

Town of Spring Lake

BOARD OF ALDERMEN

Soñia L. Cooper, Mayor Pro Tem
Robyn Chadwick, Alderwoman
Marvin Lackman, Alderman
Raul Palacios, Alderman
Adrian Thompson, Alderwoman



CHARTERED IN 1951

OFFICE OF THE MAYOR

Kia Anthony, Mayor

ADMINISTRATION

Jason Williams, Interim Town Manager
Carly Autry, Town Clerk
Michael R. Porter, Town Attorney

Board of Aldermen Regular Meeting Agenda Monday, January 8, 2024 6:00 PM Grady Howard Conference Room

The public may view the live Board of Aldermen Meeting on the Town's YouTube Channel:
www.townofspringlake.com

1. **CALL TO ORDER**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Bishop Gwendolyn Biggers
3. **ADDITIONS AND DELETIONS**
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF CONSENT ITEMS**
 - a. Draft Minutes of December 11, 2023, Organizational Meeting
6. **PUBLIC COMMENT (Limit 3 minutes per speaker)**
7. **PRESENTATION**
 - a. January Human Trafficking Awareness Month – Faith Boehmer, Prevention & Volunteer Coordinator, Child Advocacy Center
 - b. Human Trafficking Awareness Month Proclamation – Mayor Kia Anthony
 - c. Martin Luther King Jr. Day Proclamation – Mayor Kia Anthony
 - d. Yard of the Month, December 2023 – Alderman Raul Palacios
8. **OLD BUSINESS**
 - a. Board to Adopt Rules of Procedure – Town Clerk Carly Autry
9. **NEW BUSINESS**
 - a. **DEV-0121-23:** Applicant Requests Approval of Development Plan of Approximately 0.62 +/- Acres Located at 104 Rainbow Ct, Zoned C3 for a Commercial Group Development for the

Addition of Green Tax Services Plaza II Located Within the Main Street Overlay District – Alyssa Garcia, Planner III, Current Planning Division, Cumberland County

- b. **DEV-0136-23:** Applicant Requests Approval of Preliminary Plat of Approximately 0.65 +/- Acres Located Within the Skyland Shopping Plaza, C(P) Planned Commercial District.; Submitted by George Rose (Agent) on Behalf of PES Development, LLC. (Owner) – Alyssa Garcia, Planner III, Current Planning Division, Cumberland County
- c. Mayor’s Report – Mayor Kia Anthony
- d. Board of Aldermen Report – Spring Lake Board of Aldermen
- e. Manager’s Report – Interim Town Manager Jason Williams
- f. Town Attorney Report – Town Attorney Michael Porter

10. CLOSED SESSION

- a. Pursuant to N.C.G.S. §143-318.11(a)(3) – Attorney-Client Privilege
- b. Pursuant to N.C.G.S. § 143-318.11(a)(6) – Personnel

11. ADJOURNMENT

Town of Spring Lake
Organizational Meeting of the Board of Aldermen
Spring Lake Recreation Center
245 Ruth Street
Spring Lake, NC 28390

December 11, 2023

MINUTES

6:00 pm

The Spring Lake Board of Aldermen held an Organizational Meeting in the Spring Lake Recreation Center with Mayor Kia Anthony presiding.

Board Members Present: Mayor Pro Tem Soña Cooper
Alderwoman Robyn Chadwick
Alderman Marvin Lackman
Alderman Raul Palacios
Alderwoman Adrian Thompson

Others Present:

Tiffany Anderson, Local Government Commission
Carly Autry, Town Clerk
Lieutenant Justin Bonsignore, Spring Lake Fire Department
Patricia Hickmon, Inspections Supervisor/Zoning Administrator Officer
Banard Lemon, Audio Visual Coordinator
Timothy Patterson, Spring Lake Assistant Fire Marshal
Michael Porter, Town Attorney
Carol Shafer, Spring Lake Fire Department Executive Assistant
Dysoaneik Spellman, Chief of Spring Lake Police
Lieutenant Danny Sutton, Spring Lake Police Department
Lieutenant Gregory Wilkerson, Spring Lake Police Department
Jason Williams, Spring Lake Fire Chief/Interim Town Manager

1. Call to Order

Mayor Anthony declared a quorum and called the meeting to order.

2. Invocation and Pledge of Allegiance

Pastor Vernon Marsh gave the Invocation and led the Pledge of Allegiance.

3. The National Anthem

Dr. Denise Payton sang The National Anthem.

4. Presentations

- a. PINK D.Y.M.O.N.S. Nonprofit – Dymon Bryant, CEO and Founder – Ms. Bryant gave a brief presentation thanking Mayor Anthony, the Board, Chief Spellman, Chief Williams, and the Town for the support they provided to PINK D.Y.M.O.N.S. and allowing them to host their 7th Annual Cancer Walk/Run & Community Festival in the Town. Ms. Bryant stated over 200 citizens attended the event to honor loved ones, show support, and raise funds to help those in the community who are in need during their journey of cancer as it can be a financial burden. Ms. Bryant stated PINK D.Y.M.O.N.S. was honored to be the first organization held under the newly formed Special Events Committee. Ms. Bryant explained the PINK D.Y.M.O.N.S. mission and stated they have a proposed date of Saturday, September 28, 2024, for their next event in the Town.

5. Administration of Oath to the Mayor

- a. Dr. Kenjuana McCray, Town of Hope Mills Board of Commissioners, administered the Oath of Mayor to Mayor Kia Anthony, followed by a brief speech by Mayor Anthony.

6. Administration of Oath to the Board of Aldermen

- a. Dr. Tamekia La'shonda Dowdy, Notary Public, administered the Oath of Alderwoman to Robyn Chadwick.
- b. Honorable Marvin W. Lucas, NC House of Representatives and 10th Mayor of Spring Lake administered the Oath of Alderwoman to Soña Cooper.
- c. Raul Palacios, Town of Spring Lake Board of Aldermen, administered the Oath of Alderman to Marvin Lackman.
- d. Honorable Marvin W. Lucas, NC House of Representatives and 10th Mayor of Spring Lake administered the Oath of Alderman to Raul Palacios.
- e. Honorable Marvin W. Lucas, NC House of Representatives and 10th Mayor of Spring Lake administered the Oath of Alderwoman to Adrian Thompson.

After each Board Member took their Oath, it was followed by a brief speech of gratitude and acknowledgment. Prior to the Oaths given by Honorable Marvin W. Lucas, he took a Moment of Privilege recognizing each Board Member for their achievements, dedication, and support to the Town. Representative Lucas also recognized important members of the community and the Dignitaries that were out in the audience.

7. Election of Mayor Pro Tempore

Action: Motion to approve Soña Cooper as Mayor Pro Tempore.

Motion by: Alderwoman Thompson

Second by: Alderwoman Chadwick

Vote: Unanimous

8. Administration of Oath to the Mayor Pro Tempore

Mayor Anthony administered the Oath of Mayor Pro Tempore to Soña Cooper.

9. Remarks

- a. Spring Lake Board of Aldermen – First, Mayor Anthony acknowledged the Town staff who had December birthdays. Last, Mayor Anthony acknowledged her family members for their continued support. First, Mayor Pro Tem Cooper acknowledged the Board for their support as Mayor Pro Tem. Last, Mayor Pro Tem Cooper thanked everyone who attended the Ceremony and acknowledged some members of the audience. Both Alderman Lackman and Alderwoman Thompson thanked the audience for attending. Alderwoman Chadwick thanked the community and her parents who are watching over her from above.
- b. Cumberland County Delegation – Senator McInnis and Representative Lucas acknowledged the Board and Town staff for their hard work and dedication to the Town. Representative Lucas also gave a brief history of the Town of Spring Lake.

10. New Business

- a. Board to Consider December 25, 2023, Work Session Meeting – Mayor Kia Anthony

Action: Motion to cancel the December 25, 2023, Work Session Meeting.

Motion by: Mayor Pro Tem Cooper

Second by: Alderwoman Chadwick

Vote: Unanimous

- b. Resolution (2023)10 To Adopt the 2024 Meeting Schedule – Mayor Kia Anthony

Action: Motion to approve Resolution (2023)10 To Adopt the 2024 Meeting Schedule.

Motion by: Alderman Palacios

Second by: Alderwoman Thompson

Vote: Unanimous

11. Adjournment

Action: There being no further business to come before the Board, the meeting was adjourned at 7:07 pm.

Motion: Mayor Pro Tem Cooper

Second by: Alderwoman Chadwick

Vote: Unanimous

ATTEST:

Carly Autry
Town Clerk

Kia Anthony
Mayor

DRAFT



Board of Aldermen Agenda Cover Sheet

Meeting Date

January 8, 2024

Agenda Location

Introductions & Special Presentations

Item Title

January Human Trafficking Awareness Month

Presenter

Faith Boehmer, Prevention & Volunteer Coordinator, Child Advocacy Center

Summary/Description

January is National Human Trafficking Prevention Month. Every year since 2010, the President has dedicated the month to raising awareness about human trafficking and educating the public about how to identify, prevent, and report this crime.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes No

Additional Documents to be Included in Agenda Packet

January Human Trafficking Awareness Month Presentation

January Human Trafficking Awareness Month

*Child Advocacy Center
Faith Boehmer
Prevention & Volunteer
Coordinator*

Myths of Human Trafficking

Traffickers target victims they don't know

Trafficking is the use of force, fraud or coercion to get a person to provide labor or sex trafficking. Believed to have more labor trafficking

Only women and girls can be victims and survivors of sex trafficking

Men & boys are also victimized by sex traffickers. LGBTQ boys are particularly vulnerable to trafficking.

Human trafficking only happens in illegal or underground industries

HT happens in restaurants, cleaning services, factories and more

People in active trafficking situations always want help getting out

Each situation is unique. Fear, isolation, guilt, shame are among many factors that keep a person from seeking help or identifying as a victim

All human trafficking involves sex

All commercial sex of minor is legally considered HT. Commercial sex involving an adult is considered illegal if done against will.

What is Human Trafficking?

• The Polaris Project, a nonprofit non-governmental organization that works to combat and prevent sex and labor trafficking in North America, defines trafficking as

"Human trafficking is the business of stealing freedom for profit. In some cases, traffickers' trick, defraud or physically force victims into selling sex. In others, victims are lied to, assaulted, threatened, or manipulated into working under inhumane, illegal, or otherwise unacceptable conditions.

• It is a multi-billion-dollar criminal industry that denies freedom to 24.9 million people around the world."



HUMAN
TRAFFICKING

Key Indicators

- Does the person appear disconnected from family, friends, community organizations, or houses of worship?
- Has a child stopped attending school?
- Has the person had a sudden or dramatic change in behavior?
- Is a juvenile engaged in commercial sex acts?
- Is the person disoriented or confused, or showing signs of mental or physical abuse?
- Does the person have bruises in various stages of healing?
- Is the person fearful, timid, or submissive?
- Does the person show signs of having been denied food, water, sleep, or medical care?
- Is the person often in the company of someone to whom he or she defers? Or someone who seems to be in control of the situation, e.g., where they go or who they talk to?
- Does the person appear to be coached on what to say?
- Is the person living in unsuitable conditions?
- Does the person lack personal possessions and appears not to have a stable living situation?
- Does the person have freedom of movement? Can the person freely leave where they live? Are there unreasonable security measures?



#WearBlueDay
January 11

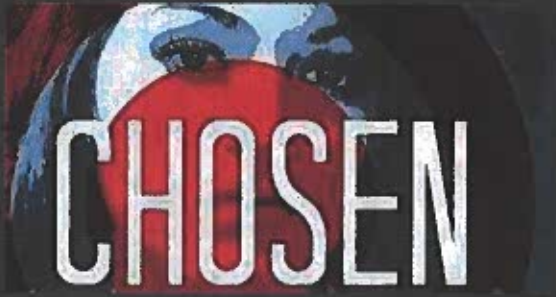
Wear blue clothing, snap a photo, and post it to social media using #WearBlueDay to raise awareness of human trafficking

BLUE CAMPAIGN
Blue Means You're Not Alone. #WearBlueDay

#WearBlueDay

Chosen: Domestic Minor Sex Trafficking Documentary

January 18, 2024, Methodist University Physician Assistant Audi
6:30 pm ~ 5107 College Center Drive



CHOSEN

STOP!
HUMAN TRAFFICKING
SPEAK UP!

Be Their Voice

HUMAN TRAFFICKING SEMINAR
JANUARY 23RD • 8AM - 1PM
SALEM METHODIST CHURCH
2165 MIDDLE ROAD

WORTH COURT
CHILD ADVOCACY CENTER
METHODIST UNIVERSITY
Salem Methodist CHURCH

Stop Human Trafficking 5K Run

9:00 am ~ January 27, 2024,
Methodist University

STOP!
HUMAN TRAFFICKING
SPEAK UP!

Be Their Voice



www.cacfaync.org
910.486.9700
faith@cacfaync.org

PROTECT CHILDREN STOP ABUSE
CHILD ADVOCACY CENTER
A Place of Healing & Hope



Board of Aldermen Agenda Cover Sheet

Meeting Date

January 8, 2024

Agenda Location

Introductions & Special Presentations

Item Title

Human Trafficking Awareness Month

Presenter

Mayor Kia Anthony

Summary/Description

January is National Human Trafficking Prevention Month. Every year since 2010, the President has dedicated the month to raising awareness about human trafficking and educating the public about how to identify, prevent, and report this crime.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes No

Additional Documents to be Included in Agenda Packet

Human Trafficking Awareness Month Proclamation



Human Trafficking Awareness Month

WHEREAS, the Town of Spring Lake is dedicated to promoting justice, equality, and the protection of human rights; and

WHEREAS, human trafficking is a grave violation of human rights, involving the exploitation and coercion of individuals for forced labor, sexual exploitation, or other forms of modern-day slavery; and

WHEREAS, human trafficking is a global issue that affects countless men, women, and children, crossing borders and impacting communities around the world; and

WHEREAS, it is our moral duty to raise awareness about human trafficking, educate the community, and take action to prevent and combat this heinous crime; and

WHEREAS, January marks the annual observance of Human Trafficking Awareness Month, providing an opportunity for governments, organizations, and individuals to unite in the fight against human trafficking.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Aldermen of the Town of Spring Lake hereby designates the month of January as "Human Trafficking Awareness Month" within the community.

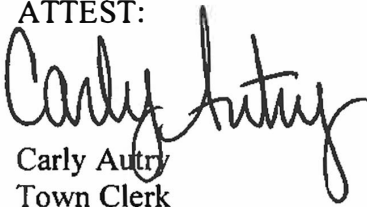
We urge all residents, community organizations, businesses, and faith-based groups to join us in raising awareness about human trafficking, its signs, and the resources available for victims. Let us foster an environment of vigilance, empathy, and support for survivors.

We further call upon local law enforcement agencies, social service organizations, and educational institutions to collaborate and strengthen efforts to prevent human trafficking, identify victims, and bring traffickers to justice.

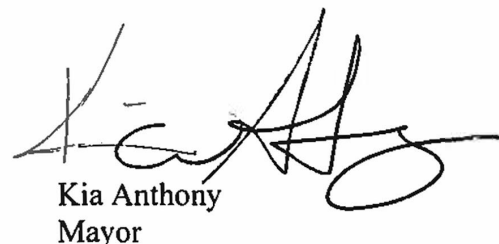
By coming together as a community, we can make a significant impact in eradicating human trafficking and ensuring the safety and well-being of all individuals within the Town of Spring Lake.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the Town of Spring Lake to be affixed this 8th day of January 2024.

ATTEST:


Carly Autry
Town Clerk




Kia Anthony
Mayor



Board of Aldermen Agenda Cover Sheet

Meeting Date

January 8, 2024

Agenda Location

Introductions & Special Presentations

Item Title

Martin Luther King Jr. Day Proclamation

Presenter

Mayor Kia Anthony

Summary/Description

MLK Day is a federal holiday in the United States, celebrated every year on the third Monday of January to honor the life and legacy of civil rights leader Rev. Dr. Martin Luther King Jr. It is a day that celebrates the life and legacy of a man who brought hope and healing to America.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes No

Additional Documents to be Included in Agenda Packet

Martin Luther King Jr. Day Proclamation



Martin Luther King Jr. Day

Town of Spring Lake

WHEREAS, the Town of Spring Lake, being an inclusive and diverse community, cherishes the principles of equality, justice, and unity; and

WHEREAS, Dr. Martin Luther King Jr., a renowned civil rights leader, dedicated his life to the pursuit of equality and social justice, advocating for nonviolent means to achieve lasting change; and

WHEREAS, Dr. King's legacy serves as an inspiration to all, reminding us of the power of compassion, understanding, and the importance of fostering a harmonious society; and

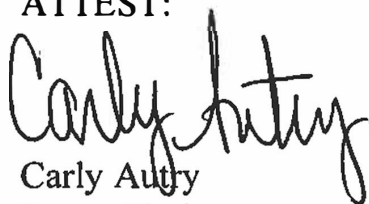
WHEREAS, January 15 marks the birthday of Dr. Martin Luther King Jr., a day that symbolizes his remarkable contributions and serves as an opportunity to reflect on the progress made towards equality while acknowledging the work that still lies ahead; and

WHEREAS, it is fitting that the Town of Spring Lake should join the nation in honoring the life and work of Dr. King and recognize January 15, 2024, as Martin Luther King Jr. Day.

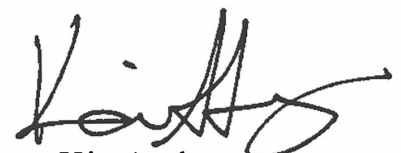
NOW, THEREFORE, BE IT PROCLAIMED that the Town of Spring Lake Board of Aldermen hereby designates January 15, 2024, as Martin Luther King Jr. Day, urging all citizens to reflect upon Dr. King's teachings and engage in acts of service, kindness, and unity to build a better, more equitable future for all.

ADOPTED this 8th Day of January 2024, by the Town of Spring Lake Board of Aldermen.

ATTEST:


Carly Autry
Town Clerk




Kia Anthony
Mayor



Board of Aldermen Agenda Cover Sheet

Meeting Date

January 8, 2024

Agenda Location

New Business

Item Title

Yard of the Month, December 2023

Presenter

Alderman Raul Palacios

Summary/Description .

December Yard of the month winners will be presented with their certificates.

Requested Action

Informational Only

Funding Source (If Applicable): N/A

Cost: N/A Yes No

Additional Documents to be Included in Agenda Packet

Thumbnails of the certificates for the winners





Board of Aldermen Agenda Cover Sheet

Meeting Date

January 8, 2024

Agenda Location

Old Business

Item Title

Board to Adopt Rules of Procedure

Presenter

Town Clerk Carly Autry

Summary/Description

Adopting Rules of Procedure benefits a local government municipality by promoting transparency, fairness, efficiency, public participation, and accountability. It establishes a solid framework for conducting meetings and making decisions, ultimately enhancing governance and community engagement.

Please Note: On 11/27/2023, the Board discussed the drafted Rules of Procedure. There were changes to be made. Council Consensus to make necessary changes and bring them back before the Board to adopt.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes No

Additional Documents to be Included in Agenda Packet

Board of Aldermen Rules of Procedure- Final Draft



**Town of Spring Lake
Board of Aldermen
Rules of Procedure**

Drafted November 2023

Adopted:

Introduction

The Town of Spring Lake has a five-member Board of Aldermen elected at large every two (2) years. The Board sets Policies and enacts Ordinances administered by the Town Manager and his or her staff.

The following Rules of Procedure were developed for use by the Board of Aldermen of the Town of Spring Lake. They incorporate general principles of parliamentary procedure and the applicable laws of North Carolina. The Rules were designed with the following guidelines in mind:

1. The Board must act as a body;
2. The Board should proceed in the most efficient manner possible;
3. The Board must act by a majority vote;
4. Every Board Member must have an equal opportunity to participate in decision-making;
5. These Rules must be followed consistently;
6. The Board's actions should be the result of a decision on the merits and not a manipulation of the procedural Rules;
7. Throughout these Rules, the Town's Governing Board, the Board of Aldermen of the Town of Spring Lake, is referred to as the "Board."

When situations that are not explicitly covered by these Rules and cannot be resolved through reasonable inference from or interpretation of these Rules, then Robert's Rules of Order shall be followed. Having consulted Robert's Rules of Order, the Mayor shall make a ruling on the issue subject to appeal to the Board under Rule 16, Motion 1.

These rules apply to all meetings of the Town of Spring Lake Board of Aldermen. For purposes of these rules, a meeting of the Board occurs whenever a majority of the Board gathers, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business with the Board's real or apparent jurisdiction.

Amendment of the Rules.

These rules may be amended at any Regular meeting or at any properly called Special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the Town Charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the Board, excluding vacant seats and counting the Mayor only if the Mayor may vote on all questions.

Rule 1. Regular Meetings.

- a. The Board shall hold scheduled meetings on the second and fourth Monday of each month, except if the scheduled meeting falls on a legal holiday. The Board, by Resolution, may fix the time and place of its scheduled meetings if such Resolution is adopted at least

ten (10) calendar days before the first meeting to which the Resolution is to apply. The Board shall post a copy and summary on the Town's website and bulletin board and email it to the Sunshine List.

- b. The meeting shall be held in the Grady Howard Conference Room in Town Hall and shall begin at 6:00 pm.
- c. If the Board makes changes to its posted schedule of Regular meetings, it shall do so at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and shall post written notice of the meeting on the Town's website, the Town's bulletin board and emailed to the Sunshine List.
- d. A copy of the Board's current meeting schedule shall be filed with the Town Clerk.
- e. All meetings will be available via a live broadcast on YouTube.
- f. All Regular meetings will provide a Public Comment section as set out in these adopted Rules of Procedure.

Rule 2. Special, Emergency, Remote, and Recessed or Adjourned Meetings.

Special Meetings.

- a. Special meetings may be called or scheduled by the Mayor, Mayor Pro Tempore, or any two (2) members of the Board by notifying the Town Clerk.
- b. The Special meeting Public Notice shall specify its time, place, and purpose and must be distributed at least 48 hours in advance of the meeting to each Board member, each Department Head, and the Town Attorney and must be posted on the Town's website and the Town's bulletin board.
- c. In addition, the Public Notice shall be emailed to all persons or news organizations who have requested such notice (Sunshine List).
- d. Only those items of business specified in the notice may be discussed or transacted at a Special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice, and the Board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

Emergency Meetings.

- a. Emergency meetings of the Board may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting.
- b. Emergency meetings may be called or scheduled by the Mayor, Mayor Pro Tempore, or any two (2) members of the Board by notifying the Town Clerk.
- c. The Emergency meeting Public Notice shall specify its time, place, and purpose and be distributed at least six (6) hours in advance of the meeting to each Board member, each Department Head, and the Town Attorney and must be posted on the Town's website and the Town's bulletin board.
- d. In addition, the Public Notice shall be emailed to all persons or news organizations who have requested such notice (Sunshine List).

Remote Meetings.

- a. A member who is not physically present for a Board meeting may participate in the meeting by electronic means as described in the Town's Policy #8 (Remote Voting at Board Meetings, adopted 11/10/2015.)
- b. A member who attends a meeting electronically pursuant to such policy may take part in debate, and the member may be counted toward a quorum and vote on any matter before the Board.

Recessed or Adjourned Meetings.

- a. A properly called Regular, Special, or Emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 16, Motion 2, in Open Session during the Regular, Special, or Emergency meeting.
- b. The motion shall state the time and place when the meeting will reconvene. No further notice needs to be given of a Recessed Session of a properly called Regular, Special, or Emergency meeting.

Rule 3. Organizational Meeting.

- a. The Board must hold an Organizational meeting following each General Election in which Aldermen are elected. The Organizational meeting will be held either (1) on the date and at the time of the Board's first Regular meeting in December following the election or (2) at an earlier date, if any, set by the incumbent Board of Aldermen. The Organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.
- b. All newly elected or reelected members of the Board must take and subscribe to the Oath of Office set out in Article VI, Section 7 of the North Carolina Constitution. Each member's Oath must be filed with the Town Clerk. Although a member who is not present for the Organizational meeting may take the Oath of Office at another time, every member must take, subscribe, and file the Oath of Office before he or she begins performing any of the duties of the member's office.
- c. At the Organizational meeting, the Board shall elect from among its members a Mayor Pro Tempore to serve at the Board's pleasure.

Rule 4. Agenda.

Proposed Agenda.

- a. The Mayor, at his or her discretion, may meet or discuss with staff preceding the next scheduled meeting to prepare the Proposed Agenda.
- b. The Town Clerk shall prepare a Proposed Agenda for each meeting.
- c. A request to have an item of business placed on the agenda must be submitted to the Town Clerk no later than seven (7) days preceding the upcoming meeting.

- d. A copy of all proposed Ordinances or Resolutions shall be attached to the Proposed Agenda.
- e. An Agenda Packet shall be prepared that includes, for each item of business placed on the Proposed Agenda, as much background information on the subject available and feasible to reproduce.
- f. The Town Clerk shall distribute the Agenda Packets five (5) days preceding the upcoming meeting to the Mayor, Board, Town Manager, Town Attorney, and Department Heads.
- g. A copy of the Agenda Packet shall be available for public inspection after distribution to the individuals in Section F. has been completed. A copy of the Agenda Packet shall also be posted on the Town's website. In addition, the Agenda Packet shall be emailed to all persons or news organizations who have requested such notice (Sunshine List). A copy of the agenda will be posted on the Town's bulletin board.
- h. A complete copy of the Agenda Packet shall be available for public inspection in the Town Clerk's office.

Adoption of the Agenda.

- a. As its fourth order of business at each meeting, the Board shall, as specified in Rule 6, discuss, and revise the Proposed Agenda and adopt a formal agenda for the meeting. If items are proposed to be added (this practice is discouraged, since the Board members will not have reviewed the item ahead of time) to the agenda of a meeting, the Board may, by majority vote, require that written copies of documents connected with the items be made available at the meeting to all Board members.
- b. The Board may, by majority vote, add or delete items from the Proposed Agenda, except under the following conditions: (1) the Board may not add or subtract items from the Proposed Agenda stated in the Notice of a Special meeting called by the Mayor, Mayor Pro Tempore, or two (2) Board members, unless those calling the meeting to consent the deletion and all members must be present, or those who are absent sign a written waiver of notice, and (2) only business connected with the emergency may be considered at an Emergency meeting.
- c. The Board may add items to the Proposed Agenda of a Special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.
- d. The Board may designate certain agenda items "for discussion and possible action." Such designation means that the Board intends to discuss the item and may if it so chooses, act on the item following the discussion.

Consent Agenda.

- a. The Board may designate a part of the agenda as the "Consent Agenda."
- b. Items shall be placed on the Consent Agenda if they are judged to be noncontroversial and routine.
- c. Any member may remove an item from the Consent Agenda and place it on the Regular Agenda while the agenda is being discussed and revised before its adoption.
- d. All items on the Consent Agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

- e. The Board may informally dismiss an agenda item even when no motion regarding that item is pending.

Open Meeting Requirements.

- a. Except as permitted by Rule 24, all meetings of the Board shall be open to the public, and any person may attend its meeting.
- b. The Board shall not deliberate, vote, or otherwise act on any matter by reference to a letter, number, other designation, or other secret device or method, to make it impossible for persons attending a meeting of the Board to understand what is being deliberated, voted, or acted on.
- c. The Board may, however, deliberate, vote, or otherwise act by reference to an agenda, if copies of the agenda are available for public inspection at the meeting, and must be sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on.

Rule 5. Public Address to the Board.

- a. Any individual or group who wishes to address the Board shall request to be on the agenda to the Town Clerk by the deadline specified in Rule 4(c), under Proposed Agenda.
- b. The Mayor is not obligated to place an item on the agenda merely because such a request has been received.
- c. The Mayor will determine if they will be on the agenda as a separate item, or should address the Board during the Public Comment period.
- d. There will be a Public Comment period at all meetings, including, Regular, Special, Emergency, and Work Sessions.

Rule 6. Order of Business.

- a. Items shall be placed on the agenda according to the Order of Business.
- b. The Order of Business for each regular meeting shall typically be as follows:
 - Call to Order
 - Invocation and Pledge of Allegiance
 - Additions or Deletions
 - Approval of Agenda
 - Approval of Consent Items
 - Public Comment (if any)
 - Presentations (if any)
 - Public Hearings (if any)
 - Old Business (if any)
 - New Business, to include Mayor, Board of Aldermen, Town Manager, and Town Attorney Reports

- Closed Session (if a motion is made)
- Adjournment
- c. By general consent of the Board, items may be considered out of order as it is not required for the category to be listed on the agenda.

Rule 7. Office of Mayor.

- a. The Mayor or Presiding Officer shall preside at all meetings of the Board but shall have the right to vote only when there is a tie.
- b. To address the Board, a member must be recognized by the Mayor or other Presiding Officer.
- c. The Mayor or other Presiding Officer shall have the following powers:
 - 1. To rule motions in or out of order, including any motion offered for obstructive or dilatory purposes;
 - 2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
 - 3. To entertain and answer questions of parliamentary law or procedure;
 - 4. To call a brief recess at any time;
 - 5. To adjourn in the event of an emergency.
- d. A decision by the Presiding Officer under (a), (b), or (c) may be appealed to the Board upon motion of any member, pursuant to Rule 16 under Order of Priority Motions, Motion 1.
- e. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time.
- f. The member making the motion need not be recognized by the Presiding Officer, and the motion if timely made may not be ruled out of order.

Rule 8. Office of Mayor Pro Tempore.

- a. A Board member who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Board member for all purposes, including the determination of whether a quorum is present.
- b. In the Mayor's absence, the Mayor Pro Tempore assumes all the Mayor's powers and duties, to preside at the meeting as specified in Rule 7.
- c. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the Board may by unanimous vote, declare the Mayor is incapacitated and shall assign all the Mayor's powers and duties to the Mayor Pro Tempore. When a Mayor declares he or she is no longer incapacitated, and a majority of the Board concurs, the Mayor shall resume the exercise of his or her powers and duties.

- d. Even when presiding over a Board meeting, the Mayor Pro Tempore has the same duty as other members to vote in all questions unless he or she has been excused from voting on a matter in accordance with Rule 19.
- e. If both the Mayor and Mayor Pro Tempore are absent from a meeting, the Board may elect from among its members a temporary chairman to preside at the meeting. While serving as temporary Presiding Officer, a member has the powers listed in Rule 7(c). Service as a temporary Presiding Officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 19.

Rule 9. When the Presiding Officer is in Active Debate.

- a. If the Mayor becomes active in debate on a particular proposal, he or she may have the Mayor Pro Tempore preside during the Board's consideration of the matter.
- b. If the Mayor Pro Tempore is absent or is also actively debating the matter, the Mayor may designate another member to preside until the matter is concluded. Similarly, if the Mayor Pro Tempore or a temporary Presiding Officer is presiding and takes an active part in debating a topic, he or she may designate another Board Member to preside temporarily.

Rule 10. Action by the Board.

- a. Except as otherwise provided in these rules, the Board shall act by motion.
- b. Any Board Member may make a motion.

Rule 11. Motions.

- a. A Board Member may make only one (1) motion at a time.
- b. A motion shall require a second, or it shall fail for lack of a second.

Rule 12. Substantive Motions.

- a. A substantive motion is out of order while another substantive motion is pending.
- b. Once the Board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 16, Motion 15.

Rule 13. Adoption by Majority Vote.

- a. A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 25 being present unless otherwise required by these rules or the state law.
- b. A majority is more than half.

Rule 14. Discussion.

- a. After a motion has been made, the Mayor or the Presiding Officer shall state the motion and then open the floor to debate according to the principles listed below:
 1. The maker of the motion is entitled to speak first;
 2. A member who has not spoken on the issue shall be recognized before a member who has already spoken;
 3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 15. Ratification of Actions.

- a. To the extent permitted by law, the Board may ratify actions taken on its behalf but without its prior approval.
- b. A motion to ratify is a substantive motion.

Rule 16. Procedural Motions.

Certain Motions Allowed.

- a. The Board may consider only those procedural motions listed in this rule.
- b. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.
- c. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that:

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 14, and
- a motion to call the question (end debate) may be made regarding any procedural motion in accordance with Motion 11.

When several procedural motions are pending, voting must begin with a procedural motion highest in priority, provided that a motion to amend or end debate in the highest priority motion must be voted on first.

- **Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** Any member may appeal in the Presiding Officer's ruling on whether a motion is in order or whether a speaker has violated reasonable standards of courtesy. The Presiding Officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time.

The member who moves to appeal need not be recognized by the Presiding Officer, and if timely made, the motion may not be ruled out of order.

- **Motion 2. To Adjourn.** This motion may be used to close a meeting. It is not in order if the Board is in Closed Session.
- **Motion 3. To Recess to a Time and Place Certain.** This motion may be used to call a Recessed meeting as permitted under Rule 2. The motion must state the time (including the date, if the meeting will reconvene on a different day) and the place at which the meeting will resume. The motion is not in order if the Board is in Closed Session.
- **Motion 4. To Take a Brief Recess.** This motion may be made only by the Mayor or the Presiding Officer.
- **Motion 5. To Follow the Agenda.** This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.
- **Motion 6. To Suspend the Rules.** To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds (2/3) of the Board's actual membership, excluding vacant seats and not counting the Mayor if the Mayor votes only in case of a tie. The Board may not suspend provisions in these rules that are required under state law.
- **Motion 7. To Go into Closed Session.** The Board may go into Closed Session only for one (1) or more of the permissible purposes listed under Rule 24.
- **Motion 8. To Leave Closed Session.** A motion must be made to come out of Closed Session during open meeting.
- **Motion 9. To Divide a Complex Motion.** This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.
- **Motion 10. To Defer Consideration.** The Board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Board votes to revive it pursuant to Motion 14 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.
- **Motion 11. To End Debate (Call the Previous Question).** This motion is not in order until there has been at least twenty (20) minutes of debate, and every member has had an opportunity to speak once.
- **Motion 12. To Postpone to a Certain Time.** This motion may be employed to delay the Board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.
- **Motion 13. To Refer a Motion to a Committee.** The Board may vote to refer a substantive motion to a committee for its study and recommendations. While the substantive motion is pending before the committee, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee

fails to report on the motion within sixty (60) days of the referral date, the Board must take up the motion if asked to do so by the member who introduced it.

- **Motion 14. To Amend.**
 - a. A motion to amend must concern the same subject matter as the motion it seeks to alter.
 - b. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.
 - c. Any amendment to a proposed Ordinance shall be reduced to writing before the vote on the amendment.
- **Motion 15. To Revive Consideration.** The Board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 10, provided it does so within 100 days of its vote to defer consideration.
- **Motion 16. To Reconsider.** The Board may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the Board’s deliberation on a pending matter.
- **Motion 17. To Rescind.** The Board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law. A motion to rescind must be made by a member who voted with the prevailing side unless there are no remaining Board members who voted with the prevailing side on the current Board.
- **Motion 18. To Prevent Reintroduction for Six (6) Months.** This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive votes equal to at least two-thirds (2/3) of the Board’s actual membership, excluding vacant seats and not counting the Mayor. If this motion is adopted, the ban on reintroduction is in effect for six (6) months or until the Board’s next Organizational meeting, whichever occurs first.

Rule 17. Renewal of Motion.

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

Rule 18. Withdrawal of Motion.

The member who introduces a motion may withdraw the motion unless the motion has been amended or the Presiding Officer has put the motion to a vote.

Rule 19. Duty to Vote.

- a. **Duty to Vote.** Every Board member must vote except when excused from voting as provided by this rule.
- b. **Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not proposal in question is one to alter the compensation or allowances paid to the Board. Members may also be excused from voting when prohibited from voting under NCGS §14-234 (contract providing direct benefit to member), NCGS §160A-381(d) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on the member), or NCGS §160A-388(e)(2) (Member's participation in the quasi-judicial decision would violate affected person's right to an impartial decision maker). Questions about whether a basis for excusal exists should be directed to the Town Attorney.
- c. **Procedure for Excusal.**
 1. **At Member's Request.** Upon being recognized at a duly called meeting of the Board, a member who wishes to be excused from voting shall inform the Presiding Officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
 2. **On the Board's Initiative.** Even when a member has not asked to be excused from voting on a matter, a majority of the remaining Board members present may by motion and vote to excuse the member from voting if grounds for doing so exist under Paragraph (b).
- d. **Consequence of Non-Excused Failure to Vote.** Except as specified in Paragraph (e), if a member who has not been excused from voting fails to vote in a matter, the member's failure to vote shall be recorded as an affirmative vote provided:
 - (1) the member is physically present in the Board Chamber or
 - (2) the member has physically withdrawn from the meeting without being excused by a majority vote of the remaining members present.
- e. **Failure to Vote on Certain Zoning Matters.** A member's excused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a Zoning Ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.
- f. **Changing a Vote.** A member may change his or her vote on a motion at any time before the Presiding Officer announces whether the motion has passed or failed. Once the Presiding Officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the Presiding Officer's announcement of the result.

Rule 20. Introduction of Ordinances.

- a. For purposes of these rules, the “date of introduction” for a proposed Ordinance is the date on which the Board first votes on the proposed Ordinance subject matter.
- b. The Board votes on the subject matter of a proposed Ordinance when it votes on whether to adopt or make changes to the proposed Ordinance.

Rule 21. Adoption, Amendment, and Repeal of Ordinances

a. Adoption of Ordinances.

1. *Proposed Ordinances to be in writing.* No proposed Ordinance shall be adopted unless it has been reduced to writing and distributed to the Board before a vote on adoption is taken.
2. *Adoption on the date of introduction.* To be approved on the date of introduction, a proposed Ordinance or any action having the effect of an Ordinance must receive affirmative votes equal to at least two-thirds (2/3) of the Board’s actual membership, excluding vacant seats and not counting the Mayor, unless the Mayor has the right to vote on all questions before the Board.
3. *Adoption after the date of introduction.* To be approved after the date of introduction, a proposed Ordinance or any action having the effect of an Ordinance must receive affirmative votes equal to at least a majority of all Board members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the Board shall count the Mayor if he or she votes on all questions. If the Mayor votes only in the case of a tie, the Mayor’s vote counts if there is an equal division.

b. Amendment and Repeal of Ordinances.

1. The same voting requirements that govern the adoption of proposed Ordinances also apply to the amendment or repeal of an Ordinance.

Rule 22. Adoption of the Budget Ordinance.

Notwithstanding any provision in the Town Charter, general law, or local act:

1. Any action concerning the adoption or amendment of the Budget Ordinance may be taken at any Regular or Special meeting of the Board by a simple majority of those present and voting, a quorum being present;
2. No action taken concerning the adoption or amendment of the Budget Ordinance need be published or is subject to any other procedural requirement governing the adoption of Ordinances or Resolutions by the Board; and
3. The adoption or amendment of the Budget Ordinance and the levy of taxes in the Budget Ordinance are not subject to provisions of any Town Charter or local act concerning initiative or referendum.

During the period beginning with the submission of the Budget to the Board and ending with the adoption of the Budget Ordinance, the Board may hold any Special meetings that may be necessary to complete its work on the Budget Ordinance. Except for the notice requirements of the Open meetings law, which continue to apply, no provision of law concerning the call of Special meetings applies during that period so long as (a) each member of the Board has actual notice of each Special meeting called to consider the Budget, and (b) no business other than consideration of the Budget is taken up. This rule shall not be construed to authorize the Board to hold Closed Sessions on any basis other than the grounds set out in Rule 24.

Rule 23. Rules of Debate and Decorum.

1. *Manner of speaking.* Every member desiring to speak shall address the chair and upon recognition by the Mayor shall confine him or herself to the question under debate, avoiding all personalities and indecorous language.
2. *Interrupting the speaker.* A member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order or as otherwise provided under applicable rules of parliamentary procedure. If a member while speaking is called to order, he or she shall cease speaking until the questions or order is determined, and if in order, he or she shall be permitted to proceed.
3. *Addressing the Board.* Any person desiring to address the Board shall first secure the permission of the Mayor. Any interested parties or their authorized representatives may request to address the Board on matters listed on the agenda of the Board. After the Board begins discussing the issue, no person shall address the Board.
4. *Manner of Addressing the Board.* Every person addressing the Board shall give his or her name and address for the record, and unless special time is granted by the Board, shall limit his or her remarks to three (3) minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person other than Board members and the person having the floor shall be permitted to enter any discussion either directly or through a member of the Board. No question shall be asked a member except through the Mayor.
5. *Request to have Statement Abstracted.* A member may request from the Mayor the privilege of having an abstract of his or her statement on any subject under consideration by the Board entered in the minutes.
6. *Request to Record Synopsis of Discussion in the Minutes.* The Clerk may be directed by the Mayor, with the consent of the Board, to enter in the minutes a synopsis of the discussion on any question coming before the Board.

Rule 24. Closed Sessions.

- a. **Motion to Enter Closed Session.** The Board may hold Closed Sessions as provided by law and shall only commence after a motion to go into Closed Session has been made and adopted during an Open Meeting. The motion to enter Closed Session must cite one (1) or more of the permissible bases for Closed Session listed in Paragraph

(b) of this rule. A motion to enter Closed Session under the subparagraphs in Paragraph (b) must contain the additional information specified in those provisions.

b. **Bases for Closed Session.** A Closed Session is permissible under the following circumstances and no others:

1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter Closed Session must name or cite the law that renders the information confidential or privileged.
2. To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
3. To consult with the Town Attorney or another Attorney employed or retained by the Town to preserve the Attorney-Client Privilege. If the Board expects to discuss a pending lawsuit with its Attorney, the motion to enter Closed Session must include the names of the parties to the lawsuit.
4. To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the Town or (b) the closure or realignment of a military installation. The Board may reach an agreement in Closed Session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in Open Session.
5. To establish or instruct staff or agents concerning the Town's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease.
6. To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.
7. To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the Town's Board or other public body or is being considered to fill a vacancy on the Town's Board or other public body. Final action to appoint or employ a public officer or employee must take place in Open Session.
8. To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in Open Session.
9. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
10. To view a law enforcement recording released pursuant to G.S. 132-1.4A.
11. On any other basis permitted by law.

- c. **Closed Session Participants.** Unless the Board directs otherwise, the Town Manager, Town Attorney, and Town Clerk may attend Closed Sessions of the Board. No other person may attend a Closed Session unless invited by a majority vote of the Board.
- d. **Motion to Return to Open Session.** Upon completing its Closed Session business, the Board shall end the Closed Session by adopting a duly made motion to return to Open Session.
- e. **Closed Session Agenda.** If a meeting calls for a Closed Session, the Town Clerk shall distribute a Closed Session Agenda to the Mayor, Board, Town Manager, and Town Attorney on the day of the meeting, except if Closed Session is added during the discussion of the Proposed Agenda and Adoption of the Agenda, as specified in Rule 4.

Rule 25. Quorum.

- a. The presence of a quorum is necessary for the Board to conduct business.
- b. A majority of the Board's actual membership plus the Mayor, excluding vacant seats, constitutes a quorum. A majority is more than half.
- c. A member who withdraws from a meeting without being excused by a majority vote of the remaining members in attendance is deemed present for quorum purposes.

Rule 26. Public Hearings.

- a. **Calling Public Hearings.** In addition to holding Public Hearings required by law, the Board may hold any Public Hearing it deems advisable. The Board may schedule hearings or delegate that responsibility to Town staff members, as appropriate, except when state law directs the Board itself to call the hearing. If the Board delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.
- b. **Public Hearing Locations.** Public hearings may be held anywhere within the Town or within the county where the Town is located.
- c. **Rules for Public Hearings.** The Board may adopt reasonable rules for Public Hearings that, among other things,
 - fix the maximum time allotted to each speaker,
 - provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
 - provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and
 - provide for the maintenance of order and decorum in the conduct of the hearing.
- d. **Notice of Public Hearings.** Any Public Hearing at which a majority of the Board is present shall be considered part of a Regular or Special meeting. Consequently, the

relevant notice and related requirements of the Open meetings law, as set out in Rules 1 and 2, apply to such hearings. Some statutes mandate additional notice for types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

- e. **Continuing Public Hearings.** The Board may continue any Public Hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in Open Session. Except for hearings conducted pursuant to Paragraph (g), if a quorum of the Board is not present for a properly scheduled Public Hearing, the hearing must be continued until the Board's next Regular meeting without further advertisement.
- f. **Conduct of Public Hearings.** At the time appointed for the hearing, the Mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the Board for the hearing. Unless the Board extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the Mayor shall declare the hearing closed, and the Board shall resume the regular order of business.
- g. **Public Hearings by Less Than a Majority of the Board.** Nothing in this rule prevents the Board from appointing a member or members to hold a Public Hearing on the Board's behalf, except when state law requires that the Board itself conduct the hearing.

Rule 27. Public Comment Periods.

- a. **Frequency of Public Comment Periods.** The Board must provide at least one (1) opportunity for Public Comment each month at a Regular meeting, except that the Board need not offer a Public Comment period during any month in which it does not hold a Regular meeting.
- b. **Rules for Public Comment Periods.** The Board may adopt reasonable rules for Public Comment periods that, among other things,
 - fix the maximum time allotted to each speaker,
 - provide for the designation of spokespersons for groups supporting or opposing the same positions,
 - provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the Public Comment period exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing), and
 - provide for the maintenance of order and decorum in the conduct of the hearing.
- c. **Content-Based Restrictions Generally Prohibited.** The Board may not restrict speakers based on subject matter if their comments pertain to subjects within the Board's real or apparent jurisdiction.

Rule 28. Meeting Minutes.

- a. **Minutes Required for All Meetings.** The Board must keep full and accurate minutes of all its meetings, including Closed Sessions. To be "full and accurate," minutes must record all actions taken by the Board. They should set out the precise wording of each

motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the Board, though the Board in its discretion may decide to incorporate such details into the minutes.

- b. **Record of "Ayes" and "Noes."** At the request of any member of the Board, the minutes shall list each member by name and record how each member voted on a particular matter.
- c. **General Accounts of Closed Sessions.** In addition to minutes, the Board must keep a general account of each Closed Session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The Board may combine the minutes and general account of a Closed Session into one (1) document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.
- d. **Sealing Closed Session Records.** Minutes of Closed Session shall be sealed until unsealed by order of the Board or, if the Board delegates the authority to unseal to one (1) or more staff members, in accordance with guidelines adopted by the Board. All Closed Session minutes, sealed or unsealed, shall be made available to the active Board at their request, under observance of the Town Clerk. The sealed minutes of any Closed Session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the Closed Session.

Rule 29. Appointments.

- a. **Appointments in Open Session.** The Board must consider and make any appointments to another body or, in the event of a vacancy on the Board, to its membership in Open Session.
- b. **Nomination and Voting Procedure.** The Board shall use the following procedure to fill a vacancy in the Board itself or in any other body over which it has the power of appointment. The nominating committee shall be called upon to make its report and recommendation(s), if any. The Mayor shall then open the floor for nominations, whereupon Board members may put forward and debate nominees. When the debate ends, the Mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.
- c. **Mayor.** The Mayor may make nominations and may vote on appointments only in case of a tie under this rule.
- d. **Multiple Appointments.** If the Board is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one (1) vote for the same candidate for the same vacancy during a single balloting.
- e. **Duty to Vote.** Each member must vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

Rule 30. Committees and Boards.

- a. **Establishment and Appointment.** The Board may establish temporary and standing committees, boards, and other bodies to help carry on the work of the Town government. Unless otherwise provided by law or the Board, the power of appointment to such bodies lies with the Board.
- b. **Open Meetings Law.** The requirements of the Open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the Town's professional staff.
- c. **Procedural Rules.** The Board may prescribe the procedures by which the Town's appointed bodies operate, subject to any statutory provisions applicable to bodies. In the absence of rules adopted by the Board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.
- d. **Board of Aldermen Liaisons.** The Mayor may appoint a Board member to serve as the Liaison for any standing committees, boards, or other bodies established pursuant to this section. The role of the Board Liaison is to facilitate communication between the Board and the committee or board, and to keep the Board informed on the activities of the committee or board.
- e. **Application.** The Town will accept applications as vacancies come open and will maintain and consider applications received for one (1) year. To be eligible for appointment to a board or committee and continue to serve, a person must be an adult permanently residing inside the Town municipal influence area and apply on a form provided by the Town Clerk. Depending on the individual committee Bylaws, a member per board may reside outside the actual Town limits.
- f. **Terms.** Unless otherwise provided by statute or Town Ordinance, all terms of office where terms of office are determined by the Board shall be two (2) years. The Board shall make appointments to fill unexpired portions of terms created by vacancies as expeditiously as needed.
- g. **Removal.** All members of all boards and committees shall unless in conflict with State statutes, serve at the pleasure of the Board, regardless of the terms for which they were appointed. The Board may in its discretion at any time remove any members of any board or commission when it is determined to be in the best interest of the Town, such as inefficiency, neglect of duty, or malfeasance in office.
- h. **Temporary and Ad Hoc Committees.** Upon approval of the Board, temporary or Ad Hoc committees of limited duration may be exempt from these requirements and/or the requirements of Rules 29 and 30 of the Board Rules of Procedure.

Rule 31. Broadcasting and Recording Meetings.

- a. **Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a Board meeting that must take place in Open Session. Except as provided in Paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board meeting.
- b. **Advance Notice.** Any radio or television station that plans to broadcast any portion of a

Board meeting shall notify the Town Clerk or the Town Manager no later than twenty-four (24) hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Board meeting.

- c. **Equipment Placement.** The Town Manager may regulate the placement and use of camera or recording equipment to prevent undue interference with a Board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Town Manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Town Manager may require the pooling of the equipment and the personnel operating it.
- d. **Alternative Meeting Site.** If the news media requests an alternative meeting site to accommodate news coverage, and the Board grants the request, the news media making the request shall pay the costs incurred by the Town in securing an alternative meeting site.

Rule 32. Approval of Contracts and Authorization of Expenditures.

- a. **Contracts to be in Writing.** No contract shall be approved or ratified by the Town Board unless it has been reduced to writing at the time of the Board's vote.
- b. **Approval of Contracts.** To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all members not excused from voting on the contract, including the Mayor's vote in the event of a tie.
- c. **Authorization of Expenditure of Public Funds.** The same vote is necessary to approve or ratify a contract for the Board to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 22.

Rule 33. Sunshine List.

Any person and any newspaper, radio station, television station, or other news media organization may file with the Town Clerk a written request for notice of all meetings of the Board in accordance with NCGS §143-318.12(b)(2).



Board of Aldermen Agenda Cover Sheet

Meeting Date

January 8, 2024

Agenda Location

New Business

Item Title

DEV-0121-23

Presenter

Alyssa Garcia, Planner III, Current Planning Division, Cumberland County

Summary/Description

Applicant Requests Approval of Development Plan of Approximately 0.62 +/- Acres Located at 104 Rainbow Ct, Zoned C3 for a Commercial Group Development for the Addition of Green Tax Services Plaza II Located Within the Main Street Overlay District

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes No

Additional Documents to be Included in Agenda Packet

DEV-0121-23 Site Plan

DEV-0121-23 Conditions of Approval



Planning & Inspections Department

MEMORANDUM

DATE: January 2, 2024
TO: Spring Lake Board of Alderman
FROM: Alyssa Garcia, Planner III, Current Planning Division
SUBJECT: CASE NO. DEV-0121-23
REQUEST FOR CONSIDERATION:

DEV-0121-23: APPLICANT REQUESTS APPROVAL OF DEVELOPMENT PLAN OF APPROXIMATELY 0.62 +/- ACRES LOCATED AT 104 RAINBOW CT, ZONED C3 FOR A COMMERCIAL GROUP DEVELOPMENT FOR THE ADDITION OF GREEN TAX SERVICES PLAZA II LOCATED WITHIN THE MAIN STREET OVERLAY DISTRICT.

Staff finds that the proposed development plans (DEV-0121-23) are in conformance with the Town of Spring Lake Subdivision and Zoning Ordinances and recommends approval.

The applicant must connect to public water and sewer provided by the Town of Spring Lake. Staff has reviewed the proposed applications and plan submissions prepared by the Engineer of Record for the applicants in accordance with the Town of Spring Lake Zoning and Subdivision Ordinances and find it consistent with the applicable provisions of the ordinances: and subject to recommended conditions provided (DEV-0121-23) should the Spring Lake Board of Alderman approve the request.

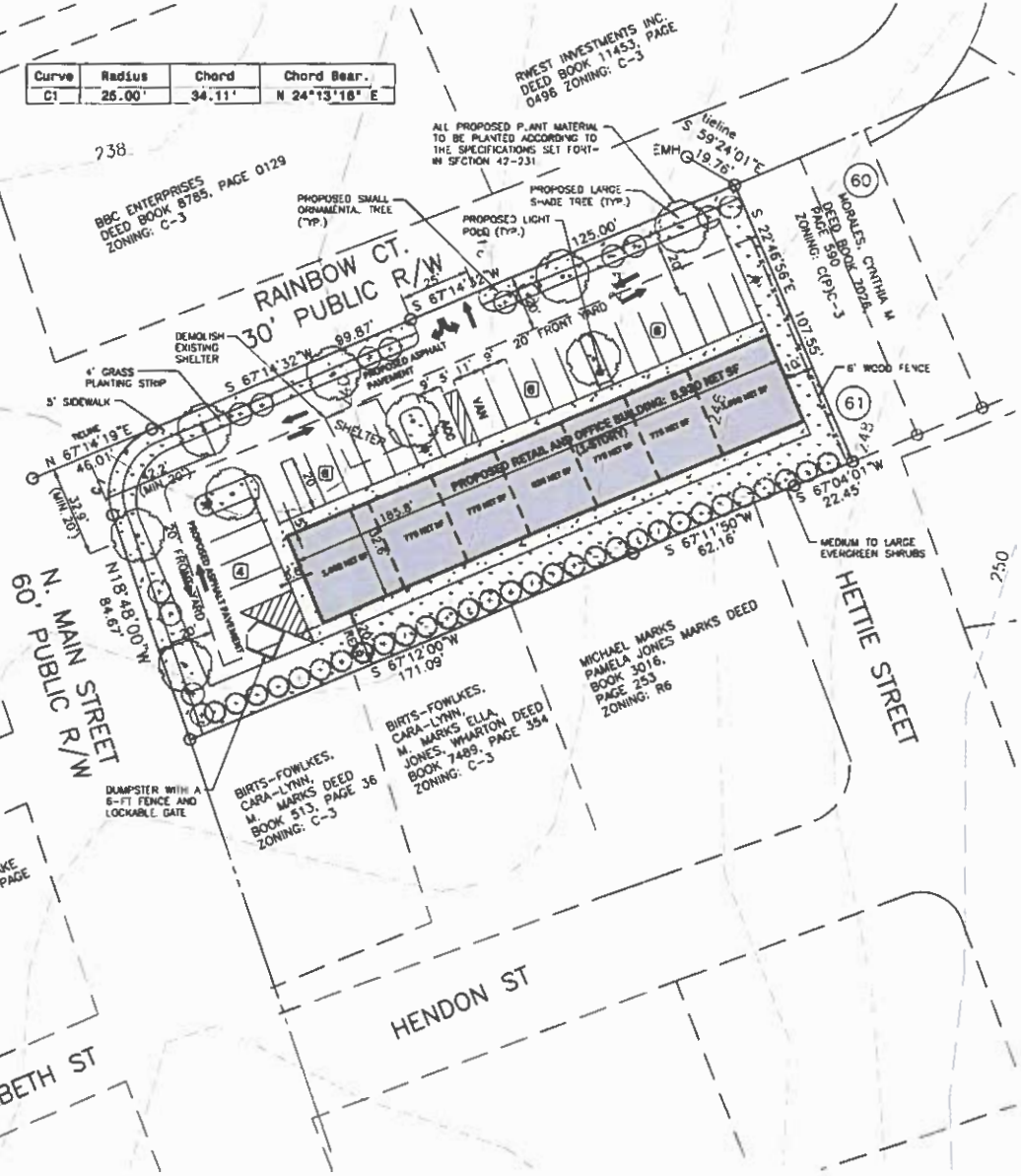
Should the Town of Spring Lake Board of Alderman take action and approve the development plans, provided is an approval letter with conditions for Case DEV-0121-23 for your review and signature by the Chairman of the Board/ Town Mayor for both the approval letter and plan in the prepared signature block section. Once signed, please have agent sign both approval letter and development plan signature blocks. Additionally, please return signed off approval letter and preliminary plan back to assigned project manager, Alyssa Garcia, Planner III, for our records.

Attached you will find the development plan and recommended conditions of approval. If you have any questions regarding this memorandum, please contact Alyssa Garcia, Planner III, at agarcia@cumberlandcountync.gov or 910-678-7765.

Attachments: DEV-0121-23 Site Plan
DEV-0121-23 Conditions of Approval

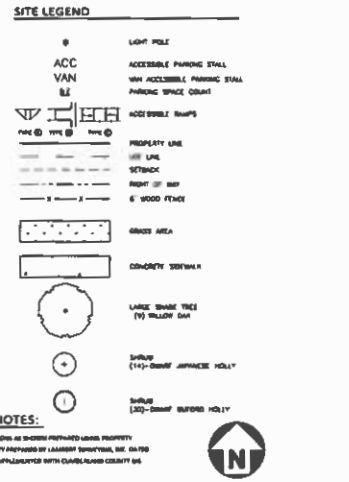
cc: Patricia Hickmon; Inspections Supervisor/Zoning Administrator Officer

Curve	Radius	Chord	Chord Bear.
C1	26.00'	34.11'	N 24°13'18" E



SITE DATA:

NAME OF DEVELOPMENT	GREEN'S TAX SERVICES PLAZA II
ADDRESSING	EXISTING METRIC ADDRESS: 104 RAINBOW COURT SPRING LAKE, NC 28380
DEVELOPER/CLIENT	GREEN'S TAX SERVICES, LLC PO BOX 3021 SPRING LAKE, NC 28380
DATE	08/29/2023
DEAL OFFICE ID	000000000000
INTERNAL AGENCY	0.02 AC
ZONING	C-3 (COMMERCIAL DISTRICT) CONSISTENT WITH CO ZONING
ADJACENT DEVELOPER	104 RAINBOW COURT DISTRICT AGENCY
PROPOSED USE	RETAIL/PROFESSIONAL SERVICE PLAZA WITH 7 AVAILABLE SPACES
LAND SETBACK	
IF MAIN ST & RAINBOW COURT FRONT	30 FEET 8 FEET 20 FEET
PROPOSED DRIVE FOOTING	4.00 FEET W/ 1.50 FEET OF 14" STORM
PARKING INCLUDED	3 SPACES PER 100 SF = 1,500 SF / 100 SF = 15 SPACES INCLUDING 2 ADA SPACES (1 VAN SPACE)
PARKING PROVIDED	20
LANDSCAPE	ONE LARGE SHADE TREE PER 10 FEET OF PROPERTY LENGTH FOUR SMALL DECIDUOUS TREES PER 10 FEET OF PROPERTY LENGTH



GENERAL NOTES:

- EXISTING CONDITIONS AS SHOWN UNLESS OTHERWISE NOTED.
- BOUNDARY SURVEY PROVIDED BY JAMES RYAN SURVEYOR, INC. 04/19/20
- UTILITIES AND SUPPLEMENTARY DATA OBTAINED FROM CHAMBERLAIN COUNTY GIS INFORMATION.



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

CIVIL ENGINEER:

 LIC. NUMBER: P-2347
 DURHAM, NC 27713
 PHONE: 919.717.2147
 EMAIL: tangiel@civilsitedesigns.com
 WWW: CIVILSITEDESIGNS.COM

ARCHITECT:

 LYON DESIGN & CONSULTING LLC
 1000 W. HARRIS ST. SUITE 200
 RALEIGH, NC 27611
 TEL: 919.979.5104

OWNER:
 GREEN'S TAX SERVICES, LLC
 PO BOX 3021, 104 NORTH RAINBOW COURT
 SPRING LAKE, NC 28380

GREEN'S TAX SERVICES PLAZA II
SITE DEVELOPMENT PLAN
104 RAINBOW COURT
 SPRING LAKE, NC 28380



REVISIONS

NO.	DATE	DESCRIPTION
1	08/29/2023	ISSUED FOR PERMITS

PLAN INFORMATION

PROJECT NO. 23070
 FILENAME: SPRING LAKE
 CHECKED BY: TMS
 DRAWN BY: TMS
 SCALE: 1"=40'
 DATE: 08/29/2023
 SHEET

SITE PLAN
C1.00

TOWN OF SPRING LAKE

TO: LASHAWN GREEN (OWNER); LASHAWN GREEN/ELIZABETH LYON (AGENT)

FROM: CUMBERLAND COUNTY PLANNING AND INSPECTIONS DEPARTMENT ON BEHALF OF THE TOWN OF SPRING LAKE

STAFF: ALYSSA GARCIA, PLANNER III

SUBJECT: CASE NO. DEV-0121-23

REQUEST: APPLICANT REQUESTS APPROVAL OF DEVELOPMENT PLAN OF APPROXIMATELY 0.62 +/- ACRES LOCATED AT 104 RAINBOW CT, ZONED C3 FOR A COMMERCIAL GROUP DEVELOPMENT FOR THE ADDITION OF GREEN TAX SERVICES PLAZA II LOCATED WITHIN THE MAIN STREET OVERLAY DISTRICT.

TYPE OF APPROVAL: GROUP DEVELOPMENT PLAN FOR A COMMERCIAL GROUP DEVELOPMENT FOR THE ADDITION OF GREEN TAX SERVICES PLAZA II.

EFFECTIVE DATE OF ISSUANCE: 01/02/2024

NAME OF DEVELOPMENT: GREEN TAX SERVICES PLAZA II

CASE NO: DEV-0121-23

ON-SITE UTILITY: SPRING LAKE WATER & SEWER

ZONING: C3

SETBACKS: C3, FRONT: 20', SIDE: 0', REAR: 20'

MIA: N/A

REID: 0501676311000

ACREAGE: 0.62

LOCATION: 104 RAINBOW CT SPRING LAKE, NC 28390

OWNERS / DEVELOPER: LASHAWN GREEN

AGENT: LASHAWN GREEN/ELIZABETH LYON

TOWN OF SPRING LAKE ACTION:

- PRELIMINARY PLAN SITE PLAN
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

The site plan you submitted to the Administrative Officer is conditionally approved for the demolition and installation of a non-residential office and retail. Your approval is subject to the following conditions:

Permit Related:

1. The owner/developer(s) of this lot must obtain detailed instructions on provisions of the Spring Lake Zoning Ordinance and permits required to place any structure within this development from the Spring Lake Inspections Department in Town Hall at 300 Ruth Street. For additional information, the developer should contact a Town Inspector.
2. The Town's Plan Review Committee requirements must be complied with and in the event and significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required.
3. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
4. Connection to public water and sewer is required, the Spring Lake Public Utility Department must approve water and sewer plans prior to application for any permits. A copy of the Spring Lake Public Utility Department's approval must be provided to the Town's Inspector at the time of application for building/zoning permits. (Section 36-66 "Water and sewer systems", Spring Lake Subdivision Chapter.)
5. New development where the developer will disturb or intend to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: if any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits). A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

6. The developer must obtain a driveway permit from the Spring Lake Public Utilities and NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to the Spring Lake Inspections Department at the time of application for building/zoning permits. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the Town of Spring Lake Subdivision and Zoning Ordinances for the C3 zoning district and per the Main Street Overlay District must be complied with as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. A concrete, or other approved surface material, sidewalks may be required to be constructed along the existing streets, the sidewalks if required must be fully constructed prior to the building final inspection [Section 36-107(f) "Sidewalks", Spring Lake Subdivision Chapter] (Note: The owner/developer is the responsible party to satisfy this requirement prior to application for permits from the Town of Spring Lake – contact the Spring Lake Inspection Department for more information)
11. For any new development, an adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of Section 36-106(f) "Required drainage", Spring Lake Subdivision Chapter.
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground and installed in accordance with the Section 36-107(g) "Utilities" Spring Lake Subdivision Chapter.
13. All lighting is required to be directed internally within this development and comply with the provisions of Article X, Off-Street Parking Requirements - Section 42-261, Spring Lake Zoning Chapter 42.
14. All dumpsters shall be buffered by an opaque fence a minimum of one foot higher than the trash receptacle with a lockable fence as required by the Solid Waste Ordinance.
15. All utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. Landscaping must be provided in accordance with Article IX, Landscape Requirements, Spring Lake Zoning, Sections 42-226 and 42-227 Streetscape Landscaping and Parking Lot Landscaping. The following are the minimum standards for the required landscaping of this site:
 - a. Streetscape landscaping shall be required on all proposed development (including single-family residential), which abut a right-of-way along designated entrance corridors, as defined in section 42-225. Existing trees along designated entrance corridors which meet the minimum criteria specified in section 42-230, concerning existing trees, shall be preserved. The designated entrance corridors listed below were adopted by the board of aldermen as part of the Spring Lake Area Detailed Land Use Plan [Comprehensive Plan] North and South Bragg Boulevard (NC 24 & 87).
 - b. Two small ornamental trees and ten shrubs are required in the building yard area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
- b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

Advisories:

17. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
18. The parcel is located within the Ft Bragg Special Interest Area. The applicant is advised to consult with the RULAC Board of Directors if any significant changes require large towers as the parcel is within the Ft. Bragg Airspace.

Other Relevant Conditions:

19. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
20. This conditional approval is contingent upon continued compliance with the Town of Spring Lake's Subdivision and Zoning Ordinances.
21. Applicant subject to obtain for all signage permit in accordance with Chapter 32 – Signs, Article II – Permits, prior to installation.

** CERTIFICATION OF SITE PLAN APPROVAL **	
TOWN OF SPRING LAKE	
This site plan is conditionally approved by the Town of Spring Lake on January 8, 2024 and is subject to conditions set forth in the official Conditions of Approval Letter	
	Effective Date: Jan. 8, 2024 Expiration Date: Jan. 8, 2026
_____ Town Manager, Spring Lake Or Designated Administrative Review Officer	

Project Number: DEV-0121-23	Project Name: Green's Tax Service
Approval Type: Non-residential Group Development	REID No (s): 0501676311000
Zoning: C3	Overlay: Main Street Overlay
	MIA: N/A
<u>Attention:</u> The combination of this certified Site Plan and the Conditions of Approval Letter constitutes formal development approval.	



Board of Aldermen Agenda Cover Sheet

Meeting Date

January 8, 2024

Agenda Location

New Business

Item Title

DEV-0136-23

Presenter

Alyssa Garcia, Planner III, Current Planning Division, Cumberland County

Summary/Description

Applicant Requests Approval of Preliminary Plat of Approximately 0.65 +/- Acres Located Within the Skyland Shopping Plaza, C(P) Planned Commercial District; Submitted by George Rose (Agent) on Behalf of PES Development, LLC. (Owner)

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes No

Additional Documents to be Included in Agenda Packet

DEV-0136-23 Preliminary Plat

DEV-0136-23 Conditions of Approval



Planning & Inspections Department

MEMORANDUM

DATE: January 2, 2024
TO: Spring Lake Board of Alderman
FROM: Alyssa Garcia, Planner III, Current Planning Division
SUBJECT: CASE NO. DEV-0136-23
REQUEST FOR CONSIDERATION:

DEV-0136-23: APPLICANT REQUESTS APPROVAL OF PRELIMINARY PLAT OF APPROXIMATELY 0.65 +/- ACRES LOCATED WITHIN THE SKYLAND SHOPPING PLAZA, C(P) PLANNED COMMERCIAL DISTRICT.); SUBMITTED BY GEORGE ROSE (AGENT) ON BEHALF OF PES DEVELOPMENT, LLC (OWNER)

Staff finds that the proposed development plans (DEV-0136-23) are in conformance with the Town of Spring Lake Subdivision and Zoning Ordinances and recommends approval.

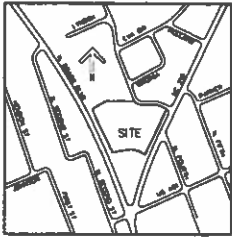
The applicant must connect to public water and sewer provided by the Town of Spring Lake. Staff has reviewed the proposed applications and plan submissions prepared by the Engineer of Record for the applicants in accordance with the Town of Spring Lake Zoning and Subdivision Ordinances and find it consistent with the applicable provisions of the ordinances; and subject to recommended conditions provided (DEV-0136-23) should the Spring Lake Board of Alderman approve the request.

Should the Town of Spring Lake Board of Alderman take action and approve the development plans, provided is an approval letter with conditions for Case DEV-0136-23 for your review and signature by the Chairman of the Board/ Town Mayor for both the approval letter and plan in the prepared signature block section. Once signed, please have agent sign both approval letter and development plan signature blocks. Additionally, please return signed off approval letter and preliminary plan back to assigned project manager, Alyssa Garcia, Planner III, for our records.

Attached you will find the development plan and recommended conditions of approval. If you have any questions regarding this memorandum, please contact Alyssa Garcia, Planner III, at agarcia@cumberlandcountync.gov or 910-678-7765.

Attachments: DEV-0136-23 Preliminary Plat
DEV-0136-23 Conditions of Approval

cc: Patricia Hickmon; Inspections Supervisor/Zoning Administrator Officer



VICINITY MAP
NO SCALE

LEGEND

- EPK EXISTING PK NAIL
- MN EX-STAC MAGNETIC NAIL
- ISS IRON STAKE SET
- CP COMPUTED POINT USING PB 124 PG 69

NOTES

1. TOTAL AREA IN TRACT (LOTS 1 AND 2 PER PB 124 PG 69) = 8.48 ACRES
 LOT 1 (AFTER SUBDIVISION) = 271,242 SF = 6.22 ACRES
 LOT 2 (PER PB 124 PG 69) = 69,932 SF = 1.61 ACRES
 LOT 3 = 28,401 SF = 0.65 ACRES
2. OWNERSHIP
 LOT 1
 SPRING LAKE SHOPPING CENTER, INC.
 P.O. BOX 10188
 WILMINGTON, NC 28404
 RONALD P. SREBRO, REGISTERED AGENT
 (910) 771-3600
 LOT 2
 JRB INVESTMENT GROUP LLC
 P.O. BOX 1159
 DEERFIELD, IL 60015
 LOT 3
 PES DEVELOPMENT LLC
 1801 OLE HOLLOW COURT
 OAK RIDGE, NC 27310
3. LOT 3 DATA:
 ZONING C(P)
 REQUIRED SETBACKS: FRONT 50', SIDE 30', REAR 30'
 PROPOSED SETBACKS: FRONT (EAST) 57'
 SIDE (NORTH) 23'
 SIDE (SOUTH) 44'
 REAR (WEST) 65'
4. REFERENCE: DB 1095 PG 1; PB 124 PG 69
5. P.L. NO. 0501860980000 (LOT 1 PER PB 124 PG 69)
6. BOUNDARY SHOWN FROM PARTIAL FIELD SURVEY (SOLID LINES) AND FROM INFORMATION ON PB 124 PG 69 (DASHED LINES).
7. NON-CONFORMING STRUCTURES HAVE NOT BEEN CREATED BY THIS SUBDIVISION.

THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE LAND SHOWN ON THIS PLAN IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF SPRING LAKE AND THAT THIS PLAN AND ALLOTMENT IS MY FREE ACT AND DEED

RONALD P. SREBRO SPRING LAKE SHOPPING CENTER, INC.

NORTH CAROLINA
CUMBERLAND COUNTY

I, _____, A NOTARY PUBLIC FOR SAID COUNTY AND STATE AFORESAID CERTIFY THAT _____ PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP THIS DAY OF _____ A.D. 20__.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

I, GEORGE M. ROSE CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 1089 PAGE 1), THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES AS DRAWN FROM PLAT BOOK 124 PAGE 69 OF THE CUMBERLAND COUNTY REGISTRY; THAT THE RATIO OF PRECISION IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AVOIDED WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS _____ DAY OF _____ A.D. 20__.

PROFESSIONAL LAND SURVEYOR L-2721

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS APPROVED FOR RECORDATION

BY: _____

DATE: _____

ONLY NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVED STRUCTURES ARE TO BE CONSTRUCTED ON PUBLIC RIGHT OF WAY.

ALL DRAINAGE EASEMENTS SHALL BE DEDICATED AS PUBLIC AND IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS TO MAINTAIN THE DRAINAGE EASEMENTS AND ANY DRAINAGE STRUCTURES THEREIN SO AS TO MAINTAIN THE INTEGRITY OF THE DRAINAGE SYSTEM AND INSURE POSITIVE DRAINAGE.

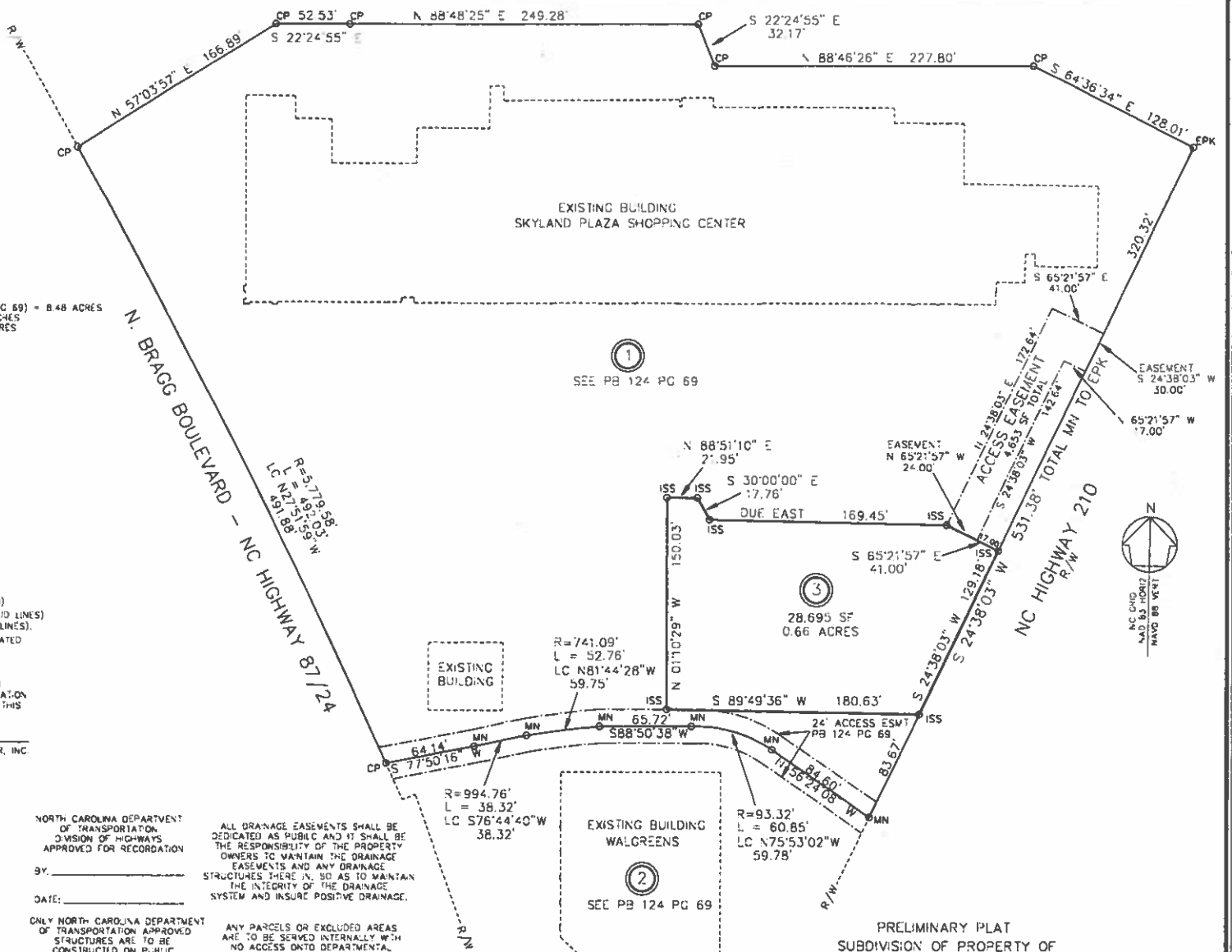
ANY PARCELS OR EXCLUDED AREAS ARE TO BE SERVED INTERNALLY WITH NO ACCESS ONTO DEPARTMENTAL RIGHT OF WAY.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____ REVIEW OFFICER OF CUMBERLAND COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE: _____



PRELIMINARY PLAT
SUBDIVISION OF PROPERTY OF
SPRING LAKE SHOPPING CENTER, INC.

MANCHESTER TOWNSHIP
SPRING LAKE
SCALE 1" = 50'

CUMBERLAND COUNTY
NORTH CAROLINA
NOVEMBER 2023

GEORGE M. ROSE, PE, PLS
P.O. Box 53441
Fayetteville, NC 28305



TOWN OF SPRING LAKE

TO: PES DEVELOPMENT, LLC (OWNER) ; GEORGE ROSE (AGENT)

FROM: CUMBERLAND COUNTY PLANNING AND INSPECTIONS DEPARTMENT ON BEHALF OF THE TOWN OF SPRING LAKE

STAFF: ALYSSA GARCIA, PLANNER III

SUBJECT: CASE NO: DEV-0136-23

REQUEST: APPLICANT REQUESTS APPROVAL OF PRELIMINARY PLAT OF APPROXIMATELY 0.65 +/- ACRES LOCATED WITHIN THE SKYLAND SHOPPING PLAZA, C(P) PLANNED COMMERCIAL DISTRICT

TYPE OF APPROVAL: PRELIMINARY PLAT FOR SUBDIVISION PROPOSING 0.65 ACRES

EFFECTIVE DATE OF ISSUANCE: <u>01/02/2024</u>	NAME OF DEVELOPMENT: <u>PES DEVELOPMENT, LLC</u>
CASE NO: <u>DEV-0136-23</u>	ON-SITE UTILITY: <u>SPRING LAKE WATER & SEWER</u>
ZONING: <u>C(P)</u>	SETBACKS: <u>C(P), FRONT: 50' SIDE: 30', REAR: 30'</u>
MIA: <u>N/A</u>	REID: <u>050186098000</u>
ACREAGE: <u>0.65</u>	LOCATION: <u>OFF NC HWY 210</u>
AGENT: <u>GEORGE ROSE</u>	OWNERS / DEVELOPER: <u>PES DEVELOPMENT, LLC</u>

TOWN OF SPRING LAKE DECISION: APPROVED

- PRELIMINARY PLAT
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

This is to inform you that the Town of Spring Lake has approved your request of Preliminary Plat of approximately 0.65 +/- acres located within the Skyland Shopping Plaza, C(P) Planned Commercial District. This approval is granted by the Town of Spring Lake based on the contents of the application, submitted Preliminary Plat, and the following conditions:

Current Planning:

1. Any revision or addition to this plan necessitates re-submission for Current Planning Section review and approval prior to the commencement of the change. Final Plat submittal must conform to the approved conceptual preliminary plat.
2. No Certificate of Occupancy will be issued until public water service is connected with all new structures and must note on the Final Plat.
3. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
4. The owner/developer is responsible for ensuring easements that may exist on the subject property are accounted for, not encumbered, and that no part of this development is violating the rights of the easement holder.
5. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health, and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
6. Violations of the Spring Lake Zoning Ordinances may include, but not limited to, development without authorization, development inconsistent with authorization, violation by act or omission, and use in violation, and the applicant may be subject to civil and/or criminal penalties based on the severity and repetition of the violations.

TOWN OF SPRING LAKE

7. This conditional approval is contingent upon continued compliance with the Spring Lake Zoning and Subdivision Ordinance, and the conditions set forth herein. Any amendments or proposed changes to the approved Preliminary Plat by the Applicant, including changes required by State, Federal, and County Agencies will require a revised Preliminary Plat review in accordance with the Zoning and Subdivision Ordinances and approval by Current Planning Division. The applicant will schedule a pre-application conference meeting with county staff and Spring Lake Zoning Administrator to go over such changes prior to formal submittal for review. A written narrative of changes must be identified from the approved preliminary plat and with the revised preliminary plat submittal.
8. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are adopted by the Town of Spring Lake for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the town's acceptance.
9. A revised site plan, related to case DEV-0057-23 approved by the Board of Alderman on 08/14/2023, must be submitted to Current Planning for review, showing the newly created parcel boundary and must show conformance with the site plan standards approved in case DEV-0057-23.
10. Approval documents consists of both the approved Preliminary Plat and this document with the signed & stamped approval by the Town of Spring Lake on both plans with the sealed Preliminary Plat prepared by the Engineer of Record. The combination of this signed preliminary plat and accompanying approval letter constitutes approval document.

NCDOT:

11. **Driveway Permit Required.** Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$50.00 revision fee) must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application. [§ 136-18(29), NCGS]

12. This review does not constitute a "Subdivision" approval by NCDOT. A separate submittal will be required to NCDOT prior to any consideration for addition to the system.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property is located within or to be located within the right-of-way at the time of driveway permit application.

NC Department of Environmental Quality:

13. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Spring Lake Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to Town's Inspections Department.
14. For any new development, the developer must provide the Spring Lake Inspections Department with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to Town's Inspections Department at the time of application for any building/zoning permits.

TOWN OF SPRING LAKE

15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
16. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four-foot-high fence with a lockable gate and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.

Site Related:

17. This conditional approval is not approval of the permit for the freestanding sign. Signage for this development must be in accordance with the applicable sign regulations as set forth in Article XI of the Spring Lake Zoning Chapter 42 and the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
18. A concrete, or other approved surface material, sidewalks may be required to be constructed along the existing streets, the sidewalks if required must be fully constructed prior to the building's final inspection. [Section 36-107(f) "Sidewalks", Spring Lake Subdivision Chapter] (Note: The owner/developer is the responsible party to satisfy this requirement prior to application for permits from the Town of Spring Lake – contact the Spring Lake Inspection Department for more information.)
19. For any new development, an adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of Section 36-106(f) "Required drainage", Spring Lake Subdivision Chapter.
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground.

Plat-Related:

21. Any/All easements must be reflected on the final plat and labeled as to the type of easement, reference number for the document creating the easement, and the name of the agency, individual, etc. who holds the easement.
22. A 10' x 70' sight distance easement is required at the intersection of all internal road intersections. This easement shall be illustrated on the final plat, unless another standard is required by NCDOT.
23. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by the Current Planning Section.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property is located within or to be located within the right-of-way at the time of driveway permit application.

24. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 36-129, Certificate of Ownership and Dedication, Town of Spring Lake Subdivision Ordinance).
25. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 36-32 Guarantees of Improvements, Town of Spring Lake Subdivision. (Note: Once the improvements are in place, the developer is responsible for contacting Chris Portman to schedule an inspection of the improvements.)
26. The final plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
27. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Cumberland County Planning Department prior to submission for final plat approval of any portion of this development.

TOWN OF SPRING LAKE

28. Prior to Final Plat mylar submittal, the applicant will submit a completed application for Final Plat formal submittal for each applicable phase, if submitted separately, and a Fee of \$100. The Final Plat submittal must be in conformance with the approved Preliminary Plat and satisfy required conditions of approval, including payment of applicable fees at Final Plat, particularly filing fees for Final Plat and Park and Rec. Fees. Submission and approval of the Final Plat will require applicant to submit a completed application and Final Plat in accordance with Town of Spring Lake Subdivision Ordinance and entered into the Energov Portal.

Plat-Required Statements:

29. Nonconforming structure disclosure. All structures existing on the subject property at the time of the recording shall be shown on the final plat or the final plat shall include the following certification signed by the owner(s)

"Nonconforming structures have not been created by this subdivision/development/plat."

Code Enforcement Division:

30. Application for building permits for any new structures shall require the submittal of a plot plan to the Spring Lake Inspections/Planning Department for review and approval.
31. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Spring Lake Zoning Code and permits required to place any structure within this development from the Spring Lake Inspections Department in Town Hall at 300 Ruth Street.
32. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
33. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required.
34. The building final inspection cannot be accomplished until a Zoning Administrator or Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
35. All uses, dimensions, setbacks and other related provisions of the Town of Spring Lake Zoning and Subdivision Ordinances for the C(P) must be complied with, as applicable, and as appearing with the Preliminary Plat. Any conditions set forth herein this ordinance shall supersede the Zoning Code. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
36. Connection to public water and sewer is required, the Spring Lake Public Utility Department must approve water and sewer plans prior to application for any permits. A copy of the Spring Lake Public Utility Department's approval must be provided to the Town's Inspector at the time of application for building/zoning permits. (Section 36-66 "Water and sewer systems", Spring Lake Subdivision Chapter).

** CERTIFICATION OF PRELIMINARY PLAT APPROVAL **		
TOWN OF SPRING LAKE		
This Preliminary Plat is conditionally approved by the Town of Spring Lake on January 8, 2024, and is subject to conditions set forth in the official Conditions of Approval Letter.		
		Effective Date: Jan. 8, 2024 Expiration Date: Jan. 8, 2026
_____ Town Manager, Spring Lake Or Designated Administrative Review Officer		

Project Number: DEV-0136-23	Project Name: Starbucks Preliminary Plat	
Approval Type: Preliminary Plat	REID No.(s): 050186098000	
Zoning: C(P)	Overlay: N/A	MIA: N/A_
<u>Attention:</u> The combination of this certified Preliminary Plat <u>and</u> the Conditions of Approval Letter constitutes formal development approval.		