TOTAL	<u>\$ 3,238,680</u>	<u>\$ 185,000</u>	<u>\$ 3,423,680</u>

	2020-2021 PROJECT AUTHORIZATION	2021-2022 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - SEWER COLLECTION SYSTEM			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 5,000	\$ -	\$ 5,000
Transfer In-CP Sewer Dist	500,576	-	500,576
Transfer In-Sewer Impact Fees	418,790	-	418,790
Grant Proceeds	150,000	-	150,000
Transfer In-Utility Fund	1,981,250	-	1,981,250
TOTAL	<u>\$ 3,055,616</u>	<u>\$ -</u>	<u>\$ 3,055,616</u>
2. APPROPRIATIONS			
Construction	\$ 3,041,224	\$ -	\$ 3,041,224
Transfer Out-CP Morgan. Bg	14,392	-	14,392
TOTAL	<u>\$ 3,055,616</u>	<u>\$ -</u>	<u>\$ 3,055,616</u>
CAPITAL PROJECT - EAST MORGANTON RD WATER LINE REPLACEMENT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-Water System Dev	\$ 175,928	-	\$ 175,928
Transfer In-Water Improvement	140,000	-	140,000
Transfer In-Water Impact Fees	378,340	\$ -	\$ 378,340
TOTAL	<u>\$ 694,268</u>	<u>\$ -</u>	<u>\$ 694,268</u>
2. APPROPRIATIONS			
Construction	\$ 658,268	\$ -	\$ 658,268
Transfer Out-CP Water Improv	36,000	-	36,000
TOTAL	<u>\$ 694,268</u>	<u>\$ -</u>	<u>\$ 694,268</u>
CAPITAL PROJECT - LIFT STATION UPGRADES			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-Utility Fund	\$ 530,000	\$ -	\$ 530,000
TOTAL	<u>\$ 530,000</u>	<u>\$ -</u>	<u>\$ 530,000</u>
2. APPROPRIATIONS			
Construction	\$ 530,000	\$ -	\$ 530,000
TOTAL	<u>\$ 530,000</u>	<u>\$ -</u>	<u>\$ 530,000</u>
CAPITAL PROJECT - PENNSYLVANIA/PEEDEE ROAD LINE REPLACEMENT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In - Water System Dev	\$ 118,483	\$ 286,274	\$ 404,757
Transfer In-Utility Fund	-	139,200	139,200
Transfer In - Impact Fees	1,839,317	-	1,839,317
TOTAL	<u>\$ 1,957,800</u>	<u>\$ 425,474</u>	<u>\$ 2,383,274</u>
2. APPROPRIATIONS			
Design & Construction	\$ 1,957,800	\$ 425,474	\$ 2,383,274
TOTAL	<u>\$ 1,957,800</u>	<u>\$ 425,474</u>	<u>\$ 2,383,274</u>
CAPITAL PROJECT - MIDLAND ROAD WATER LINE REPLACEMENT			
1. REVENUES AND OTHER FINANCING SOURCES			
Impact Fees	\$ 160,438	\$ -	\$ 160,438
TOTAL	<u>\$ 160,438</u>	<u>\$ -</u>	<u>\$ 160,438</u>
2. APPROPRIATIONS			
Design & Construction	\$ 160,438	\$ -	\$ 160,438
TOTAL	<u>\$ 160,438</u>	<u>\$ -</u>	<u>\$ 160,438</u>

SECTION 2. That in order to raise the revenue to meet the expenses of the Town Government and its activities as provided in the foregoing appropriation for the fiscal year ending June 30, 2022, there is hereby levied a tax of \$.40 on each \$100 valuation of taxable property as listed for taxes in January 2021. This rate is based on a total valuation of \$2,826,434,300 and an estimated collection rate of 98.5%.

SECTION 3. There is hereby levied a fee of five dollars (\$5.00) for each vehicle within the Town of Southern Pines, as authorized by North Carolina General Statute 20-97, for the purpose of raising the revenue listed as "Municipal Vehicle Tax" revenue as listed in Section 1 of this ordinance. Under North Carolina Statute 20-97, five dollars (\$5.00) is available for any lawful purpose.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021, as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: Lauren Long, Planner I

Subject: AR-01-21 Southern Pines Crossfit

Date: June 08, 2021

I. SUMMARY OF APPLICATION REQUEST:

Dean King, on behalf of T & S Developers LLC, is requesting approval of an Architectural Compliance Permit for an 8,910 square foot commercial gym located at 1042 SW Broad Street.

II. PROJECT INFORMATION:

1. PARID 00055811; PIN 857100951443

2. Physical Address:

1042 SW Broad Street
Southern Pines, NC

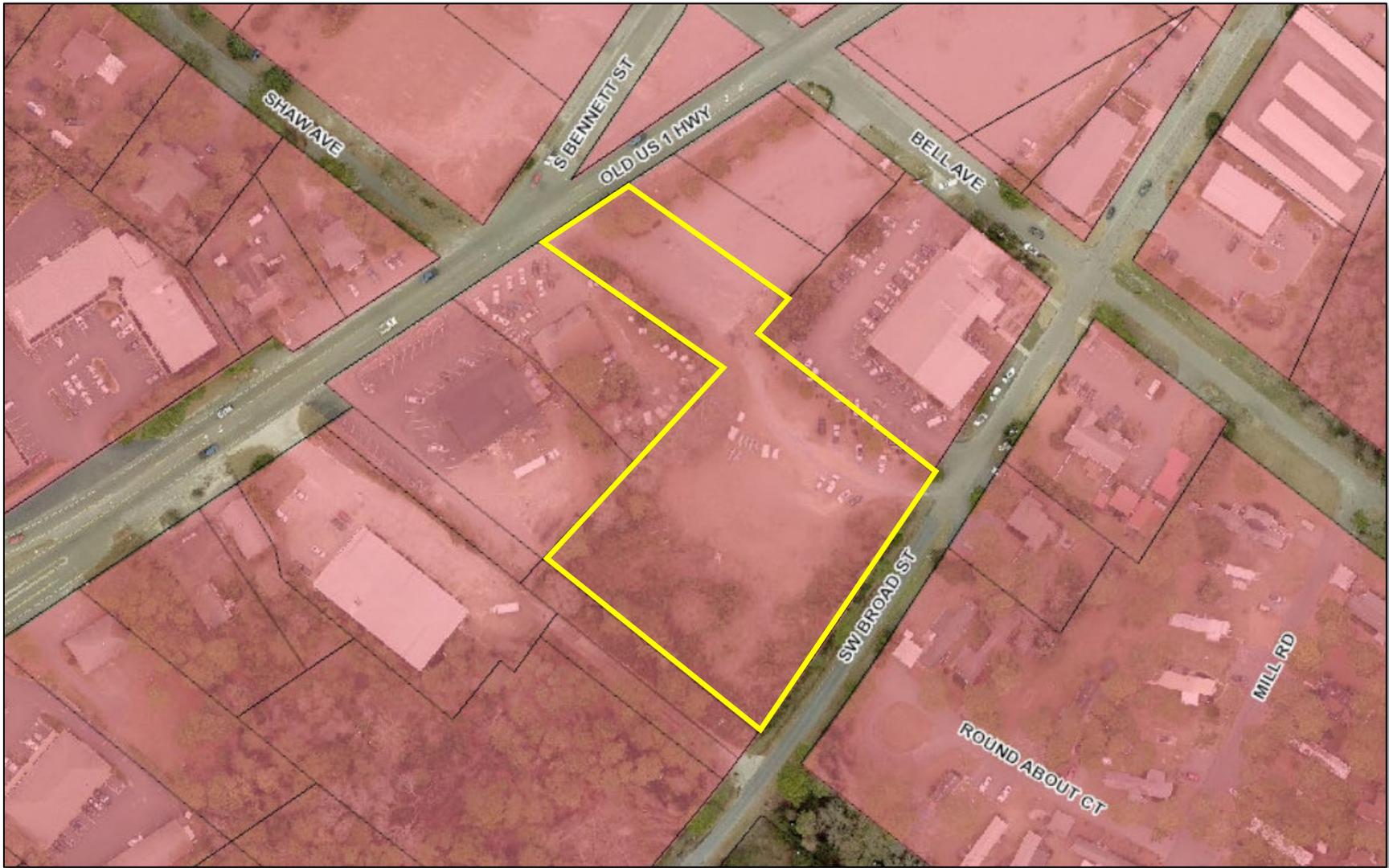
3. Owners:

T & S Developers, LLC
Toni Washington
70 Brookhollow Drive
Pinehurst, NC, 28374

4. Applicant / Agent:

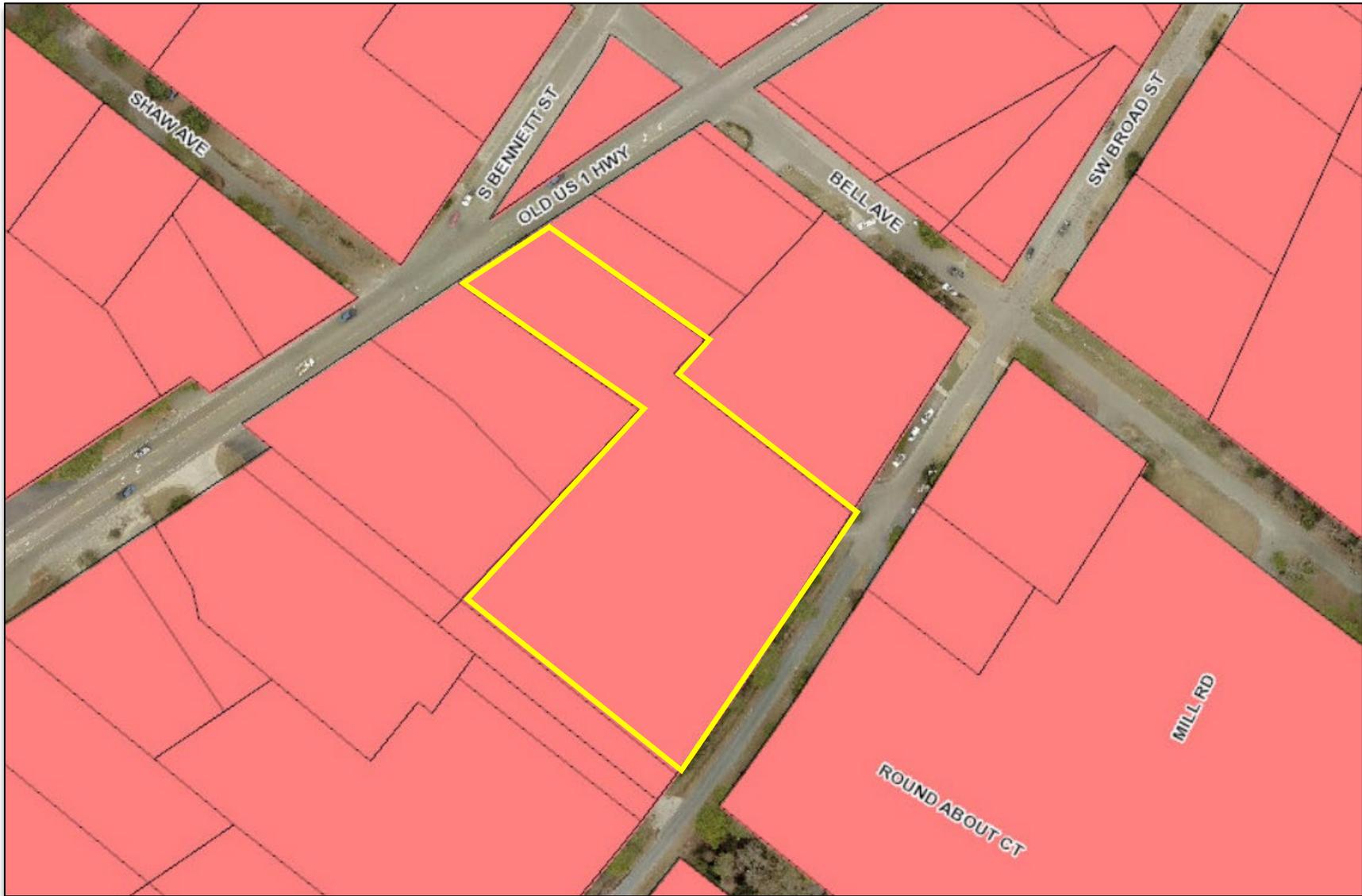
Dean King
Pinnacle Development/ Design
P.O. Box 55
Southern Pines, NC, 28388

Figure 1: Vicinity Map and Zoning Map (Subject Property Outlined in Bold Yellow)



■ GB, General Business

Figure 3: CLRP Future Land Use Map (Subject Property Outlined in Yellow)



- Parks / Open Space
- Residential / Golf
- Rural Equestrian
- Urban Reserve
- Low Density Residential
- Residential
- Commercial
- Traditional Mixed Use
- Industrial

5. Comprehensive Long-Range Plan Designation:

The area is designated as Commercial on the Comprehensive Long-Range Plan (CLRP). The “Commercial” future land use is designed to include land dedicated to retail, professional office, and other primarily non-residential commercial uses. Higher density residential and mixed- use development is also encouraged in this designation. The applicant has submitted a narrative, attached to this report, addressing compliance with the CLRP goals and polices.

6. Zoning:

The parcel is currently zoned General Business (GB) (See figure 1). GB is a district designed to accommodate highway-oriented retail, service business, and light manufacturing. The major objectives of this district are to encourage planned commercial, light manufacturing, discourage small lot development on major highways and discourage direct access from arterial streets.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: April 21, 2021

Application Complete: April 23, 2021

Town Council Agenda Meeting: June 02, 2021

Town Council Meeting: June 08, 2021

3. Criteria for Review:

When reviewing an application for an Architectural Compliance Permit, the Town Council shall approve, conditionally approve or deny the application based on the following criteria, as set forth in **UDO §2.26.7:**

- A. The application is consistent with applicable Comprehensive Plan goals and policies;*
- B. The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
- C. The application is consistent with applicable conditions of prior Development approvals; and*
- D. The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments:

- The proposed elevations and site plan show a single-story commercial building 8,910 square feet in area. The proposed design is compliant with §4.10.4 *Building Design Requirements* with regards to its pedestrian connectivity, height, building orientation and entries, dimensions, windows, awnings, roofs, and mechanical equipment. This site does not contain a loading zone and the

garage bays have been designed to create a transition area for extending the intended use (LBCS 5372) to the exterior of the building.

- The proposed design is not compliant with §4.10.4 in its proposed building materials. The proposed building materials are brick veneer with a masonry skirt foundation and standing seam metal as well as composite siding. The composite siding is designed to have the appearance of wood clapboard. The applicant has not provided a breakdown identifying the percentages of building materials proposed, however, the elevations would not appear as though they meet the standard requiring 80% masonry as the preferred construction material, 4.10.4 (C).
- This request for an Architectural Compliance Permit is also subject to the standards of §3.5.9 (D) *District Development Standards for the General Business District*. The proposed design is compliant with the requirements for building materials, but is not compliant with the requirements for a roof pitch of 6:12 (vertical rise: horizontal run), §3.5.9(D)(3).

(Building Elevations Figures (4.0- 4.3))

Figure 4.0 Northern Elevation:

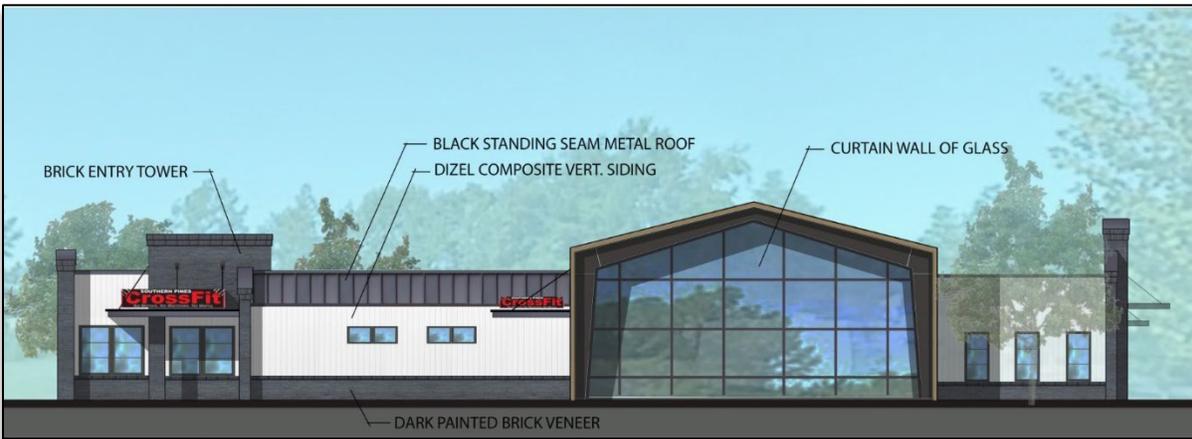


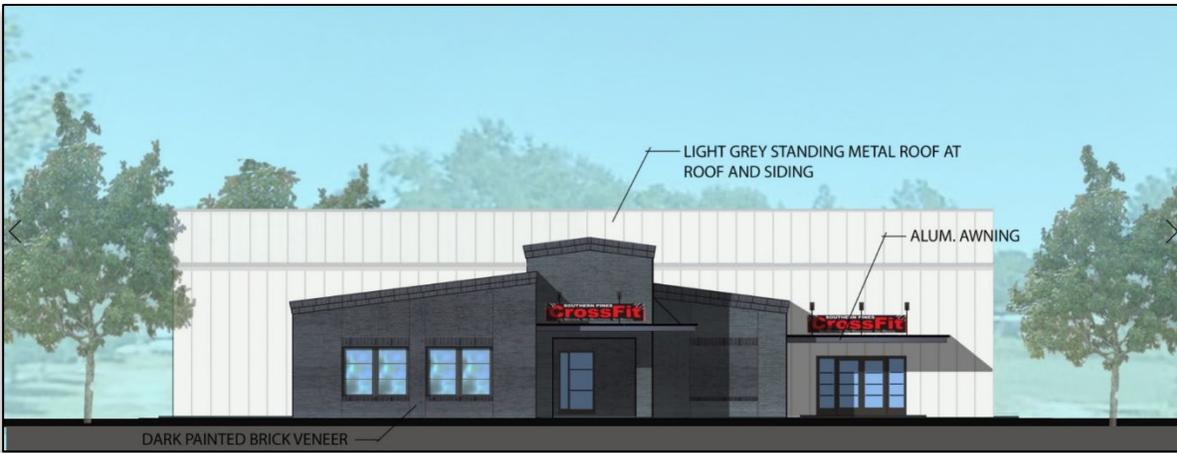
Figure 4.1 Eastern Elevation:



Figure 4.2 Southern Elevation:



Figure 4.3 Western Elevation:



IV. ATTACHMENTS:

1. Application
2. Site Plan
3. Written Narrative Addressing Compliance with the CLRP
4. Written Narrative Addressing Compliance with §4.10.4 of the UDO

V. TOWN COUNCIL ACTION:

The Town Council shall vote on whether the proposed application for the Architectural Compliance Permit complies with the UDO and should consider whether the application is consistent with UDO Section 2.26 and UDO Section 4.10. as well as UDO Section 3.5.9. The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-01-21;
2. Approve AR-01-21 with the following conditions...
3. Deny AR-01-21;



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: SOUTHERN PINES CROSSFIT
Street Address: 1042 SW BROAD STREET
PIN: 857100951443 Parcel ID: 000.55811 Zoning: GB
Type of building (retail, office, etc.): OFFICE / GYM Total square footage: 8910

Applicant:

Name: DEAN KING (PINNACLE DEVELOPMENT DESIGN/BUILD)
Email: Dean@pdcnc.com Phone: 910-986-1311
Mailing Address: PO BOX 55 SP NC 28388

Legal Property Owner(s), if different from Applicant:

Name(s): T+S DEVELOPERS LLC TONI WASHINGTON
Email: Tawashington@mac.com Phone: 910-639-0867
Mailing Address: 70 BROOK HOLLOW DRIVE PINEHURST NC

Date: 4/21/21


Applicant

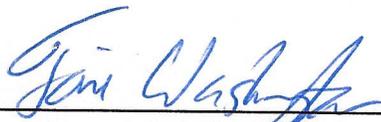
APPOINTMENT OF AGENT

The undersigned owner(s), T+S DEVELOPERS LLC hereby appoint(s) DEAN KING as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 21 day of APRIL, 2021.



Property Owner



Property Owner



Agent

SITE DATA:

PROJECT NAME: SOUTHERN PINES CROSSFIT	
OWNER: T&S DEVELOPERS, LLC	OWNER EMAIL CONTACT: tawashington@mac.com
ENGINEER: LKC ENGINEERING, PLLC	ENGINEER EMAIL CONTACT: PHILIP@LKCENGINEERING.COM
OWNER MAILING ADDRESS: 55 WOODENBRIDGE LN PINEHURST, NC 28374	
PROJECT ADDRESS: 1042 SW BROAD ST SOUTHERN PINES, NC 28388	LAT & LONG: 35.165466°, -079.404321°
PARCEL ID#: 00055811	PIN: 857100951443
DEED BOOK & PAGE: DB 5226 PG 449	
LOT SIZE: 2.03 ACRES	DISTURBED AREA: 101,408 SF / 2.33 ACS
CURRENT ZONING: GB	
WATERSHED: N/A	RECEIVING WATER COURSE: ABERDEEN CREEK
STREAM CLASS: C	RIVER BASIN: LUMBER
HOW: N/A Y/N N	FLOODZONE: NOT IN FLOODPLAIN
EXISTING IMPERVIOUS AREA: 19,418 SF	AC. % 0.45 21.97
PROPOSED IMPERVIOUS AREA: 45,467 SF	AC. % 1.04 51.44
TOTAL IMPERVIOUS AREA: 49,254 SF (INCLUDES PART OF OLD US 1)	AC. % 1.13 55.73

REVISIONS			
SYM.	DESCRIPTION	DATE	BY

SITE KEY NOTING:		
SYMBOL	DESCRIPTION	SHEET REFERENCE
①	INSTALL HEAVY DUTY ASPHALT PAVEMENT	SEE SHT. D-01, #1
②	INSTALL LIGHT DUTY ASPHALT PAVEMENT	SEE SHT. D-01, #1
③	INSTALL 24" CONCRETE CURB AND GUTTER	SEE SHT. D-01, #2
④	INSTALL CONCRETE SIDEWALK	SEE SHT. D-01, #3
⑤	INSTALL HANDICAP RAMP	SEE SHT. D-01, #4
⑥	INSTALL HANDICAP PARKING SIGN	SEE SHT. D-01, #5
⑦	INSTALL CONCRETE WHEELSTOP	SEE SHT. D-01, #6
⑧	INSTALL HEAVY DUTY CONCRETE PAVEMENT	SEE SHT. D-01, #7
⑨	INSTALL BICYCLE RACK	SEE SHT. D-01, #8
⑩	INSTALL "IN-LINE" HANDICAP RAMP	SEE SHT. D-01, #9



LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkceengineering.com
License No. P-1095

Engineering
Landscape Architecture
Surveying

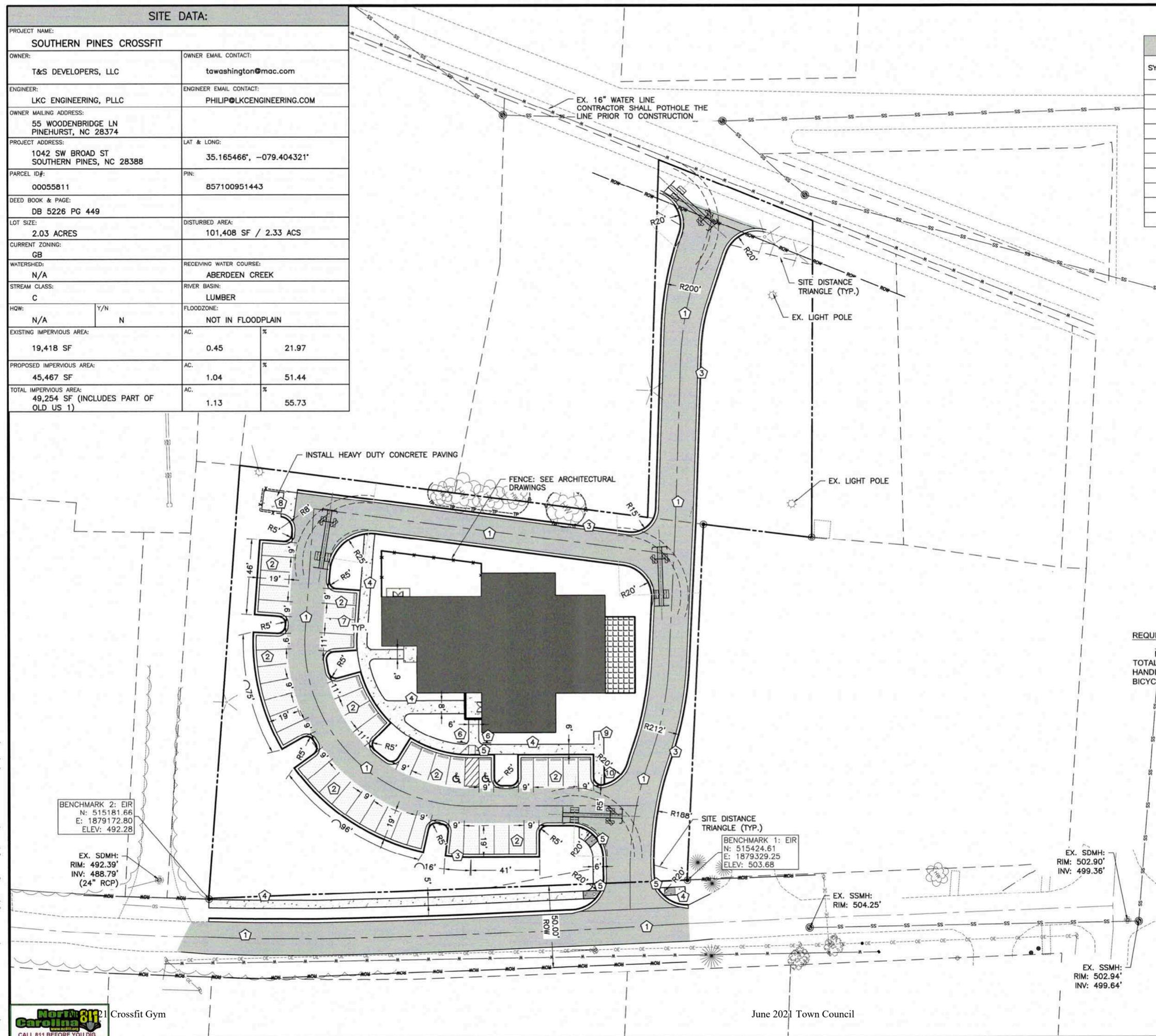
LKC

SITE LAYOUT PLAN

SOUTHERN PINES CROSSFIT

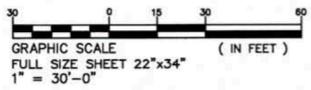
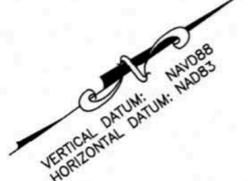
Southern Pines, North Carolina

DATE: MARCH, 2021
DESIGNED: PWHJ
DRAWN: MFJ
CHECKED: PAP
NO. 10 of 10
C-03



- NOTES:**
- ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON SHEET C-01 SHALL APPLY TO THIS PLAN. THE PURPOSE OF THE PLAN IS FOR INFORMATIONAL PURPOSES ONLY. THOUGH THIS PLAN IS FROM AN ACTUAL FIELD SURVEY IT IS NOT AND SHOULD NOT BE CONSIDERED A RECORDABLE DOCUMENT.
 - ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR WITH THE SURVEYOR OF RECORD PRIOR TO BEGINNING CONSTRUCTION. BENCHMARKS ARE AN EIR LOCATED AT THE SOUTHERN PROPERTY CORNER OF THE SITE WITH AN ELEVATION OF 503.68' AND A EIR LOCATED AT THE SOUTHEASTERN PROPERTY CORNER WITH AN ELEVATION OF 492.28'.
 - LOCATIONS OF EXISTING UTILITY LINES HAVE BEEN TAKEN FROM UTILITY RECORDS SUPPLEMENTED BY FIELD INSPECTIONS AND SHOULD INDICATE IN GENERAL THE TYPE OF UNDERGROUND FACILITIES NOW IN SERVICE. HOWEVER, LOCATIONS SHOWN ARE NOT GUARANTEED AND ANY FURTHER DEVELOPERS OR CONTRACTORS SHOULD NOT ONLY MAKE SUBSURFACE INVESTIGATIONS BUT SHOULD ALSO ALLOW FOR CONTINGENCIES WHICH MIGHT ARISE BY REASON OF ENCOUNTERING UNRECORDED LINES OR LINES BEING IN DIFFERENT LOCATIONS THAN INDICATED ON THIS PLAT.
 - THE VERTICAL DATUM FOR THIS SURVEY IS BASED ON NAVD 88. THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON NAD 83.
 - ALL DISTANCES ARE HORIZONTAL GROUND.
 - AREA BY COORDINATE COMPUTATION.
 - SURVEY INFORMATION FOR THE PARCELS (BOUNDARY & TOPO) PROVIDED BY THE SURVEYOR OF RECORD, STEPHEN R. SHEFFIELD & ASSOCIATES, P.A., L-1365, PO BOX 4331 PINEHURST, NC 28374, TEL. 910-255-0420.
 - SURVEY INFORMATION FOR S BROAD ST PROVIDED BY THE SURVEYOR OF RECORD, LKC ENGINEERING PLLC, JEFFREY L. GREEN, PLS, L-3972, 140 AQUASHED CT., ABERDEEN, NC 28315, TEL. 910-420-1437.

REQUIRED PARKING:	AREA	PARKING REQUIRED	PARKING PROVIDED
FLOOR AREA (INDOOR REC. @1/200 SF):	9,051 SF		
TOTAL PARKING SPACES:		45	45
HANDICAP SPACES PROVIDED (INCLUDED IN TOTAL ABOVE):		2	2
BICYCLE SPACES (1/5,000 SF; ADDITIONAL TO TOTAL)		2	2



Crossfit Gym

June 2021 Town Council



PO Box 55, Southern Pines, North Carolina 28388
Phone: 910.725.1221 – www.pdcnc.com – Fax: 910.725.1394

Town of Southern Pines

Architectural Review Submission for Southern Pines Crossfit, 1042 SW Broad Street.
April 22, 2021

Compliance with Southern Pines Unified Development Ordinance
Section 2.26.7 Architectural Compliance Permit Criteria.

Please accept the following explanations of the submission of Southern Pines Crossfit Building. The project consists of large open floor space for workouts, including locker rooms, bathrooms, office, and classroom space. The total square footage of the building is 8,910 square feet.

In response to 2.26.7, we offer the following compliance statements:

- (A) The application is consistent with the Comprehensive Plan goals and policies in that it promotes growth consistent with the Town of Southern Pine's vision.
- G-1 The project will improve the personal health and security of our residents and promote neighborhoods and commercial areas that are safe, secure, and healthy.
 - G-3 The project enhances the commercial and civic vitality of Southern Pines while protecting its historic and aesthetic character thru form and materials (brick). This is a very architecturally, industrial part of town. Most buildings in this area are steel framed buildings kits clad in metal siding.
 - G-4 The project enhances civic vitality, function, stability and character of Southern Pines commercial and residential neighborhoods.
 - Though this project does not include park or open space in general, it does offer an abundant amount of outside space used for activities and workouts. This project adds recreational, environmental, and economic value to the Town of Southern Pines.
 - G-10 The project helps achieve a sustainable, resilient, balanced economy, adding to community prosperity, activity, and fiscal health.
 - P-1 This project is compatible with downtowns overall scale, architectural, transportation, and public space characteristics.
 - P-3 This project will encourage the development of compatible neighborhood mixed-use and civic activity centers that are accessible to

neighborhood and located so that traffic, parking and land use impacts are compatible with surrounding uses.

- P-6 This project will continue to interconnect with the neighboring areas of the town that adjoin this land use and will interconnect, and adjoin with this land use both physically and socially.
- P-7 The project will create a more attractive gateway into the newly developed area that it borders.
- P-11 The project will foster a healthy, sustainable and resilient economy by encouraging business diversity, supporting local entrepreneurship and economic resilience. It will also support a healthy mix of uses that capitalize on local and regional business.

- (B) As represented in the Compliance with Southern Pines Unified Development Ordinance Section 4.10.4 Building Design Requirements, the proposed Southern Pines Crossfit Building substantially conforms with the commercial design standards and other applicable provisions of the UDO, including the purposes for zoning district, (CB) .
- (C) This application is consistent with applicable conditions of the prior Development approvals associated with CB zoning.
- (D) This project, as proposed, will be compatible with neighboring development and has mitigated potential conflicts. This project will absolutely encourage all of its neighbors, both residential and commercial to engage and interact with this use.

If you have any questions, please feel free to contact me at dean@pdcnc.com or by phone at 910-986-1311

Respectfully,

Dean King
Pinnacle Development Design/Build



**PO Box 55, Southern Pines, North Carolina
28388 Phone: 910.986.1311 –
www.pdcnc.com – Fax: 910.725.1394**

April 22, 2021

Town of Southern Pines

Architectural Review Submission for Southern Pines Crossfit Building, 1042 SW Broad Street, Southern Pines, NC.

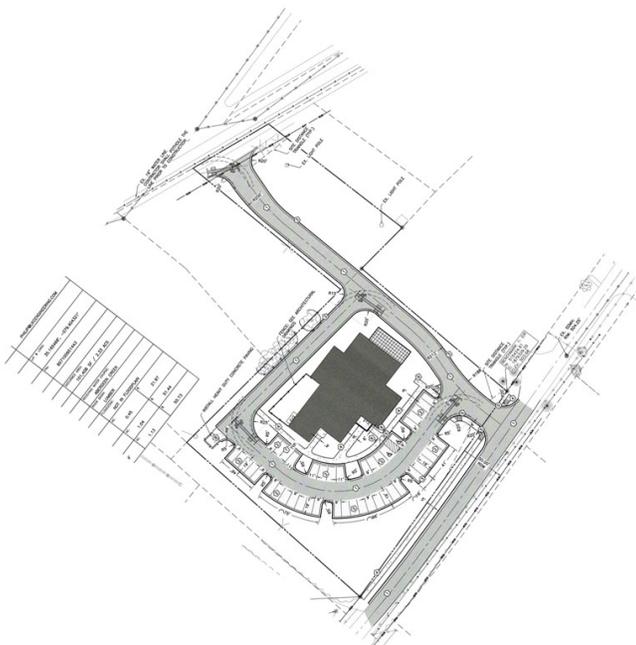
Compliance with Southern Pines Unified Development Ordinance Section 4.10.4 Building Design Requirements.

Please accept the following explanations of the design of the Southern Pines Crossfit Building. The work of this project consists of 8,210 total sq. ft. of commercial space. The Building will be constructed with a steel frame, slab on grade, standing seam metal roof, and brick veneer, with composite siding. Exterior walls to be light gauge metal stud framing and gypsum board, batt insulation, and alum. clad, storefront windows. Site work will include paved parking lot, landscaping, access drives, concrete sidewalks, and storm water detention. The Zoning for this property is GB.

4.10.4 BUILDING DESIGN REQUIREMENTS

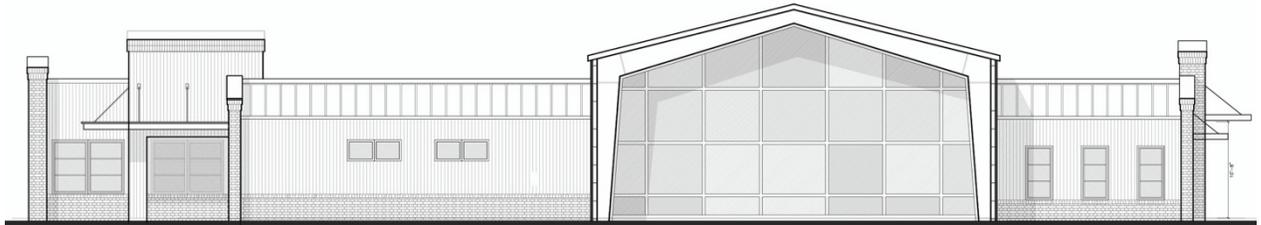
(A) Building orientation and entries

The Southern Pines Crossfit Building is designed to address both Old US Hwy 1 to the north, and SW Broad Street to the south. Though this lot is mostly land locked, the building will face this higher ordered street which is Old US Hwy 1. The two entrances are less than 150 feet apart (130) per Exhibit 4-16. All parking spaces are located between the building’s front elevation and SW Broad Street.



(B) Building Dimensions

The proposed building is 8,910 total sq. ft., one story in height, with a small mezzanine, and is comprised of open floor space with bathrooms / locker rooms, classroom space, and office space. The design offers a variety of roof lines and building segments. No portion of the building segments are more than twice the building height. The differentiating building segments are created by a combination of building offsets, building materials and building projections. The building is only 24 feet high at its highest point.



Elevation drawing



Proposed Broad Street view (lower ordered street)



Proposed Old U.S. Hwy 1 view (higher ordered street)



Proposed East and West side views

(C) **Building Materials**

The proposed building has brick veneer, and brick foundation on all sides. Architectural interest is added to the elevation by using standing seam metal roofing as siding in conjunction with a composite siding. The brick façade is composed of a single color brick with brick accent panels, including brick soldier courses, and rowlocks. The roof line is comprised of low metal gables with some sections having parapet walls. The entrances will be covered by a brick entry tower, and aluminum awnings suspended from exterior walls. The lower elevational features are clad in Dizel siding, a composite horizontal cladding system which will offer a warm look and increased durability. The Dizel material is designed to look like wood clapboard. See illustration below.



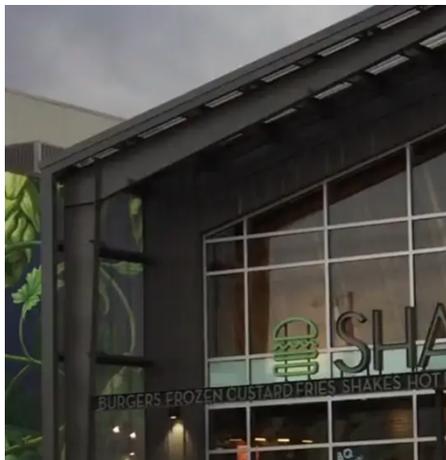
Dark painted brick



PVC vertical siding white in color.

(D) Windows

The proposed windows will be alum. clad storefront with glazed, non reflective clear glass and will cover 44% of the street facing building façade between the elevations of 2ft and 10ft. The building is oriented on a north west, south east axis with the front façade facing north west. The southern exposure means harsh direct light that will be combated by recessing the large curtain wall 6 feet deep from the exterior wall. All other windows will be smaller in size, minimizing light and view into private spaces.



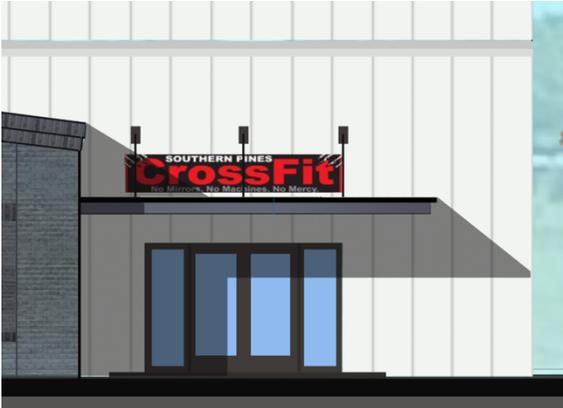
Curtain wall to be recessed



Alum. clad window

(E) Awnings

As this building is not located in the downtown area, the awnings are only used to mark and protect the entrances. All awnings will be installed higher than 8 feet from the sidewalk. The awnings will be constructed from powder coated aluminum and hung from the brick entry towers.



Sample of form, material and scale.

(F) Galleries and Arcades

There are no proposed galleries or arcades for this building, though the main entry tower could be seen as a gallery entry.

(G) Roofs

The roof on the taller, main section, is comprised of a low slope, gabled roof system finished in standing seam metal. On this main section, the metal roof is brought down as siding as with most buildings in that area. The front façade of the building is 130 feet in length, with changes in wall height at entrances, and changes in materials.

(H) Mechanical Equipment

No mechanical equipment will be located between the building and either street. All mechanical equipment will be installed on the roof and screened by the parapet walls.

(I) Loading Zones and Garage Bays

There will be no loading areas located on the property. The dumpster is to be located at the rear of property and screened from the building with wood fence screening, and landscaping. The garage doors that face north east, are only used to open the building to the outside for workouts, and other activities. This exterior activity will be seen from passer bys and neighboring businesses.

(J) Signage

There will be business signage on the elevation of the buildings above the entrance to each space. These sign permits are to be applied for at a later date.

The Southern Pines Crossfit building is almost completely in compliance with the UDO standards. Where this facility is seen to not be in compliance, and where necessary, we request a waiver of compliance.

Respectfully,

Dean King
Pinnacle Development Design/Build

**RESOLUTION DECLARING THE BADGE AND SERVICE WEAPON
CARRIED BY LIEUTENANT RODNEY ALLRED AS SURPLUS AND
AWARDING IT TO HIM ON HIS RETIREMENT**

WHEREAS, G.S. 20-187.2 provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the badge and service sidearm of such retiring members; and

WHEREAS, Lieutenant Rodney Allred has been a sworn law enforcement officer for 28 years, and has served as a member of the Town of Southern Pines Police Department for a period of 5 years, and retired from the Town of Southern Pines Police Department on June 30, 2021.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines that the badge, “**Lieutenant**”, and service weapon, a **9mm Glock, model number 17, serial number BACB995**, issued to and carried by Lieutenant Rodney Allred, be declared surplus and awarded to him on the occasion of his retirement.

BE IT FURTHER RESOLVED that appreciation be expressed to Lieutenant Rodney Allred for the dedicated service rendered by him during his employment with the Town of Southern Pines.

Duly adopted this 8th day of June, 2021.

ATTEST:

TOWN OF SOUTHERN PINES:

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

**RESOLUTION SETTING DATE OF PUBLIC HEARING
FOR ANNEXATION APPLICATION AX-02-21**

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 6:00 pm on July 13, 2021.

Section 2. The area proposed for annexation is described as follows:

Lying and being in McNeill Township, Moore County, North Carolina, South of and adjoining a 50' road: BEGINNING at an existing iron pipe, the most southerly corner of Lot 90, Map Book 2 Page 50, and runs as Lot No. 91, N 36-45 W 150.00' to an iron rod on the edge of a 50' road; thence as said road, N 53-15 E 100.00' to an iron rod; thence as Lot 88, S 36-45 E 150.00' to an existing concrete marker; thence S 53-15 W 100.00 to the BEGINNING, containing .34 acres, more or less. Being Lots 89 and 90, P. F. Buchan Subdivision recorded in Map Book 2 Page 50, Moore County Registry.

Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Carol Haney, Mayor

Elizabeth Robertson, Deputy Town Clerk

**CERTIFICATE OF SUFFICIENCY
AX-02-21: 465 PETTY STREET**

To the Town Council of the Town of Southern Pines, North Carolina:

I, Elizabeth Robertson, Deputy Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

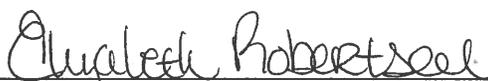
The petition contains an adequate property description of the area proposed for annexation, which is identified as follows: PIN 858220802013 (PARID 00991745)

The area described in the petition is contiguous to the Town of Southern Pines primary corporate limits, as defined by N.C.G.S. 160A-31.

The petition is signed by and includes addresses of all owners of real property lying in the area described herein. Per the Moore County Tax Department and Register of Deeds, the property owners are listed as Gareth L. Williams and Lorraine A. Williams.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, North Carolina, this 3RD day of June, 2021.

(SEAL)


Elizabeth Robertson, Deputy Town Clerk



RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition was received on April 26, 2021 by the Town Council of the Town of Southern Pines; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

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

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

Carol R. Haney, Mayor

ATTEST:

Elizabeth Robertson, Deputy Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: Cindy Williams, Planning Technician

Subject: AX-02-21: Set Public Hearing for a Request for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; ±.353 Acres; Petitioners: Gareth and Lorraine Williams

Date: June 8, 2021

I. SUMMARY OF APPLICATION REQUEST:

Gareth and Lorraine Williams are requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines. The subject parcel is identified PIN 858220802013 (PARID 00991745). Per the Moore County tax records, the property owners are listed as Gareth L. Williams and Lorraine A. Williams.

II. PROJECT INFORMATION:

A. Physical Addresses:

465 Petty Street
Southern Pines, NC 28387

B. Property Owners/Applicants:

Gareth L. Williams
Lorraine A. Williams
465 Petty Street
Southern Pines, NC 28387

C. Property Identification Number (PIN) & Parcel Identification:

PIN: 858220802013; PARID: 00991745

D. Size of Property:

Total Current Acreage: ±.353 acres

III. STAFF COMMENTS:

- The applicants have submitted an annexation petition accompanied by a map and a written metes and bounds description of the subject property.

- The request is a voluntary request for a contiguous annexation as the adjacent property to the East is within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject property is presently zoned RS-1 (Residential Single-Family) and the adjacent properties are also presently zoned RS-1.
- The purpose of this agenda item is for the Town Council to first take action at the Agenda Meeting to direct the Town Clerk to investigate the sufficiency of the Petition for Annexation. Then, if the Town Clerk investigates and certifies the sufficiency of the petition, a resolution to fix a date for a public hearing will be before the Town Council at the Regular Meeting, pursuant to N.C.G.S. §160A-31(c).
- **Comprehensive Long Range Plan Analysis:**
 - The subject property is identified as “Residential” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“Residential. This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.”

Figure 1: Adjacent Property (Area to be Annexed Outlined in Red)



 Town of Southern Pines Corporate Limits

 Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Black)

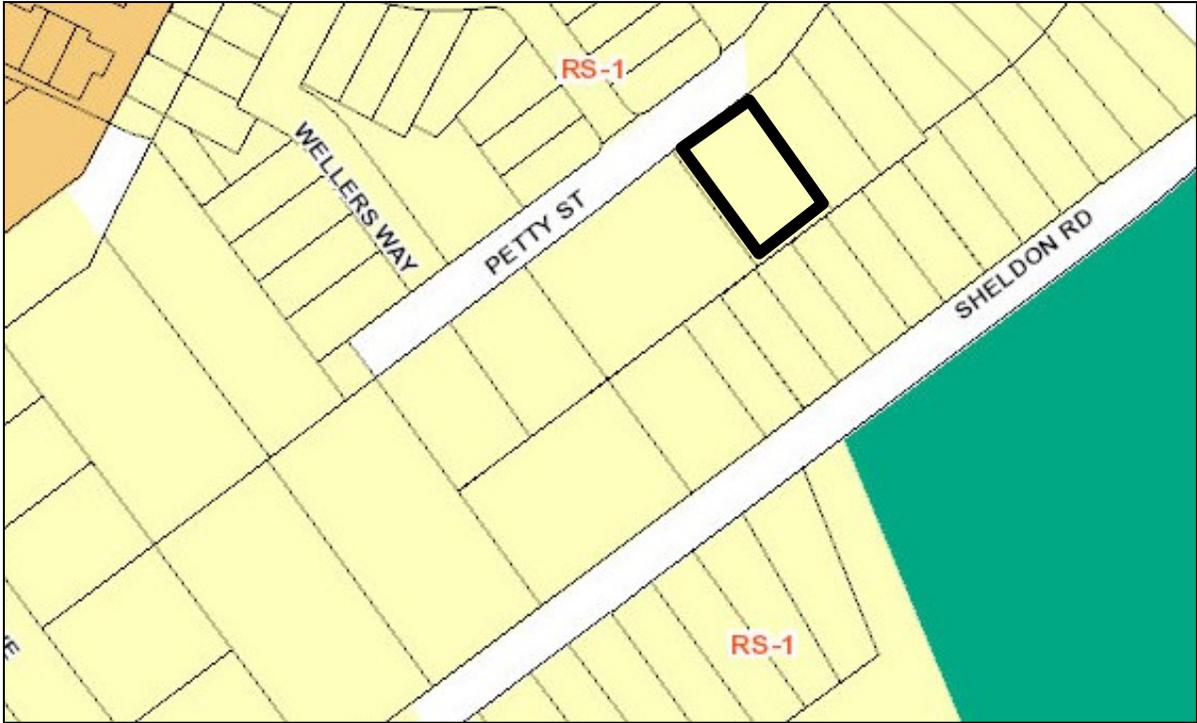


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



 Commercial
 Traditional Mixed Use
 Industrial

 Urban Reserve
 Low Density Residential
 Residential

Future Land Use 2016	
 Parks / Open Space	
 Residential / Golf	
 Rural Equestrian	

IV. ATTACHMENTS:

1. Petition
2. Written metes and bounds description
3. Survey of subject property

V. TOWN COUNCIL ACTION:

Before holding a public hearing and deciding upon a *Voluntary Annexation* request, the Town Council must first direct the Town Clerk to investigate the request. Upon receiving a Certificate of Sufficiency from the Town Clerk, the Council may then fix a date for the public hearing for the annexation request. The Town Council may choose one of the following motions, or any alternative they wish:

June 2, 2021 Agenda Meeting Motion:

- 1) I move to adopt a resolution as attached directing the Town Clerk to investigate a petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-02-21.

-or-

- 2) I move to not adopt the resolution directing the Town Clerk to investigate a petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-02-21.

June 8, 2021 Regular Meeting Motion (if appropriate):

- 1) Per the Town Clerk's Certificate of Sufficiency, I move to adopt a resolution establishing **July 13, 2021** as the date of the public hearing for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-02-21.

-or-

- 2) I move to not adopt a resolution establishing **July 13, 2021** as the date of the public hearing for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-02-21.

**PETITION FOR VOLUNTARY ANNEXATION OF REAL
PROPERTY CONTIGUOUS TO THE
TOWN OF SOUTHERN PINES, NORTH CAROLINA**

Town of Southern Pines
APR 26 2021
Administration

February 23, 2021

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA:

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.**
- 2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:**

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

This property is located on Petty St near the new development, The Cottages on May St. It is .3 of an acre, and currently has town water. We would like to be annexed in to hook up to town sewer and trash removal.

Name & Signature of Owner

Address of Owner

Ganeta Williams

465 Petty St, Southern Pines, NC

L Williams

Lorraine A. Williams

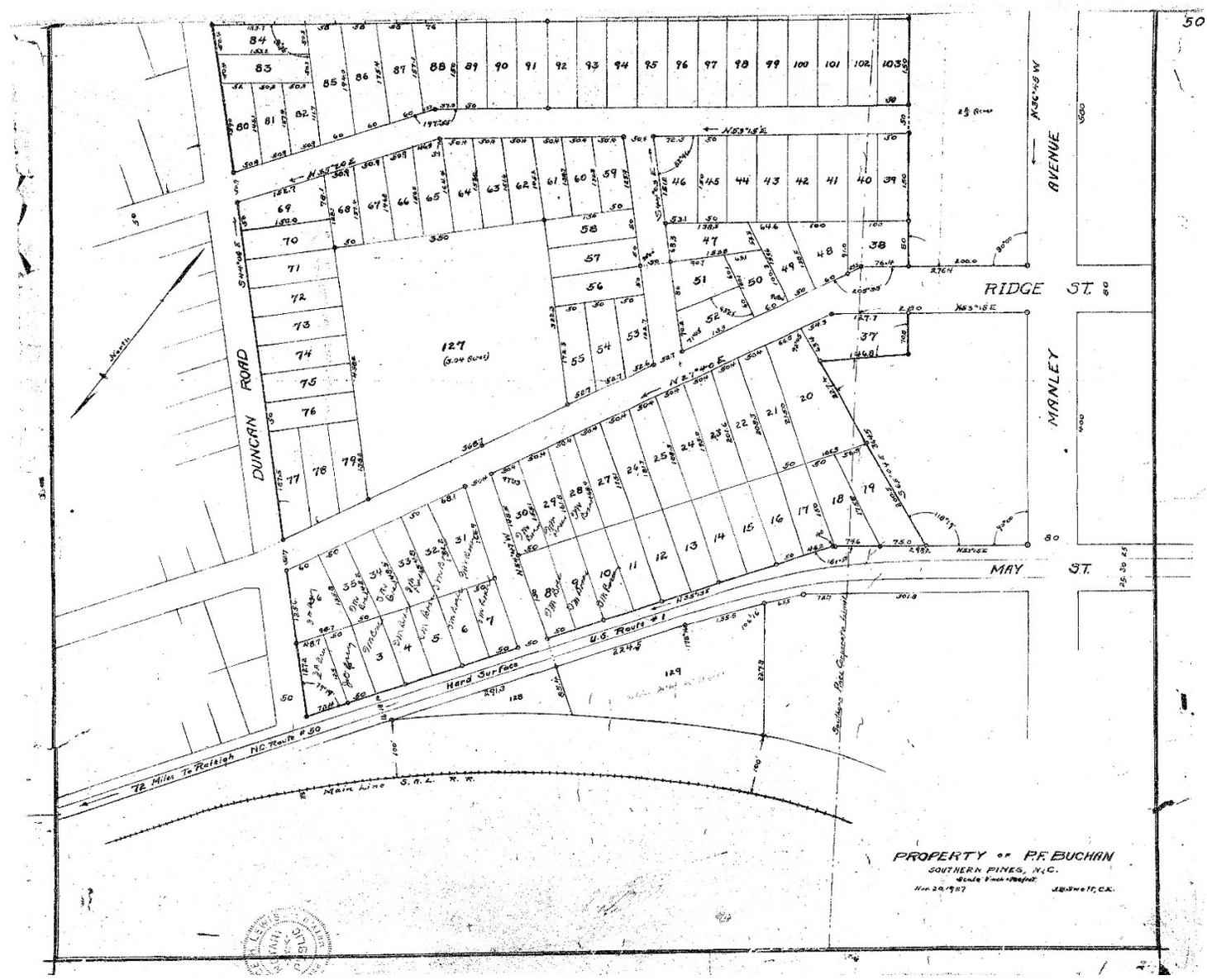
Rose A Williams

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.

Metes & Bounds Description of Property Petitioning for Annexation:

Lying and being in McNeill Township, Moore County, North Carolina, South of and adjoining a 50' road: BEGINNING at an existing iron pipe, the most southerly corner of Lot 90, Map Book 2 Page 50, and runs as Lot No. 91, N 36-45 W 150.00' to an iron rod on the edge of a 50' road; thence as said road, N 53-15 E 100.00' to an iron rod; thence as Lot 88, S 36-45 E 150.00' to an existing concrete marker; thence S 53-15 W 100.00 to the BEGINNING, containing .34 acres, more or less. Being Lots 89 and 90, P. F. Buchan Subdivision recorded in Map Book 2 Page 50, Moore County Registry.

SECTION 1



**AUTHORIZING RESOLUTION TO GIVE TOWN MANAGER FORMAL
AUTHORITY TO ENTER INTO AGREEMENT WITH OWNERS OF
WARRIOR WOODS LAKE TOWARD THE CLEANUP OF SAID BODY
OF WATER**

WHEREAS, the Town of Southern Pines wishes to assist in the removal of noxious weeds from Warrior Woods Lake; and,

WHEREAS, Owners of the Lake have agreed to make efforts toward cleanup utilizing funds from the Town; and,

WHEREAS, the Town staff has successfully negotiated an agreement with said Owners that provides funding but removes the Town from responsibility for success of initial efforts or fiduciary liability for any necessary future efforts;

NOW, THEREFORE BE IT RESOLVED, by the Town of Southern Pines Town Council that Reagan Parsons, Town Manager of the Town of Southern Pines, is hereby authorized to enter into agreement with the Owners of Warrior Woods Lake on behalf of the Town of Southern Pines.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on June 8, 2021, as shown in the minutes of the Town council for that date.

Town Clerk of the Town of Southern Pines

**MOORE COUNTY
NORTH CAROLINA**

SETTLEMENT AGREEMENT AND RELEASE

This SETTLEMENT AGREEMENT AND MUTUAL RELEASE (“Agreement”) is made and entered into this ___ day of _____, 2021 by and between the Town of Southern Pines (“Town”) and _____ (“Lake Owner”). For the purposes of this agreement, Town and Lake Owner may be referred to collectively as the “Parties” or singularly, as a “Party.”

RECITALS

WHEREAS, the manmade body of water (“Lake”) located within the Warrior Woods subdivision lies within a watershed that affects the town and its residents; and

WHEREAS, it has been asserted that discharge from a sewer lift station (“Incident”) operated by Town has contributed to deleterious conditions in the lake and watershed downstream from the lift station; and

WHEREAS, Lake Owner is willing to undertake measures intended to ameliorate or remediate any such conditions on behalf of the development, and

WHEREAS, Town wishes to support efforts to address any such conditions;

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree to be unconditionally and irrevocably bound by the following terms and conditions:

1. **Settlement Amount.** Town will tender the lump sum amount of \$16,100 (“Settlement Amount”) to Lake Owner within [forty} days of the date of approval of this agreement by Town’s Council.
2. **Waiver and Release of Claims.** By entering into this Agreement and accepting its terms, including payment of the Settlement Amount, the Lake Owner and Town knowingly, intentionally, and expressly waive and disclaim any and all claims arising from the Incident.
3. **Compromise of Claim; Confidentiality.** The Parties acknowledge that this Agreement represents a compromise and settlement and that nothing contained in this agreement is or shall be deemed to be an admission or concession by any Party

regarding the merits of the claims or defenses that could be asserted in any dispute among the Parties related to the Subject Dispute or any other matters waived pursuant to this Agreement

4. **Lake Owner's authority to undertake efforts.** Lake owner warrants that its interest in the Lake is such that it may undertake efforts arising from this agreement without approval from any other person or entity, including any property owners in the Warrior Woods subdivision.
5. **Use of Payment.** Lake Owner agrees that it will within a reasonable time apply the payment from Town for the purpose and with the intention of amelioration or remediation of any deleterious consequences of the Incident and that it will make reasonable efforts to seek advice and recommendation on the preferred method for accomplishing their work from property owners in the Warrior Woods subdivision.
6. **Third party Beneficiaries.** The Parties agree that persons entitled to use of the Lake are third-part beneficiaries of this agreement.
7. **Entire Agreement.** This Agreement is the only agreement between the Parties with respect to the subject matter hereof and contains all the terms agreed upon. There are no other agreements, oral or written, between the Parties with respect to the subject matter hereof, nor have any promises or representations been made by or to any Party except as expressly provided herein.
8. **Severability.** The provisions of this Agreement are severable. If any provision is held to be invalid or unenforceable, it shall not affect the validity or enforceability of any other provision.
9. **Joint Preparation; Right to an Attorney.** Each Party represents to the other Party that it has been afforded the right to review all aspects of this Agreement with an attorney and has had an opportunity to do so. For purposes of construction or interpretation, it is hereby stipulated and agreed that the Parties have jointly prepared this Agreement such that any principle that contracts shall be construed against the drafters.
10. **Governing Law; Forum.** This Agreement is made and entered into in the State of North Carolina. This Agreement shall, in all respects, be construed, enforced and governed in accordance with the laws of the State of North Carolina. The Parties further agree that any dispute arising with regard to this Agreement shall be heard exclusively in the courts of Moore County, North Carolina.
11. **Counterparts.** This Agreement may be executed in up to two (2) counterparts.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement under seal as of the day and year first above-written.

[Lake Owner}

By: _____(Seal)

NORTH CAROLINA COUNTY OF MOORE

I, _____, a Notary Public for said County and State, do certify that _____ personally appeared before me this day and acknowledged that he is the _____ of [Lake Owner] and being authorized to do so, executed the foregoing instrument on behalf of [Lake Owner].

Witness my hand and official seal, this the ____ day of _____, 2021.

[Seal]

Notary Public

My commission expires: _____

Town of Southern Pines

By _____ (SEAL)

NORTH CAROLINA COUNTY OF MOORE

I, _____, a Notary Public for said County and State, do certify that _____ personally appeared before me this day and executed the foregoing instrument on behalf of the town of Southern Pines.

Witness my hand and official seal, this the ____ day of _____, 2021

[Seal]

Notary Public

My commission expires: _____



To: Reagan Parsons, Town Manger

From: James Michel, Town Engineer/Asst. Public Works Director

Subject: Adoption of the 2020 Local Water Supply Plan (LWSP)

Date: May 21, 2021

NCGS §143-355(1) requires a local government that provides public water services to prepare and submit a Local Water Supply Plan (LWSP) to the Division of Water Resources for the North Carolina Department of Environmental Quality (DEQ). The submittal must include both the LWSP and an adoption resolution from the Town Council.

Staff previously submitted a draft version of the 2020 LWSP to the state, who confirmed the plan meets the minimum required criteria. The next step is for the Town Council to adopt the attached resolution approving the Town's 2020 LWSP. Staff requests approval of the plan during the June 8, 2021 Council business meeting. Once approved by Council, staff will submit the plan to the state for compliance with NCGS §143-355(1).

ATTACHMENTS:

1. Draft Resolution
2. 2020 Town of Southern Pines LWSP
3. March 23, 2021 letter from the Division of Water Resources of NCDEQ

TOWN OF SOUTHERN PINES

RESOLUTION APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Southern Pines, has been developed and submitted to the Town Council of the Town of Southern Pines for approval; and

WHEREAS, the Town Council of the Town of Southern Pines finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Southern Pines, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Local Water Supply Plan entitled, Southern Pines Local Water Supply Plan dated March 23, 2021 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Southern Pines Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the _____ day of June, 2021.

Carol R. Haney, Mayor

ATTEST:

Town Clerk/Deputy Town Clerk

Southern Pines

2020 ▾

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name: Southern Pines PWSID: 03-63-010
Mailing Address: 140 Memorial Park Ct
Southern Pines, NC 28387 Ownership: Municipality
Contact Person: Ron Istre Title: Utilities Superintendent
Phone: 910-692-1983 Cell/Mobile: --

Complete

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-12	8.97 %
Cast Iron	1-12	15.96 %
Ductile Iron	6-18	3.66 %
Galvanized Iron	2	0.67 %
Other	1-16	12.22 %
Polyvinyl Chloride	2-12	58.52 %

What are the estimated total miles of distribution system lines? 261 Miles

How many feet of distribution lines were replaced during 2020? 0 Feet

How many feet of new water mains were added during 2020? 9,953 Feet

How many meters were replaced in 2020? 16

How old are the oldest meters in this system? 7 Year(s)

How many meters for outdoor water use, such as irrigation, are not billed for sewer services? 1,551

What is this system's finished water storage capacity? 5.5000 Million Gallons

Has water pressure been inadequate in any part of the system since last update? *Line breaks that were repaired quickly should not be included.* No

Programs

Does this system have a program to work or flush hydrants? Yes, Annually

Does this system have a valve exercise program? Yes, Annually

Does this system have a cross-connection program? Yes

Does this system have a program to replace meters? No

Does this system have a plumbing retrofit program? No

Does this system have an active water conservation public education program? No

Does this system have a leak detection program? No

Water Conservation

What type of rate structure is used? Flat/Fixed

How much reclaimed water does this system use? 0.0000 MGD For how many connections? 0

Does this system have an interconnection with another system capable of providing water in an emergency? Yes

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
Lumber River (09-1)	60 %	Moore	100 %
Cape Fear River (02-3)	40 %		

What was the year-round population served in 2020? 14,850

Has this system acquired another system since last report? No

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	9,173	1.4108	0	0.0000
Commercial	926	0.4038	0	0.0000
Industrial	8	0.0030	0	0.0000
Institutional	82	0.1209	0	0.0000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.3410 MGD

System processes include hydrant flushing/flow testing, sewer cleaning, storage tank cleaning, major water main breaks, construction projects, and Fire Department response and training.

Water Sales

Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	Contract		Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
				MGD	Expiration			
Aberdeen	03-63-020	0.0000	0	0.5000	2053	Yes	8	Emergency
Dept of the Army (Camp Mackall) cust#: 16388	03-63-617	0.0351	366	0.0450	2025	Yes	8	Regular
Moore Co - Addor	03-63-153	0.0021	366	0.0450	2025	Yes	6	Regular
Moore Co - Carolina (Warrior Woods)	03-63-152	0.0112	366	0.0300	2025	Yes	6	Regular
Moore Co - Pinehurst (Midland Rd)	03-63-108	0.3563	366	1.0000	2025	Yes	8	Regular
Oakwood Hills-Pinebluff Cust#: 010258	03-63-151	0.0154	366	0.0000	2025	Yes	6	Regular
Town of Carthage	03-63-025	0.0141	93	0.5000	2013	Yes	8	Emergency
Whispering Pines (Carolina Water)	03-63-112	0.2765	366	0.3500	2025	Yes	8	Regular

Carthage interconnection is emergency, but may purchase water longer than 30 days. We do not have an agreement for regular interconnection nor use their demand for normal future planning.

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	2.2020	2.9470	May	3.5701	4.6080	Sep	3.4978	4.3890
Feb	2.0830	2.7490	Jun	4.0122	4.7790	Oct	3.1713	3.7660
Mar	2.5470	3.3470	Jul	4.2881	5.0880	Nov	2.8698	3.4848

Apr 3.2930 4.0950 Aug 4.1678 5.9280 Dec 2.6492 3.1130



Ground Water Sources

Name or Number	Average Daily Withdrawal (MGD)		Max Day Withdrawal (MGD)	12-Hour Supply (MGD)	CUA Reduction	Year Offline	Use Type
	MGD	Days Used					
No. 1 - Weymouth	0.0000	0		0.1200			Emergency
No. 2 - Henley	0.0000	0		0.1500			Emergency
No. 4 - Douglas Center	0.0000	0		0.1200			Emergency
Water Plant / 5	0.0000	0		0.1300			Emergency

Ground Water Sources (continued)

Name or Number	Well Depth (Feet)	Casing Depth (Feet)	Screen Depth (Feet)		Well Diameter (Inches)	Pump Intake Depth (Feet)	Metered?
			Top	Bottom			
No. 1 - Weymouth	250	180	180	220	10	231	Yes
No. 2 - Henley	250	180	180	220	10	231	Yes
No. 4 - Douglas Center	180	120	120	160	10	150	Yes
Water Plant / 5	122	80	80	112	10	117	Yes

Are ground water levels monitored? No,

Does this system have a wellhead protection program? Yes

Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	* Qualifier	
Drowning Creek	Southern Pines Plant Reservoir	3.1982	366	0.0000	14.0000	F	0.0000

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Offline	Use Type
Drowning Creek	Southern Pines Plant Reservoir	178	Yes	Lumber River (09-1)	Moore		Regular

What is this system's off-stream raw water supply storage capacity? 160 Million gallons

Are surface water sources monitored? Yes, Daily

Are you required to maintain minimum flows downstream of its intake or dam? No

Does this system anticipate transferring surface water between river basins? No

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased		Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
		(MGD)	Days Used					
Aberdeen - Cypress Creek	03-63-020	0.0230	366			Yes	8	Regular
Aberdeen - Emergency Connection	03-63-020	0.0000	0	0.1000	Yes	Yes	8	Emergency
Carthage - Emergency Connection	03-63-011	0.0000	0	0.5000	2013	Yes	8	Emergency

Water Treatment Plants

Plant Name	Permitted Capacity	Is Raw Water Metered?	Is Finished Water Output Metered?	Source
------------	--------------------	-----------------------	-----------------------------------	--------

	(MGD)			
Southern Pines	8.0000	Yes	Yes	Drowning Creek

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2020? **No**

If yes, was any water conservation implemented?

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2020? **No**

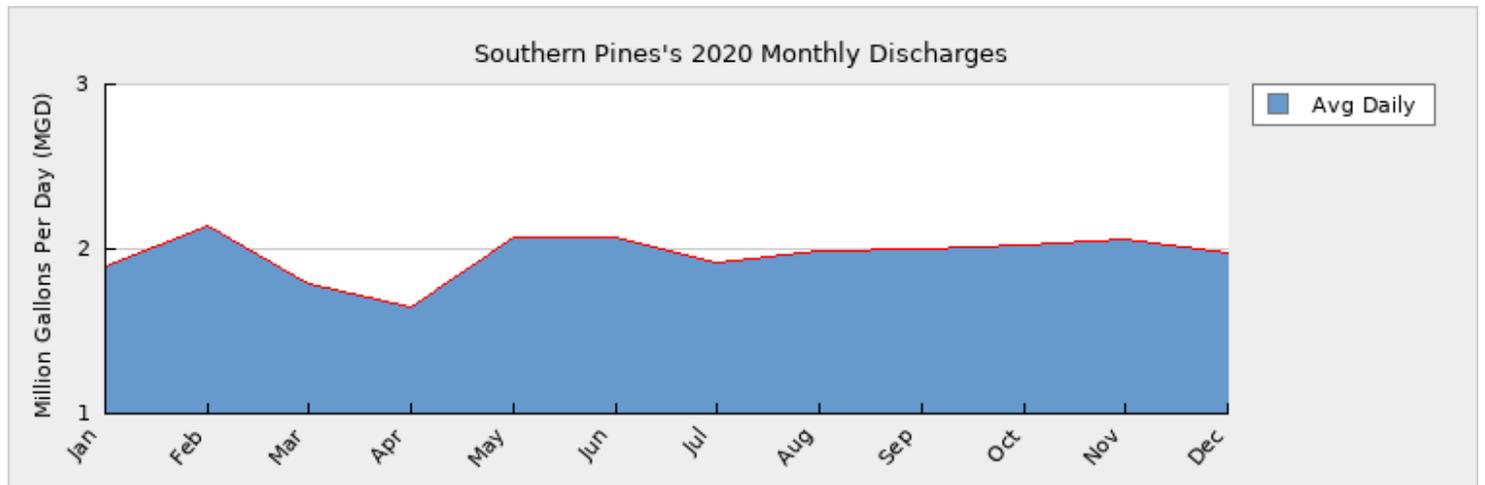
If yes, was any water conservation implemented?

Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? **No**

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	1.8971	May	2.0737	Sep	1.9987
Feb	2.1420	Jun	2.0724	Oct	2.0224
Mar	1.7895	Jul	1.9173	Nov	2.0568
Apr	1.6518	Aug	1.9916	Dec	1.9757



How many sewer connections does this system have? **6,536**

How many water service connections with septic systems does this system have? **1,637**

Are there plans to build or expand wastewater treatment facilities in the next 10 years? **No**

Wastewater Permits

Permit Number	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NCG590018	0.4800	0.8640	0.1853		Aberdeen Creek	Lumber River (09-1)

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount		Contract Maximum (MGD)
			MGD	Days Used	
Moore Co Public Utilities	03-63-108	Discharging	1.7406	366	0.0000
Town of Aberdeen - Poplar St	03-63-020	Discharging	0.0385	366	0.0000
Town of Aberdeen	03-63-020	Receiving	0.0231	366	0.0306

5. Planning

Projections

	2020	2030	2040	2050	2060	2070
Year-Round Population	14,850	16,600	18,600	20,900	23,400	26,000
Seasonal Population	0	0	0	0	0	0

Residential	1.4108	1.4430	1.6160	1.8100	2.0270	2.2500
Commercial	0.4038	0.5950	0.7149	0.8578	1.0294	1.2353
Industrial	0.0030	0.0053	0.0064	0.0076	0.0092	0.0110
Institutional	0.1209	0.1602	0.1800	0.1985	0.2050	0.2150
System Process	0.3410	0.3500	0.3600	0.3700	0.3800	0.3900
Unaccounted-for	0.2415	0.4000	0.4520	0.5108	0.5772	0.6522

Demand v/s Percent of Supply

	2020	2030	2040	2050	2060	2070
Surface Water Supply	14.0000	14.0000	14.0000	14.0000	14.0000	14.0000
Ground Water Supply	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Purchases	0.0230	0.0230	0.0230	0.0230	0.0230	0.0230
Future Supplies		0.0000	0.0000	0.0000	0.0000	0.0000
Total Available Supply (MGD)	14.0230	14.0230	14.0230	14.0230	14.0230	14.0230
Service Area Demand	2.5210	2.9535	3.3293	3.7547	4.2278	4.7535
Sales	0.7002	1.4854	1.4854	1.4854	1.4854	1.4854
Future Sales		0.0000	0.0000	0.0000	0.0000	0.0000
Total Demand (MGD)	3.2212	4.4389	4.8147	5.2401	5.7132	6.2389
Demand as Percent of Supply	23%	32%	34%	37%	41%	44%



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is 95 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here.

Are there other demand management practices you will implement to reduce your future supply needs?

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs?

How does the water system intend to implement the demand management and supply planning components above?

Additional Information

Has this system participated in regional water supply or water use planning? No

What major water supply reports or studies were used for planning?

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues:

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

ROY COOPER
Governor

DIONNE DELLI-GATTI
Secretary

S. DANIEL SMITH
Director



NORTH CAROLINA
Environmental Quality

March 23, 2021

Ron Istre, Utilities Superintendent
Town of Southern Pines
140 Memorial Park Court
Southern Pines, NC 28387

Subject: LWSP Meet Minimum Criteria
Town of Southern Pines Water System
PWSID#: 03-63-010
Moore County

Dear Mr. Istre,

This letter is to notify you that our staff has reviewed the information contained in the 2020 Local Water Supply Plan (LWSP) update submitted by your office. Since all the required information is complete, the LWSP for the Southern Pines Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355(l).

Your water system's 2020 LWSP is now viewable online from the LWSP website found at: https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/search.php. The plan has been made available after our best efforts to screen any errors. As a final check, please review and report any mistakes or omissions to the review engineer. Unless notified otherwise, the Division of Water Resources considers your 2020 LWSP complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Louis Murray at louis.murray@ncdenr.gov or (919)707-9017, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Linwood E. Peele".

Linwood E. Peele, Supervisor
Division of Water Resources, NCDEQ



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

**AN ORDINANCE
AMENDING THE 2020/2021 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 8th day of June, 2021 that the Operating Budget for the Fiscal Year 2020/2021 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Utility Fund	Retained Earnings Appropriation	60-397-6000	\$150,000.00	
Sewer	Contractual Services	60-991-4500	\$150,000.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE
AMENDING THE 2020/2021 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 8th day of June, 2021 that the Operating Budget for the Fiscal Year 2020/2021 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Planning	Professional Services	10-540-4600	\$ 8,500.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$8,500.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk



**Community Development Department
Planning Division**

180 SW Broad Street
Southern Pines, NC 28387

Phone (910) 692-4003
Fax (910) 692-9495

INTERNAL MEMO

TO: Town Council
FROM: BJ Grieve
DATE: June 8, 2021
SUBJECT: Request for Budget Amendment.

On behalf of a project being managed by the Assistant Town Manager, the Planning Division of the Community Development Department is requesting the following budget amendment to our Fiscal Year 2020/2021 budget:

1. Add **\$8,500** to Planning line item 10-540-4600 (Professional Services) to pay for a Phase 1 and a Phase 2 Environmental Site Assessment (ESA) of three parcels of land owned by the Town of Southern Pines. The three parcels of land are located at the intersection of S. Henley St. and W. Morganton Rd. and total approximately 25 acres.

The Town of Southern Pines has contracted with the UNC School of Government's Development Finance Initiative (DFI) for technical services relating to predevelopment activities on the three parcels. DFI recommended that Phase 1 and Phase 2 ESAs be completed by the Town of Southern Pines to determine if there are any existing environmental constraints that may impact future development potential of the parcels (rather than have any potential issues come up later). The Phase 1 ESA has been completed and that assessment included a recommendation to proceed to a Phase 2 ESA based on previous use of the property and a lack of availability of detailed site information. The Phase I ESA costed \$1,900 and the Assistant Town Manager estimates the Phase 2 ESA will cost approximately \$6,500, so she is recommending a budget amendment of \$8,500 to cover the two ESAs. The funding for the two ESAs is passing through Planning's budget because DFI's work on the West Southern Pines Revitalization Strategy (and subsequent implementation projects) is most closely related to work typically undertaken by a planning office.

**AN ORDINANCE
AMENDING THE 2020/2021 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 8th day of June, 2021 that the Operating Budget for the Fiscal Year 2020/2021 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 Protection/State-Owned Buildings	10-354-0000	\$ 1,421.00	
Fire	Department Supplies	10-530-3300	\$ 1,421.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk



Southern Pines

FIRE & RESCUE

(910) 692-2720
www.southernpines.net/fire
500 West Pennsylvania Avenue
Southern Pines, North Carolina 28387

To: Town Council
From: Mike Cameron, Fire Chief 
Date: Apr. 28, 2021
Re: Request for Budget Amendment

The Fire Department is requesting to transfer a total of \$1,421.00 from the General Fund (10-354-0000) to the Fire Department-Department Supplies line item (10-530-3300).

The Southern Pines Fire Department received a check for \$1,421.00 from State of North Carolina – Department of Insurance for local fire protection services for state owned buildings. We are requesting this budget amendment in order to maintain our Department Supplies line item (10-530-3300) for the remainder of this fiscal year.

DEPARTMENT	LINE ITEM	CODE	INCREASE	DECREASE
General	Fire Protection – State Owned Buildings	10-354-0000	\$1,421.00	
Fire	Department Supplies	10-530-3300	\$1,421.00	

Thank you for your assistance.

Cc: Reagan Parsons, Town Manager
Tess Brubaker, Finance Director
Jessica Roth, Asst. Town Manager



April 15, 2021

MEMORANDUM

To: Local Fire Departments

From: Mike Causey
Commissioner of Insurance

Subject: Local Fire Protection Services for State-Owned Buildings

The North Carolina Department of Insurance, Risk Management Division is charged with developing a fair and equitable method of distributing state funds to reimburse local fire departments for the cost of protecting state property. Funds are appropriated annually from the General Fund, the Highway Fund and University receipts to the State Fire Protection Grant Fund to provide these payments. Distributions are based on data collected from state institutions and local fire departments.

Each eligible fire department receives a pro rata portion of the available funds based on the property values protected by the department. Appropriations to the State Fire Protection Grant Fund are set in statute but may vary from year to year. Also, the addition of new buildings or increased values of existing buildings due to renovations may change the allocations for individual fire departments. These circumstances may result in a difference in the amount each fire department receives this year versus last year.

Our office reviews the state building database annually to ensure that all new state buildings and recently renovated state buildings are included.

In order to ensure the distribution of future funds to your fire department, please let us know of any changes in your address or contact information. If there are any questions, you may contact Richard Bolyard (richard.bolyard@ncdoi.gov) or Bryan Heckle (bryan.heckle@ncdoi.gov) at 919-647-0059.

CAPITAL RESERVE FUND RESOLUTION

WHEREAS, there is a need in the Town of Southern Pines to provide funds for future capital projects related to its combined water and wastewater system, and WHEREAS, NCGS 159-18 authorizes the creation of a capital reserve fund, and WHEREAS, NCGS 162A, Art. 8 requires that all system development fee proceeds be accounted for in a capital reserve fund, the revenue assumptions below reflect an estimate of system development fees to be collected over a period of twelve months beginning April 1, 2020 in addition to any adjustments made necessary as a result of actual collections over/under estimates during the previous twelve month period:

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

Section 1: The Town Council hereby amends the Capital Reserve Fund -Water for the purpose of funding the following capital projects related to the Town's water system:

East Morganton Road Water Line Replacement. An existing 6-inch water line will be replaced with a 12-inch water line along East Morganton Road from Ridge Street to Valley Road. This project was initiated in FY19-20 and is scheduled for completion in FY 20-21. The cost estimate for the project was updated in 2020 and came in at \$468,800. Changes to the project resulting from in-field findings during construction and NCDOT requirements, in addition to a volatile construction market, will result in the project coming in above this estimate. The Town has previously appropriated \$175,928 of System Development Fee revenues to the CRF for this purpose, and transferred the same amount to the CPF, with the balance of upfront costs covered by water capital funds and remaining Impact Fees collected prior to October 1, 2018. The final SDF appropriation will be adjusted prior to project close-out in an amount that will bring the SDF total appropriation to thirty-eight percent (38%) of the adjusted final project cost (i.e. accounting for 25% statutorily mandated discount), per the engineering study and adopted SDF Report. The project will address future infill development while reducing areas of low fire flow along Morganton Road, south of Weymouth Woods.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$0

Pennsylvania Avenue/Pee Dee Road Water Line Replacement. An existing 10-inch water line will be replaced with a 16-inch water line originally planned along Pennsylvania/Pee Dee Road from Connecticut Avenue to Central Drive. This project was implemented in 2019 and estimated costs were updated to \$1,957,800 as part of the 2020 SDF Report. Initial engineering uncovered issues related to tree removal and easement acquisition that would have significantly increased project costs. A new alignment is currently being designed. The Town has appropriated \$228,853 of System Development Fee revenues to the CRF for this purpose and previously transferred \$118,483 to the CPF, with the balance of upfront costs covered by water capital funds and remaining Impact Fees collected prior to October 1, 2018. Ultimately, the project is eligible for an estimated \$748,858.50 in SDF, based on 51% of the original estimates, after accounting for the 25% discount. The project will address future growth, pressure, and flow rates to the northern portion of Town and in particular the proposed North Elevated Storage Tank.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$312,648

Midland Road Water Line Replacement. An existing 6-inch and 8-inch water line will be replaced with a 12-inch water line along Midland Road

from Knoll Road to Pee Dee Road. This project is scheduled for implementation in 2023 and is estimated to cost \$1,237,600. The Town intends to appropriate approximately \$176,358, based on 19% of project cost after 25% discount, of System Development Fee revenues to the CRF for this purpose, having already appropriated \$71,861. The balance of upfront costs will be covered by water capital funds and remaining Impact Fees collected prior to October 1, 2018. The project will address future growth and pressures to anticipated further development in the Mid-South and Talamore areas.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$0

North Pressure Zone. The Town plans to install a 184 ft. high 1.0 MG North Elevated Storage Tank and associated valves. This project is scheduled for implementation in 2023 and is estimated to cost \$4,749,400. The Town intends to appropriate approximately \$1,674,163.50, or 47% of final costs after 25% discount, of System Development Fee revenues to the CRF for this purpose with the balance of upfront costs covered by water capital funds and installment loans. The project will successfully add a pressure zone in the northern portion of our service area to address potential low flow conditions which could impact future growth in this area.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$0

US 1 Booster Pump Addition. The Town plans to install infrastructure to provide for an additional 4,500 gpm Pumping Capacity to the US 1 Booster Pump Station. This project is scheduled for implementation in 2025 and is estimated to cost \$627,600. The Town intends to appropriate approximately \$197,694 based on 42% of project costs after 25% discount, of System Development Fee revenues to the CRF for this purpose with the balance of upfront costs covered by water capital funds and potentially loans. The additional flow will support ongoing development throughout our Water service area.

The 2021-2022 appropriation from the budget ordinance to the CRF – Water of SDF proceeds for this purpose is \$0

Water Treatment Plant Expansion. The Town Water Plant operates off of a license to produce 8.0 MGD but has the ability to produce up to 11.0 MGD. It is anticipated based on current growth models that an application for expansion of Plant capacity will need to be developed and filed around the year 2027. Fees and adjustments associated with application are estimated to be \$137,600 and 21% of the final costs after 25% discount are eligible for SDF. To this end, the Town intends to appropriate \$21,672 of System Development Fee revenues to the CRF for this purpose with the balance of upfront costs covered by water capital funds and Retained Earnings. The additional licensed capacity will support ongoing development throughout our Water service area.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$0

US1 Parallel Transmission Main. This project was envisioned to install a 20” water line parallel to the existing 18” transmission main from the US1 Booster Pump Station to the intersection of US1 and Saunders in addition to replacing a 6” line along the west side of Old US1 from Murray Hill to Morganton. Some of the original intended alignment, and original implementation date of 2024, may need to be adjusted as a result of the planned relocation of the existing Transmission Main as part of the NCDOT US1 Synchronization project. A projected \$1,658,700 project, it is 79% SDF eligible resulting in a planned SDF appropriation of \$982,779.75 after the 25% discount. The project supports the ability to distribute additional

amounts of water and is scheduled in anticipation of the licensing increase to 11MGD at the Water Plant.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$0

US 15-501 Water Line Replacement. An existing 8-inch waterline will be replaced with a 12-inch waterline along US-15-501/Commerce Avenue from Murray Hill Road to Turner Street. This project will improve transmission capacity and eliminate an existing bottleneck in the system. The project has an estimated cost of \$682,200, and is eligible for \$46,048.50 in SDF Revenues based on 9% of estimated final costs after the 25% discount.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$0

System Development Fee Analysis. The \$20,000 update to the SDF report is eligible for 75% SDF funding, 50% (\$ 7,500) of which will be appropriated from water SDF.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$0

Water Treatment Plant (Buy-In project). The 2020 depreciated value of the Water Plant was \$17,953,190 and an additional \$9,513,000 in rehabilitation projects are scheduled per the adopted CIP.

The 2021-2022 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is \$414,154

Section 2: The Town Council hereby amends the Capital Reserve Fund- Sewer for the purpose of funding the following capital projects related to the Town's wastewater system:

Warrior Woods Pump Station Improvements: Significant upgrades to both the Warrior Woods Pump Station and associated Force Main will occur through a series of projects that are ultimately scheduled for completion in 2027. The estimated cost of all projects is \$8,025,900. The Town intends to appropriate approximately \$4,880,812.50 of System Development Fee revenues to the CRF for this purpose with the balance derived from Retained Earnings, Sewer Capital Funds, loans, and remaining Impact Fees collected prior to October 1, 2018. The first phase of this project was initiated in FY 2018-2019 with completion in 2020 with \$791,250 appropriated in the 2018-2019 Budget from the previous Impact Fee account and \$263,750 appropriated from Sewer Capital Funds. Previously, \$388,692 has been appropriated to the CRF-Wastewater SDF toward this multi-phased project with \$227,851 having been transferred to the CPF. The upgrades will address additional capacity needed to support further development within all wastewater infrastructure in addition to replacing the maintenance heavy current facilities.

The 2021-2022 appropriation from the budget ordinance to the CRF-Sewer of SDF proceeds for this purpose is \$137,220

System Development Fee Analysis. The \$20,000 update to the SDF report is eligible for 75% SDF funding, 50% (\$ 7,500) of which will be appropriated from sewer SDF.

The 2021-2022 appropriation from the budget ordinance to the CRF-Sewer of SDF proceeds for this purpose is \$0

Waste Water Collection Rehabilitation (Buy-In project). The 2020 Depreciated value of the Waste Water Collection system was \$4,143,044 and an additional \$6,500,600 in rehabilitation projects are scheduled per the adopted CIP.

The 2021-2022 appropriation from the budget ordinance to the CRF-Sewer of SDF proceeds for this purpose is \$118,914

Section 3: These Capital Reserve Funds shall remain effective until all the above listed projects, and any projects added in the future, are completed. Capital Reserve Funds may be amended by the Town Council as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 4: This resolution becomes effective July 1, 2021.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of June ____, 2021 as shown in the minutes of the Town Council for that date.

Peggy K. Smith, Town Clerk

**AN ORDINANCE
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	<u>\$623,795</u>
Total Project Appropriation	<u>\$623,795</u>

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

Water System Development Fees	<u>\$623,795</u>
Total Project Revenues	<u>\$623,795</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 July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING THE
CAPITAL RESERVE FUND SEWER 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 sewer system development fees to be utilized in the manner described in the Sewer 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 Sewer Capital Project Funds	<u>\$263,930</u>
Total Project Appropriation	<u>\$263,930</u>

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

Sewer System Development Fees	<u>\$263,930</u>
Total Project Revenues	<u>\$263,930</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 July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AMENDMENT TO CHAPTER 32, PUBLIC WORKS, SECTION 32.076
CODE OF ORDINANCES OF THE TOWN OF SOUTHERN PINES**

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled on the 8th day of June, 2021, that Chapter 32, Public Works Department; §32.076 Fees of the Code of Ordinances be amended as follows:

1. Revise the table under subsection (A) of §32.076 FEES to the following:

Sign Making	
Street Name Sign and Post (includes installation)	
Single blade	\$105
Double blade	\$165.00
Stop, yield and the like	\$80
Handicapped parking signs (including maximum penalty sign)	\$25
Van accessible sign	\$10
"U" channel posts	\$35
Decorative street sign/post	Replacement cost plus \$50
Construction Inspection	
Street construction (including storm drainage)	\$2.60 per linear foot, \$150 minimum
Sidewalk construction	\$0.50 per linear foot, \$150 minimum
Water construction	\$1.00 per linear foot, \$150 minimum
Sewer construction	\$1.00 per linear foot, \$150 minimum
Unusual improvements	\$35 per hour

<p style="text-align: center;">Waste Disposal (per unit) (Waste disposal includes solid waste, recycling and yard debris collection) Effective July 1, 2021</p>	\$12.00 per month
<p style="text-align: center;">Asphalt cut repair Up to 300 square foot Over 300 square foot at 1 location</p>	\$3 per square foot Cost plus 20%
<p style="text-align: center;">Sidewalk repair Up to 100 square foot Over 100 square foot</p>	\$5 per square foot Cost plus 20%
<p style="text-align: center;">Curb and gutter repair Up to 50 linear foot Over 50 linear foot</p>	\$27 per linear foot Cost plus 20%
Soil Erosion and Sedimentation Control Plan Review Processing Fee	
First acre	\$300
Each additional acre, or part thereof	\$150
Substantial revision to previously approved or active plan	\$50 per acre or part thereof
Revised plan review fee - after second review and beginning with the third review	\$50 each submittal

Effective July 1, 2021.

Adopted this 8th day of June, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Carol R. Haney, Mayor

Elizabeth Robertson, Deputy Town Clerk

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

**AMENDMENT TO CHAPTER 50, WATER AND SEWER USE,
APPENDIX A: RATES, FEES AND CHARGES
CODE OF ORDINANCES TOWN OF SOUTHERN PINES**

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled on the 8th day of June, 2021, that Chapter 50, Water and Sewer Use, Appendix A: Rates, Fees and Charges of the Code of Ordinances be amended as follows:

1. Revise subsection (A) and (B) under § 1. SCHEDULE OF RATES, FEES AND CHARGES of APPENDIX A: RATES, FEES AND CHARGES to the following:

(A) Water Rates. The rates will be reviewed annually and adjusted as necessary via an ordinance amendment.

- (1) Rates and Minimum Charges.
 - (a) These fees shall be in effect beginning on July 1, 2021
 - (b) For water service, the charge per 1,000 gallons of water provided by the Town to a customer is as follows:

(a) To property within the Town limits	\$3.52
(b) To property outside the Town limits	\$7.04
(c) To public entities that operate water systems for the public	As provided by written agreement between the Town and the other entity

- ii. For water service, the minimum monthly charge for water is based on the specific water meter size and is as follows:

<i>WATER SERVICE FEES (NO VOLUME)</i>		<i>MINIMUM CHARGE</i>
<i>Meter Size (Inches)</i>	<i>In Town</i>	<i>Out of Town</i>
3/4"	\$13.00	\$26.00
1"	\$21.33	\$42.66
1½"	\$45.09	\$90.18
2"	\$78.37	\$156.74
3"	\$173.54	\$347.08

4"	\$306.68	\$613.36
6"	\$687.27	\$1,374.54
8"	\$1,220.07	\$2,440.14

*4+ Bulk water rate calculations.

*c+ *Contract amount.* The contract amount will be for any quantity equal to or greater than 50,000 gallons per day.

(b) Minimum take or pay. The customer must take or pay for the annual minimum stated in the contract.

(c) Usage over contract amount. The customer may use an amount greater than the contract amount when capacity is available, and the customer has obtained prior permission from the town.

(d) Annual adjustment to contract amount. The contract provisions may be modified or altered by mutual written agreement of the parties.

(e) Flat rate charge. The contract will provide for a flat rate charge, based on per 1,000 gallons purchased, with a minimum total payout.

(f) Rate adjustments. The town will adjust the rate, same percentage, per 1,000 gallons sold to the purchaser as it does to its regular, in-town, paying customers. The rate charge shall become effective in the July billing each year.

(B) Sewer Rates. These charges will be reviewed annually and adjusted as necessary via an ordinance amendment.

(1) Rates and Minimum Charges.

(a) These fees shall be in effect beginning July 1, 2021.

i. For sewer service, the charge per 1,000 gallons of water provided by the Town to a customer is as follows:

(a) To property within the Town limits	\$6.36
(b) To property outside the Town limits	\$12.72
(c) To public entities that operate water systems for the public	As provided by written agreement between the Town and the other entity

ii. For sewer service, the minimum monthly is based on the specific water meter size and is as follows:

<i>SEWER SERVICE FEES (NO VOLUME)</i>		<i>MINIMUM CHARGE</i>
<i>Meter Size (Inches)</i>	<i>In Town</i>	<i>Out of Town</i>
3/4"	\$6.76	\$13.52
1"	\$8.80	\$17.60
1½"	\$14.51	\$29.02
2"	\$22.59	\$45.18
3"	\$45.56	\$91.12
4"	\$77.71	\$155.42
6"	\$169.68	\$339.36
8"	\$298.42	\$596.84

(2) The Town may waive sewerage charges for:

(a) Water customers who are not connected to a public sewer system; or

(b) Water customers who use water provided by the Town for purposes that do not result in

discharge to a public sewer system, if the customer provides a separate meter for such water to which standard water rates apply, including minimum and connection fees.

(3) Sewer service for customers utilizing well water, but desiring sewerage service, must allow the Town to furnish and install, at the property owner's expense, a meter and appurtenances on the well at actual cost for materials, labor and equipment, plus 30%. Unrestricted access will be afforded Town employees to inspect.

Effective July 1, 2021.

Adopted this 8th day of June, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Carol R. Haney, Mayor

Peggy K. Smith, Town Clerk

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

**AN ORDINANCE AMENDING THE
STREAMBANK STABILIZATION CAPITAL 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 project budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of stabilizing the erosion of the streambank behind the Fire and Police stations.

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 amounts are appropriated for the project:

Construction	<u>\$110,000</u>
Total Project Appropriation	<u>\$110,000</u>

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

Transfer In – General Fund	<u>\$110,000</u>
Total Project Revenues	<u>\$110,000</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 ordinance becomes effective July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE
AMENDING THE SIDEWALKS – PHASE II 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 project budget is hereby amended:

Section 1: The project authorized is for the purpose of constructing additional and repairing and modifying existing sidewalks in the Town.

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

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

Construction	<u>\$200,000</u>
Total Additional Project Appropriation	<u>\$200,000</u>

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

Transfer In- General Fund	<u>\$200,000</u>
Total Additional Project Revenues	<u>\$200,000</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 ordinance becomes effective July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE
AMENDING THE RECREATION IMPROVEMENTS PROJECT**

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 recreational park improvements.

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

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

Construction	<u>\$ 92,000</u>
Total Additional Project Appropriation	<u>\$ 92,000</u>

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

Transfer In- General Fund	<u>\$ 92,000</u>
Total Additional Project Revenues	<u>\$ 92,000</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 July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING THE
WARRIOR WOODS LIFT STATION**

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 to establish a fund for the purpose of upgrades to the lift station, which will increase capacity and meet expected future demand.

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

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

Construction	<u>\$ 175,049</u>
Total Project Appropriation	<u>\$ 175,049</u>

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

Transfer In – Sewer Impact Fees	<u>\$175,049</u>
Total Project Revenues	<u>\$175,049</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 ordinance becomes effective July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING THE
SANITARY SEWER MODERNIZATION CAPITAL 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 project budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose to identify, investigate, rehabilitate and/or replace the Town's sewer infrastructure.

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 amounts are appropriated for the project:

Construction	<u>\$ 508,590</u>
Total Project Appropriation	<u>\$ 508,590</u>

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

Transfer In-Utility Fund	\$ 462,000
Transfer In – System Dev Fees – Sewer	<u>46,590</u>
Total Project Revenues	<u>\$ 508,590</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 ordinance becomes effective July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING THE
WATER TREATMENT PROCESS MODERNIZATION 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 amended:

Section 1: The project authorized is to establish a fund for the purpose of modernizing equipment and processes at the Water Treatment Plant.

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

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

Construction	<u>\$ 415,966</u>
Total Project Appropriation	<u>\$ 415,966</u>

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

Transfer In-System Development Fees - Water	\$165,966
Transfer In-Utility Fund	<u>250,000</u>
Total Project Revenues	<u>\$ 415,966</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 ordinance becomes effective July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING THE
WATER & SEWER IMPROVEMENTS CAPITAL 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 project budget is hereby amended:

Section 1: The project authorized is for the purpose of funding improvements to the water and sewer distribution and collection system.

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 amounts are appropriated for the project:

Construction – Water Distribution System	<u>\$185,000</u>
Total Additional Project Appropriation	<u>\$185,000</u>

Section 4: The following additional revenue is appropriated for this project:

Transfer In Water– Utility Fund	<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 July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING THE
PENNSYLVANIA/PEEDEE ROAD WATERLINE REPLACEMENT 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 project budget is hereby amended:

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 additional amounts are appropriated for the project:

Design & Construction	<u>\$ 425,474</u>
Total Project Appropriation	<u>\$ 425,474</u>

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

Transfer In- System Development Fees – Water	\$286,274
Transfer In – Utility Fund	<u>139,200</u>
Total Project Revenues	<u>\$ 425,474</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 ordinance becomes effective July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**CAPITAL PROJECT ORDINANCE
RESERVOIR PARK DAM
REHABILITATION**

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 upgrades and repairs to the located at Reservoir Park, which will bring it up to State requirements.

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 appropriated for the project:

Construction & Design	<u>\$75,000</u>
Total Project Appropriation	<u>\$75,000</u>

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

Transfer In – General Fund	<u>\$ 75,000</u>
Total Project Revenues	<u>\$ 75,000</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 ordinance becomes effective July 1, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**RESOLUTION AUTHORIZING STAFF TO CLOSE
THE WATER AND SEWER IMPACT FEE FUNDS**

WHEREAS, in 1990, the Town of Southern Pines adopted water and sewer impact fees for the purpose of expanding water and sewer infrastructure; and

WHEREAS, the Town no longer assesses these impact fees and collected the final revenues in Fiscal Year 2018-2019; and

WHEREAS, the FY 2019-2020 Comprehensive Annual Financial Report confirmed restricted asset balances of \$34,468 for water impact fees and \$472,469 for sewer impact fees; and

WHEREAS, these restricted assets have been transferred in full to appropriate water and sewer capital project funds.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina that Town Manager Reagan Parsons and/or Director of Finance Tess Brubaker-Speis are hereby authorized on behalf of the Town of Southern Pines to close all funds associated with the water and sewer impact fees.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Carol Haney, Mayor

Elizabeth Robertson, Deputy Town Clerk

**RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTS FOR
LEGAL AND CONSULTING SERVICES**

WHEREAS, the Town of Southern Pines, North Carolina desires to retain various legal and consulting services related to the potential facilitation, financing, and development of certain infrastructure located in the Central City Area of Morganton Park.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Southern Pines, North Carolina, meeting in regular session on the 8th day of June, 2021, authorizes the Town Manager to act on behalf of the Town of Southern Pines in executing contracts for legal and consulting services related to projects located in the Morganton Park Central City Area of the Town.

Adopted this 8th day of June, 2021.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

**PROJECT BUDGET ORDINANCE
AMERICA RESCUE PLAN ACT 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 grant ordinance is hereby adopted:

Section 1: The project authorized is the America Rescue Plan Act Fund, described in the Act agreement between this unit, the U. S. Treasury and State of North Carolina.

Section 2: The officers of this unit are hereby directed to proceed with the project within the terms of the plan act documents, the rules and regulations of the U. S. Treasury and the budget contained herein.

Section 3: The following revenue is anticipated to be available;

America Rescue Plan Act	<u>\$4,671,000</u>
Total Project Revenues:	<u>\$4,671,000</u>

Section 4: The following amounts are appropriated for the project:

Transfer Capital Projects – Infrastructure Improvements	<u>\$4,671,000</u>
Total Project Costs:	<u>\$4,671,000</u>

Section 5: The Finance Officer will hereby maintain a separate special revenue fund for the Act 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 Act project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

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

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

ADOPTED, this the 8th day of June, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 8, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson,
Deputy Town Clerk



Dixon Hughes Goodman LLP
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High Point, NC 27265
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dhg.com

May 27, 2021

Town Council and Management
Town of Southern Pines, North Carolina
125 S.E. Broad Street
Southern Pines, North Carolina 28387

We are pleased to confirm our understanding of the services we are to provide for Town of Southern Pines, North Carolina (the "Town") for the year ending June 30, 2021. This attachment to item 18, "Contract to Audit Accounts" (LGC-205) is intended to further clarify certain provisions of the Contract.

Audit Services

We will audit the financial statements of the governmental activities, the business-type activities, the fiduciary funds, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the Town as of and for year ending June 30, 2021.

John Frank is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. We plan to begin our audit work in June 2021.

Audit Objective

The objective of our audit is the expression of an opinion about whether the Town's financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America. The objective also includes reporting on:

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act, as amended, Title 2 U.S. Code of Federal Regulations (“CFR”) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”) and the State Single Audit Implementation Act (collectively referred to as the “Single Audit”).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that:

- The purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control or on compliance;
- The report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control and compliance; and
- The report is not suitable for any other purpose.

The Uniform Guidance report on internal control over compliance will include a paragraph that states that:

- The purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance the results of that testing based on the requirements of the Uniform Guidance; and
- The report is not suitable for any other purpose.

If during our audit we become aware that the Town is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion. We will issue written reports upon completion of our audits. Our reports will be addressed to the governing board of the Town. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or add an emphasis-of-matter or other-matter paragraph. If our opinion on the financial statements or the Single Audit is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or issue reports, or we may withdraw from this engagement.

Audit Procedures

General

We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Town or to acts by management or employees acting on behalf of the Town. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

An audit includes:

- Examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested;
- Evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Our procedures may include:

- Tests of documentary evidence supporting the transactions recorded in the accounts,
- Direct confirmation of certain assets and liabilities by correspondence with selected individuals, customers, funding sources, creditors, and financial institutions,
- Requesting written representations from the Town's attorneys (they may bill the Town for responding to this inquiry).

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any:

- Material errors, fraudulent financial reporting, or misappropriation of assets that come to our attention;
- Violations of laws or governmental regulations that come to our attention, unless clearly inconsequential;
- Material abuse that comes to our attention.

We will include such matters in the reports required for our audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as

auditors.

Internal Control

Our audit will include obtaining an understanding of the Town and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control over financial reporting. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements, and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will test of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. Accordingly, we will express no such opinion. However, during the audit, we will communicate to you and those charged with governance internal control-related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, the Uniform Guidance and State Single Audit Implementation Act.

Compliance

As part of obtaining reasonable assurance about whether the financial statements are free from material misstatement, we will perform tests of the Town's compliance with provisions of applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Town's major programs. The purpose of these procedures will be to express an opinion on the Town's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Management's Responsibilities

Our audit will be conducted on the basis that you acknowledge and understand that you have responsibility for:

- The preparation and fair presentation of the financial statements, schedule of expenditures of federal and state awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America and the Uniform Guidance;
- The selection and application of accounting principles, the maintenance of adequate records, the safeguarding of assets, and ensuring that management and financial information is reliable and properly reported;
- The design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal and state awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met;
- Implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements;
- Following and complying with applicable laws and regulations (including federal statutes), including the provisions of contracts and grant agreements (including award agreements);
- Ensuring that there is reasonable assurance that government programs are administered in compliance with compliance programs;
- Identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information;
- Providing us with:
 1. Access to all information which you are aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters including identification of all related parties and all related-party relationships and transactions;
 2. Access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance
 3. Additional information that we may request for the purpose of the audit; and
 4. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
- Adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole;

- Including the auditor's report in any document containing financial statements that indicates that such financial statements have been audited by us;
- Identifying all federal and state awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received) in conformity with the Uniform Guidance;
- Evaluating and monitoring noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; taking prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly following up and taking corrective action on reported audit findings; and preparing a summary schedule of prior audit findings and a separate corrective action plan, if applicable;
- Establishing and maintaining a process for tracking the status of audit findings and recommendations. You are also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objective section of this letter. This responsibility includes:
 1. Relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies; and
 2. Providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.
- Taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report;
- The design and implementation of programs and controls to prevent and detect fraud, and for informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control, grantors, regulators, and others where fraud could have a material effect on the financial statements;
- The accuracy and completeness of all information provided; and
- Informing us of events occurring or facts discovered subsequent to the date of the financial statements, of which management may become aware, that may affect the financial statements.

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

At the conclusion of our audit, we will require certain written representations from management about management's responsibilities for the financial statements; schedule of expenditures of federal and state awards; federal and state award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards. Because of the importance of management's written or verbal representations to an effective audit, you agree to release and indemnify Dixon Hughes Goodman LLP and its personnel from any liability and costs relating to our services

under this letter attributable to any knowing misrepresentations by management.

Required Supplementary Information

Our audit is for the purpose of forming an opinion on the financial statements taken as a whole. Accounting principles generally accepted in the United States of America provide for certain required supplementary information ("RSI") to accompany the basic financial statements. We understand the following RSI will accompany the basic financial statements:

1. Management's Discussion and Analysis ("MD&A")
2. Law Enforcement Officers' Special Separation Allowance - Schedule of Changes in Total Pension Liability
3. Law Enforcement Officers' Special Separation Allowance - Schedule of Total Pension Liability as a Percentage of Covered Payroll
4. Local Government Employees' Retirement System - Schedule of Proportionate Share of the Net Pension Liability (Asset)
5. Local Government Employees' Retirement System - Schedule of Contributions

Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

The Town's management is responsible for the fair presentation of the RSI. As part of our engagement, we will apply certain limited procedures to the RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit is for the purpose of forming an opinion on the financial statements taken as a whole. We understand that the following supplementary information will accompany the financial statements.

1. General Fund - Comparative Balance Sheets and budgetary schedule
2. Budgetary schedules for all major funds other than the General Fund
3. Combining non-major and fiduciary fund statements
4. Budgetary schedules for all funds required to adopt a budget other than the General Fund, other major funds, and annually adopted major special revenue funds
5. Schedule of Ad Valorem Taxes Receivable

6. Analysis of Current Tax Levy
7. Schedule of Interfund Transfers
8. Schedule of Expenditures of Federal and State Awards

Such information is presented for the purpose of additional analysis of the financial statements and is not a required part of the financial statements. The Town's management is responsible for the fair presentation of the supplementary information. We will subject the supplementary information to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the accounting and other records used to prepare the financial statements or to the financial statements themselves in accordance with auditing standards generally accepted in the United States of America.

Your responsibilities include acknowledging to us in the written representation letter that (a) you are responsible for presentation of the supplementary information in accordance with the applicable criteria; (b) you believe the supplementary information, including its form and content, is fairly presented in accordance with the applicable criteria; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Our responsibility is to report whether such information is fairly stated in all material respects in relation to the basic financial statements taken as a whole. You agree to include our report on supplementary information in any document that contains and indicates that we have reported on the supplementary information. You agree to include the audited financial statements with any presentation of the supplementary information or make the audited financial statements readily available to users of the supplementary information that includes our report thereon.

Other Information

Our audit is for the purpose of forming an opinion on the financial statements taken as a whole. We understand that the Town will prepare schedules for inclusion in the Comprehensive Annual Financial Report. Such information is presented for the purpose of additional analysis of the financial statements and is not a required part of the basic financial statements. The Town's management is responsible for such information. We will not subject such information to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we will not express an opinion or provide any assurance on it.

Use of Financial Statements

Client Prepared Documents

If the Town's financials are to be included in a client-prepared document which includes other information, the Town should notify us of the nature of the document and allow us to read such document prior to submitting the document to others. Examples of other documents would include:

- reports to those charged with governance or others which provide commentary on the financial position or results of operations,
- private placement offerings, or
- other offers to sell securities.

Exempt Offerings

Should the Town wish to include our audit report on the financial statements described above in a document related to an offering of securities exempt from registration with the Securities and Exchange Commission (“SEC”), but does not intend to engage us to perform procedures in connection with the proposed offering (beyond reading the document as required in the preceding paragraph), the Town agrees that the following disclosure will be prominently displayed in the official statement or other document for the proposed offering:

Dixon Hughes Goodman LLP, has not been engaged to perform and has not performed, since the date of their report included herein, any procedures on the financial statements addressed in that report. Dixon Hughes Goodman LLP, also has not performed any procedures relating to this Official Statement.

Should the Town wish to include or incorporate by reference our report on these financial statements into a future offering of securities exempt from registration with the SEC, and requests or is required to obtain our acknowledgement to including our report in such filing or other offering document, prior to our acknowledging to include or incorporate by reference our report thereon, we will be required to perform procedures as indicated by our professional standards, including, but not limited to, reading other information incorporated by reference in the offering document, and performing subsequent event procedures. Our reading of the other information included or incorporated by reference in the offering document will consider whether such information, or the manner of its presentation, is materially inconsistent with information, or the manner of its presentation, appearing in the financial statements. However, we will not perform procedures to corroborate such other information (including forward-looking statements). The specific terms of our future services with respect to future filings or other offering documents will be agreed to at the time the services are to be performed.

Non-attest Services

You agree to assume all management responsibilities and to oversee the non-attest services we will provide by designating an individual possessing suitable skill, knowledge and/or experience. You acknowledge that non-attest services are not covered under *Government Auditing Standards*. You are responsible for:

- Making all management decisions and performing all management functions;
- Evaluating the adequacy and results of the services performed;
- Accepting responsibility for the results of such services; and
- Designing, implementing, and maintaining internal controls, including monitoring ongoing activities.

The non-attest services we will provide are covered in the following paragraphs.

We will provide the following additional non-attest services:

- We will assist with preparation of your financial statements, the preparation of fund to accrual accounting adjustments, the Schedule of Expenditures of Federal and State Awards, and related notes.
- We will advise management about appropriate accounting principles and their application and will assist in preparation of the Town's basic financial statements. The responsibility for the basic financial statements and all representations contained therein remains with management, which includes members of the governing board.
- At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is your responsibility to submit the reporting package (including financial statements, Schedule of Expenditures of Federal and State Awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditor's reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audit.
- At the conclusion of the engagement, we will upload the audited financial statements and compliance reports on the North Carolina State Treasurer's website.
- At the conclusion of the engagement, we will complete the applicable sections of the Data Input Worksheet, and upload to the North Carolina State Treasurer's website.

You are responsible for evaluating the adequacy and results of the above non-attest services performed and accepting responsibility for the results of such services. This includes your review and approval of all adjustments we may propose to the accounting records of the Town or its financial statements as a result of these services.

With respect to any non-attest services provided, you are responsible for downloading and storing such deliverables in information systems controlled by your Town within ninety days of the completion date of the non-attest service. To the extent a web-based portal is utilized for the transmission of non-attest service deliverables, you agree that any web-based portal controlled by Dixon Hughes Goodman LLP will not be relied on as a data repository and acknowledge that any non-attest service deliverables will be removed from the web-based portal ninety days after the non-attest service completion date.

Engagement Fees

Our fees for these services will be based upon the time, skill and resources, including our proprietary information required to complete the services, plus all out-of-pocket expenses. However, you acknowledge the complexity of the issues involved and unforeseen circumstances may result in additional charges. In such event, we will discuss with you the basis of any such charge.

Our fees for these services will be \$43,200, plus \$5,000 for the first major program, and \$1,900 for any additional major program thereafter. Our fee for writing of the financial statements will be \$7,500. Our fees are based on anticipated cooperation from the Town's personnel and the assumption that unexpected circumstances will not be encountered. If significant additional time is necessary, we will discuss a revised fee arrangement with you. We will also invoice for travel and other out-of-pocket costs such as report production, typing, postage, etc. This estimate is based on the assumption there will be no significant bookkeeping assistance required or significant changes in the Town's operations including (but not limited to): issuance of new debt; new construction projects; creation of new funds; new major programs required to be tested for Single Audit; or additional procedures required in response to the discovery of fraud. We will issue contract addendums for additional fees related to any bookkeeping or changes mentioned above. The additional fees will be billed at our standard hourly rates depending on the experience level of the individuals performing the work.

Our invoices for these fees will be rendered each month as work progresses and are payable on presentation in U.S. Dollars. A 1½% per month interest charge will be added to all accounts not paid within thirty (30) days. If there is a significant change in your organizational structure or size due to acquisitions or other events, we reserve the right to revise our fees. We shall have the right to halt or terminate entirely our services until payment is received on past due invoices.

Should you require additional services incidental to those specified herein which are not the subject of a separate engagement letter, upon your request for the performance of those services we will confirm to you in writing or by electronic mail the requested services we will provide. Such services, including our fees, shall be rendered subject to and in accordance with the provisions of this letter.

Other Standard Terms and Conditions

In providing our audit services we are required by law and our professional standards to maintain our independence from the Town. We take this mandate very seriously and thus guard against impermissible relationships which may impair the very independence which you and the users of our report require. As such you should not place upon us special confidence that in the performance of our audit services we will act solely in your interest. Therefore, you acknowledge and agree we are not in a fiduciary relationship with you and we have no fiduciary responsibilities to you in the performance of our services described herein.

In connection with providing our professional services described herein, Dixon Hughes Goodman LLP may utilize the services of third-party service providers to complete these services. In addition, Dixon Hughes Goodman LLP may use third-party providers to provide, at Dixon Hughes Goodman LLP's discretion, administrative, clerical and data analysis services to Dixon Hughes Goodman LLP in connection with our professional services. In the performance of these services for Dixon Hughes Goodman LLP, we may share confidential information with the third-party service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your information. Dixon Hughes Goodman LLP represents to that each such third-party service provider has agreed to conditions of confidentiality with respect to Town's information to the same or similar extent as Dixon Hughes Goodman LLP has agreed. Furthermore, we are

responsible for the adequate oversight of services provided by these third-party service providers.

The audit documentation for this engagement is the property of Dixon Hughes Goodman LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to the North Carolina Office of the State Auditor or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office pursuant to authority given to it by law or regulation. If requested, access to such audit documentation will be provided under supervision of our personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

In providing our services we may direct you to provide your information to us through a separate web based client portal accessible through a client experience dashboard as indicated by Dixon Hughes Goodman LLP in an effort to provide greater security with respect to the information. In the event we request you provide your information to us through such a client portal, (i) to the extent you fail to do so, or (ii) in using the client portal you fail to monitor and restrict access only to your authorized personnel (any such failure being referred to herein as a "Portal Failure") we disclaim, and you release us and shall indemnify and hold us harmless against any and all liability for loss and damage, including direct, indirect, consequential, incidental, and special damages such as loss of revenue or anticipated profits ("Damages"), arising from any interception, unintentional disclosure or communication or unauthorized use of such information incident to a Portal Failure or arising from claims by any third-party with whom you provide use or access to the client portal even if we are aware or have been advised of the use of or the access to, the client portal by such third-party in contravention of the restrictions set forth herein.

Many of our clients choose to communicate with us by email, and we may use email in connection with this engagement unless you direct us otherwise. We will use reasonable precautions to protect your confidential information. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third-party, or may not be delivered to each of the parties to whom they are directed, we cannot guarantee or warrant that email from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim, and you release us from any claims for any Damages for interception or unintentional disclosure or communication of email transmissions, or for the unauthorized use or failed delivery of emails transmitted by us in connection with the performance of this engagement, or the disclosure or communication of confidential or proprietary information arising therefrom (hereinafter collectively referred to as "Email Interruption") except to the extent resulting from our gross negligence or willful misconduct.

You represent and warrant to us that Town does not derive substantial or a material amount of revenue from the manufacture, sale or distribution of cannabis or related products ("Cannabis Products") or from activities which in any material manner support the manufacture, sale or distribution of Cannabis Products.

In the event Dixon Hughes Goodman LLP is required to respond to a subpoena, court order, government regulatory inquiry or other legal process relating to you or your management for the production of documents and/or testimony relative to information we obtained or prepared incident to this or any other engagement, you shall compensate Dixon Hughes Goodman LLP for all time we expend in connection with such response at

Town of Southern Pines, North Carolina

May 27, 2021

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normal and customary hourly rates, and to reimburse us for all out of pocket expenses incurred in regard to such response.

This agreement and any claim arising out of the services provided shall be governed by the laws of the state of North Carolina, exclusive of its conflict of laws rules. The parties agree that any action between them related to or arising out of this engagement shall be brought only in the state or federal courts of North Carolina.

Whenever possible, each provision of this agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision hereof shall be ineffective or invalid, such ineffectiveness or invalidity shall be only to the extent of such prohibition or invalidity, without invalidating the remainder of the provision or the remaining provisions of this agreement, which shall otherwise remain in full force and effect. The agreements of Town of Southern Pines, North Carolina and Dixon Hughes Goodman LLP contained in this engagement letter shall survive the completion or termination of this engagement.

You have requested that we provide you with a copy of our most recent external peer review report and any subsequent peer review reports received during the contract period. Accordingly, our 2020 peer review report accompanies this letter.

This engagement is limited to the services outlined above.

Please indicate your acceptance of the above understanding by signing this letter in the space below and returning it to our office. A copy is enclosed for your records. If your needs change during the year, the nature of our services can be adjusted appropriately. Likewise, if you have special projects with which we can assist, please let us know.

We want to express our appreciation for this opportunity to work with Town of Southern Pines, North Carolina.

Sincerely,

Dixon Hughes Goodman LLP

DIXON HUGHES GOODMAN LLP

Accepted and Agreed:

Town of Southern Pines, North Carolina

Carol R. Haney, Mayor

Date _____

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



Tess Brubaker-Speis, Finance Officer



National Peer
Review Committee

December 11, 2020

Ralph Snow
Dixon Hughes Goodman LLP
4350 Congress ST Ste 900
Charlotte, NC 28209-4866

Dear Ralph Snow:

It is my pleasure to notify you that on December 11, 2020, the National Peer Review Committee accepted the report on the most recent System Review of your firm. The due date for your next review is August 31, 2023. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Michael Fawley". The signature is written in a cursive, flowing style.

Michael Fawley
Chair, National PRC
+1.919.402.4502

cc: Candace Wright, David Hinshaw

Firm Number: 900010017108

Review Number: 576076



Report on the Firm's System of Quality Control

To the Partners of
Dixon Hughes Goodman LLP
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Dixon Hughes Goodman LLP (the firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended February 29, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act; audits of employee benefit plans, audits performed under FDICIA, an audit of a broker-dealer, and examinations of service organizations [SOC 1 and SOC 2 engagements].

As part of our peer review, we considered reviews by regulatory entities as communicated to the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Dixon Hughes Goodman LLP applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended February 29, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Dixon Hughes Goodman LLP has received a peer review rating of *pass*.

Postlethwaite & Netterville

Baton Rouge, Louisiana
November 13, 2020

The	Governing Board Town Council
of	Primary Government Unit (or charter holder) Town of Southern Pines, North Carolina
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Dixon Hughes Goodman LLP
	Auditor Address 1829 Eastchester Drive, High Point, North Carolina 27265

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/21	Audit Report Due Date 10/31/21
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern.

30. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

31. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

32. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

33. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

34. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
Tess Brubaker-Speis	Finance Officer	TSpeis@southernpines.net

OR Not Applicable (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the billings for the last annual audit of the unit submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Southern Pines, North Carolina
Audit Fee	\$ 43,200
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ 5,000 for first major program and \$1,900 for each thereafter
Writing Financial Statements	\$ 7,500
All Other Non-Attest Services	\$ n/a
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 38,025

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Dixon Hughes Goodman LLP	
Authorized Firm Representative (typed or printed)* John A. Frank, CPA	Signature*
Date*	Email Address* john.frank@dhg.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Southern Pines, North Carolina	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)* Carol Haney, Mayor	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA") n/a	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

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

Primary Governmental Unit Finance Officer* (typed or printed) Tess Brubaker-Speis, Finance Officer	Signature* 
Date of Pre-Audit Certificate*	Email Address* TSpeis@southernpines.net

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU* N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

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

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT



MINUTES

May 5, 2021 — 6:00 PM
Town Council Virtual Agenda Meeting

1. CALL TO ORDER

Mayor Carol Haney welcomed everyone.

2. TOWN MANAGER'S COMMENTS

- Bob Koontz requests PD-02-21 be moved to the end of the public hearing on 5/11/21 due to a presentation in Pinehurst.

- NCDOT Project on Hwy. 22 – the NCDOT is requesting additional right-of-way and easements on property that contains our Nicks Creek lift station.
 - They are offering \$20,000.00 for the acquisition.
 - There was consensus among Council to add a resolution authorizing the land conveyance and easements to Consent Agenda (Item #5) for the meeting on 5/11/21.

3. PUBLIC HEARING

a. Installment Financing Contract for the Whitehall Tract

Town Manager Reagan Parsons provided an overview. The Town purchased a 157-acre piece of land in December 2020, known as the "Whitehall tract." The Town made a partial payment when it was acquired. Staff recommends using an installment financing contract authorized under N.C.G.S. 160A, Article 3, Section 20, for the remaining payment. Staff has negotiated an installment contract with First Bank for a term of three years at an interest rate of 1.91%. Per GS §166A-19.24(e), written comments will be accepted after the virtual hearing, followed by a vote on May 11.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing was opened

Former property owner Barbara Sherman commented that "I'm glad you got a good rate and that's fine by me".

Upon motion by Mayor Pro Tem Murphy, seconded by Councilmember Saulnier and carried unanimously 5-0, the public hearing was closed.

4. PUBLIC HEARINGS FOR MAY 11, 2021 COUNCIL MEETING

Per GS §166A-19.24(e), written comments will be accepted for at least 24 hours after these

virtual public hearings have been held.

a. Z-01-21: Request to rezone 0.79 of an acre on West Pennsylvania Avenue from FRR to CB; Applicant: RAB Investments, LLC

Town Manager Parsons provided an overview of the request. The applicant requests to rezone a 0.79-acre parcel from Facilities Resource and Recreation Conditional District (FRR-CD) to Central Business (CB) to allow a preschool, which is a by-right use in the CB District. Council will vote on this application on May 24, 2021.

b. Public Hearing on FY 22 Budget

This is the first of two public hearings on the proposed FY 22 budget, which begins July 1, 2021. The second hearing is scheduled for Tuesday, June 8, followed by a vote by Council.

c. PD-02-21: Planned Development – Preliminary Development Plan for expansion of the Multi-family Legends Apartment Community; Applicant: Morganton Park II, LLC

Town Manager Parsons provided an overview of the request and reminded Council it is a quasi-judicial request. The applicant requests approval of a Preliminary Development Plan in order to expand the existing multi-family development, Legends Apartments, at 500 Legends Drive. The two parcels included in this application total 8.56 acres. If approved, the overall development would total 432 units on 27.03 acres. Council will vote on this application on May 24, 2021.

5. PROPOSED ACTION ITEMS FOR MAY 11, 2021 COUNCIL MEETING

a. Consider Installment Financing Contract with First Bank for the Whitehall Tract

Town Manager Parsons provided an overview. Staff recommends entering into an installment contract with First Bank in order to pay the Note owed on the Whitehall tract in full by June 30. The contract is for a term of three years at an interest rate of 1.91%

b. Consider Amending Resolution No. 930

Planning Director B.J. Grieve provided an overview. Governor Cooper has issued Executive Order No. 209 which increases mass gathering capacity limits and lifts the mandate on masks in outdoor settings. The Order, effective April 30, is set to expire June 1, at which point the state anticipates lifting more restrictions. Based on these actions from the state, staff recommends amending the Town's Resolution No. 930, adopted June 2020, to rescind the emergency zoning waiver that allowed for additional temporary signage during COVID-19. The Town's resolution waived zoning standards during the declared emergency in order to help local businesses that were facing challenges from mandated COVID-19 restrictions and prohibitions.

- Councilmember Saulnier thanked B.J. and feels it is a reasonable approach, especially for outside dining.

c. Consent Agenda

i. Approve Property Use Agreement with Sandhills Sandsharks

Assistant Town Manager Jessica Roth provided an overview. The Sandhills Sandsharks, a local 501(c)3 non-profit, offers competitive swimming and training for the Southern Pines community. Since 2018, the Sandsharks have used the Town's pool on S. Stephens Street for year-round operations. The Town currently has two separate agreements with the Sandsharks; the first was executed in 2018 for the off-season and the second in 2019 for the summer months. Both agreements expire this summer. Staff has met with members of the Sandsharks' board to negotiate a single agreement and recommends adopting this for an additional three years.

ii. Approve Amendment to FY 21 Budget

Town Manager Parsons provided an overview. Staff recommends amending the FY 21 budget to transfer \$ 225,340 from Fund Balance to the Open Space Fund to make a principal payment on the Whitehall tract.

iii. Approve Amendments to Capital Project Budgets

Town Manager Parsons provided an overview. Staff recommends amending the following capital project budgets:

- 1. \$100,000 increase to the Morganton Road Water Line Replacement Project Fund to cover an unexpected increase in the current construction project.*
- 2. \$1,125,340 increase to the Open Space Project Budget to pay the existing note on the Whitehall tract in full. This funding will include \$225,340 transferred from Fund Balance and \$900,000 in financing proceeds from the installment contract with First Bank.*

iv. Approve Council Minutes

6. PUBLIC COMMENTS

No Public Comments were voiced.

Upon motion by Councilman Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the meeting was adjourned at 6:23 pm.

Respectfully Submitted,

Elizabeth Robertson
Deputy Town Clerk



MINUTES

May 11, 2021 — 6:00 PM
Town Council Virtual Business Meeting

1. CALL TO ORDER

Mayor Haney welcomed everyone to the meeting and informed the council that Michael Carr from the Town's sister city had passed away the previous Sunday. A letter will be sent with the Town's condolences and a moment of silence was held in remembrance.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Parsons informed the council that the applicant for Public Hearing 4a on today's agenda - PD-02-21 - requests that their hearing be continued to the June 8th council meeting.

4. PUBLIC HEARINGS

Per GS §166A-19.24(e), written comments will be accepted for at least 24 hours after these virtual public hearings have been held.

a. Z-01-21: Request to rezone 0.79 of an acre on West Pennsylvania Avenue from FRR to CB; Applicant: RAB Investments, LLC

Town Planner Lauren Long presented a report on the applicant's request to rezone a 0.79-acre parcel from Facilities Resource and Recreation Conditional District (FRR-CD) to Central Business (CB) to allow a preschool, which is a by-right use in the CB District. Council will vote on this application on May 24, 2021.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing was opened.

Councilmember Saulnier inquired if the same restrictions for drop off would be in place as there are now for the school and Town Manager Parsons clarified that this was strictly a rezoning so no conditions would be made.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing was closed.

b. Public Hearing on FY 22 Budget

This is the first of two public hearings on the proposed FY 22 budget, which begins July 1, 2021. The second hearing is scheduled for Tuesday, June 8, followed by a vote by Council.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing was opened.

Town Manager Parson provided a detailed report with slideshow for the proposed FY 21-22 budget.

Councilmember Saulnier thanked Town Manager Parsons, Finance Director Brubaker-Speis and Assistant Town Manager Roth for the clear and concise presentation, noting the time and effort put into the report.

Councilmember Lancaster questioned whether there were any expenses that could be pulled forward and funded this year. Town Manager Parsons answered that anything substantial was already discussed at the Directors Meeting and pulled forward then.

Mr. Rich of Mechanic Street commented that spending \$1 million on a land purchase while increasing the water/sewer/trash rates leaves a bad impression on the poorer members of the community.

- Town Manager Parsons clarified that the monies used to purchase the land in question come from a completely different budget than the monies used to maintain and provide the Town with utilities.
- Mayor Haney added that the land purchase in question was a "once in a lifetime" opportunity and that the land would be used by many in the years to come.

Mr. Rich asked who is monitoring the work being done by contractors on the road that leads to the Annex and is the Town ensuring that the contractor is adhering to terms to include a 10% participation by minority subcontractors?

- Town Manager Parsons replied that the Town is employing the usual monitoring of the contractor and that he has not seen any change orders or red flags that would indicate the vendors have been changed out.

Nora Bowman asked if the Community Development position shown in the General Fund & Operating section of the budget was a result of the DFI recommendation for an Advisory Board/Group?

- Town Manager Parson complimented her observation and indicated that one of job duties for that position would be to serve as the Town's representative on the Advisory Board/Group.

Lynn Thompson inquired if the Town envisioned the Advisory Board/Group being formed before or after the new Community Development position is filled.

- Town Manager Parsons stated, with Mayor Haney concurring, that the Town's intentions were to have the board/group established before the new hire started.

Lynn Thompson inquired at the decrease in special appropriation funds.

- Town Manager Parsons detailed the reasons contributing to the decrease and reassured her that the Martin Luther King Jr. weekend events were still budgeted for.

Lynn Thompson recommends forming a committee to include both town employees and town residents to evaluate diversity in hiring employees.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing was closed.

c. PD-02-21: Planned Development – Preliminary Development Plan for expansion of the Multi-family Legends Apartment Community; Applicant: Morganton Park II, LLC

The applicant requests approval of a Preliminary Development Plan in order to expand the existing multi-family development, Legends Apartments, at 500 Legends Drive. The two parcels included in this application total 8.56 acres. If approved, the overall development would total 432 units on 27.03 acres. Council will vote on this application on May 24, 2021.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing was opened.

Town Mayor Haney reminded Council that the applicant has requested this hearing be moved to the June 8th Town Council Meeting.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing for PD-02-21 was postponed to June 8, 2021.

5. ACTION ITEMS

a. Consider Installment Financing Contract with First Bank for the Whitehall Tract

The Town purchased a 157-acre piece of land in December 2020, known as the “Whitehall tract.” The Town made a partial payment when it was acquired. Staff recommends using an installment financing contract authorized under N.C.G.S. 160A, Article 3, Section 20, for the remaining payment. Staff has negotiated an installment contract with First Bank, totaling \$900,000 for a term of three years at an interest rate of 1.91%. A public hearing was held on May 5.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the Installment Financing Contract with First Bank for the Whitehall Tract was approved.

b. Consider Amending Resolution No. 930

In response to Governor Cooper lifting certain restrictions related to COVID-19, with additional actions expected on June 1, staff recommends amending the Town’s Resolution No. 930. Adopted June 2020, Resolution No. 930 allowed for additional temporary signage and waived certain zoning standards during the declared emergency in order to help local businesses that were facing challenges from mandated restrictions and prohibitions.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the Amendment to Resolution No. 930 was approved.

c. Consent Agenda

i. Approve Property Use Agreement with Sandhills Sandsharks

The Sandhills Sandsharks, a local 501(c)3 non-profit, offers competitive swimming and training for the Southern Pines community. Since 2018, the Sandsharks have used the Town's pool on S. Stephens Street for year-round operations. Staff has met with members of the Sandsharks' board to negotiate a renewal agreement and recommends adopting this for an additional three years.

ii. Approve Amendment to FY 21 Budget

Staff recommends amending the FY 21 budget to transfer \$ 225,340 from Fund Balance to the Open Space Fund to make a principal payment on the Whitehall tract.

iii. Approve Amendments to Capital Project Budgets

Staff recommends amending the following capital project budgets:

- 1. \$100,000 increase to the Morganton Road Water Line Replacement Project Fund to cover an unexpected increase in the current construction project.*
- 2. \$1,125,340 increase to the Open Space Project Budget to pay the existing note on the Whitehall tract in full. This funding will include \$225,340 transferred from Fund Balance and \$900,000 in financing proceeds from the installment contract with First Bank.*

iv. Approve Council Minutes

- 1. March 22, 2021 Work Session Minutes*
- 2. April 13, 2021 Business Meeting Minutes*
- 3. April 13, 2021 Closed Session Minutes*

v. Approve Resolution Authorizing the Town Manager to Enter into an Agreement with NCDOT for the NC 22/Central Drive Bridge Replacement Project

The state Department of Transportation (NCDOT) is proceeding with a bridge replacement project on NC 22/Central Drive. The project requires acquisition of some right-of-way and various easements on Town-owned property. Staff recommends executing these agreements and deeding the right-of-way for \$20,000, as negotiated with DOT.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the Consent Agenda was approved.

6. PUBLIC COMMENTS

Mr. Rich complimented the Sandhills Sandsharks on the great job they have been doing with improving and maintaining the pool area but questioned the lack of "children of color" using the pool and asks what is the Council doing to ensure that the pool is enticing to these children?

- Town Manager Parsons clarified that the Town, not the Sandsharks were responsible for the maintenance and operation of the Pool Park during the summer months. He added that the Sandsharks have in the past offered lessons, open swim time, lifeguards and gone after multiple

grants in an effort to boost community use. Town Manager Parsons added that the Sandsharks have also hired a new coach to start this year.

- Councilmember Murphy commented that we should ensure that the community knows that all are welcome while noting that children do not play outside as they did in the past.

Mr. Rich indicated that he would poll the local community and report back to Council as to why the children were not making use of the Pool Park facilities.

Upon motion by Councilman Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the meeting was adjourned at 7:12 pm.

Respectfully Submitted,

Elizabeth Robertson, Deputy Town Clerk