



MINUTES

Tuesday, July 13, 2021: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Haney called the meeting to order at 6:00 pm.

Pesent: Mayor Carol Haney, Mayor Pro Tem Paul Murphy, Councilmember Mitch Lancaster and Councilmember Mike Saulnier

Absent: Councilmember Bill Pate

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons gave a brief overview of the meeting agenda.

1. COUNCIL RECOGNITION/GUEST PRESENTATIONS

a. Sprucing Up Southern Pines Winners

Melissa Hall, Chair of the Sprucing Up Southern Pines Committee and member of the Town Of Southern Pines Appearance Commission along with other members presented awards to the winners of its 2021 Sprucing Up Southern Pines awards program. Winners were presented certificates and yard signs for their properties.

- Ernesto and Amy Tamez – 360 Indiana Avenue
- Ella Smith – 850 Michigan Avenue
- Tony and Jeannie Blando – 340 Page Street
- Denise Krauza and Jesse Coyle – 275 S. Valley Road
- Hot Asana Yoga Studio – Virginia Gallagher – 10 Camelia Way
- The Highlands – Moore Housing Limited Partnership – 1650 Richards Street
- The Sunrise Theater – Sunrise Preservation Group – 250 NW Broad Street
- Wolcotts – Scott Wolcott – 190 W. Pennsylvania Avenue

b. West Southern Pines Task Force

Mayor Haney called up members of the task force to recognize and thank them for their recent work in collaboration with the Town and Development Finance Initiative. They all did a wonderful job. Included were: Kim Wade, Lemuel Dowdy, Mike Fields, Councilmember Mitch Lancaster and Mayor Pro Tem Paul Murphy.

c. DFI Update

Sarah Odio from the Development Finance Initiative (DFI) provided an update to Council on input received during the June 23rd public meeting to on what the redevelopment of the Town's Morganton Road site should include.

- Proposed Guiding Public Interests:

- Serve as a distinctive entry point to the West Southern Pines Neighborhood and Morganton Road area.
- Allow for greater density of commercial uses along Morganton Road; as the site nears the West Southern Pines neighborhood, transition to lower density uses that align with the residential character of the community.
- Align with the West Southern Pines newneighborhood's revitalization goal to increase economic and physical vitality while preserving the neighborhood's culture and character.
- Include publicly accessible recreational uses curenlty not available in the area.
- Provide pedestrian and bike access to and around the site, and improve connectivity from the West Southern Pines neighborhood to Morganton Road without substantially increasing non-resident traffic.
- Minimize public investment and mazimize private investment.

Councilmember Mitch Lancaster questioned the use of the word "should" in the language and asked if the goals are adopted by Council would they constrain unnecessarily the possible outcomes.

Councilmember Mike Saulnier asked if the goals if adopted would be used as a checklist when asking for proposals.

Sarah Odio explained that DFI will eventually return to the Council with multiple conceptual plans that will, in some way, include all of the guiding public interests to varing degrees for approval. It is then that the Council will have to decide which scenerio to approve.

Ms. Dottie Brower, a local resident who participated in the community meeting, objected to the idea of changing the language any of the guiding points as these points address specifically what the community feels and agreed is missing in this area.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, to endorse the DFI Propsed Guiding Public Interests for the Town's Morganton Road Property.

5. PUBLIC HEARINGS

Action may be taken by Council following the close of any hearing.

Mayor Haney requested anyone who wished to speak to come forward and proceeded to swear them in under oath.

a. AX-02-21: Voluntary Annexation Petition for 465 Petty Street

Town Manager Parsons gave a brief overview of the request. 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 motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for AX-02-21 was opened.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for AX-02-21 was closed.

Councilmember Saulnier moved to adopt an Ordinance approving the Voluntary Annexation request in application AX-02-21 for the property as defined in the submitted written metes and bounds description, and to have the Ordinance effective immediately. Seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, AX-02-21: Voluntary Annexation Petition for 465 Petty Street was approved.

b. CU-01-21: Conditional Use Permit Request for a Monopole at 184 Wooster Road

Town Planner Suzy Russell gave the staff report for CU-01-21. Mr. Ryan Woods of Tower Engineering Professionals has submitted an application on behalf of Carolina Power & Light to construct a new 140 foot-tall monopole tower at the existing Duke Energy substation.

Toby Coleman of 150 Fayetteville Street, Raleigh, NC, attorney for Duke Energy, gave a brief overview of the request. This is a tower going in at a substation that is served by a land line that is no longer providing service for. Duke Energy needs the tower to monitor the line.

David McNeil of 311 Elm Street, Aberdeen, NC, District Manager at Duke Energy provided a more detailed review of the request. The communications tower will be located within the Southern Pines substation. Duke Energy is upgrading it's communication network and this tower will support remote monitoring and control capabilities across the system. Called a Cambien Pole, it will be 140 ft tall and located within the existing substation and used to collect data and control transmision and distribution equipment. The height of the pole is needed to maintain a line of site with other tower structures within the system. The tower will provide essential communication functions following major storms offering a reliable platform to communicate with employees. Duke Energy is making an investment of \$200,000 in tower and network equipment the Southern Pines substation and estimate a completion date of November 1, 2021, weather permitting.

Town Manager Parson asked Mr. McNeil to clarify why Carolina Light & Power is listed on application documents in some places and Duke Energy in others.

Carolina Power & Light was founded 7/13/1908 and in 2000 purchased a power company in Florida (Florida Power) and changed the company name to Progress Energy. Progress Energy then merged with Duke Energy in 2012.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for CU-01-21 was opened.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for CU-01-21 was closed.

Councilmember Saulnier moved to adopt Attachment "A" of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit (CU-01-21), seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the motion was approved.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, Conditional Use Permit CU-01-21 was approved.

6. ACTION ITEMS

a. Consider Approval of Proposed Revisions to Town Code Chapter 50, Water and Sewer Use Ordinance

Town Manager Parsons gave a brief overview of the amendments. As discussed at the June 28 work session, staff has reviewed the current Water and Sewer Use Ordinance and proposes a number of revisions to the existing code. Staff has prepared the first set of amendments, which are largely administrative in nature. Revisions to the backflow ordinance will be presented at a future meeting, to allow for continued discussions and consistency with the surrounding communities who are also reviewing their backflow ordinances.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Amendment to Town Code Chapter 50, Water and Sewer Use Ordinance was approved.

b. Consider Appointment to Historic District Commission: July 13, 2021 to July 12, 2025

Ms. Michaela Harr has applied for appointment to the Historic District Commission. Mayor Haney requests Council approval of this appointment. Terms for the Historic District Commission are four years.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Appointment of Ms. Michaela Harr to the Historic District Commission was approved.

c. Consent Agenda

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

i. AX 03-21: Approve Resolution to Set Public Hearing for Annexation Petition

Town Manager Parsons provided an overview of the request. Robert and Tracy Currie have petitioned the Town for a voluntary annexation of a contiguous +.459-acre parcel, located at

260 Saunders Blvd. Upon receipt of a Certificate of Sufficiency from the Town Clerk, the next step is to adopt a resolution setting a date for a public hearing. The hearing is proposed for August 10.

ii. **RA-02-21: Approve Resolution to Set Public Hearing for Right-of-Way Abandonment**
Town Manager Parsons provided an overview of the request. The Town, in partnership with the Mid-South residential development, proposes to abandon 175 linear feet of an 80' right-of-way for West Michigan Avenue, northwest of the intersection with Pine Street. The hearing is proposed for August 10.

iii. **Approve Minutes**

1. April 7, 2021 Budget Retreat
2. April 26, 2021 Work Session
3. May 24, 2021 Work Session
4. June 2, 2021 Agenda Meeting
5. June 2, 2021 Closed Session
6. June 8, 2021 Business Meeting
7. June 28, 2021 Work Session

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Consent Agenda was approved.

7. PUBLIC COMMENTS

Dot Brower of 102 Eastman Road, Southern Pines spoke positively about the community meetings with Sarah Odio and DFI. Ms. Brower spoke of the efforts of the Southern Pines Land and Housing Trust to purchase the old Southern Pines Elementary and expressed frustration with the Moore County School Boards decisions. Ms. Brower questioned the amount of effort given in support of the Town of Southern Pines in the Trust's efforts to acquire the property and asked for a more vocal demonstration by the town to the school board.

Don Rich of 6 Mechanic Street, Southern Pines questioned why the acquisition of the old Southern Pines Elementary School was not a Town project and asked for support from the Town Council in the efforts of Sandhills Land and Housing Trust to acquire the property.

Arthur Mason of 795 W. New Hampshire Avenue, Southern Pines questioned the Town Council's support of the West Southern Pines community.

Felicia Winfield of 1716 W New York Ave, Southern Pines spoke of her concerns regarding the Moore County School Board, their current dealings with Southern Pines Land and Housing Trust's efforts to purchase the property where the previous Southern Pines Elementary existed and the level of transparency during the negotiations.

Arlisa Turner Berch of 290 S Mechanic Street, Southern Pines spoke of the intended use of property should Southern Pines Land and Housing Trust succeed in purchasing it; the project would help people by giving them the tools to be self sufficient, provide a safe environment and help individual help themselves instead of depending on system.

Oliver Hines of 635 W. Michigan Avenue, Southern Pines addressed the Council and spoke of the false rumors surrounding the Southern Pines Land and Trust plans for the property should they successfully purchase it from the Moore County School Board. Mr. Hines spoke of growing up in the community and it's changing dynamics over the years. Mr. Hines asked the Town Council to support and help the Southern Pines Land Trust in the acquisition of the old Southern Pines Elementary School Property.

Lemuel Dowdy of 245 N. Leak Street, Southern Pines addressed aware of some of the background of the ongoing efforts of Southern Pines Land and Housing Trust to purchase old Southern Pines Elementary property from Moore County School Board. The Trust sent an increased bid last Friday of \$525,000. The current appraisal of the property is \$638,000 and if the offer is not accepted then the process will go to the upset bid process, and that will be the time for Council to help financially if they so agree to.

Mayor Haney asked if the Trust came up with an offer of \$638,000 does Lemuel think it would it be accepted? Mr. Dowdy responded that he was not sure.

Dot Brower added that the Trust had sent an increased bid of \$525,000 to the School Board on Friday and that by Monday Quality homes had sent in bid for \$600,000. Ms. Brower is questioning the timing of Quality Homes increased bid and states that the community is very upset.

Nora Bowman of 740 S. Hill Street, Southern Pines shared that she had attended the Moore County School Board's meeting the previous evening in regards to selling of the old Southern Pines Elementary School property. Ms. Bowman is disappointed in the current proceedings and blames the Town Council for not being a stronger proponet of the Southern Pines Land and Trust's efforts to purchase the property and doesn't feel the Town is protecting West Southern Pines interests.

Kim Wade of 240 S. Stevens Street, Southern Pines asked each council member to state their position on the purchase of the old Southern Pines Elementary School property by the Southern Pines Land Trust and whether or not they would vote to support the Trust financially in the acquisition.

- Mayor Haney supports the purchase of the property by Southern Pines Land and Trust and states that she indicated as much to the Moore County School Board.
- Councilmember Saulnier – supports the efforts of the Southern Pines Land Trust but any financial support would need to be discussed amongst the council before decisions could be made.
- Mayor Pro Tem Murphy – supports the acquisition by Southern Pines Land and Trust.
- Councilmember Lancaster – needs a lot more information from Southern Pines Land and Trust to make a responsible decision.

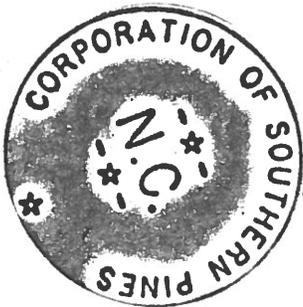
8. ADJOURNMENT

Upon motion by Councilman Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the meeting was adjourned at 8:37 pm.

As so incorporated to these minutes of July 7, 2021 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

Respectfully Submitted,


Elizabeth Robertson, Deputy Town Clerk



**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA
AX-02-21: 465 PETTY STREET**

THAT WHEREAS, the Town Council has been petitioned under G.S. 160A-31 as amended to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-02-21, was scheduled to be held in regular session of the Town Council at the Douglass Community Center at 6:00 P.M. on the 13th day of July, 2021 after due notice by publication on June 27, 2021; and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

WHEREAS, based on the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex the following parcel according to the requirements of G.S. 160A-31:

Lying and being in McNeill Township, Moore County, North Carolina, south of and adjoining a 50' road: BEGINNING at an existing iron pipe, 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.

A map of the area herein described is provided with this Ordinance as Attachment A.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 13th day of July, 2021:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 13th day of July, 2021.

Section 2. Upon and after the 13th day of July, 2021 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

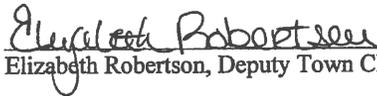
Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

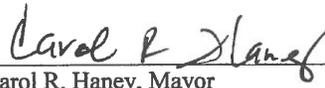
Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 13th day of July, 2021.

ATTEST:

TOWN OF SOUTHERN PINES


Elizabeth Robertson, Deputy Town Clerk


Carol R. Haney, Mayor

APPROVED AS TO FORM:


Douglas R. Gill, Town Attorney

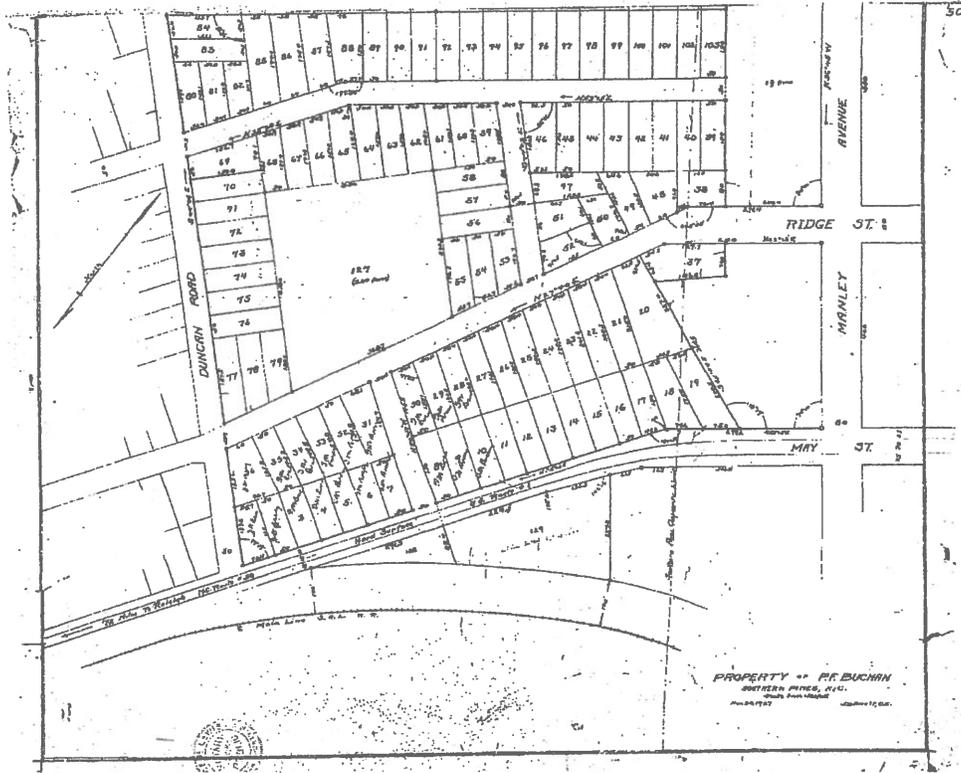
I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on July 13, 2021 as shown in the Minutes of the Town Council for that date.


Elizabeth Robertson, Deputy Town Clerk



ATTACHMENT A

SECTION 1



TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

July 13, 2021

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: CU-01-21

A public hearing regarding the proposed Conditional Use Permit was held on July 13, 2021. The meeting was called to order with four (4) members present with one (1) member absent and the Mayor declared a quorum. The oath was administered to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Mr. David McNeil, district manager for Duke Energy, presented as the petitioner.

Matter at Issue:

CU-01-21 Conditional Use Permit for the installation of a monopole tower; Petitioner: Duke Energy

On behalf of Duke Energy, Mr. Ryan Woods of Tower Engineering Professionals, submitted an application for a Conditional Use Permit for the new construction of a 140', (20' embedded underground), Valmont Class HID direct embedded monopole tower at an existing Duke Energy substation. The purpose of installing this monopole is to upgrade Duke Energy's internal communications to control and run diagnostics on the existing substation located at 184 Wooster Road. The subject parcel is a 1.49-acre parcel located within the Town of Southern Pines extra-territorial jurisdiction (ETJ) and in the Rural Residential (RR) zoning district. The subject property is identified as PIN: 859205196117 (PARID: 00032107). The property owner according to the Moore County tax records is Carolina Power & Light (Duke Energy).

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and reviewed compliance with the applicable sections of the Unified Development Ordinance.

Mr. David McNeil presented the case for the approval of Conditional Use Permit application CU-01-21 (Exhibit B). Mr. McNeil explained that Duke Energy will place a 140' direct embedded communications tower at their existing substation in order to improve reliable communication to support and report monitoring of transmission equipment and to collect data.

Town Council Action:

Therefore, having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing,

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.21.7 and as presented in Attachment A in staff report CU-01-21:

Finding of Fact #1: By a vote of 4-0, with one member absent, the Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Conditional Use Permit approval have met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 4-0, the Town Council finds that the application complies with UDO §2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that:

A. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The Town Council finds that the application CU-01-21 does not deviate from any applicable standards summarized in §3.5.2 *Rural Residential Zoning District Standards* of the Unified Development Ordinance and the applicable supplemental use regulations summarized in §5.23 *Towers and Related Structures* standards of the Unified Development Ordinance

B. The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The Town Council finds that the proposed installation of a new monopole at the existing Duke Energy substation will not affect the character of the neighborhood because the addition of the 140' monopole will not alter the substation overall footprint.

C. Adequate public facilities shall be provided as set forth herein;

The Town Council finds the existing Duke Energy substation is located within the Southern Pines extraterritorial jurisdiction and is not served by TOSP public facilities.

D. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

The Town Council finds that the proposed development will likely not have detrimental impacts on the permitted uses of adjacent properties or impair property values because it is consistent with the existing zoning standards.

E. The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and

The Town Council finds that the installation of the 140' Duke Energy monopole will not have detrimental impacts on the safety, comfort or general welfare because this development will be required to adhere to all site development standards and building standards, including, but not limited to compliance with the building and fire code. The applicant will be required to meet all conditions imposed as well as meet all regulatory measures.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;

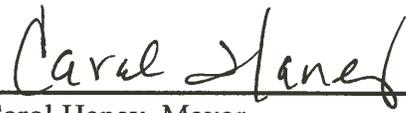
The Town Council finds that the proposed development complies with applicable standards and regulations found within the Town of Southern Pines UDO that are based on the public interest and welfare. Planning staff recommends that the Town Council consider the draft findings following the public hearing and evidence presented therein.

Decision of the Council:

By a vote of 4-0, the Town Council voted to approve the Conditional Use Permit Application CU-01-21 as requested by the applicant.

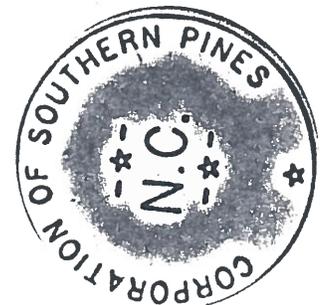
This is the 26th day of July, 2021.

FOR THE TOWN COUNCIL:



Carol Haney, Mayor

Cc: Ryan Woods, Tower Engineering rjwoods@tepgroup.net
Dale Brooks, Duke Energy dale.brooks@nduke-energy.com



**AMENDMENT TO CHAPTER 50, WATER AND SEWER USE,
CODE OF ORDINANCES
FOR THE TOWN OF SOUTHERN PINES**

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled this 13th day of July, 2021 that Chapter 50, Water and Sewer Use of the Code of Ordinances be amended as follows:

1. Revise TITLE V: PUBLIC WORKS § 50.001 DEFINITIONS. by adding the with the following:

OPERATOR IN RESPONSIBLE CHARGE (ORC). The individual designated as the certified operator of record of the system who has primary responsibility for the operation of water distribution, cross-connection control, and wastewater collection systems.

2. Revise TITLE V: PUBLIC WORKS § 50.003 APPLICATION FOR SERVICE by replacing the current Section (B)(7) with the following:

(7) When there is any potential, however remote, for a cross connection to the water system from any source which may be pressurized, hazardous materials, or toxic substances, the ORC may require visual confirmation that the cross-connection potential has been eliminated, or that cross-connection control devices, as specified by the Town, are in place and functional before the water can be turned on. Lawn irrigation systems shall be protected against backflow by a reduced pressure principle backflow prevention device (RPZ), which shall conform to ASSE 1013, AWWA C511, or CSA CAN/CSA 864.3, with a relief opening that discharges by air gap above grade; (see § 50.039, Cross-Connection Control) and/or

3. Revise TITLE V: PUBLIC WORKS § 50.005 RATES, FEES, AND CHARGES by replacing the current Section (B) with the following:

(B) All bills are due and payable upon receipt and are delinquent after the tenth of each month, and the service will be cut off after the twenty-fifth of each month, in accordance with § 50.013. There will be a late charge for all bills delinquent and an additional service charge for reconnection service during normal business hours, or a service charge for reconnection at other than normal business hours (see Appendix). If a customer's history shows no previous cut-offs in the last 12 months, the cut-off fee will be waived and the water not turned off. A customer will not be cut-off for a late fee balance of \$6 or less. A customer who will be out-of- Town may request in writing that his or her water be turned off. When the meter is turned back on, an administrative fee as shown in Appendix A of this Chapter will be charged to the account.

4. Revise TITLE V: PUBLIC WORKS § 50.006 LINES TO BE DEDICATED TO THE TOWN PRIOR TO CONNECTION by replacing the current Section with the following:

§ 50.006 LINES TO BE DEDICATED TO THE TOWN PRIOR TO CONNECTION. No water or sewer lines connected to the Town system will be accepted and maintained by the Town until the lines are dedicated to and become the property of the Town along with a recorded exclusive easement for inspection, maintenance and repair. No connection or extension may be made to the Town water or sewer system except with proper notice to, and approval of, the Town. No connection or extension shall be accepted by the Town unless the connection or extension meets Town standards and the property tied on complies with the Town's subdivision ordinance.

5. Revise TITLE V: PUBLIC WORKS § 50.008 WORK TO BE DONE BY TOWN OR LICENSED UTILITY CONTRACTOR by replacing the current Section with the following:

§ 50.008 WORK TO BE DONE BY TOWN OR LICENSED UTILITY CONTRACTOR.

(A) Upon approval of any application for a sewer or water connection, the Town shall do the excavating, lay the pipe, install a meter where necessary, make the connection to the main, fill the excavation and replace the surface of the street. The construction of the lateral for the connection of sewers or water pipes on any lot with sewer or water pipes in any street, and the necessary excavation therefor shall be done only by the Town.

(B) An exception to this provision may be approved by the Town Engineer and/or ORC where the installation of lines and laterals is done by a developer or his or her agent and where detailed

plans and specifications have been approved by the Town Engineer and/or ORC. The connection work will be subject to inspection by the Town Engineer or his or her agents and shall not be accepted by the Town unless approved by the Town Engineer. All cost of inspection shall be borne by the developer. No work shall commence without prior notification being given to the Town Engineer and/or ORC. All work not done by the Town shall be done by a licensed utility contractor.

(C) In cases where a project requires a licensed utility contractor for work other than making the water or sewer connections, the Town Engineer and/or ORC may require that the water and/or sewer connections be completed by the developer or his or her agent. Detailed plans and specifications shall be approved by the Town Engineer and/or ORC. The connection work will be subject to inspection by the Town Engineer or his or her agents and shall not be accepted by the Town unless approved by the Town Engineer. All cost of inspection shall be borne by the developer. No work shall commence without prior notification being given to the Town Engineer and/or ORC. All work shall be done by a licensed utility contractor.

6. Revise TITLE V: PUBLIC WORKS § 50.009 METER, PIPES, AND OTHER CONNECTION EQUIPMENT TO REMAIN PROPERTY OF TOWN by replacing the current Section with the following:

§ 50.009 METER, PIPES, AND OTHER CONNECTION EQUIPMENT TO BE PROPERTY OF TOWN

All meters, meter boxes, pipes and other equipment furnished and used in installing any water or sewer connection shall be and remain the property of the Town.

7. Revise TITLE V: PUBLIC WORKS § 50.013 COMPLAINTS; ADJUSTMENT by replacing the current Section (A)(3) with the following:

(A)(3) When it becomes necessary for the Town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as listed in Appendix A of this Chapter. All provisions of this division, including the turn-on charge, shall apply to any past due bill not paid by 5:00 p.m. of the last business day before the cut-off day.

8. Revise TITLE V: PUBLIC WORKS § 50.016 WATER SHORTAGE CONSERVATION MEASURES by replacing the current Section (B)(2) with the following:

(B)(2) Class 2: Socially or economically important uses of water.

9. Revise TITLE V: PUBLIC WORKS § 50.035 MANDATORY CONNECTIONS by replacing the current Section with the following:

§ 50.035 MANDATORY CONNECTIONS.

Any new house, lot, or subdivision in the Town limits or extraterritorial jurisdictional limits, whether developed or not, shall be required to provide water to the lot and/or each lot, unless the closest Town distribution pipe to any point on the property, without regard to dwelling location, is further than 300 feet for first dwelling, plus 100 feet, multiplied by the number of additional dwellings, residential, or commercial units planned or future. Only Town Council may waive this requirement.

10. Revise TITLE V: PUBLIC WORKS § 50.038 LIMITS OR PROHIBITIONS FOR POLICE PURPOSES by replacing the current Section with the following:

§ 50.038 LIMITS OR PROHIBITIONS FOR POLICE PURPOSES.

During any period in which an ordinance is in effect limiting or prohibiting certain types of water usage, the limitations shall apply to all users connected to the Town water system. Whoever is found to be violating the limits or prohibitions in effect shall have the water service to the property where the violation took place turned off. The water service shall not be reinstated until payment in full of the reconnection charge listed in Appendix A of this Chapter has been made. The Town Manager is hereby authorized to terminate service completely to any property whose owner repeatedly violates the limits or prohibitions of this section.

11. Revise TITLE V: PUBLIC WORKS § 50.040 WATER SYSTEM DEVELOPMENT FEE by

replacing the current Section (D) with the following:

(D)(1) One hundred percent of the water system development fee shall be paid at the earliest or next occurrence of any one of the following:

- (a) Payment of tap fee; and
- (b) Certificate of occupancy.

(2) Customers requesting to change from a smaller to a larger meter size shall pay the difference between the then current system development fees for the two meter sizes. The current fees shall be as listed in Appendix A of this Chapter at the time of payment for the new meter. Payment of the system development fee shall be made at the same time as payment for the new meter.

12. Revise TITLE V: PUBLIC WORKS § 50.059 MANDATORY CONNECTIONS by replacing the current Section (C)(1) with the following:

(C)(1) It is not in a subdivision and no point on its lot is within 200 feet of a gravity connection pipe;

13. Revise TITLE V: PUBLIC WORKS § 50.059 MANDATORY CONNECTIONS by replacing the current Section (C)(6) with the following and adding (C)(7):

(C)(6) County approved septic system is available and connection to the town's sewer system would require both 200 feet or more of the sewer connection be in wetlands and that installation of a privately owned and operated sewer grinder pump would be required.

(C)(7) Only Town Council may waive the mandatory connection requirements of Section (C).

14. Delete TITLE V: PUBLIC WORKS § 50.060 TOWN MAINTENANCE OF SEPTIC SYSTEMS

15. Revise TITLE V: PUBLIC WORKS §50.066 SEWER SYSTEM DEVELOPMENT FEE by replacing the current Section (C) with the following:

(C)(1) One hundred percent of the water system development fee shall be paid at the earliest or next occurrence of any one of the following:

- (a) Payment of tap fee; and
- (b) Certificate of occupancy.

(2) Customers requesting to change from a smaller to a larger meter size shall pay the difference between the then current system development fees for the two meter sizes. The current fees shall be as listed in Appendix A of this Chapter at the time of payment for the new meter. Payment of the system development fee shall be made at the same time as payment for the new meter.

16. Revise TITLE V: PUBLIC WORKS § 50.083 IN TOWN by replacing the current Section with the following:

§ 50.083 IN TOWN.

(A) Extensions of the water system shall be required when a mandatory connection is required by § 50.036 and water is not available to the property. The cost of the extension shall be at the developer's expense.

(B) Previous agreements for paychecks under the previous ordinance of 1977 Section 20-15 will be honored. No new agreements will be made from the date of this chapter.

(C) The Town will also make water extensions under authority of G.S. Ch. 160A, Art. 10. The extensions may be made following receipt of a petition from abutting property owners, or by action of the Town Council. Assessments levied under this authority may be payable over a period of up to 10 years.

(D) Failing all of the above, extensions may be made upon request to the Town at the applicant's expense.

(E) The Town may require that lines larger than 6 inch diameter or larger than otherwise required to serve the applicant be installed. In such a case, the Town will pay the difference in costs.

17. Revise TITLE V: PUBLIC § 50.084 EXTENSIONS IN EXTRATERRITORIAL ZONING AREA

by replacing the current Section (A) with the following:

(A) The Town Manager is authorized to approve extensions to the Town water system in the Town's extraterritorial zoning jurisdictional area. All costs will be borne by the applicant. Any line extension or subdivision will meet all applicable provisions of this chapter and the Town Subdivision Ordinance including separate meters. When required by the Town Manager, the systems will be dedicated to the Town and the Town will maintain the systems. The Town personnel will be given unrestricted access whether the roads are public or private in such cases.

18. Revise TITLE V: PUBLIC § 50.087 EXTENSIONS BEYOND MUNICIPAL LIMITS by replacing the current Section (C)(1) with the following:

(C) Exceptions to these requirements are as follows:

- (1) Individual single-family residential lots would require a non-contiguous or satellite annexation;

19. Delete TITLE V: PUBLIC WORKS § 50.101 AVAILABILITY Section (D)

20. Revise TITLE V: PUBLIC § 50.102 EXTENSION BEYOND MUNICIPAL LIMITS by renumbering to § 50.103 EXTENSION BEYOND MUNICIPAL LIMITS:

21. Revise TITLE V: PUBLIC § 50.102 EXTENSION BEYOND MUNICIPAL LIMITS with the following:

§ 50.102 IN TOWN.

(A) Extensions of the sewer system shall be required when a mandatory connection is required by § 50.059 and sewer is not available to the property. The cost of the extension shall be at the developer's expense.

(B) The Town will also make sewer extensions under authority of G.S. Ch. 160A, Art. 10. The extensions may be made following receipt of a petition from abutting property owners, or by action of the Town Council. Assessments levied under this authority may be payable over a period of up to 10 years.

(C) Failing all of the above, extensions may be made upon request to the Town at the applicant's expense.

(D) The Town may require that lines larger than 8 inch diameter or larger than otherwise required to serve the applicant be installed. In such a case, the Town will pay the difference in costs.

22. Revise TITLE V: PUBLIC § 50.999 PENALTY by replacing the current Section with the following:

§ 50.999 PENALTY.

(A) It shall be unlawful for any person, firm, or corporation to violate any provision of § 50.016 or § 50.011. Any person may be charged with violation of this section, or policy adopted hereunder, and prosecuted in District Court. Any person so charged and found guilty of violating § 50.016 or § 50.011 shall be guilty of a misdemeanor. The penalty for violation shall be a maximum fine of \$50 per occurrence, or imprisonment for not more than 30 days. Each day's violation shall constitute a separate offense. The imposition of 1 or more penalties for any violation shall not excuse any violation or permit it to continue.

(B) In addition to or in lieu of criminal prosecution in division (A) above, violation of § 50.016 or § 50.011 may subject the violator or customer to a civil penalty of up to \$500 per violation per day for so long as the violation exists. Each day on which a violation occurs or continues shall constitute a separate and distinct violation. In determining the amount of the civil penalty, the Manager shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, efforts to correct the violation, the compliance history of the person against whom the violation is assessed, the cost of enforcement to the Town, whether the violation was willful or intentional and any other factor as justice requires. The Town shall serve a written citation on the violator, and the customer, if different, by personal delivery or by certified or registered mail, return receipt requested. The citation shall describe the violation and shall specify the amount of the civil penalty levied. The civil penalty is collectible in a civil action in the nature of debt. The imposition of 1 or more

penalties for a violation shall not excuse any violation or permit it to continue.

23. Revise TITLE V: PUBLIC WORKS APPENDIX A: RATES, FEES, AND CHARGES § 1. SCHEDULE OF RATES, FEES AND CHARGES by replacing the current Section (C) with the following:

(C) **Connection Charges (Tap Fees and Meter Only Fees).** These fees are subject to increase automatically on October 1 each year, proportional to the annual average increase in the United States Bureau of Labor Statistics, Consumer Price Index for all urban consumers (CPI-U), U.S. city average, detailed expenditure category, for water and sewerage maintenance for the time period between July of the previous calendar year to July of the current calendar year. In all cases, the town will furnish the meter.

TAP AND METER ONLY FEES		
<i>SEWER</i>		
	<i>In Town</i>	<i>Out of Town</i>
4" Connection	\$1,605	\$1,978
6" Connection	\$1,977	\$2,472
Mats/Labor Furnished	\$122	\$309
<i>WATER</i>		
	<i>In Town</i>	<i>Out of Town</i>
3/4" Water Tap	\$1,605	\$1,978
3/4" Split Service	\$740	\$927
3/4" Meter Only (preset)	\$345	\$432
1" Water Tap	\$1,854	\$2,349
1" Meter Only (preset)	\$589	\$686
1 1/2" Water Tap	\$2,779	\$3,521
1 1/2" Meter Only (preset)	\$889	\$1,037
2" Water Tap	\$3,151	\$3,831
2" Meter Only (preset)	\$1,119	\$1,304

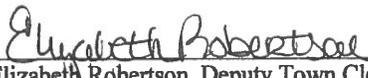
These amendments shall become effective on August 1, 2021.

Adopted this 13th day of July, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of July 13, 2021 as shown in the minutes of the Town Council for that date.

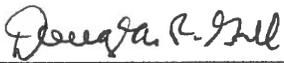
ATTEST:

TOWN OF SOUTHERN PINES


Elizabeth Robertson, Deputy Town Clerk


Carol R. Haney, Mayor

APPROVED AS TO FORM:


Douglas R. Gill, Town Attorney

