VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF AUGUST 8, 2023
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 8, 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 C. Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Mr. Jeff Morgan, Councilmember
Ms. Lydia Boesch, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Kelly Chance, Village Clerk
Mr. Michael Newman, Village Attorney
Ms. Shannon Konstantino, Interim Village Clerk

And approximately 18 attendees, including 9 staff and 1 press.

1. **Call to Order.**
Mayor Strickland called the Village Council meeting to order.

2. **Reports:**

Village Manager

- Mr. Jeff Sanborn, Village Manager, reported currently Council is accepting applications through Friday, August 11th for the Council Vacancy. He stated we have received four applications to date. He reported staff is currently awaiting results for the community service and business surveys. He reported Kelly Chance is going to be leaving us to teach History at Pinecrest High School and we thank her for her time.

Village Council

- Mayor Strickland reported he enjoyed having the US Kids golf in attendance over the last few weeks. He stated he attended the final open-house public meeting for the Parks & Recreation Master Plan on July 27th. He stated he attended the Economic Business Meeting that brings in Economic folks from around the World and was happy to present.
- Mayor Pro Tem Pizzella reported that an email from Ms. Bumgardner from Public Services that is very beneficial. He attended a First Health community care event. He attended a Beautification Committee meeting and commended them on the beautiful plantings within the Village. He stated that (get from transcript…..)
- Councilmember Boesch reported she attended the Parade as well and the 82nd Airborne performed

which everyone enjoyed. She stated it is a $14 million impact on our community. She stated she attended the festivities at the Jackson-Hamlet area and reported they are doing oral histories of the residents in the community to gain a better understanding of the community history. She reported .....

- Councilmember Morgan reported he attended the parade for the US Kids golf and was excited to see so many kids representing so many countries. He stated one family reported they had spent around $4,000 throughout their visit.

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.

A. Approval of Village Council Meeting Minutes
   - July 25, 2023, Council Regular Meeting
   - July 25, 2023, Council Work Session

End of Consent Agenda.
Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously approved the Consent agenda by a vote of 4-0.

4. Discuss and Consider Resolution #23-31 Appointment to the Pinehurst Neighborhood Advisory Committee (Tom Brereton - Pinewild).
Jeff Sanborn, Village Manager, reported the Village of Pinehurst officially reorganized the Neighborhood Advisory Committee in April 2023, which created a need to fill a vacancy to represent the Pinewild due to the prior representative's term expiration. He stated interviews of candidates occurred during the month of July and staff is seeking Council's consideration of Mr. Tom Brereton to serve at this representative, for a term of two (2) years. He noted Mr. Brereton is the recommendation from the Pinewild PPOA.

Mr. Sanborn introduced Mr. Brereton to Council and Councilmembers thanked him for his willingness to serve as a representative of Pinewild. Council proceeded with a vote.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Resolution 23-31, appointment of Tom Brereton as a representative of the Pinewild area on the Pinehurst Neighborhood Advisory Committee for a two-year term, by a vote of 4-0.

5. Discuss and Consider Resolution #23-37 Re-Appointment to the Bicycle and Pedestrian Advisory Committee (Paul Sale).
Jeff Sanborn, Village Manager, reported the term of Mr. Paul Sale on the Bicycle and Pedestrian Advisory Committee (BPAC) expires on August 31, 2023. He stated Mr. Sale is desirous of continuing to serve as a member of BPAC for an additional term. He noted staff is recommending that Council approve Mr. Sale for re-appointment for a term effective September 1, 2023 and expiring August 31, 2025.

Mr. Sale stated he thinks the bike and pedestrian trails is a great asset to the community and continued work on greenways is a vital ecological need. He noted his interest is heavily on biking and safety is of great importance. He reported his extensive work background and stated he hopes to continue contributing to our community.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Resolution 23-37, re-appointment of Paul Sale to the Bicycle and Pedestrian Advisory Committee for a two-year term effective September 1, 2023 and expiring August 31, 2025, by a vote of 4-0.

6. **Discuss and Consider Resolution #23-38 Re-Appointment to the Pinehurst Historic Preservation Commission (Richard Vincent).**
Jeff Sanborn, Village Manager, reported the term of Mr. Richard Vincent expired on July 31, 2023 on the Historic Preservation Commission (HPC). He stated Mr. Vincent is desirous of continuing to serve as a member of the HPC. He noted staff is presenting Mr. Vincent's name today for Council consideration of re-appointment for a term effective August 1, 2023 and expiring July 31, 2025. He stated Mr. Vincent was unable to attend tonight due to illness.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved Resolution 23-38, re-appointment of Richard Vincent to the Pinehurst Historic Preservation Commission for a two-year term effective August 1, 2023 and expiring July 31, 2025, by a vote of 4-0.

7. **Discuss and Consider Resolution #23-41 Appointment to the Planning and Zoning Board and Board of Adjustment (Schroeder).**
Jeff Sanborn, Village Manager, reported there is a need to fill a vacancy on the Planning and Zoning Board and Board of Adjustment. He stated Mr. Thomas Schroeder is desirous of serving as a member of these boards. He noted Mr. Schroeder previously served on the Historic Preservation Committee for six (6) years and has a lot of experience in this area. He stated staff is presenting Mr. Schroeder to Council for consideration and proposed approval for a term beginning August 8, 2023 and expiring on July 31, 2025.

Alex Cameron, Planning Director, stated Jeremy Hooper, Planning & Zoning Board Chair, himself and Jeff Sanborn interviewed several candidates for the current vacancy. He noted they all felt that Mr. Schroeder was a strong candidate, and we will lean on his expertise on reading plans as we move forward with future planning projects.

Councilmember Morgan thanked Mr. Schroeder for his long and decorated Military career as a sailor and Councilmember Boesch thanked Mr. Schroeder and all those who volunteer selflessly for the community.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved Resolution 23-41, appointment of Thomas Schroeder to the Planning and Zoning Board and the Board of Adjustment for a two-year term effective August 8, 2023 and expiring on July 31, 2025, by a vote of 4-0.

8. **Discuss and Consider Resolution #23-40 Establishing an Advisory Board Appointment Policy.**
Jeff Sanborn, Village Manager, reported this item is the culmination of discussions with Councilmembers on the creation of a policy relative to defining the process for nominating and appointing members to the Historic Preservation Commission, the Planning and Zoning Board, and the Zoning Board of Adjustment. He noted staff is presenting Resolution 23-40, which includes the policy as Attachment A, for final discussion and proposed approval.

Mayor Strickland stated that currently there is a list that the Village Clerk keeps of all the candidates that have been interviewed. He asked if the nominating committee will continue to supply information to the Council members prior to the Council interviewing the candidates.

Councilmember Morgan stated that he and Councilmember Hogeman had done a lot of work on this policy and he feels it is good to move forward. Mayor Pro Tem Pizzella stated that this is a step forward in the selection process. Councilmember Morgan stated that was the goal along with allowing staff to continue to have a voice in the process.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Resolution 23-40, establishing an Advisory Board Appointment Policy, by a vote of 4-0.

9. **Discuss and Consider Awarding FY24 Downtown Street Resurfacing Contract to Turner Asphalt.** Mike Apke, Public Services and Engineering Director reported this item is to consider awarding the Village's FY24 Downtown Street Resurfacing & Improvement project contract to Turner Asphalt from Raleigh, North Carolina. He stated this project includes the resurfacing of approximately ½ of a mile of Village streets and on-street parking areas in downtown Pinehurst.

Mr. Apke reported four (4) contractors submitted unit bid pricing for this project on July 20, 2023. He stated utilizing the Village's estimated quantities of items within the project, Turner Asphalt's total bid amount to complete the project is $305,553.00. He noted the Village's Powell Bill budget for FY24 is $1.5 million, so the low bid is well within the available funding. He stated staff also intends to bid out a separate project to resurface additional roads outside of the downtown area within the next month and will bring those bid results back to Council at a future meeting.

Mr. Apke shared a PowerPoint presentation demonstrating the future plans for resurfacing with Council. He explained the scope of work that was presented to the contractor and expressed his concerns about simply resurfacing without milling out some of the existing asphalt. He noted they will have to go back in and reestablish pavement markings. He further clarified that this project would stop short of the future planned stormwater drainage plans and would not interfere.

Mr. Apke reported that given the location of this work, staff recommends that the contract be awarded to Turner Asphalt in the amount of $305,553.00 via a motion and requests that the motion include that the Village Manager is authorized to execute change orders up to 25% of the bid amount ($76,388) up to a total of $381,941.00. He noted that if approved, Turner's proposed schedule is to begin work in mid to late September and complete the work in early to mid-October. Mr. Apke stated all the references for the contractor, including Southern Pines, were very promising and we are optimistic this will be a good working relationship and a successful project.

Mr. Apke stated staff met with several downtown business owners on August 1st to discuss the project details, schedule, etc. and will continue to communicate regularly with downtown business owners throughout the duration of the project. He noted that the actual contract is not attached as the Contractor typically does not obtain performance bonds or payment bonds that go with the contract until after Council authorizes the execution.

Upon a motion by Councilmember Boesch, seconded by Mayor , Council unanimously the Mayor or his designee enter into a contract with Turner Asphalt in the amount of $305,553.00 and authorized the Village Manager to execute change orders up to 25% of the bid amount, up to a total of $381,941.00, by a vote of 4-0.

10. **Discuss Litigation Committee Membership.** Jeff Sanborn, Village Manager, reported with Councilmember Hogeman's passing, we need to take this time to take a look at who now is the Litigation Committee going to consist of. He stated there has been some discussion about whether or not current council members who are running for office should participate. Mr. Mike Newman, Village Attorney was present to answer any questions.

Councilmember Jeff Morgan stated he recused himself from the committee when he determined that he would be running for Mayor. Mayor Pro Tem Pizzella stated he planned to recuse himself as well for the same reasons and concerns. Mr. Morgan stated Mr. Kevin Drum, who is running for Mayor, has brought the lawsuit against the Village and there are substantial amounts of conflict around this case. Mr. Morgan asked Mr. Newman whether there is a true conflict.

Mr. Newman stated that the Village Council is able to determine the number of members they want to be on the litigation committee. He stated currently we are now down to one member, but if the majority council is comfortable with that, they can vote to have that one member represent the Village's interest. He stated this committee could also include the Village Manager since this is not a voting type of committee. He stated you can not get in trouble because you have recused yourself. He noted it can be one, two, or three persons who have the Council's agreement that they have the authority to work with the Village Attorney in making decisions.

Councilmember Morgan stated he does not want to see a committee of one making decisions. He stated he recused himself because he feels it is the appropriate decision. He stated the Village Manager should not be a part of that as well because he has had a part in the law suit as well.

Councilmember Boesch noted that each of the current Village Council members could be called as Fact Witnesses and so does not feel that any of them could be able to be a witness. Mr. Newman stated that there is no issue with this. He noted the real issue is that everything has changed since the committee was formed. He noted someone must be on the committee so there is someone for Counsel to speak to. He agreed that there is no great option here; we just need to know who that committee will be.

Mayor Strickland stated he is not against the Village Manager Jeff Sanborn being on the committee but understands that Councilmember Morgan is not in favor. Councilmember Boesch stated she would like to have another area attorney look at this that might have a more objective ability to speak on this. Mayor Pro Tem Pizzella stated that he favors a committee of one if that is the only option that is available.

Councilmember Morgan stated that he would like to go to the other attorney's or go back to take a look at coming up with better options than just having one member on this committee. Mr. Newman stated he has spoken to Hartzog Law Firm and they have not been able to present other options. Councilmember Morgan stated again that he does not want Mr. Sanborn on this committee and he would prefer that he, Mayor Strickland, and Mayor Pro Tem Pizzella understand that this is a conflicting issue for himself and Mayor Pro Tem Pizzella as they are running for Mayor. He suggested there may be people in our Village that may have the ability to be impartial and have the abilities to serve on this committee.

Mr. Sanborn stated that Council may not want people that are not employees of Village Government making decisions on Village business. Mayor Strickland stated he still feels that Councilmember Morgan and Mayor Pro Tem Pizzella, and himself should serve on this committee despite this conflicts. Councilmember Morgan stated that when he took this position he vowed to do what is best for the Village, and if this is what is best for the Village than he will move forward on the committee and vow to do so objectively. Mayor Pro Tem Pizzella, Mayor Strickland, and Councilmember Morgan agreed to continue on this committee until the election is over and then we will reevaluate the situation.

Councilmember Boesch asked why she was unable to serve on this committee, to which Mr. Newman, Village Attorney stated it was because she had previously recused herself because she stated she supported Kevin Drum's case. Councilmember Boesch stated she did not recall this.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella

11. **Other Business**
    - Mayor Pro Tem Pizzella asked if there was an update on potential property for the Public Services Building, to which Assistant Village Manager, Jeff Batton reported there is none.
    - Councilmember Boesch asked if there was an update on the Morganton Road Realignment timing to which there was none.

12. **Comments from Attendees.**
    No public comments were presented.

13. **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 4-0 at 6:03 p.m.

Respectfully Submitted,

Kelly Chance

Kelly Chance,
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