



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF AUGUST 11, 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, August 11, 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 54 attendees, and 9 staff members.

1. Call to Order.

Mayor Strickland, called the Village Council meeting to order.

2. Reports:

Village Council

- Mayor Strickland stated that First Health continues to operate successfully and encouraged the public to continue to practice social distancing.
- Councilmember Hogeman stated the Beautification Committee met on August 3rd and have assigned area zones to committee members, at the suggestion of Councilmember Boesch.

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.

- Resolution to Honor Beautification Committee Chair.
- Approval of Village Council Meeting Minutes.
 - July 28, 2020 Regular Meeting
 - July 28, 2020 Work Session
 - July 28, 2020 Closed Session
- Budget Amendments Report.

End of Consent Agenda.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, 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 Boesch, 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

Darryn Burich, Planning and Inspections Director, explained the purpose of the public hearing is to consider a request by DGH Management, LLC for a Major Subdivision Review for an 11 lot single family subdivision. This property is identified as Moore County Parcel ID# 00052077 and is located at Floyd Way, an unimproved road that intersects with Diamondhead Drive South and Starlit Lane. Current zoning on the property is R-20, medium density residential district with no changes proposed. Mr. Burich reviewed the process for approving a major subdivision.

Mr. Burich explained that the applicant has indicated an intention to request annexation from the Village and that a Homeowners Association (HOA) will be formed and will be responsible for the maintenance of required improvements. This property is not in a floodplain or wetland and will not have any impact on cockaded woodpeckers. The property is in the Watershed II Protection District (WS-II), which limits density to one (1) dwelling per unit acre. Mr. Burich reviewed the current and previous land use plans and zoning maps for this property, which all indicated residential development.

Mr. Burich stated that the Technical Review Committee (TRC) has reviewed the proposed development and deemed it to be compliant at this stage and meets the dimensional requirements and standards of the Pinehurst Development Ordinance (PDO). Mr. Burich explained that on July 9, 2020 the Planning and Zoning (P&Z) Board recommended approval with conditions. However, staff recommends approval of this subdivision with no other conditions at this time, as the applicant has already resolved the P&Z Board recommended conditions or staff feels the conditions go above the PDO requirements. Mr. Burich explained Village Council can either approve, reject, or conditionally approve the preliminary plat. If Council approves the plat with conditions they are limited to the configuration of lots and streets, arrangement of utility networks, location of dedicated land and rights-of ways, payment of fees in lieu of dedications, and location of required improvements.

Councilmember Hogeman explained that, under the Village's current PDO, at this stage we only require a concept plan and the engineering work has yet to be completed for the project. Jeff Sanborn, Village Manager, stated the reason the PDO is structured that way is because the detailed engineering and design work is very expensive, this allows an applicant to get a reasonable expectation of moving forward with a project before investing heavily in all of the design work.

Kevin Lindsey, Engineer with Crawford Design Services, explained the changes made to the plat per the recommendations of the P&Z Board. Mayor Strickland asked why the road didn't exit at Starlit Lane and down to Diamondhead Drive to make a much safer intersection. Clark Campbell, applicant's attorney, explained that you can't re-develop a platted residential lot. Mr. Lindsey noted that the proposed exit has visibility and meets the NCDOT site distance requirements. Mr. Lindsey stated that they will have 2 dry ponds to assist with storm water and they plan to install a swell to assist the property owners to the north.

Councilmember Drum asked about the proposed homeowners association (HOA) for this subdivision. Mr. Campbell explained the HOA would maintain only the common areas, which is a small area, as most common areas will be left natural. He also explained the roads would be built to Village standards and dedicated to the Village upon annexation. Mayor Strickland asked what they would do if the Village of Pinehurst didn't approve the request for annexation and accept the roads, would the HOA maintain the roads. Mr. Lindsey explained they would be built to North Carolina Department of Transportation (NCDOT) standards and they would then dedicate the roads to the NCDOT. Mayor Pro Tem Davis asked what the developer's timetable is. Mr. Campbell stated that they will move as quickly as they could pending all the approvals in the process, which would still take some time.

Public Comments:

- Sue Hilton, 745 Diamondhead Drive South, stated she has lived in Pinehurst for 12 years and has watched all the development in the area. She has concerns based on the houses the same developer built on Starlit Lane. She would like the construction traffic to be required to go down Linden Road and she would like to save some of the trees instead of clear cutting the property.
- Joan Barrett, 3 Weldon Court, expressed concerns over stormwater. She would like to hold this development and future developments to a higher standard when the end result is into Lake Pinehurst. She stated she is concerned with traffic in the area and with the new Beach Club opening at the lake.

- Bob Daane, 665 Diamondhead Drive, stated if you polled all residents on Diamondhead Drive no one would want this development. He proposed the project be rejected off of the questions raised around the drainage and easement issues. He noted the property in question is in the ETJ, not even in corporate limits and all the water in that area will flow to that intersection of the entrance. On the hill to the north there is a sign that says caution blind driveway ahead, as it is a dangerous intersection.
- Joe Mills, 1 Weldon Court, stated his primary concern is the additional traffic with the opening of the Marina. Believes this will impact the privacy and wonderful nature of the community around the lake.
- Kathy Kennedy, 780 Diamondhead Drive, stated she has been a resident for almost 20 years. She has always felt it was very dangerous coming in and out of her driveway and if the new development happens this will increase the danger. She doesn't believe that every effort has been made to control the speeds in the neighborhood.
- Scott Baird, 16 Starlit Lane, explained the drainage issues he has in his backyard which was developed by the same developer, Ron Jackson, for this proposed subdivision. After he purchased the property he became aware of the drainage issues and Mr. Jackson didn't help him with the issues, nor his other neighbor's homes which he built.
- Jim Groeger, 6 Starlit Lane, asked how can this project of this magnitude that has been in the planning stage for 3 years still have so many unanswered questions. He asked when the property was zoned R-20 and if the project was stoppable.
- Kay Wildt, 4 Blair Court, stated that generally the needs of the residents and the needs developers are not the same. The need of the residents should outweigh the needs of developer. In the future look for ways to make the process more understandable for the community. She stated she would like to see real true enforcement with teeth and more stringent ordinances for developments.
- Richard Brown, 629 Diamondhead Drive, stated that development has exploded in that area. The construction trucks are speeding and can't handle the turns. He stated they asked the Planning and Zoning Board to recommend not allowing construction vehicles to come down Lake Hills and Diamondhead for this project. Mr. Brown asked Council to restrict these construction vehicles in the area, as there are too many pedestrians to have this type of traffic all the time.
- Kaleb Springer, 10 Starlit Lane, stated there are no storm water control measures on either side of Starlit Lane. He referenced the FY 21 SOP and one focus area is to manage stormwater and explained this is the perfect opportunity to partner with the builder to correct these issues in the area. Also, a challenge in the SOP is managing the quality of development and the quality of development is in question with this project.
- Cary Kerciheyam, 14 Starlit Lane, although there is a certification stating there are no Red Cockaded Woodpeckers in the area he took a picture and a video of one in his backyard, which backs up to the property. He sent these photos to the US Fish and Wildlife to confirm the species and they agreed it certainly looks like one by the traits. He noted that the mailboxes would need to be moved, as they are on Starlit Lane. He stated that at the Planning and Zoning Board meeting, Clark Campbell, the developer's attorney, stated that they would fix the existing storm water problems on Starlit Lane. Mr. Kerciheyam stated that he doesn't believe a 20 foot swell behind their homes will fix the stormwater problems.
- Colleen Dolgan, 715 Diamondhead Drive South, stated she has been a homeowner in Pinehurst since 2002 and lived on the lake since 2008. She stated there is a Bald Eagle in the area and she doesn't want to see it rehomed. She feels badly for the neighbors on Starlit whose homes flood. They have had to install french drains and a swell in their own yard. She is concerned for pedestrian safety with all of the traffic on Diamondhead.
- Dennis Dolgan, 715 Diamondhead Drive South, forced to put in a french drain to alleviate flooding threats in his home. Already increasing traffic with the Beach Club opening. Stated that buses are biggest speed offender in the area. Stated he can't imagine another road in Pinehurst that is more dangerous than Diamondhead and it is an accident waiting to happen.
- Joel Smith, 8 Starlit Lane, the power line company have to come thru this yard to access lines on this property as there was no other access. Thanked Council for coming out to look at the property. Stated this proposed development is not in the town limits it is only in the ETJ and will not be subject to paying Village taxes. Asked Council to reject the subdivision.
- Danette Ray, 4 Starlit Lane, stated she has lived in the community for 26 years. She stated that she has Red Cockaded Woodpeckers in the woods behind her home, which backs up to the proposed development, and believes a determination needs to be made before approving on this development. Mr. McLeod told her there were natural springs on lots 14 and 16 of Starlit Lane and that's why the County had once owned those lots and they were never supposed to be developed.
- Lynn Horton, 9 Starlit Lane, stated she lives at the top of the hill and sees what has happened to homes below her. Asked Council to please be mindful of the mission and to please reject this proposal.

Mr. Lindsey stated they have proposed solutions to help with stormwater and noted that the developer didn't build Starlit Lane. He explained that when it was developed the required design standards were not as high and noted that is a separate issue as to what is being looked at today. He stated that he would propose sidewalks in that area to address pedestrian safety concerns on the road. Mr. Campbell noted today is about plat approval, site plans and considerations will come in due course.

6. Public Hearing No. 2

Darryn Burich, Planning and Inspections Director, stated the purpose of the public hearing is to receive public comments regarding establishment of an Annexation Agreement between the Village of Pinehurst and the Town of Carthage. The previous agreement expired in 2019. Mr. Burich explained that Village staff and the Town of Carthage have updated some of the terms of the original agreement as well as expanded the protection area a new annexation agreement ordinance. The annexation protection area has been expanded to the west generally following the Litter River to Beulah Hill Church Road and then running north and south back to each municipality's respective corporate limits following the centerline of existing right-of-ways. Expanding the protection area helps in allowing broader ability to effectively land use plan in those areas. Mr. Burich explained the proposed agreement will expire in ten (10) years and may be terminated on either side by repealing the annexation ordinance and providing a five (5) year advance written notice. The Town of Carthage is scheduled to take action on the annexation agreement at their August 17th meeting.

Public Comments:

- There were no public comments.

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

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

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

Council and staff discussed some of the issues brought up in the public hearing such as storm water problems, natural springs, clear cutting, Red Cockaded Woodpeckers (RCW), and access to Floyd Way from the new driveway. Council agreed they would like clarification on these issues before making a decision. They agreed to discuss again at the next regular Council meeting on September 8, 2020 at 4:30 p.m.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously agreed to continue the discussion of the Floyd Way Major Subdivision Plat to the next regular Council meeting on September 8, 2020, by a vote of 5-0.

9. Discuss and Consider an Annexation Agreement Between the Village of Pinehurst and the Town of Carthage.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved ordinance 20-10 approving an annexation agreement between the Village of Pinehurst and the Town of Carthage for the mutual boundary line between these two municipalities, by a vote of 5-0.

10. Consider a Request from Retiring Police Chief Earl Phipps to Purchase his Service Sidearm.

Angie Kantor, Human Resources Director, stated staff have received a request from Police Chief Earl Phipps to purchase his service side arm and be awarded his badge upon his retirement. North Carolina General Statutes authorizes the Village Council to award, upon request, a retiring law enforcement officer their service side arm and badge at a price determined by the governing body. The Village's Service Awards and Retirement Recognitions policy sets the price for the side arm and badge for an officer with less than 10 years of service at \$300. If Council approves this request by motion, the sale would be completed upon Chief Phipps' retirement and presentation of proper licenses and permits for such a weapon.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved the request for retiring Police Chief, Earl Phipps, to purchase his service revolver and be awarded his badge upon retirement, by a vote of 5-0.

11. Update on the Status of the FY 2020 Strategic Operating Plan

Lauren Craig, Organizational Performance Director, provided Council with an update on the status of implementing the fiscal year (FY) 2020 Strategic Operating Plan (SOP). Ms. Craig explained that the FY 2020 SOP included 8 Initiative Action Plans (IAPs) and of those only one, the Planning and Inspections Process Improvements, wasn't completed and will carryforward to FY 2021. The 8 IAPs included metrics to track how effective the Village is at accomplishing targeted results and as of June 30, 2020, the Village achieved targeted results for 7, or 88%, of the 8 IAPs.

12. Discuss and Consider a Budget Amendment Appropriating Funds from FY 2020 to FY 2021.

Brooke Hunter, Financial Services Director, explained the Village had several projects underway at June 30, 2020 that need to be carried over to the next fiscal year (FY). Per North Carolina General Statutes, the appropriations for these projects lapse at the close of the FY and the funds are added to the Village's fund balance. Mr. Hunter noted that in order for these projects to be completed, funds must be reappropriated in the current FY.

Ms. Hunter explained the items being reappropriated include projects for which funds were donated and were not spent in the previous year. These would include the Police, Fire, Streets & Grounds, Recreation, and Greenway Wildlife Habitat donations. Also, other items would include projects funded in the previous fiscal year that were not started and/or completed by June 30th. Ms. Hunter reviewed a summary of the items included in the reappropriation amendment, which totaled \$1,057,473.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Davis, Council unanimously approved ordinance 20-11 re-appropriating funds from the fiscal year 2020 Budget to the fiscal year 2021 Budget, by a vote of 5-0.

13. Discuss and Consider Awarding FY 2021 Resurfacing Contract.

Mike Apke, Public Services Director, stated this item is to discuss and consider awarding the Village's annual road resurfacing contract to Riley Paving, Inc. Mr. Apke explained that 3 contractors submitted unit pricing on an initial list of approximately 4 miles of roads to resurface, identified by a committee, on August 5, 2020. Riley Paving submitted the lowest bid in the amount of \$946,059.12. Mr. Apke explained that the Village's Powell Bill budget for fiscal year (FY) 2021 is \$1.1 million, along with \$163,242 in roll forward funding from FY 2020 that was unable to be spent due to unfavorable weather conditions at the end of June. The total available funding, including the roll forward, is \$1,263,242. Mr. Apke explained the plan is to award an original contract to Riley Paving in the amount of \$946,059.12 and requested that Council authorize the Village Manager to execute change orders to add additional quantities at the original unit pricing with the overall annual amount not to exceed \$1,263,242 in sum total.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council authorized the Mayor or his designee to execute a contract with Riley Paving, Inc. for the Fiscal Year 2021 annual road-resurfacing project in the amount of \$946,059.12 and request that the Village Manager is authorized to execute change orders to add additional miles at the original unit pricing with the overall annual amount not to exceed \$1,263,242 in sum total, by a vote of 5-0.

14. Other Business.

No other business was discussed.

15. Comments from Attendees.

There were no comments from attendees.

16. Motion to Adjourn.

Upon a motion by Councilmember Drum, seconded by Councilmember Boesch, Council unanimously approved to adjourn the regular meeting, by a vote of 5-0, at 8:09 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

Unlabeled