



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF OCTOBER 24, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 04:30 PM, Tuesday October 24, 2023, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

Mr. John Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Mr. Jeff Morgan, Councilmember
Ms. Lydia Boesch, Councilmember
Mr. Tom Hennie, Councilmember
Mr. Jeff Sanborn, Village Manager
Ms. Shannon Konstantinou, Village Clerk
Ms. Lori Hercules, IT Technician

And approximately 40 attendees, including 8 staff and 1 press.

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Invocation by Hugh Tudor-Foley and Pledge of Allegiance led by Mayor Strickland

3. Reports:

Village Manager

- Mr. Jeff Sanborn, Village Manager, reported the re-striping Downtown has been completed with 5 additional vehicle and golf cart parking spaces having been added; the upcoming parking project adjacent to the Theatre Building bringing additional parking spaces; on the upcoming (October 31, 2023) retirement of Mr. Mark Wagner, Parks and Recreation Director, after 27 years of service to the Village with 19 of those years being as Director; and thanked Mr. Wagner for his service.

Village Council

- Mayor Strickland reported on the October 12, 2023 Council Conference Room dedication ceremony for Ms. Ginsey Fallon, the October 14, 2023 Prancing Horse Center for Therapeutic Horsemanship benefit, the October 16, 2023 Neighborhood Advisory Committee meeting, the October 19, 2023 Sandhills Metropolitan Planning Organization meeting (attended with Mr. Sanborn and Mayor Pro Tem Pizzella), and the October 21, 2023 Holly Arts Festival.

- Mayor Pro Tem Pizzella thanked Mr. Wagner for his service to the Village and Mr. Alex Cameron, Planning and Inspections Director, for the recent training on Quasi-Judicial meeting procedures he provided to Councilmembers; and reported on the October 18, 2023 Moore County Charters of Freedom dedication ceremony held in Carthage, on the October 21, 2023 Holly Arts Festival, and on the October 29, 2023 Village Chapel 125 year celebration.
- Councilmember Boesch thanked Mr. Wagner for his service to the Village; and reported on the October 21, 2023 Holly Arts Festival, and on the October 12, 2023 University of North Carolina School of Government's "Managing Difficult Conversations with Constituents" course presented by Braver Angels.
- Councilmember Morgan thanked Mr. Wagner for his service to the Village, and reported on the October 14, 2023 WineWalk event held in Downtown and the positive feedback received on the October 21, 2023 Holly Arts Festival.
- Councilmember Hennie reported on the October 24, 2023 Citizens on Patrol Academy meeting at the Village Police Department (the first of four meetings).

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.

A. Approval of Village Council Meeting Minutes

- October 10, 2023 Council Regular Meeting Minutes
- October 10, 2023 Council Work Session Minutes
- October 10, 2023 Council Closed Session Minutes

B. Budget Amendments Report

End of Consent Agenda.

Upon a motion by Councilmember Boesch, seconded by Councilmember Morgan, Council unanimously approved the Consent agenda by a vote of 5-0.

5. **Motion to Recess the Regular Meeting and enter into Public Hearing No. 1.**

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to recess the Regular Meeting and Enter Public Hearing No. 1 by a vote of 5-0.

6. **Public Hearing No. 1 - Pinewild Phase V Major Subdivision.**

The purpose of this public hearing is to consider a request of a Major Subdivision Review for a 78-lot single family subdivision known as Pinewild Phase V. This property is identified as Moore County PID# 00025104 and is located within the existing Pinewild gated community between Stoneykirk Drive and Linden Road. The applicant and owner is Pinewild Project Limited Partnership.

Mr. Alex Cameron, Planning & Inspections Director, reviewed a PowerPoint presentation outlining the proposed Major Subdivision project known as Pinewild Phase V, the process of approval leading up to and through actual development, and Council's action options.

Mr. Tucker McKenzie, of WithersRavenel, and Mr. Christopher Little, Club Manager for Pinewild Country Club, introduced themselves. Mr. Little thanked Staff for the presentation of the proposal and assistance throughout the process, and outlined the engagement Pinewild Country Club has had with the Pinewild Property Owners Association.

Council, Mr. McKenzie, Mr. Little, and Mr. Cameron discussed details of the proposed Major Subdivision such as the timeline of the evolution of the proposal, stormwater management, preliminary plat versus construction drawings, the process of review, the location of the construction entrance, the protection of the Red Cockaded Woodpeckers and cooperation with the Fish and Wildlife department, potential fence locations and types, golf cart pathways for access to Resort golf courses being needed, the motivation behind starting Phase V, estimated construction timeframe, concerns about the potential impact of additional residences on public utilities, whether additional entry gates could be added to alleviate traffic, whether construction traffic could be limited to the NC 211 entrance, the price ranges for homes within Pinewild, and all lots within the proposed Major Subdivision being subject to the same minimum development requirements as the existing properties.

Mayor Strickland opened the Public Hearing to comments from attendees.

Beverly Beadle, 12 Pinewild Drive, stated she appreciates Council's time and consideration; and expressed concerns about the planning process, design elements and lot development, and construction access and equipment storage.

Jane Waldemar, 14 Edinburgh Lane, expressed concerns about the increased traffic new development will bring, the lack of protection for the natural resources, the lack of buffer between proposed dwellings, the location of the mail kiosk, the lack of sidewalk installation, stormwater management, loss of privacy, and the effect development will have on the Red Cockaded Woodpecker.

Sue Baughman, Pinewild Property Owners (PPO) Board President / 39 Pinewild Drive, stated there have been many discussions with Pinewild residents and most of their concerns have been addressed, Village Staff has answered questions and responded to concerns, the PPO supports the project, any further concerns or issues can be addressed as the project moves forward, the PPO will continue to work with both the development team and Pinewild residents; and addressed questions about fencing and the construction access.

Deidre MacNeil, 43 Glasgow Drive, expressed concerns about excessive tree removal, damage to the native ecosystem and wildlife, the development resulting in sterile / unattractive lots, and the degradation of the quality of life further development will bring.

Debra Norman, 14 Pinewild Drive, expressed concerns about the effect development will have on the quality of life for existing residents, the increased traffic, and impact on wildlife.

Rob Kepler, 32 Edinburgh, expressed concerns about stormwater management.

Dave Gibbons, 16 Kirkland Court, expressed concerns about the minimum lot size, fencing around the perimeter, and stormwater management / lake levels.

Mr. Little, Mr. Cameron, and Mr. Mike Apke, Public Services Director, answered Attendees' questions and concerns on minimum lot size, stormwater management and maintenance, fencing or screening requirements, landscaping and tree buffer requirements, and individual dwelling design elements and

Association's Architectural Review Board's requirements.

Council deliberated on the individual dwelling design elements and Association's Architectural Review Board's requirements, fencing, the Major Subdivision review process, and the Council's options for action.

7. Motion to Adjourn Public Hearing No. 1 and Re-Enter the Regular Meeting.

Upon a motion by Councilmember Morgan, seconded by Councilmember Boesch, Council unanimously approved to adjourn Public Hearing No. 1 and Re-Enter the Regular Meeting by a vote of 5-0.

8. Discuss and Consider Resolution 23-46 Approving the Major Subdivision Known as Pinewild Phase V (Parcel ID 00025104)

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously approved as submitted Resolution 23-46 Approving the Major Subdivision Known as Pinewild Phase V (Parcel ID 00025104) by a vote of 5-0.

Mayor Strickland recessed the Regular Meeting at 06:15 PM for a 5-minute break.

Mayor Strickland reconvened the Regular Meeting at 06:21 PM.

9. Motion to Recess the Regular Meeting and enter into Public Hearing No. 2

Upon a motion by Councilmember Boesch, seconded by Councilmember Morgan, Council unanimously approved to recess the Regular Meeting and Enter Public Hearing No. 2 by a vote of 5-0.

10. Public Hearing No. 2 - Special Use Permit for 15 McDonald Rd. W

To consider a request for a Special Use Permit in order to establish an Accessory Dwelling at 15 McDonald Rd. W. This property is in the R-30 (Single Family Residential) Zoning District. This property is further identified as Moore County PID #20210410. The applicant is Dan Degre, on behalf of the owners Jerry and Jacquelyn Hall.

Mr. Alex Cameron, Mr. Dan Degre (designer and builder), Ms. Jacquelyn Hall (homeowner), and Ms. Whitney Goodman (adjacent property owner) were sworn into the Public Hearing and testified as follows.

Mr. Alex Cameron, Planning & Inspections Director, reviewed a PowerPoint presentation outlining the proposed Special Use Permit for an Accessory Dwelling at 15 McDonald Road W, the process that must be followed for a quasi-judicial public hearing, the requirements to be met for approval of a Special Use Permit for an Accessory Dwelling, and Council's action options. Mr. Cameron submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits. Council accepted the materials into evidence.

All Councilmembers visited the site and did not have any ex parte communication.

Council and Mr. Cameron discussed the proposed accessory dwelling being attached to the principle dwelling, the principle dwelling as depicted in Exhibit A-2 Site Plan already being under construction, there only being one / main driveway for both the principle and accessory dwelling, and the driveway already existing prior to design and construction beginning (previously a part of the property located at 25 McDonald Rd. that was sectioned off and sold to the Owners of 15 McDonald Rd.).

Mr. Degre stated it was initially believed the property was part of the historic district, the principle and accessory dwellings are designed to look like a single family residence from the street elevation, both the

principle and accessory dwellings will be built to standards above the minimum state requirements, and both the principle and accessory dwelling will be used by the same family. Ms. Hall read a prepared statement outlining the intention for seeking the Special Use Permit for an Accessory Dwelling and the intended use of the Accessory Dwelling.

Council, Mr. Degre, Ms. Hall, and Mr. Cameron discussed the accessory dwelling being used for the Owners and their children or extended family, the letter from the Fish and Wildlife on the status of any Red Cockaded Woodpeckers on the site (which states no nesting bird or tree are located on the property but any development should take into consideration removal of suitable nesting trees), the habitation of the Red Cockaded Woodpecker not being disturbed and only the trees necessary for construction being removed, the Owners' personal tree removal company having cleared the lot for construction, the language of the Fish and Wildlife letter being standard language and is a suggestion not a requirement to try to maintain the existing canopy, Mr. Degre's credentials as a licensed realtor, the need to have a valid letter on the status of the Red Cockaded Woodpecker from Fish and Wildlife in order to obtain a building permit, the footprint of the principle dwelling already being permitted and approved based on documentation provided and deemed to be compliant, a building permit not requiring retention of trees (nor does the State require retention of trees), additional permitting being needed for the accessory dwelling (which will require additional documentation be submitted), establishing facts to meet the Standards of Review for approval, the location of the accessory dwelling being chosen to make the best use of space and improve the aesthetics of the design, the square footage of the principle dwelling being 4,359 heated square feet, the location of the garage in relation to the principle and accessory dwelling, the accessory dwelling square footage being 1,304 heated square feet, the similarity of the Owner's situation to many other families / owners in Pinehurst, the need for Council to focus questions on determining the standards outlined in the Findings of Fact, whether the proposed principle and accessory dwellings are compatible with the surrounding neighborhood based on the size and position on the lot, the average size of new construction increasing steadily over the years, what evidence and testimony Council must decide is expert opinion to be used in making a determination, and no restrictions existing on who may occupy residential structures.

Ms. Whitney Goodman, 25 McDonald Road W, asked Council to delay their decision until clear property lines could be determined and compliance with setback requirements established, to consider the impact the proposed accessory dwelling will have on the value of neighboring properties, and to question whether the proposed accessory dwelling is consistent with other properties in the area.

Council accepted the material provided by Ms. Goodman into the record as Exhibit B-1 and agreed Ms. Goodman has standing to provide testimony and evidence.

Council, Mr. Degre, Ms. Hall, Ms. Goodman, and Mr. Cameron discussed Ms. Goodman's concern about the footing of the principle dwelling already under construction not meeting the setback requirements not being pertinent to the Special Use request before Council and having been reviewed and permitted separately from the proposed accessory dwelling; the setback of the principle dwelling as depicted in the submitted site plan being 21.2 from Ms. Goodman's property at the closest point and the site plan having been prepared by a licensed surveyor; the driveway encroachment from 25 McDonald Rd. onto 15 McDonald Rd. causing confusion on where the actual property line begins and where setbacks should be measured from; the recombination and lot line adjustment that were done in 2014 when both 25 McDonald Rd. and 15 McDonald Rd. were under the same ownership; Ms. Goodman's concern about the size of the dwelling and lot in comparison to the size of dwellings and lots surrounding the property; Ms. Goodman's willingness to have a new survey done to determine the contested property lines; that should a survey of the footings determine they are within the required setback, the property owner can either request an administrative modification or the footings be corrected to meet the setback requirements.

Mr. Cameron and Mr. Sanborn reiterated the setbacks of the principle dwelling are not pertinent to the Council's consideration of the Special Use request before them as they do not relate to the proposed accessory dwelling; discussed the process of review the Applicant must undergo in order to obtain a Certificate of Occupancy for the dwellings; the required setback being 20 feet from the property line; and the encroachment of the driveway causing confusion as to where the actual property lines are located.

Council clarified with Mr. Cameron that the concerns expressed by Ms. Goodman regarding the setbacks of the principle dwelling will be addressed during the review process for the permit issued on that dwelling.

Council, Mr. Degre, and Ms. Hall discussed the size of the accessory dwelling being intentional and that it was not possible to reduce the size.

Mr. Cameron reviewed the motion template and draft Findings of Fact for Council to use when making their decision.

11. Discuss and Consider a Motion Approving the Special Use Permit and Adopting the Findings of Fact for an Accessory Dwelling at 15 McDonald Rd. W.

Upon a motion by Councilmember Morgan, seconded by Councilmember Boesch, Council unanimously approved the Special Use Permit for an Accessory Dwelling at 15 McDonald Rd. W and adopted the following Findings of Fact:

- A. The proposed Special Use meets all required conditions and specifications: Village Council finds that Staff has reviewed the material and determined that the Accessory Dwelling Unit meets all R-30 zoning requirements.
- B. The proposed Special Use is in harmony with the area or compatible with the neighborhood: Village Council finds that no evidence to the contrary was provided and the proposal is similar to nearby residential properties.
- C. The proposed Special Use will not materially endanger public health or safety: Village Council finds that no evidence to the contrary was provided and the accessory dwelling will meet the requirements of the NC Building Code.
- D. The proposed Special Use will not substantially injure the value of adjoining property or be a public necessity: Village Council finds that no evidence or testimony to the contrary was given and accept the Applicant's testimony that the proposal will increase property values.
- E. The proposed Special Use will be in conformity with the Village of Pinehurst Comprehensive Long-Range Plan: Village Council finds that the proposal is consistent with Guiding Principle #3: Places to Live in the 2019 Comprehensive Plan.

Village Council finds that each of the Standards of Review have been met based on the evidence submitted into the record and the testimony given.

Mayor Strickland recessed the Regular Meeting at 07:50 PM for a 5-minute break.

Mayor Strickland reconvened the Regular Meeting at 07:55 PM.

12. Motion to Adjourn Public Hearing No. 2 and Re-Enter the Regular Meeting.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn Public Hearing No. 2 and Re-Enter the Regular Meeting by a vote of 5-0.

13. Approval for Update to the Parks and Recreation Comprehensive Master Plan.

Mr. Mark Wagner, Parks and Recreation Director, and Ms. Jennifer Beedle, McAdams, reviewed a PowerPoint presentation outlining the 2023 Village of Pinehurst Parks and Recreation Comprehensive Master Plan and highlighted changes made to the Master Plan based on Council's recommendations.

Council, Mr. Wagner, and Ms. Beedle discussed the vision of the Master Plan being recreation for all, the hard work Staff and McAdams have put into the development of the Master Plan over the past year, reviewed details / facts outlined in the Master Plan, and agreed on revisions to be made before the final print of the Master Plan is done.

Upon a motion by Councilmember Boesch, seconded by Councilmember Morgan, Council unanimously approved to adopt the 2023 Village of Pinehurst Parks and Recreation Comprehensive Master Plan by a vote of 5-0.

14. Receive Risk Management Committee Annual Report and Consider Employee Health Benefit Recommendations for 2024.

Mr. Jeff Batton, Assistant Village Manager for Operations, reviewed a PowerPoint presentation outlining the Risk Management Committee Annual Report focusing on the Health Benefit Recommendations for January 01, 2024.

Council and Mr. Batton discussed the change from Cigna to Blue Cross Blue Shield being a positive one with less complaints and a bigger network of providers, the HSA / High Deductible Plan being well received by Employees, and the selection process for Risk Management Committee members.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved the 2024 Medical and Dental insurance contracts and authorized the mayor or his designee to execute the contracts by a vote of 5-0.

15. Other Business

Council discussed the availability of public restrooms in Downtown, the ongoing misinformation / misperception surrounding Short-Term Rental properties and the upcoming discussion to be given at the November 2023 Neighborhood Advisory Committee meeting regarding the Short-Term Rental ordinance, and the complaints regarding noise from Fair Barn events were investigated by the Police Department and found not to be valid (no violations of the Municipal Code were occurring).

16. Comments from Attendees.

None.

17. Motion to Adjourn

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 08:48 PM.

Respectfully Submitted,



Shannon Konstantinou
Village Clerk

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

Vision: The Village of Pinehurst is a charming, vibrant community, which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement