



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF SEPTEMBER 22, 2020
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, September 22, 2020 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Mr. Kevin Drum, Councilmember
Ms. Lydia Boesch, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

And approximately 41 attendees, 9 staff members, and 2 press.

1. Call to Order.

Mayor Strickland, called the Village Council meeting to order.

2. Reports:

Village Manager

- Stated that the Village of Pinehurst was recognized by the International City Managers Association for excellence in Performance Management for the 3rd consecutive year. Only 25 municipalities across the United States that won this award.

Village Council

- Mayor Strickland stated NC remains in the orange, in regards to COVID-19, which means we are in the middle, not increasing or decreasing the number of cases. We need to continue to practice social distancing. Stated that Molly Rowell sent a thank note to Village Council for her commendation presented to her at the last Council meeting and complementing Council on the USGA transaction.
- Councilmember Hogeman stated the Beautification Committee met last week and are well on their way to putting together fall plantings and next year's spring plantings. Also, they working on the holiday decorations for the Village Center. The committee is also aware of the need to think big with respect to the USGA's move and prepare to polish all the neighborhoods.
- Councilmember Drum stated he is meeting tomorrow with the executive committee for the Council of J Governments. He will send a report to Council tomorrow after the meeting.
- Councilmember Boesch stated the NAC met yesterday for the first time in a while and it was great to hear from everyone. Reminded residents if you see something say something, MYVOP is a great tool.
- Mayor Pro Tem Davis stated that Pinehurst is ahead of the numbers in regards to completing the 2020 Census. She reminded everyone how important it is to complete the 2020 Census and reminded those who haven't to complete theirs to do so. Council is preparing to meet with Baldrige examiners in a couple of weeks and she hopes to come back with some lessons learned, as this process is about striving for innovation and improvement.

3. 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.

- Public Safety Reports
 - August, 2020 Police Report
 - August, 2020 Fire Report
- Approval of Village Council Meeting Minutes.
 - September 3, 2020 Special Meeting
 - September 3, 2020 Closed Session
 - September 8, 2020 Regular Meeting

End of Consent Agenda.

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

4. Motion to Recess Regular Meeting and Enter into a Public Hearing.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to recess the regular meeting and enter into a public hearing, by a vote of 5-0.

5. Public Hearing No. 1

Mayor Strickland swore in Peter Hughes, Senior Planner, and Fred Chance, applicant to provide testimony. Mayor Strickland and Council confirmed none of them have had any ex-parte communication.

Peter Hughes, Senior Planner, stated the purpose of this public hearing is to consider a request for a Special Use Permit to locate an accessory dwelling at 855 Linden Road. The property can be further identified by Moore County PIN Number 855200043484 and the property owners and applicants are Fred and Kelly Chance. Mr. Hughes explained a special use permit is required based on Section 8.5.1a of the Pinehurst Development Ordinance (PDO) to establish an accessory dwelling as an accessory use within the R-30 Zoning District. Special Use Permits are regulated by Section 4.5 of the PDO. Mr. Hughes stated that the applicant has submitted a completed application, site plan, landscaping plans, building plans, and justification/responses to Section 4.5.6 Standards of Review. The proposed accessory dwelling is 1,425 square feet and the total percent of impervious coverage is 11.089%, which is below the maximum of 30%. The applicant has provided a landscaping plan to screen the dwelling from Chicken Plant Road. Mr. Hughes reviewed the dimensional requirements and special requirements for an accessory dwelling. Mr. Hughes submitted the staff report, presentation, application, applicant's material, photos/site plans, and findings of fact into the record.

Public Comments:

- Fred Chance, applicant, explained the accessory dwelling would be used as his wife's home office, as she works from home and also will be used for family when they come into town. He noted the accessory structure has been designed to architecturally match the primary dwelling.

6. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the public hearing and re-enter the regular meeting, by a vote of 5-0.

7. Discuss and Consider Special Use Permit at 855 Linden Road.

Councilmember Hogeman explained she feels that standards of review have all been met based on the evidence submitted.

Upon a motion by Councilmember Drum, seconded by Councilmember Boesch, Council unanimously approved the Special Use Permit as requested by the applicant, Fred and Kelly Chance, for the property at 855 Linden road. The Village Council accepts the applicant's Standards of Review and adopts them as the Findings of Fact. Village Council finds that each of the Standards of Review have been met based on the evidence submitted into the record as part of the application materials and testimony given at this public hearing, by a vote of 5-0.

8. Discuss and Consider Action on the Preliminary Plat for the Floyd Way Subdivision.

Darry Burich, Planning and Inspections Director, explained on August 11th Village Council held a public hearing on the proposed Floyd Way Subdivision. The Major Subdivision review is for an 11 lot single family subdivision within approximately 11.38 acres located in the Village's Extraterritorial Jurisdiction (ETJ). The current zoning on the property is R-20, which is medium density residential district, and there are no proposed zoning or land use changes. Mr. Burich explained Council's review is to determine compliance of the Pinehurst Development Ordinance (PDO) standards and the review is an administrative action, not a legislative or quasi-judicial.

Mr. Burich explained that the provisions in the PDO apply to both properties within the corporate limits as well as those within its ETJ. Mr. Burich reviewed the adjacent land uses and zoning around the proposed development and noted that the subject property has been zoned for residential use since the 1980's and within the Village's ETJ. The applicant has expressed a desire to request annexation of the subject plat area sometime after approval.

Mr. Burich explained the applicant has submitted an updated plat that has removed the street intersection sight triangles at Diamondhead Drive that were previously shown on the preliminary plat reviewed by the Planning & Zoning Board. The applicant stated that they have removed the sight triangle easements because a portion of the northern easement is on the adjacent owners' property. The plat has also been updated to show a portion of the property designated as wetland. Mr. Burich explained the proposed development is not in a flood plain and there is no impact for red-cockaded woodpeckers. The property is located with the Watershed II District which limits the dwellings to 1 dwelling per unit acre. There are wetlands mapped in the SE corner of the plat and the Village will require delineation of that area.

Mr. Burich reviewed the original recommendations made by the Planning and Zoning Board. Mr. Burich explained that Council may approve a plat with conditions and explained the limitations of conditions that could be approved. Mr. Burich noted that if Council rejects the preliminary plat the reasons must be stated in the record along with recommendations for ways to revise the preliminary plat so it could be approved. Councilmember Hogeman asked if a storm water easement provided on the north side of the plat. Mr. Burich stated it is and the storm water management plan will come with approval of construction plans.

Upon a motion by Councilmember Drum, seconded by Councilmember Boesch, Council unanimously approved the Floyd Way major subdivision preliminary plat identified as Moore County Parcel ID 00052077, by a vote of 5-0, with the following conditions:

- a) Wetland boundaries to be delineated at final platting and construction drawing phase to ensure an undisturbed 30 foot buffer is maintained to the identified wetlands per Section 9.5.1.10 of the Pinehurst Development Ordinance and shown on the final plat and construction drawings. Wetlands to be determined by using guidelines in the 1987 Army Corps of Engineers wetlands manual by a qualified professional such as a biologist or licensed surveyor. Findings of the wetland assessment shall be provided to Village of Pinehurst staff prior to approval of construction drawings and issuance of a development permit.
- b) Place a 50 foot wide road reservation west of Lot 11 running south to the Robinson property parcel #00054886 on the plat, in order to ensure reasonable means of ingress and egress for surrounding properties per Section 9.17.1.15 (B) and in keeping with 2019 Comprehensive Plan Strategy 4.13 regarding exploring transportation network improvements in any new or redevelopment. Final placement of the road reservation to be compliant with the Village of Pinehurst Engineering Standards and Specifications Manual for street and driveway locations.
- c) As required for public health and safety, intersection sight triangle easements required by Section 3.02 a of the Engineering Standards and Specifications Manual be shown on the preliminary and final plats pursuant to Appendix E, Item 11. The Village is prohibited from requiring the applicant to acquire a right-of-way from property not owned by the applicant. The applicant did not include the requisite sight triangle easements in the applicant's updated preliminary plat submission. There are other available locations for which the development can gain access to Diamondhead Drive. Staff has been informed by the applicant that the applicant voluntarily obtained a right-of-way from Pinehurst LLC pursuant to G.S. 160A-307(B) on applicant's own volition.

Landon White, applicant's attorney, stated that the condition, regarding sight triangles, amounts to defacto requirement that the applicant acquire an easement, on property that he doesn't own, for him to place the sight triangle on the plat.

9. Presentation of the 2020 Community and Business Survey Results.

Jason Morado, Project Manager with ETC Institute, stated this is the 9th year these surveys have been conducted in Pinehurst. This year they received 803 completed resident surveys which far exceeded the goal of 400. Mr. Morado stated that 95% of residents rated Pinehurst as an excellent or good place to live and 95% of residents would recommend Pinehurst to others as a place to live. He noted that satisfaction ratings have increased or stayed the same in 64 of 86 area since 2019, and 69 of 80 areas since 2013 in the resident survey. Satisfaction levels with Village services is much higher in Pinehurst than other communities, with Pinehurst ratings above U.S. average in 52 of 55 areas. The overall community priorities are efforts at maintaining the quality of neighborhoods, enforcement of Village codes and ordinances, and street and right-of-way maintenance. The top 3 community improvements that residents feel are most important include additional street lighting in neighborhoods, additional street resurfacing, and additional walkway construction in neighborhoods.

Mr. Morado stated business surveys were sent to a sample of 75 business owners/senior managers. Business overall have a high satisfaction level with Village services. The majority of businesses are satisfied with the level of customer service and how well the Village communicates with their business. Mr. Morado explained the Village services that businesses rated as the most important are police patrol, fire emergency response, streets and grounds, and policy emergency response. The most important reasons indicated for businesses locating in Pinehurst are safety and security, quality of life in the Village, image of the Village, and affordable rent.

10. Discuss and Consider Budget Amendment for Coronavirus Relief Funds from Moore County.

Brooke Hunter, Financial Services Director, explained that the Village is eligible for funding through Moore County from the Coronavirus Relief Fund (CRF) established under the CARES Act. The Village's total allocation of funds amounts to \$269,826 and must be used as reimbursement for COVID-19 related expenditures. Eligible expenditures that are relevant for the Village include costs of purchasing medical and protective supplies, sanitizing products, disinfection of public areas, technological improvements to enhance telework capabilities, payroll expenses for public safety personnel, and other COVID-19 related expenses that are reasonably necessary to the function of the government. Per the County's requirements, these expenditures must occur between March 1st and October 31st to be eligible for reimbursement.

Ms. Hunter stated that the Village developed a spending plan for these funds, which included the major projects and purchases below. The eligible expenditure period, March to October, spans two fiscal years. Ms. Hunter explained that our reimbursement request that covered March 1st through June 30th of FY 2020 totaled \$17,793 for the purchase of various personal protective equipment, hand sanitizer and dispenser stations, and disinfection of public facilities with additional cleaning of high-traffic areas. The proposed budget amendment excludes this amount since it was recorded in the previous fiscal year. The anticipated FY 2021 expenditure amounts, totaling \$252,000, are listed below:

- Medical and protective supplies (including masks, gowns, hand sanitizer and automatic dispenser stations, etc.) – (\$17,800 – FY 2021)
- Disinfection of public buildings and vehicles (including professional cleanings as needed and disinfecting wipes/cleaners) – (\$42,000 – FY 2021)
- Body temperature measurement system terminals (for key building entrances to be used by employees and the public) – (\$9,600 – FY 2021)
- Touchless faucets, soap dispensers, and auto-flush kits – (\$44,000 – FY 2021)
- Hardware for teleworking and teleconferencing (including laptops, portable dual screens, portable printers, conference AV bundles, Office 365 licenses and related security protection software) – (\$48,600 – FY 2021)
- Automatic door openers for high traffic public and employee entrances at VOP facilities (includes door opening devices and upgrade of current access system to a compatible platform) – (\$90,000 – FY 2021)

Ms. Hunter noted a budget amendment is necessary to recognize the grant revenue for FY 2021 and increase the budget to spend these funds. There is no direct impact on fund balance as the amendment increases revenue by the same amount as expenditures.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved ordinance 20-12 amending the general fund budget for Coronavirus Relief Funds received from Moore County, by a vote of 5-0.

11. Discuss and Consider QBS Exemption for Level Service Intersection Studies.

Jeff Batton, Assistant Village Manager, explained this agenda item is to request Council consider granting a qualification based selection exemption in order to allow staff to contract directly with CMS Engineering to conduct traffic studies at specific intersections within the Village of Pinehurst. Under NC General Statutes, the procurement of engineering services must be qualification based as opposed to low bid. CMS Engineering has conducted traffic studies for the Village at specific intersections each year since 2005 and therefore has the baseline knowledge and is in the best position to understand the changing traffic trends over the past 14 years. Mr. Batton explained that with this historical knowledge, they are best equipped to ultimately conduct the analysis in comparing past traffic patterns and counts with current conditions. Studies on Hwy 5 intersections are completed every other year. Mr. Batton noted this study was scheduled to be completed in the spring, however, this project was delayed due to school traffic being effected by COVID restrictions.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved resolution 20-29 to exempt procurement of professional engineering and architectural services from the model code for procurement for architectural, engineering, and surveying services, by a vote of 5-0.

12. Other Business.

No other business was discussed.

13. Comments from Attendees.

- Lynn Horton, Pinehurst resident, stated that after the last Council meeting to discuss the plat the neighborhood came together, unlike anything she has ever seen. Council helped teach a community what the process is and gave the power of understanding to citizens.
- Robert Horton, Pinehurst resident, be very careful and aware of the wetlands identified on the Floyd Way Development.
- Colette Kolinski, Pinehurst resident, stated she hopes that Council will enforce the requirement of a 30 foot buffer around the wetlands identified at the Floyd Way Development, unlike the fence installed in Winston Pines. The developer needs to be aware what an undisturbed buffer means.
- Danette Ray, Pinehurst resident, understand Council had to make a difficult decision. Great concern regarding how management of the project goes. Hopes the process stays transparent and the developer does what he is required. Asked how that that process will be transparent.
 - Darryn Burich, Planning Director, stated she can submit a public records request to any applications provided.
- Scott McDonald, Pinehurst resident, stated they are seeing bald and golden eagles on the lake near the Floyd Way subdivision and believes this should be looked into to find out if they are out there.

14. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to adjourn the regular meeting, by a vote of 5-0, at 7:05 p.m.

Respectfully Submitted,



Beth Dunn,
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