



## 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,

  
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Elizabeth Robertson, Deputy Town Clerk