



MINUTES

Tuesday, September 14, 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.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the meeting agenda and shared the following comments:

- Town staff has prepared a handout regarding the quasi-judicial hearing process. Copies were available in the meeting room.
- The Town has recently learned that the YMCA has completed their first phase review of the Town-owned property on Morganton Road and have indicated that they are interested in further evaluating the property. The YMCA will now move forward with their financial feasibility study phase. The DFI conceptual plans will be postponed while the Town waits for more details from the YMCA.
- The Town has created a YouTube channel. Future meetings of Council will be livestreamed on the channel and available for review after the fact.

4. ACTION ITEMS

a. Introduce West Southern Pines Community Connectors

Mayor Haney introduced Mary Rocca, Chairperson of the newly formed West Southern Pines Community Connectors. Ms. Rocca introduced the members who were present: Arthur Mason, Pastor Tony Fairley, Dot Brower, Phyllis Dowdy, Austin Vernon, Dr. Shuris Campbell, Nora Bowman, and Chris Thomas.

b. Consider Resolution for Police Officer Christopher Coleman

Officer Christopher Coleman is retiring from the police department after 14 years and has been a law enforcement officer for 23 years total. Staff requests to award Officer Coleman's badge and service sidearm to him, in accordance with NCGS § 20-187.2.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Resolution awarding Police Officer Christopher Coleman his badge and service sidearm to him upon his retirement was approved.

Consider AR-04-21: Architectural Compliance Permit for American Whiskey Kompany

Town Planner Suzy Russel gave an overview of the permit request. Neal Smith Engineering, Inc., on behalf Rickhouse Properties, LLC, requests approval of an architectural compliance permit for the Phase 1, 15,380 square foot building for a mixed-use whiskey distillery located at 175 Yadkin Road. The 3 deviations consist of roof color, metal siding and wainscoting all of which were discussed in detail at the September 8th Agenda Meeting.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, AR-04-21: Architectural Compliance Permit for American Whiskey Kompany was approved

5. HEARINGS

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

a. AX-04-21: Public Hearing for Voluntary Annexation Petition, 1042 SW Broad St.

Ms. Toni Anne Washington has petitioned the Town for a voluntary annexation of a contiguous +2.03-acre parcel.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for AX-04-21 was opened.

Planning Director B.J. Grieve gave a brief overview of the application. No other comments or questions were made.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for AX-04-21 was closed.

Councilmember Saulnier moved to adopt an Ordinance approving the Voluntary Annexation request in application AX-04-21 for the property as defined in the submitted written metes and bounds description, and to have the Ordinance effective immediately. The motion was seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, approving AX-04-21.

b. CU-02-21: Evidentiary Hearing for CUP & Major Subdivision Preliminary Plat, 660 SW Service Rd.

Paramounte Engineering, on behalf of Tams Properties LLC., has applied for a Conditional Use Permit (CUP) for the new construction of a mixed use residential and office development as well as a Major Subdivision Preliminary Plat for single family attached townhomes. The five parcels total 2.085 acres.

Mayor Haney swore in participants and asked Council to make any necessary disclosures.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Evidentiary Hearing for CU-02-21 was opened.

Town Planner Suzy Russell presented the staff report and gave an overview of the application.

Nick Robinson of Bradshaw, Robinson, Slaughter located at 128 Hillsboro Street, Pittsboro, attorney for the applicant gave an overview of the project. Mr. Robinson called the following witnesses:

1. Mike Nichols of Paramounte Engineering at 122 Cinema Drive, Wilmington – Land planner/landscape architect
2. Travis Fluitt of Kimley Horne at 421 Fayetteville Street, Raleigh – Traffic Engineer
3. Elizabeth Giri, Village Appraisers at 270 McCaskill Road, Pinehurst – Appraiser

The following citizens request to speak regarding the hearing:

1. Rose Page of 520 S. Hale Street, Southern Pines expressed her concern regarding the project increasing property value in the area and the ability of the current residents to afford future property tax bills. Ms. Page also spoke of her worries regarding the increase in area traffic.
2. Betty Campbell of 510 S. Hale Street, Southern Pines shared her concern that the project would bring higher taxes and increased traffic to the area.
3. Angela McNeil of 510 S. Hale Street, Southern Pines asked the Council to consider the amount of traffic that would be generated by the project.
4. Nora Bowman of 740 S. Hale Street, Southern Pines asked that the Council take into consideration what she views as the adverse effects this project on the surrounding community. Ms. Bowman also stated she considers the project inconsistent with the current UDO.
5. Arthur Mason of 795 W. New Hampshire Avenue, Southern Pines stated that he was there in support of Ms. Bowman.
6. Felicia Winfield of 1760 W. New York Avenue, Southern Pines stated she does not feel the proposed project meets the UDO requirements. She asks that a continuance be granted, that the developer submit an architectural rendering of the project, and that an environmental study be completed.
7. Adriane DeGarr of 23 Holly Pines Lane, Pinehurst does not feel the project conforms to the character of the neighborhood and is therefore inconsistent with the UDO.
8. Dot Broward of 102 Eastman Road, Southern Pines spoke of the West Southern Pines Community and their struggles.
9. Mary Rocca of 751 W. Pennsylvania Avenue, Southern Pines asked that the council postpone the decision so that the West Southern Pines Community Connectors group can review the project.
10. Oliver Hines of 635 W. Michigan Avenue, Southern Pines shared his concerns regarding the increased traffic and number of new homes in the area.
11. Kim Collins Cottey of 560 S. Valley Road, Southern Pines spoke of the increased traffic and requested that Council postpone their decision on this project.

Mr. Robinson gave his rebuttal of the issues raised by citizens. Mr. Robinson questioned the legality of granting a continuance and asked that a decision be made immediately following the hearing.

Town Counsel Douglas Gill advised that a continuation was permissible.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried

unanimously 4-0, the evidentiary hearing for CU-02-21 was continued to the next regularly scheduled meeting September 27, 2021 at 3:00 pm to be held at the police station.

c. PD-06-21: Legislative Hearing for CDP, 470 NW Broad St.

Koontz Jones Design, on behalf of Riley Walker Development, requests approval of a Planned Development Conceptual Development Plan (CDP) for a three-story mixed-use building.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-06-21: Legislative Hearing for CDP, 470 NW Broad Street was opened.

Bob Koontz of Koontz Jones Design requested a continuance to the November 9, 2021 Council meeting so that the applicant's team could hold neighborhood meeting.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-06-21: Legislative Hearing for CDP, 470 NW Broad Street was continued to the November 9, 2021 Council meeting.

d. PD-07-21: Evidentiary Hearing for PDP, 470 NW Broad St.

Koontz Jones Design, on behalf of Riley Walker Development, requests approval of a Planned Development Preliminary Development Plan (PDP) for a three-story mixed-use building.

Bob Koontz of Koontz Jones Design requested a continuance to the November 9, 2021 Council meeting so that the applicant's team could hold neighborhood meeting.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-07-21: Legislative Hearing for CDP, 470 NW Broad Street was continued to the November 9, 2021 Council meeting.

e. PD-08-21: Legislative Hearing for CDP, Morganton Park South

Koontz Jones Design, on behalf of John Silverman, has applied for a Planned Development District – Conceptual Development Plan (CDP) for Morganton Park South. The applicant proposes a mixed-use development allowing up to 700,000 square feet of retail and/or office space and up to 650 residential dwelling units over nine phases of development on ±98.95 acres on the south side of W. Morganton Rd. between South Henley St. and Patriot Blvd.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-08-21: Legislative Hearing for CDP, Morganton Park South was opened.

Planning Director Grieve gave an overview of the Planned Development District process the proceeded to give the staff report for PD-08-21.

John Silverman of Midland Atlantic, 8044 Montgomery Road 3rd Floor, Cincinnati, OH, thanked the Town staff for their cooperation and professionalism when working with them. Mr. Silverman provided background on his company and presented a PowerPoint with details on the proposed project.

Bob Koontz of Koontz Jones Design, 150 Page Street, Southern Pines, provided further details on the proposed project as well as the history of the project.

The following citizens request to speak regarding the hearing:

- a) Chris Smithson of 920 N. Sailor Street, Southern Pines, with the help of a PowerPoint presentation expressed his concern on some of the mobility and connectivity details of the project and how they differ from the Town's Comprehensive Long-Range Plan. Mr. Silverman and Town Manager Parsons provided responses to some of Mr. Smithson's concerns.
- b) Jennifer Williams of 145 W. Maine Avenue, Southern Pines spoke of her concerns with the traffic this project will create citing the traffic study that was attached to the proposal. Travis Fluit of Kimley Horne discussed plans to alleviate traffic issues. Town Manager Parson shared further details on DOT projects to alleviate traffic issues.
- c) Kim Collins Cottey of 560 S. Valley Road believes the project will create a dangerous amount of traffic and that the project will not benefit the people of Southern Pines, but rather the builders. She encouraged Council to deny the project.
- d) John McInerny of 460 Crest Road, Southern Pines shared that he approved of the project and looked forward to it.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-08-21: Legislative Hearing for CDP, Morganton Park South was closed.

Councilmember Saulnier moved that after reviewing the proposed Conceptual Development Plan and the criteria for consideration of a Conceptual Development Plan, and after considering the comments received at the Town Council's public hearing and the Planning Board's written recommendation the requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the reasons set forth in the written Planning Board Recommendation attached to staff report PD-08-21. Seconded by Mayor Pro Tem Murphy and carried unanimously 4-0.

Councilmember Saulnier made a motion to approve PD-08-21 as set forth in the attachment to staff report PD-08-21 with the condition that the CDP be modified as stated below, and that a final revised copy be provided to the town within 30 days to retain as a public record of the zoning at Morganton Park South as presented in the draft recommendations and as amended by the Planning Director this evening, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0:

1. That no direct access, besides the main parkway collector road as depicted throughout the CDP, be provided to West Morganton Road by development in Phases 3, 4 and/or 9 as depicted on Exhibit VIII of the CDP.
2. That full movement intersections on the parkway collector road be limited to the intersections of Old Morganton Road and Southern Road and the default design of all other accesses to the parkway collector road be right-in, right-out intersections. This default design may be reviewed on a case by case basis at Preliminary Development Plan after a Traffic Impact Analysis is conducted and submitted per the requirements of the UDO.
3. That the 75' right of way cross section for the limited portion of the parkway collector street, as depicted in Exhibit X of the CDP, be modified to show a small raised median acceptable to the Town Engineer and not an 11' turn lane.

4. That the park amenities table in Section 5.5.2 of the Conceptual Development Plan be modified to add shade-providing pergola structures at a rate of one structure per every two benches, or a minimum interval of one structure per 600'.
5. That the landscaping table in Section 5.5.2 of the Conceptual Development Plan be modified to require "One tree per 2,000 square feet, not exceeding a spacing of 50 linear feet" for large trees and small trees.
6. That the landscaping table in Section 5.5.2 of the Conceptual Development Plan be modified to require shrubs at a rate of one shrub per three linear feet adjoining areas of hardscaped park amenities.
7. That the Development Agreement include a provision reflecting the developer's commitment to maintain vegetated medians along the parkway collector road.
8. That Section 5.5.4 of the CDP be modified to require a buffer of no less than 20' in width around the perimeter of Morganton Park South in place of the default buffers required in UDO §4.3.4.
9. That the boundary of the CDP is modified to include the .24-acre portion of land owned by R&T Properties, described as ParID 20070557 and included in the revised metes and bounds description of the CDP boundary submitted to the Town of Southern Pines on September 13, 2021.
10. That Section 5.5.10 of the CDP be modified as depicted in the text shown at the September 14, 2021 public hearing to maintain the .24-acre parcel presently owned by R&T Properties (identified as ParID 20070557) as "pervious" for purposes of future calculations of maximum impervious within the UVHCO for the 4.84-acre parcel presently owned by R&T Properties (identified as ParID 00055645).

f. PD-09-21: Evidentiary Hearing for PDP, Morganton Park South, Phase 1

Koontz Jones Design, on behalf of John Silverman, has applied for a Planned Development District – Preliminary Development Plan (PDP) for Morganton Park South. The applicant proposes a four-lane roadway linking W. Morganton Rd. and US Hwy. 15-501 as well as approximately 221,000 square feet of retail space on approximately ±35.7 acres.

Mayor Haney swore in participants and asked Council to make any necessary disclosures.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Evidentiary Hearing for PD-09-21, Morganton Park South, Phase 1 was opened.

Planning Director Grieve recommended to Council that the hearing be continued to the October 12, 2021 Town Council meeting due to recently received information from NCDOT that needs to be reviewed.

John Silverman of Midland Atlantic, 8044 Montgomery Road 3rd Floor, Cincinnati, OH, agreed to the recommendation by Planning Director Grieve to continue PD-09-21 to October 12, 2021.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Evidentiary Hearing for PD-09-21, Morganton Park South, Phase 1 was continued to the October 12, 2021 Council meeting.

6. CONSENT AGENDA

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

a. AX-05-21: Set Public Hearing for Voluntary Annexation Petition

Pinehurst Medical Group, LLC and Pinehurst Surgical Clinic Realty, LLC have petitioned the Town for a voluntary annexation of two contiguous parcels, totaling ±19.78 acres. The parcels are at 200 and 300 Pavilion Way, between W. Morganton Rd. and S. Carlisle St. The Town Clerk has provided a Certificate of Sufficiency and a public hearing will be scheduled for October 12, 2021.

b. Approve Ordinance to Reduce Speed Limit on Paddock Lane

The Town has received a petition from 25 property owners requesting a reduction of the speed limit on Paddock Lane from 35 MPH to 25 MPH.

c. Approve Resolution to Surplus Library Books and Materials

Staff recommends that Council grant ongoing authority to the Library Director and Purchasing Agent to surplus books and other circulating materials that are no longer usable by the Town.

d. Approve UCA with NCDOT for Project BR-0035 on NC-22 Over Nick's Creek

NCDOT plans to replace the bridge on NC-22 over Nick's Creek. The DOT has forwarded a Utility Engineering and Construction Agreement (UCA) that outlines the Town's financial and other responsibilities.

e. Approve Water Purchase Contract with the Town of Aberdeen to Provide Water to the Shaw Landing Development

The Town of Aberdeen has requested that Southern Pines sell them water at a Master Meter for the purpose of serving the proposed Shaw Landing subdivision located off SW Broad Street.

f. Approve a Waiver of the Requirement to Install Town Sewer to Parcel ID 96000262, 295 N. Bethesda Road

Owners Lisa and Bryan Murphy are requesting a waiver from hooking up to Town Sewer for the purpose of constructing a single-family home. Town Council may provide this waiver per the Code of Ordinances.

g. Approve a Waiver of the Requirement to Install Town Sewer to Parcel ID 00037933, 347 Eastman Road

Owner Ron Jackson is requesting a waiver from hooking up to Town Sewer for the purpose of constructing a single-family home. Town Council may provide this waiver per the Code of Ordinances.

h. Approve Minutes

- i. July 26, 2021 Closed Session
- ii. August 4, 2021 Agenda Meeting
- iii. August 10, 2021 Business Meeting

iv. August 23, 2021 Work Session

i. **Open Minutes from July 26, 2021 for Public Inspection**

Under NCGS § 143-318.10(e), Council may withhold minutes from a closed session so long as public inspection would frustrate the purpose of a closed session. The subject matter of legal advice from the Town Attorney for which the Closed session was held on July 26th is no longer pertinent to any pending items before the Town Council.

j. **Approve Ordinance Amending Chapter 50, Appendix A of the Town Code of Ordinances**

In October of each year, the water and sewer tap fees are subject to an automatic price increase based on the Consumer Price Index for all urban customers (CPI-U) for water and sewerage maintenance. The rate adjustment effective October 1, 2021 for water and sewer taps is 3.4%.

Upon motion by Councilmember Pate, seconded by Councilmember Saulnier and carried unanimously 4-0, the Consent Agenda was approved.

7. PUBLIC COMMENTS

- a) Suzanne Coleman asked for clarification on the differences between quasi-judicial and legislative hearings and the ex-parte communication rules. Town Manager Parsons confirmed that anything to do with the legislative hearings could be discussed outside of the hearing however, the quasi-judicial hearing process that governed the evening's evidentiary hearings prohibits any outside discussion or communication.
- b) Chris Smithson of 920 N. Sailor Street, Southern Pines, also questioned the practice of having a quasi-judicial hearing and a legislative hearing for one subject on the same night. Town Manager Parsons explained that the applications for a CDP and PDP are not usually processed simultaneously. He added that the Town is implementing recently adopted NCGS requirements for quasi-judicial hearings.

Mr. Smithson reminded Council that the Town required the Arboretum development to connect to the Town's sewer system at Eastman Road when they designed it. Town Manager Parsons clarified that the sewer waiver granted is for a single residential property and would not have served any of the other lots in the area.

Mr. Smithson shared concerns about speeding on Pennsylvania Avenue and recommends that the speed be lowered to 20mph.

- c) Donald Avery Rich Sr. of 680 Mechanic Street, Southern Pines spoke to Council of his upbringing in West Southern Pines as well as his service experience in the US Navy.

8. ADJOURNMENT

Upon motion by Councilman Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the meeting was adjourned at 11:49 pm.

As so incorporated to these minutes of September 14, 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

