AGENDA

Regular Business Meeting of the Southern Pines Town Council
January 12, 2016, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

Call To Order

Pledge of Allegiance

1. Manager's Comments

2. Consent Agenda

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

A. Adopt Worksession Minutes of November 23, 2015, Agenda Meeting Minutes of December 2, 2015 and Regular Business Meeting Minutes of December, 8, 2015 as written.

B. Budget Amendments

		Line Item	Code	Increase
-	General Fund	Donations – Fire	10-362-0000	$ 500.00
-	Fire	Departmental Supplies	10-530-3300	$ 500.00
-	General Fund	Fund Balance Appropriations	10-397-1000	$26,200.00
-	Planning	Contractual Services	10-540-4500	$26,200.00

C. Demolition Ordinances

- 281 South Henley Street
- 385 South Henley Street
- 792 West New York Avenue

D. Board Appointments

- Planning Board
  John McLaughlin 01/12/2016 – 01/12/2019

- Firefighter Relief Board
  Chris Smithson 01/12/2016 – 01/12/2018

- Library Advisory Board
  Alicia Brinton 01/01/2016 – 12/31/2018
  Jeff Hutchins 01/01/2016 – 12/31/2018

E. Resolution for Boys and Girls Club Agreement

F. Amendments to the Town of Southern Pines Code of Ordinances

3. Architectural Reviews

A. **AR-10-15 Overton Body Shop; 180 Short Street; SBS Sandhills Building Systems Inc.**
On behalf of Overton Body Shop, the petitioner Chris Cleaveland of SBS Sandhills Building Systems Inc. has submitted an application requesting Architectural Review approval for a new commercial structure located at 180 Short Street to serve as the collision care shop for Overton Body Shop. The proposed structure will be 7,700 square feet. The property is identified by the following: PIN: 857110455473 (PARID: 00048142). Per the Moore County Tax records, the property owner(s) are listed as Overton Body Shop.

B. **AR-14-15 St. Joseph of the Pines – Belle Meade; Coventry Addition & Clubhouse Renovation; 105 Gossman Drive; Architects Plus**
On behalf of Architects Plus, the petitioner Mr. James Knappenberger has submitted an application requesting Architectural Review approval for a commercial addition to the Coventry building and the addition of two (2) trellis features and one (1) gazebo to the clubhouse patio. The proposed expansion of the Coventry structure will be 6,190 square feet. The property is located at 105 Gossman Drive and is identified by the following: PIN: 858315743819 (PARID: 00040807). Per the Moore County Tax records, the property owner(s) are listed as St. Joseph of the Pines Inc.

4. 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.*

MINUTES
Worksession Meeting of the Southern Pines Town Council
November 23, 2015, 3:00 pm, C. Michael Haney Community Room, Southern Pines Police Department
450 W. Pennsylvania Avenue

Present: Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Jim Simeon and Councilwoman Teresa VanCamp

Absent: None

1. **Discussion of Sunrise Theater Proposed Performance Stage Renderings and Location; Petitioner, Sunrise Theater – Planning Staff**

Robert Anderson, Herb Cameron, Sundi McLaughlin and Jessica Harrelson were present to discuss the proposed Sunrise Theatre stage project. Mr. Anderson presented a slide show with pictures and renderings of the proposed new outdoor stage and greenspace next to the existing theater. Mr. Anderson stated they are seeking approval from Council to move forward with the concept plans.

Discussion ensued.

Town Manager Parsons commented they are here today presenting the plans to get an okay from Council to move forward with the project.

Discussion ensued regarding the building materials and overall look of the proposed stage.

Town Manager Parsons inquired if Mr. Anderson had spoken to Fire Marshal John Stone to verify that all of the renderings meet code.

Herb Cameron stated he has discussed this issue with Fire Marshal John Stone and they were told what materials would be acceptable with the code requirements.

Mayor McNeill inquired if the proposed stage is the same size as the stage the Sunrise Theater rented for their First Friday events.

Mr. Anderson responded in the affirmative.

Mayor McNeill stated The Sunrise Theater will continue with plans for the proposed stage.

2. **Discussion Regarding Homeless Shelter Establishments in Southern Pines – Town Council and Planning Board**

Mayor McNeill explained the continuation of this discussion. Mayor McNeill stated if this request is approved, staff recommends that it be added as a Conditional Use item in the General Use Classification section.

Planning Director Bart Nuckols gave an overview of the proposed Homeless Shelter criteria that has been presented to the Planning Board and Town Council.

Mayor Pro Tem Fields asked Planning Director Nuckols how the Town would impose supplementary standards to be included as requirements with the CUP.

Planning Director Nuckols listed the steps the applicant would have to complete to meet specified minimal criteria that Council may want to establish that would have to be met before the request could move forward with staff.

Discussion ensued.

Councilwoman VanCamp inquired how the homeless shelter would be monitored if specified criteria are required.

Senior Planner Kennedy explained the process of the applicant being responsible to adhere to the requirements if imposed. Mr. Kennedy stated if Town staff learns the agreed requirements are not being met, staff can revoke the permit.

Mike Martin of the Planning Board asked if this would be limited to only Southern Pines residents or would it extend to Moore County residents as well. Mr. Martin inquired if Mr. Healy was asking for a specific radius for acceptable participants.

Senior Town Planner Kennedy stated the region of service has not been established at this time.

Jim Curlee of the Planning Board stated at the time of the original presentation with the Planning Board, there was not enough information being displayed for him to agree to the request. Mr. Curlee commented there needs to be more details about the proposed plan of operations for the facility as well as the criteria for intake, what the participants would be doing during the day, how would they receive transportation, etc.

Discussion ensued.

Mayor McNeill stated this public hearing will continue to be open and will be further discussed at the next Regular Business Meeting in December to allow staff to gather more information on this item.

Council recessed at 4:35 p.m.

Council reconvened at 4:42 p.m.

3. Discussion Regarding Potential of Rezoning Property from RS-1 to NB; 1650 W. New York Avenue (American Legion Post #177) – Fenton Wilkinson

Town Manager Parsons gave a brief overview of the item.

Jean Mason, Adjutant of the American Legion Post #177 Lodge stated up until a couple of years ago, the Lodge was zoned for business. Mr. Mason explained the past history of the Legion Post and how they host yard sales, etc. to help fund the people and youth in need. Mr. Mason stated by not currently having the business zoning is hindering their ability to host the yard sales, etc. which is their main source of fund raising.

Town Manager Parsons commented the rezoning of that property took place several years ago with the adoption of the UDO in 1989. Mr. Parsons stated this action deferred the rezoning of the property back to residential because the Legion was not actively utilizing the property at the time. Mr. Parsons stated it is his understanding that the purpose of this rezoning request is a desire to obtain an ALE permit in Raleigh, an if this is the case; this would bring into issue a number of other items of concern.

Discussion ensued.

Mayor Pro Tem Fields stated the requestors need to narrower their request which would allow the uses to be more specified and can be more easily understood.

4. Discussion Regarding Potential Development of US 1 Parcel (MLC Automotive Land) – Bob Koontz

Bob Koontz provided an overview and presentation of the proposed potential development of US 1 parcel.

Discussion ensued.

Mayor McNeill stated Mr. Koontz would move forward on plans for the proposed project and will work with Planning staff and the Planning Board for additional review.

5. Review of Revised Elevations for AR-07-15 Multi-Tenant Retail/Commercial Structure; 10677 US HWY 15-501; Petitioner, InSite Real Estate Investment Properties, LLC – Planning Staff

Senior Town Planner Kennedy gave a brief overview of this item with revised elevations of the proposed multi-tenant facility template as suggested by staff.

Discussion ensued.

Mayor McNeill stated this item would be formally considered at the December 8th Council Meeting.

6. Request for Adoption of CU-01-15; Written Decision and Conditional Use Permit for Major Subdivision between Midlothian Drive and Clark Street; Petitioner, Jo-an DeSell

Senior Town Planner Kennedy gave a brief overview of CU-01-15 and explained the conditional use permit request process.

Mayor Pro Tem Fields stated he moves to accept CU-01-15 as written and prepared by Town staff. This motion was seconded by Councilmember Walden and was carried unanimously 5-0 to accept.

7. Offer for Town Parcels Discussion – Hector Commercial Real Estate Services, LLC

Town Manager Parsons explained the official offer from Hector Commercial Real Estate Services, LLC to purchase two Town parcels in the amount of $75,000. Town Manager Parsons explained the upset bid process that will take place if this is approved.

Mayor Pro Tem Fields stated this is a fair offer and he moves to approve to accept the offer to purchase parcel number 00032829 and 00032830 for $75,000 contingent on the required deposit of $3,750 being received. This motion was seconded by Councilmember Simeon and carried unanimously 5-0 to accept.

Town Manager Parsons stated there will be no Worksession Meeting for the month of December.

As so incorporated to these minutes of November 23, 2015 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as if fully set out in the minutes.

There being no further business the meeting adjourned at 5:49 p.m.

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Peggy K. Smith
Town Clerk

Minutes

Agenda Meeting of the Southern Pines Town Council
December 2, 2015, 7:00 PM, C. Michael Haney Community Room,
Southern Pines Police Department, 450 West Pennsylvania Avenue

Present: Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Jim Simeon, Councilwoman Teresa VanCamp

Absent: None

Call to Order

1. Manager's Comments

Town Manager Parsons stated the swearing in of the re-elected Councilmembers listed as item 2.B will become item 3 and all other items will follow in accordance. Mr. Parsons stated the only item on the consent agenda will be the acceptance of the minutes as written.

Town Manager Parsons stated item AR-09-15 has been requested by the petitioner to be removed from the Agenda at this time and they will follow up at a later date.

Town Manager Parsons stated Sandhills Community College is requesting to add the Palmer Trades Building; 3395 Airport Road; of Sandhills Community College to the agenda.

Doug Smith, Facilities Director at Sandhills Community College and Brian Goodwin, Contractor from Sanford were present to discuss their request to construct a proposed industrial building of 4,800 square feet on the campus of Sandhills Community College.

Discussion ensued regarding building materials, color, size, landscaping, screening, windows, etc.

Planning Director Bart Nuckols asked Mr. Smith and Mr. Goodwin to return with more detailed renderings of the building to include suggested building design, narrative criteria, landscaping and screening details.

Mayor McNeill stated Council would request that the petitioner provide the suggested items to Mr. Nuckols prior to the December 8th Council meeting in order to move forward with this request.

Town Manager Parsons stated upon Planning Director Nuckols receiving the suggested materials, this item will be assigned an Architectural Review Number to move forward.

2. Consent Agenda

A. Adopt Worksession Minutes of October 26, 2015, Agenda Meeting Minutes of November 4, 2015 and Regular Business Meeting Minutes of November 10, 2015 as written.

Corrections to the minutes were noted by the Clerk.

3. Swearing In of Re-Elected Councilmembers

4. Architectural Reviews

A. **AR-07-15 Multi-Tenant Retail/Commercial Structure; 10677 US HWY 15-501; Petitioner, InSite Real Estate Investment Properties, LLC**

On behalf of InSite Real Estate Investment Properties, LLC, the petitioner Mr. Eric Uebelhor has submitted an application requesting Architectural Review approval for a new commercial structure located on the existing site of the Moore County Chamber of Commerce building at 10677 US Highway 15-501. The proposed project is a new construction for a retail/commercial in-line shop center. The proposed structure will be 7,600 square feet. The property is identified by the following: PIN: 857110366187 (PARID: 00055103). Per the Moore County Tax records, the property owner(s) are listed as Sandhills Area Chamber of Commerce.

Town Manager Parsons stated this item will move forward with no concerns voiced.

B. **AR-11-15 Almony Office Building; 160 Turnberry Way; Bowness Custom Homes**
On behalf of Bowness Custom Homes, the petitioner Mr. Alex Bowness has submitted an application requesting Architectural Review approval for a new commercial structure located at 160 Turnberry Way. The proposed structure will be 6,440 square feet. The property is identified by the following: PIN: 857105091757 (PARID: 00031626). Per the Moore County Tax records, the property owner(s) are listed as R. Alexander Bowness.

Mr. Bowness provided an overview of site plans and renderings of the proposed structures.

Mayor Pro Tem Fields inquired why the petitioner is requesting a waiver for the brick to be used in the structures.

Mr. Bowness stated that currently there are only three buildings located on the site that are constructed of brick with the majority of the buildings being wood sided. Mr. Bowness commented that less brick would be more consistent with the existing structures.

Mayor Pro Tem Fields stated per the Town Ordinance requirements; the brick would be criteria that must be met.

Mr. Bowness stated the foundation would be brick.

General discussion ensued regarding the aesthetics of the structures and the building materials.

Mayor McNeill stated this item will be formally considered at the December 8th Council Meeting.

5. Public Hearings

A. Z-03-15; Request to Rezone Property from RR to RS-2; 00040911; Petitioner, BC Prime Inc.
On behalf of BC Prime, Inc., the petitioners Mr. Brandon Brown and Mr. Scott Clark are requesting to rezone property adjacent to Hyland Golf Club off of US Highway 1 and Tella Drive. The request is to rezone the parcel from RR (Rural Residential) to RS-2 (Residential Single-Family – 2) for the purpose of constructing thirty-six (36) single-family detached dwelling units. Per Section 2.20 Major Subdivisions of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. Therefore, in addition to the rezoning request the project will require an approval of a Conditional Use Permit. As a matter of procedure, the rezoning must be approved prior to the Conditional Use Permit. The subject property is comprised of 22.369 acres and is located in the ETJ (Extraterritorial Jurisdiction) of the Town of Southern Pines.

Planning Director Nuckols gave an overview of the item. Mr. Nuckols stated the Fire Department is currently reviewing this request.

Mayor McNeill commented that the one access to this number of proposed properties does cause concern for traffic issues.

Discussion ensued regarding accessibility and flow of traffic.

Councilmember Simeon stated he has made a site viewing and he has concerns of safety issues with the proposed requests as well as emergency vehicle's accessibility.

B. CU-02-15; Conditional Use Permit for Major Subdivision; Single Family Detached Dwellings; 00040911; Petitioner, BC Prime Inc.
On behalf of BC Prime, Inc., the petitioners Mr. Brandon Brown and Mr. Scott Clark are requesting a Conditional Use Permit (CU-02-15) for Major Subdivision approval to construct thirty-six (36) single-family detached dwelling units adjacent to Hyland Golf Club off of US Highway 1 and Tella Drive. Per Section 2.20 Major Subdivisions of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit; the proposed development will require a CUP. The subject property is comprised of 22.369 acres and is located in the ETJ (Extraterritorial Jurisdiction) of the Town of Southern Pines. The subject property is currently zoned RR (Rural Residential) but the petitioner is seeking to rezone the property to RS-2 (Residential Single Family – 2) as part of the development request.

C. OA-04-15; Ordinance Amendment to the UDO to Include Emergency Shelters (Homeless Shelter Establishments); Petitioner, JEM Foundation

On behalf of the JEM Foundation the petitioner, Mr. Fritz Healy, would like to present an ordinance amendment for the consideration of the Town Council. Mr. Healy would like to amend the UDO to allow for Homeless Shelter establishments to be included into the Table of Authorized Uses in the Town of Southern Pines Unified Development Ordinance (UDO).

Town Manager Parsons stated this is a continuation of item OA-04-15 and gave a brief overview of why this item has been continued.

Town Planning Director Nuckols provided information regarding the use code and the proposed new code for homeless shelters. Mr. Nuckols explained the specific conditions that the requestor would have to meet at a minimum if approved. Mr. Nuckols stated these standards were taken from the current code that is consistent with other similar types of uses that utilize these separation distance standards. Mr. Nuckols also explained the suggested criteria as items A-I that would be required to allow the application to move forward. Mr. Nuckols stated after consulting with Town Attorney Doug Gill, it has been suggested that Council has several options; #1- to deny the current request of a text amendment that would allow homeless shelters in GB as a permitted use, have a public hearing, close the public hearing, and then follow by making a decision; #2- suggests the applicant amend their original request between now and Tuesday night with the suggested standards or standards Council may deem fitting, for this particular location, hold the public hearing, close the public hearing, and make a decision; #3- to continue the hearing for another thirty days and wait for the applicant to amend their application as suggested, if they chose to do so.

Town Planning Director Nuckols commented he is in the process of contacting several other towns and jurisdictions with homeless shelters to gather more information on their ordinances and codes for these operations.

Town Manager Parsons inquired from Town Attorney Doug Gill the legal notification process of this issue, with respect to the procedure, for establishing a base for the applicant to agree to the suggested criteria.

Town Attorney Doug Gill stated the applicant only needs to agree to the stated criteria or conditional uses and amend their original request.

Discussion ensued.

Mayor McNeill stated this item will move forward to the regular business meeting upon the amended request of the applicant.

As so incorporated to these minutes of December 2, 2015 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 8:10 p.m.

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Peggy K. Smith
Town Clerk

Minutes

Regular Business Meeting of the Southern Pines Town Council
December 8, 2015, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

Present: Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Jim Simeon, Councilwoman Teresa VanCamp

Absent: None

Call To Order

Pledge of Allegiance

1. Acceptance of the Certification of Election

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0 the Certified Municipal Election of November 2015 was accepted.

2. Administering the Oath of Office

The Oath of Office was administered to Mayor W. David McNeill, Jr. by Town Clerk Peggy K. Smith.

The Oath of Office was administered to Councilmember Fred Walden by Town Clerk Peggy K. Smith.

The Oath of Office was administered to Councilmember Jim Simeon by Town Clerk Peggy K. Smith.

3. Organization of the Council

A. Mayor Pro-Tem

Upon motion by Councilmember Walden and carried unanimously 5-0, Mike Fields was re-appointed Mayor Pro Tem.

B. Treasurer

Upon motion by Councilmember Simeon and carried unanimously 5-0, Fred Walden was re-appointed Treasurer.

C. Partners in Progress Appointee

Upon motion by Mayor Pro Tem Fields and carried unanimously 5-0, the Partners in Progress Appointee is Mayor W. David McNeill, Jr.

3. Manager's Comments

Town Manager Reagan Parsons gave an overview of the proposed consent agenda and reminded the general public that there is no scheduled Council Work Session Meeting for the month of December 2015 due to the upcoming holidays.

5. Consent Agenda

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

A. Adopt Work Session Meeting Minutes of October 26, 2015, Agenda Meeting Minutes of November 4, 2015 and Regular Business Meeting Minutes of November 10, 2015 as written.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0, the consent agenda was approved.

6. Architectural Reviews

A. <u>AR-07-15 Multi-Tenant Retail/Commercial Structure; 10677 US HWY 15-501; Petitioner, InSite Real Estate Investment Properties, LLC</u>

On behalf of InSite Real Estate Investment Properties, LLC, the petitioner Mr. Eric Uebelhor has submitted an application requesting Architectural Review approval for a new commercial structure located on the existing site of the Moore County Chamber of Commerce building at 10677 US Highway 15-501. The proposed project is a new construction for a retail/commercial in-line shop center. The proposed structure will be 7,600 square feet. The property is identified by the following: PIN: 857110366187 (PARID: 00055103). Per the Moore County Tax records, the property owner(s) are listed as Sandhills Area Chamber of Commerce.

Senior Town Planner Chris Kennedy gave a brief overview of item AR-07-15. Mr. Kennedy stated the petitioner has requested a waiver, but the intent of the submitted renderings of the design does meet the code.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0, AR-07—15 Multi-Tenant Retail/Commercial Structure; 10677 US HWY 15/501 was approved.

Mayor McNeill stated that Planning Director Nuckols and Senior Planner Kennedy are continuing to work with the petitioner in the development of the site plans for this item.

Mayor McNeill asked Mayor Pro Tem Fields if he would accept a friendly amendment to request that the applicant continue to work with Town staff in retaining as much of the landscaping as possible with practicality due to the location being in the highway overlay district.

Mayor Pro Tem Fields stated he makes the motion to accept the friendly amendment, which was seconded by Councilmember Walden and carried unanimously 5-0; AR-07-15 was approved with the friendly amendment.

B. <u>AR-11-15 Almony Office Building; 160 Turnberry Way; Bowness Custom Homes</u>

On behalf of Bowness Custom Homes, the petitioner Mr. Alex Bowness has submitted an application requesting Architectural Review approval for a new commercial structure located at 160 Turnberry Way. The proposed structure will be 6,440 square feet. The property is identified by the following: PIN: 857105091757 (PARID: 00031626). Per the Moore County Tax records, the property owner(s) are listed as R. Alexander Bowness.

Senior Town Planner Kennedy gave an overview of AR-11-15. Mr. Kennedy stated the petitioner is requesting several waivers as listed: #1 – the facing of the street of higher order, and #2 – they are not proposing any brick on this structure except for the brick foundation. Mr. Kennedy stated given the choice of materials and the past integrity of Turnberry Woods as developed, these requests do meet the criteria for equal durable material as accepted by Council.

Mayor McNeill stated this item has been reviewed in detail at the previous agenda meeting.

Upon motion by Councilmember Walden, seconded by Mayor Pro Tem Fields and carried unanimously 5-0, AR-11-15 of 160 Turnberry Way was approved.

C. <u>AR-13-15 Palmer Trades Center Annex Building; 3395 Airport Road; Sandhills Community College</u>

On behalf of Sandhills Community College, the petitioner Mr. Doug Smith has submitted an application requesting Architectural Review approval for a new commercial structure located within the current Sandhills Community College campus. The proposed structure, designated as the Palmer Trades Center Annex, will be 4,800 square feet. The property is identified by the following: PIN: 857312859168 (PARID: 00991683). Per the Moore County Tax records, the property owner(s) are listed as Moore County Community College.

Planning Director Bart Nuckols gave an overview of AR-13-15 the Palmer Trade Center Annex Building located on 3395 Airport Road at Sandhills Community College with an Arial map of the proposed site and the existing building. Director Nuckols addressed the current screening of the property and the proposed landscaping and screening to be installed if approved.

Discussion ensued regarding adequate screening, landscaping and building materials.

Mayor Pro Tem Fields stated he moves to approve AR-13-15 the Palmer Trades Center Annex Building with additional screening of an opaque quality either immediately adjacent to the building or at the end of the parking lot that is located closest to Airport Road and the petitioner continue to work with the Town Horticulturalist to ensure that it meets the spirit of the ordinance. This motion was seconded by Councilmember Walden and carried unanimously 5-0 to approve AR-13-15.

7. Public Hearings

A. <u>Z-03-15; Request to Rezone Property from RR to RS-2; 00040911; Petitioner, BC Prime Inc.</u>
On behalf of BC Prime, Inc., the petitioners Mr. Brandon Brown and Mr. Scott Clark are requesting to rezone property adjacent to Hyland Golf Club off of US Highway 1 and Tella Drive. The request is to rezone the parcel from RR (Rural Residential) to RS-2 (Residential Single-Family – 2) for the purpose of constructing thirty-six (36) single-family detached dwelling units. Per Section 2.20 Major Subdivisions of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. Therefore, in addition to the rezoning request the project will require an approval of a Conditional Use Permit. As a matter of procedure, the rezoning must be approved prior to the Conditional Use Permit. The subject property is comprised of 22.369 acres and is located in the ETJ (Extraterritorial Jurisdiction) of the Town of Southern Pines.

Senior Planner Kennedy gave an overview of Z-03-15 with the site map of the parcel and existing Skyline neighborhood.

Councilwoman VanCamp expressed concern regarding access to the proposed property and asked Mr. Kennedy to explain where and how the access would be incorporated.

Senior Planner Kennedy referred to the map for the current and proposed rendered access to the property.

General discussion ensued regarding ingress and egress to the property and the RULAC study information.

Mayor McNeill opened the public hearing for Z-03-15.

Brandon Brown of BC Prime explained their request to rezone the property from RR to RS-2 which would go from ¾ of an acre to about ½ of an acre in keeping consistent with the existing neighborhood.

Larry Harward of 171 Horseshoe Drive, Southern Pines stated this request to rezone this property is not consistent with the existing neighborhood. Mr. Harward commented the existing homes are spread out in a more rural type setting unlike the proposed, more condensed urban style parcels. Mr. Harward expressed his concerns regarding traffic of the proposed one entrance in and out of the seventy-three existing homes plus the added proposed 48 homes that could potentially be developed. Mr. Harward commented this one entrance proposal will not be in keeping with the character of the neighborhood.

Sam Thomas of 145 Skyline Manor, Southern Pines stated he resides in the first house on Skyline Manor for the past two years and he purchased the property because of the rural atmosphere there. Mr. Thomas stated he has concerns with emergency vehicles maneuvering in the existing entrance and the proposed 36 more homes would dangerously congest the neighborhood. Mr. Thomas stated he also has concerns regarding the storm run-off water from the adjacent golf course and a wastewater treatment run-off that will most likely contaminate the well water. Mr. Thomas commented that quality of life is important especially when you may have several hundred cars funneling through the neighborhood daily and this should be considered in this decision.

Joan Smith of 161 Lakeview Drive, Southern Pines stated she resides on an inclining hill and has had several mailboxes hit by vehicles, which makes this area a little dangerous. Ms. Smith stated she is requesting that another speed limit sign be installed in Skyline because the one existing sign may not be visible to everyone. Ms. Smith commented that if this is approved, she is requesting the proposed development have its own access entrance.

Dan Willson of 927 Summerhill Church Road, Carthage stated his concerns are regarding the wetlands on the property. Mr. Wills stated the property formerly belonged to his family and it has taken years for the pine trees to grow and the trees assist with the erosion of the property and should not be cut down.

Henry Goodson of 150 Horseshoe Drive, Southern Pines stated he takes great pleasure in living in this neighborhood and he is opposed to the zoning being requested at this point. Mr. Goodson commented the choke access is a maze now and any added congestion would be added stress on the community. Mr. Goodson stated the size of the lots here is what attracts the rural people that desire the space.

Terry Weaver of 161 Horseshoe Drive, Southern Pines stated that when they originally purchased his property, it was not R-2 and later on the County deemed them R-2. Mr. Goodson stated reducing the lot size will dramatically increase the density of this neighborhood.

John Reidelbach of 151 Tella Drive, Southern Pines stated he bought his home for the larger lot size after active duty military service as well as other military serviceman, and if this is approved, he will definitely relocate.

Vicky Beatty of 153 Tella Drive, Southern Pines stated she and her husband have resided here for 23 years and they have witnessed a lot of growth of this area. Ms. Beatty commented they purchased this property because of the larger lot sizes to raise a family and she does not approve of this request.

Laura Hile of 152 Tella Drive, Southern Pines stated they bought this property because of the bigger lots and want to keep it as it is for safety concerns and the rural feel of the community.

Jan Goodson of 150 Horseshoe Drive, Southern Pines stated she is a wildlife biologist and red cockheaded woodpeckers are her expertise. Ms. Goodson explained there is an inactive cluster of the woodpeckers in this area and they could become active again at any time because she has personally seen the woodpeckers on her property as well as this proposed property. Ms. Goodson stated a study should be conducted to officially address the woodpeckers in the area as well as the wetland issues.

Scott Clark of BC Prime in Raleigh gave an overview of their proposed easement, access roadway and proposed development of 54 home sites. Mr. Clark indicated that there is already a 20 foot easement for emergency access only out to US1. Mr. Clark also stated that not every lot will be 20,000 square feet and many will be greater than .5 acres. Mr. Clark commented that the proposed lots will look and feel like the existing developed lots and the woodpecker concerns should not prevent them from rezoning.

Discussion ensued.

Upon motion by Councilmember Walden, seconded by Councilmember Simeon and carried unanimously 5-0 the public hearing for Z-03-15 was closed.

Mayor Pro Tem Fields stated he appreciates all the public comments. Mr. Fields stated he has researched this request with the policies of the UDO and Future Land Use Map and come to the conclusion that low density residential is not an appropriate rezoning and he is not in favor with this request.

Councilmember Simeon stated he still has valid concerns regarding the safety issues of the one entrance.

Councilwoman VanCamp commented she is in agreement with the concerns and stated she is not convinced that this request will not negatively impact the existing community.

Councilmember Walden stated this request is not compatible with the existing neighborhood and the adjacent development. Mr. Walden expressed he has safety concerns with the traffic as well.

Mayor Pro Tem Fields voiced concern about some of the sprawl taking place in the rural areas where a lot of subdivisions are being developed. Mr. Fields stated we have to preserve our rural areas and greenbelt areas in the County.

Mayor Pro Tem Fields stated he moves that the proposed rezoning amendment is not consistent with the documents that constitute the officially adopted land development plan of Southern Pines and therefore he moves to deny Z-03-15. This motion was seconded by Councilmember Simeon and carried unanimously 5-0 to deny.

Item CU-02-15 was not considered because Z-03-15 request to rezone was not approved.

Council recessed at 8:42 p.m.

Council reconvened at 8:53 p.m.

B. CU-02-15: Conditional Use Permit for Major Subdivision; Single Family Detached Dwellings; 00040911; Petitioner, BC Prime Inc.

On behalf of BC Prime, Inc., the petitioners Mr. Brandon Brown and Mr. Scott Clark are requesting a Conditional Use Permit (CU-02-15) for Major Subdivision approval to construct thirty-six (36) single-family detached dwelling units adjacent to Hyland Golf Club off of US Highway 1 and Tella Drive. Per Section 2.20 Major Subdivisions of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit; the proposed development will require a CUP. The subject property is comprised of 22.369 acres and is located in the ETJ (Extraterritorial Jurisdiction) of the Town of Southern Pines. The subject property is currently zoned RR (Rural Residential) but the petitioner is seeking to rezone the property to RS-2 (Residential Single Family – 2) as part of the development request.

The public hearing for CU-02-15 was not held due to the previous request for rezoning being denied.

C. OA-04-15: Ordinance Amendment to the UDO to Include Emergency Shelters (Homeless Shelter Establishments); Petitioner, JEM Foundation

On behalf of the JEM Foundation the petitioner, Mr. Fritz Healy, would like to present an ordinance amendment for the consideration of the Town Council. Mr. Healy would like to amend the UDO to allow for Homeless Shelter establishments to be included into the Table of Authorized Uses in the Town of Southern Pines Unified Development Ordinance (UDO).

Mayor McNeill explained that this item is a continuation of Public Hearing OA-04-15 from November 2015.

Senior Town Planner Kennedy gave an overview of the item and the amended conditional use amendment request with suggested criteria.

Discussion ensued.

Fritz Healy of 565 E. Massachusetts Avenue, Southern Pines stated the JEM Foundation gladly accepts the conditions listed by Director Kennedy, Town Staff and Council and are very flexible to recommendations that may arise. Mr. Healy stated he is formally amending his application to accept the criteria listed by Town Staff.

Discussion ensued.

Tessie Taylor of 135 Murray Hill Road, Southern Pines stated that this amendment needs to be approved to include these types of facilities to accommodate people who need it to assist with them getting back into productive society and explained the need for such an establishment in this area.

Cheryl Mensch of Longleaf Road, Southern Pines inquired how the facility would screen registered sex offenders and how would they handle possible legalities and restrictions of registered sex offenders that may come to the shelter if approved. Ms. Smith stated this is very important to further research in the event these problems have to be addressed. Ms. Smith stated this will invite very needy people into the community and these people are in this situation for a reason and this should be addressed now.

Deacon Quinn of Sacred Heart Church in Pinehurst stated he is the Director of Faith Formation. Mr. Quinn stated we are discussing expanding the existing ordinances to address a human condition and this would allow people to regain their human dignity and social skills. Mr. Quinn commented this could plant a seed to work with Sandhills Community College to offer job skills to these people and this should be looked into more.

Greg Zywocinski of 230 Grove Road, Southern Pines stated he requests that Council look into this more and support the Healy's on this project. Mr. Zywocinski commended Town Staff for their work and research supporting this project.

Jeffrey Sheer of 145 ½ W. Pennsylvania Avenue, Southern Pines stated the homeless people are already located in Southern Pines and living in the woods behind Walmart tonight. Mr. Shear stated the issue is here and we have to address it now. Mr. Shear stated if they are living in the woods, how can they properly present themselves for a job interview, and we can do something about it with this possibility to have the proposed homeless shelter.

Bob Huber of 148 Ashemont Road, Aberdeen commented this would assist folks in obtaining information that is out there and to provide them steps for transition from homelessness. Mr. Huber provided handouts and explained the services that are available from the Bridge of the Sandhills program and explained the services that can be obtained.

Pastor Gary Richardson of Bennettsville, SC explained the services they provide in Richmond County for the needy and stated Southern Pines would benefit the community with the facility.

Anthony Peters of Hamlet, NC stated he has worked inside the Place of Grace and he has communicated with the family's that need help getting their back on their feet and obtaining jobs.

Ann Friesen of 20 Brookline, Pinehurst stated she is the Executive Director of Friend to Friend and she is in support of this facility to assist Moore County residents. Ms. Friesen stated background checks would be conducted to filter out criminals and there is a problem here that needs to be addressed regarding the homeless.

Kathy Disney of Aberdeen stated she and her husband Rusty have personally delivered food, clothing, etc. from St. Anthony's' Church to known homeless cells in the County and there is a definite need for this facility. Ms. Disney stated the children really need the services as well.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0, the public hearing for OA-04-15 was closed.

Discussion ensued regarding suggested criteria to accompany the amended request.

Senior Town Planner Kennedy stated Mr. Healy has amended his original application to the current proposed draft provided to Council that Town Staff has prepared including requested criteria and clarification of length of stay as well as criteria A- H.

Mayor Pro Tem Fields stated Council has the ability to apply the conditional use restrictions to benefit the purpose of protecting the health, safety and welfare of the general community. Mr. Fields stated homeless shelters should be added to the code with the Sunset Provisions. Mr. Fields stated the included provisions to be agreed to provide other options at the 3 year completion. Mr. Fields stated he suggests it be added to the code under section 2.17.10 Criteria reason being to help improve public health of the community by having the homeless shelter and he approves with the LBCS of 65.69 being placed in the table of appropriate land uses.

Councilmember Walden stated he is in favor of adding this item to the code and this public hearing has provided much more support from the public than last month's meeting. Mr. Walden stated there is obviously a need for this facility in our area and he commends the Healy's for taking this project on with such dedication. He expressed his feeling that Southern Pines take the lead on this issue.

Councilmember Simeon stated he has concerns. Mr. Simeon inquired if local businesses would have a voice as to the location of a facility if located within so many feet from their business. Explained that he appreciated the many that have spoken in favor of this amendment but added, many are from nearby communities that aren't addressing the problems within their own communities. Mr. Simeon reminded everyone of the Police Chief's concerns and that we shouldn't simply disregard them.

Senior Town Planner Kennedy explained the process of legal standing and appeals that any potential project such as this may impose on surrounding properties. Mr. Kennedy explained the notification process to adjacent properties within 100 feet in the case this item moves forward.

Discussion ensued.

Councilwoman VanCamp stated this project will potentially improve a portion of this particular part of our community. Ms. VanCamp stated this could plant a seed and could be a model for other communities to look to as being monitored with regulations. Ms. VanCamp expressed that we should do this regardless of other communities.

Mayor McNeill commended Council and Town Staff for their professionalism and research during this process over the past several months.

Mayor McNeill stated the stringent criteria that an application will have to adhere to, will be an underlying safeguard for the community which is being included as the Sunset Provision. Mayor McNeill stated if the application is approved, the shelter will be required to stand on its own merit for the 3 year period and show it has no negative impact on the community.

Mayor Pro Tem Fields stated he moves to approve the requested text amendment and to make a finding and determination that the approval of the text amendment request is consistent with the adopted land use plan and that the approval of the text amendment request is reasonable and in the public interest due to the approval being consistent with the comprehensive plan and as a result the approval furthers the goals and objectives of the comprehensive plan and he moves to OA-04-15 as amended by the applicant with the following additional conditions: To include Criteria A-H and Criteria #1 – it must be limited to an occupancy of no more than 180 (one hundred eighty) consecutive days. This motion was seconded by Councilmember Walden.

Senior Town Planner Kennedy stated Mr. Healy has agreed to the amended applications suggested draft language proposed by Town Staff with the added condition of it must be limited to the 180 consecutive days of stay which would add section 5.24 to the UDO and the use 65.69 into the table of authorized uses with the amending of the description in 65.60 accordingly.

Votes were as follows:
Mayor McNeill: Aye
Mayor Pro Tem Fields: Aye
Councilmember Walden: Aye
Councilmember Simeon: Nay
Councilwoman VanCamp: Aye

Item OA-04-15 was approved with a vote of 4-1.

8. Public Comments

No public comments were voiced at this time.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0 the meeting was adjourned.

As so incorporated to these minutes of December 8, 2015 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 10:35 p.m.

_____
Peggy K. Smith
Town Clerk

Southern Pines Fire & Rescue Department

"Serving the Community Since 1898"

MEMORANDUM

To: Town Council

From: Chief Williams

Date: December 31, 2015

Re: Request for Budget Amendment

On December the 8th the fire department received a donation of $500.00 from the Dixie Pipeline Company in Apex.

I am requesting a budget amendment for a $500.00 transfer from the general fund to line account 10-530-3300 (department supplies). The funds will be used to replace an air compressor for the fire station. The current compressor is over 12 years old and can no longer pump the required pressure (140 psi) needed to maintain the tire pressures on the units. We need a compressor capable of reaching 155 psi to properly inflate the truck tires and increase the mileage and safety of the tires and those riding on them.

Thank you for your action of this request.

Cc: Crystal Gabric

AN ORDINANCE
AMENDING THE 2015/2016 FISCAL YEAR BUDGET

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of January, 2016 that the Operating Budget for the Fiscal Year 2015/2016 be and hereby is amended as follows:

DEPARTMENT	LINE ITEM	CODE	INCREASE	DECREASE
General Fund	Donations - Fire	10-362-0000	$ 500.00	
Fire	Departmental Supplies	10-530-3300	$ 500.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 12, 2016 as shown in the minutes of the Town Council for that date.

_____
Peggy K. Smith, Town Clerk

AN ORDINANCE
AMENDING THE 2015/2016 FISCAL YEAR BUDGET

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of January, 2016 that the Operating Budget for the Fiscal Year 2015/2016 be and hereby is amended as follows:

DEPARTMENT	LINE ITEM	CODE	INCREASE	DECREASE
General Fund	Fund Balance Appropriations	10-397-1000	$ 26,200.00	
Planning	Contractual Services	10-540-4500	$ 26,200.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 12, 2016 as shown in the minutes of the Town Council for that date.

_____
Peggy K. Smith, Town Clerk

Town of Southern Pines

AN ORDINANCE AUTHORIZING DEMOLITION OF AN UNSAFE BUILDING

BE IT ORDAINED AND ESTABLISHED by the Town Council of Southern Pines in regular session assembled this 12th day of January 2016 as follows:

Section 1. That in accordance with the General Statutes of North Carolina, Section 160A-428, and Code of Ordinances of the Town of Southern Pines, Title XV " Land Usage", Chapter 151 "Housing Code", the Building Inspector for the Town of Southern Pines, based upon information at said hearing, is hereby ordered, directed and empowered to cause the buildings at the following location to be demolished and removed, the owner having failed to comply with the order to demolish said buildings declared to be unfit for human habitation and a danger to the adjoining property: Moore County Tax PIN# 858217001633 PARID# 00032166, further described as 281 South Henley Street owner of record, Mr. Thomas Edward Cassidy.

Section 2. That in accordance with the General Statutes of North Carolina, Section 160A-428, the cost of such demolition shall become a lien against the real property where said building is located.

Section 3. This ordinance shall be and remain in full force and effect from the date of adoption.

Adopted this 12th day of January 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 12, 2016 as shown in the minutes of the Town Council for that date.

_____

Town Clerk of the Town of Southern Pines

Consent Agenda Item

To:	**Town Council**
From:	**Bart S. Nuckols, Planning Director**
	Mike Garner, Chief Building Inspector
Thru:	**Reagan Parsons, Town Manager**
Cc:	**Crystal Gabric, Finance Director**
Subject:	**Budget Amendment, 10-540-4500 Contractual Services**
Date:	**January 12, 2015**

The Planning Inspections Department requests a budget amendment from the general fund in the amount of $26,200.00 to Contractual Services 10-540-4500 for the purpose of completing the demolition of three structures in violation of the Minimum Housing Code for The Town of Southern Pines and the North Carolina State Building Code. The demolition address are as follows:

- 281 South Henley Street
- 358 South Henley Street
- 792 West New York Avenue

Consent Agenda

To:	Reagan Parsons, Town Manager
From:	Mike Garner, Chief Building Inspector
Subject:	An Ordinance Authorizing Demolition of an Unsafe Building
Date:	January 12, 2016

Attached are three *Ordinances Authorizing Demolition of Unsafe Building*. The property information below are as follows:

- 281 South Henley Street and is also identified as PARID# 00032166, PIN# 858217001633, owner of record per Moore County Tax Office is Thomas Edward Cassidy.
- 358 South Henley Street and is also identified as PARID# 00041641, PIN#857220907458, owner of record per Moore County Tax Office is Mary Lee Bates.
- 792 West New York Avenue and is also identified as PARID# 00040469, PIN# 858217003875, owner of record per Moore County Tax Office is Margaret Alicia Hancock.

Town of Southern Pines
Incorporated 1887
North Carolina
The Mid South Resort
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Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

December 9, 2015

Thomas Edward Cassidy
2601 Sourwood Street
Raleigh, NC 27610

Certified Mail 7011 2000 0000 9308 9349

RE: 281 South Henley Street, Southern Pines, NC 28387

Dear Ms. Cassidy,

The Town of Southern Pines Inspections Department has condemned the structure located at the above referenced address because of the following:

- Complaint received from anonymous phone call.
- The general stability of the structure is very unsafe and poses a hazard.
- The structure is home for rodents, snakes and poses a health hazard.
- There is also evidence of vagrants using the structure.
- Multiple windows are broken out.
- The roof is leaking and has fallen in.
- The fallen in structure and accumulated junk is in violation of the Minimum Housing Code for the Town of Southern Pines and the North Carolina State Building Code.

On November 16, 2015, at 1:00pm a hearing was held in the Town of Southern Pines Inspections office concerning the property and structure located at the above referenced address. All the necessary paperwork for the hearing was sent to you by certified mail in which we received confirmation that it was received and claimed. The hearing was opened at 1:00 pm and closed at 1:30 pm in which Mrs. Cassidy appeared at the hearing to discuss getting this situation resolved. After much discussion on resolving this matter, Ms. Cassidy was in agreement that the structure needed to be demolished and cleaned up. She inquired if our fire Department would burn the structure for training exercise and I informed her that it has been done in the past and I would contact Mr. Cameron from the fire department and have him to look at the possibility. I received a reply back from Mr. Cameron in which he denied the request due to the structural safety of the structure. As discussed at the hearing all the necessary demolition paperwork will be processed and an

ordinance of demolition along with the cost of cleanup will be sent to the Town Council for their approval.

You have the right under G.S. 160A-430 to appeal the decision to the Town Council by giving notice of an appeal in writing to the Inspector and the Town Clerk within 10 days following issuance of this order. In the absence of an appeal, the order of the Inspector shall be final. The Town Council shall hear and render a decision in an appeal within a reasonable time. The Town Council may affirm, modify and affirm, or revoke the order. This letter is to inform you that the structure will be demolished and cleaned up for the cost of $10,500.00 upon approval of the Town of Southern Pines Council.

For more information concerning the date and time of the Town Council meeting and any other questions or concerns you may have, please feel free to contact our office Monday thru Friday 8:30 am to 5:00 pm at 910-692-4003.

Sincerely,

Mike Garner

Mike Garner
Chief Building Inspector
Town of Southern Pines

Mike Garner

From: Mike Garner
Sent: Wednesday, November 18, 2015 3:10 PM
To: Michael Cameron
Subject: RE: Condemned Structure

Thank you!

Sincerely,

Mike

Mike Garner
Chief Building Inspector
Town of Southern Pines
910-692-4003

From: Michael Cameron
Sent: Wednesday, November 18, 2015 1:06 PM
To: Mike Garner
Subject: RE: Condemned Structure

Mike,

I looked at the house at 281 S. Henley Street and you are right, I don't think it will meet the requirements from the state for a Live Burn Training.

Let me know if you have questions.

Thanks
Mike

From: Mike Garner
Sent: Monday, November 16, 2015 4:35 PM
To: Michael Cameron <Cameron@southernpines.net>
Subject: RE: Condemned Structure

Thank you!

Sincerely,

Mike

Mike Garner
Chief Building Inspector
Town of Southern Pines
910-692-4003

From: Michael Cameron
Sent: Monday, November 16, 2015 4:35 PM

To: Mike Garner
Subject: RE: Condemned Structure

Mike,

I will take a look at the structure on Wednesday, but you are right about the structure if parts of it are collapsing. If we can not make a safe interior attack we will probably not be able to burn it.

I will let you know.

Thanks
Mike

From: Mike Garner
Sent: Monday, November 16, 2015 4:32 PM
To: Michael Cameron <Cameron@southernpines.net>
Subject: Condemned Structure

Mike,

I have condemned a single family 2 story dwelling located at 281 South Henley St. I had a hearing today and the owner was wanting to check to see if it could be burnt for training. I informed her that I would contact you and see what could be done from the fire dept. aspect of her request. I also informed her that I didn't know if training could be done on this structure due to parts of the ceiling and floor assemblies collapsing in. Please let me know your thoughts on this as soon as possible as I will be processing the paperwork to have it demolished and cleaned up.

Thank you,

Sincerely,

Mike

Mike Garner
Chief Building Inspector
Town of Southern Pines
910-692-4003

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Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

November 16, 2015

Reference to file

RE: 281 South Henley Street, Southern Pines, NC 28387

On Monday, November 16, 2015, at 10:00 am a hearing was held in the Inspections office concerning the property and structure located at the above referenced address. The owner of record is Thomas Cassidy. All the necessary paperwork for the hearing was sent to Mr. Cassidy by certified mail in which we received confirmation that it was received and claimed. The hearing was opened at 10:00 am and closed at 10:30 am with Ms. Cassidy appearing concerning the condemnation of the structure in question. Ms. Cassidy was in agreement that the structure needed to be demolished and cleaned up. She inquired if our fire Department would burn the structure for training exercise and I informed her that it has been done in the past and would contact Mr. Cameron from the fire department and have him to look at that possibility. I also informed her that most likely due to the hazards and structural damage that the fire department would probably not do that but I would wait for Mr. Cameron's reply and that I would also be pursing bids for the demolition and clean up as soon as possible. If the Fire Department refuses the request then all the necessary demolition paperwork will be processed and an ordinance of demolition will be sent to the Town Council for their decision on this matter.

Mike Garner
Chief Building Inspector
Town of Southern Pines

Joy Richards
Code Enforcement Officer
Town of Southern Pines

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North Carolina
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Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

October 20, 2015

Thomas Edward ~~Kennedy~~ CASSIDY
2601 Sourwood Street
Raleigh, NC 27610

Certified Mail 7012 2920 0000 8586 8253

RE: 281 South Henley Street, Southern Pines, NC 28387

Dear Mr. Kennedy,

The Town of Southern Pines Inspections Department has condemned the structure located at the above referenced address. The Town of Southern Pines will be following through with the necessary procedures to have this structure demolished and cleaned up. This action has been taken based on the following findings on a recent inspection of the property.

- The general stability of the structure is very unsafe and poses a hazard.
- The structure is home for rodents, snakes and poses a health hazard.
- There is also evidence of vagrants using the structure.
- Complaints from neighboring property owners.
- Multiple windows are broken out.
- The roof is leaking and falling in.
- There is trash and debris throughout the structure and property.

In its current condition the structure and surrounding property is in violation of the Code of Ordinances for the Town of Southern Pines and the North Carolina State Building Code. As a result of the violation a hearing has been scheduled for Monday, November 16, 2015 at 10:00 am in the Inspections Department, located at 180 SW Broad Street Southern Pines, N.C.

If you have any questions please feel free to contact our office Monday thru Friday 8:30am to 5:00 pm at 910-692-4003.

Sincerely,

Mike Garner

Mike Garner
Chief Building Inspector
Town of Southern Pines

Legal Notice

Notice of hearing before the Building Inspector under G.S. 160A-428 of Chapter 160A of the General Statutes of North Carolina relating to condemnation of buildings located at 281 South Henley Street, Southern Pines, NC 28387 (Tax reference PIN #858217001633, PARID#00032166, owner of record Thomas EdwardKennedy by the Moore County Tax Department), in the Town of Southern Pines.

The building is located at the place above designated and is in such condition as appears to constitute a fire or safety hazard or is dangerous to life, health or other property.

A hearing will be held before the Building Inspector of the Town of Southern Pines, North Carolina at his office located at 180 SW Broad Street on Monday, November 16, 2015 at 10:00 AM for the purpose of finding the facts as to whether or not the condition of such building falls within the scope of the above referenced General Statute. The owner is entitled to be heard in person or by council at the hearing and to present arguments and evidence pertaining to the matter.

If upon such hearing the Building Inspector shall find that the above described building is a fire or safety hazard or to be dangerous to life, health or to other property, the Building Inspector will require the owner to remedy such conditions so found to exist or to demolish and remove said building(s) as appear appropriate.

Further information is posted at the site of the building and is available from the undersigned.

Michael Garner

Michael Garner
Building Inspector
Town of Southern Pines

Publish Dates: Wednesday, November 4, 2015
Wednesday, November 11, 2015

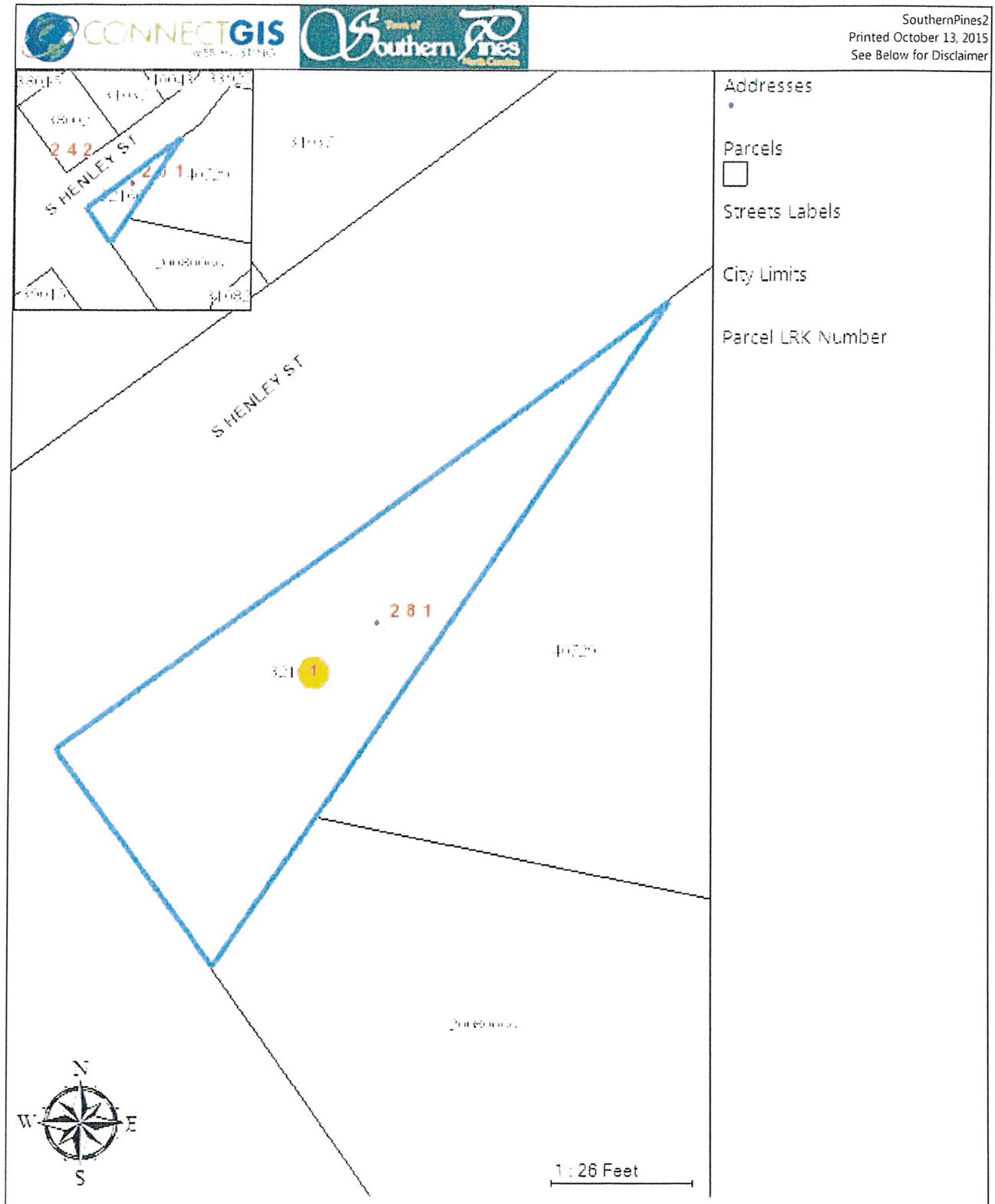
SouthernPines2
Printed October 13, 2015
See Below for Disclaimer

Addresses

Parcels

Streets Labels

Parcel LRK Number


CONNECTGIS
Town of Southern Pines
SouthernPines2
Printed October 13, 2015
See Below for Disclaimer
Addresses
Parcels
Streets Labels
City Limits
Parcel LRK Number
S HENLEY ST
S HENLEY ST
2 8 1
1
N
W
E
S
1 : 26 Feet

OBJECTID 48585	**PIN** 858217001633	**NBHD** 747
TOWNSHIP 07	**CITY CODE** SP	**FIRE DIST**
CLASS RI	**NAME** CASSIDY, THOMAS EDWARD &	**NAME2** HUGH EDWARD & ROBERT BRUCE
ADDRESS 2601 SOURWOOD ST	**CITY** RALEIGH	**STATE** NC
ZIP 27610	**DEED ACRES** 0	**CALC ACRES** 0.08
TAX ACRES 0.08	**TOTAL VAL** 9570	**BUILD VAL** 2050
LANDVALUE 7520	**STAMP VAL** 0	**PROP DESC** BLK M 10 LOT 2
DEED BOOK 1241	**DEED PAGE** 546	**TRANSDATE** 2/5/1997 12:00:00 AM
YEARBUILT 1930	**PARID** 00032166	**SALE VALID**
RECENT SALE	**Shape Length** 340.988316692555	**Shape Area** 3522.48074559225

This map was created by the Town of Southern Pines. All information contained herein was created for the City's internal use. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether express or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

10.28.2015 21:16

10.28.2015 21:19

10.28.2015 21:18

10.28.2015 21:18

10.28.2015 21:18

10.28.2015 21:18

10.28.2015 21:18

10.28.2015 21:17

10. 28. 2015 21 : 17

10 28.2015 21:17

COMPLAINT FORM

Town of Southern Pines
Code Enforcement

Date of Complaint: 10/19/15 Time: 9:00 AM

Complaint Received By: MIKE GARNER

Complaint Made By: ANONYMOUS PHONE CALL

Nature of Complaint:

Contractor ____ Rental Unit ____
Condemn ✓ Illegally Occupied ____
Unsafe ✓ Unsanitary ✓
Other: ____

DETAILS OF COMPLAINT

(1) STRUCTURE WAS FALLING IN AND UNSAFE WITH EVIDENCE OF VAGRANTS AND DRUG USE. ALSO TRASH AND DEBRIS THROUGHOUT STRUCTURE.

Location of complaint and/or directions to site: 281 S. HENLEY ST.

REPORT OF INVESTIGATION

Date: 10/19/15 Time: 10:15 AM

(1) STRUCTURE FALLING IN AND LEAKING.
(2) TRASH AND DEBRIS THROUGHOUT STRUCTURE.
(3) EVIDENCE OF ANIMALS AND VAGRANTS USING STRUCTURE.

Recommendations: STRUCTURE BE DEMOLISHED AND ALL TRASH AND DEBRIS CLEANED UP.

FINAL DISPOSITION

ALL THE NECESSARY PAPERWORK WILL BE PROCESSED AND PROCEDURES FOLLOWED THROUGH TO HAVE THE PROBLEM RESOLVED AS SOON AS POSSIBLE.

Signature: Mike Garner Date: 10/19/15

10.28.2015 21:17

10.28.2015 21:17

918831

STATEMENT

DATE 11-17-15

TERMS

TO Town of Southern Pines

ADDRESS

Proposal 281 S. Henley St.

IN ACCOUNT WITH

Kenny Ring Grading
P.O. 512 Vass N.C. 28394

Take down & haul away house at 281 S. Henley St.

Seed & Straw Area

Total $10,500.00

adams DC5812

LOFTON GARBAGE SERVICE 518
SOUTH HENLEY STREET
SOUTHERN PINES, NC 28387
PHONE # (910) 315 - 1631
Email: jl2oj@yhoo.com

Mike Garner
Planning and Inspections
Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387

ESTIMATE

Date: November 25, 2015

Purpose: Demolition and removal of two story house at 281 S Henley Street

Location(s): 281 S Henley Street
Southern Pines, NC 28387

Quantity	Description of Services Rendered	Item Cost	Landfill Cost	Loading/Hauling Cost	Total Charge
1	Demolition and removal of two story house at 281 S Henley Street. (This bid includes demolition permit, demolition, and asbestos screening)	$18,000.00			$18,000.00
?	If asbestos is detected (up to each 100 bags of debris) $1,200 will be added for proper disposal. Debris must be bagged and tagged. 1 week notice must be given to landfill so that a disposal area can be prepared.	$1,200.00			
?	If there is a basement $200.00 per load of fill-in soil will be added.	$200.00			

Bid Total

Comments: Thank you for considering Lofton Garbage Service.

Lofton Garbage Service can take care all of your needs for: Garbage Collection, Debris & Construction Removal, Hauling, Yard Maintenance, Landscaping, Regrading Driveways, Tree Removal, Dumpster Rentals, and Lot Clearing.

Town of Southern Pines

AN ORDINANCE AUTHORIZING DEMOLITION OF AN UNSAFE BUILDING

BE IT ORDAINED AND ESTABLISHED by the Town Council of Southern Pines in regular session assembled this 12th day of January 2016 as follows:

Section 1. That in accordance with the General Statutes of North Carolina, Section 160A-428, and Code of Ordinances of the Town of Southern Pines, Title XV " Land Usage", Chapter 151 "Housing Code", the Building Inspector for the Town of Southern Pines, based upon information at said hearing, is hereby ordered, directed and empowered to cause the buildings at the following location to be demolished and removed, the owner having failed to comply with the order to demolish said buildings declared to be unfit for human habitation and a danger to the adjoining property: Moore County Tax PIN# 857220907458 PARID# 00041641, further described as 358 South Henley Street owner of record, Mary Lee Bates.

Section 2. That in accordance with the General Statutes of North Carolina, Section 160A-428, the cost of such demolition shall become a lien against the real property where said building is located.

Section 3. This ordinance shall be and remain in full force and effect from the date of adoption.

Adopted this 12th day of January 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 12, 2016 as shown in the minutes of the Town Council for that date.

_____

Town Clerk of the Town of Southern Pines

Consent Agenda

To: Reagan Parsons, Town Manager

From: Mike Garner, Chief Building Inspector

Subject: An Ordinance Authorizing Demolition of an Unsafe Building

Date: January 12, 2016

Attached are three ***Ordinances Authorizing Demolition of Unsafe Building.*** The property information below are as follows:

- 281 South Henley Street and is also identified as PARID# 00032166, PIN# 858217001633, owner of record per Moore County Tax Office is Thomas Edward Cassidy.
- 358 South Henley Street and is also identified as PARID# 00041641, PIN#857220907458, owner of record per Moore County Tax Office is Mary Lee Bates.
- 792 West New York Avenue and is also identified as PARID# 00040469, PIN# 858217003875, owner of record per Moore County Tax Office is Margaret Alicia Hancock.

Consent Agenda Item

To:	**Town Council**
From:	**Bart S. Nuckols, Planning Director**
	Mike Garner, Chief Building Inspector
Thru:	**Reagan Parsons, Town Manager**
Cc:	**Crystal Gabric, Finance Director**
Subject:	**Budget Amendment, 10-540-4500 Contractual Services**
Date:	**January 12, 2015**

The Planning Inspections Department requests a budget amendment from the general fund in the amount of $26,200.00 to Contractual Services 10-540-4500 for the purpose of completing the demolition of three structures in violation of the Minimum Housing Code for The Town of Southern Pines and the North Carolina State Building Code. The demolition address are as follows:

- 281 South Henley Street
- 358 South Henley Street
- 792 West New York Avenue

Town of Southern Pines
Chartered 1887
North Carolina
The Mid South Resort
Internationally Recognized for Program Excellence

Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

December 9, 2015

Mary Lee Bates
21 Williams Street Apt 5
Stamford, CT 06902-4052

Certified Mail 7011 2000 0000 9308 9332

RE: 358 South Henley Street, Southern Pines, NC 28387

Dear Ms. Bates,

The Town of Southern Pines Inspections Department has condemned the structure located at the above referenced address because of the following:

- Complaint received from anonymous phone call.
- The general stability of the structure is very unsafe and poses a hazard.
- The structure is home for rodents, snakes and poses a health hazard.
- There is also evidence of vagrants using the structure.
- Multiple windows are broken out.
- The roof is leaking and has fallen in.
- The fallen in structure and accumulated junk is in violation of the Minimum Housing Code for the Town of Southern Pines and the North Carolina State Building Code.

On November 16, 2015, at 9:30am a hearing was held in the Town of Southern Pines Inspections office concerning the property and structure located at the above referenced address. All the necessary paperwork for the hearing was sent to you by certified mail in which we received confirmation that it was received and claimed. The hearing was opened at 9:30 am and closed at 10:00 am without anyone appearing concerning the condemnation of the structure in question which you made known per our phone conversation on November 12, 2015. Also per our phone conversation with your full approval on this matter all the necessary demolition paperwork will be processed and an ordinance of demolition along with the cost of cleanup will be sent to the Town Council for their approval.

You have the right under G.S. 160A-430 to appeal the decision to the Town Council by giving notice of an appeal in writing to the Inspector and the Town Clerk within 10 days following issuance of this order. In the absence of an appeal, the order of the Inspector shall be final. The Town Council shall hear and render a decision in an appeal within a reasonable time. The Town Council may affirm, modify and affirm, or revoke the order. This letter is to inform you that the structure will be demolished and cleaned up for the cost of $7,500.00 upon approval of the Town of Southern Pines Council.

For more information concerning the date and time of the Town Council meeting and any other questions or concerns you may have, please feel free to contact our office Monday thru Friday 8:30 am to 5:00 pm at 910-692-4003.

Sincerely,

Mike Garner

Mike Garner
Chief Building Inspector
Town of Southern Pines

Town of Southern Pines
Chartered 1887
North Carolina
The Mid South Resort
Internationally Recognized for Program Excellence

Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

November 16, 2015

Reference to file

RE: 358 South Henley Street, Southern Pines, NC 28387

On Monday, November 16, 2015, at 9:30 am a hearing was held in the Inspections office concerning the property and structure located at the above referenced address. The owner of record is Mary Lee Bates. All the necessary paperwork for the hearing was sent to Ms. Bates by certified mail in which we received confirmation that it was received and claimed. The hearing was opened at 9:30 am and closed at 10:00 am without Ms. Bates or anyone else appearing concerning the condemnation of the structure in question. However I did receive a phone call on 11/12/15 in which Ms. Bates made me aware that she would not be coming to the scheduled hearing or sending any representative in her place. Per our conversation to resolve this matter she gave full approval for the town to take any necessary action to have the structure in violation demolished and cleaned up. The necessary demolition paperwork will be processed and an ordinance of demolition will be sent to The Town Council for their decision on this matter.

Mike Garner

Mike Garner
Chief Building Inspector
Town of Southern Pines

Joy Richards

Joy Richards
Code Enforcement Officer
Town of Southern Pines

Town of Southern Pines
Chartered 1887
North Carolina
The Mid South Resort
Internationally Recognized for Program Excellence

Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

October 20, 2015

Mary Lee Bates
21 Williams Street Apt 5
Stamford, CT 06902-4052

Certified Mail 7009 3410 0000 8944 9206

RE: 358 South Henley Street, Southern Pines, NC 28387

Dear Ms. Bates,

The Town of Southern Pines Inspections Department has condemned the structure located at the above referenced address. The Town of Southern Pines will be following through with the necessary procedures to have this structure demolished and cleaned up. This action has been taken based on the following findings on a recent inspection of the property.

- The general stability of the structure is very unsafe and poses a hazard.
- The structure is home for rodents, snakes and poses a health hazard.
- There is also evidence of vagrants using the structure.
- Complaints from neighboring property owners.
- Multiple windows are broken out.
- The roof is leaking and falling in.
- There is trash and debris throughout the structure and property.

In its current condition the structure and surrounding property is in violation of the Code of Ordinances for the Town of Southern Pines and the North Carolina State Building Code. As a result of the violation a hearing has been scheduled for Monday, November 16, 2015 at 9:30 am in the Inspections Department, located at 180 SW Broad Street Southern Pines, N.C.

If you have any questions please feel free to contact our office Monday thru Friday 8:30am to 5:00 pm at 910-692-4003.

Sincerely,

Mike Garner

Mike Garner
Chief Building Inspector
Town of Southern Pines

Legal Notice

Notice of hearing before the Building Inspector under G.S. 160A-428 of Chapter 160A of the General Statutes of North Carolina relating to condemnation of buildings located at 358 South Henley Street, Southern Pines, NC 28387 (Tax reference PIN #857220907458, PARID#00041641, owner of record Mary Lee Bates by the Moore County Tax Department), in the Town of Southern Pines.

The building is located at the place above designated and is in such condition as appears to constitute a fire or safety hazard or is dangerous to life, health or other property.

A hearing will be held before the Building Inspector of the Town of Southern Pines, North Carolina at his office located at 180 SW Broad Street on Monday, November 16, 2015 at 9:30 AM for the purpose of finding the facts as to whether or not the condition of such building falls within the scope of the above referenced General Statute. The owner is entitled to be heard in person or by council at the hearing and to present arguments and evidence pertaining to the matter.

If upon such hearing the Building Inspector shall find that the above described building is a fire or safety hazard or to be dangerous to life, health or to other property, the Building Inspector will require the owner to remedy such conditions so found to exist or to demolish and remove said building(s) as appear appropriate.

Further information is posted at the site of the building and is available from the undersigned.

Mike Garner

Michael Garner
Building Inspector
Town of Southern Pines

Publish Dates: Wednesday, November 4, 2015
Wednesday, November 11, 2015

SouthernPines2
Printed October 13, 2015
See Below for Disclaimer

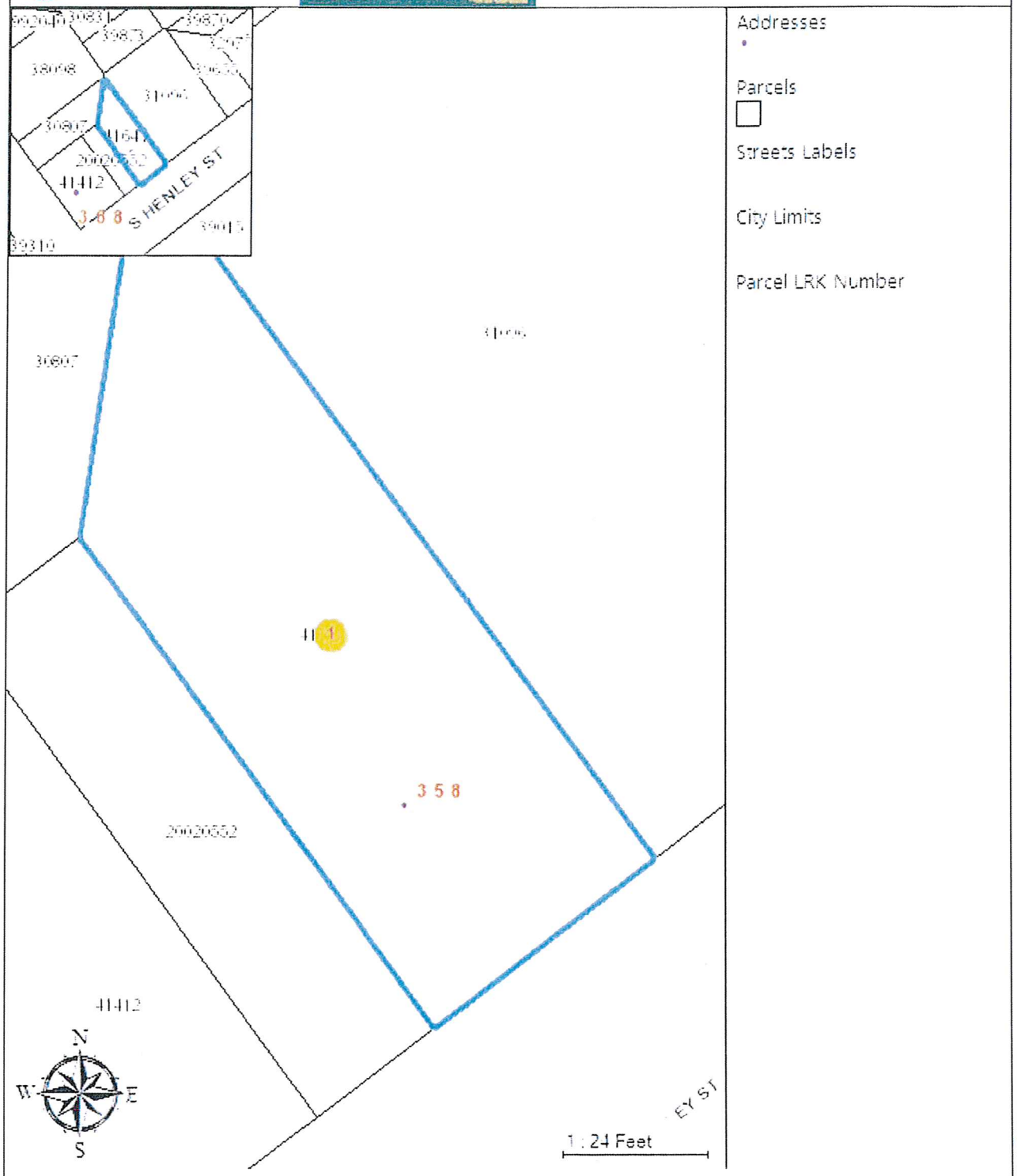
Addresses

Parcels

Streets Labels

Parcel LRK Number

SouthernPines2
Printed October 13, 2015
See Below for Disclaimer



OBJECTID 49516	**PIN** 857220907458	**NBHD** 747
TOWNSHIP 07	**CITY CODE** SP	**FIRE DIST**
CLASS RI	**NAME** BATES, MARY LEE	**NAME2**
ADDRESS 21 WILLIAMS ST, APT 5	**CITY** STAMFORD	**STATE** CT
ZIP 06902-4052	**DEED ACRES** 0	**CALC ACRES** 0.129
TAX ACRES 0.129	**TOTAL VAL** 29590	**BUILD VAL** 20690
LANDVALUE 8900	**STAMP VAL** 0	**PROP DESC** BLK N 11 PART LOT 2 3
DEED BOOK 1710	**DEED PAGE** 56	**TRANSDATE** 2/21/2001 12:00:00 AM
YEARBUILT 1946	**PARID** 00041641	**SALE VALID**
RECENT SALE	**Shape Length** 356.105554942531	**Shape Area** 5641.13954919057

This map was created by the Town of Southern Pines. All information contained herein was created for the City's internal use. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether express or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

10 28 2015 21 21

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10.28.2015 21:24

Southern Pines
10.28.2015 21:25

COMPLAINT FORM

Town of Southern Pines
Code Enforcement

Date of Complaint: 10-19-15 Time: 9:00 A.M

Complaint Received By: MIKE GARNER

Complaint Made By: ANONYMOUS PHONE CALL

Nature of Complaint:

Contractor ____ Rental Unit ____
Condemn ✓ Illegally Occupied ____
Unsafe ✓ Unsanitary ✓
Other: ____

DETAILS OF COMPLAINT

THE STRUCTURE WAS UNSAFE AND FALLING DOWN WITH EVIDENCE OF VAGRANTS AND DRUG USE. ALSO TRASH AND DEBRIS THROUGHOUT STRUCTURE.

Location of complaint and/or directions to site: 358 S. HENLEY ST.

REPORT OF INVESTIGATION

Date: 10/19/15 Time: 10:30 A.M.

1. STRUCTURE FALLING IN AND LEAKING.
2. EVIDENCE OF VAGRANTS ALONG WITH RODENTS USING STRUCTURE.
3. TRASH AND DEBRIS THROUGHOUT STRUCTURE.

Recommendations: STRUCTURE BE DEMOLISHED ALL ALL THE TRASH AND DEBRIS CLEANED UP.

FINAL DISPOSITION

ALL THE NECESSARY PAPERWORK WILL BE PROCESSED AND PROCEDURES FOLLOWED THROUGH TO HAVE THE PROBLEM RESOLVED AS SOON AS POSSIBLE

Signature: Mike Garner Date: 10/19/15

918832

STATEMENT

DATE 11-17-15

TERMS

TO Town of Southern Pines

ADDRESS

Proposal 358 S. Henley St.

IN ACCOUNT WITH

Kenny Ring Grading
P.O. 512 Vass NC 28394

Take down & haul away house at 358 S. Henley St.

Seed & Straw Area

Total $ 7,500.00

adams DC5812

LOFTON GARBAGE SERVICE 518
SOUTH HENLEY STREET
SOUTHERN PINES, NC 28387
PHONE # (910) 315 - 1631
Email: jl2oj@yhoo.com

Mike Garner
Planning and Inspections
Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387

ESTIMATE

Date: November 25, 2015

Purpose: Demolition and removal of house at 358 S Henley Street

Location(s): 358 S Henley Street
Southern Pines, NC 28387

Quantity	Description of Services Rendered	Item Cost	Landfill Cost	Loading/Hauling Cost	Total Charge
1	Demolition and removal of house at 358 S Henley Street. (This bid includes demolition permit, demolition, and asbestos screening)	$8,500.00			$8,500.00
?	If asbestos is detected (up to each 100 bags of debris) $1,200 will be added.	$1,200.00			
?	If there is a basement $200.00 per load of fill-in soil will be added.	$200.00			

Bid Total

Comments: Thank you for considering Lofton Garbage Service.

Lofton Garbage Service can take care all of your needs for: Garbage Collection, Debris & Construction Removal, Hauling, Yard Maintenance, Landscaping, Regrading Driveways, Tree Removal, Dumpster Rentals, and Lot Clearing.

Town of Southern Pines

AN ORDINANCE AUTHORIZING DEMOLITION OF AN UNSAFE BUILDING

BE IT ORDAINED AND ESTABLISHED by the Town Council of Southern Pines in regular session assembled this 12th day of January 2016 as follows:

Section 1. That in accordance with the General Statutes of North Carolina, Section 160A-428, and Code of Ordinances of the Town of Southern Pines, Title XV " Land Usage", Chapter 151 "Housing Code", the Building Inspector for the Town of Southern Pines, based upon information at said hearing, is hereby ordered, directed and empowered to cause the buildings at the following location to be demolished and removed, the owner having failed to comply with the order to demolish said buildings declared to be unfit for human habitation and a danger to the adjoining property: Moore County Tax PIN# 858217003875 PARID# 00040469, further described as 792 West New York Avenue owner of record, Margaret Alicia Hancock.

Section 2. That in accordance with the General Statutes of North Carolina, Section 160A-428, the cost of such demolition shall become a lien against the real property where said building is located.

Section 3. This ordinance shall be and remain in full force and effect from the date of adoption.

Adopted this 12th day of January 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 12, 2016 as shown in the minutes of the Town Council for that date.

_____

Town Clerk of the Town of Southern Pines

Consent Agenda

To: Reagan Parsons, Town Manager

From: Mike Garner, Chief Building Inspector

Subject: An Ordinance Authorizing Demolition of an Unsafe Building

Date: January 12, 2016

Attached are three ***Ordinances Authorizing Demolition of Unsafe Building***. The property information below are as follows:

- 281 South Henley Street and is also identified as PARID# 00032166, PIN# 858217001633, owner of record per Moore County Tax Office is Thomas Edward Cassidy.
- 358 South Henley Street and is also identified as PARID# 00041641, PIN#857220907458, owner of record per Moore County Tax Office is Mary Lee Bates.
- 792 West New York Avenue and is also identified as PARID# 00040469, PIN# 858217003875, owner of record per Moore County Tax Office is Margaret Alicia Hancock.

Consent Agenda Item

To:	**Town Council**
From:	**Bart S. Nuckols, Planning Director**
	Mike Garner, Chief Building Inspector
Thru:	**Reagan Parsons, Town Manager**
Cc:	**Crystal Gabric, Finance Director**
Subject:	**Budget Amendment, 10-540-4500 Contractual Services**
Date:	**January 12, 2015**

The Planning Inspections Department requests a budget amendment from the general fund in the amount of $26,200.00 to Contractual Services 10-540-4500 for the purpose of completing the demolition of three structures in violation of the Minimum Housing Code for The Town of Southern Pines and the North Carolina State Building Code. The demolition address are as follows:

- 281 South Henley Street
- 358 South Henley Street
- 792 West New York Avenue

Town of Southern Pines
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Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

December 9, 2015

Margaret Alicia Hancock
P.O. Box 48176
Oak Park, MI 48237-5876

Certified Mail 7011 2000 0000 9308 9356

RE: 792 West New York Avenue, Southern Pines, NC 28387

Dear Ms. Hancock,

The Town of Southern Pines Inspections Department has condemned the structure located at the above referenced address because of the following:

- Complaint received from anonymous phone call.
- The general stability of the structure is very unsafe and poses a hazard.
- The structure is home for rodents, snakes and poses a health hazard.
- There is also evidence of vagrants using the structure.
- Multiple windows are broken out.
- The roof is leaking and has fallen in.
- The fallen in structure and accumulated junk is in violation of the Minimum Housing Code for the Town of Southern Pines and the North Carolina State Building Code.

On November 16, 2015, at 10:30am a hearing was held in the Town of Southern Pines Inspections office concerning the property and structure located at the above referenced address. All the necessary paperwork for the hearing was sent to you by certified mail in which we received confirmation that it was received and claimed. The hearing was opened at 10:30 am and closed at 11:00 am without anyone appearing concerning the condemnation of the structure in question. The necessary demolition paperwork will be processed and an ordinance of demolition along with the cost of cleanup will be sent to the Town Council for their approval.

You have the right under G.S. 160A-430 to appeal the decision to the Town Council by giving notice of an appeal in writing to the Inspector and the Town Clerk within 10 days following issuance of this order. In the absence of an appeal, the order of the Inspector

shall be final. The Town Council shall hear and render a decision in an appeal within a reasonable time. The Town Council may affirm, modify and affirm, or revoke the order. This letter is to inform you that the structure will be demolished and cleaned up for the cost of $8,200.00 upon approval of the Town of Southern Pines Council.

For more information concerning the date and time of the Town Council meeting and any other questions or concerns you may have, please feel free to contact our office Monday thru Friday 8:30 am to 5:00 pm at 910-692-4003.

Sincerely,

Mike Garner

Mike Garner
Chief Building Inspector
Town of Southern Pines

Town of Southern Pines
Chartered 1887
North Carolina
The Mid South Resort
Internationally Recognized for Program Excellence

Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

November 16, 2015

Reference to file

RE: 792 West New York Avenue, Southern Pines, NC 28387

On Monday, November 16, 2015, at 10:30 am a hearing was held in the Inspections office concerning the property and structure located at the above referenced address. The owner of record is Margaret Alicia Hancock. All the necessary paperwork for the hearing was sent to Ms. Hancock by certified mail in which we received confirmation that it was received and claimed. The hearing was opened at 10:30 am and closed at 11:00 am without Ms. Hancock or anyone else appearing concerning the condemnation of the structure in question. The necessary demolition paperwork will be processed and an ordinance of demolition will be sent to The Town Council for their decision on this matter.

Mike Garner
Chief Building Inspector
Town of Southern Pines

Joy Richards
Code Enforcement Officer
Town of Southern Pines

Town of Southern Pines
Chartered 1887
North Carolina
The Mid South Resort
Internationally Recognized for Program Excellence

Inspections Department

180 SW Broad Street
Southern Pines, NC 28387

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

October 20, 2015

Margaret Alicia Hancock
P.O. Box 48176
Oak Park, MI 48237-5876

Certified Mail 7011 2000 0000 9308 9325

RE: 792 West New York Avenue, Southern Pines, NC 28387

Dear Ms. Hancock,

The Town of Southern Pines Inspections Department has condemned the structure located at the above referenced address. The Town of Southern Pines will be following through with the necessary procedures to have this structure demolished and cleaned up. This action has been taken based on the following findings on a recent inspection of the property.

- The general stability of the structure is very unsafe and poses a hazard.
- The structure is home for rodents, snakes and poses a health hazard.
- There is also evidence of vagrants using the structure.
- Complaints from neighboring property owners.
- Multiple windows are broken out.
- The roof is leaking and falling in.
- There is trash and debris throughout the structure and property.

In its current condition the structure and surrounding property is in violation of the Code of Ordinances for the Town of Southern Pines and the North Carolina State Building Code. As a result of the violation a hearing has been scheduled for Monday, November 16, 2015 at 10:30 am in the Inspections Department, located at 180 SW Broad Street Southern Pines, N.C.

If you have any questions please feel free to contact our office Monday thru Friday 8:30am to 5:00 pm at 910-692-4003.

Sincerely,

Mike Garner

Mike Garner
Chief Building Inspector
Town of Southern Pines

Legal Notice

Notice of hearing before the Building Inspector under G.S. 160A-428 of Chapter 160A of the General Statutes of North Carolina relating to condemnation of buildings located at 792 West New York Avenue, Southern Pines, NC 28387 (Tax reference PIN #858217003875, PARID#00040469, owner of record Margaret Alicia Hancock by the Moore County Tax Department), in the Town of Southern Pines.

The building is located at the place above designated and is in such condition as appears to constitute a fire or safety hazard or is dangerous to life, health or other property.

A hearing will be held before the Building Inspector of the Town of Southern Pines, North Carolina at his office located at 180 SW Broad Street on Monday, November 16, 2015 at 10:30 AM for the purpose of finding the facts as to whether or not the condition of such building falls within the scope of the above referenced General Statute. The owner is entitled to be heard in person or by council at the hearing and to present arguments and evidence pertaining to the matter.

If upon such hearing the Building Inspector shall find that the above described building is a fire or safety hazard or to be dangerous to life, health or to other property, the Building Inspector will require the owner to remedy such conditions so found to exist or to demolish and remove said building(s) as appear appropriate.

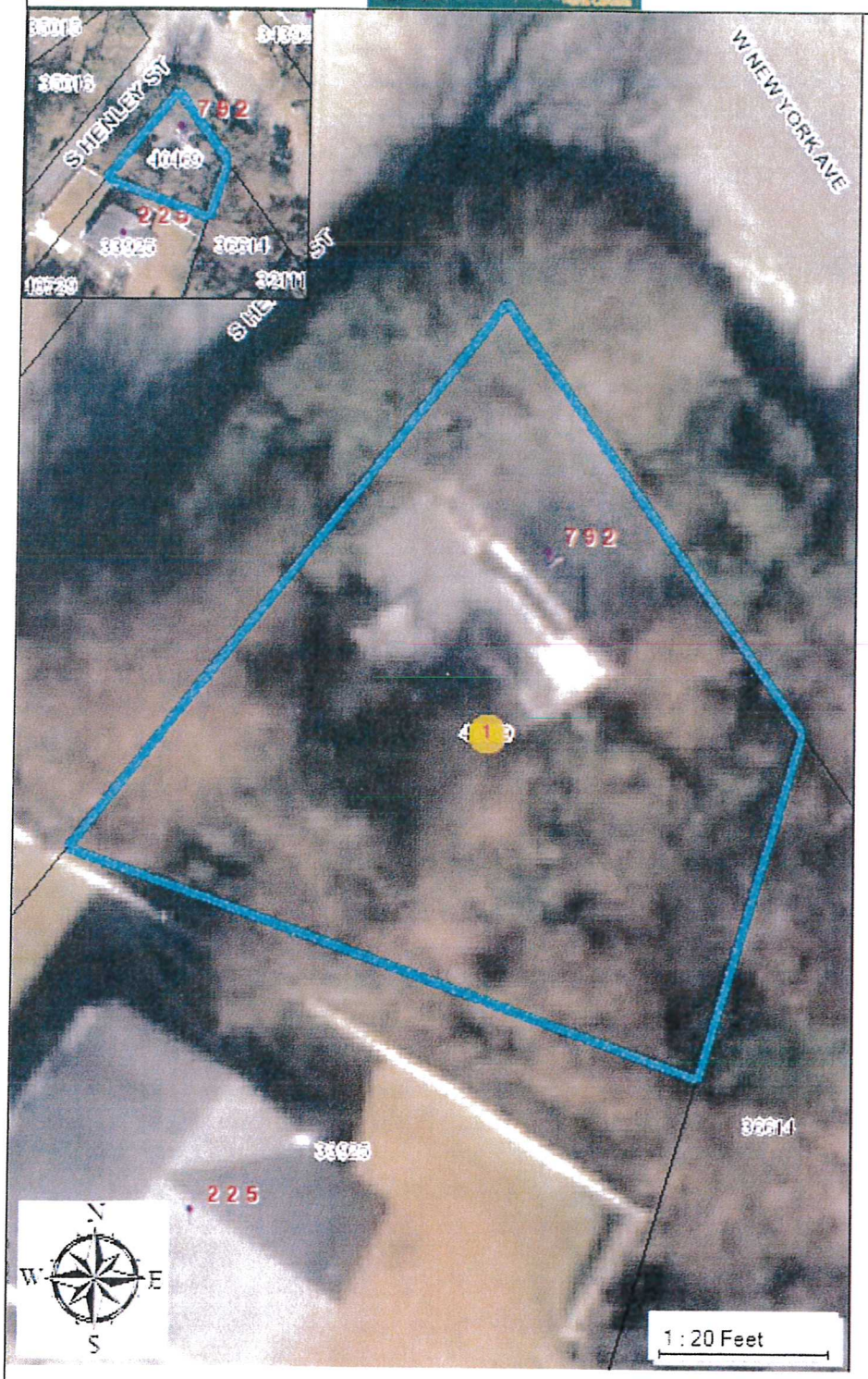
Further information is posted at the site of the building and is available from the undersigned.

Michael Garner

Michael Garner
Building Inspector
Town of Southern Pines

Publish Dates: Wednesday, November 4, 2015
Wednesday, November 11, 2015

SouthernPines2
Printed October 13, 2015
See Below for Disclaimer



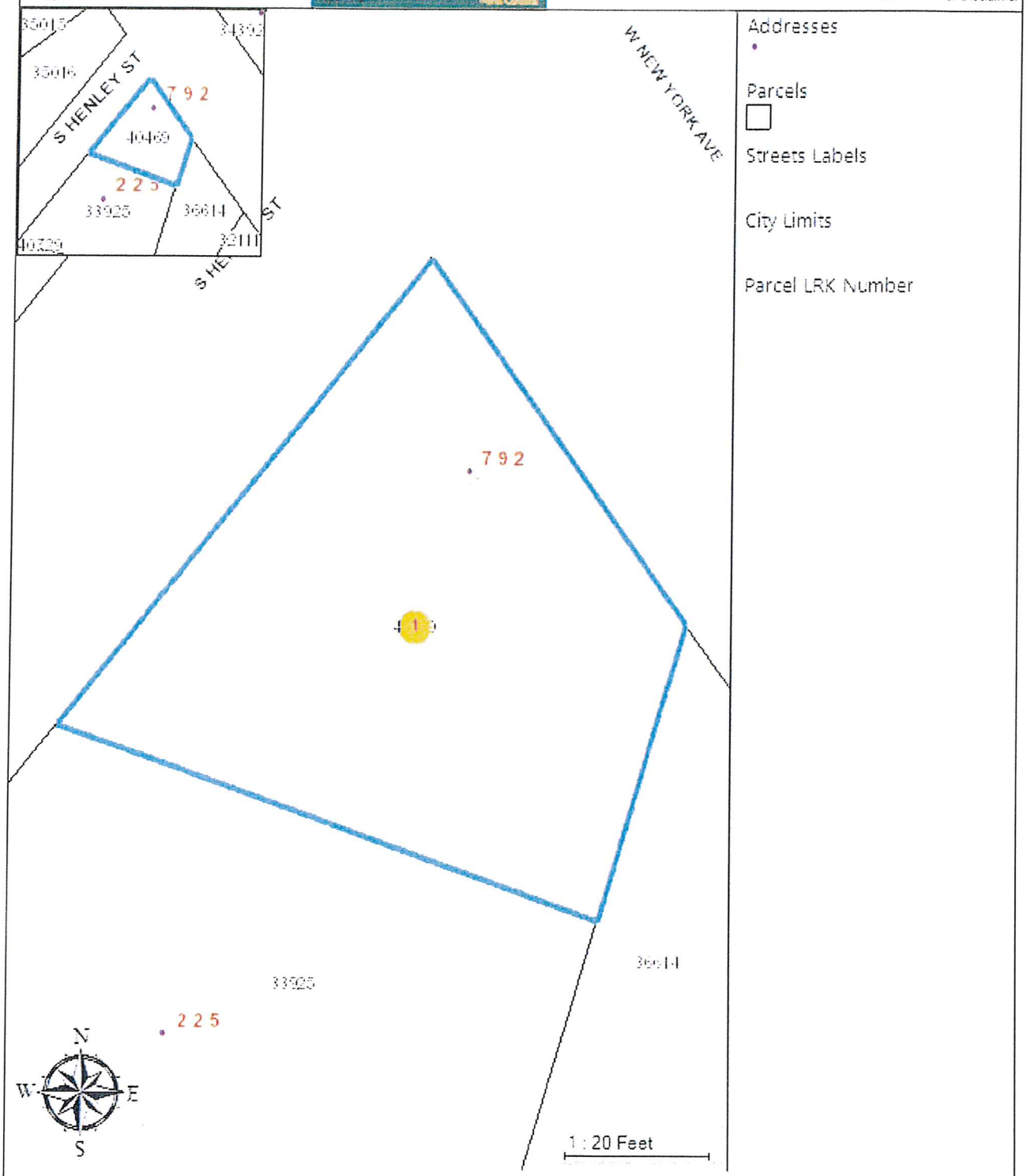
Addresses

Parcels

Streets Labels

Parcel LRK Number

SouthernPines2
Printed October 13, 2015
See Below for Disclaimer



OBJECTID 11477	**PIN** 858217003875	**NBHD** 747
TOWNSHIP 07	**CITY CODE** SP	**FIRE DIST**
CLASS RI	**NAME** HANCOCK, MARGARET ALICIA	**NAME2**
ADDRESS PO BOX 48176	**CITY** OAK PARK	**STATE** MI
ZIP 48237-5876	**DEED ACRES** 0	**CALC ACRES** 0.094
TAX ACRES 0.094	**TOTAL VAL** 9340	**BUILD VAL** 1430
LANDVALUE 7910	**STAMP VAL** 0	**PROP DESC** NEW YORK AVE BLK M 10
DEED BOOK 1845	**DEED PAGE** 123	**TRANSDATE** 10/8/2001 12:00:00 AM
YEARBUILT 1928	**PARID** 00040469	**SALE VALID**
RECENT SALE	**Shape Length** 265.598482390559	**Shape Area** 4120.56124463065

This map was created by the Town of Southern Pines. All information contained herein was created for the City's internal use. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether express or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

10.28.2015 21:29

10. 28. 2015 21 : 10

10.28.2015 21:12

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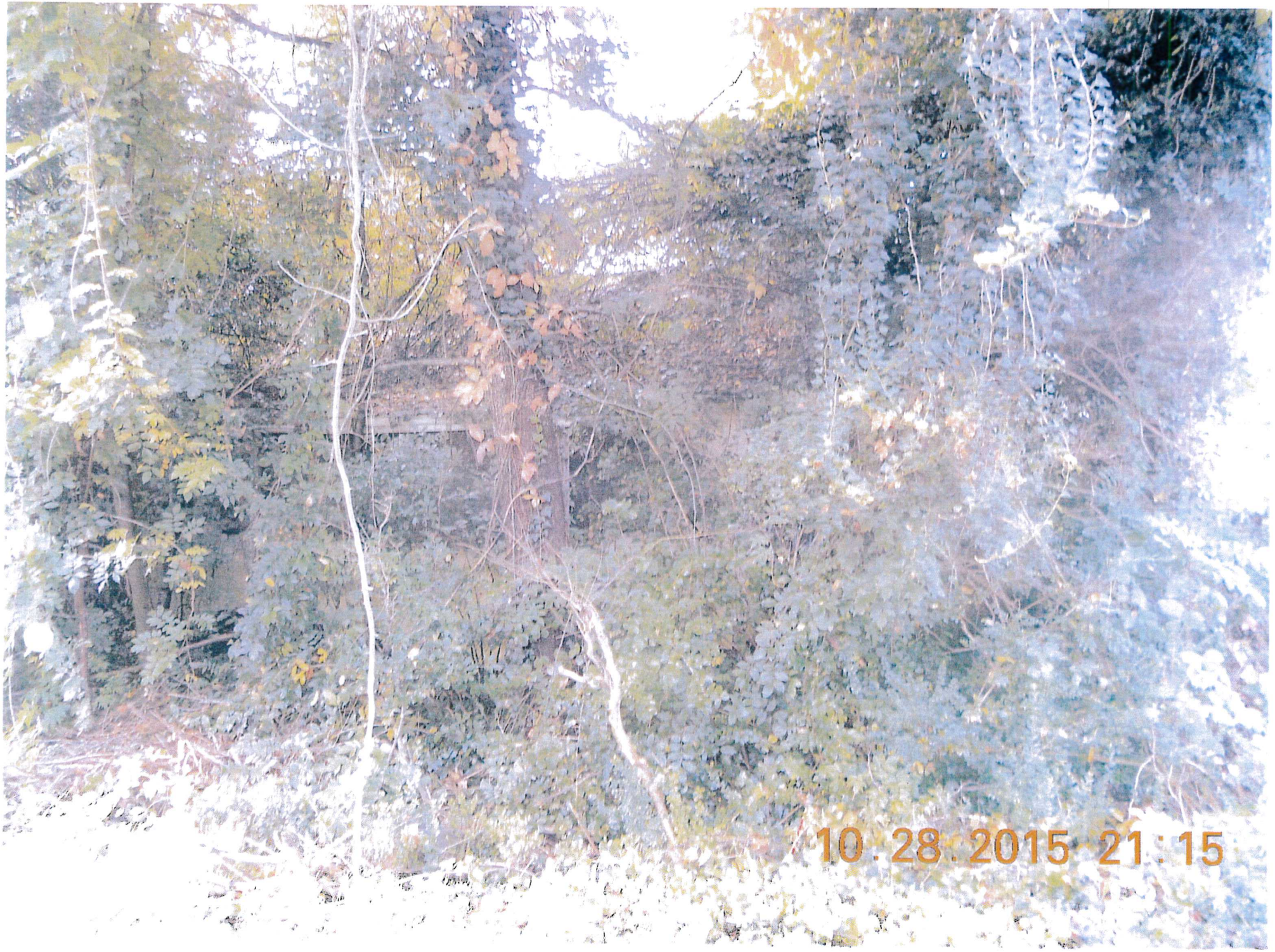

10.28.2015 21:15

COMPLAINT FORM

Town of Southern Pines
Code Enforcement

Date of Complaint: 10/19/15 Time: 9:00 A.M

Complaint Received By: MIKE GARNER

Complaint Made By: ANONYMOUS PHONE CALL

Nature of Complaint:

Contractor _____ Rental Unit _____
Condemn ✓ Illegally Occupied _____
Unsafe ✓ Unsanitary ✓
Other: _____

DETAILS OF COMPLAINT

THE STRUCTURE WAS FALLING DOWN AND VERY UNSAFE WITH EVIDENCE OF VAGRANTS AND DRUG USE. ALSO TRASH AND DEBRIS THROUGHOUT STRUCTURE AND PROPERTY.

Location of complaint and/or directions to site: 792 W. NEW YORK AVE.

REPORT OF INVESTIGATION

Date: 10/19/15 Time: 10:00 A.M

1. THE STRUCTURE WAS UNSAFE AND FALLING IN.
2. EVIDENCE OF VAGRANTS ALONG WITH RODENTS USING THE STRUCTURE.
3. TRASH AND DEBRIS THROUGHOUT STRUCTURE.

Recommendations: STRUCTURE BE DEMOLISHED AND ALL TRASH AND DEBRIS CLEANED UP.

FINAL DISPOSITION

ALL THE NECESSARY PAPERWORK WILL BE PROCESSED AND PROCEDURES FOLLOWED THROUGH TO HAVE THE PROBLEM RESOLVED AS SOON AS POSSIBLE.

Signature: Mike Garner Date: 10/19/15

LOFTON GARBAGE SERVICE 518
SOUTH HENLEY STREET
SOUTHERN PINES, NC 28387
PHONE # (910) 315 - 1631
Email: jl2oj@yhoo.com

Mike Garner
Planning and Inspections
Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387

ESTIMATE

Date: November 25, 2015

Purpose: Demolition and removal of house at 792 W New York Avenue

Location(s): 792 West New York Avenue
Southern Pines, NC 28387

Quantity	Description of Services Rendered	Item Cost	Landfill Cost	Loading/Hauling Cost	Total Charge
1	Demolition and removal of two story house at 792 W New York Avenue (This bid includes demolition permit, demolition, and asbestos screening)	$9,500.00			$9,500.00
?	If asbestos is detected (up to each 100 bags of debris) $1,200 will be added for proper disposal. Debris must be bagged and tagged. 1 week notice must be given to landfill so that a disposal area can be prepared.	$1,200.00			
?	If there is a basement $200.00 per load of fill-in soil will be added.	$200.00			

Bid Total

Comments: Thank you for considering Lofton Garbage Service.

Lofton Garbage Service can take care all of your needs for: Garbage Collection, Debris & Construction Removal, Hauling, Yard Maintenance, Landscaping, Regrading Driveways, Tree Removal, Dumpster Rentals, and Lot Clearing.

918833

STATEMENT

DATE 11-17-15

TERMS

TO Town of Southern Pines

ADDRESS

Proposal 792 W. New York

IN ACCOUNT WITH

Kenny Ring Grading
P.O. 512 Vass NC. 28394

Take down & haul
away house at
792 W. New York

Seed & Straw area

TOTAL $8,200.00

adams DC5812

Consent Agenda Item

To: **Reagan Parsons, Town Manager**

Via: **Bart Nuckols, Planning Director**

From: **Chris Kennedy, Senior Planner**

Subject: **Planning Board Appointments**

Date: **January 12, 2016**

Listed below are vacancies and reappointments for the Southern Pines Planning Board:

- **Mr. John McLaughlin** has completed his first full term on the Southern Pines Planning Board as of November 30, 2015. Per the *Unified Development Ordinance*, Mr. McLaughlin **is eligible** for reappointment to a second full term on the Planning Board. Mr. McLaughlin has expressed interest in serving a second full term.

Southern Pines Fire & Rescue Department

"Serving the Community Since 1898"

MEMORANDUM

To: Town Council

From: Chief Williams

Date: December 28, 2015

Re: Firefighter Relief Board Appointment

In order to be in compliance with GS 58-84-46, the Council will need to re-appoint Chris Smithson to the Local Firefighter's Relief Fund Board for the Southern Pines Fire Department. Chris will fill one of the two positions appointed by the Town Council. Mr. Johnny Burns, our treasurer holds the other appointed position. These appointments are for a 2 year period. Attached is a copy of the current board members and their appointment dates.

Thank you for all you do to support the Town's Fire & Rescue Department.

Southern Pines Public Library

M E M O R A N D U M

DATE: 4 January 2016

TO: Reagan Parsons, Town Manager

CC: Peggy Smith, Town Clerk

FROM: Lynn Thompson, Director of Library and IT Services

RE: Library Advisory Board Appointments

Two members of the Library Advisory Board have terms that expired on 12/31/2015. Chequilla Ledbetter has served two, full three-year terms and is not eligible for reappointment. I hope the Council will recognize her contributions to the Library and the Town and thank her for her years of service.

Alicia Brinton was appointed to serve an unexpired term and is eligible to be appointed for a full term. Mrs. Brinton is willing to be reappointed.

I am attaching an application from Jeff Hutchins who would like to be considered by Council for appointment to the Library Advisory Board. Mr. Hutchins is the CEO of Penick Village and he and his family are active Library users.

At their December meeting, the Library Advisory Board voted to recommend these applicants to the Council for their consideration for appointment to the Board. I hope the Council will consider these appointments:

Alicia Brinton	1/1/2016 to 12/31/2018
Jeff Hutchins	1/1/2016 to 12/31/2018

NORTH CAROLINA

MOORE COUNTY

LEASE AND PROPERTY USE AGREEMENT

THIS LEASE AND AGREEMENT is entered into this ____ day of _____ , 2015, between THE TOWN OF SOUTHERN PINES (referred to after this as "Town"), and the BOYS AND GIRLS CLUB OF THE SANDHILLS, INC. (referred to after this as "Club").

WHEREAS, the Town owns a facility known as the Southern Pines Recreation Center at 160 Memorial Park Court, to which an addition (hereinafter referred to as "Teen Center") was added to the facility by the Club at a cost to the Club of $1,031,021 and has been exclusively used and occupied by the Club since its completion on July 1, 2015. The use of the original facility by the Club has been governed by a use agreement dated January 8, 2013, which this agreement supersedes.

WHEREAS, the Town acknowledges that the Club carries out a public purpose and the Club has made certain capital improvements to the facility; therefore the parties intend to follow the procedure of N.C.G.S. Sec. 160A-279 to approve this agreement extending beyond a ten year term;

WHEREAS, the Town and the Club wish to cooperate in the continued operation of the subject facility, they agree as follows:

1. The Town owns the Southern Pines Recreation Center building at 160 Memorial Park Court, referred to after this as the "facility".

2. The term for which the Club may use and occupy the facility, in the manner provided below, shall be thirty (30) years from the date of this agreement, subject to the requirements of law. The parties, of course, may extend these terms by mutual consent, and the parties shall review and assess this agreement and its terms at least once every ten (10) years.

3. During the term described above the Club may occupy and use for the public purposes of the Club, to the exclusion of all others, all areas designated in the design of the building as office space for the Club and as programming space for the Club in addition to the space created by the capital improvements and initially termed the Teen Center. The Club, however, may not sublease such space or any other interest in the facility without the express, written consent of Town, and shall make available to the Town, upon reasonable notice from the Town, such of the programming space as is not reasonably needed by the Club during the periods for which the Town has requested the use.

4. Use of the gyms included in the original facility shall be established as follows:

a. After approval from the Recreation and Parks Director of the draft schedule, the Club will prepare and distribute on or before March 1, July 1, and November 1 of each year, a schedule for its use of the gyms during the following periods of May through August, September through December, and January through April, respectively.

b. That schedule shall provide that both of the gyms be available for use by the Town during the hours from 6:00 p.m. until closing on each Monday through Thursday; and 8am until 6pm on Saturdays and Sundays during December, January, February and March.

c. The Club shall schedule the gyms for its own use only to the extent that it reasonably anticipates its active use of the gym or gyms during the period scheduled, and shall include on the schedule any use of the gym or gyms requested by the Town.

d. The schedule shall provide that no more than one of the gyms shall be used by the Club at any one time during weekends (except as outlined in section b listed above). The Recreation and Parks Director decides which gym may be used.

e. Unless the Town specifically agrees, the Club will not schedule gym use for itself during the periods indicated in 5b above and at other times will schedule the youth gym for such use only between the hours of 2:00 p.m. and 8:00 p.m. and the senior gym for such use only between the hours of 2:00 p.m. and 6:00 p.m. on days when traditional school is in session; and may schedule the youth gym only between the hours of 6:30 a.m. and 6:00 p.m. and the senior gym between the hours of 12:00 p.m. and 4:30 p.m. on all other days. Any final decision of which gym and at what times is decided by the Town Manager or Recreation and Parks Director. Final determination relative to deviations from these basic parameters that cannot be resolved between the Parks and Recreation Director and Executive Director of the Boys and Girls Club shall be at the sole discretion of the Town Manager of Southern Pines.

5. The Club will provide all service necessary for cleaning and general upkeep of the interior of the facility, including the necessary supplies, materials, painting, floor coverings, and labor, and will bear the costs for such activities, and will keep the premises in a clean and neat manner, consistent with the standards generally applicable to such facilities of this kind, regardless of whether the cleaning and upkeep are necessitated by its own use or by use by others. To keep the Recreation Center clean, the club will at all times during the period of this agreement maintain, and provide copy to the Town on or before February 1 of each year, a service contract to have the facility cleaned five (5) times per week. Failure to maintain said contract shall result in the Town having the facility cleaned and billing the Club the costs thereof plus 10% administrative fee. Failure to reimburse said costs, or multiple failures to have the facility maintained, shall result in this agreement being made null and void. The Club shall also be responsible for gym floor annual maintenance and for correcting any deficiencies in maintenance or violations of fire or building codes for which they are responsible within 30 days of notice from the Recreation Director or any code official. Hoods, grease removal devices, fans, ducts, and other appurtenances shall be inspected and cleaned by qualified individuals at least once every six months, with grease pans inspected as often as necessary and, in any case, at

least once per month, as required by North Carolina Fire Code 609.3.3.3. Records of inspections shall state the individual and company performing the cleaning and the date of the cleanings. The records shall be completed after each inspection or cleaning and maintained on the premises for at least three years and copies provided to the fire code official upon request. Failure to address such matters will result in Town correction with the costs thereof plus a 10% administrative fee billed to and paid by the Club. Failure to reimburse said costs, or multiple failures to correct deficiencies, shall result in this agreement being made null and void. Should tenant believe that an error has been made relative to the necessity of a request, all appeals shall be to the Town Manager for final decision.

6. The Town and the Club shall each provide casualty insurance for their respective interests in the facility.

7. Except as provided below, the Town will provide the maintenance of the grounds and exterior of the entire facility (glass excluded), and of the heating, ventilation and air-conditioning, and will bear any costs associated with such maintenance, and the Club will pay any plumbing maintenance or repair expense up to one thousand dollars ($1,000.00) per occurrence; any such maintenance or repair cost in excess of one thousand dollars ($1,000.00) per occurrence will be paid for by the Town. The Club will provide the maintenance and any necessary replacement of the heating, ventilation, air conditioning, or kitchen related apparatus serving the newly created Teen Center addition.

8. The Club shall pay the expense for all utilities, including gas, electricity, and refuse disposal, except the Town shall pay for one weekly pick-up and disposal of a four-yard garbage dumpster and one 95 gallon recycling can or contract equivalent at the site during the term of the lease. The Town shall install a corral with gates to contain the dumpster and recycling cans. All additional weekly pick-ups and additional recycling bins will be billed directly to the club.

9. The Club will pay all of the expenses for its operations, including the programs it provides, such expenses to include, but not to be limited to, furniture, equipment, supplies, wages and salaries, and services.

10. The Club may establish policies for the use of the facility, or portions of the facility, during its use so long as those policies are consistent with federal, state, and local laws, ordinances, and regulations.

11. The Club may install on the building such signs as it determines to be appropriate so long as those signs comply with all applicable laws and ordinances and are compatible with signs that the Town deems appropriate for the building and which do not preclude such signs by the Town.

12. The Club may make capital improvements to the building, provided that such improvements are approved by the Town prior to any construction. Such approval by the Town shall not be unreasonably withheld.

13. The policies adopted by the Club, as referred to above, may include controlling or denying access to the facility during its sole use.

14. The Town will allow any member of the Club, regardless of the member's residency, to participate in recreational activities of which the Town is the sole sponsor when the usual costs of non-resident or resident participation are paid directly to the Town by the Club for any participants who are non-residents or residents, respectively.

15. The Club will not initiate lessons, programs, or leagues of a type being provided by the Town, except to the extent that such programs offered by the Town are unable to accommodate members of the Club who wish to participate. This provision, however, does not prohibit the Club from offering a summer or after school program of the type commonly offered by Boys and Girls Clubs in other areas, nor does it require the Club to cease providing a program that it has initiated before the Town offered such a program.

16. The Town may terminate this agreement if the Club fails to establish programs for youth using the facilities on a regular and consistent basis or if, after initiating such programs, it fails to continue and maintain them. If the Town chooses to terminate the agreement on that basis, then the Town must so notify the Club and the Club may remedy its failure by initiating or reinstituting the programs within ninety (90) days.

17. The Town will allow the Club to apply for and use on the same basis as Town residents the park and park improvements adjoining the facility for its programs, regardless of whether the Club's members are residents of the Town.

18. The Town shall not be liable for any damage to property or person by reason of the Club's use or occupancy of the facility. The Club further specifically agrees that it will procure and keep in force at its own expense public liability insurance in an amount of not less than $1,000,000 in respect to bodily injury, disease, illness, death or property damage suffered

by any one person or entity, arising out of any one accident, which policy or policies of insurance shall show Town as an additional insured as Town's interest may appear. The Club will cause a certificate of insurance to be furnished to the Town evidencing that coverage and the policy shall provide that the insurance may not be canceled without written notice to Town at least thirty (30) days before any cancellation.

19. While this agreement is in effect no sale or transfer of the facility may be made until the Club has been notified of an opportunity to acquire the facility on the same terms, except for purchase price, as those of the proposed sale, and the Club has failed to exercise that opportunity within 120 working days of the notice. If the Club exercises the opportunity to acquire the facility, the purchase price shall be the proposed price less the depreciated value of the Club's capital contributions to the facility. As of the date of this agreement, the Club's capital contribution (and related occupancy dates of the original facility and Teen Center) are $286,916 on February 1, 2003, and $1,031,021 on July 1, 2015. 40 year mid- month straight line depreciation method shall be used.

THE BOYS AND GIRLS CLUB OF THE SANDHILLS, INC.

By: _____
John P. Dempsey, Chairman of the Board

THE TOWN OF SOUTHERN PINES

By: _____
David McNeill, Mayor

ATTEST:

_____
Peggy K. Smith, Town Clerk

A RESOLUTION ADOPTING AN AGREEMENT WITH THE BOYS AND GIRLS CLUB AND AUTHORIZING ITS EXECUTION BY THE TOWN MANAGER

WHEREAS, the Town Council of the Town of Southern Pines has considered a lease and use agreement with the Boys and Girls Club of the Sandhills, Inc., for portions of the Southern Pines Recreation Center at 160 Memorial Park Court; and

WHEREAS, the Town of Southern Pines wishes to adopt that agreement and to authorize its execution by the Town Manager;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town of Southern Pines

That:

a. The agreement is hereby adopted, and;

b. The Town Manager is hereby authorized to execute the agreement on behalf of the Town.

Adopted this 12th day of January, 2016, by the Southern Pines Town Council.

_____

W. David McNeill, Mayor

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of January 12, 2016, as shown in the minutes of the Town Council for that date.

_____

Peggy Knight Smith, Town Clerk

An Ordinance to Limit Licensing by the Town of Southern Pines

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, that the Town's Code of Ordinances is amended as follows:

1.) The following chapters are deleted in their entirety:

Chapter 110
Chapter 115
Chapter 116
Chapter 118

2.) Chapter 112 is amended as follows:

a.) Section 112.01 is amended by deleting the words "and is properly licensed by the legal taxing authorities as a retail business".

b.) Section112.03 is amended by deleting the word "licensed".

c.) Section 112.04 as amended by deleting it in its entirety.

d.) Section 112.05 is amended by deleting the word "licensed" and renumbering it as §112.04.

3.) Chapter 114 is amended as follows:

a.) The title of Chapter 114 is amended by deleting the words "Itinerant Merchants" and substituting the words "Door-to-Door Soliciting".

b.) Section 114.01 is amended by deleting it in its entirety and substituting the words "Except for charitable or religious purposes, no person may go in or on residential premises in the Town, not having been requested or invited to do so by a resident or owner of the premises, for the purpose of soliciting the purchase of goods, services, or other things of value.

c.) Section 114.25(A) is amended by Inserting the words "religious or" before the word "charitable" in the first sentence.

d.) Sections 114.40, 114.41. 114.42, and 114.43 are deleted in their entireties.

Effective from and after the date of adoption.

Adopted this 12th day of January, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its January 12, 2016 Regular Business Meeting as shown in the minutes of the Town Council for that date.

_____
Peggy K. Smith, Town Clerk

APPROVED AS TO FORM:

_____
Douglas R. Gill, Town Attorney

Agenda Item

To: **Reagan Parsons, Town Manager**

Via: **Bart Nuckols, Planning Director**

From: **Chris Kennedy, Senior Planner**

Subject: **AR-10-15 Overton Body Shop; 180 Short Street; SBS Sandhills Building Systems Inc.**

Date: **January 12, 2016**

AR-10-15 Overton Body Shop; 180 Short Street; SBS Sandhills Building Systems Inc.

On behalf of Overton Body Shop, the petitioner Chris Cleaveland of SBS Sandhills Building Systems Inc. has submitted an application requesting Architectural Review approval for a new commercial structure located at 180 Short Street to serve as the collision care shop for Overton Body Shop. The proposed structure will be 7,700 square feet. The property is identified by the following: PIN: 857110455473 (PARID: 00048142). Per the Moore County Tax records, the property owner(s) are listed as Overton Body Shop.

Staff Comments:

- The subject property is a 1.392 acre site.
- The property is zoned General Business (GB).
- The proposed project must comply with the standards of Section 4.10 Commercial Building Design Standards as set forth in the UDO.
- Per Section 4.10.4 (C) Building Materials: The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The permit issuing authority may approve:
    - 1. The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.
    - 2. Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway, or residential zoning district.
        - The petitioner is asking that the Town Council waive the requirements for an 80% brick façade.
        - The petitioner will provide landscaping on the elevation facing Short Street to screen the proposed structure.

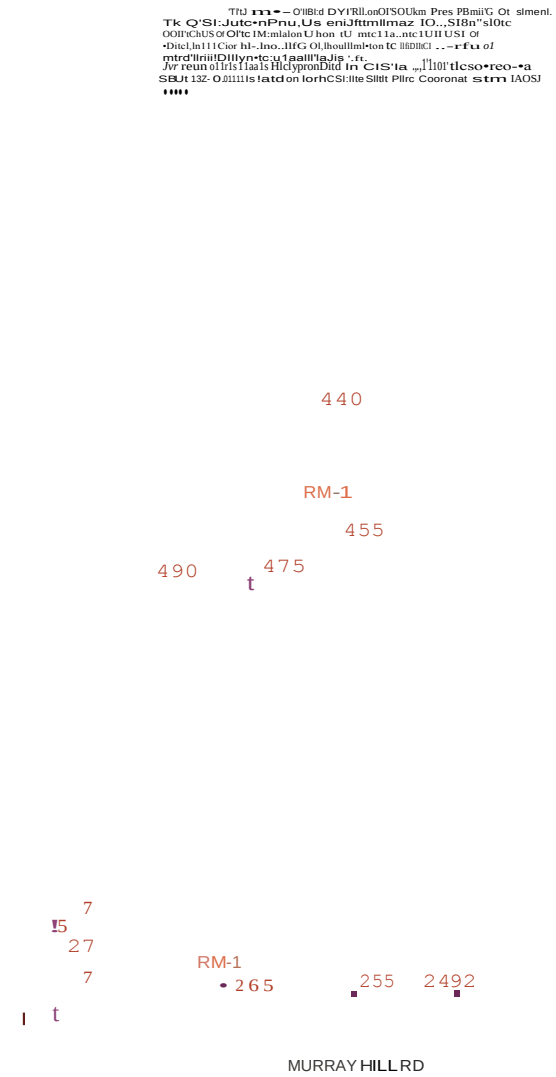
- The proposed structure will be comprised of horizontal vinyl siding in the color of "tan of clay" (earthy brown tone) with a galvalume roof in the silver and trim in the color of burnished slate (dark brown).
- The existing residence located on the property will be retained and converted into an office for the body shop.
- All mechanical equipment will be located on the rear of the property and will be screened from all sides.

Attachments:

- GIS Aerial Vicinity Maps
- AR Application
- Narrative
- Site Plan
- Elevations
- Existing Conditions

IN ADDITION TO Architectural Review Approval from Town Council, THE APPLICANT SHOULD BE REMINDED THAT ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION AND/OR DEMOLITION CAN BEGIN. When the applicant applies for the required permits such as zoning, grading, soil erosion control, building, sign, etc., a set of detailed plans (including a site plan in compliance with various Sections of the Town of Southern Pines UDO) will be necessary. Planning staff recommend a staff consultation of the applicant's preliminary plans to provide comprehensive remarks by all appropriate Town departments/divisions. Such staff consultation should minimize development costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements.

AR-10-15 Overton's Body Shop
180 Short Street



AR-10-15 Overton's Body Shop
180 Short Street

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AR-10-15 Overton's Body Shop
180 Short Street

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NOV 16 2015

BY:

AJ>PLICATION FOR SOUTHERM1 1>1 ES TOWN COUNCIL
ARCHITECTURAL REVI EW

Date Received:_____ Case: AR-10-\S

TO THE TOWN COUNCfL OF THE TOWN OF SOUTHERN PI NES, NORTH CAROLINA:

d ''''

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2. Project Street Address: \<¢0 '3\\oR:X 5-nu:ET
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4. Type of Co mmercial Building (i.e. retail, office, etc.): 'P>u5\tieS– SI:\op
5. Squ are footage of Project: '7'JOC Sf ('Jo ')(\IO')

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Name of Petitioner: C.HglS L.u:Av.ELAI-li)Signatu.... -=-===--''''E-====--.0:::::00-=...;=--....;;::,-
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Phone Number of Petitioner: 'ho -9#- 3o61J
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Narrative

The current plans for 180 Short Rd. are to construct a 110' X 70' Metal Building (7,700 sf) to be use as automotive body shop. The existing house will remain and be remodeled to an office and meet current handicap codes. The new metal building will have a metal roof and horizontal siding with the colors depicted on the plans and comply with the Town of Southern Pines Commercial Building Design Standards below:

The Project is current zoned: General Business (GB)

The proposed building colors and horizontal vinyl siding will be visually harmonious with the overall appearance and history ofthe Town. The metal roof will be Galvalume (silver) with Burnished Slate (Dark Brown) Trim and the walls Tan of Clay (Earthy Brown Tone) .(4.10.2. a,b,c)

The proposed building will be constructed as close as it can to the front setback line. Due to the existing house remaining and being remodeled to an office, the proposed building will have to be located behind the existing house for operation purposes. (4.10.3. A1-3)

The proposed building will have a sidewalk leading to the existing house, which has a sidewalk that leads to the existing drive and to the street. (4.10.3 B1-3)

The front yard shall remain in its current condition saving as many pine trees as possible. (4.10.3 Cl-4)

Landscape opaque screening will be provided so that the proposed building is not visible from the street. (4.10.3 D)

The existing house will be remodel into an office and will only have one entry for customers. This entry will face Short Rd. (4.10.4 A1-2)

The proposed building will be 110' x 70' x 16' Eave Ht. and will be under 35' in height. Building segments will be created with 3' X 1' building offsets. (4.10.4 B1-4)

The proposed building walls will have horizontal lap siding and will be screened and not visible from any public street, walkway or residential zoning district. The proposal does not comply with this standard but that the screening provided will just the waiver pursuant to UDO Section 4.10.4 (C)(2). (4.10.4 C1-2)

Landscape opaque screening will be provided so that the proposed building garage bays and loading areas are not visible from the street. (4.10.3 I)

Wl

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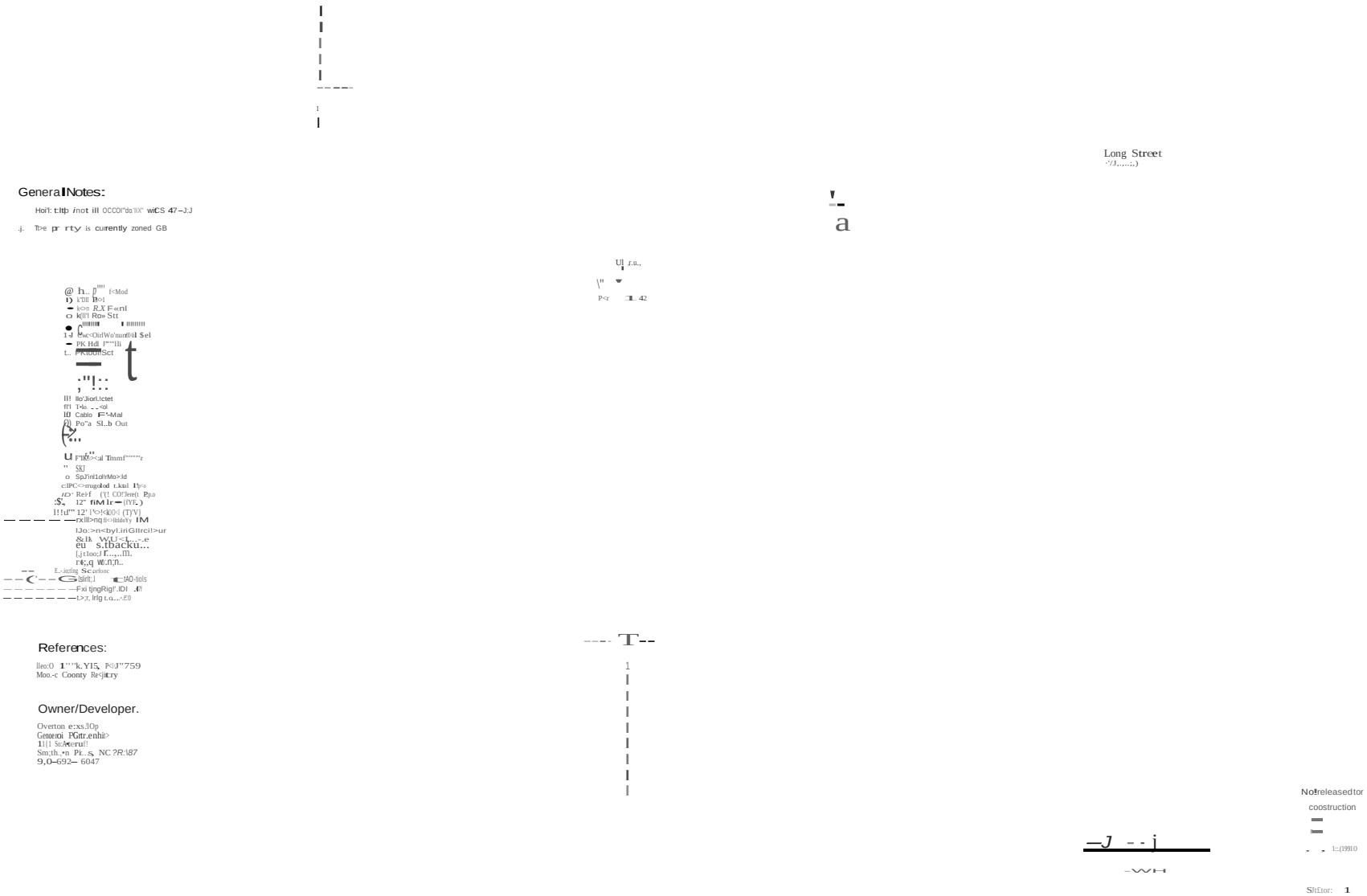
@ Right Elevation

@ Left Elevation


General Notes:
Long Street
References:
Owner/Developer.

Existing Conditions

Agenda Item

To:	**Reagan Parsons, Town Manager**
Via:	**Bart Nuckols, Planning Director**
From:	**Chris Kennedy, Senior Planner**
Subject:	**AR-14-15 St. Joseph of the Pines – Belle Meade; Coventry Addition & Clubhouse Renovation; 105 Gossman Drive; Architects Plus**
Date:	**January 12, 2016**

AR-14-15 St. Joseph of the Pines – Belle Meade; Coventry Addition & Clubhouse Renovation; 105 Gossman Drive; Architects Plus

On behalf of Architects Plus, the petitioner Mr. James Knappenberger has submitted an application requesting Architectural Review approval for a commercial addition to the Coventry building and the addition of two (2) trellis features and one (1) gazebo to the clubhouse patio. The proposed expansion of the Coventry structure will be 6,190 square feet. The property is located at 105 Gossman Drive and is identified by the following: PIN: 858315743819 (PARID: 00040807). Per the Moore County Tax records, the property owner(s) are listed as St. Joseph of the Pines Inc.

Staff Comments:

- The proposed project is within the Belle Meade development, which is comprised of a 95.0 acre site.
- The property is zoned Facilities, Resources, and Recreation (FRR).
- The proposed project must comply with the standards of Section 4.10 Commercial Building Design Standards as set forth in the UDO.
- Per Section 4.10.4 (C) Building Materials: The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The permit issuing authority may approve:
    - 1. The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.
    - 2. Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway, or residential zoning district.
        - The petitioner is asking that the Town Council waive the requirements for an 80% brick façade as the proposal utilizes the same materials as the existing structure to which is to be attached.

        - The proposed addition will not be visible from Camp Easter Road, which is the closest public street.
- The Coventry building is located at 103 Gossman Drive.
- The proposed addition to the Coventry building will be 6,190 square feet.
    - The addition includes ten (10) resident rooms, associated living, dining, kitchen, and activity spaces.
    - The construction of the addition will consist of concrete slab-on-grade, metal stud wall framing with stucco and cement board siding exterior finishes, and fire treated wood roof trusses with asphalt shingle roofing.
        - All exterior materials, colors, textures, patterns, and details are intended to match those of the existing building in appearance include stucco, siding, trim, roofing, windows, and doors.
- The Clubhouse building is located at 100 Gossman Drive.
- The proposed clubhouse renovation is primarily an interior up-fit, but the project also include the addition of two (2) trellis features and one (1) gazebo on the existing terrace.
    - The proposed structures will be constructed of wood, columns will be wrapped with wood or PVC trim and painted to match the trim on the existing building. The center gazebo will have a standing seam metal roof. The overhead beams and rafters of the flanking trellis structures will be rough sawn wood painted with either a semi-transparent or opaque stain in a color compatible with the colors of the existing building.

Attachments:

- GIS Aerial Vicinity Maps
- AR Application
- Narrative
- Site Plan
- Elevations and Floor Plan
- Context Images

IN ADDITION TO Architectural Review Approval from Town Council, THE APPLICANT SHOULD BE REMINDED THAT ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION AND/OR DEMOLITION CAN BEGIN. When the applicant applies for the required permits such as zoning, grading, soil erosion control, building, sign, etc., a set of detailed plans (including a site plan in compliance with various Sections of the Town of Southern Pines UDO) will be necessary. Planning staff recommend a staff consultation of the applicant's preliminary plans to provide comprehensive remarks by all appropriate Town departments/divisions. Such staff consultation should minimize development costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements.

AR-14-15 St. Joseph of the Pines- Belle Meade Coventry Addition

This map was created by the Town of Southern Pines Planning Department.
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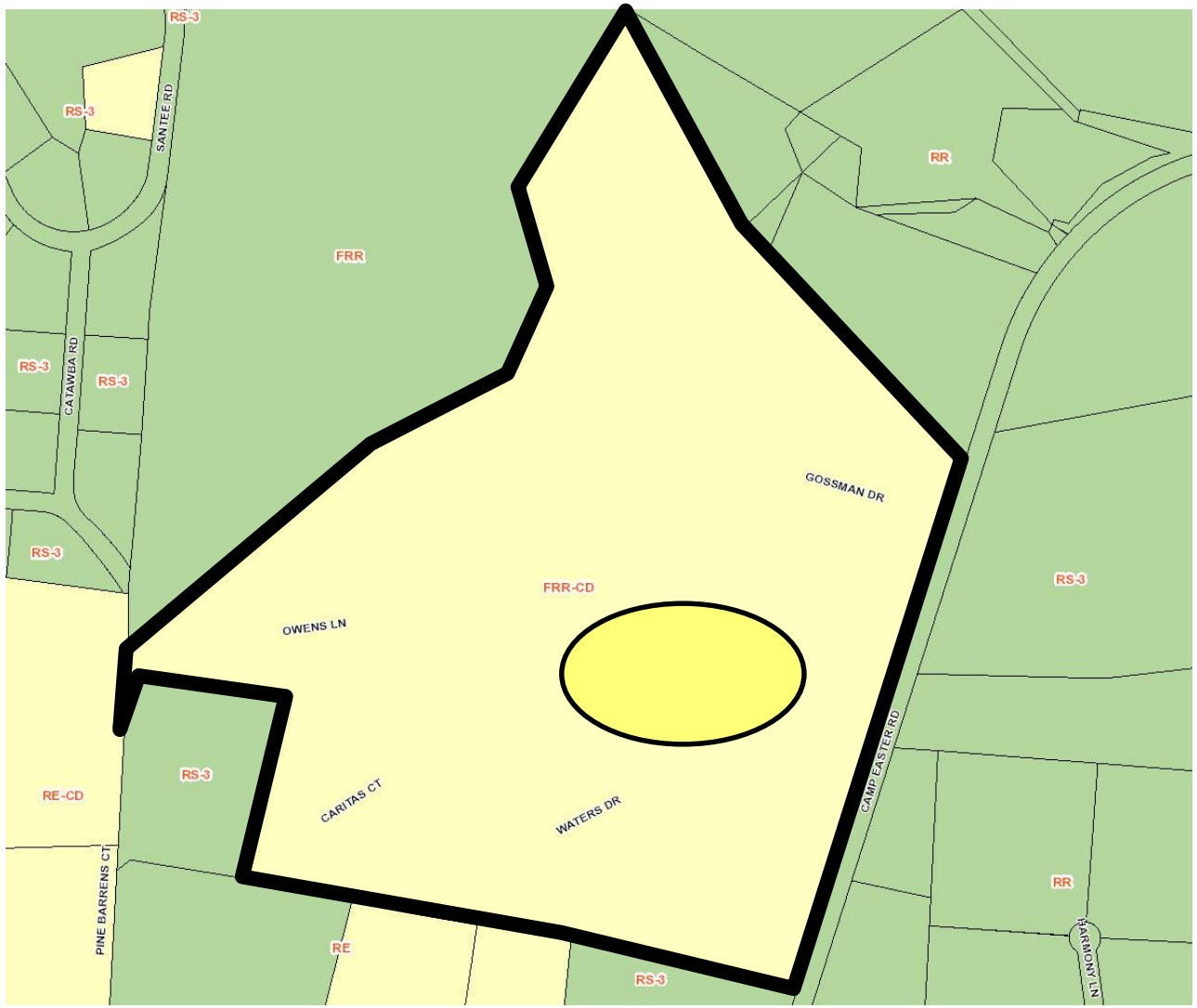

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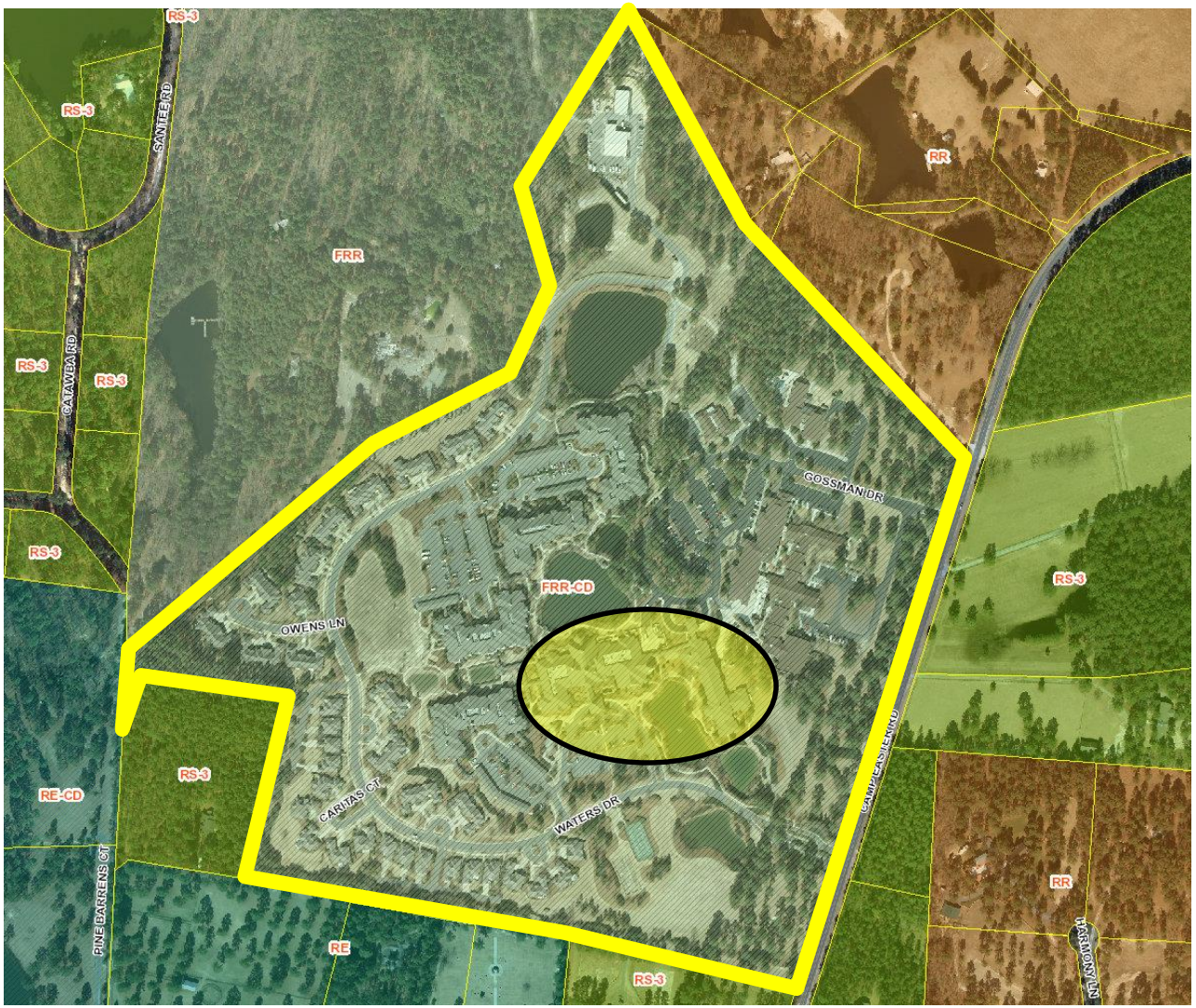

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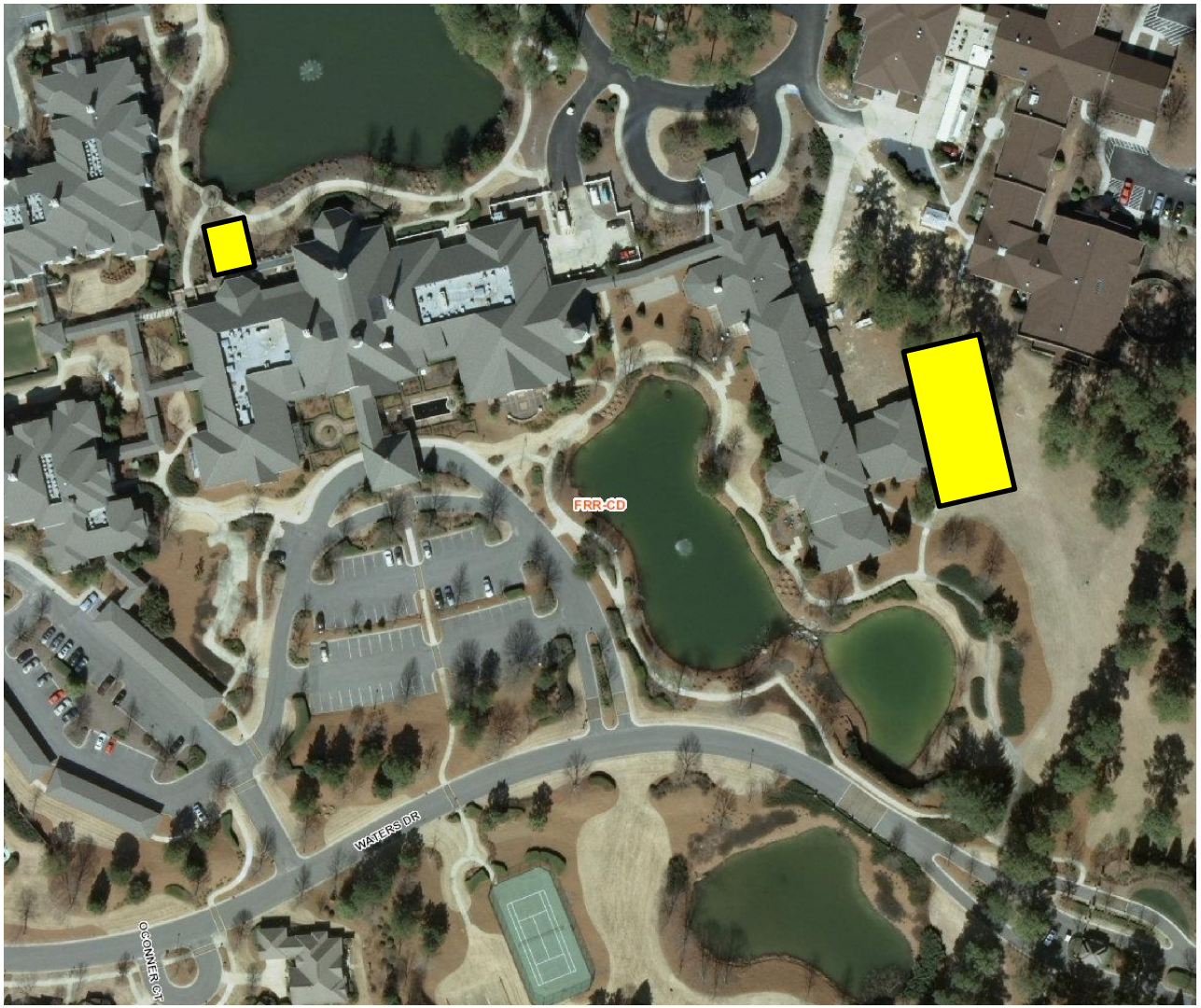


APPLICATION FOR SOUTHERN PINES TOWN COUNCIL
ARCHITECTURAL REVIEW

RECEIVED
DEC 4 2015
BY:

Date Received: _____ Case: AR- 14-15

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

I, the undersigned, do hereby make application for an architectural review of the property as described below, to the Town of Southern Pines Town Council:

1. **Name of project:** St Joseph of the Pines - Belle Meade - Coventry Addition and Clubhouse Renovation.
2. **Project Street Address:** 105 Gossman Dr. Southern Pines, NC 28387
3. **PIN #** _____ **LRK** _____
4. **Type of Commercial Building (i.e. retail, office, etc.):** Commercial - Dining and Assisted Living.
5. **Square footage of Project:** 6,190 sf addition

I certify that all information furnished in this application is accurate and in compliance with the attached architectural standards of the Town of Southern Pines.

Name of Petitioner: James Knappenberger **Signature:** _____
Please Print

Mailing Address of Petitioner: 10816 Millington Ct., Ste. 100, Cincinnati, OH 45242
Please Print

E-Mail of Petitioner: jknappenberger@architectsplus.com
Please Print

Phone Number of Petitioner: 513-984-1070
(Area Code)

Name of legal owner of Property Owner (If different from Petitioner) St. Joseph of the Pines
Please Print

Mailing Address of Legal Property Owner (If different from Petitioner) Belle Meade Health Center, 103 Gossman Dr., Southern Pines, NC 28387
Please Print

Phone Number of Legal Property Owner (If different from Petitioner) 910-246-1165
Please Print

10816 Millington Court
Suite 100
Cincinnati, OH 45242
513.984.1070
architectsplus.com

ArchitectsPlus **Memo**

Date: December 22, 2015
Project: 15130 – Saint Joseph of the Pines
To: Mr. Chris Kennedy
Planning Department
Town of Southern Pines
From: James Knappenberger
Re: Architectural Design Review

Architectural Design Review Narrative for Saint Joseph of the Pines, Belle Meade Retirement Community, Clubhouse Renovation and Coventry Assisted Living Addition:

LOCATION

MAIN OFFICE: Belle Meade Health Center
103 Gossman Drive
Southern Pines, NC 28387

Owner Contact: Dawn Wilson, 910-246-1165

CLUBHOUSE: Belle Meade Retirement Community
100 Waters Drive
Southern Pines, NC 28387

COVENTRY: Belle Meade Retirement Community
103 Gossman Drive
Southern Pines, NC 28387

GENERAL

The project includes work at two buildings on the Belle Meade campus. An interior renovation is planned for the clubhouse which also includes the addition of exterior trellis structures on the existing terrace. An addition is planned for the Coventry residential building. Both buildings are in the heart of the Belle Meade campus and away from view by the general public.

Both the owner and the architect are committed to providing a high quality project that meets the needs of the owner and is visually compatible with the existing architecture for the benefit of the residents, their families and the entire southern pines community.

CLUBHOUSE RENOVATION

The Clubhouse portion of the project is the interior renovation of approximately 15,000 square feet of space in the existing Reception, Dining, Bar and Kitchen areas. It is entirely confined to the interior of the building with the exception of the addition of three free-standing structures, two trellises and one gazebo, on the existing terrace outside of the formal dining area.

The structures will be constructed of wood. Columns will be wrapped with wood or pvc trim and painted to match the trim on the existing building. The center gazebo will have a standing seam metal roof. The overhead beams and rafters of the flanking trellis structures will be rough sawn wood painted with either a semi-transparent or opaque stain in a color compatible with the colors of the existing building.

Please refer to the submitted drawings.

No other exterior work is anticipated for this portion of the project.

COVENTRY ADDITION

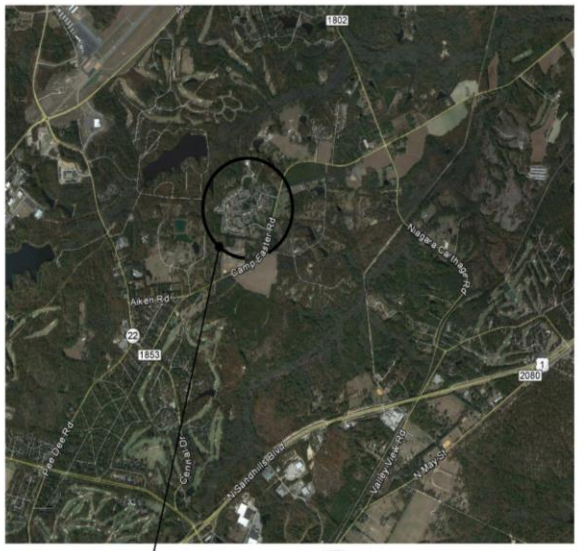
The proposed assisted living memory care addition includes ten resident rooms, associated living, dining, kitchen and activities spaces, and a secured exterior courtyard. Also included is the interior renovation of four existing resident rooms and associated corridor. The one story addition has a gross floor area of approximately 6,950 square feet. The interior renovation is approximately 1,840 square feet.

The site slopes gently downward to the east away from the building such that the floor level at the east face of the addition will be approximately five feet above finished grade. Extensive re-grading is not anticipated. Finished grades will be as close to existing grades as is feasible. There are a few trees near the north end of the addition. They will be saved if feasible. Extensive tree removal is not anticipated.

Construction of the addition will be concrete slab-on-grade, metal stud wall framing with stucco and cement board siding exterior finishes, and fire treated wood roof trusses with asphalt shingle roofing.

All exterior materials, colors, textures, patterns and details are intended to match those of the existing building in appearance including stucco, siding, trim, roofing, windows and doors.

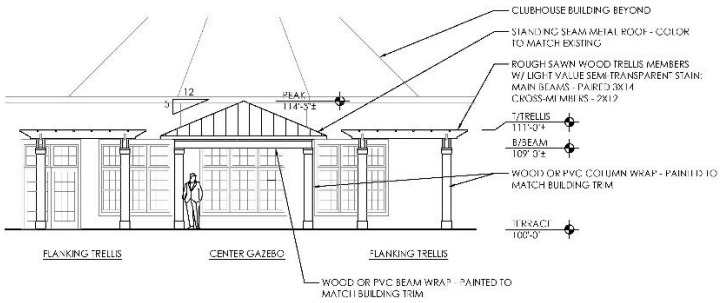
Please refer to the submitted drawings.



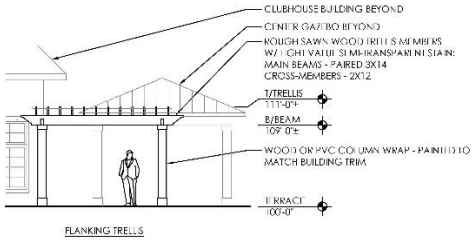
VICINITY MAP
Not to Scale

CAMPUS MAP
Not to Scale

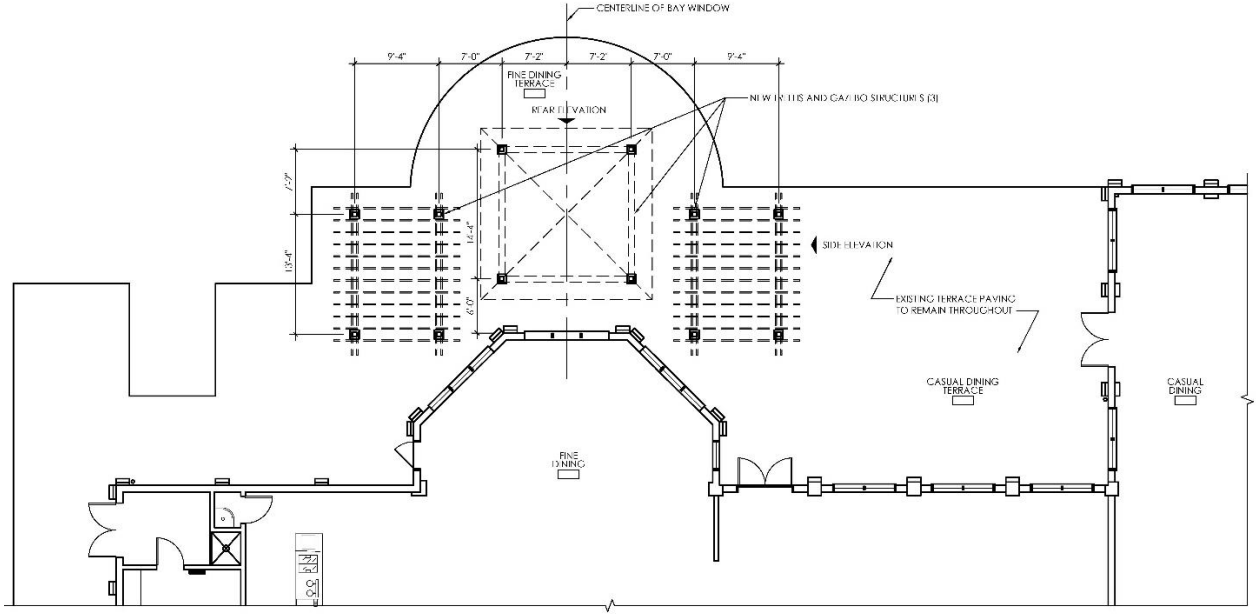
WORK AREA PLAN
Not to Scale



REAR ELEVATION
Scale: 1/8" = 1'-0"

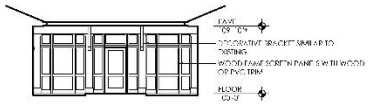


SIDE ELEVATION
Scale: 1/8" = 1'-0"



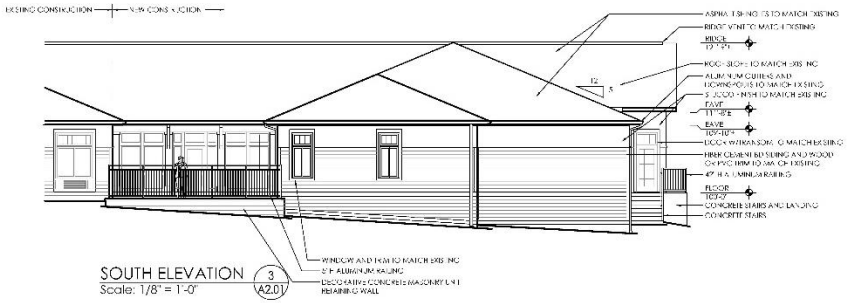
CLUBHOUSE TERRACE PLAN
Scale: 1/8" = 1'-0"

NORTH

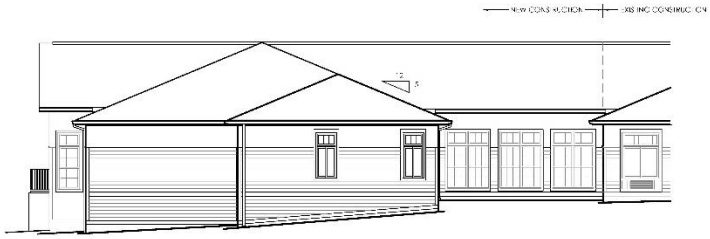


COURTYARD SOUTH ELEVATION (5 / A2.01)
Scale: 1/8" = 1'-0"

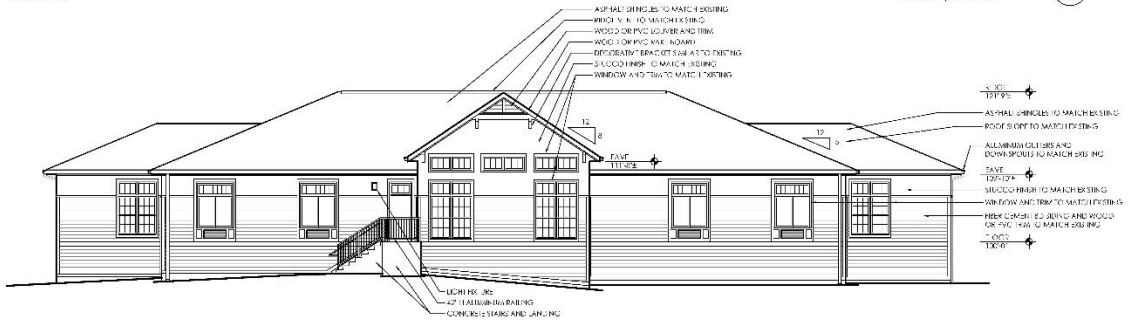
SECTION A / WEST ELEVATION (4 / A2.01)
Scale: 1/8" = 1'-0"



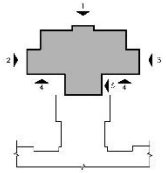
SOUTH ELEVATION (3 / A2.01)
Scale: 1/8" = 1'-0"



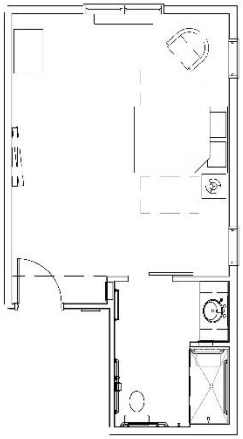
NORTH ELEVATION (2 / A2.01)
Scale: 1/8" = 1'-0"



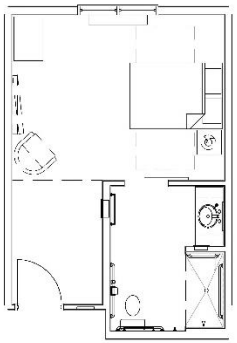
EAST ELEVATION (1 / A2.01)
Scale: 1/8" = 1'-0"



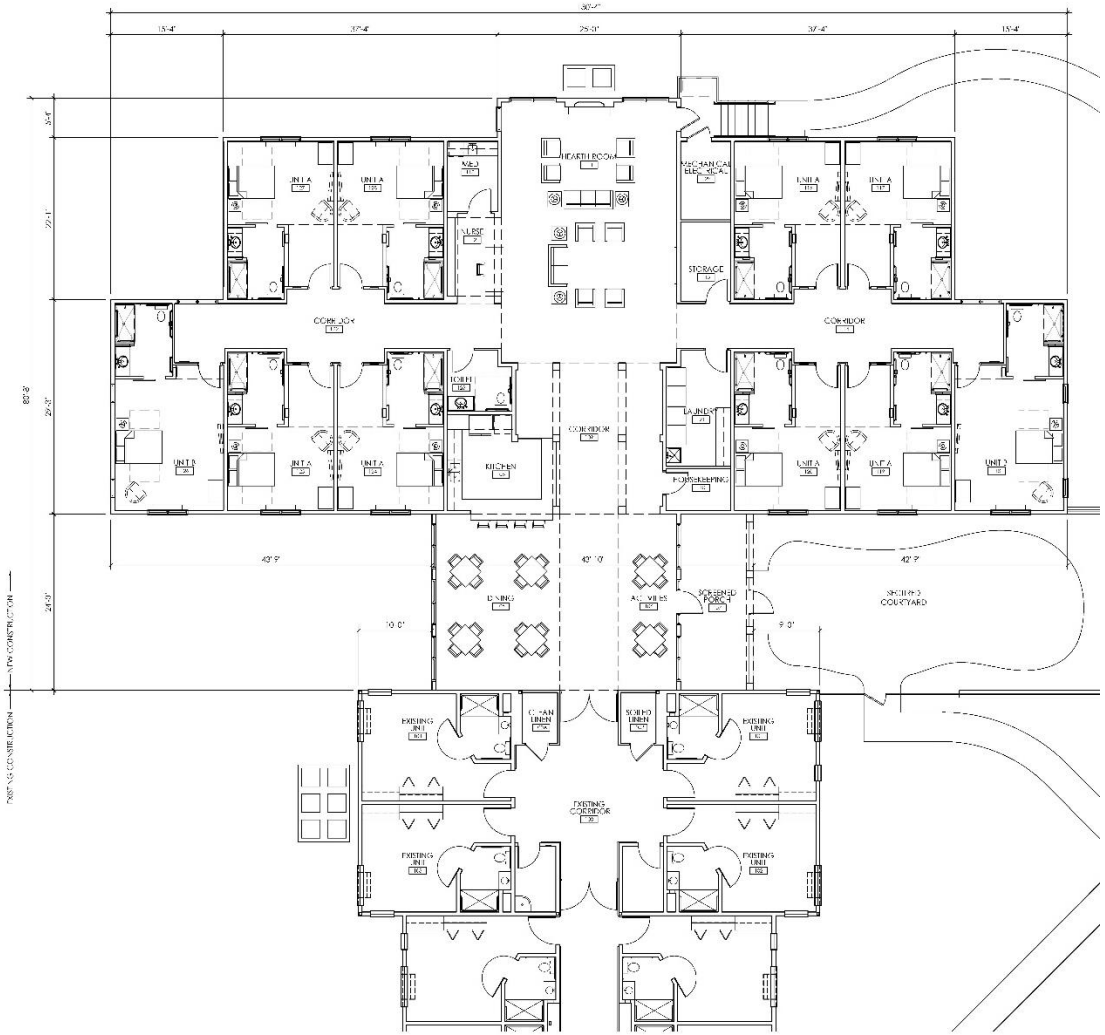
KEY PLAN
Scale: 1/8" = 1'-0"



UNIT B
Scale: 1/4" = 1'-0"
666 SF

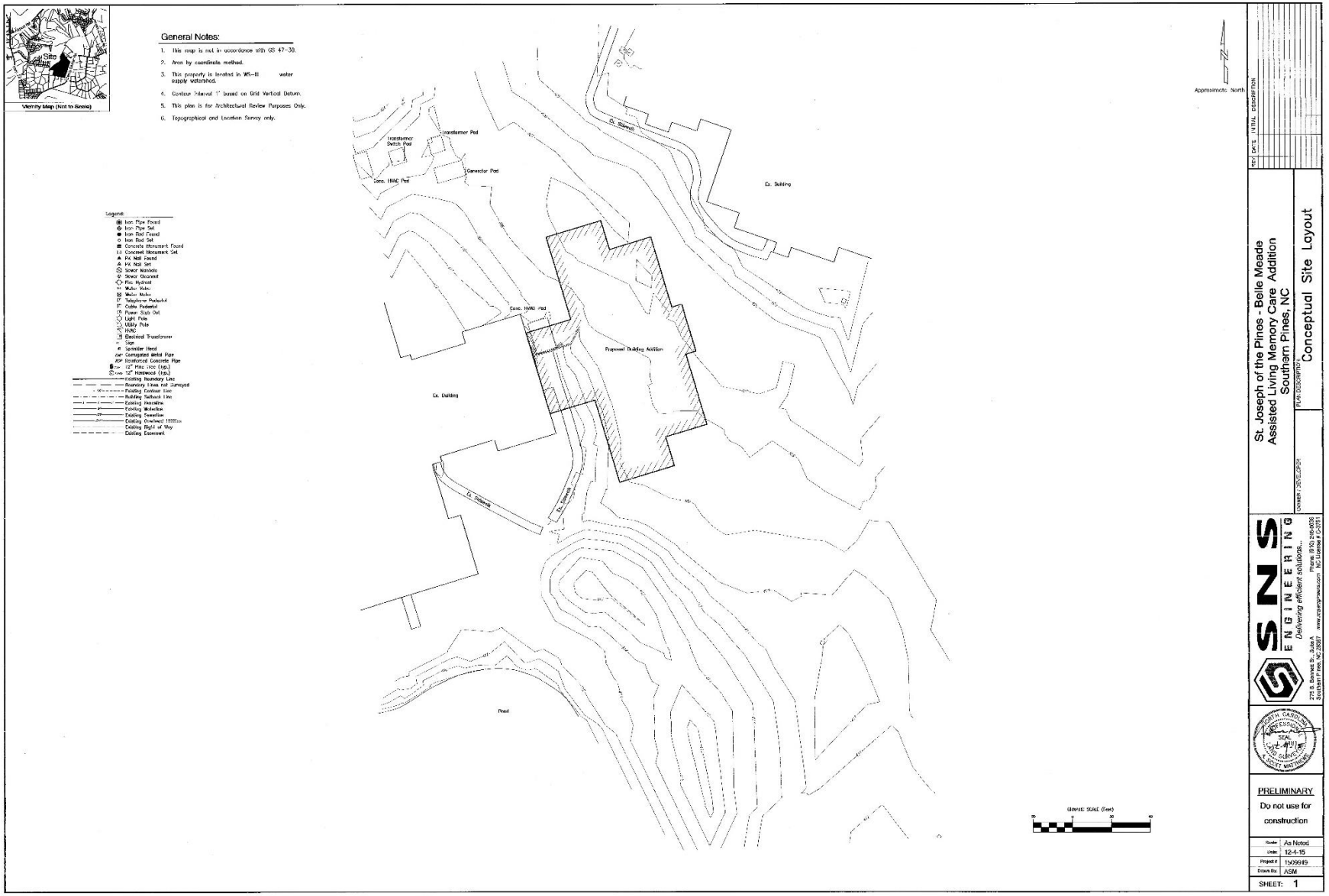


UNIT A
Scale: 1/4" = 1'-0"
300 SF



FLOOR PLAN
Scale: 1/8" = 1'-0"
6,990 SF NEW CONSTRUCTION
1,840 SF RENOVATION
8,750 SF TOTAL

NORTH


General Notes:
1. This map is not in accordance with GS 47-30.
2. Area by coordinate method.
3. This property is located in WS-III water supply watershed.
4. Contour Interval 1' based on Grid Vertical Datum.
5. This plan is for Architectural Review Purposes Only.
6. Topographical and Location Survey only.
Vicinity Map (Not to Scale)
Site
Legend:
Iron Pipe Found
Iron Pipe Set
Iron Rod Found
Iron Rod Set
Concrete Monument Found
Concrete Monument Set
PK Nail Found
PK Nail Set
Sewer Manhole
Sewer Cleanout
Fire Hydrant
Water Valve
Water Meter
Telephone Pedestal
Cable Pedestal
Power Sub Out
Light Pole
Utility Pole
HVAC
Electrical Transformer
Sign
Sprinkler Head
Corrugated Metal Pipe
Reinforced Concrete Pipe
12" Pine Tree (typ.)
12" Hardwood (typ.)
Existing Boundary Line
Boundary Lines not Surveyed
Existing Contour Line
Existing Setback Line
Existing Vacation
Existing Water Line
Existing Sewerline
Existing Overhead Utilities
Existing Right of Way
Existing Easement
Transformer Switch Pad
Transformer Pad
Generator Pad
Conc. HVAC Pad
Ex. Sidewalk
Ex. Building
Proposed Building Addition
Road
Approximate North
GRAPHIC SCALE (Feet)
St. Joseph of the Pines - Belle Meade
Assisted Living Memory Care Addition
Southern Pines, NC
Conceptual Site Layout
SNS ENGINEERING
Delivering efficient solutions...
PRELIMINARY
Do not use for construction
Scale: As Noted
Date: 12-4-15
Project #: 1509919
Drawn By: ASM
SHEET: 1

CONTEXT IMAGES