VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF APRIL 27, 2021
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, 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 following were in remote attendance:
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager

The following were in attendance in Assembly Hall:
Mr. John C. Strickland, Mayor
Ms. Kelly Chance, Village Clerk

And approximately 8 attendees, including 5 staff and 0 press.

1. **Call to Order.**

Mayor Strickland called the Village Council meeting to order.

Mayor Strickland welcomed all those in attendance and viewing virtually. He reminded those not in attendance in person, wishing to make comments, can do so by emailing publiccomments@vopnc.org. These will be considered as Comments from Attendees at the end of the meeting.

2. **Reports:**

Village Manager

- Jeff Sanborn, stated we received an ETC Institute award, titled Leading the Way award, which recognizes the top 10% of organizations they do survey work for, which for us is local government. We are recognized for quality of service, customer service, and value provided for taxes paid. Mr. Sanborn reported that under the two small area plans we are working with consultants on, one item we will be looking for is a future home for our Public Services Building. The Pinehurst South Area may be an option that would realign Monticello and the one-mile harness track. A few added benefits of this option would be that it is close to the landfill, adding convenience for our solid waste operations, and by adding some curves to Monticello road, this may aid in helping slow down some of the traffic speeding on that road.

Village Council

- Mayor Strickland stated Mick Foster, CEO of First Health, relayed they are very pleased over the use of the Fair Barn for their vaccine usage and would like to come to the Council and thank them in person. Mayor Strickland said he met with students of the Pinehurst Elementary school, Civics and Government Class, and speak on local activities and Council's role. He stated the students would like to visit Village Hall at some point. Lastly, Council participated in a Legal Issues Class through the UNC School of Government, which was very helpful and provided great information.
- Mayor Pro Tem Davis stated she attended the Open-house Southern Pines Moore County Chamber of Commerce. She stated it is a nice facility that is open to all businesses for trainings and is going to be a great resource for our community.
- Councilmember Drum stated he had no report
- Councilmember Hogeman stated she met with the Pinehurst Business Partners. She related they were all excited about business in the Village Center and were very appreciative of Megan McDonald from the Village Parks and Recreation Department. Councilmember Hogeman stated Megan presented on all the upcoming events and did an excellent job. She reported she had also been attending a series of women's lunches hosted by the Pinehurst Country Club, which has been very successful and well attended.
- Councilmember Boesch stated she attended the CVB board meeting where a lot of detail about the proposal was discussed and the Board presented a slide on how they would proposedly spend the 1% on the marketing. She stated the CVB Board strongly supports their proposal and has offered to meet with any council member. Councilmember Boesch further stated they mentioned Jeff Sanborn would be our representative on a new task force that is being formed by the County Commission - dates they will meet is undetermined.

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.
  - April 13, 2021 Regular Meeting
  - April 13, 2021 Work Session Meeting
  - April 13, 2021 Closed Session

B. Public Safety Reports
  - March 2021 Fire Report
  - March 2021 Police Report

C. Budget Amendments Report

End of Consent Agenda.
Upon a motion by Councilmember Hogeman seconded by Councilmember Drum Council unanimously approved the Consent agenda by a vote of 5-0.

4. Discuss and Consider a Special Intensity Allocation for NC Hwy 5 Retail Development
Village Manager Jeff Sanborn stated we have a specific area where the State has restrictions on, known as two Watershed areas. Restriction framework says, in general, 10% of the water shed will be developed at a higher impervious surface. These following proposals would be pieces of that 10% allocation. Village Manager Sanborn invited Darryn Burich to present. **It is noted that Mr. Burich inadvertently presented Item 5 of the agenda first and upon its conclusion, returned to propose and discuss Agenda Item 4.**

Darryn Burich, Planning & Inspections Director stated Council is being asked to approve a Special Intensity Allocation (SIA) of .85 acres (37,000 square feet) to permit construction of a 7,500 square foot commercial building with associated surface parking with underground stormwater management. The undeveloped subject property is located in the Pinehurst South area along the west side of NC Hwy 5 between 1460 and 1490 NC Hwy 5. The proposed impervious area for the development is 52% or 19,372 square feet. The Neighborhood Commercial (NC) zoning district currently permits a maximum of 70% impervious area.

Mr. Burich stated the .85-acre subject property is located in the WS II Drowning Creek – Lumber River Balance of Watershed that limits non-residential development to not exceed 12% built upon area without receiving a SIA authorized by Village Council pursuant to Section 8.3.3.5(B) of the Pinehurst Development Ordinance (PDO). Section 8.3.3.5(B)(2) of the PDO states that up to ten (10%)

percent of the balance of the watershed may be developed for nonresidential and multi-family uses, allowing up to seventy (70%) percent built-upon area on a project by project basis

Mr. Burich stated In accordance with Section 8.3.3.5(B)(2) of the PDO, ten percent (10%) of the WS-II BW Watershed Protection District could be granted a Special Intensity Allocation (SIA). This yields a total area of 819.84 acres eligible to receive a Special Intensity Allocation in the WS-II BW Watershed Protection District. The Village has allocated approximately 64.413 acres since 1993 leaving 755.424 acres of intensity allocation remaining for other future projects in the WS-II BW Watershed. He stated the property is located within the corporate limits of the Village of Pinehurst and complies with the Village Council's Watershed Intensity Allocation Policy contained in Resolution 13-13 that states, "It shall be the policy of the Village of Pinehurst to only allocate special intensity allocations to properties that are located within the corporate limits of Pinehurst or to properties which have an active voluntary annexation petition to the Village of Pinehurst."

Mr. Burich stated the proposed project is currently undergoing Minor Site Plan review through the Technical Review Committee as the Highway 5 Retail Development project. Section 8.3.3.5 (C)(2)(c) of the PDO requires the use of Best Management Practices (BMP) to minimize water quality impacts which in this case the development will be utilizing and underground stormwater basin under the parking lot to accommodate runoff. He stated Village staff recommends approval of the SIA from the WS-II Watershed Protection District of .85 acres for the Highway 5 Retail Development project as proposed, which Council can approve by motion. Approval of this .85 acre SIA as requested would leave approximately 755.424 acres of special intensity allocation remaining in the WS-II BW Watershed Protection District for other future SIAs.

Mayor Strickland noted that Mr. Burich reversed the agenda items and covered Agenda Item 5 first. It was determined after discussion Item 4 on the agenda would then be discussed.

Mayor Strickland stated this is in the moratorium. This was in the queue before the moratorium was put in place so we can move forward according to state statute. This will contain several retail businesses, as of now unknown. Councilmember Drum stated that because it is retail business is it why the traffic is up front. Mr. Burich said yes, as this is more usable and desirable by retail businesses. Councilmember Hogeman asked what the property to the West was and if it was commercial and already being used. She further asked if it could hold the stormwater runoff from this new building. Mr. Burich said yes it would hold it as it would be coming at a controlled rate. Councilmember Hogeman asked if the amount would be greater now that is developed at this extent and what underground storage will be able to control this increased volume. Mike Apke said based on the calculations the runoff would be less as compared to the prepared development rate. Mayor Strickland stated there is a note in the proposal that we are looking at 25 years, but the other one is only looking at 10 years.

Mr. Burich said at this point the maximum size of 70% it should still accumulate more than a 10-year storm. Mayor Strickland said we should look at the potential the other land will be developed and we should keep this in mind with each new proposed development. Village Manager Sanborn said given the fact the parcel is only 50% and the adjoining can only be designed at a certain amount, we should have no problem with the 10 year. Councilmember Boesch said in June 2012 there was an increase due to Pinewild annexation and she wondered if there are any reason why the state could give us more or take away our allocation. Village Manager Sanborn said no if they are in our ETJ. He said we have been allocated this set amount of allocation and we should feel comfortable using this allocation for proposals that are appropriate.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved a Special Intensity Allocation from the WS-II Drowning Creek – Lumber River Balance Watershed Protection District of .85 acres (37,000 square feet), within the Pinehurst South area, to permit construction of a 7,500 square foot commercial building with associated surface parking with underground stormwater management, pursuant to Section 8.3.3.5(B) of the Pinehurst Development Ordinance

5. Discuss and Consider a Special Intensity Allocation for Vieta Dermatology Office Building

Note: (Agenda Items 4 & 5 were reversed)

Darryn Burich, Planning & Inspections Director stated Council is being asked to approve a Special Intensity Allocation (SIA) of 3.35 acres involving three parcels of undeveloped land within the Trotter Hills business park in the Pinehurst South area. The three parcels are located interior to the park and are surrounded by Trotter Hills Circle. The parcels are zoned OP Office Professional which permits up to 70% impervious area or 1.36 acres. The parcels are also located within the WS II Drowning Creek – Lumber River Balance of Watershed, which limits non-residential development to 12% built upon area unless a Special Intensity Allocation (SIA) is granted by the Village Council pursuant to Section 8.3.3.5(B) of the Pinehurst Development Ordinance (PDO).

Mr. Burich stated the request will permit construction of the 7,100 square Vieta Dermatology facility with associated 37 stall surface parking lot on what will be a 1.94 acre lot after the parcels are reconfigured into two parcels with one currently proposed for development. The proposed impervious area for the development is 29,240 square feet or 35%. Section 8.3.3.5(B)(2) of the PDO states that up to ten (10%) percent of the balance of the watershed may be developed for nonresidential and multi-family uses, allowing up to seventy (70%) percent built-upon area on a project by project basis. Mr. Burich stated the Technical Review Committee is currently reviewing the proposed improvements as a Minor Site Plan and this SIA allocation needs to be granted prior to issuing building and development permits for construction.

Mr. Burich stated the proposed development project involves three parcels of land totaling 3.35 acres. The three parcels of land will be reconfigured into two parcels of 1.94 acres and 1.41 acres for development purposes. The 1.94 acres of land is proposed to be developed by Vieta Dermatology. Stormwater for the Vieta development and adjacent undeveloped property will be managed through a dry detention basin constructed on both lots, which is a Best Management Practice. He said this SIA would grant relief from the WS-II BW Watershed Protection District maximum impervious built upon area of twelve percent (12%) identified in Section 8.3.3.5(B)(1) of the PDO, which is permitted up to 70% impervious coverage for non-residential uses. Per Section 8.3.3.5(B)(2)(a) the total acreage of the tract involved in the request will be counted in the SIA which also includes pervious surfaces, which totals 3.35 acres in this case.

Mr. Burich further stated that in accordance with Section 8.3.3.5(B)(2) of the PDO, ten percent (10%) of the WS-II BW Watershed Protection District can be granted a Special Intensity Allocation (SIA). This yields a total area of 819.84 acres eligible to receive a Special Intensity Allocation in the WS-II BW Watershed Protection District. He stated that if approved, the Village would have allocated approximately 67.763 acres since 1993 leaving 752.074 acres of intensity allocation remaining for other future projects in the WS-II BW Watershed. Mr. Burich declared the property is located within the corporate limits of the Village of Pinehurst and complies with the Village Council's Watershed Intensity Allocation Policy contained in Resolution 13-13 that states, "It shall be the policy of the Village of Pinehurst to only allocate special intensity allocations to properties that are located within the corporate limits of Pinehurst or to properties which have an active voluntary annexation petition to the Village of Pinehurst."

Mr. Burich stated the proposed project is currently undergoing Minor Site Plan review through the Technical Review Committee as the Vieta Dermatology project. Section 8.3.3.5 (C)(2)(c) of the PDO requires the use of Best Management Practices (BMP) to minimize water quality impacts which in this case the development will be utilizing a dry detention stormwater basin that will serve the lots involved in the SIA. He concluded with affirming Village staff recommends approval of the SIA from the WS-II Watershed Protection District of 3.35 acres for properties as proposed, which Council can approve by motion. Approval of this 3.35 acre SIA as requested would leave approximately 752.074 acres of special intensity allocation remaining in the WS-II BW Watershed Protection District for other future SIAs.

Mayor Pro Tem Davis asked for clarification that this interior parcel is currently three parcel. Mr. Burich said it is currently three and will be reconfigured down to two parcels. He stated the remaining parcel usage would be confined to whatever is permitted for that area. Councilmember Drum said he likes that the parking is in the rear and it appears that although it is cleared for 10-year stormwater, it looks like it would be higher than that. Mr. Burich verified that. Councilmember Hogeman asked staff if there will be an easement document allowing this to be constructed and Mr. Burich said yes both properties are under the same ownership. Staff Mike Apke, Pubic Services Director said the agreement was made during the TLC process and there will be a maintenance agreement of the basin in a shared way. He stated they would want to see this before we approved it.

Councilmember Hogeman said yes we really want to make sure we have this mutual arrangement for its maintenance in case it changes hands later. She asked if there are any water from the street that enters this property without going through the basin. Mike Apke said there is a shoulder berm and overflow is designed to go into a pipe under trotter circle and be sent further downstream. Mayor Strickland stated this is the fourth or fifth project in Trotter Circle in the last year, what about the other properties in the North end – when we look at each individual site are we taking into consideration what impact it will have on future projects. Mr. Burich said we are being thorough and they must go through a very intense process when they go through the SIA allocation this covers the future impact. Councilmember Hogeman asks if there is a partial not in the watershed, would it have to install stormwater manager facilities. Mike Apke said yes, and our engineering standards manual contains things that help with water issues and we require maintenance requirements, which are on the design plans for this proposal.

Upon a motion by Councilmember Hogeman, seconded by Councilmember Boesch, Council unanimously approved a Special Intensity Allocation from the WS-II Drowning Creek – Lumber River Balance Watershed Protection District of 3.35 acres, involving 3 parcels of undeveloped land within the Trotter Hills Business Park in the Pinehurst South area, to permit construction of the 7,100 square foot Vieta Dermatology Facility with associated surface parking, pursuant to Section 8.3.3.5(B) of the Pinehurst Development Ordinance by a vote of 5-0.

6. Discuss and Consider Resolution 21-07 Adopting a Public Comment Policy

Village Manager Sanborn stated this is a policy Council has been working on for approximately 6 weeks, going through several revisions. We are now looking at the latest revision for discussion and consideration for vote. Councilmember Drum said we will hear from more people with this policy and this will allow us to hear more voices. Mayor Strickland stated we hope as many as can will come to Village Hall to make those comments in person and this policy also will allow of course the Mayor or presiding Officer to extend this time so we can hear more. Councilmember Drum agreed that the ability to extend the time would allow more people to be heard. He further added the ability to continue to allow public comments to be emailed, and although they will not be read aloud as they are intended for the council, they will still be sent to council. He further stated this would allow people to not have to sit until 10:00 p.m. waiting for a long period to make their comments, leading to more comments being heard. Mayor Strickland said these policies are consistent with what other municipalities and county governments use and are consistent with what we have been doing historically. Councilmember Boesch said she would propose a change to the bullet stating, "Speakers will be courteous in their language and presentation. Speakers must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity" to read, "Speakers are encouraged to be respectful and courteous in their language and presentation and are encouraged to refrain from personal attacks and the use of profanity."

Upon a motion by Councilmember Boesch, seconded by Councilmember Drum, Council unanimously approved Resolution 21-07 adopting a Public Comment Period Policy for the Village of Pinehurst with the following amendment to bullet no. 7, to read "Speakers are encouraged to be respectful and courteous in their language and presentation and are encouraged to refrain from personal attacks and the use of profanity" by a vote of 5-0.

7. Discuss and Consider Resolution 21-08 Amendments to the Position Classification and Pay Plan

Village Manager Sanborn stated that when he gave his budget preview, we discussed additions of staff and asked for permission to go ahead and move forward with those hiring's and this amendment is to allow that process to occur.

Angela Kantor, Human Resources Director stated, during the budget preview, you discussed staffing requests for FY 21-22 which included adding a Financial Services Supervisor. Even though the request for this position was intended for the beginning of FY 22, we are formally requesting to add this position to Grade 22 of our current Position Classification and Pay Plan so we may begin the recruitment process. The ability to start the recruitment process early will allow the Financial Services department to balance the current and expected workload by transitioning responsibilities to the new employee by July 1, 2021.

Ms. Kantor stated there are no changes to the policy except for the pay and classification grid to which was added the Financial Services Supervisor to Grade 22 so we can get someone in by July 1. This person would take away some of the lower level responsibilities of the Assistant Director and would supervise the two Financial Services Technicians. Brooke Hunter, Finance Director said we are bottlenecked when it comes to transaction reviews and we need assistance to push these onto a supervisor level role to allow our Assistant Director to take some of the higher-level duties to help the Finance Director. Ms. Hunter described the current positions and their duties and noted we also have others in other departments that are collecting receipts and this work flows through the Finance department as well. Ms. Kantor noted that with the library coming on board, the workload would increase even more.

Mayor Strickland asked Ms. Hunter to describe what a typical transaction review might be. Ms. Hunter stated that every transaction that comes into the village has someone who reviews them to ensure the coding and computations are accurate. This includes permits, recreations, merchandise sales, payroll transactions, and all accounting related items. Councilmember Boesch noted that back in December, Village Manager Sanborn had described this was one of the places that were overloaded, and Ms. Hunter had explained more why extra help was needed. Mr. Sanborn said yes they put in a lot of overtime working and it is time we help them. Councilmember Boesch said Human Resources is doing a great job staying on top ensuring our pay and salary tables are equivalent to what others are doing. Mayor Strickland asked if it is, accounting requirements set by our auditor or state regulation that requires the extra hours finance has to put in. Ms. Hunter said the amount of work that is coming in with the added platforms we use and transactions we have added as well as the external activities driven by Government standards, such as lease recording that is adding more to reporting. Ms. Hunter also stated we are very restricted by state statute on how we do purchases. She noted this new position will assist with bids and making sure, we help department heads with the standards.

Assistant Village Manager Natalie Hawkins said over the last several years our internal budget has went from 9 million up to 24 million today, which shows the increase of the volume in the amount of expenditures. She noted we are also now making use of on-call and reserve positions, which has created more payroll workload just for that, like 20-30 extra workers. Councilmember Drum asked if there might be some tools that would help the finance department be more efficient. Ms. Hunter said included in the fy22 budget is the addition of some form of electronic timekeeping, which would utilize this new person. They would help spearhead that project, which is one of our ACE projects.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved Resolution 21-08 amending the Policy on Administration of the Position Classification and Pay Plan, Policy No. HR-416 by a vote of 5-0.

8. Other Business.

Councilmember Drum requests the Council discuss the Cares Act funding, in the future, to see how it is in alignment with our future goals. Village Manager Sanborn will update us on this as information comes clearer and he noted, if this information comes after we adopt the budget, we could always do a budget amendment. He stated the monies will come, but we do know it can only be spent on certain things, which is a plan we are still trying to work out. Brooke Hunter stated the amount we are receiving is $4.86 million, with the first half being paid out in June.

9. Comments from Attendees.

Mayor Strickland opened the floor for comments from attendees. No one had signed up, but Mr. John Hoffman, of Pinehurst, asked to speak about the public comment section. He stated this Wednesday there was a public hearing from the planning & zoning board in which they were discussing the two projects associated with the Hotel property. The President of the Planning & Zoning Board told a speaker his comments were limited to only 3 minutes and he felt that inappropriate and he felt there should be time allotted for full disclosure. Mayor Strickland said we have adopted this and have been using this for some time. Mr. Hoffman said he understands this 3-minute policy for a council meeting, but for public hearings, he is concerned those who are willing to sit there for a long period should be able to develop their comments more thoroughly.

Mayor Strickland advised that Council would consider all comments. No other comments were presented.

10. Motion to Adjourn the Regular Meeting.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the regular meeting, by a vote of 5-0 at 5:53 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