



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF APRIL 27, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a work session at 6:01 p.m., Tuesday, April 27, 2021, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina and via the electronic meeting platform ZOOM. The meeting was streamed in real time on the Village's website.

The follow were in remote attendance:

Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey Sanborn, Village Manager

The following were in attendance in Assembly Hall:

Mr. John C. Strickland, Mayor
Ms. Kelly Chance, Village Clerk

And approximately 2 attendees, including 2 staff and 0 press.

1. Call to Order.

Mayor John Strickland, called the Council work session to order.

2. Discuss Ordinance 21-06 for Proposed Amendment to the Pinehurst Development Ordinance.

Village Manager Jeff Sanborn stated this is the ongoing discussion for the improvement of a buffer ordinance and introduced Darryn Burich, Planning & Inspections Director.

Darryn Burich stated we have had several discussion on this and have it down to just a few points that we are needing some guidance from council. He stated as you know staff sent a poll out to Council and the results we collected will help us now complete our final work up. Mr. Burich shared the poll results beginning with Issue 1, which was titled Tree Spacing/Grouping. He said concerns raised were the need for adequate room for required plantings, impact on building/footprint, and grading. Council indicated their preference to allow for grouping and spacing of newly planted trees and to increase the 35 foot linear foot maximum to allow vistas to be created.

Councilmember Hogeman asked if staff had consulted with an arborist on this to provide guidance on enough room for trees to grow, particularly on small lots. Mr. Burich said we are comfortable with the spacing requirements working with many types of tree species. Mr. Burich then discussed the second issue, which looked at Linear street frontage ratio of 1/15 feet. The concern was raised on whether or not this would result in too many trees on street frontage that would screen homes views. He noted most of Council chose to decrease the ratio from 1/15 frontage to 1/25 feet and 1/35 feet for side lots Mayor Pro Tem said that Village has the options to make changes to the required plantings. Mr. Burich and Alex Cameron stated that there are areas that have certain restrictions that will require variations.

Mayor Pro Tem Davis an area said this would be a good thing for the beautification committee to look at and Mr. Burich said he is not sure if we have a tree survey so perhaps we could start there. Councilmember Boesch said a year ago the Beautification Committee was tasked as going out and finding some areas that need spruced up and she would like to know more about that and where they went with it.

Councilmember Drum asked if there was a number staff had in mind. Mr. Burich said staff had considered 25, but reiterated they just need a definitive number ratio so they have a standard stating the number of trees required. Councilmember Davis said she preferred 30 so it did not obstruct the view of the home and Councilmember Drum said 25. Village Manager Sanborn said everyone's yards are different, and his home is an example of that. He stated he built his house 6 years ago and he has double the number of trees that would be required and you can still see the house unobstructed. Councilmembers discussed and decided upon a ratio of 1/25 for the front and rear yard and 1/35 for the side yards.

Mr. Burich next discussed Issue no. 3, which required 50% of planted trees to be longleaf pines. Concerns raised on this was that Council felt plant/tree selection is a personal choice and there was a question about potential loss rate. Mr. Burich said Council appeared to be in agreement on the option for this item and chose to apply this requirement to only the front and street side yards.

Mr. Burich covered Issue no. 4, which was tree survey requirements for clearing and grading applications. The concerns raised were the cost of surveys and constraints on who can document compliance. Council's choice here was to eliminate the tree survey requirement in lieu of a landscaping plan that does not have to be prepared by a licensed surveyor. Councilmember Hogeman asked if a survey was required for new house plans. Mr. Burich said yes, but if there is a lot that doesn't have any trees, they would only be able to have a landscape plan. Councilmember Drum said as long as landscapers do a job equivalent to a survey he is comfortable. Village Manager Sanborn said if a property owner chooses to take the tree credit then the trees have to be on a survey. Mr. Burich said roughly half come in with trees already on them so most are already using the tree survey.

Mr. Burich next covered the last issue no. 5, which concerned trees removed in violation. The concern raised was that the penalty may be too punitive when goal is compliance. He reported Council chose to use modified & simplified proposed language: "replacement trees shall be planted according to Section/Table 9.5.1.4. Mr. Burich stated staff will use our enforcement efforts we already use to make sure this section is complied with. If we experience issues, we will come back and look at it. He stated that at the end of the day, we just want compliance and if it is a required tree that gets taken down, we want them to put it back. Mayor Pro Tem Davis asked if they remove a tree, are they required to replace it. Mr. Burich said if it is a required tree then yes, but if you are on a lot that is exempted you can use the existing landscaping ordinance.

Alex Cameron said any existing home would be exempt from this proposed amendment so this would be more for future developments. There is no existing requirement now that states if someone takes a tree down, they have to replace it. Councilmember Drum said we are giving tree credits which should help people with the compliance. He said it is a positive thing to get a double or triple credit so let's not push this aspect under and instead promote this positive part. Mr. Burich said that is why we added the credits; to give developers and individuals a lot of ability to design their own lots.

Mayor Strickland asked if the number of inquiries and comments addressing this has decreased. Mr. Burich said he and Alex have had a lot of conversations with home owners and builders and, although we have added the credit, there will still be some concerns of course. Mayor Strickland said, he feels we have heard public comments and utilized this in the process of building this ordinance, and although we haven't incorporated all changes we have listened. Mr. Cameron said any change in any regulation, prompts some people to be concerned, but the items we discussed today will address a lot of the comments we had to still address and we will continue to educate the community. Staff reiterated that if we see issues arise later, we will bring these issues to council and work on solutions.

Councilmember Boesch said her concerns were on the concerns of the general assembly. She said she sent those concerns to Village Manager Sanborn and Mr. Burich and these concerns also included the concerns for areas with private covenants. She doesn't want to see us go through all this if general assembly is going to stop it. Village Manager Sanborn said, we need to move forward and if legislation does make changes than they feel they need to do it. Councilmember Boesch said she wants us to have some dialog with legislators just to clarify what we are doing. Mayor Strickland said we do not have the completed agreement on

this ordinance so we haven't been able to have that conversation. Councilmember Boesch said her frustration lies with there being 100 counties and there cannot be a one size fits all policy. So she feels we need to express how Pinehurst is unique for our beauty.

Councilmember Drum said education is a major part of this process and now that we are ready to have a document near completion we will have the ability to have those conversations. Mr. Burich said that staff did create the FAQ Council requested and thus staff will be able to use it as an educational tool. He said staff will now take these final comments from Council and use them to develop the final ordinance draft. Councilmember Hogeman noted that staff had worked through specific provisions that would work with special covenants for private subdivisions. Village Manager Sanborn said disinformation was a problem at the start, but what we continue to hear from Raleigh is, they will not let us regulate the removal of trees. What we want to do with this ordinance is not what they are suggesting.

3. Potential Future Agenda Items.

Councilmember Boesch said she is working on gathering the dates for the upcoming celebrations, including the Olmsted Celebration, Donald Ross Event, and the Women's Exchange. Mayor Strickland stated we will add these to the June work session.

4. Other Work Session Business.

- Mayor Strickland said he has had several questions asking about the casino. He stated Village government has no interest in casino gambling in Pinehurst. Councilmember Drum said this is just a Casino Gambling Advocate writing a report on where these would be good and it has nothing to do with us. Councilmember Boesch asked if this study was commissioned by the state. Mayor Strickland said it was done for the Education Lottery Board originally and what we are seeing now is just the results from that study. He stated that if council is in agreement that he will continue to express that this is just a report and we are not a part of this discussion. Councilmember Boesch asked though if it was commissioned then what was the intent to do with the findings. All council agreed that the Village did have no interest in casino gambling in Pinehurst.
- Village Manager Sanborn said some additional information has been supplied by Darryn Burich as it pertains to the recent Conditional Zoning Training. Mr. Sanborn said this information supplied by Darryn will perhaps help with knowing what we can/cannot do with the future applications on USGA and the Lodge. He said that for a project of this scale and the importance of getting it right means Council needs to have guidance on the conditions that are on the table will allow Council to have some preparation time for when the project is actually presented. Mayor Pro Tem Davis said she wants this portion of the work session to be a "receive only discussion" and not have cross-talk conversation. Village Manager Sanborn said from a legal standpoint Council is able to hear and ask questions on this upcoming project. Councilmember Drum said he does want clarity on the project and procedurally where Council fits in this process and what we can review on future projects.

Mayor Strickland said he would like Mr. Burich to send some information on the Lodge (the USGA is not ready yet), secondly, give clarification on what Council can do, thirdly, answer when do we want to have this hearing – May 11th was set by staff to have this hearing in case Council wants it. Mr. Burich stated he sent out some information on Friday and today and also sent the conditions that will be looked at moving forward. Mayor Strickland said this fulfills the needed information Council wanted and we will not discuss it during the meeting. Mr. Burich said some changes have been made as the result of some consensus between the applicant and the Planning & Zoning Board and he has sent those changes.

Alex Cameron said to keep in mind that these are only recommended conditions and Council will have the ability to make alterations during the Hearing. Mr. Burich said we are currently at the conceptual drawing stage and at this stage as they move forward there will be changes to the plans. As they incorporate those changes they will have to go back in front of the HPC and get a new COA. Mr. Cameron said this is not uncommon with this size scaled project. Councilmember Drum asked if there was ever a time when it goes back to Planning & Zoning and Mr. Cameron said only under specific criteria would they have to go back through the complete project.

Councilmember Hogeman asked if council could consider impacts to off-site areas from the rezoning and she understands now the answer is yes. Secondly, she said he understands that Council has the ability to consider building size and mass even though a COA has been approved.

Councilmember Drum said Councilmember Hogeman's questions she sent to Council and Village Manager Sanborns answers did help him. He asked what Council cannot do and Village Manager Sanborn said your concentration should be on whether there is something about those conditions that make you feel they need a tweak. Councilmember Drum asked if he could talk to Planning & Zoning or HPC. Village Manager Sanborn said yes, but be careful with HPC, because the process could come back to them as a quasi-judicial item later. He stated Council can legally talk to anyone, but the HPC person may not be able to talk to you.

Mayor Strickland moved to the last question Council needed to decide upon; when do we want to have the Public Hearing Date? Council agreed to maintain the May 11th date with the knowledge they can begin hearing the information but may not be able to make a decision. Councilmember Hogeman said she wanted to make sure we do not close the public hearing to quickly and asked if we do not answer the questions, can we continue the public hearing for a specified later date. Mayor Pro Tem Davis said a public hearing isn't always about answers, it is just a time to voice their thoughts. Councilmember Hogeman said people may have more questions based on what they have heard, so I would like to leave the option open to continue the hearing. Mayor Strickland said he does feel there is a lot of preparation and homework to do and so he said maybe we need to move it. However he said he agrees that if we use this to hear information and follow Councilmember Hogeman's suggestion of continuing the hearing he is comfortable with keeping it.

Mayor Pro Tem Davis said what if 20 people show up and everyone speaks, why would we not close the hearing? Mayor Strickland said because if they ask questions that are not being answered we should be able to continue the meeting. Assistant Village Manager Natalie Hawkins reported that this has not been don and Mr. Cameron agreed that the public hearing would be closed and then if needed, unanswered questions would be an agenda item on another meeting. He explained that this is for providing information and not to gain evidence. Mr. Burich reiterated that if applicants come back with more questions or deliberations this is okay because it is a regular agenda item and not a public comment hearing.

Councilmember Drum said public hearing rules should be different and we need to clarify that this is not a regular public comment policy. Village Manager Sanborn stated we do not have a policy specific to Public Hearings. Mr. Burich said our public hearing rules of procedures for the Planning & Zoning Board says the comment times follow common policies. Councilmember Drum and Councilmember Hogeman said we are not following Planning & Zoning procedures, we are Council and we should take that into consideration, especially the 3 minute rule. Village Manager Sanborn reiterated we do not have a policy. Mayor Strickland said he will work with the Kelly, Village Clerk to see what procedures other municipalities follow for Public Hearings as it relates to public comment time limits. Mr. Cameron stated he also wanted to remind Council that holding the public hearing on May 11th would follow the P&Z procedure of typically meeting the first council meeting. Council agreed we will meet on May 11th in-person with an understanding a virtual meeting could occur based on the Governor's rulings.

- Mayor Strickland said he would like to meet with Village Manager Sanborn and Village Attorney Mike Newman about drafting a letter in reference to the tree ordinance and on multi-family zoning.

5. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to adjourn the work session, by a vote 5-0, at 7:46 p.m.

Respectfully Submitted,



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