VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF OCTOBER 26, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, October 26, 2021 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following attended:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Kelly Chance, Village Clerk
Mr. Mike Newman, Village Attorney

In addition, approximately 37 attendees, including 8 staff and 1 press.

1. **Call to Order.**
Mayor Strickland called the Village Council meeting to order. Reminded the audience watching via online to submit any comments to publiccomments@vopnc.org.

2. **Invocation and Pledge of Allegiance. Invocation by Dr. John Jacobs, Village Chapel. Pledge of Allegiance led by Mayor John Strickland.**

3. **Reports:**

Village Manager
- Mr. Jeff Sanborn reported that due to scheduling concerns and a desire minimize disruption to the community during the holiday season, we have decided not to initiate work on the annual street resurfacing program until after the first of the year.

Village Council
- Mayor Strickland reported he has nothing to report.
- Mayor Pro Tem Davis stated she has no report.
- Councilmember Drum stated he has no report.
- Mayor Pro Tem Davis reported she has nothing to report.
- Councilmember Hogeman reported the Pinehurst Business Partners met last night and Megan McDonald, with Village of Pinehurst Parks and Recreation Department, met with them worked with them on the Village's Christmas Program, including the Christmas Passport Program.

4. **Motion to Approve Consent Agenda.**

All items listed below are considered routine or have been discussed at length in previous meetings and will be

enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

- Approval of Village Council Meeting Minutes.
  - October 12, 2021 Regular Meeting
  - October 12, 2021 Work Session
  - October 12, 2021 Closed Session

End of Consent Agenda.
Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Davis, Council unanimously approved the Consent agenda by a vote of 5-0.

5. Discuss and Consider Resolution 21-25 Appointment of Al Davis to the Firefighter Relief Fund Board of Trustees.
Pinehurst Fire Chief Carlton Cole provided supporting information for the Village Council to consider Alfred L. Davis, Jr. for appointment to the Local Firefighter's Relief Fund Board of Trustees. He stated the need for this appointment became necessary with the passing of Mrs. Virginia Fallon, who served as a trustee from 2014 until her death.

Chief Cole reported that as reviewed at a previous Village Council meeting, the North Carolina General Assembly established a fund in 1907 known as the State Relief Fund for Fireman. The Firefighter's Relief Fund is financed and administered through the North Carolina Department of Insurance, Office of State Fire Marshal. He stated Insurance Companies conducting business in a fire district are required to report to the Secretary of Revenue each year an account of all premiums collected and received from all fire and lightning insurance sold within that district and to remit a tax on these premiums to finance the Firefighter's Relief Fund. Chief Cole noted that N.C.G.S. 105-228.5(d)(4) states that Cities, Town, Sanitary Districts, Rural Fire Districts, and other political subdivisions (hereafter referred to as "cities") with an organized fire department may be eligible to receive funds to support a local firemen's relief fund.

Chief Cole stated a local Firefighter's Relief Fund Board of Trustees shall be elected to control the local funds. The Firefighter's Relief Fund Board of Trustee's is comprised of five (5) people: two elected by the fire department, two elected by the city governing body, and one appointed by the Insurance Commissioner. He noted one of the elected board members will be chosen to serve as the Relief Fund Treasurer, who is covered by a bond provided by the state. Chief Cole further noted that a board member's term is at the pleasure of the appointing authority.

Chief Cole stated expenditures of local funds must be approved by the North Carolina State Firemen's Association to ensure the local fund remains actuarially sound. The trustees are required to keep records of all funds received and disbursed and to render reports to the North Carolina State Firemen's Association annually for audit. He stated the current council appointed trustee is Andy Wilkison, the fire department appointed trustees are James Reynolds and Randy Cox, and Ann Hughes has been appointed by the Commissioner of Insurance.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Davis, Council unanimously approved Resolution 21-25, appointing Alfred Davis, Jr. to the Firefighter's Relief Fund Board, effective October 26, 2021, to serve at the pleasure of the Council until a replacement is appointed and qualified by a vote of 5-0.

6. Discuss and Consider Awarding Stormwater Management and Master Plan to McGill Associates.
Mike Apke, Village of Pinehurst Public Services and Engineering Director stated this item is to consider awarding a contract to McGill Associates (McGill) to complete a Stormwater Management and Master Plan for the Village. Development of a Comprehensive Stormwater Master Plan is an Initiative Action Plan (IAP) within the Village's 2022 Strategic Operating Plan (SOP) as part of an overall effort to address stormwater issues and concerns within the community. Expanding and enhancing our stormwater management efforts is also identified as a Strategic Opportunity in the 2022 SOP.

Mr. Apke noted that in addition, the Village's 2019 Comprehensive Plan provided three (3) recommendations related to stormwater, including:

- Prepare a comprehensive Stormwater Master Plan to identify effective stormwater management strategies
- Evaluate creating a local stormwater utility for planning, programming, and coordinating future stormwater infrastructure in the community
- Develop and implement rules for post-construction stormwater maintenance requirements

Mr. Apke stated that Village staff believes that all three (3) of these recommendations can be accomplished as part of this project. He noted that to begin this process, staff developed and publicly advertised a Request For Qualifications, detailing the project objectives and proposed scope of work. We subsequently received Statements of Qualification (SOQs) from six (6) professional firms, which were then reviewed by a committee comprised of Assistant Village Manager Jeff Batton, Planning Director Darryn Burich, Assistant Public Services Director Megan Skjellerup, and himself.

Mr. Apke reported that after reviewing the SOQs, the committee elected to interview three (3) firms, and unanimously recommended McGill as the most qualified firm to complete the project. McGill maintains an office here in Pinehurst, and currently serves as the Village's primary on-call engineer to assist staff with various engineering tasks, including stormwater reviews for site plans and subdivisions. Their staff maintains an in-depth understanding of our current standards in the PDO and ESSM.

Mr. Apke stated Village staff and McGill staff have worked together to generate the attached Task Order FY22-3, which serves as a supplement to a Master Services Agreement that was executed in 2007 between the Village and McGill. Staff is recommending that the project be divided into phases. The Task Order includes Phase 1 services, but also notes several items that may be included in Phase 2 of the project. The final scope and fee for Phase 2 is proposed to be developed after completion of the Public Engagement in Phase 1, as some of the Phase 2 tasks may be developed based on information received from the public.

Mr. Apke stated the Village's FY22 SOP includes $125,000 to complete this IAP, and McGill's proposed fee for the Phase 1 scope of services is $73,600. This leaves $51,400 in funds to utilize on Phase 2 tasks if desired by the Village. Staff's plan would be to bring a Task Order amendment to Council for the Phase 2 services after completion of Public Engagement in Phase 1.

Upon a motion by Councilmember Boesch, seconded by Councilmember Drum, Council unanimously approved to authorize that the Mayor or his designee enter into a contract with McGill Associates to complete a Stormwater Management and Master Plan for the Village of Pinehurst in the amount of $73,600 by a vote of 5-0.

7. **Discuss and Consider Resolution a Special Intensity Allocation for 85 Trotter Hills Circle.**

Darryn Burich, Village of Pinehurst Planning and Inspections Director stated this agenda item is a request for Council to approve a Special Intensity Allocation (SIA) within the WS-II Watershed Protection District for an approximate 0.94 acre property at 85 Trotter Hills Circle. He stated approval of the SIA would permit development of a parking lot to serve the adjacent Veteran's Guardian Association professional office. He further noted that SIA allocations require use of stormwater Best Management Practices and re proposed to be incorporated into the proposed site development.

Mr. Burich stated there is currently a balance of 751.034 acres of intensity allocation remaining within this watershed district and if approved, the Village will have allocated approximately 69.8 acres since 1993, leaving a balance of 750.094 acres of intensity allocation remaining for future projects in the WS-II Watershed. He noted that Council may approve the SIA request by motion.

Mr. Burich stated this request to grant a Special Intensity Allocation (SIA) of 0.94 acres to allow for development for additional parking to serve the Veteran's Guardian Association (Professional Service) would result in an increase of approximately 25,579 square feet of impervious area. The existing business is located on the adjacent lot at 75 Trotter Hills Circle and has purchased the subject property to construct the proposed parking. The owner is currently in the process of recombining the two lots and will need to be executed prior to site plan approval. Village staff has reviewed a preliminary recombination plat and provided comments to the applicant. Once the two properties are combined, the resulting imperious area for both lots (1.94 acres combined) would be approximately 63.9%. The subject property is located in the WS II Drowning Creek – Lumber River Watershed that limits non-residential development to not exceed 12% built upon area without receiving a SIA by Village Council pursuant to Section 8.3.3.5(B) of the Pinehurst Development Ordinance (PDO). The subject property is located in the Trotter Hills office park in the Pinehurst South area just west of NC Highway 5.

Mr. Burich stated the proposed project involves construction of a 62 space parking lot. The parking lot will serve the adjacent Veteran's Guardian Association professional services office which has an existing 35 parking spaces. The two lots are in the process of being combined which would result in a total area of 1.94 acres and if the SIA is approved and the project completed, result in approximately 63.9% impervious coverage or built upon area. This SIA would grant relief from the WS-II Watershed Protection District maximum impervious built upon area of twelve percent (12%) identified in Section 8.3.3.5 (B) (1) of the PDO, which again is permitted up to 70% impervious coverage for non-residential uses and within the OP (Office & Professional

Development District). Per Section 8.3.3.5 (B) (2) (a), the total acreage of the tract shall be calculated in granting the allocation including pervious areas, which totals 0.94 acres with this request. Up to ten percent (10%) of the WS-II Watershed Protection District can be granted a Special Intensity Allocation (SIA). This yields a total area of 819.84 acres eligible to receive a Special Intensity Allocation in the WS-II Watershed Protection District.

Mr. Burich noted the property is located within the corporate limits of the Village of Pinehurst and complies with the Village Council's Watershed Intensity Allocation Policy contained in Resolution 13-13 that states, "It shall be the policy of the Village of Pinehurst to only allocate special intensity allocations to properties that are located within the corporate limits of Pinehurst or to properties which have an active voluntary annexation petition to the Village of Pinehurst."

Mr. Burich stated the Technical Review Committee is currently reviewing the proposed improvements as a Minor Site Plan and a SIA allocation would need to be granted prior to issuing site plan approval for construction. The PDO requires the use of Best Management Practices (BMP) to minimize water quality impacts if an SIA is approved. Stormwater is controlled by a network consisting of approximately 575 linear feet of 30" pipe 3 that will collect runoff via inlets placed throughout the parking lot. The system has been designed to meet the Village's Engineering Standards to handle post development runoff for a 10-year, 24 hour storm event. The system will adhere to the water quality standards required of the watershed by allowing the first inch of runoff to infiltrate into the ground. The provided soil scientist report and analysis has indicated an infiltration rate of 10.8" per hour which far exceeds the minimum requirement by the North Carolina Department of Environmental Quality (NCDEQ). Once the properties are combined, the proposed development will meet all other PDO requirements.

Mr. Burich stated Village staff recommends approval of the SIA for the project as proposed and allocating the 0.94 acres from the balance of the WS-II Watershed Protection District, which Council can approve by motion. Approval of this SIA as requested would leave approximately 750.094 acres remaining that may be allocated in the WSII Watershed Protection District.

Councilmember Hogeman and Mayor Strickland asked if the proposed area will be able to handle the additional drainage. Mr. Burich and Mr. Apke both reported the majority of the topography drains back toward the west to the lake and wetland areas and the intent is to have most of the water infiltrate the ground and what does should be less than the 10-year storm limit.

Councilmember Boesch stated of the 750 acres left, we are only allocating only small percentages and so suggested staff might consider placing a limit on the number so that only larger SIAs are presented to Council. Mr. Burich noted that in order for this to be done there would have to a change to the PDO but is something to consider. Mayor Strickland request staff look into the matter and determine if this is something that might be state regulated.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved a Special Intensity Allocation from the WS-II Drowning Creek – Lumber River Balance Watershed of 0.94 acres to allow for development for additional parking at 85 Trotter Hills Circle to serve the Veteran's Guardian Association, pursuant to Section 8.3.3.5(B) of the Pinehurst Development Ordinance by a vote of 5-0.

8. Motion to Recess Regular Meeting and Enter Public Hearing No. 1.
Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to recess the regular meeting and enter into Public Hearing 1 – Electronic Permitting by a vote of 5-0.

9. Public Hearing No. 1 – Electronic Permitting.
Darryn Burich stated the Village of Pinehurst has progressively implemented a system that allows for electronic submittal of all materials needed to acquire permits and approvals from the Village. The Pinehurst Development Ordinance includes references to Village forms, numbers of copies and types of submittals. He noted these references need to be amended such that applicants are directed to the Village of Pinehurst's website and Online Permit Center and the correct form or type of documents are identified.

Mr. Burich stated that currently 60% of the community is now using the system and staff is ready to move that to 100%. He noted that to accomplish this there must be some changes in the PDO to implement online permitting. He noted that those in the community that do still need personal assistance, will of course continue to receive that. Mr. Burich reviewed the sections of the PDO that would require amendments as supplied to the Village Council as a Summary List attachment. He noted the P&Z Board recommended approval on 7/1/2021 and staff is asking for a delayed effective date to 1/1/2021.

No members of the Public or Council provided any comments.

10. Motion to adjourn Public Hearing No. 1 and Re-Enter Regular Meeting.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to adjourn Public Hearing 1 – Electronic Permitting and re-enter the regular meeting by a vote of 5-0.

11. Discuss and Consider Ordinance #21-14 Electronic Permitting.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Davis, Council unanimously approved Ordinance 21-14 amending the Pinehurst Development Ordinance to implement Electronic Permitting as shown in the Attached "Exhibit A".

12. Motion to Recess Regular Meeting and Enter Public Hearing No. 2

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved to recess the regular meeting and enter into Public Hearing 2 – Development Moratorium Extension by a vote of 5-0.

13. Public Hearing No. 2 – Development Moratorium Extension.

Darryn Burich stated that on February 10, 2021, Council approved a moratorium on real estate development activity within the Village Place and Pinehurst South areas to allow time for small area plans and form-based codes to be developed for the two areas. He stated the purpose of the moratorium was to prevent incongruous development from occurring while the plans and codes were being developed that will ultimately result in new zoning regulations for each of the areas. Mr. Burich noted the final plans and codes will not be developed by the time the moratorium expires on November 10, 2021 thus staff is proposing to extend the moratorium an additional 60 days from the upcoming expiration date to January 10, 2022.

Mr. Burich noted that staff is currently working with Design Collective toward completion of the plans and codes and is targeting public workshop #3 for middle of November in order to present draft plans and codes for discussion. He stated after feedback from the public and Council, revisions will be made and plans, and codes will be moved forward for adoption. Mr. Burich stated that an extension of the moratorium will help to ensure that future development is congruous with adopted plans and codes. He stated that staff recommends approval of Ordinance 21-15.

Community resident Jeanne Casinella addressed the Council and suggested that Council and staff reach out to the community residents who live in the proposed areas to ask for their input before making decisions. Ms. Casinella also expressed her concerns about short-term rentals in the area.

Kate Pearson, community resident, addressed the Council and asked how many plans were on hold because of the moratorium and encouraged staff and Village Council to take their time and ensure this process is done right.

Community Resident, Jack Farrell addressed the Council in support of the moratorium extension, but recommended Council consider extending the moratorium to 120 days to allow ample time for staff to complete the process.

14. Motion to adjourn Public Hearing No. 2 and Re-Enter Regular Meeting

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved to adjourn Public Hearing 2 – Development Moratorium Extension and re-enter the regular meeting by a vote of 5-0

15. Discuss and Consider Ordinance #21-15 Extending a Moratorium on Real Estate Development (Small Area Plan Focus Areas).

Mayor Strickland stated we have one meeting in November and one in December and he feels we should approve this extension, but he will not be surprised if we will have to come back.

Mayor Pro Tem Davis said she also feels that 60 days is tight and feels that 120 days would be better.

Councilmember Hogeman stated with the holidays and Council retreat it appears that 60 days will not be enough and suggest 90 days to 120 days.

Councilmember Drum asked Mr. Burich if it was unreasonable to get this done in 60 days. Mr. Burich stated that staff agrees that it may be better to add only 60 more days but wants to keep it on track and thus agrees that 90 days would give us more time.

Village Manager Jeff Sanborn reminded Council that they can change the extension to 90 days but would have to address it in the motion. Mr. Burich stated the Ordinance would also have to have some changes made to it.

Upon a motion by Councilmember Boesch, seconded by Pro Tem Davis, Council unanimously approved Ordinance 21-15 extending a Moratorium on Real Estate Development (Small Plan Focus Areas), attached as "Exhibit C," imposed by Ordinance 21-03 on February 10, 2021, for an additional ninety-day period from the date of expiration beyond by a vote of 5-0.

16. Discuss and Consider Ordinance #21-06 Buffer Development Ordinance.

Darryn Burich stated Council is being asked to approve several amendments to the Pinehurst Development Ordinance (PDO) that update landscaping and buffering requirements for development within the Village and its extraterritorial zoning jurisdiction. The proposed ordinance is the product of a significant amount of staff time in crafting, editing, and re-editing the ordinance which ultimate goal is to help maintain the aesthetic character of the community through improved landscaping as well as buffering development activity to mitigate impact on adjacent uses. The proposed ordinance is also the product of countless hours of involvement and contribution by members of the Planning and Zoning Board, Village Council, the public, and development interests over the past 3.5 years.

Mr. Burich stated it should also be noted that the efforts to develop the ordinance amendments were not staff driven initiatives but recommendations after thoughtful public discourse as reflected in adopted Village plans. The proposed ordinance amendments follow through with recommendations and concerns expressed in every adopted Village Comprehensive Plan (2003, 2010, and 2019) and fulfils FY21 VOP Strategic Operating Plan OFI (Opportunities for Innovation and Improvement) to "Enhance Tree Preservation Program and standards for tree planting".

Mr. Burich noted that the ordinance as proposed does not prevent tree removal from occurring. Lots may still be clear cut. The ordinance simply creates buffer standards that are triggered by new development activity through establishment of perimeter buffer yards that can be achieved by planting of new trees or with existing qualifying trees on a property in the form of a "planting credit". This planting credit can significantly reduce if not eliminate the need to plant new trees on a lot. This planting credit is unique and is an incentive to preserve existing vegetation through thoughtful site planning. The numbers of trees required per buffer yard is calculated by the linear footage of the yard along the setback line. For example, if a rear setback line is 100 feet in length, the buffer requirements would be 4 trees (100/25 = 4). Such trees could be provided through new plantings or by existing qualifying trees as a planting credit or combination thereof.

Mr. Burich stated it should be noted that the Historic District Standards have some limitations on tree removal in an effort to maintain the historic street tree canopy. On residential properties, healthy trees 12 inches in diameter and larger and located in the front must be granted a Major Certificate of Appropriateness by the Historic Preservation Commission for removal. These regulations help to maintain the special aesthetic character of the historic district and overall community.

Mr. Burich noted that Landscaping and buffering standards are not new in the PDO. Non-residential uses are currently required to install buffer and screening yards and are largely unchanged by the proposed ordinance amendments. Residential uses currently require a specified number of trees (4-16), depending on zoning district, and may be placed anywhere on a property. Residential uses also require perimeter foundation plantings, which requirement is not changing with the proposed amendments.

Mr. Burich stated the proposed buffer yard standards replace the current landscaping requirement, are more focused at the perimeter of the property, and will apply to new development and redevelopment. The vast majority of existing developed residential uses are exempt from the new requirement until redevelopment. He stated the other new proposal is relative to land disturbing activities on vacant properties where no other planning or permit application is being reviewed such as minor site plan or building permit application. The proposed buffer yard standards would apply to land disturbing activities, as defined in the ordinance, and would trigger establishment of perimeter buffer yards. This is a frequent concern heard when sites are being prepped for new development outside of a building permit and can often have significant impact on adjacent properties and drainage.

Mr. Burich stated the proposed ordinance under consideration by Council is largely the same in content than previously reviewed with one exception changing grouping and maximum spacing from 35 feet to 50 feet. The required number of plantings would remain the same but spacing has been increased to allow for additional landscape design flexibility and to accommodate side lot line driveway placement (generally serving side loaded garages) that run along the lot line and may be challenging to meet the current 35-foot spacing requirement. Other than that, staff has reformatted sections or updated language for clarification.

Mr. Burich stated that to more easily evaluate and discuss the proposed ordinance amendment, Council is directed to use the redline version in Novus Agenda to identify where changes are being made (and not made) to the PDO. Text highlighted in red and underlined are new code provisions that would update the PDO. Text shaded in grey are existing code provisions that are not changing other than grammatical edits, consistent terminology, and renumbering to locate the landscaping requirements in one area of the PDO whereas they are currently separated by several sections. He noted that staff has also developed an FAQ regarding the proposed buffer standards that is currently posted on the Village's website and included in Novus agenda. The FAQ seeks to address some of the more frequent questions and concerns that have been raised during the ordinance development process.

Mr. Burich stated that based on various Comprehensive Plan recommendations and the OFI in the FY21 Village of Pinehurst Strategic Operating Plan to enhance standards for tree planting, staff recommends the Village Council approve Ordinance 21-06 as proposed.

Mayor Pro Tem Davis stated the FAQ is very helpful and will go a long way in helping people understand this and Mayor Strickland stated he suggest this FAQ be available at the front desk and available to the community.

Councilmember Drum stated we should make sure the HOAs and the community hear about this to make sure we provide clarity and noted that we cannot overcommunicate this ordinance.

Councilmember Boesch shared a statement that states where she stands on this ordinance and expressed her concerns that Pinewild and CCNC had not had an opportunity to see the final revised draft. Mayor Pro Tem Davis asked what would the evidence be that these people in the community have seen and digested the final copy if we delay to provide more time to recirculate it yet again. Councilmember Drum stated he agrees that the community should be able to see the final draft before voting and noted he would have voted yes, but since he feels it needs to be shared first, he must abstain from voting.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Davis, Council approved Ordinance 21-06 amending the Village of Pinehurst Development Ordinance as it pertains to Chapter 9, Design and Development Standards and processes, Sections 9.5 Landscaping Requirements, and 9.14.6 Tree Conservation and Newly Installed Trees and Plants by a vote of 3-.one abstention, 1 opposed. Councilmember Boesch voted no, and Councilmember Drum abstained from the vote. The General statute states an abstain be counted as a yes, thus the final vote is recorded as 4 yes and 1 no.

17. Discuss and Consider Resolution 21-26 Comprehensive Plan Amendment Policy.

Assistant Village Manager Doug Willardson stated the policy put together will define the systematic and transparent process whereby the Village Council will adopt and amend its Comprehensive Plan to manage future growth in the community and to avoid disparities between the Comprehensive Plan, market & economic realities, and existing conditions.

Mr. Willardson stated a Comprehensive Plan is intended to guide coordinated, efficient, and orderly development within the planning & development regulation jurisdiction based on an analysis of present and future community needs. He stated in accordance with NCGS 160D-501(a), the Village's process for adopting and amending the Comprehensive Plan should include opportunities for citizen engagement. In order to adequately guide future growth, the Comprehensive Plan must be reasonably up to date and may be amended from time to time. He noted the adopted Comprehensive Plan is advisory in nature, which means other development regulations can be adopted and amended that are inconsistent with the adopted plan.

Mr. Willardson stated to ensure the Village's Comprehensive Plan is reasonably up to date, the Village Council will prepare and adopt a comprehensive update to the Village's Comprehensive Plan every 8-10 years. He noted this would include a complete and thorough review and update of the entire plan document based on reviews of existing conditions and extensive community engagement and input. He further stated that every 2 years, in an odd numbered year, the Village Council will review the Comprehensive Plan for any discrepancies between significant plan components and existing conditions to determine if an amendment is needed.

Mr. Willardson stated that every year in December, the Village Council will review the status of the Comprehensive Plan Implementation Strategies in their annual strategic planning retreat and after approval of the annual SOP by the Village Council in June, Village staff will update the Implementation Matrix component of the Comprehensive Plan to reflect those strategies included in the SOP. He stated this implementation update would occur between the adoption of the Strategic Operating Plan each June and the Village Council's strategic planning retreat.

Mr. Willardson stated that the Village Council may also consider Comprehensive Plan amendments outside of the regularly scheduled Comprehensive Plan updates when certain triggering events occur.

Councilmember Hogeman stated the Comprehensive Plan took a long time to write and Council has the right to change it anytime they want, and she sees how it would be useful to have a review every 8 to 10 years, but she does not like the tight restrictions this policy places on Council. Mayor Strickland stated he agrees we do need the structure, but also understands Councilmember Hogeman's concerns on limiting Councils powers. Mayor Strickland also expressed concerns that the policy was brought to Council for a vote and not first presented during a work session.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council approved Resolution 21-26, adopting a Comprehensive Plan Adoption, Amendment and Implementation Policy by a vote of 3-2. Councilmember Hogeman and Mayor Strickland cast a vote of no.

18. Discussion of Potential Ethics Violations by Councilmember Boesch.

Mayor Strickland stated the next two items are a continuation of the October 12th meeting and the consensus was that code violations had occurred but no decision was made on how to proceed. Village Attorney, Mike Newman discussed the Code of Ethics which was adopted in 2010. He provided the reasons within the Code of Ethics on which the majority of Councilmembers wished to act upon. Mayor Strickland stated that it was agreed upon at the last meeting that a decision would be made and Council would move forward at this meeting, which provided time for Councilmember Boesch to write her statement as she requested.

Councilmember Boesch stated that she is beyond stunned that this item was still on the agenda as it was her and her attorney, Philip Isley's understanding, as provided by Village Attorney Mike Newman statement, that the item would not be on the agenda. Mayor Strickland noted that it was announced and agreed upon at the last meeting that this discussion would be on the agenda and has been advertised since its release as such. He further stated he had not been contacted about removing it from the agenda.

Councilmember Boesch's attorney spoke to the Council via a telephone call to Councilmember Boesch, put on speaker phone, and placed to the microphone for the Council and Public to hear. Mr. Philip Isley addressed Council and Village Attorney Newman, stating he was under the assumption that this item was being removed from the agenda and thus did not travel to the meeting to provide council to his client, Lydia Boesch. Mr. Isley stated Council should pull this item from the agenda and not speak about it. Mayor Strickland stated Council intends to have the discussion and he will provide Councilmember Boesch and Council members to comment.

Mayor Strickland has stated that Council has discussed ways to prevent some of the violations from occurring in the future, including working with Human Resources on the creation of an appropriate policy, continual ethics training, and creating an education process that would be completed on an annual basis. Councilmember Drum stated he thought due process should be included as well.

Mayor Strickland read a statement to Councilmember Boesch addressing the Ethics Code Violations the Council felt she had committed and concluded the discussion.

19. Discussion of Potential Ethics Violations by Councilmember Drum.

Village Attorney Newman stated that as he mentioned at the last Council meeting Councilmembers are expected to follow the Ethics Code of Conduct as outlined and approved in 2010. He noted the areas which were pertinent to the proposed ethics violations Councilmember Drum is accused, by his fellow Councilmembers, of violating. Councilmember Drum stated he has expressed concern that open meetings laws were violated by Mayor Strickland, Councilmember Hogeman, and Mayor Pro Tem Davis during their review, discussion of, and preparation of alleged ethics violations aimed at Councilmember Boesch and himself.

Councilmember Drum stated he felt this was a political issue, not a governmental issue. He stated he was trained under the UNC School of Government Code of Ethics and that is the rules he lives by. He stated this is the training he was provided by the Village and yet it appears this is not what the Village lives by. Mayor Strickland asked Councilmember Drum if he learned anything from this situation and Councilmember Drum stated, "he can do better, and we can do better." He stated in the future I will say in business communications, "Excuse Me Kind Sir You're Not Doing Your Job." He stated his concern was that this process makes Council look like a bunch of clowns.

Councilmember Boesch asked for a motion to table this discussion, but hearing no second, the motion was quashed.

Mayor Strickland read a summary addressing the Ethics Code Violations the Council felt Councilmember Drum have violated and concluded the discussion.

20. Other Business.

There was no other business.

21. Comments from Attendees.

- Brenda Xeroteres, 180 Idlewild Rd, addressed Council about short term rental issues.
- Barbara Longeway, community member, addressed Council and voiced her displeasure about the way the Ethics Violations Discussions were handled.
- Jeanne Castonella, community member, addressed Council about short term rental issues.
- John Webster, community member stated he wishes to thank the council for raising the ethics violations and expressed his sympathies to Jeff Sanborn for the treatment he endured.
- Jack Farrell stated he congratulates Council on passing the Buffer ordinance and he believes it will help maintain and enhance the community.

22. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 8:01 p.m.

Respectfully Submitted,

Kelly Chance

Kelly Chance,
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org