

## **AGENDA**

**Regular Business Meeting of the Southern Pines Town Council  
February 9, 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 Agenda Meeting Minutes of January 6, 2016 and Regular Business Meeting Minutes of January 12, 2016 as written.
- B. 2014-2015 Annual Audit
- C. Amendments to the Town Code of Ordinances regarding Section 93 Civil Emergencies
- D. Resolution in Support of One-Quarter-Cent Sales and Use Tax Referendum

#### **3. 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**  
**Agenda Meeting of the Southern Pines Town Council January**  
**6, 2016, 7:00 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, Councilwoman Teresa VanCamp

**Absent:** None

Call to Order

**1. 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.

Danny Overton of 145 Russet Ct, Whispering Pines and Scott Matthews of SNS Engineering out of Carthage were present to discuss their request to construct a new building at 180 Short Street.

Planning Director Bart Nuckols explained the history of this property with an aerial map and the request of the applicant.

Director Nuckols pointed out the two un-opened right-of-ways on either side of the property and an existing house on the property. Director Nuckols continued with an overview of the proposed construction materials. Director Nuckols stated the petitioner is requesting a waiver for the requirement of brick and a different style of siding than required by the standards of the UDO. Director Nuckols referred to the provided site plans illustrating the existing structure and the proposed structure.

Town Manager Reagan Parsons inquired if this proposed structure will be located across from the Keller Williams Building.

Mr. Overton responded in the affirmative.

Mayor McNeill asked if this would be a new site or if the current operation on Pinehurst Avenue would be relocated.

Mr. Overton responded that the Pinehurst Avenue site would remain and that this operation was currently located on US 1 at the rear of the former Chevrolet site.

Mayor Pro Tem Fields inquired if this proposed building will be located behind the existing retained brick structure on the property. Mayor Pro Tem Fields commented that he wants to make sure it will not be visible from Murray Hill Road.

Mr. Overton responded in the affirmative and stated the proposed structure will not be visible from Murray Hill Road.

Director Nuckols stated the petitioner proposed on their submitted plans to include landscaping at this location adjacent to their driveway and parking area external to the property. Director Nuckols explained the majority of the landscaping will be located between the driveway, structure, and the street.

Councilman Walden asked what is located on the adjacent lot.

Mr. Overton stated the radio station.

Discussion ensued.

Councilman Simeon asked if they were proposing to remove any of the existing trees.

Mr. Overton commented that they are attempting to keep most of the existing trees as well as maintaining a landscaping buffer.

Town Manager Parsons stated that there may be removal of some trees upon construction based on the submitted site plan.

Councilman Walden inquired if the petitioner is requesting a variance for the siding.

Mr. Overton responded in the affirmative and stated they are asking for this variance because the building will be located behind the existing brick building and will not be seen from the street.

Mayor McNeill asked Mr. Overton if Council considers the variance, would he agree to install additional landscaping on the left side of the lot as a buffer to 15/501.

Mr. Overton responded in the affirmative.

Discussion ensued regarding additional landscaping, structure materials and color palate.

Mayor McNeill stated Council agrees that this item will be formally considered at January 12, 1016 Regular Business Meeting with the agreed additional landscaping and buffering suggestions.

**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.

Dawn Wilson, Vice President of Health Services of St. Joseph of the Pines and Randy McKinley, Director of Plant Operations of St. Joseph of the Pines were present to discuss their request for item AR-14-15.

Director Nuckols gave a brief overview of the item and stated there is a request for a variation in the standards of the request to match the siding of the existing structures.

Mayor Pro Tem Fields commented the request correlates very well with the existing structures.

Councilman Walden asked if they had plans to expand in the future.

Ms. Wilson responded in the affirmative.

Mayor McNeill stated Council will formally consider this request at the next Regular Business Meeting.

**2. Consent Agenda**

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.

Corrections to the minutes were noted by the Town Clerk.

B. Budget Amendments

<b><u>DEPARTMENT</u></b>	<b><u>LINE ITEM</u></b>	<b><u>CODE</u></b>	<b><u>INCREASE</u></b>
General Fund	Donations - Fire	10-362-0000	\$ 500.00
Fire	Departmental Supplies	10-530-3300	\$ 500.00

Town Manager Parsons gave an overview of the budget amendments.

Town Manager Parsons requested to add a budget amendment in the amount of \$26,200 for the following three proposed demolitions if approved on January 12, 2016.

C. Demolition Ordinances

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

Chief Building Inspector Mike Garner gave an overview of each of the three proposed structure demolitions.

Discussion ensued regarding legal notifications that were provided to the current owners, the history of the properties, responses from property owners, the process of declaring demolition of the properties and the amount of the proposed bids for demolition.

Council unanimously agreed to formally move forward with the proposed demolitions of 281 South Henley Street, 385 South Henley Street, and 792 West New York Avenue if the property owners do not officially work something out with Chief Building Inspector Garner before the January 12, 2016 Regular Business Meeting.

D. Board Appointments

- Planning Board
- Firefighter Relief Board
- Library Advisory Board

Town Manager Parsons explained the suggested board appointments and re-appointments.

E. Resolution for Boys and Girls Club Agreement

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

Town Manager Parsons gave a brief overview of the Consent Agenda items and explained the updates.

As so incorporated to these minutes of January 6, 2016 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 8:12 p.m.

Peggy K. Smith  
Town Clerk

## Minutes

### Regular Business Meeting of the Southern Pines Town Council January 12, 2016, 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. Manager's Comments

Town Manager Parsons stated under House Bill 44 there was an additional section of 2015.246 that passed in 2015. This section states that the North Carolina State Legislature set out requirements for the Town regarding the notification of projects and new infrastructures the Town undertakes throughout the year. Town Manager Parsons stated under 160A-499.4(b) notices may occur in any open meeting of the legislative body, which includes our regularly scheduled three meetings each month.

Town Manager Parsons continued by stating the Town is currently undertaking three projects. The first project being the 2015-2016 Sidewalk Improvement Program that runs along S. Stephens Street from W. Illinois Avenue to W. Pennsylvania Avenue with an estimated start date of February 15, 2016 and an estimated completion date of June 30, 2016. The second project is the Annual Powell Bill Paving streets that will begin on or around March 7, 2016. The final project is a Utility project beginning on January 20, 2016 that will involve some repairs to the Ariel sewer at Midland Road and US Hwy #1 around the County pump station #4 with an anticipated completion date of July 30, 2016.

Town Manager Parsons stated he will provide periodic updates at any open meeting to be recorded in the official minutes per the required State General Statutes as projects are scheduled with the expected starting and completion dates.

Town Manager Parsons asked that a motion be made to add Item G – a resolution authorizing the landscaping agreement with NCDOT regarding plantings that was adopted in November 2015 to the Consent Agenda.

Upon motion by Councilmember Fred Walden, seconded by Mayor Pro Tem Mike Fields and carried unanimously 5-0, it was approved to add item G – Resolution Ratifying the NCDOT landscaping agreement to the Consent Agenda.

#### 2. Consent Agenda

Town Manager Reagan Parsons gave an overview of the proposed consent agenda.

- A. 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

	<u>Line Item</u>	<u>Code</u>	<u>Increase</u>	
-	General Fund	Fire - Donations	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 Re-appointment
- Firefighter Relief Board  
Chris Smithson 01/12/2016 – 01/12/2018
- Library Advisory Board  
Alicia Brinton 01/01/2016 – 12/31/2018 First Full Term  
Jeff Hutchins 01/01/2016 – 12/31/2018 First Full Term

E. Resolution for Boys and Girls Club Agreement

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

G. Resolution Ratifying the NCDOT Landscaping Agreement

Upon motion by Councilmember Jim Simeon, seconded by Councilmember Fred Walden and carried unanimously 5-0, the Consent Agenda was approved.

**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.

Senior Town Planner Chris Kennedy gave an overview of AR-10-15 with the proposed building materials and site plans. Senior Town Planner Kennedy stated the petitioner has proposed to add additional screening to the side that fronts Short Street and on the side street view as well.

Upon motion by Mayor Pro Tem Mike Fields, seconded by Councilmember Fred Walden and carried unanimously 5-0, AR-10-15 was approved.

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.

Senior Town Planner Chris Kennedy gave an overview of AR-14-15 with aerial pictures of the proposed and existing structures.

Senior Town Planner Kennedy stated the petitioner is requesting a waiver regarding the required 80% of the façade to be constructed of brick so that the proposed structures will match the existing buildings on the property.

Upon motion by Mayor Pro Tem Mike Fields, seconded by Councilmember Jim Simeon and carried unanimously 5-0, AR-14-15 was approved.

**4. Public Comments**

No public comments were voiced.

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

As so incorporated to these minutes of January 12, 2016 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 7:13 p.m.

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Peggy Knight Smith  
Town Clerk

**MEMORANDUM**

TO: Town Council  
Reagan Parsons, Town Manager

FROM: Crystal Gabric, Finance Director

DATE: January 27, 2016

SUBJECT: Annual Audit

At the February 9, 2016 regular Council meeting, please approve the fiscal year 2014-2015 annual audit, which was presented at the January 25<sup>th</sup> work session meeting.

If I can be of any assistance, please do not hesitate to call me.

### 📖 § 93.01 EXISTENCE OF STATE OF EMERGENCY.

A state of emergency shall be deemed to exist in the Town, whenever, during times of great public crisis, disaster, rioting, catastrophe, **dangerous weather conditions**, or similar public emergency, for any reason, public safety authorities of the Town are unable to maintain public order or afford adequate protection for lives or property.

(1989 Code, § 93.01) (Ord. passed 7-23-1970)

#### *Statutory reference:*

*Declared state of emergency, see G.S. § 14-288.1(3)*

### 📖 § 93.02 MAYOR'S AUTHORITY TO PROCLAIM EMERGENCY.

In the event of an existing or threatened state of emergency endangering the lives, safety, health, and welfare of the people within the Town, or threatening damage to or destruction of property, the Mayor of the Town is authorized **and** to issue a public proclamation declaring to all persons the existence of a state of emergency and, in order to more effectively protect the lives and property of the people within the Town, to place in effect any or all of the restrictions hereinafter authorized.

(1989 Code, § 93.02) (Ord. passed 7-23-1970)

### 📖 § 93.03 EXTENSION, ALTERATION, OR REPEAL OF PROCLAMATION.

Any proclamation may be extended, altered, or repealed **in any particular** during the continued or threatened existence of a proclaimed state of emergency.

(1989 Code, § 93.03) (Ord. passed 7-23-1970)

### 📖 § 93.04 RESTRICTIONS THAT MAY BE IMPOSED.

During the existence of a proclaimed state of emergency, the Mayor of the Town may impose by proclamation any or all of the following restrictions:

(A) *Explosives, **firearms**, weapons.* Prohibit or regulate the possession off one's own premises of explosives, **firearms**, ammunition, or dangerous weapons **of any kind**, and prohibit the purchase, sale, transfer, or other disposition thereof. **The regulation of the possession of weapons shall not apply to firearms legally possessed under current North Carolina law or to ammunition for such firearms.**

(B) *Alcoholic beverages.* Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and one's possession or consumption off one's own premises.

(C) *Demonstrations, parades, vigils.* Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways or on any public property.

(D) *Explosive or inflammable materials.* Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances.

(E) *Travel*. Prohibit or regulate travel on any public street, alley, roadway, or any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof.

(F) *Business activities*. Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(G) *Curfew*. Prohibit general vehicular and pedestrian traffic and loitering or congregating on public streets, sidewalks, parking areas, parks and any other public place.

(1989 Code, § 93.04) (Ord. passed 7-23-1970)

### **§ 93.05 ~~MAYOR'S AUTHORITY TO LIMIT~~ LIMITATIONS ON APPLICATION OF RESTRICTIONS.**

~~The Mayor is authorized and empowered to limit by proclamation~~ The emergency proclamation may limit the application of all or any part of the ~~emergency~~ restrictions to ~~any area~~ specifically areas ~~designated or described within the corporate limits~~ of the Town and to specific hours ~~of the day or night; to exempt from all or any part of the restrictions~~ The proclamation may also exempt from any of the restrictions persons who may be essential to the preservation of order and immediately necessary to serve the health, safety, and welfare needs of the people within the Town. In any case, unless specifically provided in the proclamations, travel restrictions and curfews shall not apply to the following while engaging in or travelling to their employment: law enforcement officers, firefighters, ~~and other~~ public employees, active military personnel, and ~~doctors, nurses,~~ employees of hospitals; and ~~other~~ medical facilities; ~~on-duty military personnel, whether state or federal; on-duty employees of~~ public utilities, public transportation ~~companies-providers, and newspapers, magazine, radio-broadcasting, and television~~ broadcasting media ~~corporations operated for profit;~~ In addition, unless specifically provided in the proclamation, restrictions do not apply to businesses whose employees are not subject to restrictions. ~~and those other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the Town.~~ (1989 Code, § 93.05) (Ord. passed 7-23-1970)

### **§ 93.06 VIOLATION OF RESTRICTIONS PROHIBITED.**

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.

(1989 Code, § 93.06) (Ord. passed 7-23-1970) [Penalty, see § 93.99](#)

### **§ 93.07 PROCLAMATION ENDING EMERGENCY.**

~~Unless an expiration point is provided in the proclamation,~~ The Mayor shall proclaim the end of the state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant, or when directed to do so by the Town Council.

(1989 Code, § 93.07) (Ord. passed 7-23-1970)

 **§ 93.99 PENALTY.**

The violation of any provision of this chapter, or of any provision of any restriction imposed by any proclamation authorized by this chapter, shall constitute a Class 3 misdemeanor, punishable on conviction by a fine not exceeding \$50 or imprisonment not exceeding 30 days.

(1989 Code, § 93.99) (Ord. passed 7-23-1970)

### **§ 93.01 EXISTENCE OF STATE OF EMERGENCY.**

A state of emergency shall be deemed to exist in the Town, whenever, during times of great public crisis, disaster, rioting, catastrophe, dangerous weather conditions, or similar public emergency, for any reason, public safety authorities of the Town are unable to maintain public order or afford adequate protection for lives or property.

(1989 Code, § 93.01) (Ord. passed 7-23-1970)

#### ***Statutory reference:***

*Declared state of emergency, see G.S. § 14-288.1(3)*

### **§ 93.02 MAYOR'S AUTHORITY TO PROCLAIM EMERGENCY.**

In the event of an existing or threatened state of emergency endangering the lives, safety, health, and welfare of the people within the Town, or threatening damage to or destruction of property, the Mayor of the Town is authorized to issue a public proclamation declaring to all persons the existence of a state of emergency and, in order to more effectively protect the lives and property of the people within the Town, to place in effect any or all of the restrictions hereinafter authorized.

(1989 Code, § 93.02) (Ord. passed 7-23-1970)

### **§ 93.03 EXTENSION, ALTERATION, OR REPEAL OF PROCLAMATION.**

Any proclamation may be extended, altered, or repealed during the continued or threatened existence of a proclaimed state of emergency.

(1989 Code, § 93.03) (Ord. passed 7-23-1970)

### **§ 93.04 RESTRICTIONS THAT MAY BE IMPOSED.**

During the existence of a proclaimed state of emergency, the Mayor of the Town may impose by proclamation any or all of the following restrictions:

(A) *Explosives, weapons.* Prohibit or regulate the possession off one's own premises of explosives, ammunition, or dangerous weapons, and prohibit the purchase, sale, transfer, or other disposition thereof. The regulation of the possession of weapons shall not apply to firearms legally possessed under current North Carolina law or to ammunition for such firearms.

(B) *Alcoholic beverages.* Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and one's possession or consumption off one's own premises.

(C) *Demonstrations, parades, vigils.* Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways or on any public property.

(D) *Explosive or inflammable materials.* Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances.

(E) *Travel*. Prohibit or regulate travel on any public street, alley, roadway, or any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof.

(F) *Business activities*. Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(G) *Curfew*. Prohibit general vehicular and pedestrian traffic and loitering or congregating on public streets, sidewalks, parking areas, parks and any other public place.

(1989 Code, § 93.04) (Ord. passed 7-23-1970)

### **§ 93.05 LIMITATIONS ON APPLICATION OF RESTRICTIONS.**

The emergency proclamation may limit the application of all or any part of the restrictions to specific areas of the Town and to specific hours; The proclamation may also exempt from any of the restrictions persons who may be essential to the preservation of order and immediately necessary to serve the health, safety, and welfare needs of the people within the Town. In any case, unless specifically provided in the proclamations, travel restrictions and curfews shall not apply to the following while engaging in or travelling to their employment: law enforcement officers, firefighters, public employees, active military personnel, and employees of hospitals and medical facilities, public utilities, public transportation providers, newspapers, and broadcasting media; In addition, unless specifically provided in the proclamation, restrictions do not apply to businesses whose employees are not subject to restrictions. (1989 Code, § 93.05) (Ord. passed 7-23-1970)

### **§ 93.06 VIOLATION OF RESTRICTIONS PROHIBITED.**

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.

(1989 Code, § 93.06) (Ord. passed 7-23-1970) [Penalty, see § 93.99](#)

### **§ 93.07 PROCLAMATION ENDING EMERGENCY.**

Unless an expiration point is provided in the proclamation, The Mayor shall proclaim the end of the state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant, or when directed to do so by the Town Council.

(1989 Code, § 93.07) (Ord. passed 7-23-1970)

### **§ 93.99 PENALTY.**

The violation of any provision of this chapter, or of any provision of any restriction imposed by any proclamation authorized by this chapter, shall constitute a Class 3 misdemeanor, punishable on conviction by a fine not exceeding \$50 or imprisonment not exceeding 30 days.

(1989 Code, § 93.99) (Ord. passed 7-23-1970)



**AMENDMENT TO CHAPTER 93 OF THE CODE OF  
ORDINANCES OF THE TOWN OF SOUTHERN PINES**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled the 9th day of February, 2016:

**Section 1.** That§ 93.01 is amended by adding following the word and punctuation "catastrophe," the following words and punctuation "dangerous weather conditions,".

**Section 2.** That§ 93.02 is amended by deleting the word "and" following the word "authorized" and before the words "to issue."

**Section 3.** That§ 93.03 is amended by deleting the words "in any particular".

**Section 4.** That part (A) of§ 93.04 is amended by rewriting it to read as follows:  
(A) *Explosives, weapons.* Prohibit or regulate the possession off one's own premises of explosives, ammunition, or dangerous weapons and prohibit the purchase, sale, transfer, or other disposition thereof. The regulation of the possession of weapons shall not apply to firearms legally possessed under current North Carolina law or to ammunition for such firearms.

**Section 5.** That§ 93.05 is renamed as "LIMITATIONS ON APPLICATION OF RESTRICTIONS" and rewritten to read as follows:

The emergency proclamation may limit the application of all or any part of the restrictions to specific areas of the Town and to specific hours. The proclamation may also exempt from any of the restrictions persons who may be essential to the preservation of order and immediately necessary to serve the health, safety, and welfare needs of the people within the Town. In any case, unless specifically provided in the proclamations, travel restrictions and curfews shall not apply to the following while engaging in or traveling to their employment: law enforcement officers, firefighters, public employees, active military personnel, and employees of hospital and medical facilities, public utilities, public transportation providers, newspapers, and broadcasting media. In addition, unless specifically provided in the proclamation, restrictions do not apply to businesses whose employees are not subject to restrictions.

**Section 6.** That§ 93.07 is amended by adding at the beginning of the section "Unless an expiration point is provided in the proclamation,".

**Section 7.** That this ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 9th day of February, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 9, 2016 as shown in the minutes of the Town Council for that date.

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Peggy Smith, Town Clerk

APPROVED AS TO FORM:

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Douglas R. Gill, Town Attorney

# TOWN OF SOUTHERN PINES

## Councilmembers

Fred Walden  
Mike Fields  
Jim Simeon  
Teresa VanCamp



W. David McNeill, Mayor  
Reagan Parsons, Town Manager  
Peggy K. Smith, Town Clerk

## RESOLUTION IN SUPPORT OF ONE-QUARTER-CENT SALES AND USE TAX REFERENDUM TO FUND MAJOR CAPITAL BUILDING PROJECTS FOR MOORE COUNTY SCHOOLS

**WHEREAS**, the Town Council of Southern Pines is a local government entity located in Moore County, North Carolina and serves the citizens of Southern Pines; and

**WHEREAS**, the Town Council of Southern Pines is acutely aware that a critical component of any successful economic development model is quality education which necessitates that communities invest in diverse educational opportunities to give students every reasonable advantage in acquiring the skills that the 21<sup>st</sup> century global work place demands; and

**WHEREAS**, “Every reasonable advantage” includes, but is not limited to, creating the most conducive learning environment for students that is economically possible, and a substantial amount of research indicates that such an optimal environment can be better achieved in modern, versatile, and less crowded school facilities; and

**WHEREAS**, the Moore County Board of Education had adopted a Master Facilities Plan that identifies the School System’s urgent new facilities construction and improvement needs, currently estimated to cost over \$237 million; and

**WHEREAS**, In a prudent effort to secure funding for these capital needs, the Moore County Board of Commissioners unanimously approved a resolution on November 17, 2015, for a referendum to be held on Tuesday, March 15, 2016, for Moore County’s citizens to vote on the proposed quarter (1/4) cent sales and use tax increase; and

**WHEREAS**, the Moore County Board of Commissioners also passed a separate resolution on November 17, 2015 stating that, should the voters approve the proposed quarter (1/4) cent sales and use tax increase during the March 15, 2016 referendum, all of the revenue generated from the increase, estimated to be approximately \$2.2 million per year, shall be used to fund major capital building projects for the Moore County Schools; and

**WHEREAS**, the Town Council of Southern Pines sincerely appreciates the collaborative and visionary efforts of the Moore County Board of Education and the Moore County Board of Commissioners to resolve the School System’s facilities needs which will not only directly benefit our students – Moore County’s future workforce and decision-makers – but also will profoundly enhance education in Moore County overall, thereby making Moore County more competitive and successful in attracting sustainable jobs and investment to our communities.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Southern Pines strongly supports the November 17, 2015 resolutions of the Moore County Board of Commissioners that call for a referendum on a quarter (1/4) cent sales and use tax increase to generate revenue for Moore County Schools' capital building projects; and

**BE IT FURTHER RESOLVED**, that the Town Council of Southern Pines urges Southern Pines citizens and Moore County citizens to vote on Tuesday, March 15, 2016, in favor of the sales and use tax referendum for the benefit of the students of Moore County and the community as a whole.

Adopted this 9<sup>th</sup> day of February, 2016.

TOWN OF SOUTHERN PINES

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W. David McNeill, Mayor

ATTEST:

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Peggy K. Smith, Town Clerk

APPROVED AS TO FORM:

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Doug Gill, Town Attorney