VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF JANUARY 23, 2024
ASSEMBLY HALL

PINEHURST, NORTH CAROLINA
4:30 PM

1. Call to Order.
2. Invocation and Pledge of Allegiance
3. Reports:

   Manager

   Council

4. 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

   January 05, 2024 Special Meeting (Interviews Day 1)
   January 09, 2024 Special Meeting (Interviews Day 2)
   January 09, 2024 Regular Meeting
   January 09, 2024 Work Session
   January 09, 2024 Closed Session
   January 16, 2024 Special Meeting
   January 16, 2024 Closed Session

   End of Consent Agenda.

5. Motion to Recess the Regular Meeting and Enter into Public Hearing No. 1.
6. Public Hearing No. 1 - Rezoning Request for 32.14 Acres on Chicken Plant Road

   The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 32.14 acres of land located off Chicken Plant Road and addressed as 1020, 1030, and 1040 currently owned by Bass Design and Development, LLC. The property is further identified by Parcel ID #'s 00017089 and 00024540. This proposed map amendment would zone the property from the R-30-Conditional (Medium Density Residential) District to the R-210 (Low Density Residential and Light Agricultural) District. The applicant is Kenneth Bass
7. Motion to Adjourn Public Hearing No. 1 and Re-Enter the Regular Meeting.
8. Discuss and Consider Ordinance 24-03 - Chicken Plant Road Zoning Map Amendment
9. Motion to Recess the Regular Meeting and Enter into Public Hearing No. 2.
10. Public Hearing No. 2 - Petition for Voluntary Annexation (Pinehurst South Cottages)

The purpose of this public hearing is to consider a voluntary annexation petition for ± 14.263 acres of land located in the Village's extra territorial jurisdiction (ETJ) east of NC Highway 5 fronting on Blake Boulevard and Olivia Lane currently owned by D.R. Horton, Inc. and further identified by Moore County Parcel ID Numbers 00046287 and 20200387.

11. Motion to Adjourn Public Hearing No. 2 and Re-Enter the Regular Meeting.
12. Discuss and Consider Ordinance 24-01 - Voluntary Petition for Annexation - Pinehurst South Cottages
13. Resolution 24-06 Amending the Purchasing Policy & Procedures with Federal Funds
14. Other Business.
15. Comments from Attendees.
16. Motion to Adjourn.

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.

APPROVAL OF VILLAGE COUNCIL MEETING MINUTES

ADDITIONAL AGENDA DETAILS:

January 05, 2024 Special Meeting (Interviews Day 1)
January 09, 2024 Special Meeting (Interviews Day 2)
January 09, 2024 Regular Meeting
January 09, 2024 Work Session
January 09, 2024 Closed Session
January 16, 2024 Special Meeting
January 16, 2024 Closed Session

ATTACHMENTS:

	Description
🗋	01.05.2024 Special Meeting (Interviews Day 1) Minutes
🗋	01.09.2024 Special Meeting (Interviews Day 2) Minutes
🗋	01.09.2024 Regular Meeting Minutes
🗋	01.09.2024 Work Session Minutes
🗋	01.16.2024 Special Meeting Minutes

VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF JANUARY 05, 2024
FALLON CONFERENCE ROOM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
09:00 a.m.

The Pinehurst Village Council held a Special Meeting at 09:00 a.m., Friday, January 05, 2024, in the Fallon Conference Room of Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Mr. Patrick Pizzella, Mayor
Mr. John Taylor, Mayor Pro Tem
Mr. Jeff Morgan, Councilmember
Ms. Barbara Ficklin, Councilmember
Mr. Jeffrey Sanborn, Village Manager
Ms. Shannon Konstantinou, Village Clerk

And approximately 1 member of the Public in attendance.

1. Call to Order.

Mayor Pizzella called the meeting to order at 09:02 a.m.

Mayor Pizzella outlined the meeting procedures to be followed.

Councilmember Morgan requested each Candidate be asked to verify their residency and voter registration status. Council unanimously agreed to include this question for each Candidate.

Mayor Pizzella recessed the Special Meeting at 10:11 a.m. for a 10-minute break.

Mayor Pizzella reconvened the Special Meeting at 10:21 a.m.

Mayor Pizzella recessed the Special Meeting at 11:50 a.m. for a one-hour lunch break.

Mayor Pizzella reconvened the Special Meeting at 12:55 p.m.

2. Council Interviewed the Following Candidates:

- Kirk Adkins
- Steve Drinkwater
- Tom Beddow
- Kevin Fitzpatrick
- Frank Zaccherio
- Jack Farrell
- Daniel Logan
- Jeffrey Gilbert
- Tom Hennie

All Candidates present were asked the following questions:

1) Could you tell us about yourself and what led you to seek this appointment in five minutes or less?

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2) Please tell us what skills, abilities, or strengths you would bring to the Council in five minutes or less.

3) We have five minutes allocated for this question. What are you most satisfied and least satisfied with regarding recent Village Council actions and decisions, and why? Have you ever attended a Village Council meeting? Have you ever spoken during the Public Comments time period?

4) We have two minutes allocated for this question. The Village Council has typically scheduled meetings for the second and fourth Tuesday of each month starting at 4:30. Would you foresee any problems with being able to attend all scheduled Council meetings?

5) We have another two minutes allocated for this final question. The appointment is until December 2025. If not selected for this open Council seat, might you consider serving on one of Pinehurst's volunteer boards or commissions? Have you ever applied to be a member of one of the VOP Advisory Boards or Committees in the past? Have you signed up for the MYVOP app?

6) Is there anything else you would like us to consider?

In addition to the previous six questions, Council asked each Candidate to verify their residency and voter registration status, to expand on their employment background, to expand on some of their application answers (such as issues they feel Pinehurst is facing or will face in the near future), whether they have or have not run for elected office or plan to run for elected office, what they feel the primary purpose of municipal government is, whether they have attended a Council meeting or appeared before / addressed Council at a Council meeting, and their personal history or background on their reason for coming to live in Pinehurst.

Council, also, asked Mr. Frank Zaccherio to discuss his view of the Short-Term Rental regulations given his professional background as a Realtor; Mr. Jack Farrell to discuss his view of the purpose and size of the Extra-Territorial Jurisdiction given his background on various Village of Pinehurst Advisory Boards; Mr. Daniel Logan to discuss the process he will follow transitioning out of his military career, his view on whether there is a divide amongst the age groups within Pinehurst, and possible future careers once he fully transitions out of the military; Mr. Jeffrey Gilbert to discuss his views of the issue of water supply for Moore County and protection of the power infrastructure given his background on the Moore County Planning Board; and Dr. Tom Hennie to discuss his experience having served on Council for the remaining 3 months of the late Councilmember Jane Hogeman's term and the vision he has for the future of Pinehurst.

3. Council Discussion on Candidates Interviewed

Council and Mr. Sanborn discussed the process for Council making their selection and the process of notifying all Candidates once a selection has been made.

4. Motion to Adjourn.

Upon a motion by Councilmember Ficklin, seconded by Mayor Pizzella, Council unanimously approved to adjourn the special meeting at 02:14 p.m.

Respectfully submitted,

Shannon Konstantinou
Village Clerk

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VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF JANUARY 09, 2024
FALLON CONFERENCE ROOM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
08:30 a.m.

The Pinehurst Village Council held a Special Meeting at 08:30 a.m., Tuesday, January 09, 2024, in the Fallon Conference Room of Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Mr. Patrick Pizzella, Mayor
Mr. John Taylor, Mayor Pro Tem
Mr. Jeff Morgan, Councilmember
Ms. Barbara Ficklin, Councilmember
Mr. Jeffrey Sanborn, Village Manager
Ms. Shannon Konstantinou, Village Clerk

And approximately 5 members of the Public in attendance.

1. Call to Order.
Mayor Pizzella called the meeting to order at 08:31 a.m.

Mayor Pizzella outlined the meeting procedures to be followed.

2. Council Interviewed the Following Candidates:

- Peter White
- Justin Bramlage

All Candidates present were asked the following questions:

1) Could you tell us about yourself and what led you to seek this appointment in five minutes or less?

2) Please tell us what skills, abilities, or strengths you would bring to the Council in five minutes or less.

3) We have five minutes allocated for this question. What are you most satisfied and least satisfied with regarding recent Village Council actions and decisions, and why? Have you ever attended a Village Council meeting? Have you ever spoken during the Public Comments time period?

4) We have two minutes allocated for this question. The Village Council has typically scheduled meetings for the second and fourth Tuesday of each month starting at 4:30. Would you foresee any problems with being able to attend all scheduled Council meetings?

5) We have another two minutes allocated for this final question. The appointment is until December 2025. If not selected for this open Council seat, might you consider serving on one of Pinehurst's volunteer boards or commissions? Have you ever applied to be a member of one of the VOP Advisory Boards or Committees in the past? Have you signed up for the MYVOP app?

6) Is there anything else you would like us to consider?

In addition to the previous six questions, Council asked each Candidate to verify their residency and voter registration

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status, to expand on their employment background, to expand on some of their application answers (such as issues they feel Pinehurst is facing or will face in the near future), whether they have or have not run for elected office or plan to run for elected office, what they feel the primary purpose of municipal government is, whether they have attended a Council meeting or appeared before / addressed Council at a Council meeting, and their personal history or background on their reason for coming to live in Pinehurst.

Council, also, asked Mr. Peter White whether he had served on an Advisory Board for the Village and discussed with Mr. White the time commitment required and responsibilities of Councilmembers; and asked Mr. Justin Bramlage to verify he would be able to coordinate his work schedule around Council commitments, about his vision on what Pinehurst is now and where Pinehurst will go in the future, and about his view on sustainable growth and how to balance that with traffic concerns of residents.

3. Council Discussion on Candidates Interviewed

Council deliberated on the selection process and agreed to take a 5-minute break before beginning discussions.

Mayor Pizzella recessed the Special Meeting at 09:15 a.m. for a 5-minute break.

Mayor Pizzella reconvened the Special Meeting at 09:22 a.m.

Council provided Mr. Sanborn with their Council Vacancy Scoring Spreadsheet, which ranked their top 3 Applicants from 1 to 3 with 1 being their top selection.

Canidates	Patrick's Score	Jeff's Score	John's Score	Barb's Score
Kirk Adkins	2		2	2
Steve Drinkwater				
Tom Beddow		1		
Kevin Fitzpatrick		2	3	
Frank Zaccherio				
Jack Farrell	1		1	1
Daniel Logan				
Jeffrey Gilbert				3
Tom Hennie	3			
Peter White				
Justin Bramlage		3		

Council deliberated on the scoring results and discussed their reasoning behind their scoring choices for each candidate.

Upon a motion by Mayor Pizzella, seconded by Councilmember Taylor, Council approved the appointment of Mr. Jack Farrell to the vacant Village Council seat, serving the remainder of Councilmember Pizzella's term, which expires December 2025, by a vote of 3-1 with Councilmember Morgan dissenting.

Council and Mr. Sanborn agreed to conduct Mr. Farrell's Oath of Office late today at the January 09, 2024 Council Regular Meeting provided Mr. Farrell is able to attend.

4. Motion to Adjourn.

Upon a motion by Mayor Pizzella, seconded by Councilmember Ficklin, Council unanimously approved to adjourn the special meeting at 09:33 a.m. by a vote of 4-0.

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Respectfully submitted,

Shannon Konstantinou
Village Clerk

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VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF JANUARY 09, 2024
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM

Due to hazardous weather conditions, this Regular Meeting was canceled / rescheduled.

The Village Council did not assemble. Therefore, no quorum was present, and no business was conducted.

A Special Meeting was scheduled for Tuesday, January 16, 2024, during which the business from the January 09, 2024, meeting will be conducted.

Respectfully Submitted,

Shannon Konstantinou
Village Clerk

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VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF JANUARY 09, 2024
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM

Due to hazardous weather conditions, this Work Session was canceled / rescheduled.

The Village Council did not assemble. Therefore, no quorum was present, and no business was conducted.

A Special Meeting was scheduled for Tuesday, January 16, 2024, during which the business from the January 09, 2024, meeting will be conducted.

Respectfully Submitted,

Shannon Konstantinou
Village Clerk

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VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF JANUARY 16, 2024
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM

The Pinehurst Village Council held a Special Meeting at 04:30 p.m., Tuesday, January 16, 2024, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:
Mr. Patrick Pizzella, Mayor
Mr. Jeff Morgan, Councilmember
Ms. Barb Ficklin, Councilmember
Mr. John Taylor, Mayor Pro Tem
Mr. Jack Farrell, Councilmember
Mr. Jeff Sanborn, Village Manager
Ms. Shannon Konstantinou, Village Clerk
Mr. Josh Dockery, IT Technician
Mr. Paul Conners, IT Technician

And approximately 28 attendees, including 7 staff and 0 press.

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

2. **Pledge of Allegiance by Mr. John Vann**

3. **Oath of Office**
Mr. Jack Farrell will take his Oath of Office after having been selected by Council to fill the vacant seat left by the election of Councilmember Pizzella to the position of Mayor.

Councilmember Farrell thanked Council for their confidence in appointing him to the vacant Council seat.

4. **Reports:**

Village Manager

- Mr. Jeff Sanborn, Village Manager, had nothing to report.

Village Council

- Mayor Pizzella reported on Pinehurst being the most popular retirement town in the country according to Zillow, the March 27, 2024 North Carolina League of Municipalities dinner to be held in Pinehurst, the January 18, 2024 Sandhills Metropolitan Planning Organization (SMPO) meeting, the January 23, 2024 TriCities Work Group meeting, and the January 22, 2024 Neighborhood Advisory Committee (NAC) meeting.

- Councilmember Morgan thanked Village Staff for their work in preparing the Village for the holidays and reported on the February 2024 meeting of the Central Pines Regional Council (CPRC).

- Councilmember Ficklin reported on her attendance at the January 11 -12, 2024 Essentials of Municipal Government class.

- Mayor Pro Tem Taylor reported on his attendance at the January 11 -12, 2024 Essentials of Municipal Government class.

- Councilmember Farrell had nothing to report.

5. 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
- December 11, 2023 Special Meeting (Pre-Retreat) Minutes
- December 12, 2023 Special Meeting (Organizational) Minutes
- December 12, 2023 Regular Meeting Minutes
- December 12, 2023 Work Session Minutes
- December 15, 2023 Special Meeting (Retreat Day 1) Minutes
- December 18, 2023 Special Meeting (Retreat Day 2) Minutes

End of Consent Agenda.
Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Taylor, Council unanimously approved the Consent agenda by a vote of 5-0.

6. Consider Resolution 24-04 Re-Appointing Mr. Matt Jones to the Planning & Zoning Board and Board of Adjustment.
Mr. Jeramy Hooper, Planning & Zoning Board Chair, provided a brief background of Mr. Matt Jones' service on the Board and professional experience.

Councilmember Farrell, also, provided a brief background of Mr. Jones' contributions to the Board and spoke in favor of Mr. Jones' re-appointment.

Upon a motion by Councilmember Farrell, seconded by Councilmember Ficklin, Council unanimously approved the re-appointment of Mr. Matt Jones to the Planning & Zoning Board and Board of Adjustment effective February 01, 2024, serving at the pleasure of Council until the end of his term on January 31, 2026 by a vote of 5-0.

RESOLUTION #24-04:

A RESOLUTION REGARDING A RE-APPOINTMENT TO THE PINEHURST PLANNING & ZONING BOARD AND BOARD OF ADJUSTMENT.

THAT WHEREAS, the Village of Pinehurst has established a Planning & Zoning Board and a Board of Adjustment as required by its Development Ordinance and authorized by North Carolina General Statutes 160D-301 and 160D-302; and

WHEREAS, on the 13th day of March, 2012, the Pinehurst Village Council adopted Ordinance #12-10 to amend Chapter 31 of the Pinehurst Municipal Code to combine the Planning & Zoning Board and the Board of Adjustment; and

WHEREAS, the term of Mr. Matt Jones will expire on January 31st, 2024; and

WHEREAS, Mr. Jones and the Village Council of Pinehurst are desirous of his continuing to serve as a member of the Planning & Zoning Board and the Board of Adjustment for an additional term; and

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a Special Meeting assembled this 16th day of January, 2024 as follows:

SECTION 1. That the following appointment is hereby made to the Planning & Zoning Board and the Board of Adjustment for the term indicated:

Mr. Matt Jones is re-appointed as a member of the Planning & Zoning Board and the Board of Adjustment effective February 01, 2024, to serve at the pleasure of the Council until the end of his term on January 31, 2026.

SECTION 2. That this appointee shall continue serving until a replacement is appointed and qualified.

THIS RESOLUTION passed and adopted this 16th day of January, 2024.

7. Consider Resolution 24-05 Appointing Mr. Terry Lurtz as the Neighborhood Advisory Committee Representative for the Linden Road West Area.

Mr. Sanborn noted Mr. Lurtz's absence but asked Council to proceed with the appointment of Mr. Lurtz to the Neighborhood Advisory Committee (NAC).

Mayor Pizzella and Mayor Pro Tem Taylor both spoke in favor of Mr. Lurtz's appointment to the NAC.

Upon a motion by Mayor Pro Tem Taylor, seconded by Councilmember Farrell, Council unanimously approved the appointment of Mr. Terry Lurtz to the Neighborhood Advisory Committee as the Representative for the Linden Road West area effective January 16, 2024 with said term expiring January 31, 2026 by a vote of 5-0.

Note: this motion was amended to reflect the correct term expiration date of June 30, 2026. Please, see amendment below (prior to adjournment).

RESOLUTION #24-05:

A RESOLUTION APPOINTING THE NEIGHBORHOOD ADVISORY COMMITTEE REPRESENTATIVE FOR THE LINDEN ROAD WEST AREA.

WHEREAS, the Village of Pinehurst established a Neighborhood Advisory Committee (NAC) in 2008; and

WHEREAS, the Village of Pinehurst officially reorganized the Neighborhood Advisory Committee (NAC) under the leadership of the Village Council of the Village of Pinehurst on the 11th day of April 2023; and

WHEREAS, Mr. Patrick Corso resigned as the Linden Road West representative in November of 2023, and there is a need to fill this vacancy on the Neighborhood Advisory Committee to represent the Linden Road West designated area; and

WHEREAS, Mr. Terry Lurtz and the Village Council of Pinehurst are desirous of Mr. Lurtz serving as a representative of the Linden Road West area on the Neighborhood Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a Special Meeting assembled this 16th day of January 2024 as follows:

SECTION 1. That the following appointment is hereby made to the Neighborhood Advisory Committee for the term indicated:

Mr. Terry Lurtz is appointed as a representative of the Linden Road West area on the Neighborhood Advisory Committee, effective January 16, 2024, said term to expire June 30th, 2026.

THIS RESOLUTION passed and adopted this the 16th day of January 2024.

8. Discussion of Road Closure Request from USGA/Golf Channel During the 2024 US Open.
Mr. Doug Willardson, Assistant Village Manager, presented the results of a Downtown survey conducted by the Village regarding the request from the USGA / Golf Channel to close certain roads within the Downtown area during the 2024 U.S. Open.

Council and Staff discussed the pros and cons of road closures occurring in the Downtown area.

Upon a motion by Councilmember Morgan, seconded by Councilmember Ficklin, Council unanimously denied the Downtown road closure request from the USGA / Golf Channel for the duration of the 2024 U.S. Open by a vote of 5-0.

9. Consider Ordinance 24-02 GASB 96 Budget Amendment.
Ms. Dana Van Nostrand, Finance Director, presented background information on the requested budget amendment.

Council and Staff discussed the amount of funding required being beyond the threshold for approval by the Village Manager and the structure of the budget reporting required by GASB 96.

Upon a motion by Councilmember Ficklin, seconded by Councilmember Morgan, Council unanimously approved Ordinance 24-02 GASB 96 Budget Amendment, an ordinance amending Ordinance 23-14 appropriating funds for operations of the Village of Pinehurst for Fiscal Year 2024 by a vote of 5-0.

ORDINANCE #24-02: AN ORDINANCE AMENDING ORDINANCE #23-14 APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2024, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA (SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS REPORTING REQUIREMENTS UNDER GASB STATEMENT NO. 96)

THAT WHEREAS, the Governmental Accounting Standards Board (GASB) released Statement No. 96 entitled *Subscription-Based Information Technology Arrangements* which was adopted in the fiscal year beginning July 1, 2022 (FY 2023); and

WHEREAS, Ordinance 23-17, adopted on July 11, 2023, amended the FY 2024 General Fund budget appropriations based on the subscription-based information technology arrangements (SBITAs) known at the time; and

WHEREAS, an amendment is needed to appropriate funds in the General Fund for additional SBITAs that were not included in Ordinance 23-17;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the Special Meeting assembled this 16th day of January, 2024, as follows:

SECTION 1. To amend the FY 2024 General Fund budget revenues and expenditures, the revenue and expenditure accounts are to be changed as follows:

Account No.	Account Name	Debit	Credit
10-00-220-7900	Capital Outlay: Subscription Asset – Administration	$ 40,370	
10-30-510-7900	Capital Outlay: Subscription Asset – Solid Waste	13,340	
10-10-310-7900	Capital Outlay: Subscription Asset – Police		$ 170
10-00-190-3903	Other Financing Source: Subscription Liabilities Issued		200,050
10-60-910-8084	Principal - Subscription Asset	148,570	
10-60-910-8085	Interest - Subscription Asset	290	
10-30-510-5911	IT Charges – Solid Waste		2,350
10-00-980-3560	Charges to Other Departments – IT	2,350	
10-00-980-5901	R&M: Furniture & Equipment – IT		2,350
	TOTAL	$ 204,920	$ 204,920

SECTION 2. Copies of this budget amendment shall be furnished to the Village Clerk, Village Manager, and Financial Services Director for their direction and implementation.

THIS ORDINANCE passed and adopted this 16th day of January, 2024.

10. Review and Approve the FY 2025 Balanced Scorecard, including the FY 2025 Areas of Focus and the FY2025-2029 Initiative Action Plans.

Mr. Matthew McKirahan, Organizational Performance Director, presented documents related to the FY 2025 Balanced Scorecard, FY 2025 Areas of Focus, and FY 2025-2029 Initiative Action Plans.

Council and Staff deliberated on the use of the term "goals" versus "projections" and agreed to replace "projections" with "goals", reviewed the three strategic objectives proposed as the FY 2025 Areas of Focus, deliberated on whether to focus on items where the Village is succeeding versus items where the Village needs improvement and agreed to include the full list of short-term / long-term trend analysis in future reports or documents, deliberated on the chosen areas of focus and discussed how those chosen areas impact development of strategic operating plans for the Village, deliberated on the connection between the FY 2025 Strategic Operating Plan and development of the Village's FY 2025 Budget, and agreed to amend an IAP aligned with the Safeguard the Community goal to read "Design, build, staff, and equip a third fire department facility".

Upon a motion by Mayor Pro Tem Taylor, seconded by Councilmember Morgan, Council unanimously approved as amended the FY 2025 Balanced Scorecard, including the FY 2025 Areas of Focus and the FY 2025-2029 Initiative Action Plans by a vote of 5-0. Amendments: Replacement of the term "projections" with "goals" in the FY 2025 Balanced Scorecard and an IAP aligned with the Safeguard the Community goal to read "Design, build, staff, and equip a third fire department facility".

11. Public Comments.

Ms. Carla St. Germain, 5 Oak Court, asked Council to consider preparations for the upcoming U.S. Open and the impact of the U.S. Open on the residents and businesses of the Village.

12. Discussion of Library Construction Project Potential Timeline.

Mr. Doug Willardson, Assistant Village Manager, reviewed information related to the potential construction timeline for the proposed new Library.

Council and Staff discussed an approximate length of active construction being 12 months with an opening date in 2025, determining parameters / targets (size, cost, etc.) for the architects to follow during development of the proposed new Library design, and the estimated per square foot cost for construction.

13. Motion to Recess the Special Meeting and Enter into the Closed Session

Upon a motion by Mayor Pro Tem Taylor, seconded by Councilmember Morgan, Council unanimously approved to recess the Special Meeting and enter into the Closed Session by a vote of 5-0 at 06:36 p.m.

14. Closed Session

Council will hold a closed session pursuant to NCGS §143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

15. Motion to Adjourn the Closed Session and Re-Enter the Special Meeting

Upon a motion by Councilmember Ficklin, seconded by Councilmember Morgan, Council unanimously approved to adjourn the Closed Session and re-enter the Special Meeting by a vote of 5-0 at 07:18 p.m.

Mr. Sanborn asked Council to amend the motion appointing Mr. Terry Lurtz to the NAC to reflect the correct term expiration date of June 30, 2026.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Taylor, Council unanimously approved the appointment of Mr. Terry Lurtz to the Neighborhood Advisory Committee as the Representative for the Linden Road West area effective January 16, 2024 with said term expiring June 30, 2026 by a vote of 5-0.

16. Motion to Adjourn

Upon a motion by Mayor Pro Tem Taylor, seconded by Councilmember Farrell, Council unanimously approved to adjourn the Special Meeting by a vote of 5-0 at 07:19 p.m.

Respectfully Submitted,

Shannon Konstantinou
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org
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PUBLIC HEARING NO. 1 - REZONING REQUEST FOR 32.14 ACRES ON CHICKEN PLANT ROAD

ADDITIONAL AGENDA DETAILS:

The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 32.14 acres of land located off Chicken Plant Road and addressed as 1020, 1030, and 1040 currently owned by Bass Design and Development, LLC. The property is further identified by Parcel ID #'s 00017089 and 00024540. This proposed map amendment would zone the property from the R-30-Conditional (Medium Density Residential) District to the R-210 (Low Density Residential and Light Agricultural) District. The applicant is Kenneth Bass

FROM:
Alex Cameron

CC:
Jeff Sanborn

DATE OF MEMO:
1/16/2024

MEMO DETAILS:
See attached staff report and support materials for detailed information. Material associated with the Planning and Zoning Board meeting may be found here.

ATTACHMENTS:

	Description
🗋	Staff Report
🗋	Planning and Zoning Board Recommendation and Comprehensive Plan Consistency Statement
🗋	Application
🗋	Exempt Subdivision Plat

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Mayor Pizzella and Village Council
From: Alex Cameron, Planning and Inspections Director
Pamela Graham, Planning Supervisor
CC: Jeff Sanborn, Village Manager
Date: January 17, 2024
Subject: Staff Report for Proposed Rezoning of 32.14 Acres on Chicken Plant Road

Applicant:	Kenneth Bass
Owners:	Bass Design & Development, LLC
Property Location:	1020, 1030, and 1040 Chicken Plant Road Moore County Parcel ID # 00017089 and 00024540
Rezoning:	Current Zoning District: The R-30 (Medium Density Residential) Conditional District is established as a district in which the principal use of land is for medium-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately medium-density residential nature of the areas included within the district. Proposed Zoning District: The R-210 (Low Density Residential and Light Agricultural) District is established as a district in which the principal uses of the land are for low-density residential and light agricultural uses. Development in this district is restricted due to lack of available utilities, watershed protection restrictions and for the protection of agricultural lands.
Current Land Use:	Undeveloped (vacant).
Proposed Land Use:	Single family residential (3 lots).

Request:

The applicant requests a rezoning of +/- 32.14 acres currently zoned R-30 Conditional District (Medium Density Residential) to the lower-density R-210 (Low Density Residential and Light Agricultural) in order to allow for three (3) single family residential lots of +/- ten acres each and allowable uses associated with the R-210 zoning district. The request is for a "conventional" zoning map amendment and does not provide

for the inclusion of any conditions as might be expected with a conditional rezoning and as such, no general concept plan is required. However, a subdivision plat is included with this report and meeting agenda file indicating the creation of three single-family lots all over 10 acres in size. The proposed redivision of the land is considered to be an "exempt" subdivision, as defined in NCGS and the Pinehurst Development Ordinance (PDO), therefore the land division is precluded from review and approval by Village authorities, and only requires a signature confirming the plat as being exempt. An access road depicted on the plat is being proposed as a private road and will not be dedicated to the Village for future public ownership or maintenance. A conventional rezoning would allow for **all** of the listed allowed or permitted uses for the R-210 zoning district in Table 8.5.1a of the PDO to be available to the applicant and subsequent owners of the property.

Analysis:

Background/Location
The subject property is located within the Village's extra-territorial jurisdiction (ETJ) and is currently defined as being Moore County Parcel ID # 00017089 and 00024540. The property owner is Bass Design & Development, LLC and the applicant is Kenneth Bass. The property has +/-570 total feet of frontage on Chicken Plant Road and borders the Pinewild community along the northern boundary line. Chicken Plant Road continues for approximately 2,200 feet beyond the property before coming to a dead-end in Moore County's jurisdiction. With the exception of the smaller lots in the Pinewild community, other developed properties in the vicinity contain single-family homes on relatively large lots.

Adjoining properties to the west and south are zoned R-210. Adjoining properties immediately to the north are zoned RD (Recreational Development) and constitute portions of the Pinewild development's common area.

The property meets the dimensional requirements for the R-210 District including, but not limited to, the five acre minimum lot size and widths of 60' at the street. The existing R-30 District allows for minimum lot sizes of 30,000 square feet and widths of 20' at the street.

Permitted Uses
Both the R-30 and R-210 Districts are geared towards single-family detached residential uses with a few differences in permitted uses and special requirements as indicated in Table 8.5.1a, Section 8.6 and 8.7 of the PDO.

Use Type	R-30 (Existing Zoning)	R-210 (Proposed Zoning)
Bed & Breakfast Homes	Not allowed	Allowed with special requirements
Outdoor Recreation Facilities	Not allowed	Allowed with special requirements
Religious Institution	Not allowed	Allowed with special requirements
Agriculture, Livestock	Not allowed	Allowed with special requirements
Farming/Animal Production	Not allowed	Allowed with special requirements
Horse Farm & Training Track	Not allowed	Allowed with special requirements
Nurseries (horticulture)	Not allowed	Allowed by right

Telecommunications Facilities	Not allowed	Special Use Permit required
Cemetery	Not allowed	Allowed with special requirements
Accessory Dwelling	Allowed only by granting of a Special Use Permit	Allowed by right

Previous Approval
In 2010, Village Council considered and approved a request to amend the zoning of the subject property from R-210 to R-30 Conditional to allow for the creation of a 28-lot single-family subdivision (Ordinance #10-50). As a conditional zoning approval, a General Concept Plan was also approved and made a condition of approval. No development or other subsequent approvals took place. This request would return the zoning classification back to the R-210 district designation prior to the 2010 approval and reverse the previous approval.

Environmental
The site has variable but overall moderate topography with the steepest slopes in the area closest to Chicken Plant Road where slopes are less than 5%. The land is heavily wooded and currently contains a soil road allowing access to areas near the rear boundary. The property is contained within a water supply watershed in the Drowning Creek/Lumber River basin and is not served by public water or sewer. Pinehurst's watershed requirements limit the built-upon area for each lot to 12% of the total lot area; compliance with this requirement will be verified at the time of building permit review for each lot. The site contains no floodplains, wetlands or other environmental constraints that are known.

Planning and Zoning Board Review
The Planning and Zoning Board held a public hearing on January 4, 2024 and unanimously recommended approval of the proposed zoning map amendment and found the request to be consistent with the 2019 Village of Pinehurst Comprehensive Plan. The statement of consistency and written recommendation by the Planning and Zoning Board is included with the meeting agenda material.

Comprehensive Plan Consistency Statement
Both the existing and the proposed zoning districts for this property are consistent with the recommended land use for the area of "Suburban Neighborhood" as identified on the Conservation and Growth Map on page 62 of the 2019 Comprehensive Plan. Furthermore, the proposal is supported by the following Guiding Principles from the Plan:

Guiding Principle 2: Balancing Conservation & Growth. The Plan calls for the balancing of the need to conserve land while allowing purposeful, quality development in strategic locations. Rezoning 32+ acres in the Villages' ETJ to a district that designates a five-acre minimum lot size sets the property up for an extremely low-density development pattern consistent with land conservation principles in an area where similar land uses are present.

Guiding Principle 3: Places to Live. The proposed land use will provide for up to six buildable lots on the property for new single-family detached homes, and better reflects the existing home sites in the area when

compared to the R-30 District (not considering the smaller lot sizes present in the Pinewild community). The average lot size of the nine lots adjacent to the subject property is +/- 4.84 acres. Although the property has recently been subdivided into three lots of slightly over ten acres each, the proposed zoning would allow for lots half that size.

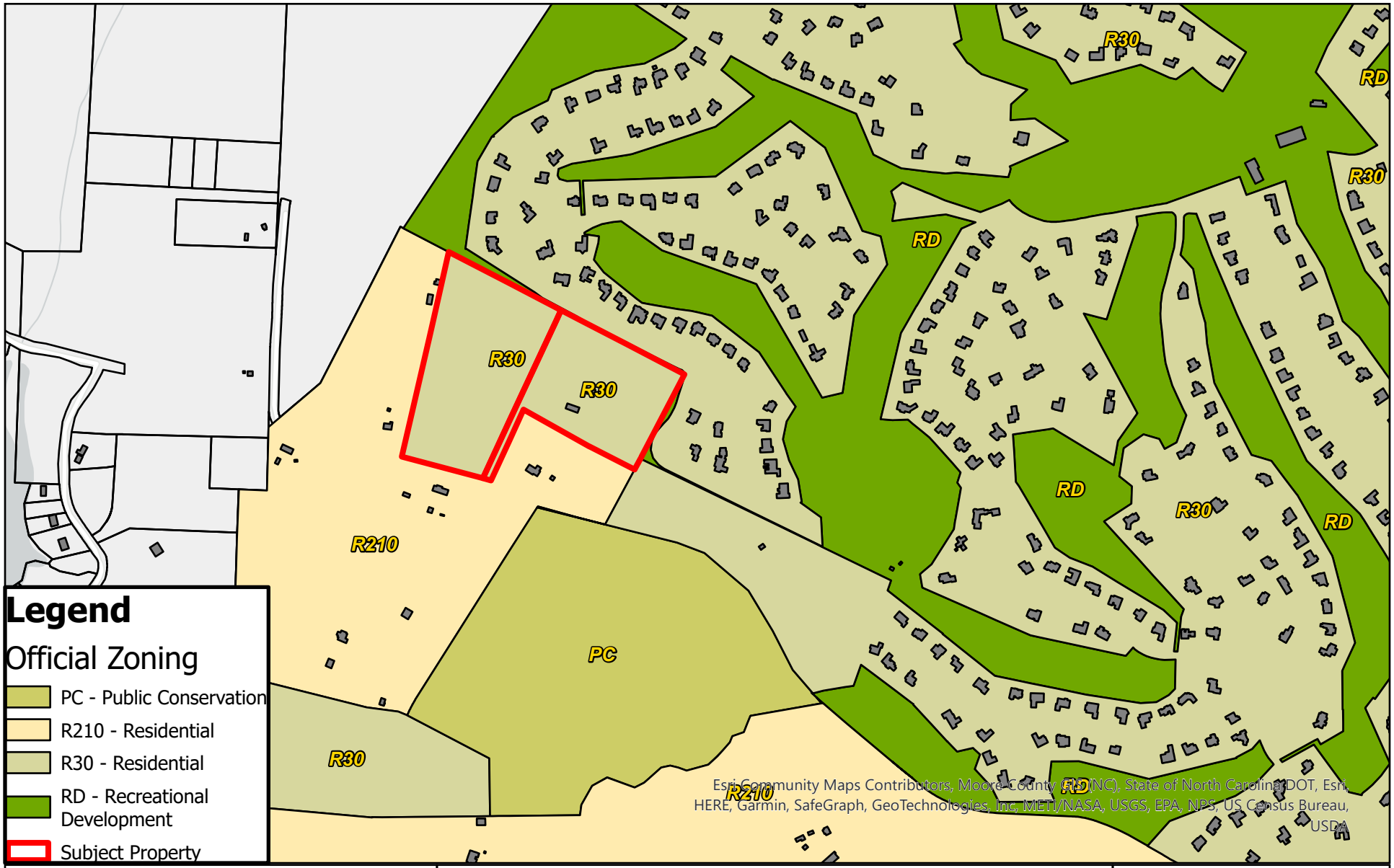
In addition, page 32 of the Plan speaks to the quality of life in Pinehurst and calls for the protection of natural resources, including open space, vegetation, wildlife, water and viewsheds. The larger lot size minimums of the R-210 District facilitate this objective.

Therefore, Staff believes that the proposed map amendment is consistent with the Conservation and Growth Map contained within the 2019 Comprehensive Plan as well as Guiding Principles identified in the Plan and is considered reasonable and in the best interest of the public.

Recommendation
The Planning Staff recommends approval of the rezoning request to R-210 (Low-Density Residential and Light Agricultural) as submitted. Based on the surrounding zoning and environment the proposed use would be consistent with the existing adjacent uses and zoning. The proposed use will meet all the requirements of the R-210 Zoning and the PDO and is supported by the Comprehensive Plan.

Attachments:
- Area Zoning Map
- Aerial Map
- Hearing Notification Packet

Area Zoning Map



0 1,000 2,000 Feet

Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed.
The maps have been created from information provided by various government and private sources at various levels of accuracy.
The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner.
Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10.
Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

Chicken Plant Road Rezoning Request

1895 Village of Pinehurst

N W E S

Aerial Map

Legend

Subject Property

0 500 1,000 Feet

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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

Chicken Plant Road Rezoning Request

1895 Village of Pinehurst

N W E S

NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST

Dear Property Owner:

The Village of Pinehurst Village Council will hold a public hearing on Tuesday, January 23, 2024 at 4:30 PM in Assembly Hall of Village Hall, 395 Magnolia Road, Pinehurst, N.C.

Members of the Village Council and staff will be participating at Village Hall, 395 Magnolia Road, Pinehurst, N.C. The meeting will be streamed in real-time on the Village's website, at www.vopnc.org/live for public viewing/listening and video-recorded for future reference.

The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 32.14 acres of Moore County PID# 00024540 and 00017089. This proposed map amendment would rezone the property from R-30 – Medium Density Residential District to R-210 – Low Density Residential and Light Agricultural District. The Planning and Zoning Board made a recommendation for approval of the request during their January 4, 2024 meeting, and the matter will now be taken up by Village Council for a final decision.

Additional information on the above item is available for public review at the Planning and Inspections Department, Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Monday through Friday from 8:30 a.m. to 5:00 p.m. Information on this request will also be made available the week of the meeting on the Village of Pinehurst's Novus Agenda website at https://pinehurst.novusagenda.com/agendapublic/.

All persons wishing to be heard or comment on this proposal can attend this meeting during the public hearing at Village Hall.

BASS DESIGN AND DEVELOPMENT, LLC
27 CHESTERFIELD DR
PINEHURST,NC,28374

KING, STEVEN DILLION
2160 QUEWHIFFLE RD
ABERDEEN,NC,28315

FOWLER, INGLIS K
1068 CHICKEN PLANT RD
ABERDEEN,NC,28315

MCBRAYER, PATRICK A
988 CHICKEN PLANT ROAD
ABERDEEN,NC,28315

FRYE, JOHNNY MORRIS
1840 WEANT RD
HIGH POINT,NC,27263-9467

RICHARDSON, RONNIE W
162 MIDWAY RD
ABERDEEN,NC,28315

FRYE, THOMAS LAUDER
2312 BIRCHCREST DR
CHARLOTTE,NC,28205-4424

PINEWILD PROPERTY OWNERS ASSOC
PO BOX 3975
PINEHURST,NC,28374-3975

MATZ, HENNING R III & HENNING&
1728 PORTSMOUTH LN
SCHAUMBURG,IL,60194

LUCAS, JEAN M
PO BOX 1344
PINEHURST,NC,28374-1344

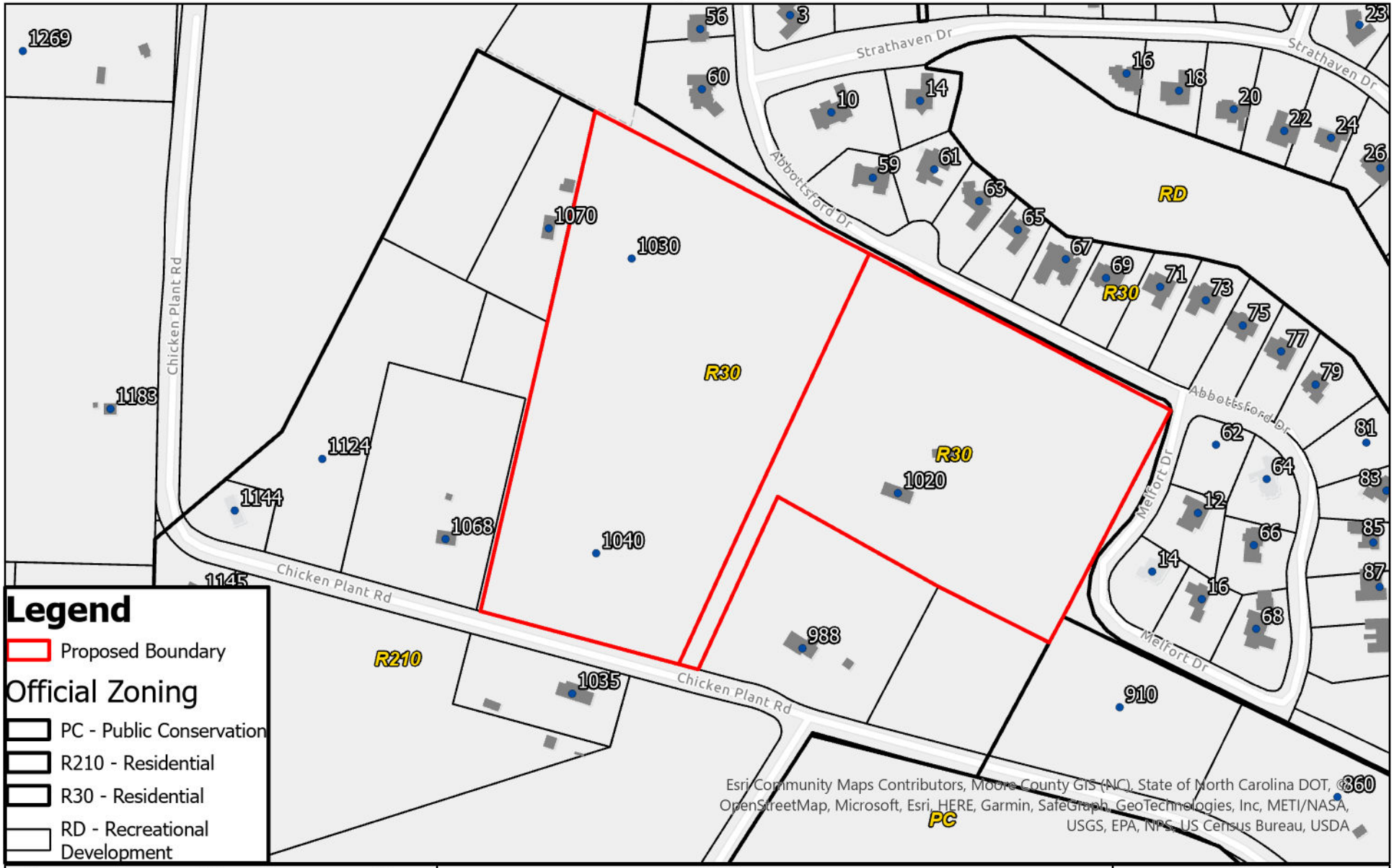
LUCAS, JEAN M
PO BOX 1344
PINEHURST,NC,28374-1344

BASS DESIGN AND DEVELOPMENT, LLC
27 CHESTERFIELD DR
PINEHURST,NC,28374

PINEWILD PROJECT LIMITED PTNS
PO BOX 3369
PINEHURST,NC,28374

PINEWILD PROJECT LIMITED PTNS
PO BOX 3369
PINEHURST,NC,28374

Public Hearing Notification



Legend

- Proposed Boundary

Official Zoning

- PC - Public Conservation
- R210 - Residential
- R30 - Residential
- RD - Recreational Development

0 445 890 Feet

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Chicken Plant Rd. Rezoning Request

VILLAGE OF PINEHURST

N W E S

VILLAGE OF PINEHURST — HISTORY, CHARM, AND SOUTHERN HOSPITALITY

PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY WITH THE 2019 COMPREHENSIVE PLAN JANUARY 4, 2024 REGULAR MEETING

Rezoning Request
R-30-Conditional (Medium Density Residential District) to R-210 (Low Density Residential and Light Agricultural District)

Property Location: **1020, 1030, and 1040 Chicken Plant Road**
Parcel ID#: **00024540 and 00017089**

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed rezoning **IS** consistent with the 2019 Comprehensive Plan:

The proposed zoning district is consistent with the recommended land use for the subject area as identified on the Conservation and Growth Map on page 62 of the 2019 Comprehensive Plan which identifies the area as "Suburban Neighborhood". Furthermore, the proposed rezoning is supported by the following Guiding Principles from the Plan:

Guiding Principle 2: Balancing Conservation & Growth. The Plan calls for the balancing of the need to conserve land while allowing purposeful, quality development in strategic locations. Rezoning 32+ acres in the Villages' ETJ to a district that designates a five-acre minimum lot size sets the property up for an extremely low-density development pattern consistent with land conservation principles in an area where similar land uses are present.

Guiding Principle 3: Places to Live. The proposed land use will provide for up to six buildable lots on the property for new single-family detached homes, and better reflects the sizes of the existing home sites in the area when compared to the R-30 District (not considering the smaller lot sizes present in the gated Pinewild community).

Furthermore, page 32 of the Plan speaks to the quality of life in Pinehurst and calls for the protection of natural resources, including open space, vegetation, wildlife, water and viewsheds. The larger lot size minimums of the R-210 District facilitate this objective.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the conditional rezoning from R-30-Conditional (Medium Density Residential District) to R-210 (Low Density Residential and Light Agricultural District) as submitted.

VILLAGE OF PINEHURST

HISTORY, CHARM, AND SOUTHERN HOSPITALITY

This is the 5th day of JANUARY, 2024

Chair of the Planning and Zoning Board

Ruling filed with the Village of Pinehurst:

January 5th, 2024
DATE

Shelby Grow
Shelby Grow
Clerk to the Planning and Zoning Board

Cc: Alex Cameron
Shelby Grow

Rezoning/Rezoning – Conditional

Fee: $1300 - Rezoning
Fee: $5000 – Conditional Rezoning
(Revised 09/2019)

Permit Information

Section 6.1 of the Pinehurst Development Ordinance (PDO) describes the process and requirements to amend the Official Zoning Map, or re-zone property. Applications for rezoning to a conditional district may only be initiated by the owner(s) of the property (or their representatives) and includes proposed conditions and/or use limitations that are more restrictive than would otherwise be allowed in the corresponding general use district.

This application must be completed in full and submitted with the associated fee listed in the Village's Fees and Charges Schedule, which can be accessed at www.vopnc.org/Home/ShowDocument?id=10100.

Intake Information

Property Address	
Street Address	1020, 1030, &1040 Chicken Plant Road
City, State, Zip Code	Pinehurst, NC. 28374
Parcel ID #	00024540, 00017089

Owner Information	
Name	BASS DESIGN AND DEVELOPMENT, LLC
Street Address	27 CHESTERTOWN DR
City, State, Zip Code	Pinehurst, NC. 28374
Mobile Phone #	910-528-6481
Business Phone #	910-528-6481
Other Phone #	
Email	lkbass36@hotmail.com

Applicant	
Name	
Street Address	
City, State, Zip Code	
Mobile Phone #	
Other Phone #	
Email	

Rezoning/Rezoning – Conditional

Fee: $1300 - Rezoning
Fee: $5000 – Conditional Rezoning
(Revised 09/2019)

General Information

☒ Rezoning ☐ Conditional District Rezoning			
Project Description	Redivision of existing 3 lot survey to include a private roadway with a cul de sac designed to Village of Pinehurst specifications.		
Current Zoning District	R-30		
Proposed Zoning District	R-210		
Reason for Rezoning Request	create lots for uses compliant with R-210 zoning		
Legal Basis for Application	☐ Property Owner in Village Planning Jurisdiction (Required for Conditional Rezoning) ☐ Agent, Lessee, or Contract Purchaser Authorized by Property Owner(s) ☒ Owner of a Legal Equitable Interest in Property in Village Planning Jurisdiction		
Number of Parcels to be Rezoned	3	Number of Acres to be Rezoned	32.14

Existing Use	Proposed Use
☐ Vacant	☐ Vacant
☐ Single Family Low Density	☒ Single Family Low Density
☒ Single Family Medium Density	☐ Single Family Medium Density
☐ Single Family High Density	☐ Single Family High Density
☐ Multi-Family Development	☐ Multi-Family Development
☐ Office	☐ Office
☐ Retail	☐ Retail
☐ Lodging	☐ Lodging
☐ Recreational	☐ Recreational
☐ Institutional	☐ Institutional
☐ Medical	☐ Medical
☐ Industrial	☐ Industrial
☐ Services	☐ Services

Conditions of Rezoning - Requested (If Any)			
Rezoning Results in an Increase in Density or Intensity of Uses	☐ Yes ☒ No	Date of Adjacent Property Owner Meeting (If Increased Density/Intensity of Uses)	
Other Information			

Rezoning/Rezoning – Conditional

Fee: $1300 - Rezoning
Fee: $5000 – Conditional Rezoning
(Revised 09/2019)

Location Information

Overlay District	☐ Historic Preservation Overlay District ☒ N/A ☐ Pinehurst South Overlay District
Roads	☐ Public ☒ Private
Water Provider	Well
Sewer Provider	Septic

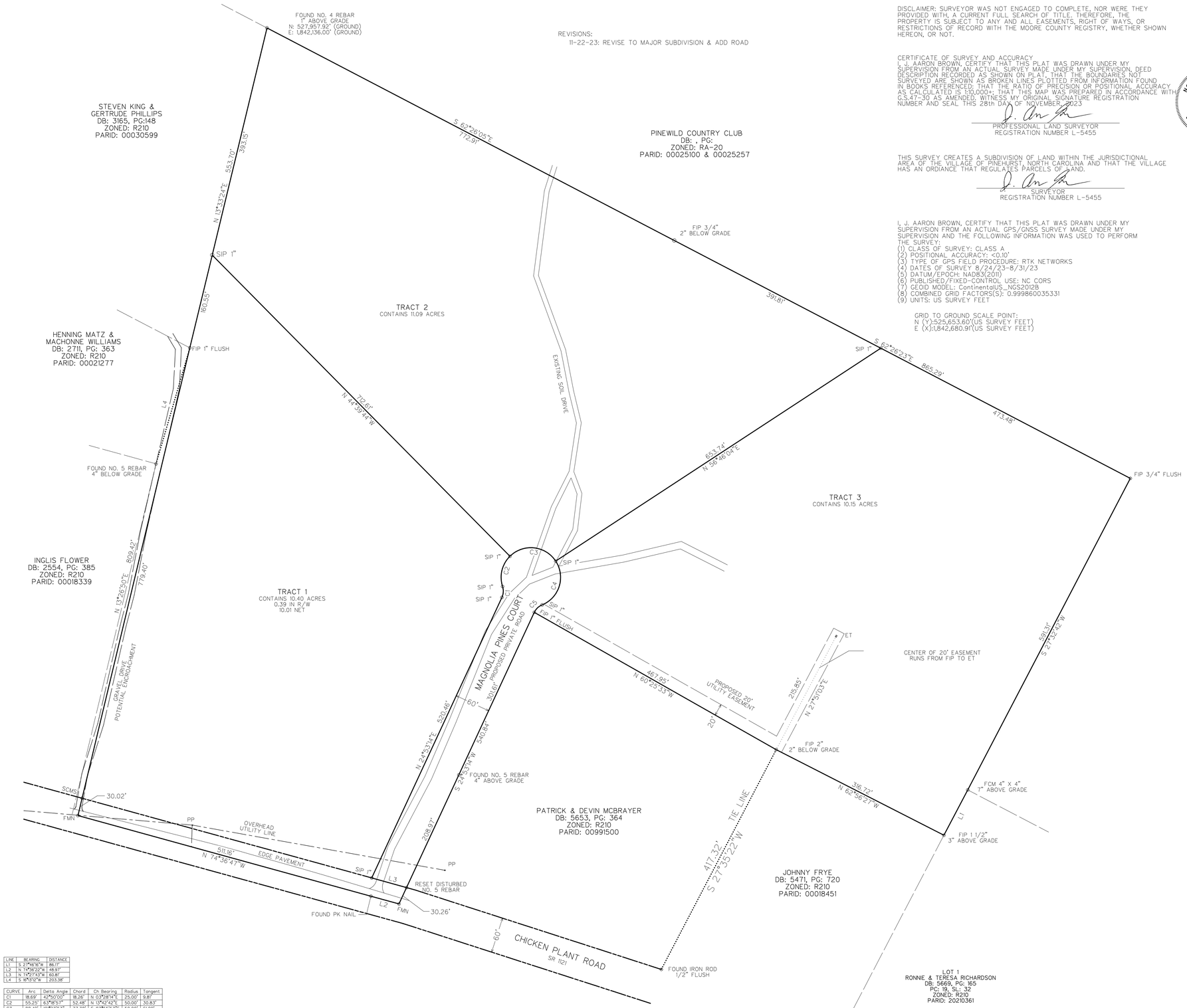
Required Documents

☐ Summary Report of Meeting with Adjacent Property Owners (If Increased Density/Intensity of Uses)
☐ General Concept Plan Application, with Required Documents (If a Conditional District Rezoning)
☐ Written authorization of property owner (If submitted by an owner's representative)

Certification

I hereby certify that the information contained in this application is accurate and complete. I also confirm that I have read and understand the requirements that must be met in order to obtain approval for a rezoning.

Applicant Signature: _____ Date: _____



LINE	BEARING	DISTANCE
L1	S 21°46'16"W	86.11'
L2	N 74°36'22"W	48.97'
L3	N 74°27'43"W	60.81'
L4	S 16°53'12"W	203.38'

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	18.69'	42°50'00"	18.26'	N 03°38'14"E	25.00'	9.81'
C2	55.25'	63°18'57"	52.48'	N 13°42'42"E	50.00'	30.83'
C3	88.49'	101°23'53"	77.38'	S 81°55'53"E	50.00'	61.09'
C4	88.10'	100°57'11"	77.14'	S 17°44'39"W	50.00'	60.60'
C5	18.69'	42°50'00"	18.26'	S 46°18'14"W	25.00'	9.81'

REVISIONS:
11-22-23: REVISE TO MAJOR SUBDIVISION & ADD ROAD

DISCLAIMER: SURVEYOR WAS NOT ENGAGED TO COMPLETE, NOR WERE THEY PROVIDED WITH, A CURRENT FULL SEARCH OF TITLE. THEREFORE, THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, OR RESTRICTIONS OF RECORD WITH THE MOORE COUNTY REGISTRY, WHETHER SHOWN HEREON, OR NOT.

CERTIFICATE OF SURVEY AND ACCURACY
I, J. AARON BROWN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED AS SHOWN ON PLAT; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S.47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL THIS 28th DAY OF NOVEMBER, 2023

PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER L-5455

NORTH CAROLINA PROFESSIONAL SEAL L-5455 LAND SURVEYOR J. AARON BROWN

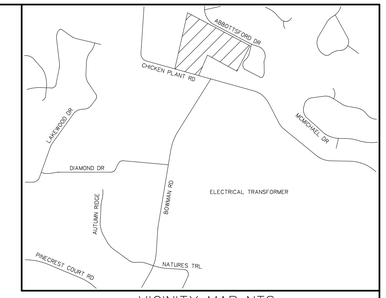
THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE JURISDICTIONAL AREA OF THE VILLAGE OF PINEHURST, NORTH CAROLINA AND THAT THE VILLAGE HAS AN ORDIANCE THAT REGULATES PARCELS OF LAND.

SURVEYOR
REGISTRATION NUMBER L-5455

I, J. AARON BROWN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS/GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: CLASS A
(2) POSITIONAL ACCURACY: <0.10'
(3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORKS
(4) DATES OF SURVEY 8/24/23-8/31/23
(5) DATUM/EPOCH: NAD83(2011)
(6) PUBLISHED/FIXED-CONTROL USE: NC CORS
(7) GEOID MODEL: ConterminalUS_NGS2012B
(8) COMBINED GRID FACTORS(S): 0.999860035331
(9) UNITS: US SURVEY FEET

GRID TO GROUND SCALE POINT:
N (Y):525,653.60'(US SURVEY FEET)
E (X):1,842,680.91'(US SURVEY FEET)

NC GRID NORTH (NAD 83) 2011



VICINITY MAP NTS

NOTE:
PARENT TRACTS CONTAIN 32.53 ACRES
0.39 ACRES IN R/W
32.14 ACRES NET
AREA BY COORDINATE METHOD
PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO MAP NUMBER 3710854200J OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY. EFFECTIVE DATE: OCTOBER 17, 2006
PIN 854209272144, PARID 00017089
PIN 854210269998, PARID 00024540
ZONED R30
PROPERTY IS IN THE WS-IIP WATERSHED
PROPOSED ROAD: 566.61' ALONG CENTERLINE
BUILDING SETBACKS:
FRONT: 40'
SIDE: 20'
REAR: 30'

CERTIFICATE OF OWNERSHIP
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF MOORE COUNTY, NORTH CAROLINA, AND THAT WE FREELY ADOPT THIS PLAN OF SUBDIVISION.

DATE _____ OWNER _____

MAJOR PRELIMINARY SUBDIVISION PLAT RECOMMENDED FOR APPROVAL I HEREBY CERTIFY THAT THIS MAJOR PRELIMINARY SUBDIVISION WAS APPROVED BY THE PINEHURST VILLAGE COUNCIL ON THE _____DAY OF _____, 20___

VILLAGE MANAGER

PRELIMINARY PLAT
MAJOR SUBDIVISION OF:
BASS DESIGN & DEVELOPMENT PROPERTY

MINERAL SPRINGS TWP., MOORE COUNTY, N.C.
OWNER: BASS DESIGN & DEVELOPMENT, LLC
DEED REFERENCE: DEED BOOK 6049, PAGE 538

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80' 40' 0' 80' 160'

LEGEND
- FIP FOUND IRON PIPE
- SIP SET IRON PIPE
- FCM FOUND CONCRETE MONUMENT
- SCMS SET COTTON MILL SPINDLE
- FMN FOUND MAG NAIL
- SMN SET MAG NAIL
- SCN SET CONCRETE NAIL
- CP COMPUTED POINT
- CBL CABLEVISION EQUIPMENT
- TP TELEPHONE PEDESTAL
- ET ELECTRICAL TRANSFORMER
- PP POWER POLE
- WM WATER METER
- SCO SEWER CLEANOUT

SURVEY FOR:
BASS DESIGN & DEVELOPMENT
27 CHESTERTOWN DRIVE
PINEHURST, NC 28374

DATE 8/31/23
FILE NO. 18423
SCALE 1" = 80'

BROWN SURVEYORS, PLLC
P.O. BOX 307
WEST END, N.C. 27376
(910) 673-1446
aaron@brownsurveyorspllc.com
FIRM LICENSE: P-2552

Brown Surveyors, PLLC
ACCURACY PRECISION INTEGRITY

DISCUSS AND CONSIDER ORDINANCE 24-03 - CHICKEN PLANT ROAD ZONING MAP AMENDMENT

ADDITIONAL AGENDA DETAILS:

FROM:
Alex Cameron

CC:
Jeff Sanborn & Shannon Konstantinou

DATE OF MEMO:
1/17/2024

MEMO DETAILS:
Attached for Council's consideration is Ordinance #24-03 which would amend the Official Zoning Map for Moore County PID#'s 00024540 and 00017089 from R-30 Conditional District to R-210.

ATTACHMENTS:

	Description
🗋	Draft Ordinance 24-03 Rezoning Chicken Plant Rd. with Area Map

ORDINANCE #24-03:

AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF APPROXIMATELY 32.14 ACRES LOCATED ALONG CHICKEN PLANT ROAD CONSISTING OF MOORE COUNTY PID # 00024540 AND PID # 00017089.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 8th day of October 2014 for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance and Map may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on January 23, 2024 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering rezoning of approximately 32.14 acres located along Chicken Plant Road and further identified as Moore County PID # 00024540 and PID # 00017089, from R-30 CD – Medium Density Residential Conditional District to R-210 – Low Density Residential and Light Agricultural District, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were provided an opportunity to comment on the proposed rezoning; and

WHEREAS, the Planning and Zoning Board has recommended the zoning map be amended; and

WHEREAS, the Village Council, after considering all the facts and circumstances surrounding the proposed rezoning, have determined that it is in the best interests of the Village of Pinehurst and the extraterritorial jurisdiction that the Zoning Map be amended.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a Regular Meeting assembled on this 23rd day of January 2024, as follows:

SECTION 1. The proposed rezoning is consistent with the recommended land use for the subject area as identified on the Conservation and Growth Map on page 62 of the 2019 Comprehensive Plan which identifies the area as "Suburban Neighborhood".

SECTION 2. The proposed rezoning is supported by the following Guiding Principles from the 2019 Comprehensive Plan:

- Guiding Principle 2: Balancing Conservation & Growth
- Guiding Principle 3: Places to Live

SECTION 3. The proposed rezoning is consistent with page 32 of the 2019 Comprehensive Plan which calls for the protection of natural resources (including open space, vegetation, wildlife, water, and viewsheds) and speaks to the quality of life within Pinehurst.

SECTION 4. That the Pinehurst Zoning Map of the Village of Pinehurst and its extraterritorial zoning jurisdiction hereby is amended by rezoning of approximately 32.14 acres located along Chicken Plant Road and further identified as Moore County PID # 00024540 and PID # 00017089, from R-30 CD – Medium Density Residential Conditional District to R-210 – Low Density Residential and Light Agricultural District by the Village of Pinehurst effective January 23, 2024.

SECTION 5. The area zoning map as attached hereto as Exhibit A.

SECTION 6. This Ordinance shall be and remain in full force and effect from and after January 23, 2024.

Adopted this 23rd day of January 2024.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By:_____
Patrick Pizzella, Mayor

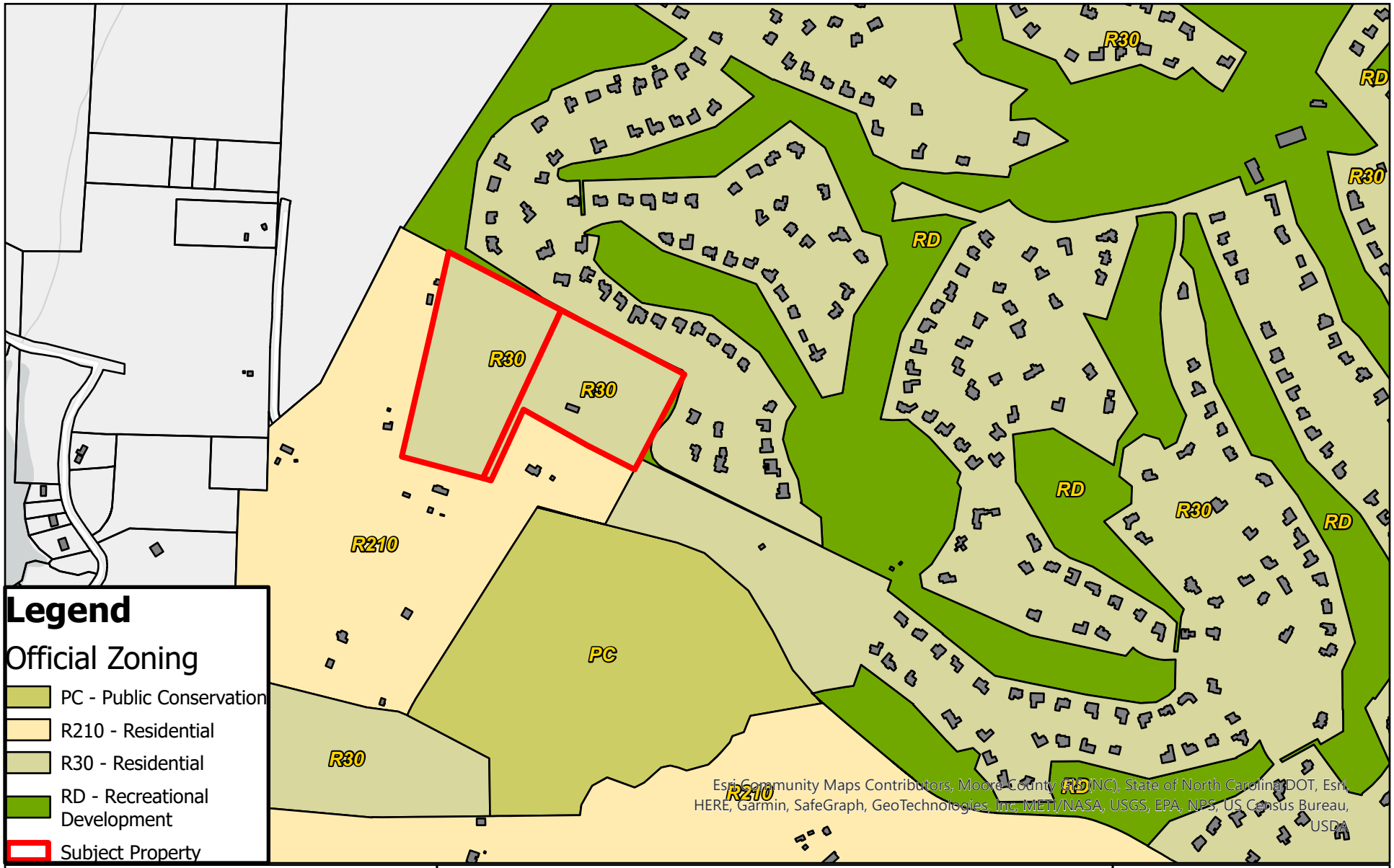
Attest:

_____
Shannon Konstantinou, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

Area Zoning Map



0 1,000 2,000 Feet

Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed.
The maps have been created from information provided by various government and private sources at various levels of accuracy.
The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner.
Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10.
Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

Chicken Plant Road Rezoning Request

1895 Village of Pinehurst

N W E S

PUBLIC HEARING NO. 2 - PETITION FOR VOLUNTARY ANNEXATION (PINEHURST SOUTH COTTAGES)

ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to consider a voluntary annexation petition for ± 14.263 acres of land located in the Village's extra territorial jurisdiction (ETJ) east of NC Highway 5 fronting on Blake Boulevard and Olivia Lane currently owned by D.R. Horton, Inc. and further identified by Moore County Parcel ID Numbers 00046287 and 20200387.

FROM:
Alex Cameron

CC:
Jeff Sanborn & Shannon Konstantinou

DATE OF MEMO:
1/17/2024

MEMO DETAILS:
The owner of the subject properties, D.R. Horton, Inc., have petitioned for voluntary annexation into the Village of Pinehurst's corporate limits. The subject properties are contiguous with the Village's existing corporate limit boundary. Previously, a request for a Major Subdivision, known as Pinehurst South Cottages, was approved by Village Council and the owner is in the process of completing the installation of the required infrastructure to obtain final plat approval creating the 38 single-family lots. The subdivision's streets are proposed to be dedicated to the Village as a public right-of-way and for ownership and maintenance. The dedication would not be accepted unless the subject property is annexed into the corporate limits.

As the subject parcels are contiguous with the existing corporate limits, compliant with NCGS and all necessary services may be extended to the area, staff recommends Village Council accept the request for voluntary annexation.

ATTACHMENTS:

	Description
🗋	Staff Report
🗋	Petition for Voluntary Annexation
🗋	Boundary Survey
🗋	Legal Descriptions
🗋	Deed of Ownership
🗋	Annexation Agreement with the Town of Aberdeen

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Mayor Pizzella and Village Council
From: Alex Cameron, Planning and Inspections Director
Pamela Graham, Planning Supervisor
Cc: Jeff Sanborn, Village Manager
Shannon Konstantinou, Village Clerk
Date: January 17, 2024
Subject: Consideration of a Voluntary Petition for Annexation for +/- 14.263 Acres off Blake Blvd.

Applicant:	D.R. Horton, Inc.
Owners:	D.R. Horton, Inc.
Property Location:	+/- 14.263 acres consisting of two parcels, one with frontage on Olivia Lane and one with frontage on Blake Blvd., east of NC Highway 5
Moore County PID#:	00046287 and 20200387

Request:
Voluntary annexation of +/- 14.263 acres of property in the Village of Pinehurst's extraterritorial jurisdiction (ETJ) contiguous with the Village of Pinehurst Corporate Limits.

Background and Analysis:
The area requested to be annexed includes two parcels (PID# 00046287 and PID# 20200387) located in an area east of NC Highway 5, fronting on Blake Boulevard to the north and Olivia Lane to the south. Both parcels are currently under development of a 42-lot subdivision (38 single-family lots) known as Pinehurst South Cottages. The subdivision received Preliminary Plat approval from Village Council on January 12, 2021 and is currently being reviewed and inspected for Final Plat approval by the Technical Review Committee (TRC).

Both parcels are contiguous to the Village's existing corporate limits and meet all the requirements for annexation under North Carolina General Statutes (NCGS) 160A-31. The larger of the two parcels (00046287) is zoned R-5 and the smaller (20200387) is zoned Neighborhood Commercial (NC). The subdivision proposes 38 residential lots, a lot dedicated to a pump station, with the remaining lots being reserved as open space and no development. One additional lot will be used for stormwater management.

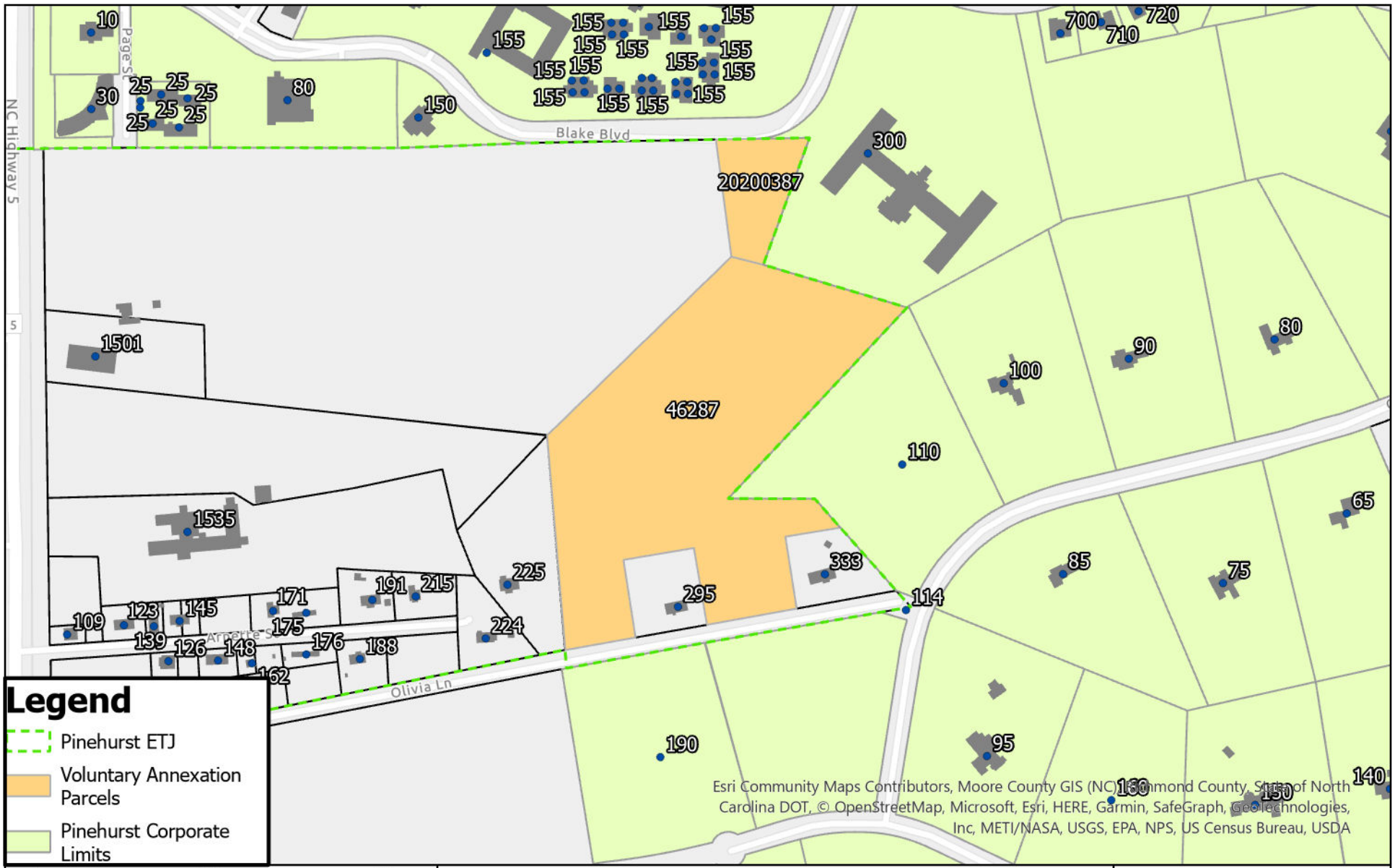
The Technical Review Committee (TRC) has reviewed the annexation request and issued no comments. The subdivision streets are intended to be dedicated to the Village as public owned and maintained right-of-way. The Village would not accept the streets unless the property was annexed into the Village's corporate limits.

In January 2010, the Village of Pinehurst and the Town of Aberdeen adopted an annexation agreement. The agreement includes a map which identifies areas in which either municipality may agree to extend its corporate limits. The agreement also specifies a process by which the neighboring jurisdiction shall be notified when a request to annex a property on the map has been initiated. The subject parcels are on the Village of Pinehurst side of the annexation boundary line. In accordance with the annexation agreement, Village staff provided notice to the Town of Aberdeen. The Town of Aberdeen had no concerns with the request and waived the 60-day waiting period before action.

Recommendation:
This voluntary petition for annexation complies with all of the requirements of NCGS 160A-31 and 160A-58.1. Village staff recommends approval of this petition for voluntary annexation. It is further recommended that the annexation ordinance be adopted by the Village Council with an annexation effective date of June 30, 2024.

Enclosures:

- Vicinity Map



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed.
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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

Petition for Voluntary Annexation
DR Horton Inc.

Village of Pinehurst

N
W E
S

Annexation
No Fee
(Revised 09/2019)

Annexation Information

Per NCGS 160A-31, a property owner may petition the Village of Pinehurst for voluntary annexation of property contiguous to the existing corporate limits. Owners of property that is non-contiguous to the existing corporate limits of the Village may petition the Village of Pinehurst for voluntary annexation under the authority contained in NCGS 160A-58.1.

Intake Information

Property Address	
Street Address	0 Olivia Lane & 0 Blake Blvd
City, State, Zip Code	Pinehurst, NC, 28374
Parcel ID #	8561-0017-1206 / 8561-0906-8665

Owner Information			
Name	D.R. Horton, Inc	Home Phone #	
Street Address	2000 Aerial Center Pkwy 110	Mobile Phone #	
City, State, Zip Code	Morrisville, NC 27560	Business Phone #	
Email	RStewart@DRHorton.com		

Licensed Professionals (License #s must include all letters and numbers as filed with the NC Licensing Board)	
	Surveyor (Required)
License #	5428
Name	Roberto Rodriguez, Jr
Street Address	1411 Aqua Sled Court
City, State, Zip	Aberdeen, NC 28315
Phone #	910-420-1437
Email	RR@1kcengineering

Applicant			
Name	DR Horton Jonathan Cooper	Other Phone #	
Email	JCooper1@DRHorton.com	Street Address	2000 Aerial Center Pkwy Ste 110
Mobile Phone #	336-339-0576	City, State, Zip Code	Morrisville NC 27560

VILLAGE OF PINEHURST

Annexation
No Fee
(Revised 09/2019)

Project Information

Description of Area to be Annexed	See Attached
Number of Acres to be Annexed	14.263 Acres Total
Reason for Annexation	Street Acceptance

Location Information

Zoning District	R 5
Overlay District	☐ Historic Preservation Overlay District ☑ N/A ☐ Pinehurst South Overlay District
Roads	☐ Public ☐ Private
Water Provider	
Sewer Provider	

Required Documents

- ☐ Map of Property to be Annexed (with Existing Village Corporate Limits Shown)
- ☐ Last Deed of Record
- ☐ Boundary Survey of Property to be Annexed
- ☐ Metes and Bounds Description

Certification

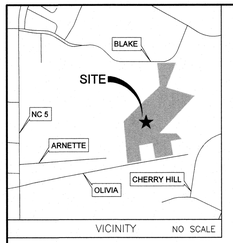
The undersigned D.R. Horton Inc. by Robert C Stuart, being owner of all real property located within the area described in the attached metes and bounds description, requests that such are be annexed into the Village of Pinehurst, North Carolina.

Owner Signature: Robert C Stuart D.R. Horton, Inc Date: 12/18/23

Village Clerk Certification (To be Completed by Village Clerk)

I, Shannon Konstantinou, Clerk to the Village Council of the Village of Pinehurst, do hereby certify that the sufficiency of the above referenced petition for voluntary annexation has been checked and found to be in compliance with NCGS.

Village Clerk Signature: Shannon Konstantinou Date: 01.17.2024



VICINITY NO SCALE

LEGEND

CP	○	= CALCULATED POINT
EIR	●	= EXISTING IRON ROD
IRS	●	= 0.5" IRON ROD SET
EIP	○	= EXISTING IRON PIPE
ECM	□	= EXISTING MONUMENT
		= RIGHT OF WAY
		= BOUNDARY LINE
		= BOUNDARY NOT SURVEYED
		= EDGE OF PAVEMENT
		= EDGE OF GRAVEL
		= EXISTING EASEMENT
		= EXISTING FENCE

OWNER:
THE COTTAGES AT LEGACY LAKES, LLC
PO BOX 4839
PINEHURST, NC 28374

TITLE REFERENCE:
PARCEL ONE
PARCEL ID 00046287
DEED BOOK 5271 PAGE 173
PARCEL TWO
PARCEL ID 20200387
DEED BOOK 5346 PAGE 564
MOORE COUNTY REGISTRY

SITE DATA:
JURISDICTION: PINEHURST
ADDRESS: BLAKE BLVD (TO THE NORTH)
OLIVIA LANE (TO THE SOUTH)

ZONING
R5 (RESIDENTIAL)

SURVEYOR:
ROBERTO RODRIGUEZ, JR
LICENSE # 5428
140 AQUA SHED COURT
ABERDEEN, NC 28315

NOTES
1. BASED ON A TITLE SEARCH OF THE PROPERTY BY: CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 169-203103416C EFFECTIVE DATE NOVEMBER 23, 2020 AT 08:30 AM; ALL EASEMENTS, RIGHT-OF-WAYS, STREETS AND ASSESSMENTS, IF ANY, ARE SHOWN HEREON. THIS SURVEYOR DID NOT PERFORM A TITLE SEARCH ON THESE PROPERTIES.
2. AT THE TIME OF THIS SURVEY THERE WERE NO BUILDINGS OBSERVED.
3. UTILITIES SHOWN BASED ON OBSERVED EVIDENCE.
4. NO IMPROVEMENTS ARE LOCATED WITHIN A WETLANDS AREA.
5. ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING CORNERS FOUND, EXISTING BOUNDARY EVIDENCE, DEEDS AND PLATS OF RECORD IN MOORE COUNTY REGISTRY.
6. DASHED OR BROKEN LINES NOT SURVEYED DRAWN FROM DEED DESCRIPTIONS, PLATS OF RECORD OR PARTIAL SURVEY AND NOT AN ACTUAL FIELD SURVEY.
7. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
8. ALL AREA COMPUTATIONS BY COORDINATE METHOD.
9. GPS COORDINATES ESTABLISHED USING SPECTRA PRECISION SP80 MODEL; NC GNSS REAL TIME NETWORK.

FLOOD INFORMATION
1. THIS PROPERTY IS NOT LOCATED IN A WATER SUPPLY WATERSHED.
2. PROPERTY DOES NOT LIE IN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 3710856100J WITH AN EFFECTIVE DATE OF 10/17/2006.

EASEMENT NOTE
1. PARCEL ONE, PARCEL TWO AND ACCESS & UTILITY EASEMENT RECORDED IN DB 4774 PG 555 ARE CONTIGUOUS ALONG THEIR COMMON BOUNDARY LINES WITH NO GAPS OR GORES.

TO: CHICAGO TITLE INSURANCE COMPANY
D.R. HORTON, INC., A DELAWARE CORPORATION
THE COTTAGES AT LEGACY LAKES, LLC,
A NORTH CAROLINA LIMITED LIABILITY COMPANY

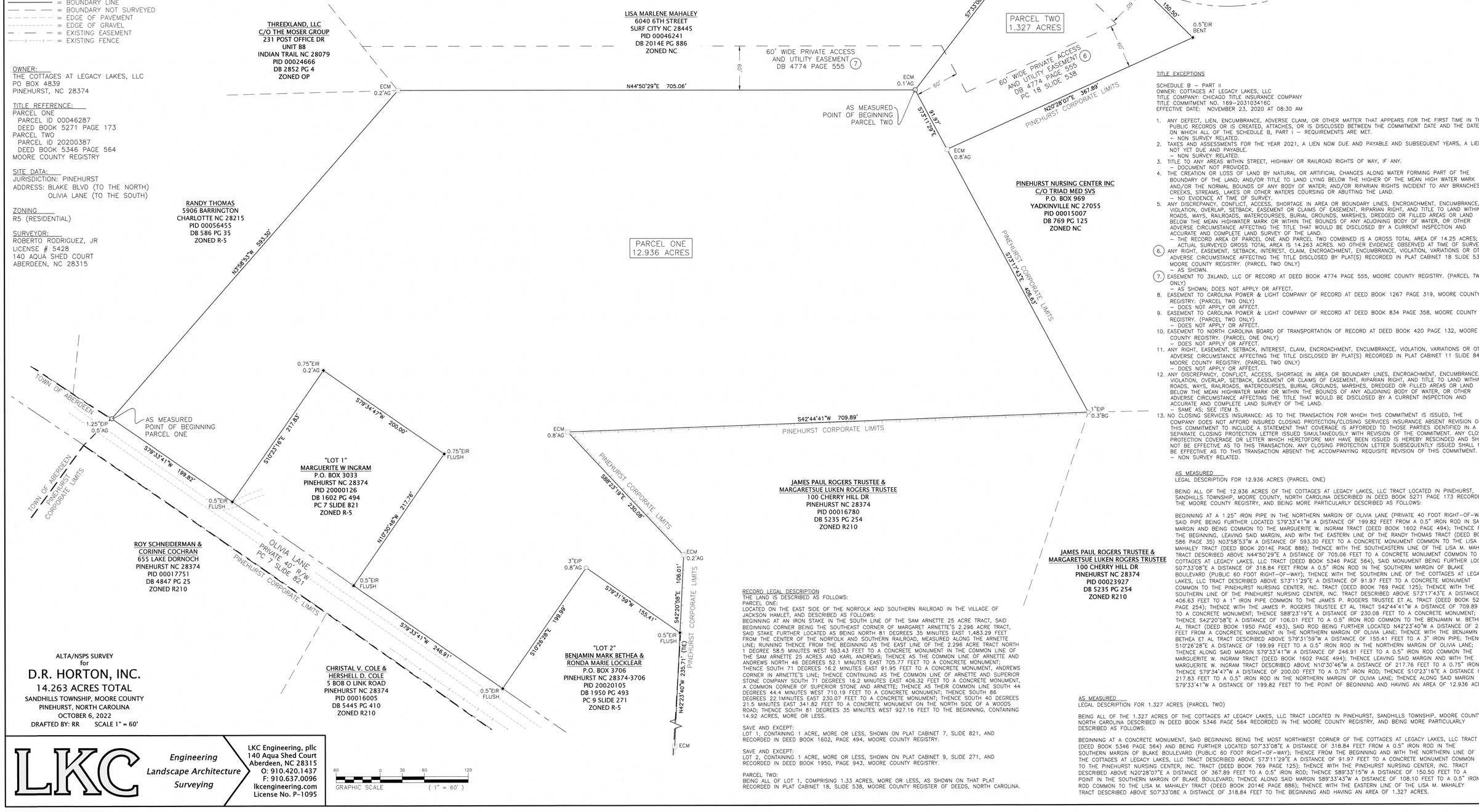
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS N/A OF TABLE A THEREOF.
THE FIELDWORK WAS COMPLETED ON FEBRUARY 2022.

DATE OF PLAT OR MAP: OCTOBER 6, 2022

SURVEYOR'S SIGNATURE

Roberto Rodriguez JR
PRINTED NAME

NORTH CAROLINA PROFESSIONAL 10.06.22 SEAL L-5428 LAND SURVEYOR ROBERTO RODRIGUEZ JR



TITLE EXCEPTIONS

SCHEDULE B – PART II
OWNER: COTTAGES AT LEGACY LAKES, LLC
TITLE COMPANY: CHICAGO TITLE INSURANCE COMPANY
TITLE COMMITMENT NO. 169-203103416C
EFFECTIVE DATE: NOVEMBER 23, 2020 AT 08:30 AM

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I – REQUIREMENTS ARE MET.
 – NON SURVEY RELATED.
2. TAXES AND ASSESSMENTS FOR THE YEAR 2021, A LIEN NOW DUE AND PAYABLE AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.
 – NON SURVEY RELATED.
3. TITLE TO ANY AREAS WITHIN STREET, HIGHWAY OR RAILROAD RIGHTS OF WAY, IF ANY.
 – DOCUMENT NOT PROVIDED.
4. THE CREATION OR LOSS OF LAND BY NATURAL OR ARTIFICIAL CHANGES ALONG WATER FORMING PART OF THE BOUNDARY OF THE LAND; AND/OR TITLE TO LAND LYING BELOW THE HIGHER OF THE MEAN HIGH WATER MARK AND/OR THE NORMAL BOUNDS OF ANY BODY OF WATER; AND/OR RIPARIAN RIGHTS INCIDENT TO ANY BRANCHES, CREEKS, STREAMS, LAKES OR OTHER WATERS COURSING OR ABUTTING THE LAND.
 – NO EVIDENCE AT TIME OF SURVEY.
5. ANY DISCREPANCY, CONFLICT, ACCESS, SHORTAGE IN AREA OR BOUNDARY LINES, ENCROACHMENT, ENCUMBRANCE, VIOLATION, OVERLAP, SETBACK, EASEMENT OR CLAIMS OF EASEMENT, RIPARIAN RIGHT, AND TITLE TO LAND WITHIN ROADS, WAYS, RAILROADS, WATERCOURSES, BURIAL GROUNDS, MARSHES, DREDGED OR FILLED AREAS OR LAND BELOW THE MEAN HIGHWATER MARK OR WITHIN THE BOUNDS OF ANY ADJOINING BODY OF WATER, OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY A CURRENT INSPECTION AND ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
 – THE RECORD AREA OF PARCEL ONE AND PARCEL TWO COMBINED IS A GROSS TOTAL AREA OF 14.25 ACRES; ACTUAL SURVEYED GROSS TOTAL AREA IS 14.263 ACRES. NO OTHER EVIDENCE OBSERVED AT TIME OF SURVEY.
6. ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN PLAT CABINET 18 SLIDE 538, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – AS SHOWN.
7. EASEMENT TO 3XLAND, LLC OF RECORD AT DEED BOOK 4774 PAGE 555, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – AS SHOWN; DOES NOT APPLY OR AFFECT.
8. EASEMENT TO CAROLINA POWER & LIGHT COMPANY OF RECORD AT DEED BOOK 1267 PAGE 319, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – DOES NOT APPLY OR AFFECT.
9. EASEMENT TO CAROLINA POWER & LIGHT COMPANY OF RECORD AT DEED BOOK 834 PAGE 358, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – DOES NOT APPLY OR AFFECT.
10. EASEMENT TO NORTH CAROLINA BOARD OF TRANSPORTATION OF RECORD AT DEED BOOK 420 PAGE 132, MOORE COUNTY REGISTRY. (PARCEL ONE ONLY)
 – DOES NOT APPLY OR AFFECT.
11. ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN PLAT CABINET 11 SLIDE 840, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – DOES NOT APPLY OR AFFECT.
12. ANY DISCREPANCY, CONFLICT, ACCESS, SHORTAGE IN AREA OR BOUNDARY LINES, ENCROACHMENT, ENCUMBRANCE, VIOLATION, OVERLAP, SETBACK, EASEMENT OR CLAIMS OF EASEMENT, RIPARIAN RIGHT, AND TITLE TO LAND WITHIN ROADS, WAYS, RAILROADS, WATERCOURSES, BURIAL GROUNDS, MARSHES, DREDGED OR FILLED AREAS OR LAND BELOW THE MEAN HIGHWATER MARK OR WITHIN THE BOUNDS OF ANY ADJOINING BODY OF WATER, OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY A CURRENT INSPECTION AND ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
 – SAME AS; SEE ITEM 5.
13. NO CLOSING SERVICES INSURANCE: AS TO THE TRANSACTION FOR WHICH THIS COMMITMENT IS ISSUED, THE COMPANY DOES NOT AFFORD INSURED CLOSING PROTECTION/CLOSING SERVICES INSURANCE ABSENT REVISION OF THIS COMMITMENT TO INCLUDE A STATEMENT THAT COVERAGE IS AFFORDED TO THOSE PARTIES IDENTIFIED IN A SEPARATE CLOSING PROTECTION LETTER ISSUED SIMULTANEOUSLY WITH REVISION OF THE COMMITMENT. ANY CLOSING PROTECTION COVERAGE OR LETTER WHICH HERETOFORE MAY HAVE BEEN ISSUED IS HEREBY RESCINDED AND SHALL NOT BE EFFECTIVE AS TO THIS TRANSACTION. ANY CLOSING PROTECTION LETTER SUBSEQUENTLY ISSUED SHALL NOT BE EFFECTIVE AS TO THIS TRANSACTION ABSENT THE ACCOMPANYING REQUISITE REVISION OF THIS COMMITMENT.
 – NON SURVEY RELATED.

AS MEASURED
LEGAL DESCRIPTION FOR 12.936 ACRES (PARCEL ONE)

BEING ALL OF THE 12.936 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5271 PAGE 173 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1.25" IRON PIPE IN THE NORTHERN MARGIN OF OLIVIA LANE (PRIVATE 40 FOOT RIGHT-OF-WAY), SAID PIPE BEING FURTHER LOCATED S79°33'41"W A DISTANCE OF 199.82 FEET FROM A 0.5" IRON ROD IN SAID MARGIN AND BEING COMMON TO THE MARGUERITE W. INGRAM TRACT (DEED BOOK 1602 PAGE 494); THENCE FROM THE BEGINNING, LEAVING SAID MARGIN, AND WITH THE EASTERN LINE OF THE RANDY THOMAS TRACT (DEED BOOK 586 PAGE 35) N0°58'53"W A DISTANCE OF 593.30 FEET TO A CONCRETE MONUMENT COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE SOUTHEASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE N44°50'29"E A DISTANCE OF 705.06 FEET TO A CONCRETE MONUMENT COMMON TO THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564), SAID MONUMENT BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE WITH THE SOUTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE SOUTHERN LINE OF THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE S73°17'43"E A DISTANCE OF 406.63 FEET TO A 1" IRON PIPE COMMON TO THE JAMES P. ROGERS TRUSTEE ET AL TRACT (DEED BOOK 5235 PAGE 254); THENCE WITH THE JAMES P. ROGERS TRUSTEE ET AL TRACT S42°44'41"W A DISTANCE OF 709.89 FEET TO A CONCRETE MONUMENT; THENCE S88°23'19"E A DISTANCE OF 230.08 FEET TO A CONCRETE MONUMENT; THENCE S42°20'58"E A DISTANCE OF 106.01 FEET TO A 0.5" IRON ROD COMMON TO THE BENJAMIN M. BETHEA ET AL TRACT (DEED BOOK 1950 PAGE 493), SAID ROD BEING FURTHER LOCATED N42°23'40"W A DISTANCE OF 235.71 FEET FROM A CONCRETE MONUMENT IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE WITH THE BENJAMIN M. BETHEA ET AL TRACT DESCRIBED ABOVE S79°31'59"W A DISTANCE OF 155.41 FEET TO A 3" IRON PIPE; THENCE S10°26'28"E A DISTANCE OF 199.99 FEET TO A 0.5" IRON ROD IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE ALONG SAID MARGIN S79°33'41"W A DISTANCE OF 246.91 FEET TO A 0.5" IRON ROD COMMON THE MARGUERITE W. INGRAM TRACT (DEED BOOK 1602 PAGE 494); THENCE LEAVING SAID MARGIN AND WITH THE MARGUERITE W. INGRAM TRACT DESCRIBED ABOVE N10°30'46"W A DISTANCE OF 217.76 FEET TO A 0.75" IRON ROD; THENCE S79°34'47"W A DISTANCE OF 200.00 FEET TO A 0.75" IRON ROD; THENCE S10°23'16"E A DISTANCE OF 217.83 FEET TO A 0.5" IRON ROD IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE ALONG SAID MARGIN S79°33'41"W A DISTANCE OF 199.82 FEET TO THE POINT OF BEGINNING AND HAVING AN AREA OF 12.936 ACRES.

AS MEASURED
LEGAL DESCRIPTION FOR 1.327 ACRES (PARCEL TWO)

BEING ALL OF THE 1.327 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5346 PAGE 564 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT, SAID BEGINNING BEING THE MOST NORTHWEST CORNER OF THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564) AND BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE FROM THE BEGINNING AND WITH THE NORTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE N20°28'07"E A DISTANCE OF 367.89 FEET TO A 0.5" IRON ROD; THENCE S89°33'15"W A DISTANCE OF 150.50 FEET TO A POINT IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD; THENCE ALONG SAID MARGIN S89°33'43"W A DISTANCE OF 108.10 FEET TO A 0.5" IRON ROD COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE EASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE S07°33'08E A DISTANCE OF 318.84 FEET TO THE BEGINNING AND HAVING AN AREA OF 1.327 ACRES.

ALTA/NSPS SURVEY
for
D.R. HORTON, INC.
14.263 ACRES TOTAL
SANDHILLS TOWNSHIP, MOORE COUNTY
PINEHURST, NORTH CAROLINA
OCTOBER 6, 2022
DRAFTED BY: RR SCALE 1" = 60'

LKC
Engineering
Landscape Architecture
Surveying

LKC Engineering, pllc
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkcengineering.com
License No. P-1095

60 0 30 60 120
GRAPHIC SCALE (1" = 60')

LEGAL DESCRIPTION FOR 12.936 ACRES (PARCEL ONE)

BEING ALL OF THE 12.936 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5271 PAGE 173 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1.25" IRON PIPE IN THE NORTHERN MARGIN OF OLIVIA LANE (PRIVATE 40 FOOT RIGHT-OF-WAY), SAID PIPE BEING FURTHER LOCATED S79°33'41"W A DISTANCE OF 199.82 FEET FROM A 0.5" IRON ROD IN SAID MARGIN AND BEING COMMON TO THE MARGUERITE W. INGRAM TRACT (DEED BOOK 1602 PAGE 494); THENCE FROM THE BEGINNING, LEAVING SAID MARGIN, AND WITH THE EASTERN LINE OF THE RANDY THOMAS TRACT (DEED BOOK 586 PAGE 35) N03°58'53"W A DISTANCE OF 593.30 FEET TO A CONCRETE MONUMENT COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE SOUTHEASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE N44°50'29"E A DISTANCE OF 705.06 FEET TO A CONCRETE MONUMENT COMMON TO THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564), SAID MONUMENT BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE WITH THE SOUTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE SOUTHERN LINE OF THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE S73°17'43"E A DISTANCE OF 406.63 FEET TO A 1" IRON PIPE COMMON TO THE JAMES P. ROGERS TRUSTEE ET AL TRACT (DEED BOOK 5235 PAGE 254); THENCE WITH THE JAMES P. ROGERS TRUSTEE ET AL TRACT S42°44'41"W A DISTANCE OF 709.89 FEET TO A CONCRETE MONUMENT; THENCE S88°23'19"E A DISTANCE OF 230.08 FEET TO A CONCRETE MONUMENT; THENCE S42°20'58"E A DISTANCE OF 106.01 FEET TO A 0.5" IRON ROD COMMON TO THE BENJAMIN M. BETHEA ET AL TRACT (DEED BOOK 1950 PAGE 493), SAID ROD BEING FURTHER LOCATED N42°23'40"W A DISTANCE OF 235.71 FEET FROM A CONCRETE MONUMENT IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE WITH THE BENJAMIN M. BETHEA ET AL TRACT DESCRIBED ABOVE S79°31'59"W A DISTANCE OF 155.41 FEET TO A 3" IRON PIPE; THENCE S10°26'28"E A DISTANCE OF 199.99 FEET TO A 0.5" IRON ROD IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE ALONG SAID MARGIN S79°33'41"W A DISTANCE OF 246.91 FEET TO A 0.5" IRON ROD COMMON THE MARGUERITE W. INGRAM TRACT (DEED BOOK 1602 PAGE 494); THENCE LEAVING SAID MARGIN AND WITH THE MARGUERITE W. INGRAM TRACT DESCRIBED ABOVE N10°30'46"W A DISTANCE OF 217.76 FEET TO A 0.75" IRON ROD; THENCE S79°34'47"W A DISTANCE OF 200.00 FEET TO A 0.75" IRON ROD; THENCE S10°23'16"E A DISTANCE OF 217.83 FEET TO A 0.5" IRON ROD IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE ALONG SAID MARGIN S79°33'41"W A DISTANCE OF 199.82 FEET TO THE POINT OF BEGINNING AND HAVING AN AREA OF 12.936 ACRES.

LEGAL DESCRIPTION FOR 1.327 ACRES (PARCEL TWO)

BEING ALL OF THE 1.327 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5346 PAGE 564 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT, SAID BEGINNING BEING THE MOST NORTHWEST CORNER OF THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564) AND BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE FROM THE BEGINNING AND WITH THE NORTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE N20°28'07"E A DISTANCE OF 367.89 FEET TO A 0.5" IRON ROD; THENCE S89°33'15"W A DISTANCE OF 150.50 FEET TO A POINT IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD; THENCE ALONG SAID MARGIN S89°33'43"W A DISTANCE OF 108.10 FEET TO A 0.5" IRON ROD COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE EASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE S07°33'08E A DISTANCE OF 318.84 FEET TO THE BEGINNING AND HAVING AN AREA OF 1.327 ACRES.

For Registration Register of Deeds
Judy D. Martin

Moore County, NC
Electronically Recorded
October 17, 2022 2:54:00 PM
Book: 5926 Page: 347 - 351 #Pages: 5

Fee: $26.00 NC Rev Stamp: $1,480.00

Instrument # 2022017383

Brief description for the Index: **Stamps: $1,480.00**

N & S RY – Parcel Id. 20200387 & 00046287

This instrument was prepared by: **Sandhills Law Group** *NO TITLE SEARCH COMPLETED BY PREPARER*

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11th **day of October 2022**, by and between,

GRANTOR	GRANTEE
The Cottages at Legacy Lakes, LLC, a North Carolina limited liability company Mailing Address: PO Box 4839 Pinehurst, NC 28374	**D.R. Horton, Inc,** a Delaware Corporation Mailing Address: 2000 Aerial Center Parkway, Suite 110, Morrisville, NC 27560

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract, or parcel of land situated in **Sandhills Township, Moore County, North Carolina**, and more particularly described as follows:

See attached Exhibit A, attached hereto and made part of the whole hereof.

Property Identification Number – 20200387 & 00046287

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5346, Page 564 and Book 5271, Page 173, Moore County Registry.

The property herein conveyed does not include the primary residence of a Grantor.

Submitted electronically by "Bagwell Holt Smith P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the exceptions, reservations and conditions herein above referred to.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances; and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except: ad valorem taxes for the current year (prorated to the date of closing); utility easements; unviolated covenants, conditions and restrictions that do not materially affect the value of the property being conveyed herein; and such other encumbrances as may be assumed or specifically approved by Grantee as referenced herein.

The designation Grantor or Grantee as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as Grantor and Grantee.

*** *THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK* ***

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in its Corporate name in the ordinary course of business by its duly authorized officer, pursuant to authorization from the Board of Directors, or if Limited Liability Company (Company), in its Company name in the ordinary course of business by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

The Cottages at Legacy Lakes, LLC

_____(SEAL)
By: Jon T. Vincent, Managing Member

STATE OF North Carolina,

COUNTY OF New Hanover, **to wit:**

I certify that the following person(s) personally appeared before me this day, and each acknowledging to me that he or she signed the foregoing document in the capacity indicated: **Jon T. Vincent, Managing Member of The Cottages at Legacy Lakes, LLC.**

Witness my hand and notarial seal this 12th day of October 2022.

Stephani L. Garrett
Notary Public

Stephani L. Garrett
(Printed Name of Notary)
My Commission Expires: 1/5/25

PLACE NOTARY SEAL INSIDE THIS BOX ONLY!

STEPHANI L. GARRETT NOTARY PUBLIC NEW HANOVER COUNTY, NC

TRACT ONE:

BEING ALL OF THE 12.936 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5271 PAGE 173 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1.25" IRON PIPE IN THE NORTHERN MARGIN OF OLIVIA LANE (PRIVATE 40 FOOT RIGHT-OF-WAY), SAID PIPE BEING FURTHER LOCATED S79°33'41"W A DISTANCE OF 199.82 FEET FROM A 0.5" IRON ROD IN SAID MARGIN AND BEING COMMON TO THE MARGUERITE W. INGRAM TRACT (DEED BOOK 1602 PAGE 494); THENCE FROM THE BEGINNING, LEAVING SAID MARGIN, AND WITH THE EASTERN LINE OF THE RANDY THOMAS TRACT (DEED BOOK 586 PAGE 35) N03°58'53"W A DISTANCE OF 593.30 FEET TO A CONCRETE MONUMENT COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE SOUTHEASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE N44°50'29"E A DISTANCE OF 705.06 FEET TO A CONCRETE MONUMENT COMMON TO THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564), SAID MONUMENT BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE WITH THE SOUTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE SOUTHERN LINE OF THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE S73°17'43"E A DISTANCE OF 406.63 FEET TO A 1" IRON PIPE COMMON TO THE JAMES P. ROGERS TRUSTEE ET AL TRACT (DEED BOOK 5235 PAGE 254); THENCE WITH THE JAMES P. ROGERS TRUSTEE ET AL TRACT S42°44'41"W A DISTANCE OF 709.89 FEET TO A CONCRETE MONUMENT; THENCE S88°23'19"E A DISTANCE OF 230.08 FEET TO A CONCRETE MONUMENT; THENCE S42°20'58"E A DISTANCE OF 106.01 FEET TO A 0.5" IRON ROD COMMON TO THE BENJAMIN M. BETHEA ET AL TRACT (DEED BOOK 1950 PAGE 493), SAID ROD BEING FURTHER LOCATED N42°23'40"W A DISTANCE OF 235.71 FEET FROM A CONCRETE MONUMENT IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE WITH THE BENJAMIN M. BETHEA ET AL TRACT DESCRIBED ABOVE S79°31'59"W A DISTANCE OF 155.41 FEET TO A 3" IRON PIPE; THENCE S10°26'28"E A DISTANCE OF 199.99 FEET TO A 0.5" IRON ROD IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE ALONG SAID MARGIN S79°33'41"W A DISTANCE OF 246.91 FEET TO A 0.5" IRON ROD COMMON THE MARGUERITE W. INGRAM TRACT (DEED BOOK 1602 PAGE 494); THENCE LEAVING SAID MARGIN AND WITH THE MARGUERITE W. INGRAM TRACT DESCRIBED ABOVE N10°30'46"W A DISTANCE OF 217.76 FEET TO A 0.75" IRON ROD; THENCE S79°34'47"W A DISTANCE OF 200.00 FEET TO A 0.75" IRON ROD; THENCE S10°23'16"E A DISTANCE OF 217.83 FEET TO A 0.5" IRON ROD IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE ALONG SAID MARGIN S79°33'41"W A DISTANCE OF 199.82 FEET TO THE POINT OF BEGINNING AND HAVING AN AREA OF 12.936 ACRES, AS SHOWN ON THE ALTA/NSPS SURVEY FOR D.R. HORTON, INC. PREPARED BY ROBERTO RODRIQUEZ, JR. AND DATED OCTOBER 6, 2022.

TRACT TWO:

BEING ALL OF THE 1.327 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5346 PAGE 564 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT, SAID BEGINNING BEING THE MOST NORTHWEST CORNER OF THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564) AND BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE FROM THE BEGINNING AND WITH THE NORTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE N20°28'07"E A DISTANCE OF 367.89 FEET TO A 0.5" IRON ROD; THENCE S89°33'15"W A DISTANCE OF 150.50 FEET TO A POINT IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD; THENCE ALONG SAID MARGIN S89°33'43"W A DISTANCE OF 108.10 FEET TO A 0.5" IRON ROD COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE EASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE S07°33'08E A DISTANCE OF 318.84 FEET TO THE BEGINNING AND HAVING AN AREA OF 1.327 ACRES, AS SHOWN ON THE ALTA/NSPS SURVEY FOR D.R. HORTON, INC. PREPARED BY ROBERTO RODRIQUEZ, JR. AND DATED OCTOBER 6, 2022.

Village of Pinehurst Ordinance No. 2010- 40
Town of Aberdeen Ordinance No. AC223

AN ORDINANCE ESTABLISHING AN ANNEXATION AGREEMENT BETWEEN THE VILLAGE OF PINEHURST, NORTH CAROLINA AND THE TOWN OF ABERDEEN, NORTH CAROLINA FOR THE MUTUAL BOUNDARY LINE BETWEEN THESE TWO MUNICIPALITIES

WHEREAS, North Carolina General Statutes Chapter 160A, Article 4A, Part 6 authorizes two or more municipalities to enter into binding agreements regarding future annexation in order to enhance orderly planning by such municipalities; and

WHEREAS, the governing boards of the Village of Pinehurst and the Town of Aberdeen seek to carry out plans for future land uses; the provision of important public facilities such as sewer and water services, roadways, and recreation; and the protection of open space and other sensitive areas; and

WHEREAS, potential conflict and confusion may occur along the interface between two jurisdictions when the future municipal boundaries between the two are unclear; and

WHEREAS, both the Village of Pinehurst and the Town of Aberdeen desire to foster good intergovernmental relations; and

WHEREAS, the governing boards and the staffs of these two communities have engaged in a process of discussion that has led to determination of an ultimate municipal and utility service boundary between the two communities; and

WHEREAS, Public hearings on this ordinance were held by the Village of Pinehurst on July 2, 2010, 2010 and the Town of Aberdeen on June 14, 2010, 2010 with notice provided in accordance with G.S. § 160A-31(c).

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Pinehurst, North Carolina and the Board of Commissioners of the Town of Aberdeen, North Carolina:

Section 1. Boundary. The areas to be included within the Annexation Agreement (the "Agreement") are set forth in Attachment A of this document. As indicated in Attachment A, the Village of Pinehurst may not annex within the annexation area of the Town of Aberdeen, and the Town of Aberdeen may not annex within the annexation area of the Village of Pinehurst.

Section 2. Notice of Adjacent Annexations. When either municipality proposes to

annex property within its respective annexation area, it must give notice of the annexation to the other municipality in compliance with G.S. § 160A-58.24(a)(5) and (b), which require the following:

(i) The notice must be in writing;

(ii) The notice must be given at least 60 days before the adoption of any annexation ordinance. Either party may waive the sixty (60) day notice requirement by delivering a written waiver to the Manager of the other municipality; and

(iii)The notice must describe the area to be annexed by reference to a legible map, which shall clearly and accurately show the boundaries of the area to be annexed in relation to roads, streams and any other prominent geographical features.

The notice shall be sent by mail to the Manager of the other municipality. The notice shall only be effective for 180 days, and if the proposed annexation is not approved within that time period, then a new notice of annexation must be given.

Section 3. Limitations. Pursuant to G.S. § 160A-58.24(e) unless the Agreement is approved by the Moore County Board of Commissioners, it shall not be binding beyond three (3) miles of the primary corporate limits of either municipality. An area not within the three (3) mile limit shall become subject to this Agreement if subsequent annexation brings it within three (3) miles of the primary corporate limits of either municipality.

Section 4. Term of Agreement. The term of this Agreement shall be twenty (20) years.

Section 5. Effective Date. This Agreement shall become effective immediately following its adoption by ordinance by the governing boards of both the Village of Pinehurst and the Town of Aberdeen.

Section 6. Replacement of Prior Agreement. This Agreement supersedes any previously adopted annexation agreements between the parties that are in effect as of the effective date of this Agreement.

Section 7. Modifications and Mutual Termination. Pursuant to G.S. § 160A-58.24(d), the parties may jointly modify this Agreement by adopting a subsequent agreement or they may jointly terminate the Agreement immediately. All modifications or a mutual termination shall be approved by ordinance adopted after public hearings by both municipalities held in accordance with G.S. § 160A-58.24(c).

Section 8. Unilateral Termination of Agreement. Either party may unilaterally terminate this Agreement at any time in the manner prescribed by G.S. 160A-58.24(f), which requires that the terminating municipality do the following:

(i) Repeal the ordinance adopting the Agreement, and

(ii) Provide written notice to the other municipality five (5) years prior to the effective

date of the termination of the Agreement.

The Village of Pinehurst:

Date: 7-13-10

Virginia F. Fallon
Village of Pinehurst Mayor

Attest:

Date: 7-13-10

Linda S. Brown
Village of Pinehurst Clerk

The Town of Aberdeen:

Date: 6/15/2010

Elizabeth B. Mofield
Town of Aberdeen Mayor

Attest:

Date: 6/15/2010

Regina Rosy
Town of Aberdeen Clerk

Effective Date:

7-13-10
Date:

Attachment "A"
Annexation Agreement Map

Pinehurst/Aberdeen Annexation Agreement Map. Prepared by KP Liles, Town of Aberdeen.
For Public Hearing and Adoption. June 2010. PHAGR3.

DISCUSS AND CONSIDER ORDINANCE 24-01 - VOLUNTARY PETITION FOR ANNEXATION - PINEHURST SOUTH COTTAGES

ADDITIONAL AGENDA DETAILS:

FROM:
Alex Cameron

CC:
Jeff Sanborn & Shannon Konstantinou

DATE OF MEMO:
1/17/2024

MEMO DETAILS:
Attached for Council's consideration is Ordinance #24-01, an Ordinance to Extend the Corporate Limits of the Village of Pinehurst, NC for two parcels (parcel IDs 00046287 and 20200387), in accordance with the voluntary petition for annexation received from D.R. Horton, Inc. and NCGS.

ATTACHMENTS:

	Description
🗋	Draft Ordinance 24-01 Annexation Olivia Ln. (South Pinehurst Cottages) with Survey

ORDINANCE #24-01:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF PINEHURST, NORTH CAROLINA (OLIVIA LN. – SOUTH PINEHURST COTTAGES).

WHEREAS, the Village Council of the Village of Pinehurst has received a voluntary petition for annexation under G.S. 160A-31 and G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Village Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Pinehurst Village Hall, 395 Magnolia Road at 4:30 p.m. on January 23, 2024 after due notice; and

WHEREAS, the Village Council finds that the petition meets the requirements of G.S. 160A-31 and G.S. 160A-58.1, with both parcels being contiguous to its boundaries.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 23rd day of January 2024 as follows:

SECTION 1. By virtue of the authority granted by G.S. 160A-31 and G.S. 160A-58.1, the following described contiguous properties owned by D. R. Horton, Inc. are hereby annexed and made part of the Village of Pinehurst as of June 30, 2024:

OLIVIA LANE (SOUTH PINEHURST COTTAGES) PARCELS

THE LAND TO BE ANNEXED INTO THE VILLAGE OF PINEHURST AS DESCRIBED IN THE FOLLOWING:

BEING ALL OF THE 12.936 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5271 PAGE 173 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING

DRAFT

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEING ALL OF THE 1.327 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE

COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5346 PAGE 564 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT, SAID BEGINNING BEING THE MOST NORTHWEST CORNER OF THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564) AND BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE FROM THE BEGINNING AND WITH THE NORTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE N20°28'07"E A DISTANCE OF 367.89 FEET TO A 0.5" IRON ROD; THENCE S89°33'15"W A DISTANCE OF 150.50 FEET TO A POINT IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD; THENCE ALONG SAID MARGIN S89°33'43"W A DISTANCE OF 108.10 FEET TO A 0.5" IRON ROD COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE EASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE S07°33'08E A DISTANCE OF 318.84 FEET TO THE BEGINNING AND HAVING AN AREA OF 1.327 ACRES.

SECTION 2. Upon and after June 30, 2024 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Pinehurst and shall be entitled to the same privileges and benefits as other parts of the Village of Pinehurst. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the Village of Pinehurst shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary State at Raleigh, North Carolina, an accurate map of the annexed territory attached to the ordinance as Attachment #1, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

THIS ORDINANCE passed and adopted this 23rd day of January 2024.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By:_____
Patrick Pizzella, Mayor

Attest:

_____
Shannon Konstantinou, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT

CERTIFICATION

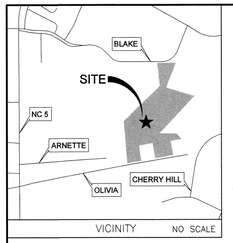
I, SHANNON KONSTANTINOU, VILLAGE CLERK, of the Village of Pinehurst, North Carolina, do hereby certify that this is a true and accurate copy of Ordinance #24-01 adopted by the Village Council in a regular meeting assembled on the 23rd day of January 2024.

WITNESS MY HAND AND OFFICIAL SEAL of the Village of Pinehurst, North Carolina this 23rd day of January 2024.

_____
Shannon Konstantinou
Village Clerk

(Municipal Seal)

DRAFT



VICINITY NO SCALE

LEGEND

CP	○	= CALCULATED POINT
EIR	●	= EXISTING IRON ROD
IRS	●	= 0.5" IRON ROD SET
EIP	○	= EXISTING IRON PIPE
ECM	□	= EXISTING MONUMENT
		= RIGHT OF WAY
		= BOUNDARY LINE
		= BOUNDARY NOT SURVEYED
		= EDGE OF PAVEMENT
		= EDGE OF GRAVEL
		= EXISTING EASEMENT
		= EXISTING FENCE

OWNER:
THE COTTAGES AT LEGACY LAKES, LLC
PO BOX 4839
PINEHURST, NC 28374

TITLE REFERENCE:
PARCEL ONE
PARCEL ID 00046287
DEED BOOK 5271 PAGE 173
PARCEL TWO
PARCEL ID 20200387
DEED BOOK 5346 PAGE 564
MOORE COUNTY REGISTRY

SITE DATA:
JURISDICTION: PINEHURST
ADDRESS: BLAKE BLVD (TO THE NORTH)
OLIVIA LANE (TO THE SOUTH)

ZONING
R5 (RESIDENTIAL)

SURVEYOR:
ROBERTO RODRIGUEZ, JR
LICENSE # 5428
140 AQUA SHED COURT
ABERDEEN, NC 28315

NOTES
1. BASED ON A TITLE SEARCH OF THE PROPERTY BY: CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 169-203103416C EFFECTIVE DATE NOVEMBER 23, 2020 AT 08:30 AM; ALL EASEMENTS, RIGHT-OF-WAYS, STREETS AND ASSESSMENTS, IF ANY, ARE SHOWN HEREON. THIS SURVEYOR DID NOT PERFORM A TITLE SEARCH ON THESE PROPERTIES.
2. AT THE TIME OF THIS SURVEY THERE WERE NO BUILDINGS OBSERVED.
3. UTILITIES SHOWN BASED ON OBSERVED EVIDENCE.
4. NO IMPROVEMENTS ARE LOCATED WITHIN A WETLANDS AREA.
5. ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING CORNERS FOUND, EXISTING BOUNDARY EVIDENCE, DEEDS AND PLATS OF RECORD IN MOORE COUNTY REGISTRY.
6. DASHED OR BROKEN LINES NOT SURVEYED DRAWN FROM DEED DESCRIPTIONS, PLATS OF RECORD OR PARTIAL SURVEY AND NOT AN ACTUAL FIELD SURVEY.
7. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
8. ALL AREA COMPUTATIONS BY COORDINATE METHOD.
9. GPS COORDINATES ESTABLISHED USING SPECTRA PRECISION SP80 MODEL; NC GNSS REAL TIME NETWORK.

FLOOD INFORMATION
1. THIS PROPERTY IS NOT LOCATED IN A WATER SUPPLY WATERSHED.
2. PROPERTY DOES NOT LIE IN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 3710856100J WITH AN EFFECTIVE DATE OF 10/17/2006.

EASEMENT NOTE
1. PARCEL ONE, PARCEL TWO AND ACCESS & UTILITY EASEMENT RECORDED IN DB 4774 PG 555 ARE CONTIGUOUS ALONG THEIR COMMON BOUNDARY LINES WITH NO GAPS OR GORES.

TO: CHICAGO TITLE INSURANCE COMPANY
D.R. HORTON, INC., A DELAWARE CORPORATION
THE COTTAGES AT LEGACY LAKES, LLC,
A NORTH CAROLINA LIMITED LIABILITY COMPANY

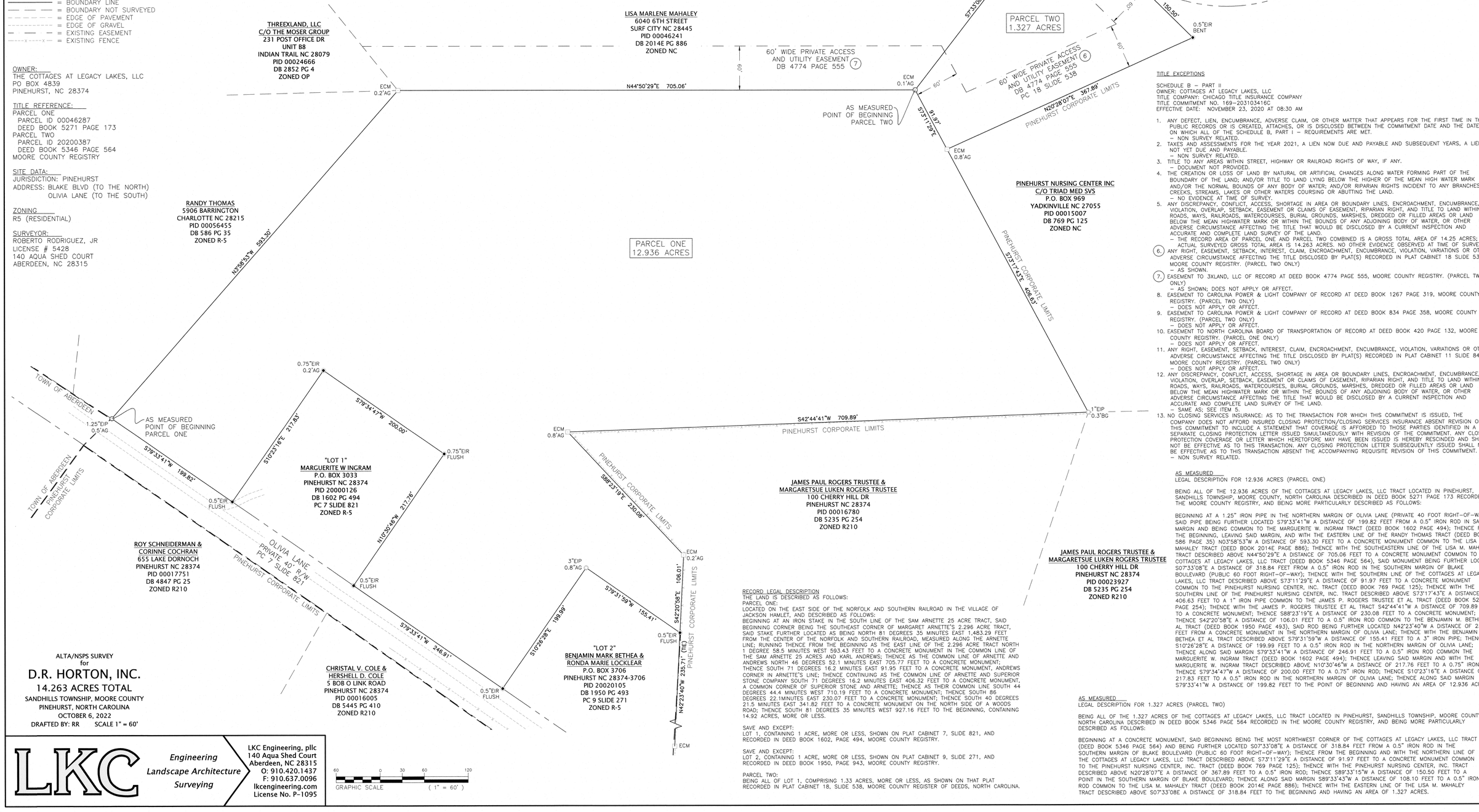
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS N/A OF TABLE A THEREOF.
THE FIELDWORK WAS COMPLETED ON FEBRUARY 2022.

DATE OF PLAT OR MAP: OCTOBER 6, 2022

SURVEYOR'S SIGNATURE

Roberto Rodriguez JR
PRINTED NAME

NORTH CAROLINA PROFESSIONAL 10.06.22 SEAL L-5428 LAND SURVEYOR ROBERTO RODRIGUEZ JR



TITLE EXCEPTIONS

SCHEDULE B – PART II
OWNER: COTTAGES AT LEGACY LAKES, LLC
TITLE COMPANY: CHICAGO TITLE INSURANCE COMPANY
TITLE COMMITMENT NO. 169-203103416C
EFFECTIVE DATE: NOVEMBER 23, 2020 AT 08:30 AM

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I – REQUIREMENTS ARE MET.
 – NON SURVEY RELATED.
2. TAXES AND ASSESSMENTS FOR THE YEAR 2021, A LIEN NOW DUE AND PAYABLE AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.
 – NON SURVEY RELATED.
3. TITLE TO ANY AREAS WITHIN STREET, HIGHWAY OR RAILROAD RIGHTS OF WAY, IF ANY.
 – DOCUMENT NOT PROVIDED.
4. THE CREATION OR LOSS OF LAND BY NATURAL OR ARTIFICIAL CHANGES ALONG WATER FORMING PART OF THE BOUNDARY OF THE LAND; AND/OR TITLE TO LAND LYING BELOW THE HIGHER OF THE MEAN HIGH WATER MARK AND/OR THE NORMAL BOUNDS OF ANY BODY OF WATER; AND/OR RIPARIAN RIGHTS INCIDENT TO ANY BRANCHES, CREEKS, STREAMS, LAKES OR OTHER WATERS COURSING OR ABUTTING THE LAND.
 – NO EVIDENCE AT TIME OF SURVEY.
5. ANY DISCREPANCY, CONFLICT, ACCESS, SHORTAGE IN AREA OR BOUNDARY LINES, ENCROACHMENT, ENCUMBRANCE, VIOLATION, OVERLAP, SETBACK, EASEMENT OR CLAIMS OF EASEMENT, RIPARIAN RIGHT, AND TITLE TO LAND WITHIN ROADS, WAYS, RAILROADS, WATERCOURSES, BURIAL GROUNDS, MARSHES, DREDGED OR FILLED AREAS OR LAND BELOW THE MEAN HIGHWATER MARK OR WITHIN THE BOUNDS OF ANY ADJOINING BODY OF WATER, OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY A CURRENT INSPECTION AND ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
 – THE RECORD AREA OF PARCEL ONE AND PARCEL TWO COMBINED IS A GROSS TOTAL AREA OF 14.25 ACRES; ACTUAL SURVEYED GROSS TOTAL AREA IS 14.263 ACRES. NO OTHER EVIDENCE OBSERVED AT TIME OF SURVEY.
6. ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN PLAT CABINET 18 SLIDE 538, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – AS SHOWN.
7. EASEMENT TO 3XLAND, LLC OF RECORD AT DEED BOOK 4774 PAGE 555, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – AS SHOWN; DOES NOT APPLY OR AFFECT.
8. EASEMENT TO CAROLINA POWER & LIGHT COMPANY OF RECORD AT DEED BOOK 1267 PAGE 319, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – DOES NOT APPLY OR AFFECT.
9. EASEMENT TO CAROLINA POWER & LIGHT COMPANY OF RECORD AT DEED BOOK 834 PAGE 358, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – DOES NOT APPLY OR AFFECT.
10. EASEMENT TO NORTH CAROLINA BOARD OF TRANSPORTATION OF RECORD AT DEED BOOK 420 PAGE 132, MOORE COUNTY REGISTRY. (PARCEL ONE ONLY)
 – DOES NOT APPLY OR AFFECT.
11. ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN PLAT CABINET 11 SLIDE 840, MOORE COUNTY REGISTRY. (PARCEL TWO ONLY)
 – DOES NOT APPLY OR AFFECT.
12. ANY DISCREPANCY, CONFLICT, ACCESS, SHORTAGE IN AREA OR BOUNDARY LINES, ENCROACHMENT, ENCUMBRANCE, VIOLATION, OVERLAP, SETBACK, EASEMENT OR CLAIMS OF EASEMENT, RIPARIAN RIGHT, AND TITLE TO LAND WITHIN ROADS, WAYS, RAILROADS, WATERCOURSES, BURIAL GROUNDS, MARSHES, DREDGED OR FILLED AREAS OR LAND BELOW THE MEAN HIGHWATER MARK OR WITHIN THE BOUNDS OF ANY ADJOINING BODY OF WATER, OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY A CURRENT INSPECTION AND ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
 – SAME AS; SEE ITEM 5.
13. NO CLOSING SERVICES INSURANCE: AS TO THE TRANSACTION FOR WHICH THIS COMMITMENT IS ISSUED, THE COMPANY DOES NOT AFFORD INSURED CLOSING PROTECTION/CLOSING SERVICES INSURANCE ABSENT REVISION OF THIS COMMITMENT TO INCLUDE A STATEMENT THAT COVERAGE IS AFFORDED TO THOSE PARTIES IDENTIFIED IN A SEPARATE CLOSING PROTECTION LETTER ISSUED SIMULTANEOUSLY WITH REVISION OF THE COMMITMENT. ANY CLOSING PROTECTION COVERAGE OR LETTER WHICH HERETOFORE MAY HAVE BEEN ISSUED IS HEREBY RESCINDED AND SHALL NOT BE EFFECTIVE AS TO THIS TRANSACTION. ANY CLOSING PROTECTION LETTER SUBSEQUENTLY ISSUED SHALL NOT BE EFFECTIVE AS TO THIS TRANSACTION ABSENT THE ACCOMPANYING REQUISITE REVISION OF THIS COMMITMENT.
 – NON SURVEY RELATED.

AS MEASURED
LEGAL DESCRIPTION FOR 12.936 ACRES (PARCEL ONE)

BEING ALL OF THE 12.936 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5271 PAGE 173 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1.25" IRON PIPE IN THE NORTHERN MARGIN OF OLIVIA LANE (PRIVATE 40 FOOT RIGHT-OF-WAY), SAID PIPE BEING FURTHER LOCATED S79°33'41"W A DISTANCE OF 199.82 FEET FROM A 0.5" IRON ROD IN SAID MARGIN AND BEING COMMON TO THE MARGUERITE W. INGRAM TRACT (DEED BOOK 1602 PAGE 494); THENCE FROM THE BEGINNING, LEAVING SAID MARGIN, AND WITH THE EASTERN LINE OF THE RANDY THOMAS TRACT (DEED BOOK 586 PAGE 35) N0°58'53"W A DISTANCE OF 593.30 FEET TO A CONCRETE MONUMENT COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE SOUTHEASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE N44°50'29"E A DISTANCE OF 705.06 FEET TO A CONCRETE MONUMENT COMMON TO THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564), SAID MONUMENT BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE WITH THE SOUTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE SOUTHERN LINE OF THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE S73°17'43"E A DISTANCE OF 406.63 FEET TO A 1" IRON PIPE COMMON TO THE JAMES P. ROGERS TRUSTEE ET AL TRACT (DEED BOOK 5235 PAGE 254); THENCE WITH THE JAMES P. ROGERS TRUSTEE ET AL TRACT S42°44'41"W A DISTANCE OF 709.89 FEET TO A CONCRETE MONUMENT; THENCE S88°23'19"E A DISTANCE OF 230.08 FEET TO A CONCRETE MONUMENT; THENCE S42°20'58"E A DISTANCE OF 106.01 FEET TO A 0.5" IRON ROD COMMON TO THE BENJAMIN M. BETHEA ET AL TRACT (DEED BOOK 1950 PAGE 493), SAID ROD BEING FURTHER LOCATED N42°23'40"W A DISTANCE OF 235.71 FEET FROM A CONCRETE MONUMENT IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE WITH THE BENJAMIN M. BETHEA ET AL TRACT DESCRIBED ABOVE S79°31'59"W A DISTANCE OF 155.41 FEET TO A 3" IRON PIPE; THENCE S10°26'28"E A DISTANCE OF 199.99 FEET TO A 0.5" IRON ROD IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE ALONG SAID MARGIN S79°33'41"W A DISTANCE OF 246.91 FEET TO A 0.5" IRON ROD COMMON THE MARGUERITE W. INGRAM TRACT (DEED BOOK 1602 PAGE 494); THENCE LEAVING SAID MARGIN AND WITH THE MARGUERITE W. INGRAM TRACT DESCRIBED ABOVE N10°30'46"W A DISTANCE OF 217.76 FEET TO A 0.75" IRON ROD; THENCE S79°34'47"W A DISTANCE OF 200.00 FEET TO A 0.75" IRON ROD; THENCE S10°23'16"E A DISTANCE OF 217.83 FEET TO A 0.5" IRON ROD IN THE NORTHERN MARGIN OF OLIVIA LANE; THENCE ALONG SAID MARGIN S79°33'41"W A DISTANCE OF 199.82 FEET TO THE POINT OF BEGINNING AND HAVING AN AREA OF 12.936 ACRES.

AS MEASURED
LEGAL DESCRIPTION FOR 1.327 ACRES (PARCEL TWO)

BEING ALL OF THE 1.327 ACRES OF THE COTTAGES AT LEGACY LAKES, LLC TRACT LOCATED IN PINEHURST, SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED IN DEED BOOK 5346 PAGE 564 RECORDED IN THE MOORE COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT, SAID BEGINNING BEING THE MOST NORTHWEST CORNER OF THE COTTAGES AT LEGACY LAKES, LLC TRACT (DEED BOOK 5346 PAGE 564) AND BEING FURTHER LOCATED S07°33'08"E A DISTANCE OF 318.84 FEET FROM A 0.5" IRON ROD IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD (PUBLIC 60 FOOT RIGHT-OF-WAY); THENCE FROM THE BEGINNING AND WITH THE NORTHERN LINE OF THE COTTAGES AT LEGACY LAKES, LLC TRACT DESCRIBED ABOVE S73°11'29"E A DISTANCE OF 91.97 FEET TO A CONCRETE MONUMENT COMMON TO THE PINEHURST NURSING CENTER, INC. TRACT (DEED BOOK 769 PAGE 125); THENCE WITH THE PINEHURST NURSING CENTER, INC. TRACT DESCRIBED ABOVE N20°28'07"E A DISTANCE OF 367.89 FEET TO A 0.5" IRON ROD; THENCE S89°33'15"W A DISTANCE OF 150.50 FEET TO A POINT IN THE SOUTHERN MARGIN OF BLAKE BOULEVARD; THENCE ALONG SAID MARGIN S89°33'43"W A DISTANCE OF 108.10 FEET TO A 0.5" IRON ROD COMMON TO THE LISA M. MAHALEY TRACT (DEED BOOK 2014E PAGE 886); THENCE WITH THE EASTERN LINE OF THE LISA M. MAHALEY TRACT DESCRIBED ABOVE S07°33'08E A DISTANCE OF 318.84 FEET TO THE BEGINNING AND HAVING AN AREA OF 1.327 ACRES.

ALTA/NSPS SURVEY
for
D.R. HORTON, INC.
14.263 ACRES TOTAL
SANDHILLS TOWNSHIP, MOORE COUNTY
PINEHURST, NORTH CAROLINA
OCTOBER 6, 2022
DRAFTED BY: RR SCALE 1" = 60'

LKC
Engineering
Landscape Architecture
Surveying

LKC Engineering, pllc
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkcengineering.com
License No. P-1095

60 0 30 60 120
GRAPHIC SCALE (1" = 60')

RESOLUTION 24-06 AMENDING THE PURCHASING POLICY & PROCEDURES WITH FEDERAL FUNDS

ADDITIONAL AGENDA DETAILS:

FROM:
Dana Van Nostrand

CC:
Jeff Sanborn & Doug Willardson

DATE OF MEMO:
1/16/2024

MEMO DETAILS:
The Sandhills Metropolitan Planning Organization (SMPO) will follow the Village's purchasing policies. Since the SMPO will be funded by federal and state grant funds, it must follow the Village's Purchasing Policy & Procedures with Federal Funds. I reviewed the existing policy that was adopted in 2020 and found updates were needed based on changes in federal requirements and to reduce redundancy in the policy. The key changes are:

- Updates to CFR references based on the current regulations.
- Addition of policies specific to the micro-purchase threshold and simplified acquisition threshold for clarity in the definition of these terms.
- Increasing the micro-purchase threshold to match the State threshold as allowed by current federal regulations. This option is new since the original version of this policy.
- Addition of a matrix of procurement methods required based on the contract type and estimated cost to make it easier to determine what method needs to be used.
- Consolidation of the purchasing method procedures to reduce redundancy from the original version.

The federal requirement for the micro-purchase threshold is currently $10,000. The State threshold under which no price competition is required is currently $30,000. I consulted with Doug Willardson, Assistant Village Manager, and we agreed the higher threshold of $30,000 would be appropriate for the SMPO since they will likely have very few purchases and contracts that are below this threshold. This policy also applies to federal grants received by the Village. Since the Village receives very few federal grants, managing compliance with different procurement policies and procedures for grants vs. Village-funded purchases (which have a threshold of $5,000 for informal quotes) should not be difficult. If circumstances change, we will consider amending the policy to improve efficiency and compliance.

Please let me know if you have any questions regarding these changes. The attachments include the original policy adopted in 2020, the red-lined version, and a clean copy of the recommended version for adoption.

ATTACHMENTS:

Description
Resolution #24-06 Amending the Purchasing Policy & Procedures with Federal Funds
Amended Purchasing Policy & Procedures with Federal Funds - 2024
Red-Lined Amended Purchasing Policy & Procedures with Federal Funds
Original Purchasing Policy & Procedures with Federal Funds - 2020

RESOLUTION #24-06:

A RESOLUTION AMENDING A FINANCIAL POLICY OF THE VILLAGE OF PINEHURST (PURCHASING POLICY & PROCEDURES WITH FEDERAL FUNDS).

THAT WHEREAS, Chapter 160A, Article 7 of the General Statutes of North Carolina outlines the powers and duties of the Village Manager and the Village Council; and

WHEREAS, the Village Council has deemed it necessary and in the best interests of its employees and citizens to formulate and revise administrative policies; and

WHEREAS, the Village Council by Resolution #10-03 established that "All financial policies of the Village shall be approved by the Village Council"; and

WHEREAS, as the operational needs of the Village change, the Village Council has, from time to time, adopted and amended previously adopted financial policies for the Village of Pinehurst;

NOW, THEREFORE, BE IT RESOLVED, by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 23rd day of January, 2024, as follows:

SECTION 1. The amended Purchasing Policy & Procedures with Federal Funds recommended by the Village's Financial Services Director which has been reviewed by the Village Manager, is hereby amended and approved by the Village Council.

SECTION 2. The Financial Services Director is instructed to inform all employees of the updated policy in a timely manner.

SECTION 3. This resolution shall be and the same is hereby effective from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 23rd day of January, 2024.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Patrick Pizzella, Mayor

Attest:

_____
Shannon Konstantinou, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

VILLAGE OF PINEHURST **STANDARD PROCEDURE**	
SUBJECT: Purchasing Policy & Procedures with Federal Funds	Effective Date: 06/23/2020
Department: Financial Services	Policy No.: FIN-416.3
Prepared by: Financial Services Director, Dana Van Nostrand	Revised: 01/23/2024
Approved by: Village Council Resolution #24-06	# of Pages: 10

I. PROCEDURE PURPOSE:

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for the purchase of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects **when federal funds are being used in whole or in part to pay for the cost of the contract**.

II. POLICY:

A. Application of Policy. This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or pass through). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 CFR Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

B. Compliance with Federal Law. All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 CFR §200.317 through §200.327 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The Village of Pinehurst will follow all applicable local, state, and federal procurement requirements when expending federal funds. *Should the State of North Carolina or the Village of Pinehurst have more stringent requirements, the most restrictive requirement shall apply so long as it complies with federal law.* This includes the procurement method thresholds (Micro-purchase Threshold and Simplified Acquisition Threshold) noted below.

C. Compliance with Conflict of Interest Policy: Use of Federal Funds. All procurement activities must comply with the Village's Conflict of Interest Policy: Use of Federal Funds in accordance with 2 C.F.R §200.318(c)(1).

D. Contract Award. When bids are required by law, or otherwise solicited by the Village, all contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract. Consideration shall be given to contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

E. No Evasion. No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this policy or state and federal law.

F. Contract Requirements. All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 CFR Section §200.327 and as provided for under 2 CFR Part 200, Appendix II.

G. Contractor's Conflict of Interest. Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.

H. Approval and Modification. The administrative procedures contained in the Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

I. Micro-purchase Threshold. The Village will establish its micro-purchase threshold for purchases, service contracts (except architect/engineer professional services), and construction/repair contracts to be consistent with the threshold under which no competition is required in State of North Carolina G.S. 143-131. This is higher than the federal micro-purchase threshold as defined in 48 CFR Part 2, Subpart 2.1. The Village is allowed to set a higher micro-purchase threshold in accordance with 2 CFR §200.320(a)(1)(iv)(C). The Financial Services Director will document the annual self-certification of the Village's micro-purchase threshold as required by 2 CFR §200.320(a)(1)(iv) at the beginning of each fiscal year.

J. Simplified Acquisition Threshold. The Village will establish its simplified acquisition threshold for service contracts and construction/repair contracts to be consistent with the federal simplified acquisition threshold as defined in 48 CFR Part 2, Subpart 2.1. The simplified acquisition threshold for purchases will be consistent with the State of North Carolina threshold over which formal bidding is required per G.S. 143-129 since this threshold is lower than the federal simplified acquisition threshold.

III. PROCEDURES:

General: The administrative procedures contained within this policy are administrative and may be changed as necessary at staff level to comply with the federal Procurement Standards within this Policy. However, any policy changes must be approved by the governing body prior to becoming effective.

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

General Procurement Standards and Procedures:

A. Necessity. Purchases ***must be necessary*** to perform the scope of work and must avoid acquisition of unnecessary or duplicative items (no stockpiling). The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying *new* items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.

B. Clear Specifications. The Purchasing Department will ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.

C. Notice of Federal Funding. All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.

D. Compliance by Contractors. All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, FEMA requirements, and terms and conditions of the funding award.

E. Fixed Price. Solicitations must state that the bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are *prohibited.* Time and materials contracts are prohibited *in most circumstances*. Time and materials (Cost-Plus) contracts will not be used unless no other form of contract is suitable and the contract includes a “Not to Exceed” amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.

F. Use of Brand Names. When possible, performance or functional specifications are preferred to allow for more competition, leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.

G. Lease versus Purchase. Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach. Note: This comparison is necessary for most FEMA financial assistance programs following an emergency or major disaster declaration.

H. Dividing Contract for M/WBE Participation. If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.

I. Documentation. Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include (at a minimum): rationale for the procurement method used, selection of the contract type, basis for contractor selection or rejection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and fully-executed contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.

J. Cost Estimate. For all procurements in excess of the simplified acquisition threshold as defined in 48 CFR part 2, subpart 2.1, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.

K. Contract Requirements. The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II. C. "Contract Award" of this Policy.

L. Debarment and Suspension. No contract shall be awarded to a party included on the governmentwide exclusions list in the System for Award Management (SAM). Prior to preparing the contract, the Purchasing Department or the Requesting Department must verify that the party is not suspended or debarred in the SAM.

M. Contractor Oversight. The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.

N. Open Competition. Solicitations shall be prepared in a way to be fair and provide open competition. The Village shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding; specifying a brand name without allowing for "or equal" products, or other unnecessary requirement that have the effect of the restricting competition.

O. Geographic Preference. No contract shall be awarded based on geographic preference. Preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States is encouraged as appropriate and allowed by law.

Matrix of Procurement Thresholds and Methods:

Contract Type	Up to Micro-purchase Threshold	Up to Simplified Acquisition Threshold	Over Simplified Acquisition Threshold
Purchase	Less than $30,000 No competition required	$30,000 or more but less than $90,000 Small purchase	$90,000 or more Formal
Service (except Architect/Engineer)	Less than $30,000 No competition required	$30,000 or more but less than $250,000 Small purchase	$250,000 or more Formal
Construction/Repair	Less than $30,000 No competition required	$30,000 or more but less than $250,000 Small purchase	$250,000 or more Formal
Architect/Engineer Professional Service	Less than $250,000 Mini-Brooks Act	Less than $250,000 Mini-Brooks Act	$250,000 or more Formal (Proposal)

Note: The dollar thresholds in the matrix above are the thresholds in effect as of the date of adoption of this policy version. They are for illustrative purposes. Procurements subject to this policy must comply with the thresholds effective at the time of the procurement as defined in Section II of this policy.

Specific Procurement Procedures:

Either the Purchasing Department or the Requesting Department shall solicit quotes or bids in accordance with the requirements under this section of the policy based on the procurement method required in the matrix above for the contract type and estimated cost.

No Competition Required

Procedures are as follows:

- No competitive bidding or price quotations are required
- Price must be considered fair and reasonable
- To the extent practicable, purchases must be distributed equitably among qualified suppliers
- Contract must be in writing (this could be in the form of a purchase order)
- Purchases can be paid via purchasing card if they comply with the Village's purchasing card policy

Small Purchase (2 CFR §200.320(a)(2))

Procedures are as follows:

- Cost or price analysis is not required prior to soliciting bids
- Obtain written price quotes from an adequate number of qualified suppliers or sources (which shall not be less than three (3) quotes to be consistent with the Village's Purchasing and Contracting Policy & Procedures)
- General contractor state licensure requirements apply
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 CFR §200.321
- Award contract on a fixed-price basis. A not-to-exceed basis is permissible for service contracts only where obtaining a fixed price is not feasible.
- Award to lowest responsive, responsible bidder
- Contract must be in writing (purchase contracts may be in the form of a purchase order; service contracts and construction or repair require use of contract template) with federal contract provisions included
- Check the grant agreement for additional requirements specific to the grant
- Governing board approval of the contract, if required based on the Village's delegation of authority
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding

Formal (2 CFR §200.320(b))

Sealed Bid (2 CFR §200.320(b)(1)):

Procedures are as follows:

- Cost or price analysis is required prior to soliciting bids (the cost estimate may be provided by the project designer)
- Complete specifications or purchase description must be available to all bidders

- Public advertisement:
  - The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board.
  - Legal notice must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound *documented* reasons".
- General contractor state licensure requirements apply
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 CFR §200.321
- Solicit from adequate number of known suppliers
- Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement
- All bids must be submitted sealed
- For construction/repair bids with an estimated cost of $500,000 or more, bids must be submitted in paper format
- A minimum of two (2) sealed bids (three (3) sealed bids for construction contracts) must be received in order to open all bids
- For construction/repair bids, a 5% bid bond is required of all bidders. A bid that does not contain a bid bond is not responsive and cannot be counted toward the three (3) bid minimum.
- For construction/repair contracts, performance and payment bonds for 100% of the contract price are required of the winning bidder
- Bids may only be rejected for "sound *documented* reasons"
- Award contract as a fixed-price. A not-to-exceed basis is permissible for *service contracts only* where obtaining a fixed price is not feasible.
- Award to lowest responsive, responsible bidder
- Contract must be in writing (purchase contracts may be in the form of a purchase order; service contracts and construction/repair require use of contract template) with federal contract provisions included
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding
- Governing board approval of the contract, if required based on the Village's delegation of authority
- For construction/repair contracts costing $500,000 or more, governing board approval is required and it cannot be delegated

Construction/repair contracts involving a <u>building costing $300,000 and above</u> must comply with the following additional requirements under state law:

- Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.

- Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
- The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

*Proposals (2 CFR §200.320(b)(2)) can **only** be used when conditions are not appropriate for the use of sealed bids, such as service contracts. This can be used for all types of contracts over the simplified acquisition threshold.*

Procedures are as follows:

- Publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an "adequate number" of qualified firms.
- Proposals must be solicited from an adequate number of qualified firms. Individual federal grantor agencies may have guidance interpreting "adequate number".
- State licensure requirements apply for architects or engineers
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 CFR § 200.321
- Identify evaluation criteria and relative importance of each criteria (criteria weight) in the request for proposal (RFP)
- All responses must be considered to the maximum extent practical
- Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm
- Evaluate qualifications and competence of respondents based on the evaluation criteria and rank proposals
- Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP
- Governing board approval of the contract, if required based on the Village's delegation of authority
- Award the contract on a fixed-price or cost-reimbursement basis
- Must have written contract with federal contract provisions included
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding

Mini-Brooks Act/Qualifications-Based Selection (G.S. 143-64.31)

This process cannot be used for general consulting services or other services not defined by state law or PDAT Supplement, Section V-15 even if those services can be performed by an architectural or engineering firm.

Procedures are as follows:

- Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified

firms
- Announce requirements for the service and make good faith efforts to notify minority firms. Newspaper advertisement is not required.
- The RFQ can solicit information on the members and qualifications of the design team, general information about the firm, examples of prior work, discussions of concepts and approaches to the project, references, or unit price.
- Price (other than unit cost), conceptual drawings, designs, or past project prices with comparison to current project price cannot be solicited in the RFQ.
- State licensure requirements apply for architects or engineers based on the work type and thresholds in G.S. 133.1.1(a)
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 CFR §200.321
- Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department
- Rank respondents based on competence and qualifications and select the best qualified firm
- Price cannot be a factor in the evaluation
- Preference may be given to in-state (but not local) firms
- Negotiate a fair and reasonable fee with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
- Award the contract to best qualified firm with whom a fair and reasonable fee has been successfully negotiated
- Must be a fixed-price or not-to-exceed contract type for services
- Governing board approval of the contract, if required based on the Village's delegation of authority
- Must have written contract with federal contract provisions included

IV. EXCEPTIONS:

Non-competitive contracts are allowed ***only*** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

A. Sole Source. A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.

B. Public Exigency. A contract may be awarded without competitive bidding when there is a public exigency or emergency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from competitive bidding.

C. Inadequate Competition. A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from the number of sources as required under this Policy does not result in a qualified winning bidder.

D. Federal Contract. A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.

E. Awarding Agency Approval. A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

VILLAGE OF PINEHURST **STANDARD PROCEDURE**	
SUBJECT: Purchasing Policy & Procedures with Federal Funds	Effective Date: 06/23/2020
Department: Financial Services	Policy No.: FIN-416.3
Prepared by: Financial Services Director, Dana Van Nostrand	Revised: ~~00/00/0000~~01/23/2024
Approved by: Village Council Resolution #24-06~~__~~	# of Pages: 15~~12~~

I. PROCEDURE PURPOSE:

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for the purchase of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects **when federal funds are being used in whole or in part to pay for the cost of the contract**.

II. POLICY:

A. Application of Policy. This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or ~~reimbursed~~pass through) ~~which includes, but is not limited to, direct grants, USDA grants and loans, CDBG funds, FEMA disaster assistance grants, and the Highway Planning, Research, and Construction Program~~. The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 ~~C.F.R.~~CFR Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

B. Compliance with Federal Law. All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 ~~C.F.R.~~CFR §200.317 through §200.327~~6~~ unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The Village of Pinehurst will follow all applicable local, state, and federal procurement requirements when expending federal funds. *Should the State of North Carolina or the Village of Pinehurst have more stringent requirements, the most restrictive requirement shall apply so long as it ~~is consistent~~complies with ~~state and~~ federal law.* This includes the procurement method thresholds (Micro-purchase Threshold and Simplified Acquisition Threshold) noted below.

C. Compliance with Conflict of Interest Policy: Use of Federal Funds. All

procurement activities must comply with the Village's Conflict of Interest Policy: Use of Federal Funds in accordance with 2 C.F.R §200.318~~)~~(c)(1).

D. **Contract Award**. When bids are required by law, or otherwise solicited by the Village, all contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract. Consideration shall be given to contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

~~D.~~

~~E.~~ ~~D.~~ **No Evasion**. No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this policy or state and federal law.

E.

~~F.~~

~~G.~~ ~~E.~~ **Contract Requirements**. All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 ~~C.F.R.~~CFR Section §~~–~~200.32~~76~~ and as provided for under 2 ~~C.F.R.~~CFR Part 200, Appendix II.

F.

~~H.~~

~~I.~~ ~~F.~~ **Contractor's Conflict of Interest**. Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.

G.

~~J.~~

H. ~~G.~~ **Approval and Modification**. The administrative procedures contained in the Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

I. **Micro-purchase Threshold**. The Village will establish its micro-purchase threshold for purchases, service contracts (except architect/engineer professional services), and construction/repair contracts to be consistent with the threshold under which no competition is required in State of North Carolina G.S. 143-131. This is higher than the federal micro-purchase threshold as defined in 48 CFR Part 2, Subpart 2.1. The Village is allowed to set a higher micro-purchase threshold in accordance with 2 CFR §200.320(a)(1)(iv)(C). The Financial Services Director will document the annual self-certification of the Village's micro-purchase threshold as required by 2 CFR §200.320(a)(1)(iv) at the beginning of each fiscal year.

~~K.~~J. **Simplified Acquisition Threshold**. The Village will establish its simplified acquisition threshold for service contracts and construction/repair contracts to be

consistent with the federal simplified acquisition threshold as defined in 48 CFR Part 2, Subpart 2.1. The simplified acquisition threshold for purchases will be consistent with the State of North Carolina threshold over which formal bidding is required per G.S. 143-129 since this threshold is lower than the federal simplified acquisition threshold.

III. PROCEDURES:

General: The administrative procedures contained within this policy are administrative and may be changed as necessary at staff level to comply with the federal Procurement Standards within this Policy. However, any policy changes must be approved by the governing body prior to becoming effective.

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

General Procurement Standards and Procedures:

A. Necessity. Purchases ***must be necessary*** to perform the scope of work and must avoid acquisition of unnecessary or duplicative items (no stockpiling). The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying *new* items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.

B. Clear Specifications. The Purchasing Department will ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.

C. Notice of Federal Funding. All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.

D. Compliance by Contractors. All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, FEMA requirements, and terms and conditions of the funding award.

E. Fixed Price. Solicitations must state that the bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are *prohibited.* Time and materials contracts are prohibited *in most circumstances*. Time and materials (Cost-Plus) contracts will not be used unless no other form of contract is suitable and

the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.

F. Use of Brand Names. When possible, performance or functional specifications are preferred to allow for more competition, leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.

G. Lease versus Purchase. Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach. Note: This comparison is necessary for most FEMA financial assistance programs following an emergency or major disaster declaration.

H. Dividing Contract for M/WBE Participation. If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.

I. Documentation. Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include (at a minimum): rationale for the procurement method used, selection of the contract type, basis for contractor selection or rejection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and fully-executed contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.

J. Cost Estimate. For all procurements ~~costing $250,000 or more~~in excess of the simplified acquisition threshold as defined in 48 CFR part 2, subpart 2.1, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.

K. Contract Requirements. The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II. C. "Contract Award" of this Policy.

L. Debarment and Suspension. No contract shall be awarded to a ~~contractor~~ party included on the ~~federally debarred bidder's list~~governmentwide exclusions list in

the System for Award Management (SAM). Prior to preparing the contract, the Purchasing Department or the Requesting Department must verify that the ~~contractor~~ party is not ~~on the federally debarred bidder's list~~suspended or debarred in the SAM.

M. Contractor Oversight. The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.

N. Open Competition. Solicitations shall be prepared in a way to be fair and provide open competition. The Village shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding; specifying a brand name without allowing for "or equal" products, or other unnecessary requirement that have the effect of the restricting competition.

O. Geographic Preference. No contract shall be awarded ~~on the basis of~~based on a ~~-~~geographic preference. Preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States is encouraged as appropriate and allowed by law.

Matrix of Procurement Thresholds and Methods
:

Contract Type	Up to Micro-purchase Threshold	Up to Simplified Acquisition Threshold	Over Simplified Acquisition Threshold
Purchase	Less than $30,000 No competition required	$30,000 or more but less than $90,000 Small purchase	$90,000 or more Formal
Service (except Architect/Engineer)	Less than $30,000 No competition required	$30,000 or more but less than $250,000 Small purchase	$250,000 or more Formal
Construction/Repair	Less than $30,000 No competition required	$30,000 or more but less than $250,000 Small purchase	$250,000 or more Formal
Architect/Engineer Professional Service	Less than $250,000 Mini-Brooks Act	Less than $250,000 Mini-Brooks Act	$250,000 or more Formal (Proposal)

Note: The dollar thresholds in the matrix above are the thresholds in effect as of the date of adoption of this policy version. They are for illustrative purposes. Procurements subject to this policy must comply with the thresholds effective at the time of the procurement as defined in Section II of this policy.

Specific Procurement Procedures:

Either the Purchasing Department or the Requesting Department shall solicit quotes or bids in accordance with the requirements under this sSection of the pPolicy based on the procurement method required in the matrix above ~~type and cost of the contract~~ for the contract type and estimated cost.

No Competition Required~~Purchase Contracts~~
~~Service Contracts (except for A/E professional services)~~
~~Construction/Repair/Facility Improvement/Renovation~~

~~Up to Micro-purchase threshold as defined in 2 C.F.R. 200.67 ($10,000 as of 6/20/2018):~~
~~Shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. §200.320(a))~~

Procedures are as follows:

- No competitive bidding or price quotations are~~is~~ required
- Price must be considered fair and reasonable
- To the extent practicable, purchases must be distributed equitably among qualified suppliers
- Contract must be in writing (this could be in the form of a purchase order)
- Purchases can be paid via purchasing card if they comply with the Village's purchasing card policy

~~**Purchase Contracts**~~
~~**Service Contracts (except for A/E Professional Services)**~~

~~**$10,000 up to $90,000:**~~
Small Purchase~~Shall be procured using the Uniform Guidance "small purchase" procedure~~ (2 ~~C.F.R.~~CFR §200.320(a)(~~2b~~))

Procedures are as follows:

- Cost or price analysis is not required prior to soliciting bids
- ~~-~~Obtain written price quotes from an adequate number of qualified suppliers or sources (which shall not be less than three~~wo~~ (3~~2~~) quotes to be consistent with the Village's Purchasing and Contracting Policy & Procedures)
- ~~-~~
- General contractor state licensure requirements apply ~~Check specific grant as some agencies may require more than two (2) quotes~~
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 ~~C.F.R.~~CFR §200.321
- Award contract on a fixed-price basis. A not-to-exceed basis is permissible for service contracts only where obtaining a fixed price is not feasible.
- Award to lowest responsive, responsible bidder
- Contract must be in writing (purchase contracts may be in the form of a

purchase order; service contracts and construction or repair require use of contract template) with federal contract provisions included
- Check the grant agreement for additional requirements specific to the grant
- Governing board approval of the contract, if required based on the Village's delegation of authority
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding

Formal (2 CFR §200.320(b))

~~Service Contracts (except for A/E Professional Services) ($90,000 up to $250,000)~~

~~Purchase Contracts ($90,000 and above):~~
~~Shall be procured using a combination of the most restrictive requirements of the Uniform Guidance "sealed bid" procedure (2 C.F.R. §200.320(c)) and state formal bidding procedures (G.S. 143-129)~~

~~Procedures are as follows:~~
Sealed Bid (2 CFR §200.320(b)(1)):

Procedures are as follows:

- Cost or price analysis is required prior to soliciting bids (the cost estimate may be provided by the project designer)
- Complete specifications or purchase description must be available to all bidders
- Public a~~A~~dvertisement:
  - The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board.
  - Legal notice must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound *documented* reasons".
- General contractor state licensure requirements apply
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 ~~C.F.R.~~CFR §~~-~~200.321
- Solicit from adequate number of known suppliers
- Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement
- All bids must be submitted sealed
- For construction/repair bids with an estimated cost of $500,000 or more, bids must be submitted in paper format
- A minimum of two (2) sealed bids (three (3) sealed bids for construction contracts) must be received in order to open all bids
- For construction/repair bids, a 5% bid bond is required of all bidders. A bid that does not contain a bid bond is not responsive and cannot be counted toward the three (3) bid minimum.
- For construction/repair contracts, performance and payment bonds for 100% of the contract price are required of the winning bidder
- Bids may only be rejected for "sound *documented* reasons"
- Award contract as a fixed-price. A not-to-exceed basis is permissible for *service contracts only* where obtaining a fixed price is not feasible.
- Award to lowest~~,~~ responsive, responsible bidder
- Contract must be in writing (purchase contracts may be in the form of a purchase order; service contracts and construction/~~–~~repair require use of

contract template) with federal contract provisions included
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding
- Governing board approval of the contract, if required based on the Village's delegation of authority
- For construction/repair contracts costing $500,000 or more, governing board approval is required and it cannot be delegated

Construction/repair contracts involving a building costing $300,000 and above must comply with the following additional requirements under state law:
- Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
- Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
- The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

~~**Service Contracts (except for A/E Professional Services)**~~

~~**$250,000 and above:**~~
~~Shall be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)) when the "sealed bid" procedure is not appropriate for the particular type of service being sought.~~

~~*Note: RFP's (Competitive* Proposals~~)~~ *(2 CFR §200.320(b)(2))* can ***only*** *be used when conditions are not appropriate for the use of sealed bids, such as service contracts. This can be used for all types of contracts* ~~—~~*over the simplified acquisition threshold*~~*$250,000 and over*~~.*

Procedures are as follows ~~**for *competitive proposal* method**~~**:**
- Publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an "adequate number" of qualified firms.
- Proposals must be s~~S~~olicited from an adequate number of qualified firms. Individual federal grantor agencies may have guidance interpreting "adequate number".
- State licensure requirements apply for architects or engineers
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 ~~C.F.R.~~CFR § 200.321
- Identify evaluation criteria and relative importance of each criteria (criteria weight) in the ~~RFP~~request for proposal (RFP)
- All responses must be considered to the maximum extent practical
- Must have a written method for conducting technical evaluations of proposals and selecting the best qualified~~winning~~ firm

- Evaluate qualifications and competence of respondents based on the evaluation criteria and rank proposals
- Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP
- Governing board approval of the contract, if required based on the Village's delegation of authority
- ~~Governing board approval is required per local policy~~
- Award the contract on a fixed-price or cost-reimbursement basis
- Must have written contract with federal contract provisions included
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding

~~**Construction/Repair/Facility Improvement/Renovation**~~

~~**$10,000 up to $250,000:**~~
~~Shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(b))~~

~~**Procedures are as follows:**~~

- ~~Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer~~
- ~~Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321~~
- ~~Obtain written price quotes from an adequate number of suppliers or sources (typically means two (2) however, verify with granting agency)~~
- ~~Award the contract on a fixed-price or not-to-exceed basis~~
- ~~Award to lowest responsive, responsible bidder~~
- ~~Governing board approval is not required~~
- ~~Must have written contract with federal contract provisions included~~

~~**Construction/Repair/Facility Improvement/Renovation**~~

~~**$250,000 up to $500,000:**~~
~~Shall be procured using the Uniform Guidance "sealed bid" procedure (2 C.F.R. § 200.320(c))~~

~~**Procedures are as follows:**~~

- ~~Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).~~
- ~~Complete specifications must be made available to all bidders~~
- ~~Public Advertisement: Advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid~~

opening, and indicate where specifications may be obtained.
- Solicit from adequate number of known suppliers
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321
- Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement
- All bids must be submitted sealed
- A minimum of 2 sealed bids must be received in order to open all bids
- A 5% bid bond is required of all bidders (a bid that does not contain a bid bond cannot be counted toward the two (2) bid requirement)
- Performance and payment bonds for 100% of contract price is required of the winning bidder
- Bids may only be rejected for "sound *documented* reasons"
- Contract awarded on firm-fixed price basis
- Award to lowest responsive, responsible bidder
- Must have written contract with federal contract provisions included
- Governing board approval is not required

*** Building Projects over $300,000:**

Note: Construction or repair contracts involving a building costing $300,000 and above must comply with the following additional requirements under state law:
Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

~~Construction/Repair/Facility Improvement/Renovation~~

~~$500,000 and above:~~
~~Shall be procured using a combination of the most restrictive requirements of the Uniform Guidance "sealed bid" procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129)~~

~~Procedures are as follows:~~

- ~~Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).~~
- ~~Complete specifications must be made available to all bidders~~
- ~~Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).~~
- ~~The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).~~
- ~~Public Advertisement:~~
  - ~~The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board.~~
  - ~~Legal notice must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound *documented* reasons"~~
- ~~Solicit from adequate number of known suppliers~~
- ~~Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321~~
- ~~Good Faith MBE Requirements/Affidavits must be submitted~~
- ~~Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement~~
- ~~All bids must be submitted sealed and in paper format~~
- ~~A minimum of 3 sealed bids must be received in order to open all bids~~
- ~~A 5% bid bond is required of all bidders (a bid that does not contain a bid bond cannot be counted toward the three (3) bid requirement)~~
- ~~Performance and payment bonds for 100% of contract price is required of the winning bidder~~
- ~~Contract awarded on a firm fixed-price basis~~
- ~~Award to lowest responsive, responsible bidder~~
- ~~Must have written contract with federal contract provisions included~~
- ~~Governing board approval is required (cannot be delegated)~~
- ~~Governing board may reject any or all bids only for "sound *documented* reasons"~~

~~Professional Services (Architectural and Engineering Services)~~

~~Under $250,000:~~Mini-Brooks Act/Qualifications-Based Selection (G.S. 143-64.31)
This process cannot be used for general consulting services or other services not defined by state law or PDAT Supplement, Section V-15 even if those services can be performed by an architectural or engineering firm.
~~Shall be procured using the state "Mini-Brooks Act" requirements (G.S. 143-64.31)~~

Procedures are as follows:

- Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms
- ~~Advertisement: Solicit only -~~ Announce requirements for the service and make good faith efforts to notify minority firms. Newspaper advertisement is not required.
- The RFQ can solicit information on the members and qualifications of the design team, general information about the firm, examples of prior work, discussions of concepts and approaches to the project, references, or unit price.
- Price (other than unit cost), conceptual drawings, designs, or past project prices with comparison to current project price ~~shall~~ cannot be solicited in the RFQ.
- State licensure requirements apply for architects or engineers based on the work type and thresholds in G.S. 133.1.1(a)
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 ~~C.F.R.~~CFR §~~-~~200.321
- Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department
- ~~State licensure requirements apply~~
- Rank respondents based on competence and qualifications and select the best qualified firm
- Price cannot be a factor in the evaluation
- Preference may be given to in-state (but not local) firms
- Negotiate a fair and reasonable ~~compensation~~ fee with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
- Award the contract to best qualified firm with whom a fair and reasonable ~~compensation~~ fee has been successfully negotiated
- Must be a fixed-price or not-to-exceed contract type for services
- Governing board approval of the contract, if required based on the Village's delegation of authority
- ~~Governing board approval is not required~~
- Must have written contract with federal contract provisions included

~~**Professional Services (Architectural and Engineering Services)**~~

$250,000 and over:

Shall be procured shall be procured using the Uniform Guidance "**competitive proposal"** procedure (2 C.F.R. § 200.320(d)(5))

Procedures are as follows:

- Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms
- Advertisement: Solicit only - Newspaper is not required
- Price (other than unit cost) shall not be solicited in the RFQ
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321
- Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ
- Proposals must be solicited from an "adequate number of qualified sources" (an individual federal grantor agency may issue guidance interpreting "adequate number")
- Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm
- Consider all responses to the publicized RFQ to the maximum extent practical
- Evaluate qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department
- Rank respondents based on qualifications and select the most qualified firm
- Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project
- Price cannot be a factor in the initial selection of the most qualified firm
- Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
- Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated
- State licensure requirements apply
- Must be a fixed-price or not-to-exceed contract type for services
- Governing board approval is not required
- Must have written contract with federal contract provisions included

Note 1: Geographic preference can be given (in-state) as long as there is an appropriate number of qualified firms given the size of the project.

Note 2: RFQ process cannot be used for general consulting services or other services not defined by state law or PDAT Supplement, Section V-15 even if those services can be performed by an architectural or engineering firm.

IV. EXCEPTIONS:

Non-competitive contracts are allowed ***only*** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

A. Sole Source.~~-~~ A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.

B. Public Exigency.~~-~~ A contract may be awarded without competitive bidding when there is a public exigency or emergency.~~-~~ A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from ~~a~~ competitive bidding.

C. Inadequate Competition. ~~-~~A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from the~~a~~ number of sources as required under this Policy does not result in a qualified winning bidder.

D. Federal Contract.~~-~~ A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.

~~**E.**~~ **Awarding Agency Approval**. ~~-~~A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

~~**F.**~~**E.**

	VILLAGE OF PINEHURST **STANDARD PROCEDURE**
SUBJECT: Purchasing Policy & Procedures with Federal Funds	Effective Date: 06/23/2020
Department: Financial Services	Policy No.: FIN-416.3
Prepared by: Financial Services Director, Brooke Hunter	Revised: 00/00/0000
Approved by: Village Council Resolution #20-21	# of Pages: 12

I. PROCEDURE PURPOSE:

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for the purchase of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects **when federal funds are being used in whole or in part to pay for the cost of the contract**.

II. POLICY:

A. Application of Policy. This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed) which includes, but is not limited to, direct grants, USDA grants and loans, CDBG funds, FEMA disaster assistance grants, and the Highway Planning, Research, and Construction Program. The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

B. Compliance with Federal Law. All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. §200.317 through §200.326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The Village of Pinehurst will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the Village of Pinehurst have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

C. Compliance with Conflict of Interest Policy: Use of Federal Funds. All procurement activities must comply with the Village's Conflict of Interest Policy: Use of Federal Funds in accordance with 2 C.F.R §200.318)(c)(1).

D. Contract Award. When bids are required by law, or otherwise solicited by the Village, all contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract. Consideration shall be given to contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

D. No Evasion. No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this policy or state and federal law.

E. **Contract Requirements**. All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R. Section § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.

F. Contractor's Conflict of Interest. Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.

G. Approval and Modification. The administrative procedures contained in the Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

III. PROCEDURES:

General: The administrative procedures contained within this policy are administrative and may be changed as necessary at staff level to comply with the federal Procurement Standards within this Policy. However, any policy changes must be approved by the governing body prior to becoming effective.

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

General Procurement Standards and Procedures:

A. **Necessity**. Purchases ***must be necessary*** to perform the scope of work and must avoid acquisition of unnecessary or duplicative items (no stockpiling). The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying *new* items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.

B. **Clear Specifications**. The Purchasing Department will ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other

requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.

C. **Notice of Federal Funding**. All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.

D. **Compliance by Contractors**. All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, FEMA requirements, and terms and conditions of the funding award.

E. **Fixed Price**. Solicitations must state that the bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are *prohibited.* Time and materials contracts are prohibited *in most circumstances*. Time and materials (Cost-Plus) contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.

F. **Use of Brand Names**. When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.

G. **Lease versus Purchase**. Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach. Note: This comparison is necessary for most FEMA financial assistance programs following an emergency or major disaster declaration.

H. **Dividing Contract for M/WBE Participation**. If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.

I. **Documentation**. Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes,

bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.

J. **Cost Estimate**. For all procurements costing $250,000 or more, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.

K. **Contract Requirements**. The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II. C. “Contract Award” of this Policy.

L. **Debarment**. No contract shall be awarded to a contractor included on the federally debarred bidder’s list. Prior to preparing the contract, the Purchasing Department or the Requesting Department must verify that the contractor is not on the federally debarred bidder’s list.

M. **Contractor Oversight**. The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.

N. **Open Competition**. Solicitations shall be prepared in a way to be fair and provide open competition. The Village shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding; specifying a brand name without allowing for “or equal” products, or other unnecessary requirement that have the effect of the restricting competition.

O. **Geographic Preference**. No contract shall be awarded on the basis of a geographic preference.

Specific Procurement Procedures:

Either the Purchasing Department or the Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

Purchase Contracts
Service Contracts (except for A/E professional services)
Construction/Repair/Facility Improvement/Renovation

Up to Micro-purchase threshold as defined in 2 C.F.R. 200.67 ($10,000 as of 6/20/2018):
Shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. §200.320(a))

Procedures are as follows:

- No bidding is required
- Price must be considered fair and reasonable
- To the extent practicable, purchases must be distributed among qualified suppliers
- Contract must be in writing (this could be in the form of a purchase order)

Purchase Contracts
Service Contracts (except for A/E Professional Services)

$10,000 up to $90,000:
Shall be procured using the Uniform Guidance "small-purchase" procedure (2 C.F.R. §200.320(b))

Procedures are as follows:

- Cost or price analysis is <u>not</u> required prior to soliciting bids
- Obtain written price quotes from an adequate number of suppliers or sources (which shall not be less than two (2) quotes)
- Check specific grant as some agencies may require more than two (2) quotes
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. §200.321
- Award contract on a fixed-price basis. A not-to-exceed basis is permissible for service contracts only where obtaining a fixed price is not feasible.
- Award to lowest responsive, responsible bidder
- Contract must be in writing (purchase contracts may be in the form of a purchase order; service contracts and construction or repair require use of contract template)
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding

Service Contracts (except for A/E Professional Services) ($90,000 up to $250,000)
Purchase Contracts ($90,000 and above):
Shall be procured using a combination of the most restrictive requirements of the Uniform Guidance "sealed bid" procedure (2 C.F.R. §200.320(c)) and state formal bidding procedures (G.S. 143-129)

Procedures are as follows:

- Cost or price analysis is required prior to soliciting bids
- Complete specifications or purchase description must be available to all bidders
- Public Advertisement:
    - The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board.
    - Legal notice must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound *documented* reasons"
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321
- Solicit from adequate number of known suppliers
- Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement
- All bids must be submitted sealed
- A minimum of 2 sealed bids must be received in order to open all bids
- Bids may only be rejected for "sound *documented* reasons"
- Award contract as a fixed-price. A not-to-exceed basis is permissible for *service contracts only* where obtaining a fixed price is not feasible.
- Award to lowest, responsive, responsible bidder
- Contract must be in writing (purchase contracts may be in the form of a purchase order; service contracts and construction repair require use of contract template)
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding

Service Contracts (except for A/E Professional Services)

$250,000 and above:
Shall be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)) when the "sealed bid" procedure is not appropriate for the particular type of service being sought.

*Note: RFP's (Competitive Proposals) can **only** be used when conditions are not appropriate for the use of sealed bids such as service contracts. This can be used for*

all types of contracts $250,000 and over.

Procedures are as follows for *competitive proposal* method:

- Publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an "adequate number" of qualified firms.
- Solicit from adequate number of qualified firms
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321
- Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP
- All responses must be considered to the maximum extent practical
- Must have a written method for conducting technical evaluations of proposals and selecting the winning firm
- Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP
- Governing board approval is required per local policy
- Award the contract on a fixed-price or cost-reimbursement basis
- Must have written contract with federal contract provisions included
- **Cannot** use a cooperative purchasing program as an Exception to the Bidding

Construction/Repair/Facility Improvement/Renovation

$10,000 up to $250,000:
Shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(b))

Procedures are as follows:

- Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321
- Obtain written price quotes from an adequate number of suppliers or sources (typically means two (2) however, verify with granting agency)
- Award the contract on a fixed-price or not-to-exceed basis
- Award to lowest responsive, responsible bidder
- Governing board approval is not required
- Must have written contract with federal contract provisions included

Construction/Repair/Facility Improvement/Renovation

$250,000 up to $500,000:
Shall be procured using the Uniform Guidance "sealed bid" procedure (2 C.F.R. § 200.320(c))

Procedures are as follows:

- Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
- Complete specifications must be made available to all bidders
- Public Advertisement: Advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
- Solicit from adequate number of known suppliers
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321
- Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement
- All bids must be submitted sealed
- A minimum of 2 sealed bids must be received in order to open all bids
- A 5% bid bond is required of all bidders (a bid that does not contain a bid bond cannot be counted toward the two (2) bid requirement)
- Performance and payment bonds for 100% of contract price is required of the winning bidder
- Bids may only be rejected for "sound *documented* reasons"
- Contract awarded on firm-fixed price basis
- Award to lowest responsive, responsible bidder
- Must have written contract with federal contract provisions included
- Governing board approval is not required

*** Building Projects over $300,000:**

Note: Construction or repair contracts involving a building costing $300,000 and above must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

Construction/Repair/Facility Improvement/Renovation

$500,000 and above:
Shall be procured using a combination of the most restrictive requirements of the Uniform Guidance "sealed bid" procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129)

Procedures are as follows:

- Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
- Complete specifications must be made available to all bidders
- Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
- The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).
- Public Advertisement:
    - The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board.
    - Legal notice must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound *documented* reasons"
- Solicit from adequate number of known suppliers
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321
- Good Faith MBE Requirements/Affidavits must be submitted
- Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement
- All bids must be submitted sealed and in paper format
- A minimum of 3 sealed bids must be received in order to open all bids
- A 5% bid bond is required of all bidders (a bid that does not contain a bid bond cannot be counted toward the three (3) bid requirement)
- Performance and payment bonds for 100% of contract price is required of the winning bidder
- Contract awarded on a firm fixed-price basis
- Award to lowest responsive, responsible bidder
- Must have written contract with federal contract provisions included
- Governing board approval is required (cannot be delegated)
- Governing board may reject any or all bids only for "sound *documented* reasons"

Professional Services (Architectural and Engineering Services)

Under $250,000:
Shall be procured using the state "Mini-Brooks Act" requirements (G.S. 143-64.31)

Procedures are as follows:

- Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms
- Advertisement: Solicit only - Newspaper is not required
- Price (other than unit cost) shall not be solicited in the RFQ
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321
- Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department
- State licensure requirements apply
- Rank respondents based on qualifications and select the best qualified firm
- Price cannot be a factor in the evaluation
- Preference may be given to in-state (but not local) firms
- Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
- Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated
- Must be a fixed-price or not-to-exceed contract type for services
- Governing board approval is not required
- Must have written contract with federal contract provisions included

Professional Services (Architectural and Engineering Services)

$250,000 and over:
Shall be procured shall be procured using the Uniform Guidance "**competitive proposal"** procedure (2 C.F.R. § 200.320(d)(5))

Procedures are as follows:

- Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms
- Advertisement: Solicit only - Newspaper is not required
- Price (other than unit cost) shall not be solicited in the RFQ
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321
- Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ
- Proposals must be solicited from an "adequate number of qualified sources" (an individual federal grantor agency may issue guidance interpreting "adequate number")

- Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm
- Consider all responses to the publicized RFQ to the maximum extent practical
- Evaluate qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department
- Rank respondents based on qualifications and select the most qualified firm
- Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project
- Price cannot be a factor in the initial selection of the most qualified firm
- Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
- Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated
- State licensure requirements apply
- Must be a fixed-price or not-to-exceed contract type for services
- Governing board approval is not required
- Must have written contract with federal contract provisions included

Note 1: Geographic preference can be given (in-state) as long as there is an appropriate number of qualified firms given the size of the project.

Note 2: RFQ process cannot be used for general consulting services or other services not defined by state law or PDAT Supplement, Section V-15 even if those services can be performed by an architectural or engineering firm.

IV. EXCEPTIONS:

Non-competitive contracts are allowed ***only*** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

A. Sole Source. A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.

B. Public Exigency. A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.

C. Inadequate Competition. A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.

D. Federal Contract. A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.

E. Awarding Agency Approval. A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.