



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF JANUARY 12, 2021
ASSEMBLY HALL
395 MAGONOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.

2. Reports:

Manager

Council

3. Motion to Approve Consent Agenda.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

A. Approval of Village Council Meeting Minutes.

December 1, 2020 Special Meeting

December 2, 2020 Special Meeting, Pre-Retreat

December 8, 2020 Special Meeting

December 8, 2020 Regular Meeting

December 8, 2020 Closed Session

December 10, 2020 Special Meeting, Retreat

December 11, 2020 Special Meeting, Retreat

December 17, 2020 Special Meeting

End of Consent Agenda.

4. Discuss and Consider a Resolution Appointing a Member to the Board of Adjustment and Planning and Zoning Board.

5. Discuss and Consider Action on the Preliminary Plat for the Proposed Pinehurst South Cottages Major Subdivision.

This item is continued from the Council's December 8, 2020 meeting. The public hearing on this item has been closed.

6. Presentation of the Distinguished Budget Presentation Award.

7. Discuss the National Historic Landmark District Integrity & Condition Study.

8. Discuss and Consider Approval of the Village of Pinehurst Emergency Paid Sick Leave Policy.

9. Discuss and Consider Budget Amendment for Land Purchase Completed in December.

10. Discuss and Consider Ordinance Amending the Municipal Code to Establish a Public Tree Protection

Program.

11. Other Business.
12. Comments from Attendees.
13. 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.



**COUNCIL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- ▣ 2020 Key Partner & Collaborator List



Council Member to Report	Partners & Collaborators
John Strickland	Moore County Transportation Committee
	Neighborhood Advisory Committee
	Pinehurst Resort
Judy Davis	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
	FirstHealth
	Moore County
Lydia Boesch	Pinehurst Business Partners
	Convention and Visitors Bureau
	Bicycle and Pedestrian Advisory Committee
Kevin Drum	Triangle J. COG
	Partners in Progress
	NCDOT/TARPO
Jane Hogeman	Beautification Committee
	Moore County Schools



APPROVAL OF VILLAGE COUNCIL MEETING MINUTES.

ADDITIONAL AGENDA DETAILS:

December 1, 2020 Special Meeting
December 2, 2020 Special Meeting, Pre-Retreat
December 8, 2020 Special Meeting
December 8, 2020 Regular Meeting
December 8, 2020 Closed Session
December 10, 2020 Special Meeting, Retreat
December 11, 2020 Special Meeting, Retreat
December 17, 2020 Special Meeting

FROM:

Beth Dunn

CC:

Jeff Sanborn

DATE OF MEMO:

1/4/2020

MEMO DETAILS:

Attached are the draft minutes from the December 1st special meeting, December 2nd special meeting, December 8th special meeting, December 8th regular meeting, December 8th closed session, December 10 special meeting, December 11th special meeting, and December 17th special meeting.

ATTACHMENTS:

Description

- ☐ December 1, 2020 Special Meeting
- ☐ December 2, 2020 Special Meeting/Pre-Retreat
- ☐ December 8, 2020 Special Meeting
- ☐ December 8, 2020 Regular Meeting
- ☐ December 10, 2020 Special Meeting/Retreat
- ☐ December 11, 2020 Special Meeting/Retreat
- ☐ December 17, 2020 Special Meeting



**VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF DECEMBER 1, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

The Pinehurst Village Council held a remote special meeting at 2:00 p.m., Tuesday, December 1, 2020 in Assembly Hall at Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. Some members of the Village Council participated remotely using the virtual meeting platform ZOOM.

The following were in attendance at 395 Magnolia Road, Pinehurst:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Mr. Jeffrey Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

The following were in remote attendance:

Ms. Lydia Boesch, Councilmember
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember

And approximately 8 attendees, including 2 staff.

1. Call to Order.

Mayor John Strickland, called the Council special meeting to order.

2. Discuss Library Needs Assessment.

Jeff Sanborn, Village Manager, gave a summary of a meeting that he, Mayor Strickland, and Mayor Pro Tem Davis had with Tom Pashley, President of Pinehurst Resort. The meeting was to help understand their position and desire for the Tufts Archives. Mr. Sanborn stated the Resort is so inclined to have a direct partnership with the Village or Given Tufts. Mayor Strickland stated the Resort seems to want to cooperative on whatever works best for all parties involved. The Resort did indicate a need for corporate meeting space and could use the library building for that purpose if they were to take over the building and archives. Mayor Pro Tem noted Mr. Pashley stated the Tufts Archives could partner with the USGA archives, as they have the expertise in managing archives. Councilmember Hogeman asked if the Resort would want all the archives. Mayor Pro Tem Davis stated they are more interested in the golf architect items. Mayor Strickland noted there has been some discussion on who owns some of the items in the archives and also the possibility the splitting up the various types of archives to relevant parties involved.

Mr. Sanborn noted the intent of the meeting with the Resort and the Given Tufts Board was to flesh out the feasibility of all the options on the table. Mayor Strickland stated they told members of the Given Tufts Board about the option to consider a donation of the archives and the library to the Village and they were open to that concept. Mr. Sanborn stated the Board expressed concern if they donated the assets and the building which could then trigger that the endowment would have to be donated to a 501(c) 3, per legal guidelines. The Given Tufts Board also wants to ensure that the Village of Pinehurst intends to follow through with the enhancement of library services, if a donation or agreement was made. Mayor Pro Tem Davis stated they also discussed expanding the current library building, due to the work that Councilmember Boesch completed with the National Park Services, as that is a feasible option again. Mr. Sanborn stated the Given Tufts Board expressed concerns that they would have to figure out what to do with the bookstore if all their assets were donated to the Village.

Natalie Hawkins, Assistant Village Manager, reviewed the options that Council came up at their last meeting to discuss the Library Services Needs Assessment. Ms. Hawkins reviewed the potential gains and harm if the Village decides to operate a municipal

library. Ms. Hawkins stated that Council's next steps are to look at the size of the building, the timeline to construct or renovate, and the how much money the Village is willing to spend on a facility.

Ms. Hawkins reviewed the recommended building square footage for a library based on the needs expressed by Pinehurst residents in the ETC Library Services Survey. The current Given Memorial Library building is 8,400 square feet, in which the library occupies approximately 3,825 square feet and the Tufts Archives occupies 4,575 square feet. The previously proposed plans for the Great Expectation Campaign increased the square footage of the building to 23,540 square feet, which was to stay in the existing parcel. Ms. Hawkins reviewed a financial analysis to show how a mix of debt and equity financing may be used to fund construction and ongoing operating costs. Mayor Strickland noted that the Library Board has mentioned continuing their private fundraising as plans move forward.

Ms. Hawkins reviewed the criteria that Council identified as important factors to consider as they evaluate options, such as site constraints, ability to expand in the future, best use of existing building, and displacement of existing operations. Councilmember Hogeman suggested adding the criteria of the impact of the businesses downtown. Mayor Pro Tem Davis suggested adding the criteria to evaluate the temporary interruption of library operations, if the current building was renovated.

Ms. Hawkins reviewed the drawings from the Given Library's previous expansion plans. She also shared the potential site plans should a library be constructed on Magnolia Road or the Old Historic Fire House be renovated. The Magnolia Road site has the most potential to assist in developing an underutilized area. Ms. Hawkins explained that the Historic Fire House site is limited with the size of the building and parking area and the Community Center site couldn't sustain a new building without taking away an existing baseball field.

Council discussed completing the criteria of the pros and cons on the various options and returning to Ms. Hawkins before their next special meeting to discuss the library. Council will discuss dates to hold a special meeting at their upcoming retreat on December 2, 2020.

3. Motion to Adjourn

Council unanimously approved to adjourn the special meeting, by a vote of 5-0, at 4:55 p.m.

Respectfully Submitted,

Beth Dunn,
Village Clerk

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**VILLAGE COUNCIL
MINUTES FOR FY 2022 STRATEGIC PLANNING PRE-RETREAT
DECEMBER 2, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
8:30 AM – 5:00 PM**

The Pinehurst Village Council held the FY 2022 Strategic Planning Pre-Retreat on Wednesday, December 2, 2020 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. Some members of the Village Council participated remotely using the virtual meeting platform ZOOM. The following were in attendance:

The following were in attendance at 395 Magnolia Road, Pinehurst:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Mr. Kevin Drum, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk
Mr. Jeffrey Batton, Assistant Village Manager
Ms. Natalie Hawkins, Assistant Village Manager
Ms. Lauren M. Craig, Organizational Performance Director
Ms. Angela Kantor, Director of Human Resources
Mr. Carlton Cole, Fire Chief
Mr. Randy Kuhn, Director of Fleet Maintenance
Mr. Mike Apke, Director of Public Services
Mr. Mark Wagner, Director of Parks and Recreation
Mr. Glen Webb, Police Chief
Ms. Brooke Hunter, Director of Financial Services
Mr. Jason Whitaker, Chief Information Officer
Mr. Darryn Burich, Planning and Inspections Director
Ms. Cyndie Burnett, Planning and Zoning Chair
Mr. Tom Campbell, Bicycle and Pedestrian Advisory Committee Chair

The following were in remote attendance:

Ms. Lydia Boesch, Treasurer
Ms. Jane Hogeman, Councilmember

And approximately 1 attendee.

1. Fiscal Year (FY) 2022 Strategic Planning Pre-Retreat

Welcome, Introductions and Overview

Lauren Craig, Organizational Performance Director, welcomed everyone and outlined the agenda for the day. She explained the objective for the Pre-Retreat meeting was to review data, information, and Comprehensive Plan

strategies. Council will also affirm strengths, opportunities, aspirations, results, and affirm Strategic Advantages and Challenges. Ms. Craig noted that Council will meet again on December 10th and 11th to hold the FY 2022 Strategic Planning Retreat.

Review Operating Environment and Context

Ms. Craig reviewed 8 key national economic trends, community and societal trends, and generational changes in the workforce that could have an impact on the Village in the future. Ms. Craig explained that currently the unemployment is at 6.9% and the Federal Reserve characterized the economy as growing but not near where it was before the pandemic hit. Councilmember Hogeman asked about the ad valorem tax base decreasing proportionately to the population increase. Councilmember Boesch asked what the North Carolina unemployment rate is. Angie Kantor, Human Resources Director, stated the NC unemployment rate is currently 6.3%.

Ms. Craig reviewed the trends for a post-COVID workplace, such as the need for increasing remote working, better work-life balance, expanded access to paid sick leave, mental health as a workplace priority, increased attention to safety, and talent geographically unleashed. Ms. Craig also reviewed population and demographic projections, which were developed by using trends from previous US Census data. Ms. Craig noted that from 2015 to 2021, the average annual population growth rate for Pinehurst was 2.1%, Southern Pines was 1.89%, and Aberdeen was 2.73%. Natalie Hawkins, Assistant Village Manager, noted that it will be interesting to get the new 2020 Census data to see the new population and demographic breakdown.

Ms. Craig reviewed the local real-estate market trends. She explained that as of October, 2020 inventory in Moore County is extremely scarce. In January, 2020 there were 813 homes on the market and as of October 1, 2020 that number was 552. The year to date volume of homes sold is 26% and over 25% of the homes sold were new construction. Council and staff discussed the various fiscal implications from commercial development.

Ms. Craig reviewed the input on the most important issues facing Pinehurst from employees, volunteers, residents, and businesses. Ms. Hawkins stated she met with the leaders of the medical community and discussed concerns and their long term plans. Some of the key issues were lack of sufficient parking in the medical district, pedestrian safety, lack of day care facilities, and limited capacity at the FirstHealth Energy Plant. FirstHealth will begin to prepare a Facilities Master Plan starting in January 2021. Also, FirstHealth was recently approved to add 40 new beds to the existing authorization, for 400 beds.

Ms. Hawkins explained she met with Tom Pashley, President of Pinehurst Resort, to discuss key issues and long term plans. Some of their key issues are lack of sufficient parking during peak demand, wayfinding signage, rezoning required to accommodate long term building plans, and the need to complete construction on the new hotel prior to the 2024 U.S. Open Championship. Some of their long term plans include building a new hotel, relocation of existing amenities, USGA location to the Resort property, and increased frequency of U.S. Championships.

Ms. Craig reviewed some of the projects planned by the North Carolina Department of Transportation, laid out in the current STIP, within the next 10 years. Ms. Craig reviewed the long range plans for Moore County. The County is currently developing a 20 year water and sewer model to ensure adequate future capacity. Partners in Progress has a strategic plan focusing on business recruitment for healthcare/medical, defense/military, golf/sports recreation, and manufacturing.

Review Data and Information for Goals

Ms. Craig reviewed the strengths and opportunities for improvement identified by Senior Leaders for the Village's 9 goals currently set on the Corporate Balanced Score Card (BSC). She also reviewed the key performance indicators (KPI) for each of the 9 BSC goals. Ms. Hawkins explained they have mapped the Comprehensive Plan Strategies to the Balanced Scorecard.

For Goal 1, Safeguarding the Community, Glen Webb, Police Chief, explained the current trends and the effects from COVID. For Goal 2, Promoting High Quality Development and Appearance, Council discussed the need to move forward with form based codes. The group discussed the key performance indicators (KPI) for code enforcement and the increased need for additional code enforcement and planning staff. Ms. Hawkins reviewed the associated Comprehensive Plan Strategies for Goal 2, which has the most of any goal.

Ms. Craig stated for Goal 3, Promote a Thriving Business Community, we have sustained high levels of satisfaction with customer service for businesses. Ms. Craig suggested adding a question to the resident survey about how many people dine in the Village center. Mayor Strickland stated he would like focus on helping and promoting the Village businesses. Ms. Hawkins reviewed the associated Comprehensive Plan Strategies for Goal 3. Councilmember Boesch suggested moving the strategy for developing a walking tour mobile app up in the timeline. Mayor Pro Tem Davis stated maybe we should look at this to have in place before the U.S. Open in 2024. The group also discussed the possibility of moving up the strategy to get broadband into the Village.

Ms. Craig reviewed the strengths and opportunities for improvement for Goal 4, Promote Transportation Mobility Connectivity. The group discussed the methods for how street lighting and sidewalks are addressed in neighborhoods. Ms. Hawkins reviewed the strategies in the Comprehensive Plan tied to Goal 4. In response to strategy 2.7, to ensure pedestrian safety in the medical district, Mike Apke, Public Services Director, stated the hospital contacted him about installing a pedestrian crossing on Memorial Drive. The group discussed prioritizing tasks for the new transportation planner to focus on and updating the Bicycle and Pedestrian Plan. Mayor Strickland noted he doesn't want to lose sight of the Ritter Road intersection pedestrian crossing issues. Mark Wagner, Parks and Recreation Director, stated that the BPAC plans to request Ritter Road improvements be completed with their funding for next year. Jeff Batton, Assistant Village Manager, stated that NCDOT is going to provide the Village with a recommendation on the type of crossing that will be most appropriate at the Ritter Road intersection. Jeff Sanborn, Village Manager, stated there may be an opportunity to make those improvements now and have the NCDOT reimburse us when the Hwy 5 improvements occur.

Ms. Craig reviewed the strengths and opportunities for improvement for Goal 5, Protecting the Environment. Councilmember Hogeman stated we need to update the storm water requirements in the Pinehurst Development Ordinance (PDO). Mr. Batton stated most of the complaints he has received are private issues, as they are driven by new development and not specifically the right-of-ways. Councilmember Boesch asked if we had any idea how to improve recycling services. Mr. Batton stated the biggest improvement we can do is control contamination and lower the costs. Mayor Pro Tem Davis suggested more education on the ordinance related to trash pickup and recycling. Ms. Hawkins reviewed the Comprehensive Plan Strategies related to Goal 5.

Ms. Craig reviewed the strengths and opportunities for improvement for Goal 6, Promoting Active Living and Cultural Opportunities. Councilmember Hogeman asked why we are wanting to develop West Pinehurst Park and provide numerous events. Mr. Wagner stated RFQ's for consultants to create a master plan for West Pinehurst Park should be in today. Mr. Sanborn stated there was a potential opportunity to partner with a private organization if we created a master plan for West Pinehurst Park. Mayor Strickland asked what we see the need to be at West Pinehurst Park. Mr. Wagner stated the property lends itself to a host of opportunities and sees a mix of uses. Councilmember Hogeman stated she doesn't want to move forward with hiring a consultant. Ms. Hawkins noted to Council approved this work in the FY 2021 budget. Councilmember Drum, Councilmember Boesch, and Mayor Pro Tem came to a census to move forward as approved. Mayor Strickland and Councilmember Hogeman wanted to halt the project.

Ms. Craig reviewed the strengths and opportunities for improvement and KPI's for Goal 7, Professionally Manage a High Performing Organization. Ms. Hawkins stated we completed one Comprehensive Plan Strategy this fiscal year of converting static maps to online interactive digital maps, accessible on the Village website. Ms. Craig reviewed the strengths and opportunities for improvement and KPI's for Goal 8, Attract and Retain an engaged workforce. She explained the turnover rate was mostly retirements, with 10 retirements this past year. There are no Comprehensive Plan Strategies associated with Goal 8.

For Goal 9, Maintain a Healthy Financial Condition, Ms. Craig explained that the Village is in a healthy financial condition. The group reviewed the financial data and projections for upcoming years. Ms. Craig noted a Fund Balance Policy discussion is planned for day 2 of the retreat next week on December 11th. Ms. Hawkins reviewed 2 Comprehensive Plan Strategies aligned with Goal 9.

Affirm FY 22 SOAR (Strengths, Opportunities, Aspirations, and Results) Analysis

Ms. Craig led the group in reviewing the Strengths, Opportunities, Aspirations and Results (SOAR) for FY 2022, proposed by Senior Leaders. The group discussed those recommendations and made some additional recommendations to discuss further at the Strategic Planning Retreat, scheduled next week. Council agreed to rank the 10 Strategic Opportunities before the retreat next week. Council discussed revising the wording of the Strategic

Opportunities to exclude any actionable items. Councilmember Hogeman suggested many changes she would like to make to the Strategic Opportunities including PDO updates and rezoning's. Ms. Craig stated the list was intended to be a broad list that action items roll up into. Councilmember Boesch suggested adding an aspiration to retain our historic charm and change the wording to provide housing options to all stages of life to "quality" housing options and the Council agreed. Mayor Pro Tem Davis suggested adding the turnover rates for Pinehurst businesses onto the results list. Councilmember Hogeman suggested adding a question on the resident survey to ask satisfaction levels with commercial re-development.

Affirm Strategic Advantages & Challenges

Ms. Craig reviewed the Key Strategic Advantages and Strategic Challenges, proposed by Senior Staff, for FY22. Council agreed to add manage growth to retain the character of the Village as a Strategic Challenge. Council agreed to add limitations on development authority to the strategic challenge list, as well as increasing traffic volume and congestion.

Wrap Up, Next Steps, and Evaluation

Ms. Craig reviewed the draft agenda for the Strategic Planning Retreat next week on December 10th and 11th. The group conducted a Plus /Delta for the Pre-Retreat meeting. Councilmember Drum suggested more input from all Councilmembers, more structure to the input. Mr. Sanborn stated to bridge the gap between the data on national trends and local trends.

2. Adjournment.

Council unanimously adjourned the Strategic Planning Pre-Retreat at 5:15 p.m.

Respectfully Submitted,

Beth Dunn
Village Clerk

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**VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF DECEMBER 8, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

The Pinehurst Village Council held a special meeting at 3:30 p.m., Tuesday, December 8, 2020 in Assembly Hall at Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. Some members of the Village Council participated remotely using the virtual meeting platform ZOOM.

The following were in attendance at 395 Magnolia Road, Pinehurst:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

The following were in remote attendance:
Ms. Lydia Boesch, Councilmember

And approximately 10 attendees, 2 staff members and 1 press.

1. Call to Order.

Mayor John Strickland, called the Council special meeting to order.

2. Discuss Small Area Plan

Darryn Burich, Planning and Inspections Director, introduced the Small Area Plan consultants with Design Collective. He explained they are onsite this week as part of their kick-off meeting to visit the Small Area Plan sites and conduct some stakeholder meetings. Cecily Bedwell, Principal with Design Collective, introduced the Design Collective Team. She noted that the team has been busy pulling information such as GIS information for each of the areas. She shared some of the draft initial conditions. Ms. Bedwell reviewed some of the interview questions to be asked during the stakeholder meetings.

Melina Duggal, Design Collective, stated she has been collecting market data for various land usages. Moore County has bounced back since the shutdown, due to COVID-19. She noted that residential home sales are doing very well in the area. Ms. Bedwell stated that the project timeline was originally seven months with a potential one month extension for the project and another three month extension as Council works on adopting the Small Area Plans. She explained the team will be conducting individual interviews with Councilmembers tomorrow, for forty-five minutes each.

3. Motion to Adjourn

Council unanimously approved to adjourn the special meeting, by a vote of 5-0, at 4:15 p.m.

Respectfully Submitted,

Beth Dunn,
Village Clerk

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**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF DECEMBER 8, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, December 8, 2020 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

The following were in attendance at 395 Magnolia Road:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

The following were in remote attendance:

Ms. Lydia Boesch, Councilmember

And approximately 27 attendees, 7 staff members, and 1 press.

1. Call to Order.

Mayor Strickland, called the Village Council meeting to order.

2. Invocation and Pledge of Allegiance.

Invocation by Pastor David Beam of Pinehurst United Methodist Church.

3. Reports:

Village Manager

- Mr. Sanborn stated based on the last executive order the Village is now requiring face coverings for all Village facilities. The Governor issued Executive Order 181 this afternoon effective December 11th through January 8th.

Village Council

- Mayor Strickland stated COVID trends in the County are not good. He encouraged everyone to read Jamie Baxley's article in The Pilot concerning the condition of the County. He noted that FirstHealth continues to operate in good condition. Also, he has received some good feedback about the efforts to support the businesses in the Village. He thanked the Parks and Recreation Department for hosting a great Holiday Drive-Through Event.
- Councilmember Hogeman stated the Beautification Committee met yesterday and put together their list of projects and the FY 2022 budget. They are looking for support on these projects as the 2024 U.S. Open nears.
- Councilmember Boesch received some comments of the color of lights on the wreaths downtown. The Beautification Committee will be evaluating those to possibly replace next year. She thanked Dee Johnson and Janet Farrell for all of their work.
- Councilmember Drum wished everyone a Merry Christmas and reminded everyone of the Holiday Shopping event this

upcoming weekend from 5:00 pm to 8:00 pm in the Village.

- Mayor Pro Tem Davis reminded everyone that December 31st the 125th anniversary of Pinehurst and stated as everyone is celebrating at home on New Year's Eve take a moment to celebrate that someone was so thoughtful 125 years ago to give us this wonderful community.

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.

- Public Safety Reports.
 - November, 2020 Fire Report
 - November, 2020 Police Report
- Approval of Village Council Meeting Minutes.
 - November 10, 2020 Regular Meeting
 - November 10, 2020 Work Session
 - November 10, 2020 Closed Session

End of Consent Agenda.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved the consent agenda, by a vote of 5-0.

5. Present Resolution to Leo Santowasso Honoring His Service on the Board of Adjustment and Planning and Zoning Board.

Mayor Strickland read aloud a resolution that Council adopted to honor Mr. Santowasso for his service as a member of the Board of Adjustment and Planning and Zoning Board for the past six years. Mr. Santowasso also served as Chair of the Planning and Zoning Board his last term and previously served as Chair of the Board of Adjustment. Mr. Santowasso thanked all the Councilmembers, other members of boards that he served with. He thanked the Planning and Inspections Department and stated they are all the engaged, professional, and caring people who are really behind what the Village is trying to do.

6. Discuss and Consider a Resolution Reappointing Terry Lurtz to the Historic Preservation Commission.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved resolution 20- 37 reappointing Terry Lurtz as a member of the Historic Preservation Commission, by a vote of 5-0.

7. Discuss and Consider a Resolution Reappointing Tom Schroeder to the Historic Preservation Commission.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved resolution 20-38 reappointing Tom Schroeder as a member of the Historic Preservation Commission, by a vote of 5-0.

8. Discuss and Consider a Resolution Reappointing Eric Von Salzen to the Historic Preservation Commission.

Upon a motion by Councilmember Hogeman, seconded by Councilmember Drum, Council unanimously approved resolution 20-39 reappointing Eric Von Salzen as a member of the Historic Preservation Commission, by a vote of 5-0.

9. Discuss and Consider a Resolution Reappointing Eric Von Salzen as Chair of the Historic Preservation Commission.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Davis, Council unanimously approved resolution 20-40 reappointing Eric Von Salzen as Chair of the Historic Preservation Commission, by a vote of 5-0.

10. Presentation of the FY 2020 Comprehensive Annual Financial Report.

Brooke Hunter, Financial Services Director, explained that the FY 2020 financial statements have been prepared in accordance with generally accepted accounting principles (GAAP) and audited in accordance with Government Auditing Standards by a firm of licensed certified public accountants. She noted that John Frank, Dixon Hughes Goodman, is here to present his opinion of the report.

Mr. Frank stated the audit was completed virtually this year, due to the pandemic, and thanked the staff for all of their help. He explained that the Village's total fund balance increased 3.3 million this fiscal year as a result of many factors. Property tax 912,000 due to mostly the revaluation of property taxes and adoption of a greater than revenue neutral tax rate. Sales tax revenue increased

this year by \$129,000, in spite of the pandemic. Fair Barn revenues and recreation fees were down around \$132,000. Building and Inspections revenues were up this year at \$130,000.

Mr. Frank stated the General Fund fund balance was \$11.2 million, with \$7.3 million in unassigned dollars, at the end of FY 2020. He explained that unassigned fund balance is 42% of actual General Fund expenditures and total fund balance is equal to 51% of budgeted expenditures. State wide the average of fund balance in the Village's peer group is 56%. The Village continued to have very low debt levels, and noted since that time all debt has been paid off. The Village was required to complete a state single audit this year due to grant funds received and there were no findings.

Mayor Pro Tem Davis asked if anything stands out about Pinehurst. Mr. Frank stated most municipalities are not debt free like Pinehurst. Councilmember Hogeman asked about the pension liability and what our total liability would be in the future. Jeff Sanborn, Village Manager, stated these pension payments are not something that the Village could calculate for a future liability, as they are not due until a payroll has been completed. Mr. Sanborn explained if the payroll changed the amount would change.

11. Motion to Recess Regular Meeting and Enter into a Public Hearing.

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

12. Public Hearing No. 1

Alex Cameron, Senior Planner, stated this public hearing is to consider a request for a Major Subdivision Review for a 42 lot subdivision with 38 single-family residential lots located in the Extraterritorial Jurisdiction (ETJ) and off Blake Boulevard, currently Moore County Parcel ID# 00046287 and a portion of Parcel ID# 00046241. The applicant and the property owner is The Cottages at Legacy Lakes, LLC. Mr. Cameron explained the properties included with this proposal are currently zoned R-5 (High Density Residential) and NC (Neighborhood Commercial). There is no proposed change to rezone the property. Mr. Cameron stated the public hearing was duly posted, adjacent owners notified, and a hearing was published.

Mr. Cameron reviewed the process for a subdivision review. He noted that a previous proposal was submitted last year with a proposed rezoning. The Planning and Zoning Board didn't recommended the previous proposal and the applicant pulled the application before it went forward to Village Council for consideration. Mr. Cameron reviewed the new proposed preliminary plat, the setback requirements, and adjacent land uses and zoning. Mr. Cameron explained the current R-5 zoning district allows for a minimum of 5,000 square foot lots which roughly results in a net density of 8 units per acre. The typical lot size is shown on the proposed plan as 6,600 square feet and would allow for approximately 2,800 square feet of buildable area. Other lots are shown for stormwater management, sanitary sewer lift station and undeveloped common areas or green space.

Mr. Cameron explained the 2019 Comprehensive Plan identifies this area as Focus Area 2, Highway 5 Commercial Area, and recommends a mixed-use stacked residential area with primary focus on commercial and retail. Mr. Cameron stated the proposed subdivision is not consistent with the Comprehensive Plan, however, it is compliant with the existing zoning and no zoning amendment is proposed.

The site includes proposed internal streets with a 60 foot right-of-way, a 24 foot street width, and a 49 foot cul-de-sac radius. Access to the subdivision is from a connection to Blake Boulevard, a Village owned and maintained road.. The applicant is proposing to use valley gutter in lieu of full concrete curb and gutter, which will require a waiver to be granted by Village Council. The applicant is proposing a 20 foot wide gated emergency vehicle only access from Olivia Lane, which the Village currently has an agreement with the railroad to utilize the crossing on Olivia Lane for the sole purpose to provide emergency services to the lots is the rear of CCNC. The streets are intended to be public and sidewalks are required and provided on both sides of all proposed streets. Water and sewer will be provided to the site by Moore County Public Works, with the pump station and lot to be turned over to Moore County Public Works. The applicant indicated that a HOA will be formed and will be responsible for the maintenance of the required improvements and ownership of the common areas. Mr. Cameron stated the applicant indicated they intend to petition the Village for annexation into the corporate limits.

There are no subject floodplains, wetlands, or located in a watershed area. The TRC has reviewed and issued comments in which the applicant have addressed. At this time the TRC has deemed it complaint enough to move forward with a few items that will need to be addressed and can be done so at the time of construction drawing approvals. The TRC recommends the following conditions:

- A. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.
- B. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.
- C. The proposed preliminary plat does not show a site triangle compliant with Section 3.02(a) of the Pinehurst Engineering Standards and Specifications Manual (ESSM) at the intersection of proposed "Street A" and Blake Boulevard. A compliant site triangle will be required prior to approval of construction drawings and the final plat.

Mr. Cameron explained that the Pinehurst Planning and Zoning Board conducted a public hearing on October 1st and November 5th, reviewed the material along with the staff recommendation and the requirements of the Pinehurst Development Ordinance. The Planning and Zoning Board recommended that Village Council approve the Preliminary Plat with the following conditions:

- A. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.
- B. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.

Mayor Pro Tem Davis asked about the condition for the emergency access. Mr. Cameron explained that they will either get an easement for Olivia Lane, or they will have to install fire suppression in each unit, or reduce the number of units to 30.

Tim Carpenter, LKC Engineer, stated that Legacy Lakes seeks to develop as is with no rezoning requested. He reviewed the site location plan. The topography generally slopes from west to east, evaluations range. Mr. Carpenter noted they are prepared to do a detailed analysis with Remy Kemp on the sight triangles. Mr. Carpenter explained they are asking for a curb and gutter waiver to install a valley curb to reduce the number of cuts on the curbs.

Josh Ramey, Ramey Kemp Associates, explained the trip generation shows the site to be well below the NCDOT threshold for requiring a Traffic Impact Analysis (TIA). The trip generation also shows that the proposed development would have no significant impacts to the existing roadways. Dave Neil, applicant's attorney, stated that Olivia Lane is weird road and has existed since the 1950's and the title shows that the road has never been deeded out. Under the law that is called a neighborhood public road, however, it's a private road. The railroad crossing is only memorialized by an agreement between the Village and Aberdeen Western Railroad. Mr. Neil explained from discussion he has had there seems to be support from the railroad to amend the current agreement to include this new development.

Mayor Pro Tem Davis asked if the proposed homes were all single story homes. Mr. Carpenter stated there are some a story and half and some 2 story. Mayor Pro Tem Davis asked what they would do with the Neighborhood Commercial lot to be used as the entrance. Mr. Carpenter stated they would clean the lot up and dress it up for a nice entrance. Mayor Pro Tem Davis suggested adding a mail kiosk to the development to limit mail boxes at the driveways.

Councilmember Hogeman asked when the title report would be available and how big is Olivia Lane. Mr. Neil stated he was unsure of when the final report would be available. Mr. Carpenter stated Olivia Lane is a 40 foot right of way, which accommodates emergency vehicles. Councilmember Boesch asked if they planned to build all the units at one time and if they would all be spec homes or some

custom built. Mr. Carpenter stated they wouldn't build all at one time, current pace in the market is about 15 per year or less and also stated there will be both custom built and some spec. homes.

Public Comments:

Kaye Pierson, 45 Brandon Trail, read a section on PDO that talks about the Comprehensive Plan and spoke on the following 4 points:

#1 - The statement in the staff report on this proposal says this development is "not consistent with the Comprehensive Plan." This development is totally contrary to the plan and the wishes of the community. After 2 years and countless hours of analysis, along with extensive public input and taxpayer money, the 2019 Comprehensive Plan was developed and approved just 1 year ago yet, here we are with a development proposal that is in direct conflict it. This area is identified in the plan as generally commercial and professional with the only residential being "stacked residential" and no Single Family Detached development. The Pinehurst citizens' vote last year has been embodied in the document of the LRCP, therefore, Council should reject this plan as not being consistent with the Comprehensive Plan.

-#2 - Blake Blvd entrance:

The inclusion in this development of the small parcel fronting Blake Boulevard that is currently zoned Neighborhood Commercial would seem to become part of the development, which is zoned R5. The R5 parcel will be transferred, if you will, and maintained by an HOA. It would seem the parcel zoned NC should be both be used as such, and not to support and be part of a residential development or be rezoned as R-5. Will this small parcel become part of the "common ground" of this development and be maintained by the HOA? And without designating this parcel as an integral part of the development, effectively rezone the parcel? To avoid a rezoning is the developer going to maintain ownership of this small parcel on Blake Boulevard and give the owners of property in this development an irrevocable right to access this parcel? Or will the developer continue to maintain and pay taxes on the parcel?

A rezoning requires an ordinance, and no such ordinance was discussed in the Planning Board meeting or is on any agenda. It seems like this is a rezoning of the parcel on Blake Boulevard and should be treated as such.... No rezoning to residential should be permitted in this area.

#3 – Mailboxes:

When asked about mailboxes in the development, I felt the developer was somewhat vague in giving a solution. He stated that he was not planning to construct a centralized kiosk area with postal boxes for the community, yet the Postal Service will no longer deliver to residents in developments. A mailbox kiosk must be the developers' responsibility.

#4 - Parking within the development:

With 2 parking spaces for each residence, and a turnaround for emergency vehicles, where are visitors, repair/utility trucks, etc. supposed to park within the development? It was mentioned the streets within the development will become public and emergency vehicles will have access to the emergency gate at CCNC at the junction of street A and Olivia Lane, through another gate. This would seem to be a recipe for disaster. Should not additional visitor/overflow parking be mandated?

- Bob Coates, 21 Edinburgh Lane, stated the Village spent a lot of money developing the Comprehensive Plan and this proposed residential development is not consistent with that plan. We should adhere to and enforce the Comprehensive Plan.

Councilmember Drum asked if they planned to clear cut to build the homes. Mr. Carpenter stated they plan to retain as much vegetation as possible.

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

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

14. Review and Discuss Magnolia Streetscape Plan.

Jeff Batton, Assistant Village Manager, completed design last spring but with COVID we put final design on hold. Last year the Council approved that budget for this project. Design funds have been spent and construction funds have been rolled forward to this current year.

David Honeycutt, McGill and Associates, reviewed the plans for the project. He explained the first part of the plan would be a

developing a sidewalk behind the trees that align Magnolia Road. The new sidewalk would tie into the brick sidewalk that Pinehurst Brewery installed. The current storm drainage across from the Century Link building is asphalt swells that would be changed to piped storm water drainage to create more parking along the street. The project would include 1,000 feet of new sidewalk, 700 linear feet of brick curbing, add 22 additional parking spaces, 400 linear feet of drainage piping, and 1,600 square yards of asphalt overlay.

Mayor Pro Tem Davis asked where the additional parking spaces would be. Mr. Batton stated there will be two parking spaces in front of the Brewery on that side of the street then parallel parking across the street. Councilmember Hogeman asked if we should talk to the Resort about helping with the project since it benefits them as well. Mr. Batton stated we certainly can talk with them. Councilmember Drum stated this project is not just a sidewalk project as it addresses so many issues and also noted residents will use this extra parking for the Arboretum and other uses. Mayor Strickland noted he would like to see the two spaces removed in front of the Brewery, which is currently a grassy area. Mr. Honeycutt estimates a six to nine month construction time.

15. Discuss and Consider an Ordinance Amending Chapter 72, Parking Regulations, of the Pinehurst Municipal Code.

Jeff Batton, Assistant Village Manager, stated as a result of recent construction parking downtown taking up multiple parking spaces with irregular parking patterns, it is necessary to amend the current parallel and diagonal parking sections of the municipal code in order to be able to enforce restrictions on irregular parking. It is also necessary to add a section in the parking schedule that pertains to perpendicular parking, as only diagonal and parallel parking are addressed. Also, the parking schedule does not include the streets in the downtown area, therefore parallel parking in diagonal spaces is not prohibited. We also do not have a section or schedule to address the same issue with perpendicular parking.

Mr. Batton explained to correct this we are suggesting that we add all parking in the Village Commercial, Village Mixed Use and Public Conservation Zoning jurisdictions to the schedules thereby allowing Police to enforce correction of unconventional parking when necessary. Recognizing that we need to also allow substantial renovation and planned maintenance to be done on buildings in those zoning jurisdictions, the ordinance allows for permission to be granted by the Village Manager, with restrictions deemed appropriate, to park unconventionally when necessary. There is also a recognition that unplanned and emergency repairs will be necessary and the ordinance exempts requirements for permission to be sought in those instances. Council discussed associated fines and Mayor Strickland recommended staff bring that discussion back to Council in January.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved ordinance 20-15 amending Chapter 72, Parking Regulations, of the Pinehurst Municipal Code, by a vote of 5-0.

16. Other Business.

No other business was discussed.

17. Comments from Attendees.

- Kaye Pierson, Pinehurst resident, asked Council to initiate an immediate moratorium on commercial development and identify parcels within the 5 focus areas that are zoned inconsistent with the 2019 comprehensive plan and propose the rezoning.
- Mike York, 340 Manning Square, submitted the following comments by email: I am deeply concerned about the "Magnolia on Knoll" development on Knoll Rd. behind Walker Station. My wife and I have lived in Walker Station since February 2018. The Magnolia on Knoll development was approved under certain conditions. The developer said that they would provide a privacy fence against the Walker Station property line - this has not happened. They have also not provided any erosion control measures, which the developer also promised. We were told that the homes in that neighborhood would have attached garages, though they are apparently pouring foundations for detached garages. Today there was a piece of heavy machinery tearing trees down on the lot behind my house, and its track was inches away from one of the crepe myrtles on my property. No one was being supervised. Some of the workers from that development are also walking up and down driveways on the 300 block of Walker Station to borrow equipment from the building sites in our neighborhood. That is completely unacceptable. This development is not going as planned. Please consider sending someone out to perform a site inspection. I am very concerned about the integrity of our neighborhood and I do not like what I am seeing behind our home. If the developer is not within compliance, then site development should not continue.
- Willie Engelson, 296 Manning Square, submitted the following comments by email: I have some uneasy concerns about

the Magnolia on Knoll development going up next to our residence in Walker Station. I've enclosed a Walker Station plat map showing our home on lot 28 (296 Manning Square) in the lower right corner. There is a Walker Station homeowner community lot between us and the new development to the east. I've witnessed workers from Magnolia on Knoll walking across that lot and over my driveway to the current construction site across from me on lots 62 thru 64. I believe that fencing will be erected along the perimeter of Magnolia on Knoll and would hope that the developer complies and that the VOP will require conformance with that plan. Without fencing casual access would encourage transit between the two developments with foot traffic and the walking of dogs and other pets with unsavory consequences as the community lot and my property would be an attractive target. I'm asking y'all to keep us in mind and urging you to direct periodic inspections to ensure developer/builder compliance with the approved plan. Thank you for the opportunity to comment.

- Anna-Marie Jaeschke, Pinehurst resident, submitted the following comments by email: Thank you for providing a platform in which members of your community can voice and share concerns. I appreciate your consideration of the below described situation. We heard there was a scheduled council meeting in the village today and I am seeking to raise awareness to a development that would benefit from a site inspection to ensure compliance. The development of concern is Magnolia on Knoll and the developer is Calvin Riddle from Fayetteville. There are multiple inconsistencies with what the developer shared with neighboring communities and what is being built (location of fence, detached garages, number of trees coming down, construction debris on our property, DEQ noncompliance etc.) I love living in NC and feel truly blessed to call Pinehurst home! From my experience people in our community are honest, live with integrity, say what they mean and do what they say. I hope you can hold this developer accountable to being honest and complying with his proposed plan which granted him approval to build.
- Walker Station HOA Board submitted the following comments by email: We have been informed about safety and compliance concerns by our homeowners that involve the development named Magnolia on Knoll by developer Calvin Riddle. Could the village please clarify what the agreement and conditions are regarding a fence to be erected between Walker Station and Magnolia on Knoll, and the required timeline for this? Was there a bond requirement to ensure compliance? We understand that the HOA board has no involvement with ensuring compliance. We are simply reaching out in good faith on behalf of our homeowners and requesting that the village inspect the development site and ensure compliance with the zoning and development agreement.
- Christine Barrett, Manning Square, submitted the following comments by email: Thank you for your service and dedication to our community. I know growth is a hot topic in Pinehurst, and I also know that many residents are concerned with the quality of the home being built and the environmental impact of those builds. In the spirit of full disclosure, I am a realtor. As a resident of the 300 block of Manning Sq., in Walker Station, I have many concerns about how things are progressing at Magnolia Knoll. There have been plans distributed to realtors representing that the homes may be built with detached garages. The remaining 4 lots (#6-9) are approximately 140' x 80'. Hard to imagine how a side entry detached garage may be accommodated on a lot with those specs, in addition to a +/- 2500 sq. ft. house. Variances on setback were given in the council meeting to accommodate side entry attached garages. Clearly, based on what is being sold and built, plans have changed. I'm writing to request that the site and plans be inspected (building envelope and property lines verified), as well as revisiting the environmental quality standards as they pertain to the drainage plan, and the fence be erected between the 300 block on Manning Square and the development. Many thanks for your attention to this matter.
- Aria and Jared Rayes, Pinehurst residents, submitted the following comments by email: Good afternoon, Pinehurst Town Council. We are Aria and Jared Rayes. We are a military family and have been residents of the Village of Pinehurst since 2016. We have grown to love and appreciate the unique and tight-knit community that lives here. We are coming to you because we are deeply concerned with the mandates imposed on us by Governor Cooper and the lack of transparency provided by government leadership to the citizens of our community during the last several months. The state and local governments' response to COVID-19 has been more damaging than the virus itself. Information and data pertinent to better understand the virus as it relates to public health measures is being intentionally suppressed in order to justify Governor Cooper's mandates under Emergency Executive Powers and keep citizens living in a state of fear and compliance. He has grossly overreached the limits of his authority. By extension, the Village leadership's complicity in his overreach violates the Constitutional freedoms of its citizens. The consequences of these mandates are extremely damaging to our community socially, economically, and politically. If Governor Cooper can get away with it now, what's next? When does it end? Who is holding him accountable? Currently, the narrative promoting mask mandates and social distancing overwhelmingly dominates the COVID-19 discussion. Anything that challenges that narrative is met with hostility and even discrimination. Even worse, the mandates imposed on us eliminate citizens' ability to freely choose for themselves, based on available data, whether they want to cover their face; this has created damaging division throughout the community. There has been zero platform to freely and openly discuss this in Pinehurst. We ask the Town Council to be open and receptive to hearing this information challenging data on COVID-19, lockdowns, and the efficacy of masks. This ongoing divisiveness and deception has to stop, and it starts with respectfully opening up a discussion on

the issue with the agreement of open-mindedness from both sides. We would like to finish our statement by stating once more that Governor Cooper has abused his executive power, and we believe it is your responsibility, as representatives of this town, to apply pressure where it is due to hold the Governor accountable for his actions. Secondly, we ask that you consider the other evidence we present to you that contradicts his mandates so that you can make the best-informed decision for the citizens of Pinehurst. Thank you for carefully considering our request.

- John Webster, Pinehurst resident, submitted the following comments by email: After reading the 2020 CAFR, I have the following questions/comments I would appreciate your reading: Pages 43-44. Why is covered payroll for each year different in the two tables? There is a one year difference. If not a mistake, a footnote would help explain. The VOP 2020 CAFR includes the first part of a serious crisis, yet the VOP's finances are even stronger than a year before which demonstrates the resilience of property taxes and taxes on consumption. This has all resulted in the VOP delaying some projects and hiring's. What sort of crisis is the VOP accumulating funds for? The fund balance is 51% of 2021 budgeted expenditure, in excess of the 30-40% VOP policy. Given that budgeted expenditure is normally 6% above actual, the fund balance percentage is, in fact, generally understated. If expenditure had not increased so markedly in 2019, the fund balance would be even larger. VOP at June 30th continued to pay 4.6% interest on a small pre-payable debt while holding in excess of \$ 11MM in cash earning 0%. Good financial management? The LGERS LT pension liability is calculated using a 7% discount rate. This is a received rate from the State and not subject to VOP decision. However, Council should be aware that this is unreasonably high; the higher the discount rate, the lower the accounted pension liability, although the real liability remains unaltered. See https://reason.org/wpcontent/uploads/files/pension_discount_rates_best_practices.pdf. This basically says the discount rate should be the rate at which the pension liability could be financed by a municipality. Lowering the LGERS discount rate just 1%, from 7% to 6%, would reportedly increase the VOP LGERS accounted pension liability from \$2.7MM to \$6.3MM. Interestingly, the LEOSS accounting uses a 3.26% discount rate based on the S&P Municipal Bond 20-Year High Grade Rate Index as of December 31, 2019 (yesterday this rate was 2% <https://www.spglobal.com/spdji/en/indices/fixed-income/sp-municipal-bond-20-year-high-grade-rate-index/#overview> - which implies a further some \$1.5MM accounting liability for the LEOSSA liability). Bottom line is that the real overall pension liability is a multiple of the accounted one and increasing. Should a VOP trust (to be funded over time from the General Fund) be created to build a fund to cover the difference between the real pension liability (calculated using a realistic discount rate) and the VOP pro-rata asset value in the LGERS fund? One could argue that the present system just kicks the bucket forward to be paid by future taxpayers, as this is a real liability that corresponds to past employment. Please ask LGERS what the pension liability would be using a 2% and a 3% discount rate. The pension liability is a very real and large long term liability that I fear most of us do not realize is there. My annual reminder to you that the VOP's property base progression does not keep up with the sum of the two VOP expenditure drivers (inflation and population growth). See the table below. The Ad Valorem tax base per capita has actually fallen 2.5% in the last 5 years, in spite of the intervening 10% inflation. VOP policies that favor lower cost housing, which also impedes existing housing stock appreciation, will only exacerbate this situation. The difference has to be made up with increased taxation, as has been the case.

18. Motion to Recess Regular Meeting and Enter Closed Session.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to recess the regular meeting and enter into a closed session pursuant to NCGS §143-318.11(a)(5)(i) 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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, by a vote of 5-0.

19. Closed Session.

Council held a closed session 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.

20. Motion to Adjourn the Closed Session and Re-enter Regular Meeting.

Upon a motion by Councilmember Drum, seconded by Councilmember Boesch, Council unanimously to adjourn the closed session and re-enter the regular meeting, by a vote of 5-0.

21. Action on Purchasing Land on Bowman Road.

Upon a motion by Councilmember Hogeman, seconded by Councilmember Drum, Council unanimously approved to purchase

7.62 acres of land located on Bowman Road, Parcel ID 20030102, and authorized the Village Manager to execute all necessary documents, by a vote of 5-0.

22. Motion to Adjourn

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to adjourn the regular meeting, by a vote of 5-0, at 9:45 p.m.

Respectfully Submitted,

Beth Dunn,
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org

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Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement



**VILLAGE COUNCIL
MINUTES FOR FY 2022 STRATEGIC PLANNING RETREAT
DECEMBER 10, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
9:00 AM – 5:00 PM**

The Pinehurst Village Council held the FY 2022 Strategic Planning Retreat on Thursday, December 10, 2020 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. Some members of the Village Council participated remotely using the virtual meeting platform ZOOM.

The following were in attendance at 395 Magnolia Road, Pinehurst:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk
Mr. Jeffrey Batton, Assistant Village Manager
Ms. Natalie Hawkins, Assistant Village Manager
Ms. Lauren M. Craig, Organizational Performance Director
Ms. Angela Kantor, Director of Human Resources
Mr. Carlton Cole, Fire Chief
Mr. Randy Kuhn, Director of Fleet Maintenance
Mr. Mike Apke, Director of Public Services
Mr. Mark Wagner, Director of Parks and Recreation
Mr. Glen Webb, Police Chief
Ms. Brooke Hunter, Director of Financial Services
Mr. Jason Whitaker, Chief Information Officer
Mr. Darryn Burich, Planning and Inspections Director
Ms. Cyndie Burnett, Planning and Zoning Chair
Mr. Tom Campbell, Bicycle and Pedestrian Advisory Committee Chair

The following were in remote attendance:

Ms. Lydia Boesch, Councilmember

And approximately 2 attendees and 1 press.

1. Fiscal Year (FY) 2022 Strategic Planning Retreat

Welcome, Overview, and Pre-Retreat Meeting Recap

Lauren Craig, Organizational Performance Director, welcomed everyone, reviewed the strategic planning timeline, and outlined the agenda for the day.

Review and Affirm Mission, Vision, and Core Competencies

Ms. Craig reviewed the mission and vision and Council affirmed. Ms. Craig explained the three core competencies are currently continuous improvement, utilize volunteers, and leverage technology. Mayor Pro Tem Davis stated that she would like that change the wording for utilize volunteers. Council came to a consensus to change the core competency to engaging volunteers. Ms. Craig explained she would bring back the discussion on future core competencies to Council in January.

Prioritize Strategic Opportunities and Identify Areas of Focus

Ms. Craig reviewed the list of Strategic Opportunities that Council prioritized. Council discussed breaking out enforcement of codes and ordinances from managing development.

Affirm or Amend actions (OFI's) to address Strategic Opportunities

Ms. Craig reviewed the different classifications for Opportunities for Improvement and Innovation (OFI). She noted the three classifications are Evaluations, Projects, and Initiative Action Plans (IAP). Councilmember Hogeman suggested adding periodic updates to the Pinehurst Development Ordinance, enact protective planning, and placing a moratorium for commercial development in focus areas. Councilmember Boesch suggested adding working with our local delegations to get special funding to complete NCDOT projects. Mayor Pro Tem Davis suggested also looking into a local sales tax adjustment during the U.S. Open Championship. Mayor Strickland suggested adding evaluate the impact of USGA and more frequent U.S. Open's.

Councilmember Hogeman reviewed a list of changes she would like make to the Pinehurst Development Ordinance (PDO). Council agreed to add a continual review that is presented to the Village Council quarterly for PDO amendments to the FY 2022 OFI list. Council clarified the language for the OFI to create and enforce standards for critical corridors into the Village. The group discussed the project to create conservation standards and evaluate ways to preserve and conserve open space.

Council discussed the current OFI to create a multi-modal plan and agreed to remove the OFI from the list, as a Transportation Planner is being hired and that will be their responsibility. Council discussed the railroad and came to a consensus to add an OFI to engage Aberdeen Carolina Western Railroad for mutually beneficial outcomes with railroad and transportation. Council discussed changing the language of a Strategic Opportunity to maximize the effectiveness of our transportation systems. Council discussed working with local delegates to help expedite and align current STIP plans with the U.S. Open Championship.

Council discussed OFI's associated with the Strategic Opportunity to expand and enhance stormwater management efforts. Council agreed to evaluate the opportunity to manage single lot residential stormwater through PDO amendments (on-site storage and other solutions). Council added an OFI to change from 10 year stormwater standard to a 25 year stormwater standard. Council discussed street lighting dissatisfaction levels and the correlation to sidewalks. Mayor Pro Tem Davis stated that she is concerned about installing sidewalks in residential neighborhoods, as it changes the character of the Village.

Council discussed OFI's to address creating a thriving business environment such as Village Place streetscape enhancements. Council discussed a partnership to develop and implement a historic tour mobile application to promote historic tourism in the Village as a destination, and assist visitors with navigation. Council discussed the need to evaluate the need for Village-wide economic development and business relation services and ultimately agreed to reword the OFI to target business relations and communications. Council agreed to add an OFI to create a marketing strategy. Councilmember Hogeman stated she doesn't think we should be spending time on marketing strategies.

Council discussed evaluating parking downtown and in surrounding areas. Mayor Pro Tem Davis stated we need to have a comprehensive look at where when can add parking, like adding the 25 parking spaces with the Magnolia Streetscape Project. Council agreed to add a separate OFI to identify and implement additional parking and used the Carriage House Project as an example. Council agreed to partner with the Resort to discuss and resolve parking issues, Council listed OFI this as a high priority. Council agreed to move the OFI to work with businesses to minimize employee on street parking to provide convenient parking for customers, as these discussions will be had as part of the business relation OFI. Council agreed to add an OFI to develop a renovation plan of landscapes and amenities.

2. **Adjournment.**

Council unanimously adjourned Day 1 of the Strategic Planning Retreat at 5:00 p.m.

Respectfully Submitted,

Beth Dunn
Village Clerk

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**VILLAGE COUNCIL
MINUTES FOR FY 2022 STRATEGIC PLANNING RETREAT
DECEMBER 11, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
9:00 AM – 3:00 PM**

The Pinehurst Village Council held the FY 2022 Strategic Planning Retreat on Friday, December 11, 2020 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. Some members of the Village Council participated remotely using the virtual meeting platform ZOOM.

The following were in attendance at 395 Magnolia Road, Pinehurst:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk
Mr. Jeffrey Batton, Assistant Village Manager
Ms. Natalie Hawkins, Assistant Village Manager
Ms. Lauren Craig, Organizational Performance Director
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Mr. Carlton Cole, Fire Chief
Mr. Randy Kuhn, Director of Fleet Maintenance
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Mr. Glen Webb, Police Chief
Ms. Brooke Hunter, Director of Financial Services
Mr. Jason Whitaker, Chief Information Officer
Mr. Darryn Burich, Planning and Inspections Director
Ms. Cyndie Burnett, Planning and Zoning Chair
Mr. Tom Campbell, Bicycle and Pedestrian Advisory Committee Chair

The following were in remote attendance:

Ms. Lydia Boesch, Councilmember

And approximately 2 attendees and 1 press.

1. Fiscal Year (FY) 2022 Strategic Planning Retreat

Welcome and Overview

Lauren Craig, Organizational Performance Director, welcomed everyone and outlined the agenda for the day.

Review Initiative Action Plans

Ms. Craig reviewed the status of the current Initiative Action Plans (IAP) with Council.

Review Five-Year Financial Forecast and Fund Balance Policy and Discuss Five-Major Capital Needs

Brooke Hunter, Financial Services Director, reviewed the methodology for the five-year financial forecast. She noted that the amounts shared today are the projections for FY 2021-2025 that have been extended using the same assumptions to FY 2026. Retirement contributions will continue to increase, for FY 2022 the rate is set for 11.4%. Ms. Hunter noted currently there is no debt service and none planned at this time. Revenues are expected to continue to increase over the next 5 years.

Natalie Hawkins, Assistant Village Manager, explained the purpose of Fund Balance (FB). She noted that Council adopted a Fund Balance Policy in 2003. The current Policy states that the FB range should be between 30% and 40% and that unassigned FB must be maintained at a level greater than 15% of actual General Fund expenditures reported in the Comprehensive Annual Financial Report (CAFR). Ms. Hawkins stated the NC Local Government Commission's minimum FB target is 8% of expenditures.

Ms. Hawkins explained various types of funds that municipalities may have, specific to their services provided, such as an Enterprise Fund. She noted that municipalities can establish various capital reserves funds (CRF) to fund capital projects. The advantage of using a CRF is that you can easily identify how much money has been saved for capital need in a separate fund. The disadvantage of a CRF is that it's legally restricted to only defined capital needs, which are established by a resolution or ordinance.

Ms. Hawkins explained that FB can be accumulated to fund capital needs as well. The advantage of this option is it provides more flexibility because Council can use FB for operational or capital needs. A disadvantage of accumulating FB for capital needs is that the money saved for capital needs isn't as readily identifiable. Ms. Hunter explained the difference between restricted and unrestricted funds within the General Fund. Councilmember Hogeman asked what the FB is without the one million returned by the library. Ms. Hunter noted that the library funds account for approximately 4% of the FB. Also, Councilmember Hogeman stated she would like to see the projected FB number without the proposed tax increases in future years.

Ms. Hawkins reviewed a list of potential long term capital needs. Items in the 5-year forecast include sidewalks, West Pinehurst Park development, streetscape improvements, road resurfacing, and stormwater improvements, which total \$9.5 million. Ms. Hawkins noted that some other items to consider, that are not in the 5-year forecast, include library renovations/expansion, ladder truck, parking facility, 3rd fire station/police substation, and Public Services relocation, which total \$15.5 million to \$20.4 million. Ms. Hawkins stated that staff recommends a combination of funding options that would be dependent on more refined cost estimates and the timing of anticipated capital expenses.

Council discussed the potential capital needs and if any of those fell in the 5-year planning period. Council agreed the library and parking facilities should be in the 5-year financial forecast. Councilmember Boesch talked about the need and benefit of having Parks and Recreation. Mayor Pro Tem Davis stated she feels the funding for the development of West Pinehurst Park should remain in the five-year forecast. Councilmember Hogeman stated there is a laundry list of capital projects and we need to be careful to put our needs before things that are nice to have. Council came to a consensus to remove the \$250,000 placeholder for FY 2022 for West Pinehurst Park development, and leave the funding for the remaining out years.

Discuss Potential Workforce needs

Ms. Hawkins explained the Fire Department Birdie, completed last year, resulted in the need for additional firefighters. After the Birdie was completed one additional firefighter was hired as a floater and they started using additional reserve officers. However, to truly solve the problems an additional two to three firefighters are needed. Ms. Hawkins also explained the police department will need an additional employee to manage CELA, for accreditation. Mayor Pro Tem Davis asked if CELA was the only accreditation program. Glen Webb, Police Chief, explained the state is rolling a program out next year which wouldn't require as much for ongoing needs as CLEA. Mr. Sanborn stated we can get the CELA certification now, as we are already in the process of doing, however, it's the re-accreditation process that would require an additional employee.

Ms. Hawkins explained another area for potential need is development services and community services which would include an economic developer, permit technician, and a code enforcement officer. One option would be to combine a permit technician and code enforcement officer position together and they could also serve as backup to those in the full time roles. Councilmember Hogeman stated she believes we need more planners to start updating the Pinehurst

Development Ordinance (PDO). Ms. Hawkins stated that the recommendation would be to hire a consultant to start on a comprehensive update to the PDO. Jeff Batton, Assistant Village Manager, suggested changing the economic developer position to a Planner, whether contracted or part time, and reevaluate the numbers and Council agreed to this change. Ms. Hawkins also explained the need to create a position under the planning director, such as an assistant director position, and Council was open to that change.

Ms. Hawkins explained the potential needs of library staff if the Village were to take over those services. An estimated 7 full time equivalents (FTE) would be needed to staff a library and 1 FTE if the Tuft Archives is acquired. The library would also impact financial services, human resources, IT, and Building & Grounds staffing. Mr. Batton explained with the work of the Beautification Committee, creating new landscaping areas, additional staffing will be needed to help maintain these areas. Solid Waste will need an additional 1 FTE as a floater to go between solid waste and streets and grounds. If we insourced solid waste services for Pinewild we would need an additional 1 to 3 FTE's, this will be evaluated this year. Ms. Hawkins also noted there is a need for a .5 to 1 FTE in both Financial Services and Human Resources. Mr. Sanborn noted that these two areas are probably the greatest need.

Discuss Potential Changes to the FY 2022 Balanced Scorecard Goals, Strategic Objectives, and Key Performance Indicators.

Ms. Craig reviewed the current goals in the Corporate Balanced Scorecard. Councilmember Boesch asked to change the wording for Goal 5 to Protect the Environment and Council agree to re-word to "Preserve the Environment". Ms. Craig stated based on conversations yesterday she has spilt out the Strategic Objectives in Goal 2 to enforce codes and ordinances and manage development to protect Village character. For Goal 3 Council rewrote the Strategic Objective to remove the word economic development and agreed to change the wording to "Support the Business Community".

Discuss 2021 Key Partners & Collaborators

Ms. Craig reviewed the current FY 2021 Key Partner and Collaborator List and noted Council will need to confirm Council liaisons for 2021. Councilmember Boesch stated that the Chamber suggested adding a Council liaison. Mayor Strickland stated he would get with individual Councilmembers to discuss any changes and they will confirm at their January meeting.

Wrap Up, Next Steps, and Evaluation

The group evaluated the Strategic Planning Retreat by completing a plus/delta.

2. Adjournment.

Council unanimously adjourned Day 2 of the Strategic Planning Retreat at 3:00 p.m.

Respectfully Submitted,

Beth Dunn
Village Clerk

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



**VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF DECEMBER 17, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

The Pinehurst Village Council held a remote special meeting at 1:30 p.m., Thursday, December 17, 2020 in Assembly Hall at Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

And approximately 13 attendees, including 5 staff, and 1 press.

1. Call to Order.

Mayor John Strickland, called the Council special meeting to order.

2. Discuss Library Needs Assessment.

Mayor Strickland explained that today's meeting is to discuss potential locations for a new library and options for the current location. Natalie Hawkins, Assistant Village Manager, stated this is a big decision that will impact the community for a long time and her role is to facilitate the discussion and give Council the best evaluation tools to make those decisions. Ms. Hawkins explained at the last meeting, on December 1st, Council agreed to individually evaluate the various potential locations.

Ms. Hawkins reviewed the GIS maps of each of the sites Council evaluated, which were the existing library location, a site near Village Hall, a site near the Community Center, and the Historic Fire Station. Councilmember Drum excused himself from the meeting. Ms. Hawkins noted that Councilmember Hogeman also suggested a fifth site which is a lot the Village currently owns on Rattlesnake Trail, beside the Greens. The group compared the size of the Rattlesnake Trail lot to the lot the police station sits on for reference. Jeff Sanborn, Village Manager, stated that he measured the police department lot on GIS and it's approximately 1.2 acres, which is 11,000 sq. ft. bigger than the Village's lot on Rattlesnake Trail.

Councilmember Hogeman asked if the 10,000 to 12,000 square foot recommended building size included space for the archives. Ms. Hawkins stated it does not, all assumptions are based on library operations only at this time. Council discussed the advantages and disadvantages of the current location of the Given Memorial Library. Ms. Hawkins explained that one option for remaining at the current location would be to complete a small expansion now and then as we grow in 10 to 15 years we could move the library or archives out if additional space was needed. Councilmember Hogeman stated this option gives us an opportunity to do something on a smaller scale and still have the ability to enlarge it later on, however, on the other hand the displacement of the current library is a disadvantage.

Council reviewed the option to locate a library near Village Hall on the lot beside the police station, which the Village already owns. Councilmember Hogeman suggested the Rattlesnake Trail lot verses the lot beside the police station. Mayor Pro Tem Davis stated she thinks there is a lot of foot traffic on Magnolia Road because of the Arboretum and doesn't see much foot traffic on Rattlesnake Trail, as there are no sidewalks. Mayor Pro Tem Davis stated she is concerned that the topography of the lot beside the police station would increase the cost of construction, however, the topography could make for interesting options in the back yard. Mayor

Strickland noted there is more opportunity in the Village Hall area than he had seen before. Councilmember Boesch noted having a library in this area could help create a government center where many of our government operations are located.

Council agreed to skip discussion the location near the Community Center, as the consensus was that is not a viable option for a location. Mayor Pro Tem Davis stated the Historic Fire House location is a great repurpose for a historic building. She also noted another great advantage would be that it will set the tone for renovations in that area with the Manor and Brewery renovations as well. Mayor Strickland stated he couldn't think of a better use of that building to build the connecting spine of Village Place. Councilmember Boesch asked if we could get a 10,000 to 12,000 square foot building on that lot. Ms. Hawkins stated that the consultant said the parcel could hold a maximum building of 13,000 square feet. The parking would have to go on a separate parcel behind the building.

Council discussed the .9 acre lot on Rattlesnake Trail owned by the Village. Mayor Pro Tem Davis stated this is her least favorite location. Mr. Sanborn explained that the Historic Fire House property combined with the lot behind it is still less than .9 acres of the Rattlesnake Trail lot. Council agreed to leave this lot as an option to evaluate moving forward.

Mayor Pro Tem Davis stated she would like to start evaluating staying at the current location and running the archives. Mayor Pro Tem Davis suggested looking at building sizes and cost next. Council agreed to schedule another special meeting in January to continue discussions. The special meeting will be confirmed and announced at a later date.

3. Motion to Adjourn

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to adjourn the special meeting, by a vote of 4-0, at 3:30 p.m.

Respectfully Submitted,

Beth Dunn,
Village Clerk

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**DISCUSS AND CONSIDER A RESOLUTION APPOINTING A MEMBER TO
THE BOARD OF ADJUSTMENT AND PLANNING AND ZONING BOARD.**

ADDITIONAL AGENDA DETAILS:

FROM:

Beth Dunn

CC:

Jeff Sanborn & Darryn Burich

DATE OF MEMO:

1/2/2021

MEMO DETAILS:

This agenda item is for Council to discuss and consider appointing Matthew Jones to the Village of Pinehurst Planning and Zoning Board and Board of Adjustment. Mr. Jones will replace the expiring term of Mr. Joel Shriberg. The appointment being considered would be effective February 1, 2021 and end on January 31, 2024. Attached to this agenda item is a resolution for Council's consideration.

ATTACHMENTS:

Description

- ☐ Current Terms
- ☐ Application
- ☐ Resolution 21-02



VILLAGE OF PINEHURST
BOARD OF ADJUSTMENT AND PLANNING AND ZONING BOARD MEMBERS
AS OF JANUARY 7, 2021

TITLE	LAST NAME	BOARD	INITIAL APPOINTMENT	CURRENT APPOINTMENT	TERM EXPIRATION
CYNDIE	BURNETT	BOA/P&Z	12/1/2016	12/01/2019	11/30/2022*
DAVID	ALZAMORA	BOA/P&Z	05/1/2020	05/01/2020	4/30/2023
JOEL	SHRIBERG	BOA/P&Z	01/30/2016	2/1/2018	1/31/2021
JULIA	LATHAM	BOA/P&Z	8/1/2017	8/1/2020	7/31/2023*
JACK	FARRELL	BOA/P&Z	12/1/2020	12/1/2020	11/30/2023
SONJA	ROTHSTEIN	BOA/P&Z	7/1/2019	7/1/2019	06/30/2022
JERAMY	HOOPER	BOA/P&Z	11/1/2018	11/1/2018	10/31/2021
PAUL	ROBERTS	BOA/P&Z	12/1/2018	12/1/2018	11/30/2021
PHILLIP	SHUMAKER	BOA/P&Z	11/1/2019	11/01/2019	10/31/2022

*FINAL TERM

From: webmaster@vopnc.org
To: [Beth Dunn](#)
Subject: Village of Pinehurst, NC: Volunteer Program Application
Date: Tuesday, May 5, 2020 1:27:18 PM

A new entry to a form/survey has been submitted.

Form Name: Volunteer Program Application
Date & Time: 05/05/2020 1:26 PM
Response #: 140
Submitter ID: 2452
IP address: 71.77.156.167
Time to complete: 16 min. , 0 sec.

Survey Details

Page 1

1. Date of Application:

05/05/2020

2. Board/Committee Interest (Check all that apply):

For information more information, please see the list of boards/committees on the [Volunteer Opportunities](#) page.

☒ Board of Adjustment/Planning and Zoning Board

3. Contact Info

First Name: Matthew
Middle Initial: R
Last Name: Jones
Mailing Street Address: 3 Watson Court
Physical Street Address: 3 Watson Court
City: Pinehurst
Zip Code: 28374
Preferred Phone #: 9108180055
Birthday (month and day only): 12-14
Email Address: saved2serv@gmail.com
Pinehurst Resident Since: 2012

4. Summarize your educational background, volunteer, or work experience that would be helpful as a volunteer.

I graduated from NC State with BS in Civil Engineering in 2006 and received EI certification in the same year,

received PE licensure in 2014. Relevant work experience includes: 4.5 years as a government civilian (GS) for the U.S. Army Corps of Engineers at Ft. Bragg, assisting in the management of military construction projects on base, 2 years working as an Engineering teacher at Pinecrest High School, and now 3.5 years working as an engineer for McGill Associates in Pinehurst. Relevant board experience includes: served for 6 years on the Elder Board at Christ Community Church, during which time I oversaw the construction of a \$2 million youth building, I currently serve as volunteer with the Sunrise Theater First Friday committee, and as a volunteer leader with 100 Moore Men.

5. Please click [here](#) to review the Village of Pinehurst Ethics Policy and complete the acknowledgement below.

(o) I have read and understand the Village of Pinehurst Ethics Policy and my responsibilities as a volunteer regarding this policy.

6. I certify that all statements made by me on this application are true and complete to the best of my knowledge. I understand that any false statement, misrepresentation, or omission may cause me to be excused from volunteer service.

Please initial for
certification. MRJ

7. STATE OF NORTH CAROLINA

COUNTY OF MOORE

RELEASE AND ACKNOWLEDGEMENT

The undersigned ("volunteer") is an adult person of sound mind who wishes to serve the Village of Pinehurst as a volunteer.

In consideration of the Village's acceptance of the volunteer, the Village allows the volunteer to engage in volunteer activity and the volunteer does hereby acknowledge that he/she is not entitled to any Worker's Compensation benefits, medical benefits, sick leave benefits, pension benefits, or any other benefits which accrue to employees of the Village of Pinehurst and hereby releases the Village of Pinehurst from any claims for any such benefits or for any other claim arising from the activities of the volunteer for the Village of Pinehurst.

The volunteer has read this document thoroughly and there are no other agreements, oral, or written, which are inconsistent with this document.

Date 05/05/2020

Please initial for release
and acknowledgement. MRJ

Thank you,
Village of Pinehurst, NC

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WebMaster

RESOLUTION #21-02:

A RESOLUTION REGARDING AN APPOINTMENT TO THE PINEHURST PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT.

WHEREAS, the Village of Pinehurst has established a Planning and Zoning Board and a Board of Adjustment as required by its Development Ordinance and authorized by North Carolina General Statutes 160A-361 and 160A-388; 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 and Zoning Board and the Board of Adjustment; and

WHEREAS, there is a need to fill a vacancy on the boards; and

WHEREAS, Mr. Matthew Jones and the Village Council of Pinehurst are desirous of Mr. Jones serving as a member of the Board of Adjustment and the Planning and Zoning Board.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 12th day of January, 2021, as follows:

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

Mr. Jones is appointed as a member of the Board of Adjustment and the Planning and Zoning Board, effective February 1, 2021, said term expiring on January 31, 2024.

SECTION 3. That this appointee shall continue serving until a replacement is appointed and qualified.

THIS RESOLUTION passed and adopted this 12th day of January, 2021.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Beth Dunn, Village Clerk

Michael J. Newman, Village Attorney



**DISCUSS AND CONSIDER ACTION ON THE PRELIMINARY PLAT FOR
THE PROPOSED PINEHURST SOUTH COTTAGES MAJOR SUBDIVISION.**

ADDITIONAL AGENDA DETAILS:

This item is continued from the Council's December 8, 2020 meeting. The public hearing on this item has been closed.

FROM:

Alex Cameron

CC:

Jeff Sanborn, Natalie Hawkins, Darryn Burich & Beth Dunn

DATE OF MEMO:

1/7/2021

MEMO DETAILS:

The applicant is seeking approval of the proposed Major Subdivision in accordance with Section 9.17.1.3 of the Pinehurst Development Ordinance (PDO).

Council may either decide to approve, approve with conditions or reject the preliminary plat. Council may also choose to discuss further in a subsequent meeting but failure to act on the preliminary plat within 90 days of this meeting shall be deemed approval of the preliminary plat.

If Council approves the plat with conditions, all conditions and the reasons for requiring such shall be stated in the record of approval.

If Council rejects the preliminary plat, the reasons therefore shall be stated in the record along with recommendations on how to revise the plat so that it could be approved.

The staff Technical Review Committee (TRC) and the Planning and Zoning Board recommend approval of the preliminary plat with the following conditions:

1. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane
2. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.
3. A sight triangle compliant with Section 3.02(a) of the Village's Engineering Standards and Specifications Manual (ESSM) will be required at the intersection of proposed "Street A" and Blake Boulevard prior to approval of construction drawings and the final plat. The applicant may seek a variance from this condition through the Village of Pinehurst Board of Adjustment per North Carolina General Statute.
4. Council agrees to waive the requirement for curb and gutter per Section 3.02(a) of the ESSM and

allow use of valley gutter as depicted on the Preliminary Plat.

Action can be taken by motion.

Please see the attached items related to this public hearing.

ATTACHMENTS:

Description

- ▢ Staff Council Memo 01/7/21
- ▢ Olivia Lane Access Opinion from Applicant
- ▢ Staff Council Memo
- ▢ Planning and Zoning Board Staff Report
- ▢ Application
- ▢ Planning and Zoning Board Recommendation Letter
- ▢ Preliminary Plat
- ▢ 10-01-20 Planning and Zoning Board Minutes
- ▢ 11-05-20 Draft Planning and Zoning Board Minutes
- ▢ 11-12-20 Draft Planning and Zoning Board Minutes
- ▢ USFWS RCW Letter
- ▢ Trip Generation Letter
- ▢ Applicant Mail Kiosk Letter
- ▢ Staff Presentation



PLANNING AND INSPECTIONS DEPARTMENT COUNCIL STAFF MEMO

To: Mayor Strickland and Village Council
From: Darryn Burich, Director of Planning and Inspections
Cc: Jeff Sanborn, Village Manager and Natalie Dean Hawkins, Assistant Village Manager
Date: January 7, 2021
Subject: Proposed Pinehurst South Cottages Major Subdivision

This staff memo supplements my December 3, 2020 Council Staff Memo. Please see the original staff analysis by Senior Planner Alex Cameron dated October 28, 2020 for more information on the proposed subdivision.

Council is being asked to approve a 14.4 acre subdivision containing a total of 42 lots located in the Village's Extraterritorial Jurisdiction (ETJ) located on the Village's south side in the Highway 5 Commercial Area (Focus Area 2). The proposed subdivision contains 38 residential lots; one pump station lot (Lot 38); a stormwater management lot (Lot 39); and two undeveloped commercially zoned (NC) lots (Lots 40 and 42). Lots 40 and 42 are not proposed to be developed at this time and identified on the plat as being "undeveloped area".

The property is currently split zoned zoned R5 (13.07 acres) and NC (1.33 acres) with all the proposed residential lots located in the R-5 zoned area. The NC zoned area has been included to permit public street access to Blake Boulevard. R-5 is the Village's most dense single family residential district permitting up to 8 net units per acre.

On December 8th Council continued the public hearing to January 12th to allow addition information to be gathered prior to taking action on the proposed subdivision. Additional information relative to:

- Ownership and access to Olivia Lane relative to the proposed emergency access.
 - Status of the lease agreement with the Aberdeen Carolina & Western Railway (ACWR)
 - Status of the undeveloped lots (40 and 42)
 - Mailboxes/Kiosks
 - Parking
 - Curb and Gutter Waiver
-

Access to Olivia Lane

The applicant's attorney has furnished an opinion (included in Novus) that "owners of property adjoining Olivia Lane have easement rights to use the road for access to their property under North Carolina statutes and case law. Said easement rights were create by implication from recorded plats and deeds, from continued existence of the road, and from prior use. Said easements rights are subject to the right of way of Aberdeen Carolina and Western Railroad." The Village's attorney has not had an opportunity review or comment on the document as of the date of this memo. The opinion does state that easement rights are subject to the ACWR. Staff will continue to recommend a condition regarding fire suppression systems while this situation continues to be evaluated. The condition is flexible and allows the applicant to move forward with construction plans for the plat in conjunction with continuing research on the access issue.

Lease Agreement with ACWR

The Village's current lease agreement with the ACWR is specific only to permitting Village emergency access to CCNC's emergency access gate. The lease agreement does not discuss permitting Village access to service other uses via the Olivia Lane crossing so a new agreement is needed to specifically permit emergency access to the proposed subdivision. Staff has had conversations with the ACWR and they have indicated support to modify the lease agreement to permit emergency access as proposed. ACWR has also stated that it would like to work with the Village in the long term to allow closure of either the Olivia Lane or Arnette Street crossings. In order to close one of the crossings, the street network would have to be improved to permit cross access between the two streets from neighborhood properties. The proposed plat shows a potential connection to Arnette Street between lots 14 and 41. Arnette Street is located approximately 300 feet to the west with two intervening existing single family residential uses so interconnection would be a long term goal. A condition is recommended to update the lease agreement with the ACWR to permit Village emergency access to the subdivision as proposed. The condition is interrelated to the Olivia Lane access issue because it requires the applicant to show legal access to Olivia Lane. If the applicant cannot show legal access to Olivia Lane, the condition requiring installation of fire suppression systems will be in effect.

Status of the Undeveloped Lots (40 and 42)

Lots 40 and 42, are shown as being "undeveloped" and are in Neighborhood Commercial (NC) zoning. The applicant has stated that these lots will remain as undeveloped greenspace for the neighborhood. However, the plat as proposed, does not ensure this condition will remain in perpetuity. From a PDO standpoint, lots 40 and 42 can be developed if developed to current PDO development standards (e.g. setbacks, buffers, impervious area, etc.). At 1.33 acres lot 40 could potentially support a small commercial development. Lot 42, at 15,180 square feet and having narrow dimensions, likely would have to be combined into the neighboring property to the east to effectively develop for commercial use. Should either of these two lots be developed for commercial purposes, landscape buffers would be required between the commercial and residential use.

Mailboxes/Kiosk

The applicant has informed staff that it is their intent to install a mail kiosk in the area north of proposed Lot 1 and west of proposed Street B. The PDO has no requirements for mail kiosks or individual mail service. Staff has no objections and will review for PDO compliance during the construction drawing review and final platting stage.

Parking

There is no guest parking requirement for residential subdivisions in the PDO. Each dwelling that is developed will be required to provide parking based on existing PDO requirements. Current PDO parking requirement is a minimum of 2 parking spaces per residential dwelling unit.

Curb and Gutter Waiver

The preliminary plat includes a request to waive the ESSM standard curb and gutter requirement to allow construction of valley curb and gutter, which waiver can only be granted by Council. The Public Services and Engineering Director supports the waiver request based on the subdivision's smaller lot sizes that will result in numerous driveway curb cuts. Valley curb and gutter will allow a continuous curb and gutter system to be maintained along with numerous driveway cuts.

Staff and TRC Recommendation

Staff recommends approval of the proposed preliminary plat with the conditions as recommended by the Planning and Zoning Board from its 11/12/20 meeting. It should also be noted that Council must take action on the plat with 90 days of it first being scheduled on the Council agenda (December 4, 2020) or it shall be deemed approved.

The conditions as recommended by the Planning & Zoning Board are:

- A. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.
- B. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.

Additional staff recommendations (modified from December 8th Council meeting):

- C: A sight triangle compliant with Section 3.02(a) of the Village's Engineering Standards and Specifications Manual (ESSM) will be required at the intersection of proposed "Street A" and Blake Boulevard prior to approval of construction drawings and the final plat. The applicant may seek a variance from this condition through the Village of Pinehurst Board of Adjustment per North Carolina General Statute.
- D: Council agrees to waive the requirement for curb and gutter per Section 3.02(a) of the ESSM and allow use of valley gutter as depicted on the Preliminary Plat.

ATTORNEY'S OPINION ON TITLE

FOR

THE VILLAGE OF PINEHURST

The undersigned has reviewed the public record on file with respect to the following property:

A dirt road now known as Olivia Lane, approximately 40 feet in width, running east to west between NC Highway 5, and the western boundary of the Country Club of North Carolina, as shown on the plat recorded in Plat Cabinet 9, Slide 271, Moore County Registry.

And finds as follows:

Olivia Lane has been shown on numerous plats of the property to the south and north of the road including plats of Vina Vista Vineyards and Murray subdivision dated from 1894. Olivia Lane is the western portion of a public road referenced in deeds and maps as South Carolina Avenue that connected Highway 5 with US-15-501. The eastern portion of the road was within the boundaries of CCNC and was closed by Declaration recorded in Deed Book 452, Page 192. The western portion running from the Boundary of CCNC to highway 5 has been open and used by the adjoining property owners for over 20 years as evidenced by numerous deed references and aerial photography.

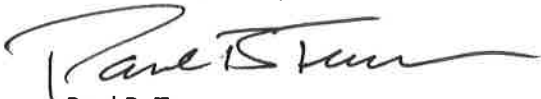
And gives the following opinion of status:

The owners of property adjoining Olivia Lane have easement rights to use the road for access to their property under North Carolina statutes and case law. Said easement rights were created by implication from recorded plats and deeds, from continued existence of the road, and from prior use. Said easements rights are subject to the right of way of Aberdeen Carolina and Western Railroad.

This Opinion of title is for the party to whom it is furnished, is not transferable, and may not be used by any other person or entity without the prior written consent of the undersigned.

January 6, 2020, 5:26 PM

Paul B. Trevarrow, PLLC



Paul B. Trevarrow



PLANNING AND INSPECTIONS DEPARTMENT COUNCIL STAFF MEMO

To: Mayor Strickland and Village Council
From: Darryn Burich, Director of Planning and Inspections
Cc: Jeff Sanborn, Village Manager and Natalie Dean Hawkins, Assistant Village Manager
Date: December 3, 2020
Subject: Proposed Pinehurst South Cottages Major Subdivision

This staff memo supplements the Department's staff report and analysis by Senior Planner Alex Cameron dated October 28, 2020. Please see that staff report (included in Novus) for a more detailed description of the proposed preliminary plat.

Council is being asked to approve a 38 lot single family subdivision of approximately 14.4 acres located in the ETJ just off of Blake Boulevard located on the Village's south side. The property is currently split zoned R5 (13.07 acres) and NC (1.33 acres) with all the proposed residential lots located in the R-5 zoned area. The NC zoned area has been included to permit public street access to Blake Boulevard. R-5 is the Village's highest density single family residential district permitting up to 8 net units per acre.

Subdivisions are regulated by Section 9.17 of the Pinehurst Development Ordinance (PDO). Subdivisions are generally categorized as being "Major" or "Minor" with Major Subdivisions being more than 3 lots created. Information required for preliminary plats is identified in Appendix E of the PDO. As proposed, this 38 residential lot subdivision is considered a Major Subdivision and follows the approval process laid out in Section 9.17.1.3 of the PDO.

The subject subdivision is identified in the 2019 Comprehensive Plan as being in Focus Area 2 with a recommended future land use of "Mixed-Use Center – Stacked Residential". Focus Area 2 is recommended to include office, medical, life science, and research facilities supported with small-scale retail services and residential uses. While the current **zoning** is not consistent with the adopted land use plan, the applicant is requesting an action (e.g. a major subdivision) that is consistent with the applicable development standards of the PDO. Regardless of the zoning classification, the PDO permits lands to be subdivided if an applicant can demonstrate compliance with the applicable development standards of the PDO and ESSM. With the exceptions noted hereafter, the subdivision request appears to be consistent with the Village's development standards.

Review Process

Major Subdivisions are required to receive a public hearing and require review by the Technical Review Committee (TRC), Planning and Zoning Board, and final approval by the Village Council after public hearings. The TRC conducts an initial review of the proposed preliminary plat and reviews for general compliance with the Village's various development standards (PDO, ESSM). After the TRC makes recommendations, which are then incorporated into an updated plat, it is forwarded to the P&Z for review and formulate a recommendation to the Village Council.

The Planning and Zoning Board conducted public hearings 10/1 and 11/5 after which the P&Z Board recommended approval of the preliminary plat with conditions/modifications as follows:

- A. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.
- B. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.

Item A was recommended because the number of dwellings in the subdivision exceeds 30 residential units. Per the North Carolina Fire Code, a subdivision with more than 30 units requires a second means of emergency access or that all residential structures in the subdivision be equipped with fire suppression systems. In this case the applicant is showing an emergency access to Olivia Lane and there are questions as to whether the applicant has a legal right to access Olivia Lane which is currently identified as a private street. The condition is requiring the applicant to submit information that they can legally access Olivia Lane. Additionally, there is a railroad crossing at Olivia Lane that the Village currently has a "lease" to cross to provide emergency access to the back gate of the CCNC subdivision. The lease is between the Village and the Aberdeen Carolina and Western Railway (ACWR) and only permits the Village to provide emergency access service to CCNC. The condition requires the lease to be renegotiated, which the ACWR has stated to staff and the applicant that they are willing renegotiate. Should the lease not be able to be renegotiated, or the applicant not be able to prove legal access to Olivia Lane, the condition requires installation of fire suppression systems in all the residential structures. Alternatively, the applicant could reduce the amount of residential lots to 30 or under and the secondary access would not be required by code. This condition simply provides some flexibility for the applicant to move forward with construction drawings and final platting with the knowledge that the Village will not sign off on the construction drawing or plat without the condition being met.

Condition B is reinforcing the ESSM requirement regarding intersection sight distance and requires that a licensed professional engineer with traffic engineering experience provide an analysis that the intersection is compliant with the ESSM. Staff felt it necessary to include the condition because the proposed new street is intersecting Blake Boulevard near an intersection and it was felt additional design and engineering information needed to be provided with and prior to approval of the construction drawings.

Please see the attached draft minutes from the public hearings during which a small number of adjacent property owners appeared to question various aspects of the development but did not state opposition to the development as proposed.

Council Review of Major Subdivisions

Per Section 9.17 (C)(3) of the PDO the “Village Council and the Planning and Zoning Board shall evaluate the plat application in accordance with Section 9.17.1.3 through Section 9.17.1.6” of the PDO. Specifically with regard to review and action by the Village Council, Section 9.17.1.5 (F) of the PDO states:

(F) Action by Village Council:

(1) The recommendations of the Planning and Zoning Board and the Technical Review Committee shall then be forwarded to the Village Council for action. Along with the application for preliminary plat the Village Council shall review this information and either approve, conditionally approve, or reject the preliminary plat;

(2) Approval of the preliminary plat shall authorize the applicant to proceed with obtaining construction plan approval from the Village Engineer and obtaining construction permits for the necessary improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 9.17.1.6.

(3) If the Village Council approves a plat with conditions, the following requirements shall apply:

(a) All conditions, and the reasons for requiring the conditions, shall be stated in the record of approval of the preliminary plat. Such conditions may include, but are not limited to, the following matters:

1. The configuration of lots and streets;
2. The arrangement of utility networks on the property;
3. The location of dedicated land and rights-of-way;
4. The payment of fees in lieu of such dedications;
5. The location of required improvements.

(b) Upon obtaining construction plan approval from the Village Engineer and any necessary construction permits, the applicant is authorized to proceed with construction of the improvements indicated on the preliminary plat, but approval of the final plat is also contingent on satisfying the conditions imposed by the Village Council.

(4) If the Village Council rejects the preliminary plat, then the reasons therefor shall be stated in the record of action on the preliminary plat, along with recommendations for ways to revise the preliminary plat so that it could be approved;

(5) Failure of the Village Council to act on the preliminary plat within ninety (90) days of the first Village Council meeting in which the application is made an agenda item, the plat and recommendations from the Planning and Zoning Board, shall be deemed approval of the preliminary plat, authorizing the applicant to proceed with the approval of the construction plans of the improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 9.17.1.6.

It should be noted as stated above in Subsection (F)(3) that the Council may require certain conditions be placed on approval of the plat and these conditions should generally relate to bringing the subdivision into compliance with the Village’s development standards. If conditions are added, the reasons for requiring said conditions shall be stated into the record approving the preliminary plat.

If the Council rejects the plat, then the reasons therefor shall be stated in the record along with recommendations for ways to revise the plat so that it could be approved when brought back for review.

Staff and TRC Recommendation

Staff recommends approval of the proposed preliminary plat with the conditions as recommended by the Planning and Zoning Board from its 11/12/20 meeting. It should also be noted that Council must take action on the plat with 90 days of it first being scheduled on the Council agenda or it shall be deemed approved.

The conditions as recommended by the Planning & Zoning Board are:

- A. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.
- B. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.

Additional staff recommendation:

- C: The proposed preliminary plat does not show a site triangle compliant with Section 3.02(a) of the Pinehurst Engineering Standards and Specifications Manual (ESSM) at the intersection of proposed "Street A" and Blake Boulevard. A compliant site triangle will be required prior to approval of construction drawings and the final plat.



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Alex Cameron, Senior Planner
Cc: Darryn Burich, Director of Planning and Inspections
Kelly Brown, Planning Administrative Specialist and Clerk to the Board
Date: October 28, 2020
Subject: Staff Report for Proposed Pinehurst South Cottages Major Subdivision

Applicant:	The Cottages at Legacy Lakes, LLC
Owner:	The Cottages at Legacy Lakes, LLC
Property Location:	South of Blake Boulevard, East of NC Hwy 5 and North of Olivia Lane
Zoning:	R-5 Residential District (larger portion) is established as a district in which the principal use of land is for high-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. NC Neighborhood Commercial District (smaller portion) is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts. This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district.
Land Area	± 14.4 Acres
Current Land Use:	Vacant – High Density Residential
Proposed Land Use:	High Density Residential with proposed development of a 37 lot single family residential subdivision.

Background and Analysis

The applicant requests a major subdivision approval to allow for a 42 lot subdivision with 38 lots to be developed as single family lots and the remaining are to be undeveloped and under ownership of the homeowners association. The subject property is located within the Village's extraterritorial jurisdiction (ETJ) and just outside of the Village's corporate limits. In accordance with Section 9.17.1.3 of the Pinehurst Development Ordinance (PDO), all proposed major subdivisions are reviewed by the Planning & Zoning Board and a public hearing is to be held. The Planning & Zoning Board must then submit a recommendation on the proposed major subdivision to the Village Council.

There are two parent tracts of this proposed subdivision. The smaller tract of this subdivision is identified as Moore County PID# 00046241 and abuts Blake Boulevard. Earlier this year, the applicant subdivided a 1.3 acre parcel off of this parent tract and is being used to gain access to Blake Boulevard from the proposed subdivision. The other parent tract is identified as Moore County PID# 00046287 and is approximately 13 acres in size. This tract abuts Olivia Lane and two existing single family lots which also front on Olivia Lane. Olivia Lane is currently being used by the Village of Pinehurst to provide emergency access to the rear of the lots in The Country Club of North Carolina (CCNC) only. The Village currently has an agreement with the Aberdeen Carolina and Western Railway Company to use the crossing at the railroad adjacent to NC Hwy 5 for this sole purpose. The ownership of Olivia Lane is in question and has yet to be determined.

The subject area is located just outside of the Village's corporate limits and within the Village's ETJ. The applicant has indicated that they plan to petition for voluntary annexation into the Village's corporate limits. The proposed subdivision is adjacent to various land uses and zoning (see the table below and the attached zoning map).

Adjacent Land Uses and Zoning		
Area	Existing Uses	Zoning
North	Senior Living/Retirement and Health & Rehabilitation Center	NC
South	Single Family Residential and Vacant (CCNC)	R-210
East	Single Family Residential and Vacant (CCNC)	R-210
West	Vacant Commercial and Office	NC & OP
Comprehensive Plan Land Use Designation		
Focus Area 2 Highway 5 Commercial Area – Mixed Use-Stacked Residential		

The 2019 Comprehensive Plan identifies this area as Focus Area 2: Highway 5 Commercial Area. The Comprehensive Plan recommends that a small area plan be developed for this area with additional public input to ensure high quality development and consider the need for mixed-uses with a primary focus on office, medical, life science and research facilities with small scale retail services which could create an "Innovation Hub". The plan also includes considering a residential component as well above the first floor. The proposed single family subdivision is not consistent with the Comprehensive Plan however, it is compliant with the existing zoning.

The proposed subdivision would create 38 new single family lots. The smallest lot is shown to be 6,054 square feet in size which exceeds the minimum lot size requirement of 5,000 square feet in the R-5 zoning district. The proposed typical lot size is approximately 6,600 square foot in size and would allow for approximately 2,800 square feet of buildable area. The building setbacks as shown on the table below would apply to all of the single family lots and shall be adhered to when the individual homes are built. The property is not located within a watershed protection area thus there are no further limits on the development intensity or maximum coverage of impervious surface for these properties. There is no option to develop a residential open space subdivision in R-5 zoning district. The proposal does include other lots which will consist of open space or undeveloped parcels, stormwater management area and sanitary sewer pump station. The lift station and lot (38 on the plat) is proposed to be turned over to Moore County Public Works for ownership while the other lots are to be owned and maintained by the homeowners association (HOA). Each lot will meet the dimensional criteria of the R-5 zoning district as shown in the table below.

R-5 Zoning District Dimensional Requirements	
Minimum Lot Size	5,000 square feet
Maximum Building Height	35 feet
Maximum Lot Covered by Impervious Surface	45%
Building Setbacks	
Principal Building Front Setback	20 feet
Principal Building Side Setback	10 feet
Principal Building Side Street Setback	15 feet
Principal Building Rear Setback	20 feet
Accessory Building Side Setback	5 feet
Accessory Building Side Street Setback	15 feet
Accessory Building Rear Setback	10 feet
NC Zoning District Dimensional Requirements	
Minimum Lot Size	10,000 square feet
Maximum Building Height	35 feet
Maximum Lot Covered by Impervious Surface	70%
Building Setbacks	
Principal Building Front Setback	25 feet
Principal Building Side Setback	10 feet
Principal Building Side Street Setback	15 feet
Principal Building Rear Setback	20 feet
Accessory Building Side Setback	10 feet
Accessory Building Side Street Setback	15 feet
Accessory Building Rear Setback	10 feet

Subdivision Standards

Subdivision layout and design are reviewed for compliance with Section 9.17.1.12 of the PDO and the Technical Review Committee (TRC) has been reviewing this proposed major subdivision for compliance with the PDO and the Village of Pinehurst Engineering Standards and Specifications Manual (ESSM).

The applicant is proposing internal streets within a 60' right of way, 24' street width and a 49' cul-de-sac radius. The approximate total length of all the internal streets is 2,161 linear feet. The applicant is proposing to use concrete valley gutter in lieu of concrete curb and gutter which will require a waiver of the standards in the ESSM and can only be granted by Village Council. Access to the subdivision will be from a connection to Blake Boulevard, a Village owned right-of-way. A future 60' right-of-way is shown to be preserved adjacent to the neighboring property that borders Arnette Street, a North Carolina Department of Transportation (NCDOT) maintained road. This could provide for the future extension of Arnette Street and could provide reasonable means of ingress and egress for the surrounding properties. A turnaround capable for large vehicles is also provided within that right-of-way (between lots #14 & #41). All streets will be required to be constructed in accordance with the Village's ESSM as well as meet the requirements for emergency services vehicles. A 20' gated emergency vehicle access from Olivia Lane is being provided as shown on the preliminary plat. The applicant intends for the streets to be public and can only be accepted as such by Village Council after they are constructed and inspected to ensure they meet the Village's requirements.

Street trees will be required at a rate of one large hardwood or pine per 40 linear feet of road frontage minus driveways. The approximate location of the street trees are depicted on the plat. Other than the required street trees, the only other shown and required landscaping is an evergreen landscape screen around the pump station lot and is also depicted on the preliminary plat. A landscape plan will be need to be submitted and approved at the construction drawing phase prior to development and final plat approval.

Sidewalks are required to be installed along one side of all new streets serving residential lots and on both sides of non-residential lots. Sidewalks are shown on both sides of all streets with the subdivisions and are shown on the submitted plans.

A 30' wide pedestrian and storm drainage easement is shown between lots #3 and #4. This pedestrian easement could allow for pedestrian access to the adjacent commercial zoned property as it gets developed in the future.

The proposal includes public water and sewer to the lots that will be served by Moore County Public Works. The applicant has provided a separate proposed utility layout plan and is included with this submittal. The current plan indicates stormwater control measures on-site and is depicted on the preliminary plat on Lot 39. The stormwater system will be designed and constructed in accordance with the Village's ESSM and may be subject to change to meet those requirements. The applicant indicates that a homeowners association will be formed and will be responsible for maintaining all drainage pipes and structures located outside of the street right of ways.

Other Review Requirements

There is an active red-cockaded woodpecker (RCW) partition at the southeastern tip of the subject parcel. The applicant had previously provided an assessment from Dr. J.H. Carter III & Associates, Inc., Environmental Consultants, that state there would be no adverse impacts to the RCW. The applicant has now also provided concurrence from the United States Fish and Wildlife Service (USFWS) but encourages the applicant to minimize the removal of longleaf pines greater than 8” in diameter. A Soil and Erosion Control Permit will need to be obtained by the North Carolina Department of Environmental Quality (NCDEQ) prior to any development due to the area of disturbance exceeding one acre. There are no wetlands, streams or regulated bodies of water within the subject area.

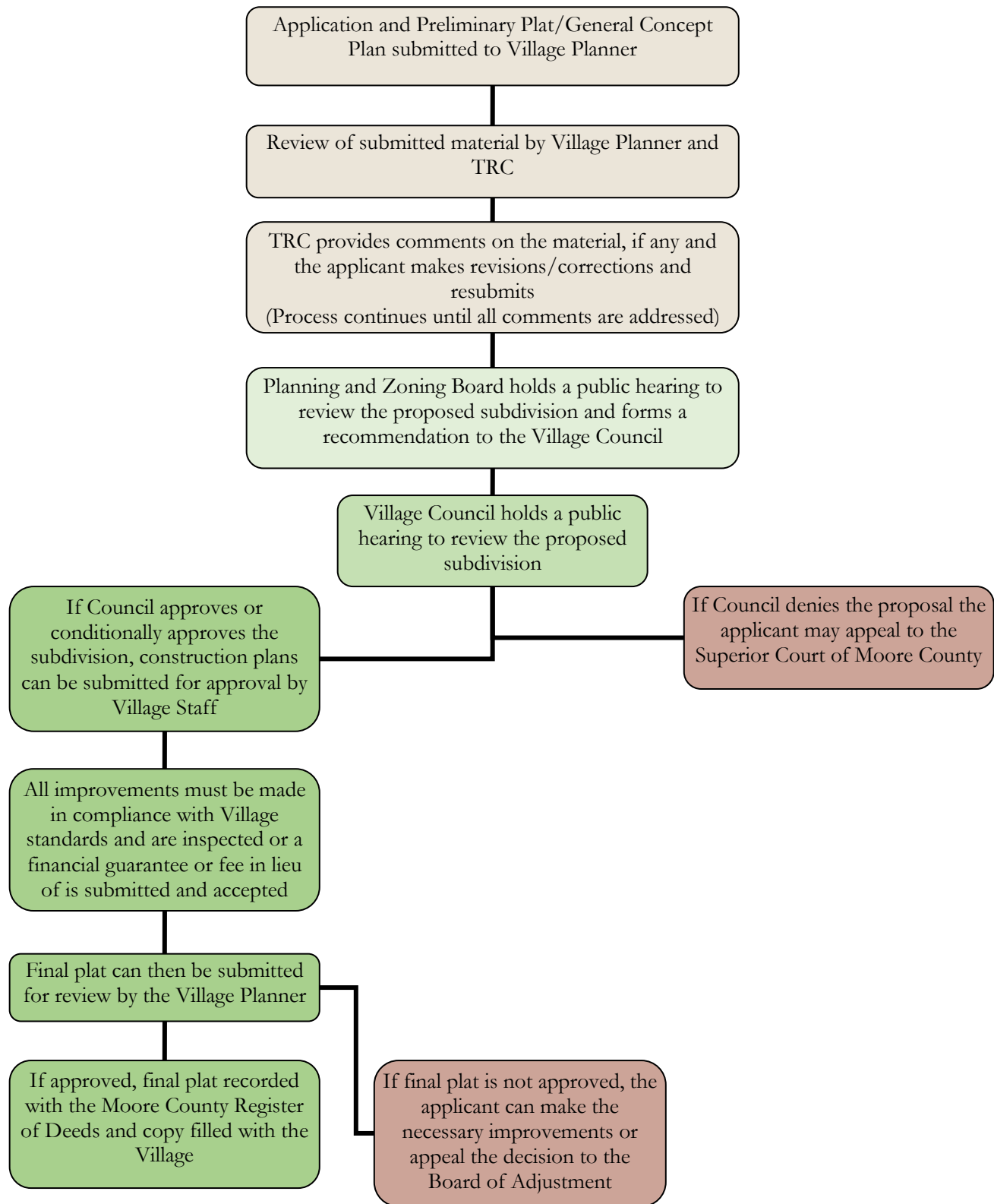
Review Process of Major Subdivisions

Approval of plats for major subdivisions is a multi-step process. An application, subdivision plat and other supplementary material is first submitted to the Village Planner. The Planner then distributes the material to the TRC for review. The TRC is made up of staff from the Village’s Planning and Inspections Department, Administration Department, Public Services and Engineering Department, Fire Department and Moore County Public Works. If there are any errors, omissions or other items that need to be addressed, the TRC provides comments to the applicant for revisions or clarification. The applicant then makes revisions and corrections to the material and resubmits. This process repeats until all items are addressed and the Village Planner schedules the subdivision for review by the Planning and Zoning Board. Public hearing notices are sent to adjacent property owners, sign(s) notifying the public hearing are posted on the subject property, and a public hearing notice is published in the newspaper.

The Planning and Zoning Board conducts a public hearing and reviews the proposed subdivision. The Planning and Zoning Board reviews the preliminary plat, the recommendations of the TRC (if any), and the requirements of the Ordinance and shall make a recommendation to the Village Council for appropriate action on the preliminary plat. The Planning and Zoning Board may request the applicant to revise the preliminary plat before it is submitted to the Village Council for approval.

Village Council will then conduct a public hearing and review the proposal along with the recommendation of the Planning and Zoning Board. Village Council can then approve, conditionally approve or reject the preliminary plat, along with recommendations for ways to revise the preliminary plat so that it could be approved. The Village Council must take action on the preliminary plat within 90 days of the first Village Council meeting which the application is placed on an agenda. Failure to act within 90 days is deemed an approval of the preliminary plat.

If approved, the applicant can then submit full construction drawings to the TRC for review and approval. Once approved, the applicant can begin to install the necessary improvements. A final plat will not be approved until the applicant has installed all the necessary improvements and such improvements have been inspected and ensured to be compliant or a financial guarantee has been put in place for the remaining items. After approval and recording of the final plat with the Moore County Register of Deeds, building permits may be issued for the individual lots.



Planning and Zoning Board Review and Action

The Village Planner will forward the submitted material on the proposed major subdivision along with the recommendation of the TRC to the Planning and Zoning Board. The Planning and Zoning Board shall conduct a public hearing on the proposal and review the material along with the recommendation of the TRC and the requirements of the PDO. The Planning and Zoning Board shall formulate a recommendation to the Village Council for action on the proposed subdivision. The Planning and Zoning Board may request the applicant revise the preliminary plat before it is submitted to Village Council for review.

Due to this meeting and public hearing being defined as a “remote meeting” by NCGS 166A-19.24, the Board must allow for a minimum of a 24 hour written public comment period following the public hearing before taking action. This means that the Board cannot take action on this proposed major subdivision immediately following the public hearing. The Board can recess the meeting to another date and time long enough to comply with the 24 hour requirement or decide to delay action until the next regular scheduled meeting. With either decision, the Board should ensure that a quorum can be met for the desired time and if the meeting is recessed, ensure that staff can secure a meeting space.

Staff and TRC Recommendation

The TRC has reviewed the proposed major subdivision and have issued comments to the applicant through four reviews of the preliminary plat and associated material. There are a few items that will need to be addressed and can be done at the time of submittal and prior to approval of construction drawings.

Moore County Public Works will need to perform a full hydraulic model on the water system based on the needed fire flow and water demand.

Another item of concern is the sight distance at the proposed intersection with Blake Boulevard. Section 3.02 of the ESSM requires that intersection sight distance shall at a minimum meet the criteria in the latest edition of the AASHTO “Greenbook”. The Village Engineer may modify this requirement on a case by case basis and recommends an analysis be provided by a licensed professional engineer with traffic engineering experience.

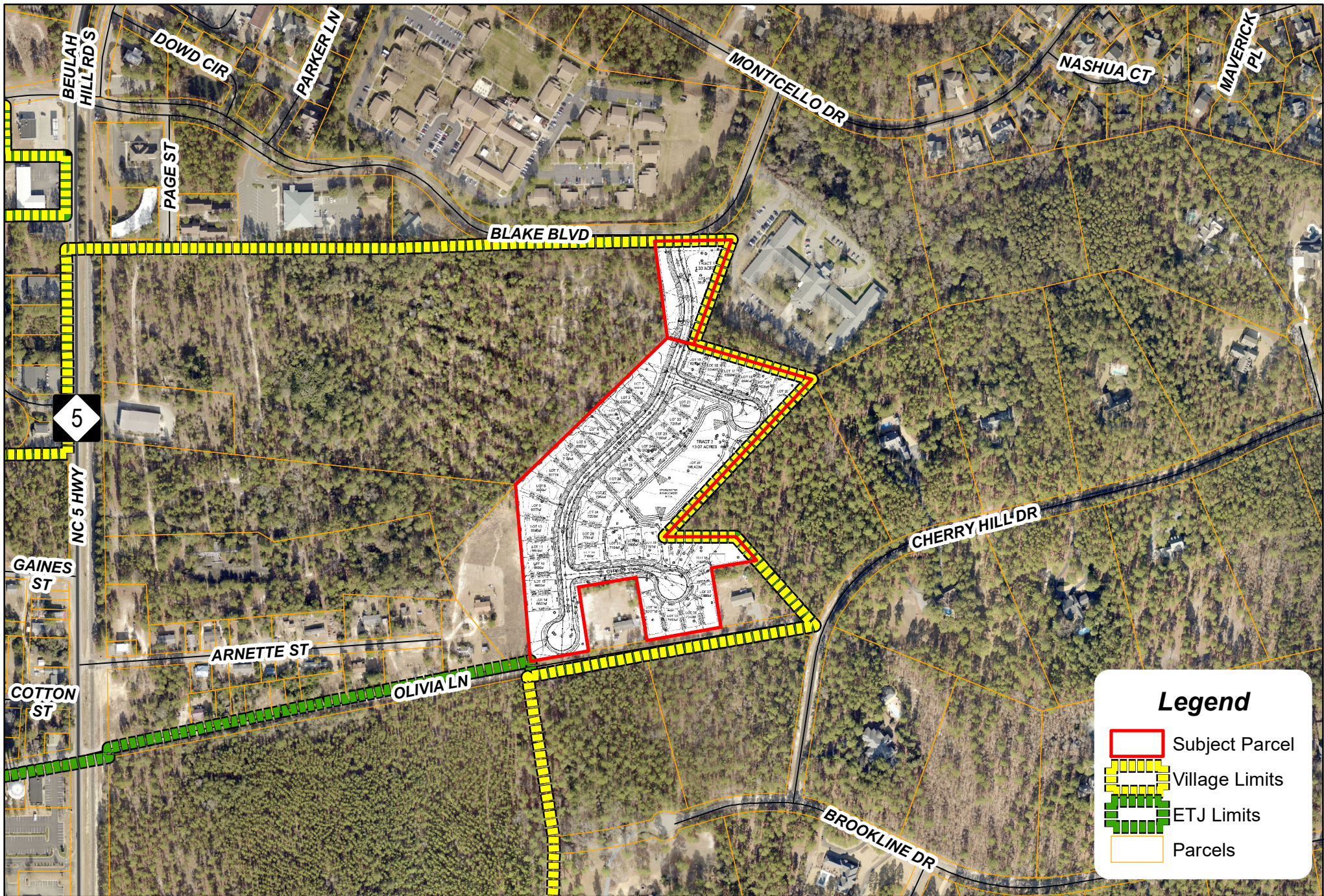
One very complicated item that has yet to be determined is the status of Olivia Lane. Specifically, its status as a right-of-way, ownership and the current lease agreement between Aberdeen Carolina and Western Railway Company (ACWR) and the Village. This is important due to the number of dwellings proposed (38) and how it impacts a second fire apparatus access for the subdivision as required by Appendix D of the North Carolina Fire Code (more than 30 dwelling units requires access from 2 directions). The current agreement between ACWR and the Village is for the sole purpose to serve the rear lots of CCNC, not this subdivision.

Therefore, staff and the TRC recommends approval of the preliminary plat with the following conditions:

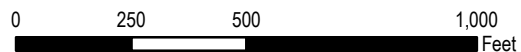
- A. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.
- B. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.

Attachments:

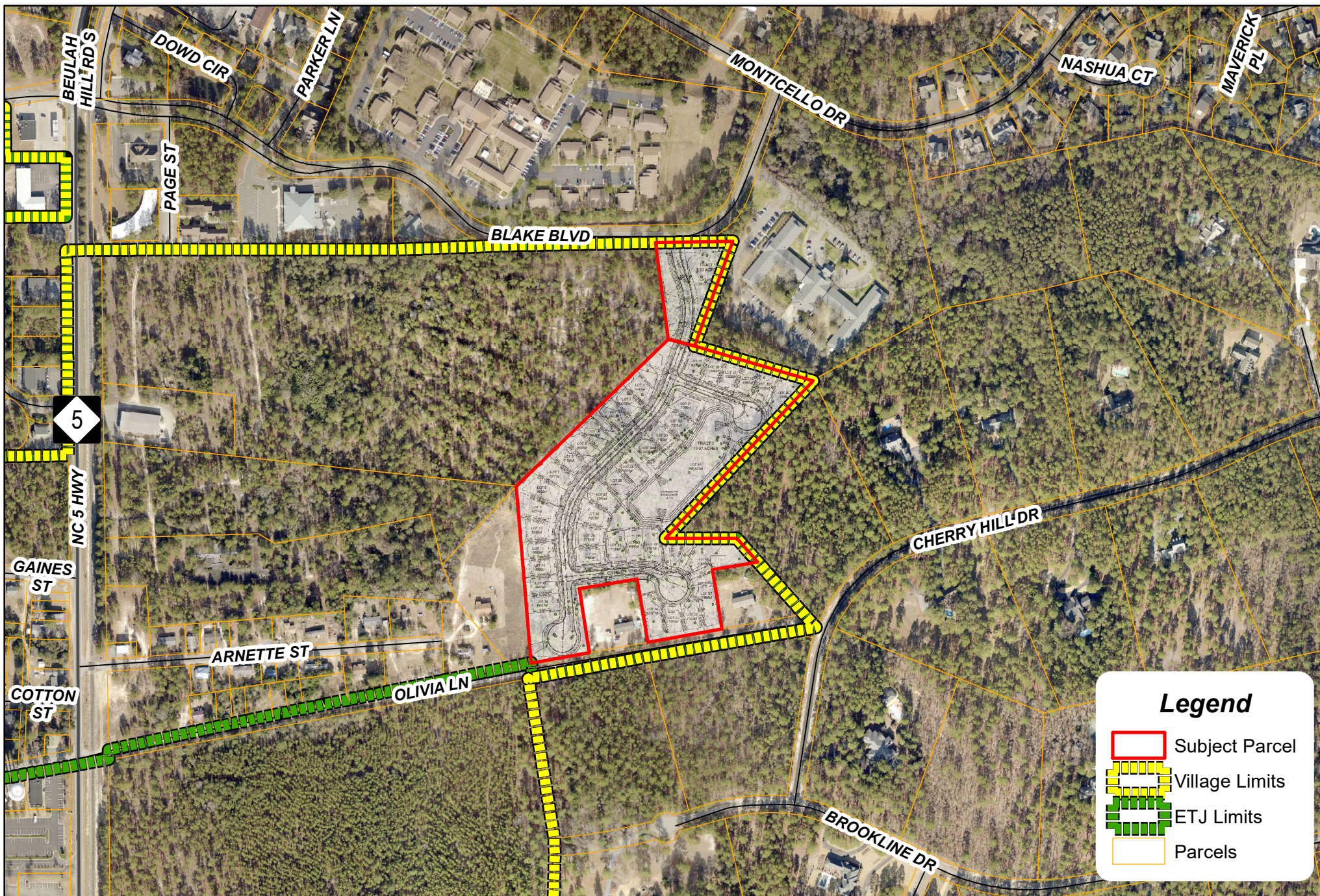
- Aerial with Project Overlay
- Aerial with Transparent Project Overlay
- Area Zoning Map
- Aerial Map
- Environmental Map
- Adjacent Property Owner Notification of Public Hearing
- Labels of Adjacent Property Owners Notified
- Map of Adjacent Property Owners Notified



Pinehurst South Cottages Vicinity Map



9/25/2020
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 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).

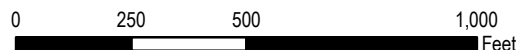


Legend

- Subject Parcel
- Village Limits
- ETJ Limits
- Parcels

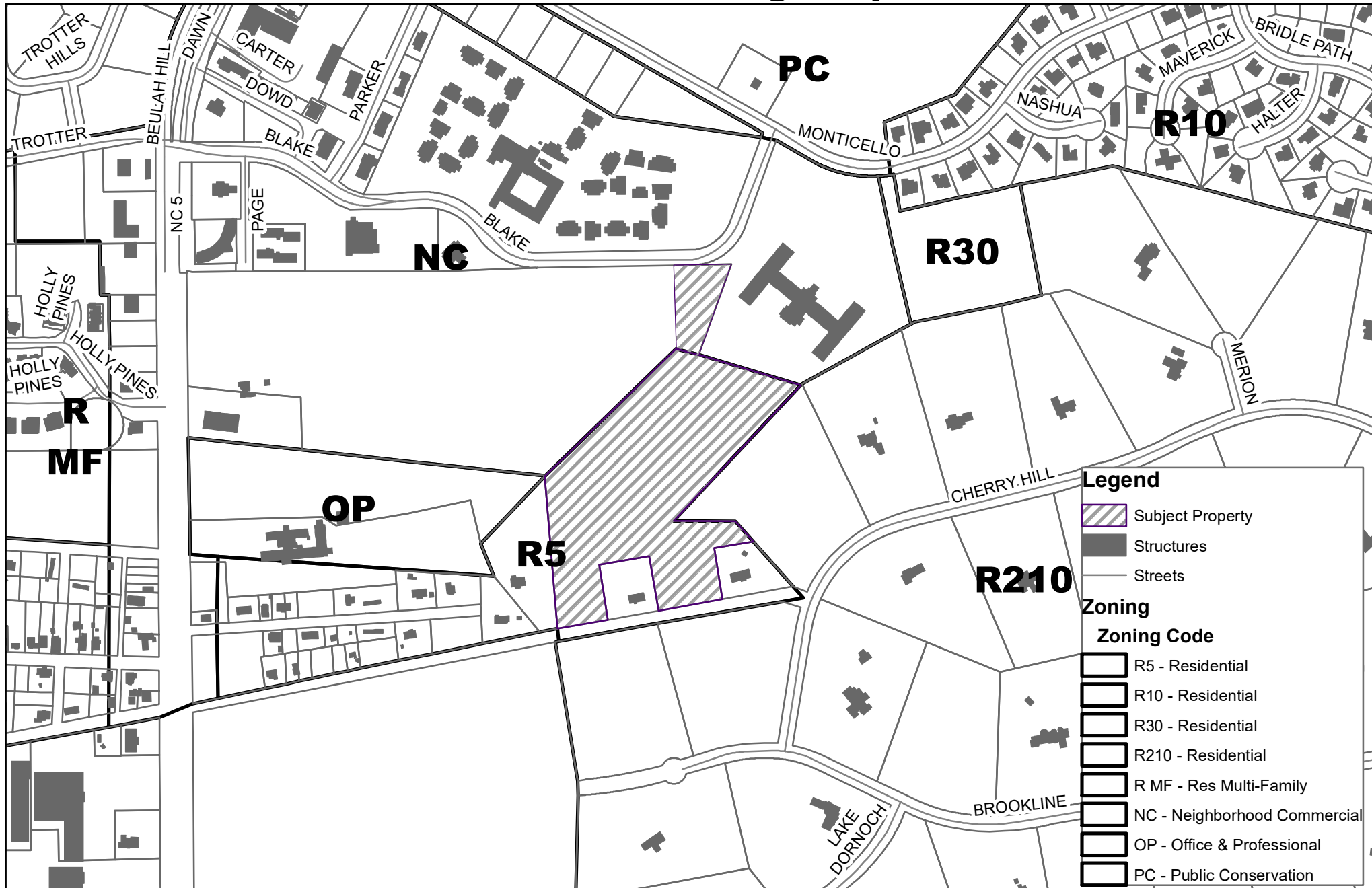


Pinehurst South Cottages Vicinity Map



9/25/2020
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Area Zoning Map



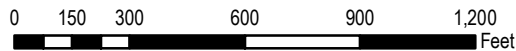
Legend

-  Subject Property
-  Structures
-  Streets

Zoning

Zoning Code

-  R5 - Residential
-  R10 - Residential
-  R30 - Residential
-  R210 - Residential
-  R MF - Res Multi-Family
-  NC - Neighborhood Commercial
-  OP - Office & Professional
-  PC - Public Conservation

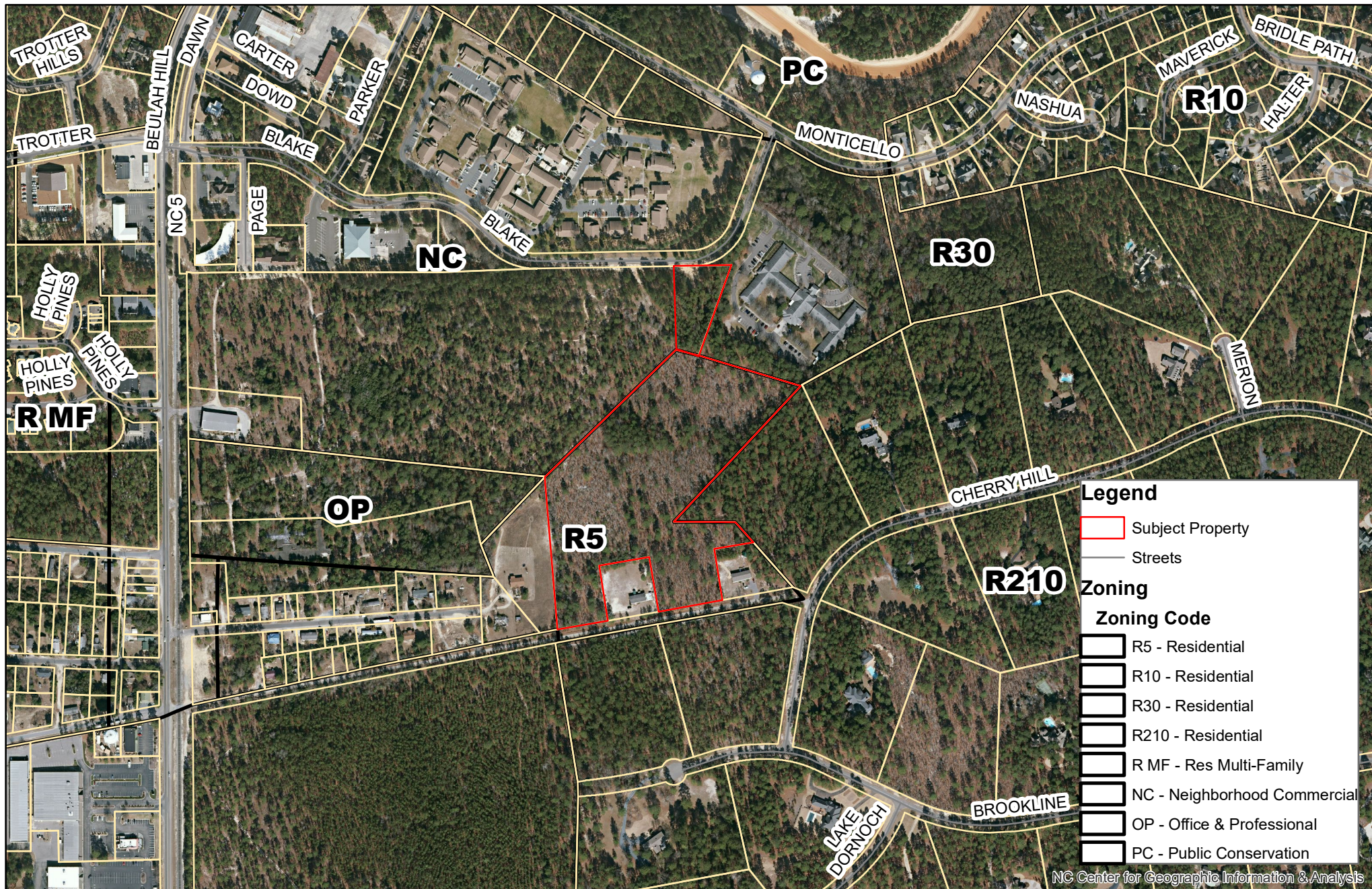


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Planning and Zoning Board
Public Hearing for Major Subdivision



Aerial Map



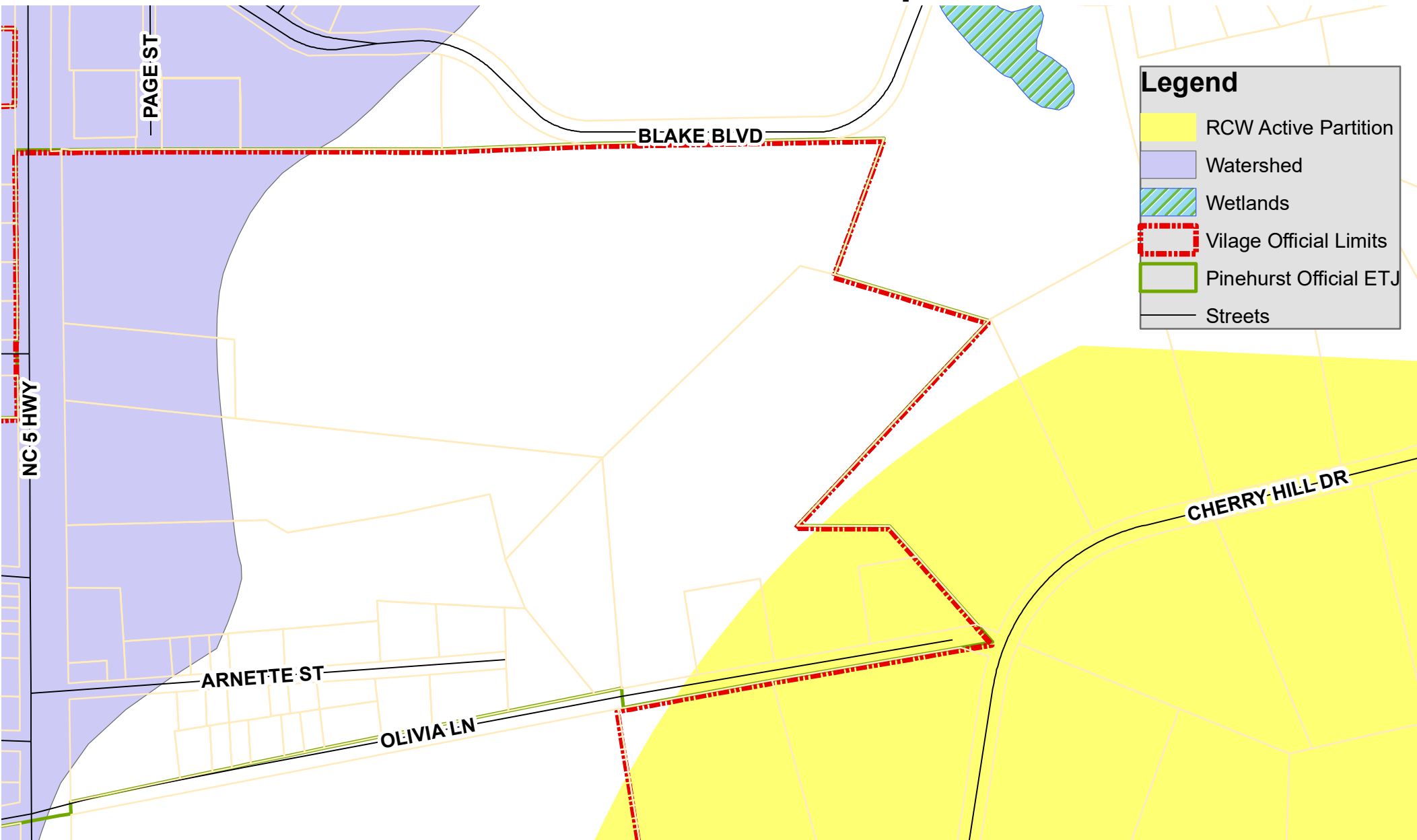
0 150 300 600 900 1,200 Feet

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Planning and Zoning Board Public Hearing for Major Subdivision



Environmental Impacts



Planning and Zoning Board Public Hearing for Major Subdivision





HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

NOTICE OF PUBLIC HEARING VILLAGE OF PINEHURST

September 18, 2020

Dear Property Owner:

The Village of Pinehurst Planning and Zoning Board will hold a Public Hearing on Thursday, October 1, 2020 at 4:00 PM. Members of the Planning and Zoning Board and staff will be participating at Village Hall 395 Magnolia Rd. Pinehurst, North Carolina as well as electronically and remotely via the virtual meeting platform ZOOM. 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.

- 1. The purpose of the public hearing is to consider a request for a Major Subdivision Review for a 40 lot single family subdivision. The subject subdivision includes Moore County PID# 00046287 and a portion of PID# 00046241. The subject area connects to and is south of Blake Blvd and also abuts Olivia Ln. The properties included with this proposal are currently zoned R-5 (High Density Residential) and NC (Neighborhood Commercial). The applicant and the property owner is The Cottages at Legacy Lakes, LLC.*

As the owner of said property, an adjacent property owner or as the applicant, you are receiving formal notification of this Public Hearing. Information on this request 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 AM to 5:00 PM with the exception of holidays. 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 or can send their comments to the Clerk to the Board at kbrown@vopnc.org to be read during the public hearing. There will also be a minimum of a 24 hour comment period following the public hearing where comments can be sent to the Clerk to the Board prior to action by the Planning and Zoning Board.

For more information, please call (910) 295- 2581.

B B L ASSOCIATES C/O HARRIS BLAKE
PO BOX 4266
PINEHURST, NC 28374

PINEHURST NURSING CENTER INC C/O
TRIAD MED SVS
PO BOX 969
YADKINVILLE, NC 27055

MCCLAIN, JON P & MOLLY M
70 BELAIR DR
PINEHURST, NC 28374

ROGERS, JAMES PAUL TRUSTEE ROGERS,
MARGARET SUE LUKEN TRUSTEE
100 CHERRY HILL DR
PINEHURST, NC 28374

SCHNEIDERMAN, ROY & COCHRAN,
CORINNE
655 LAKE DORNOCH DR
PINEHURST, NC 28374

ROGERS, JAMES PAUL TRUSTEE ROGERS,
MARGARET SUE LUKEN TRUSTEE
100 CHERRY HILL DR
PINEHURST, NC 28374

THREEXLAND, LLC C/O THE MOSER
GROUP
231 POST OFFICE DR, UNIT B8
INDIAN TRAIL, NC 28079

MAHALEY, LISA MARLENE
6040 6TH STREET
SURF CITY, NC 28445

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

MANNING REALTY COMPANY
PO BOX 6300
PINEHURST, NC 28374

PAGE INVESTMENTS LLC
PO BOX 4210
PINEHURST, NC 28374

STONE HOLDING COMPANY, LLC
PO BOX 83
PINEHURST, NC 28374

STONE HOLDING COMPANY, LLC
PO BOX 83
PINEHURST, NC 28374

ZF PROPERTIES LLC
306 LANDAULET COURT
PEACHTREE CITY, GA 30269

SMITH, MARK
500 S VALLEY RD
SOUTHERN PINES, NC 28387

HUYNH, TUANSON HUYNH, HONGDAO
880 SAINT ANDREWS DR
PINEHURST, NC 28374

BROAD STREET MANAGEMENT, LLC
2315 MIDLAND RD
PINEHURST, NC 28374

MATTHEWSON PROPERTIES, LLC
6680 BEULAH HILL CH RD
WEST END, NC 27376-9165

TUMBLEWEED LLC
PO BOX 1495
PINEHURST, NC 28370-1495

DEMBOSKY HOLDINGS, LLC
921 YADKIN ROAD
SOUTHERN PINES, NC 28387

QUAIL HAVEN PROPERTIES OF
PINEHURST, LLC
2334 S 41ST STREET
WILMINGTON, NC 28403

HUYNH, TUANSON HUYNH, HONGDAO
880 SAINT ANDREWS DR
PINEHURST, NC 28374

THOMAS, RANDY
5906 BARRINGTON
CHARLOTTE, NC 28215

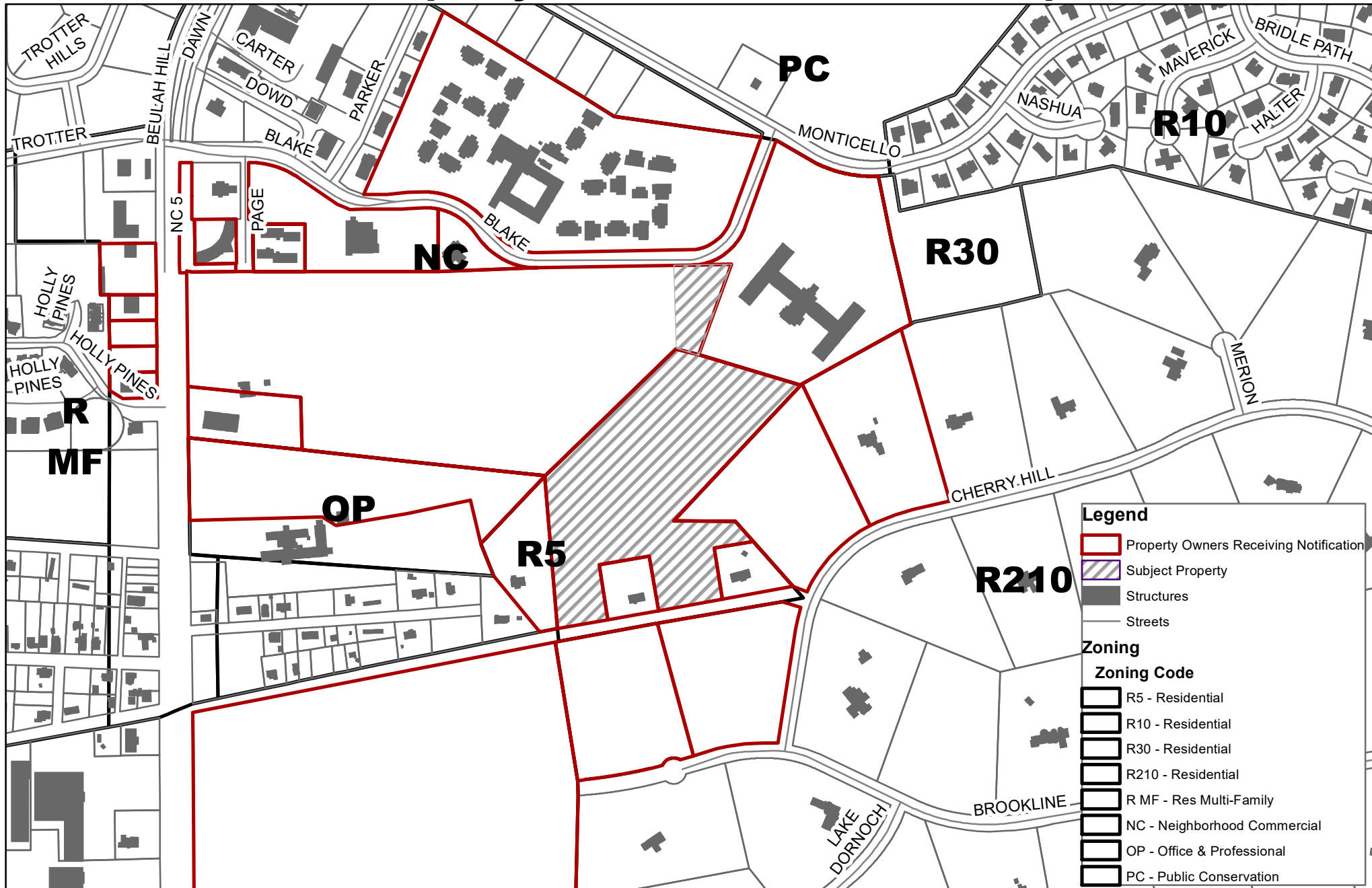
U S POSTAL SERVICE
475 L'ENFANT PLAZA, SW
WASHINGTON, DC 20260-2200

INGRAM, MARGUERITE W
PO BOX 3033
PINEHURST, NC 28374

BETHEA, BENJAMIN MARK & LOCKLEAR,
RONDA MARIE
PO BOX 3706
PINEHURST, NC 28374-3706

DEMBOSKY HOLDINGS, LLC
921 YADKIN ROAD
SOUTHERN PINES, NC 28387

Property Owner Notification Map



0 150 300 600 900 1,200 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). P:\esri\Bases Map for Boards.mxd 9/18/2020

October 1, 2020
Planning and Zoning Board
Public Hearing for Major Subdivision



**Subdivision – Major and Minor**

Fee: \$1400 – Minor

Fee: \$4500 – Major

(Revised 09/2019)

☒ Major Subdivision☐ Minor Subdivision**Subdivision Information**

Per Section 9.17.1.1 of the Pinehurst Development Ordinance (PDO), a Minor Subdivision is a subdivision that does not involve any of the following: (a) creation of more than three (3) lots from any one (1) tract of land (as the tract existed on October 23, 1995) whether such lots are created at one time or over a period of ten (10) years, thereafter; and (b) dedication or improvement of any new street other than widening approved existing streets. Minor subdivision applications are reviewed by the Village Planner and approved by the Village Manager. A Major Subdivision is any subdivision other than an Exempt Subdivision or Minor Subdivision. See Section 9.17.1.1 of the PDO for a description of an Exempt Subdivision. Major Subdivisions are approved by the Village Council.

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	Closest addressed parcel is 150 Blake Blvd & 300 Blake Blvd.
City, State, Zip Code	Pinehurst, NC
Parcel ID #	00046287

Owner Information			
Name	Cottages at Legacy Lakes, LLC	Home Phone #	
Street Address	1015 Ashes Dr. Suite 202	Mobile Phone #	910-585-0618
City, State, Zip Code	Wilmington, NC 28405-8335	Business Phone #	
Email	marcel@goneauconstruction.com		

Licensed Professionals	
(License #s must include all letters and numbers as filed with the NC Licensing Board)	
	Surveyor (Required)
License #	3972
Name	Jeffery L. Green
Street Address	140 Aqua Shed Court
City, State, Zip	Aberdeen, NC 28315
Phone #	910-420-1437
Email	jeff@lkengineering.com

Planning and Inspections Department

395 Magnolia Rd - Pinehurst, North Carolina 28374
(910) 295-8660 - Fax (910) 295-1396 – www.vopnc.org



Subdivision – Major and Minor

Fee: \$1400 – Minor

Fee: \$4500 – Major

(Revised 09/2019)

Applicant			
Name	Cottages @Legacy Lakes, LLC	Other Phone #	
Email	marcel@goneauconstruction.com	Street Address	1015 Ashes Dr., Suite 202
Mobile Phone #	910-585-0618	City, State, Zip Code	Wilmington, NC 28405-8338

General Information

Project Description	Single Family Residential Subdivision in an R-5 Zoning District consisting of 37 ⁴² lots.		
Name of Subdivision	Pinehurst South Cottages		
Existing Use		Proposed Use	
☒ Vacant ☐ Single Family Low Density ☐ Single Family Medium Density ☐ Single Family High Density ☐ Multi-Family Development ☐ Office ☐ Retail ☐ Lodging ☐ Recreational ☐ Institutional ☐ Medical ☐ Industrial ☐ Services		☐ Vacant ☐ Single Family Low Density ☒ Single Family Medium Density ☐ Single Family High Density ☐ Multi-Family Development ☐ Office ☐ Retail ☐ Lodging ☐ Recreational ☐ Institutional ☐ Medical ☐ Industrial ☐ Services	

Project Information

Total Acres of Project Area	14.4	Number of Acres Disturbed	13
Number of Acres of Dedicated Open Space	0	Square Footage of Smallest Lot	6,054
Number of Lots - Existing	2	Number of Lots - Proposed	38 ⁴²
Number of Residential Units - Existing	0	Number of Residential Units - Proposed	37 ³⁸
Number of Non- Residential Units - Existing	0	Number of Non- Residential Units - Proposed	1 (sewer pump station lot)
Impervious Surface % - Existing	0%	Impervious Surface % - Proposed	45%
Total Number of Phases	1		

Planning and Inspections Department

395 Magnolia Rd - Pinehurst, North Carolina 28374

(910) 295-8660 - Fax (910) 295-1396 – www.vopnc.org

**Subdivision – Major and Minor**

Fee: \$1400 – Minor

Fee: \$4500 – Major

(Revised 09/2019)

Special Conditions (If Any)	None
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Location Information

Zoning District	R-5 Residential & NC Neighborhood Commercial
Overlay District	☐ Historic Preservation Overlay District ☒ N/A ☐ Pinehurst South Overlay District
Watershed Protection Overlay District	☐ WS-II ☐ WS-III ☒ N/A
Project Requires a Special Intensity Allocation	☐ Yes ☒ No
In a Flood Zone	☐ Yes ☒ No
Site Contains Wetlands	☐ Yes ☒ No
Red Cockaded Woodpecker on Site	☒ Yes ☐ No
Roads	☒ Public ☐ Private
Water Provider	Moore County Public Utilities
Sewer Provider	Moore County Public Utilities

Required Documents (See Appendix E of the PDO for Requirements)

☐ General Concept Plan (If Conditional District Rezoning)	☒ Preliminary Plat
☒ Trip Generation Calculations	

Other Agency Permits/Approvals (As Applicable) - Per Section 4.2.6 of PDO

☒ Erosion Control Plan (State of North Carolina)	☐ Septic Tank/Well Permit (Moore County)
☐ Driveway Permit – State Roads (NCDOT)	☐ Right of Way Encroachment
☐ US Fish and Wildlife Approval	☒ Other

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 for a Major Subdivision or Minor Subdivision approval.

Applicant Signature:

Date:

7/2/2020



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

**PLANNING AND ZONING BOARD RECOMMENDATION
ON THE PINEHURST SOUTH COTTAGES PRELIMINARY PLAT
OCTOBER 1, 2020, NOVEMBER 5, 2020 REGULAR MEETING AND
NOVEMBER 12, 2020 SPECIAL MEETING**

**Pinehurst South Cottages Major Subdivision
42 Lot Single Family Subdivision
R5 (High Density Residential District) &
NC (Neighborhood Commercial District)**

Property Location: South of Blake Blvd./North of Olivia Ln.
Parcel ID#’s: 00046241 & 00046287

The Village of Pinehurst Planning and Zoning Board held a duly advertised public hearing and recommends the following action to Village Council on the proposed preliminary plat:

The proposed subdivision meets the requirements of the Pinehurst Development Ordinance and the Technical Review Committee recommends approval of the preliminary plat with conditions.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the preliminary plat.

With the following conditions as recommended by staff:

- A. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village’s current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.*
- B. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village’s ESSM as part of and prior to approval of the construction drawing submittal for this project.*



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

This is the 12th day of November, 2020

Cecilia Santorini

Chair of the Planning and Zoning Board

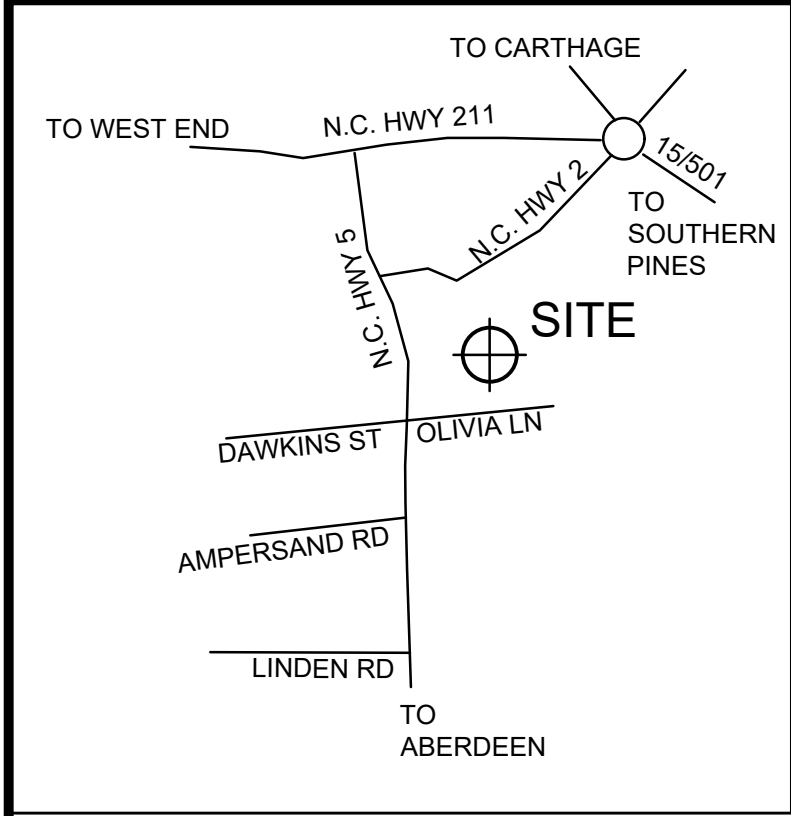
Ruling filed with the Village of Pinehurst:

11/16/2020
DATE

Kelly Brown

Kelly Brown
Clerk to the Planning and Zoning Board

Cc: Darryn Burich
Alex Cameron
Kelly Brown



5 VICINITY MAP
L-1 NOT TO SCALE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, THAT THE PROPERTY IS WITHIN THE SUBDIVISION JURISDICTION OF THE VILLAGE OF PINEHURST AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT AND HEREBY ESTABLISH ALL LOTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACE TO PUBLIC USE AS NOTED.

OWNER(S)

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

CERTIFICATE OF SURVEY AND ACCURACY

I, JEFFERY L. GREEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION SDEED REFERENCES AS SHOWN; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS DAY OF , A.D., 20 .

PROFESSIONAL LAND SURVEYOR

L-3972
LICENSE NUMBER



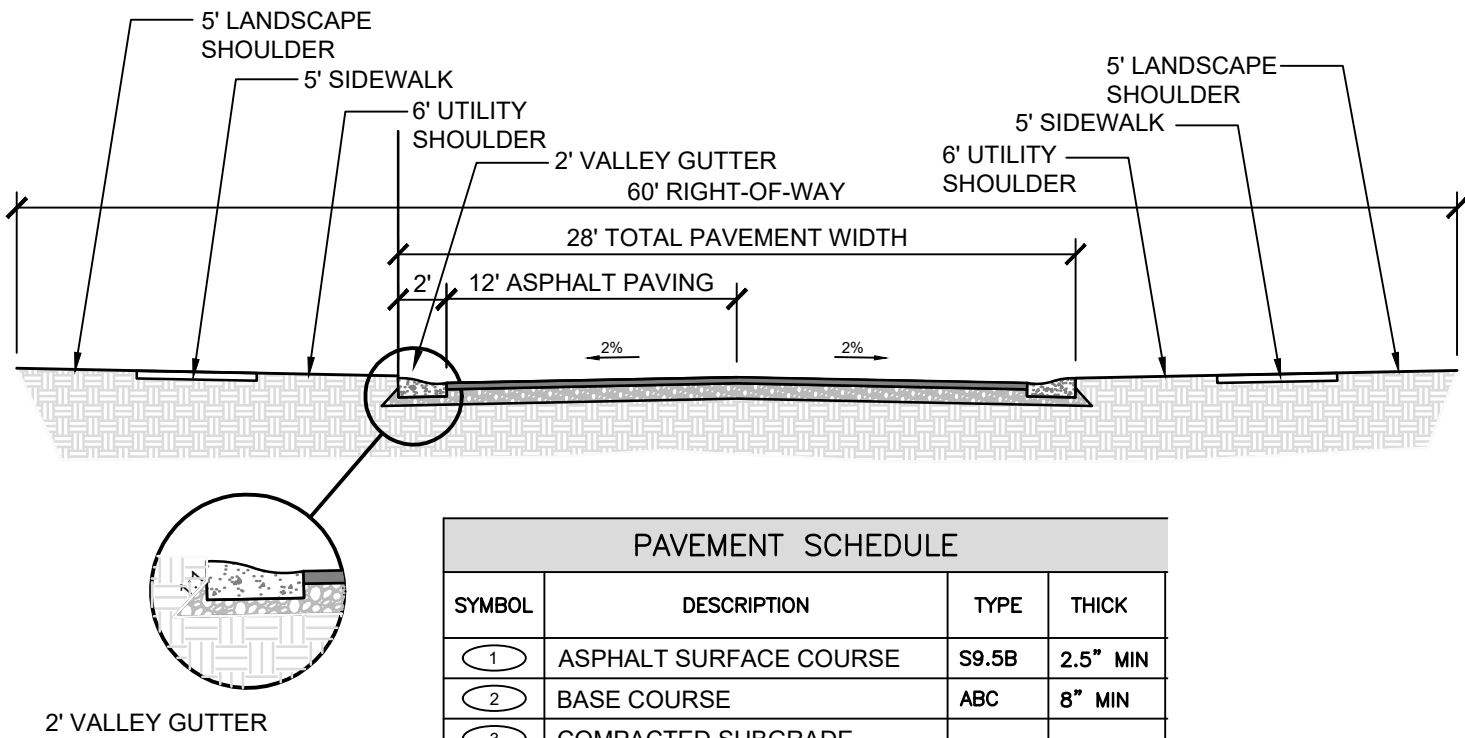
I, JEFFERY L. GREEN, PROFESSIONAL LAND SURVEYOR, L-3972, CERTIFY TO THE FOLLOWING IN G.S. 47-30(f)(11):

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE JURISDICTIONAL AREA OF MOORE COUNTY, NORTH CAROLINA AND THAT THE COUNTY HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

PROFESSIONAL LAND SURVEYOR

DATE

4 SIGNATURE BLOCKS
L-1 NOT TO SCALE



- FINAL PAVEMENT PROFILE TO BE DETERMINED BY SOIL REPORT AND SHALL COMPLY, AT A MINIMUM, WITH THE VILLAGE FIRE LANE STANDARDS.
- ROADS TO BE PUBLIC.

3 TYPICAL STREET SECTION
L-1 NOT TO SCALE

BUILDABLE AREA PER LOT:

LOT 1: 2809sf	LOT 14: 2800sf	LOT 27: 3555sf
LOT 2: 2795sf	LOT 15: 2265sf	LOT 28: 3673sf
LOT 3: 2800sf	LOT 16: 2434sf	LOT 29: 3553sf
LOT 4: 2800sf	LOT 17: 2603sf	LOT 30: 2800sf
LOT 5: 2800sf	LOT 18: 2774sf	LOT 31: 3162sf
LOT 6: 3170sf	LOT 19: 3075sf	LOT 32: 2800sf
LOT 7: 3769sf	LOT 20: 7474sf	LOT 33: 2995sf
LOT 8: 5082sf	LOT 21: 3181sf	LOT 34: 5292sf
LOT 9: 4546sf	LOT 22: 3200sf	LOT 35: 3123sf
LOT 10: 3720sf	LOT 23: 3134sf	LOT 36: 3538sf
LOT 11: 2802sf	LOT 24: 2800sf	LOT 37: 5878sf
LOT 12: 2800sf	LOT 25: 2800sf	LOT 38: 12287sf (PUMP STATION SITE)
LOT 13: 2800sf	LOT 26: 3030sf	LOT 39: 0sf (UNDEVELOPED AREA)
		LOT 40: 0sf (UNDEVELOPED AREA)
		LOT 41: 4845sf
		LOT 42: 0sf (UNDEVELOPED AREA)

NOTES:

- BOUNDARY SURVEY BY LKC ENGINEERING, JEFFERY L. GREEN, PROFESSIONAL LAND SURVEYOR.
- TOPOGRAPHIC AND ADJACENT PROPERTY INFORMATION TAKEN FROM MOORE COUNTY GIS DEPARTMENT DATA.
- STREET NAME ARE YET TO BE DETERMINED, AND WILL BE COORDINATED THROUGH MOORE COUNTY AND 911 FOR DUPLICATION OF NAMES.
- SPECIMEN TREES ARE SHOWN AS SYMBOL INDICATING LONGLEAF PINES AND ASSOCIATED SIZES. NO OTHER SIGNIFICANT SPECIES WERE FOUND.
- OWNER REQUEST WAIVER TO PROVIDE VALLEY CURB & GUTTER IN LIEU OF STANDARD CURB & GUTTER.
- IN THE EVENT THAT EMERGENCY FIRE ACCESS CANNOT BE SECURED FOR ACCESS VIA OLIVIA LANE OR ARNETTE STREET, ALL HOMES SHALL BE SPRINKLED.

PROPERTY DATA:

OWNERS:

TRACT 1: COTTAGES at LEGACY LAKES, LLC
1015 ASHES DRIVE, STE 202
WILMINGTON, NC, 28405-8335
PHONE #: 910-585-0618
EMAIL: MARCEL@GONEAUCONSTRUCTION.COM

PARCEL ID #: 2019001147
DEED BOOK: 17, PAGE: 989
ZONING: NC (NEIGHBORHOOD COMMERCIAL)
AREA: 1.33 ACRES (57,778sf)
EXISTING STRUCTURES: NONE
EXISTING IMPERVIOUS SURFACE: NONE
100 YR FLOODPLAIN: SITE IS NOT WITHIN 100 YR FLOODPLAIN, ZONE X
MAP #: 3710854000J & 3710856100J
RIVER BASIN: CAPE FEAR
SUB-BASIN: NONE
RCW FORAGING AREA: SOPI 105, INACTIVE FORAGING CLUSTER

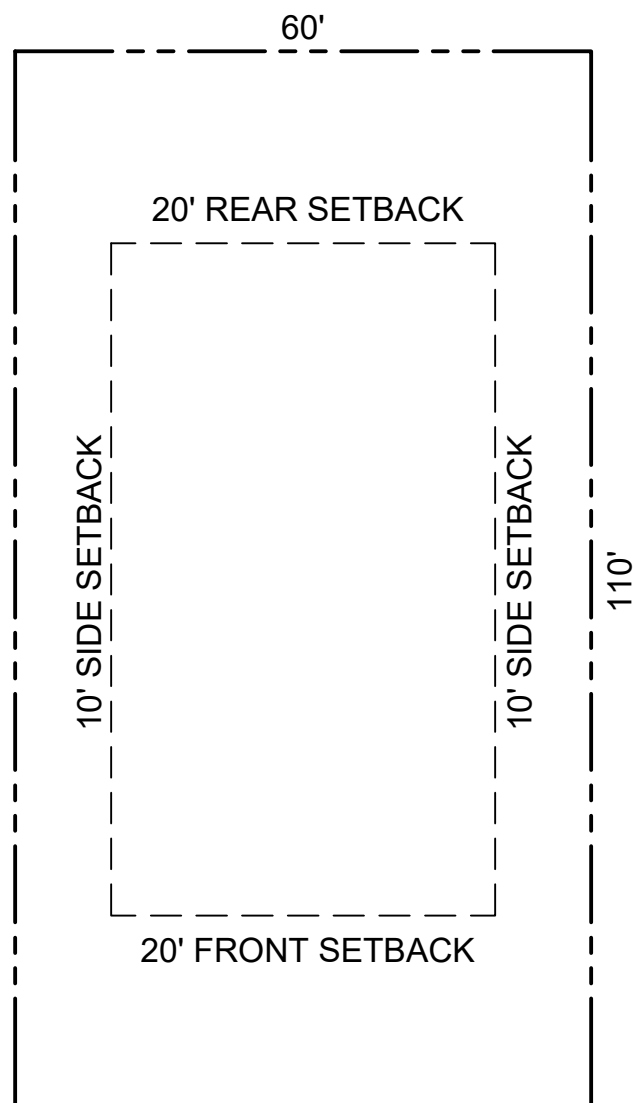
TRACT 2: COTTAGES at LEGACY LAKES, LLC
1015 ASHES DRIVE, STE 202
WILMINGTON, NC, 28405-8335
PHONE #: 910-585-0618
EMAIL: MARCEL@GONEAUCONSTRUCTION.COM

PARCEL ID #: 2019001147
DEED BOOK: 17, PAGE: 989
ZONING: R-5 (SINGLE FAMILY RESIDENTIAL)
AREA: 13.07 ACRES (569,262sf)
EXISTING STRUCTURES: NONE
EXISTING IMPERVIOUS SURFACE: NONE
100 YR FLOODPLAIN: SITE IS NOT WITHIN 100 YR FLOODPLAIN, ZONE X
MAP #: 3710854000J & 3710856100J
RIVER BASIN: CAPE FEAR
SUB-BASIN: NONE
RCW FORAGING AREA: SOPI 108, ACTIVE FORAGING CLUSTER

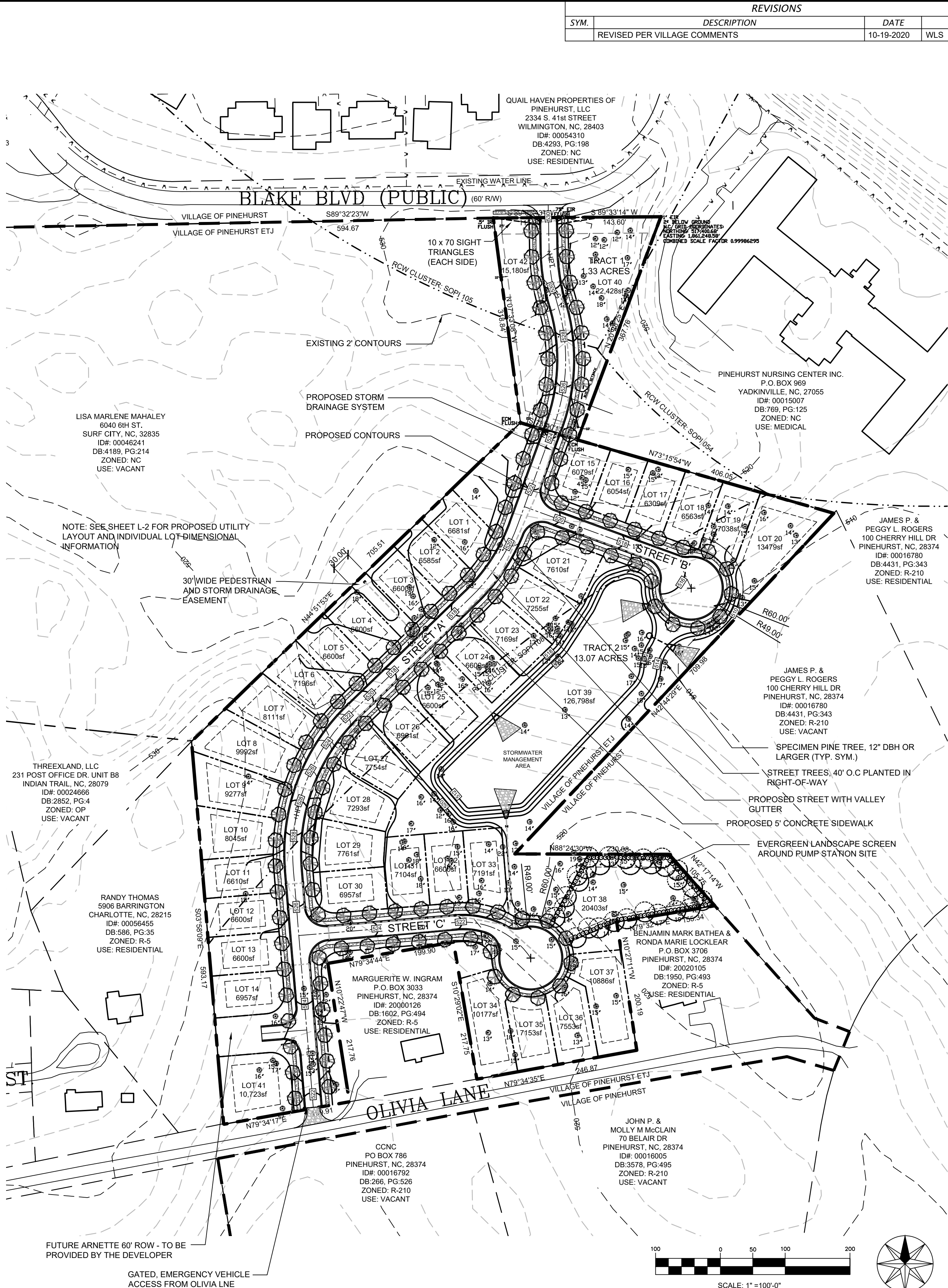
PROJECT ENGINEER: LKC ENGINEERING, PLLC
140 AQUA SHED COURT
ABERDEEN, NC, 28315
PHONE #: 910-420-1437
LICENSE #: P-1095

PROJECT SURVEYOR: LKC ENGINEERING, PLLC
140 AQUA SHED COURT
ABERDEEN, NC, 28315
PHONE #: 910-420-1437
JEFFERY L. GREEN
LICENSE #: 3972

SITE DATA TABLE			
ACREAGE OF TRACT(S)			
TRACT 1	1.33 AC	NC ZONING	
TRACT 2	13.07 AC	R5 ZONING	
TOTAL	14.4 AC		
OPEN SPACE REQUIRED	NONE		
OPEN SPACE PROVIDED	NONE		
TOTAL NUMBER OF LOTS	42		
SMALLEST LOT	6,064 SF		
LINEAR FOOTAGE OF STREET	2,161 LF (Public)		
TOTAL RIGHT OF WAY	3.48 AC		
TOTAL AREA OF RESIDENTIAL LOTS	6.60 AC		
UNDEVELOPED HOA PROPERTY (LOTS 39,40,42)	3.85 AC		
PUMP STATION LOT (LOT 38)	0.47 AC		
SETBACKS			
FRONT	20'		
SIDE	10'		
SIDE STREET	15'		
REAR	20'		
IMPERVIOUS SURFACE EXISTING - NONE			
TOTAL TRACT(S)	14.4 AC		
ROADS AND INFRASTRUCTURE	1.89 AC	13.10%	
BUILDING ENVELOPES			
38 LOTS @ 3,500 SF/LOT =	3.05 AC	21.20%	
PUMP STATION LOT (MCPU)	0.21 AC	1.45%	
TOTAL IMPERVIOUS SURFACE	5.07 AC	35.80%	
FLOODPLAIN	NONE		
WATERSHED	NONE		



2 TYPICAL LOT SIZE
L-1 NOT TO SCALE



1 PRELIMINARY PLAT PLAN
L-1 SCALE: 1" = 100'-0"

REVISIONS			
SYM.	DESCRIPTION	DATE	BY
	REVISED PER VILLAGE COMMENTS	10-19-2020	WLS

PRELIMINARY – DO NOT USE FOR CONSTRUCTION

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

Engineering
Landscape Architecture
Surveying

LKC

PRELIMINARY PLAT
PLAN

PINEHURST SOUTH
COTTAGES

Pinehurst, North Carolina

DATE: August 6, 2020
DESIGNED: WLS
DRAWN: WLS
CHECKED: TAC
NO.

L-1

REVISIONS			
SYM.	DESCRIPTION	DATE	BY
	REVISED PER VILLAGE COMMENTS	10-19-2020	WLS

PRELIMINARY – DO NOT USE FOR CONSTRUCTION

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

Engineering
Landscape Architecture
Surveying

CKL

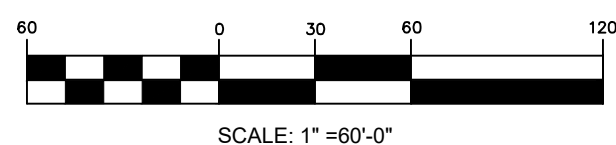
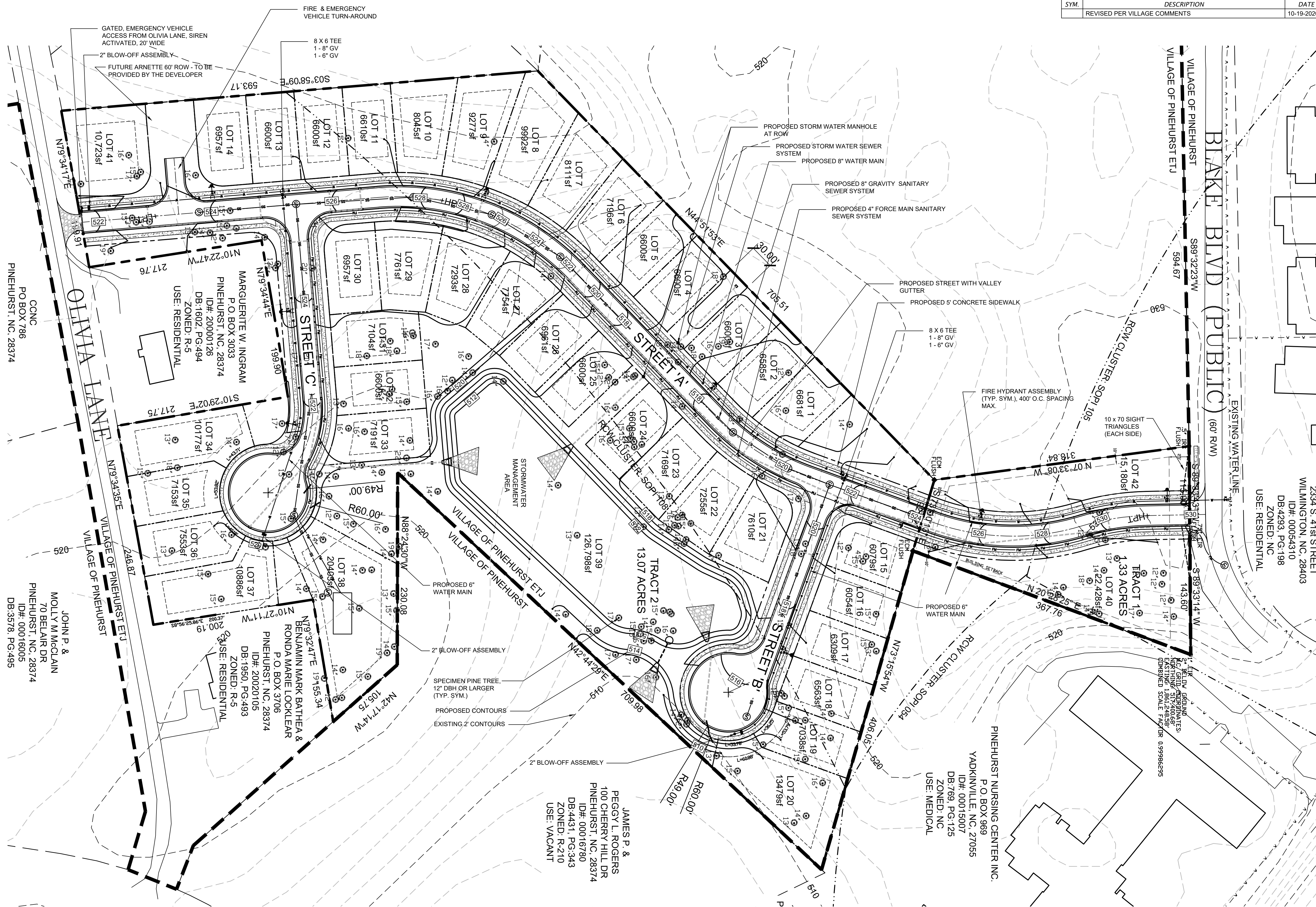
PRELIMINARY PLAT LAYOUT AND UTILITY PLAN

PINEHURST SOUTH
COTTAGES

Pinehurst, North Carolina

DATE: August 6, 2020
DESIGNED: WLS
DRAWN: WLS
CHECKED: TAC
NO.

L-2



PRELIMINARY PLAT LAYOUT AND UTILITY PLAN

SCALE: 1" = 60'-0"



**PLANNING AND ZONING BOARD
REGULAR MEETING (ELECTRONIC)
THURSDAY, OCTOBER 1, 2020
ASSEMBLY HALL & ZOOM MEETING PLATFORM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:

Leo Santowasso, Chair
Cyndie Burnett, 1st Vice
Julia Latham, 2nd Vice*
David Alzamora
Jeremy Hooper
Sonja Rothstein
Joel Shriberg
Phillip Shumaker
Paul Roberts

Board Members Absent:

None

Staff Present:

Darryn Burich, Planning Director
Alex Cameron, Senior Planner
Kelly Brown, Administrative Specialist

And approximately seven people in attendance.

I. Call to Order

Mr. Santowasso confirmed a quorum was present and called the meeting to order at 4:00 pm. *Ms. Latham participated remotely via Zoom meeting platform.

II. Approval of Minutes

A. 08-06-2020 Regular Meeting Minutes

Ms. Burnett moved to approve the August 6, 2020 regular meeting minutes. Seconded by Ms. Rothstein. Motion carried unanimously vote of 8-0.

III. Public Hearing

A. Public Hearing No. 1

Mr. Hooper moved to open the public hearing. Seconded by Mr. Shumaker. Motion carried unanimously by a vote of 8-0.

Mr. Hooper disclosed that he has a business relationship with applicant Marcel Goneau and stated he did not have any financial or personal interest in the outcome of the hearing.

Senior Planner Alex Cameron explained the purpose of the public hearing was to consider a request for a Major Subdivision Review for a 40 lot single family subdivision. The subject subdivision includes Moore County PID# 00046287 and a portion of PID# 00046241. The subject area connects to and is south of Blake Blvd. and also abuts Olivia Ln. The properties included with this proposal are currently zoned R-5 (High Density Residential) and NC (Neighborhood Commercial). The applicant and the property owner is The Cottages at Legacy Lakes, LLC. Mr. Cameron provided background on the request from his staff report:

- The proposed subdivision will need to involve the dedication or improvement of any new street(s).
- The R-5 Zoning District allows for a minimum of 5,000 square foot lots.

- There is no option to develop a residential open space subdivision in the R-5 Zoning District.
- The property is not located within a watershed, floodplain, or wetlands.
- The property is located within an active red-cockaded partition. Biological assessment letter dated August 2019 states no impact on the red-cockaded woodpecker habitat; however, an updated letter will be required.
- The typical lot size is shown as 6,600 square feet and would allow for approximately 2,800 square feet of buildable area. Other lots are shown for stormwater management, sanitary sewer lift station and undeveloped common areas.
- The applicant proposes internal streets with a 60' right of way, with a 24' street width and a 49' cul-de-sac radius.
- The applicant is proposing to use valley gutter in lieu of full concrete curb and gutter. This will require a waiver to be granted by Village Council.
- Access to the subdivision is from a connection to Blake Blvd., a Village owned and maintained road.
- A 20' wide gated emergency vehicle access from Olivia Ln. (the Village currently has an agreement with the railroad to utilize the crossing on Olivia Ln. for the sole purpose to provide emergency services to the lots in the rear of CCNC)
- Sidewalks are required along one side of all the proposed streets and are shown on the plans.
- Due to the proposal being a single family development that will also abut single family development and commercially zoned property, no planted buffer is required. The adjacent commercial use to the west will be required to install a buffer.
- Street trees will be required at a rate of one large hardwood or pine per 40 linear feet of roadway minus drives.
- The proposed subdivision is not consistent with the Comprehensive Plan however, it is compliant with the existing zoning.
- The Village of Pinehurst Technical Review Committee (TRC) has reviewed the application and preliminary plat, and have outstanding comments not yet addressed by the applicant. The applicant submitted a revised preliminary plat on October 1st, 2020, of which the TRC has not yet reviewed.
- Staff recommends continuing the public hearing to the regularly scheduled Planning & Zoning Board meeting on November 5th in order to allow the TRC to further review the revised preliminary plat and try to ensure all comments have been addressed

Jim Rogers, adjacent property owner at the Country Club of North Carolina (CCNC), asked about the railroad crossing on the Olivia Lane. Mr. Cameron stated that if secondary access to the proposed subdivision would not be required per NC Fire Code, either because there is not more than 30 lots within the development or the houses were equipped with fire sprinklers, then the Village would not need to utilize the railroad crossing at Olivia Lane and Highway 5 for purposes other than how it is currently being used. He stated that if the project remains at the proposed 40 lots or the houses do not have fire sprinkler systems, the proposal shows secondary access at Olivia Lane. He stated that may cause the railroad to nullify the current access agreement with the Village, and they have been in discussions with the railroad about the proposal.

Adjacent property owner Peggy Rogers of 100 Cherry Hill questioned what would happen to the existing homes on Olivia Lane and expressed concern about access to CCNC from the gated access on Olivia Lane. Mr. Cameron stated that the gated access will remain for emergency services only and the existing single-family homes are not part of the proposal.

Attorney for the applicant, David Neill of Fox Rothschild LLP, asked about allowing those in attendance to ask questions to the project engineer.

Engineer for the project, Tim Carpenter of LKC Engineering, stated the outstanding TRC comments are technical in nature and are not aimed at the scope of the project.

Based on staff's recommendation, the Board discussed continuing the hearing.

Mr. Shriberg moved to continue the public hearing to November 5th, 2020 at 4:00 pm in Assembly Hall. Seconded by Ms. Rothstein. Motion carried by a vote of 8-0.

The Board discussed incomplete submittals and consistency with the comprehensive plan.

IV. Next Meeting Date

A. Regular Meeting on November 5, 2020

Mr. Cameron stated there would be items before the Board.

V. Motion to Adjourn

Mr. Roberts moved to adjourn the regular meeting. Seconded by Ms. Rothstein. Carried unanimously by a vote of 8-0 at 5:14 pm.

Respectfully Submitted,



Kelly Brown
Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

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.



**PLANNING AND ZONING BOARD
REGULAR MEETING (ELECTRONIC)
THURSDAY, NOVEMBER 5, 2020
ASSEMBLY HALL & ZOOM MEETING PLATFORM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:

Leo Santowasso, Chair
Cyndie Burnett, 1st Vice
Julia Latham, 2nd Vice*
David Alzamora
Jeramy Hooper
Sonja Rothstein*
Joel Shriberg
Phillip Shumaker
Paul Roberts

Board Members Absent:

None

Staff Present:

Darryn Burich, Planning Director
Alex Cameron, Senior Planner
Kelly Brown, Administrative Specialist

And approximately seven people in attendance.

I. Call to Order

Mr. Santowasso confirmed a quorum was present and called the meeting to order at 4:00 pm. *Ms. Latham and Ms. Rothstein participated remotely via Zoom meeting platform.

II. Approval of Minutes

A. 10-01-2020 Regular Meeting Minutes

Ms. Latham moved to approve the October 1, 2020 regular meeting minutes. Seconded by Mr. Shriberg. Motion approved by a vote of 8-0.

III. Public Hearing

A. Public Hearing No. 1

Mr. Shriberg moved to open the public hearing. Seconded by Ms. Burnett. Motion approved by a vote of 8-0.

Mr. Hooper disclosed that he has a business relationship with applicant Marcel Goneau and stated he did not have any financial or personal interest in the outcome of the hearing.

Senior Planner Alex Cameron stated purpose of the public hearing was to consider a request for a Major Subdivision Review for a 40 lot single family subdivision. He stated the hearing had been continued by the Board from the October 1, 2020 regular meeting based on staff's recommendation to allow the Technical Review Committee (TRC) time to review recently submitted material and for outstanding TRC comments to be addressed by the applicant. Mr. Cameron stated the subject subdivision includes Moore County PID# 00046287 and a portion of PID# 00046241. The subject area connects to and is south of Blake Blvd. and also abuts Olivia Ln. The properties included with this proposal are currently zoned R-5 (High Density Residential) and NC (Neighborhood Commercial). The applicant and the property owner is The Cottages at Legacy Lakes, LLC. Mr. Cameron provided background on the request from his staff report.

As advised by the UNC School of Government, Mr. Cameron stated the Board should allow for a minimum of a 24 hour public comment period following the public hearing before taking action, due to remote participation of Board members.

Applicant Marcel Goneau of The Cottages at Legacy Lake and Tim Carpenter of LKC Engineering gave a presentation on the proposed major subdivision. This presentation is located in meeting docket file at Village Hall. Mr. Carpenter stated the following:

- The proposed cottages will be between 1800 to 2400 square feet in size.
- One additional lot was added, increasing the number of lots from 37 to 38.
- Homeowners association will maintain common spaces and lift station.
- The applicant agreed to sprinkling the houses if an agreement cannot be reached with the railroad company in regards to gated emergency access to Olivia Lane.
- A 30' wide pedestrian and storm easement has been provided to allow for future sidewalks or greenway trails if desired by the Village of Pinehurst.
- The applicant will be asking Council for a waiver on the valley gutter.
- The storm water management system is designed to treat or hold a 10-year storm.
- Sidewalks and roads are proposed to be public.
- No dedicated off-street parking.
- Trip generation analysis was updated in July 2020; 38 dwellings are expected to generate approximately 432 daily trips. The AM Peak Hour is expected to generate 33 total trips; PM Peak Hour is expected to generate 41 total trips.
- Sight triangles could be added at the intersection of streets B & A and C & A on the preliminary plat.
- The intention is to have individual mailboxes or post office boxes, not a mail kiosk.
- Potentially providing the two existing dwelling units off of Olivia Lane access to the internal streets of the subdivision if the crossing at Olivia Lane was closed by the railroad company.
- The gated emergency access at Olivia Lane would be siren activated for emergency vehicles only.
- The proposed garages are two car garages.
- The applicant has agreed to provide an access driveway on the cul-de-sac of Street C, if it is needed due to Olivia Lane closing.

Mr. Cameron stated that in discussions with the railroad company, it was their clear intent to close one of the two railroad crossings at either Olivia Lane or Arnette Street in the near future. He stated if the railroad closed access at Olivia Lane, emergency services would travel through the proposed subdivision in order to access the emergency gate at the back of Country Club of North Carolina.

The applicant's attorney, David Neill of Fox Rothchild LLP, stated to the best of their knowledge the homes on Olivia Lane do not have a formal agreement with railroad company to cross at Olivia Lane.

Ms. Burnett moved to close the public hearing. Seconded by Mr. Hooper Motion carried by a vote of 8-0.

The Board agreed to reconvene on Thursday, November 12, 2020 at 4:30 pm in Assembly Hall, if necessary.

Ms. Burnett moved to approved the preliminary plat with the following conditions:

- *All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall, unless the Village's current lease agreement with Aberdeen Carolina Western Railway Company is renegotiated to*

permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village emergency access drive can be connected to Olivia Lane.

- *A sight distance analysis be performed and sealed by a qualified licensed North Carolina professional engineer with transportation engineering expertise for the proposed intersection with Blake Boulevard to confirm compliance with the AASHT and North Carolina DOT requirements noted in the Village's ESSM, as part of and prior to approval of the construction drawing submittal for this project.*
- *There be no public comments received in the next 24 hours. If there are any comments, then the Board will reconvene and take a second vote.*

Seconded by Mr. Roberts. Motion approved by a vote of 8-0.

IV. General Business

A. Update on Future Planning and Zoning Board Items

Planning and Inspections Director Darryn Burich and Mr. Cameron presented the Board with draft changes to the tree preservation and landscaping requirements in Section 9.5 and 9.14.6 of the Pinehurst Development Ordinance. The Board decided to continue the discussion and provide feedback at the next meeting.

V. Next Meeting Date

A. Regular Meeting on December 1, 2020

VI. Motion to Adjourn

Mr. Santowasso moved to adjourn the regular meeting. Approved by a vote of 8-0 at 6:03 pm.

Respectfully Submitted,

Kelly Brown
Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

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**PLANNING AND ZONING BOARD
SPECIAL MEETING (ELECTRONIC)
THURSDAY, NOVEMBER 12, 2020
ASSEMBLY HALL & ZOOM MEETING PLATFORM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

Board Members Present:

Leo Santowasso, Chair
Cyndie Burnett, 1st Vice
Julia Latham, 2nd Vice*
David Alzamora*
Jeramy Hooper
Joel Shriberg
Phillip Shumaker

Board Members Absent:

Paul Roberts
Sonja Rothstein

Staff Present:

Darryn Burich, Planning Director
Alex Cameron, Senior Planner
Kathy Liles, On-Call Senior Planner
Kelly Brown, Administrative Specialist

And approximately two people in attendance.

I. Call to Order

Mr. Santowasso confirmed a quorum was present and called the meeting to order at 4:32 pm. *Ms. Latham and Mr. Alzamora participated remotely via Zoom meeting platform

II. General Business

A. Discuss and Consider A Recommendation to Village Council on the Proposed Pinehurst South Cottages Major Subdivision

Mr. Santowasso stated that after conducting a public hearing on the proposed Pinehurst South Cottages major subdivision at the Board's regular meeting on November 5, 2020, the Board voted to recommend approval of the proposed preliminary plat contingent on the Board not receiving any additional public comment within 24 hours. He stated Village staff received public comment within the 24 hour period, therefore the Board has reconvened to discuss and take a vote on the proposed major subdivision.

Senior Planner Alex Cameron stated Village staff received public comment via email from an adjacent property owner concerning the potential closing of the railroad crossing at Olivia Lane, which was distributed to the Board. Tim Carpenter of LKC Engineering stated the applicant, Marcel Goneau, is willing to grant the two existing adjacent property owners on Olivia Lane, Mr. Bethea and Ms. Ingram, access to the proposed public road via vacant open lots in the event the railroad company closes the crossing at Olivia Lane. He stated this will be written in the homeowners' association covenants.

Ms. Burnett moved that the Planning and Zoning Board recommend approval to the Pinehurst Village Council of the proposed major subdivision with the following conditions:

- 1. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction*

drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.

2. *A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.*

Seconded by Mr. Shirberg. Motion approved by a vote of 6-0.

Roll Call

Mr. Alzamora	Yes
Ms. Latham	Yes
Mr. Shumaker	Yes
Mr. Hooper	Yes
Ms. Burnett	Yes
Mr. Shriberg	Yes

B. Discuss Potential Draft Language for Tree Preservation and Landscaping Standards

Planning Director Darryn Burich, Senior Planner Kathy Liles, and Mr. Cameron presented draft language for potential revisions to Sections 9.5 and 9.14.6 of the Pinehurst Development Ordinance for tree preservation and landscape requirements. The Board discussed the items and provided feedback; no action was taken.

C. Board Membership Updates

Mr. Santowasso's final term on the Planning & Zoning Board and Board of Adjustment expired on November 17, 2020. The Board and Village staff acknowledged Mr. Santowasso's tremendous contributions to the Village and thanked him for his service, expertise, and friendship.

Ms. Burnett was appointed by Village Council to serve as Chair of the Planning & Zoning Board in replacement of Mr. Santowasso. Her term is effective November 18, 2020 and expires on November 30, 2022.

Mr. Jack Farrell was appointed by Village Council to serve on the Planning & Zoning Board and Board of Adjustment to fill Mr. Santowasso's vacancy. His term is effective December 1, 2020 and expires on November 30, 2023.

There is a vacancy for 1st Vice-Chair, which was previously filled by Ms. Burnett.

III. Next Meeting Date

A. Regular Meeting on December 3, 2020

IV. Motion to Adjourn

Ms. Burnett moved to adjourn the regular meeting. Seconded by Mr. Hooper. Motion approved by a vote of 6-0 at 5:50 pm.

Respectfully Submitted,

Kelly Brown
Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sandhills Sub Office
Post Office Box 119
Southern Pines, N. C. 28388

October 22, 2020

Jeanette Sabo
Dr. J.H. Carter III & Associates, Inc.
P.O. Box 891
Southern Pines, North Carolina 28388

Re: Legacy Lakes Cottages, LLC Project (LRKs: 46287 & 46241), Pinehurst, Moore County, North Carolina

Dear Ms. Sabo:

This is in response to your request on behalf of your client for an assessment of any potential impacts to red-cockaded woodpeckers (*Dryobates borealis* = *Picoides borealis*) associated with the development of the subject properties. The U.S. Fish and Wildlife Service (Service) offers the following comments in support of Section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (Act) and the Service's Private Lands Guidelines found in Appendix 5 of the Service's Recovery plan for the red-cockaded woodpecker (*Picoides borealis*): second revision (U.S. Fish and Wildlife Service 2003).

The purpose of the proposed project is to construct a single-family residential community consisting of 38 residential lots ranging in size from 0.14 to 0.47 acres per lot, with an access road on Blake Boulevard and an emergency exit on Olivia Lane and a stormwater retention pond on approximately 14.4 acres. The project site is located east of NC Highway 5, north of Olivia Lane and south of Blake Boulevard in Pinehurst, Moore County, North Carolina. This current project is a scaled down version from a previous proposed project that consisted of 145 home sites and associated amenities on approximately 42 acres.

Based upon surveys completed by staff of Dr. J.H. Carter and Associates Inc. in August of 2019 and October of 2020 of the project site and a half-mile radius around the project site, there were no red-cockaded woodpecker cavity trees or Michaux's sumac (*Rhus michauxii*) found on or adjacent to the these properties. The project area occurs partially within the foraging partition for active red-cockaded woodpecker cluster SOPI 108 and within a half-mile of inactive red-cockaded woodpecker cluster SOPI 69/113 and abandoned red-cockaded woodpecker clusters SOPI 54. No suitable or potentially suitable red-cockaded woodpecker habitat will be impacted.

Recovery efforts for this species are underway and may result in groups becoming reestablished in areas currently unoccupied by this species. The cumulative loss of foraging and nesting habitat caused by residential and commercial construction is one of the primary threats to the continued existence of the red-cockaded woodpecker in the Pinehurst/Southern Pines area. Therefore, as plans are made to develop these properties, I encourage your client to minimize the removal of mature longleaf pine trees greater than 8 inches in diameter, take measures to prevent damage to the bole and root system of the remaining longleaf pines and to landscape with plant species native to the Sandhills ecosystem.

While the Service has determined that the project, as proposed, is not likely to result in a “take” of red-cockaded woodpecker habitat, this determination must be reconsidered if the project design is subsequently modified in a manner which was not addressed in this report, or if new information becomes available. Therefore, based on the information provided, you have satisfied Fish and Wildlife Service guidelines related to red-cockaded woodpecker responsibilities under the Endangered Species Act. If you have any questions regarding the comments in this letter, please contact me at (910) 695-3323 ext. 10.

Sincerely,

A handwritten signature in blue ink that reads "Susan Ladd Miller". The signature is written in a cursive, flowing style.

Susan Ladd Miller
Fish and Wildlife Biologist



July 2, 2020

Phillip Picerno, PE
LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315
E: Phillip@lkcengineering.com

Subject: Mahaley Land – Trip Generation Letter
Pinehurst, North Carolina

Dear Mr. Picerno,

This letter provides an estimate of the trip generation for the proposed residential development located east of NC 5 and north of Olivia Lane in Pinehurst, North Carolina. The proposed development is anticipated to consist of 37 single-family homes. Access to the proposed site will be provided via one (1) full movement site driveway along Blake Boulevard.

Trip Generation

Average weekday daily, AM, and PM peak hour trips for the proposed development were estimated using methodology contained within the *ITE Trip Generation Manual, 10th Edition* utilizing the most recent (July 1, 2018) North Carolina Department of Transportation (NCDOT) Congestion Management rates vs. equation spreadsheet. Refer to Table 1 for a summary of the trip generation summary.

TABLE 1
SITE TRIP GENERATION SUMMARY

LAND USE	SIZE	DAILY TRIPS (VPD)	PEAK HOUR TRIPS (VPH)			
			AM		PM	
			ENTER	EXIT	ENTER	EXIT
Single-Family Detached Housing (210)	37 D.U.	420	8	23	25	14

As shown in Table 1, based on *ITE Trip Generation Manual, 10th Edition*, it is estimated that the site is expected to generate approximately 420 trips during a typical 24-hour weekday period. Of the daily site trips, it is anticipated that 31 total trips (8 entering and 23 exiting) will occur during the AM peak hour and 39 total trips (25 entering and 14 exiting) will occur during the PM peak hour. It should be noted that the single-family homes will be targeted towards seniors, although not restricted.

Findings and Summary

The results of the trip generation summary show the 37 lots to be significantly below the NCDOT threshold for requiring a Traffic Impact Analysis (TIA). The trip generation summary also shows that the proposed development would have no significant impacts to the existing roadway network due to the low volume of expected site traffic.

If you should have any questions, please feel free to contact me at (919) 872-5115.

Sincerely,

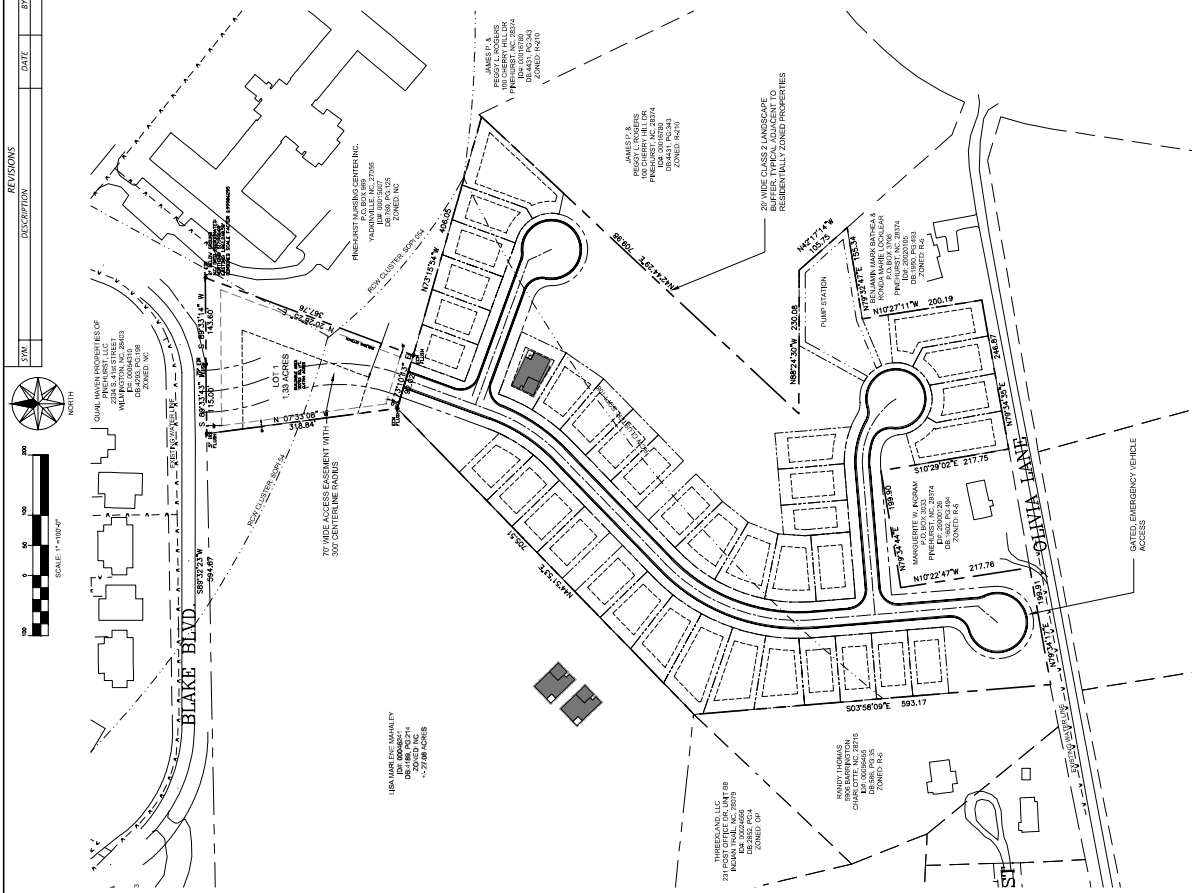
Joshua Reinke, P.E.
State Traffic Engineering Lead
Ramey Kemp Associates

NC Corporate License # C-0910

Attachments

- Preliminary Site Plan







Engineering
Landscape Architecture
Surveying

December 30, 2020

Alex Cameron, Senior Planner
Village of Pinehurst
365 Magnolia Road
Pinehurst, NC 28374

RE Pinehurst South Cottages Major Subdivision – Mail Delivery

Dear Alex,

In regard to the above referenced project and the discussion from the Village Council meeting on December 5, 2020, the Applicant and LKC have consulted on the addition of a Mail Kiosk to service the neighborhood. We agree with the Village Council in that it makes sense to provide a Mail Kiosk to service the Site as opposed to individual mail boxes or post office boxes.

The Applicant intends to construct a Kiosk on the site and would agree to resolve the details and design standards with the Village Staff during the Construction Drawing Review. The likely location is just north of Road "B" on the west side of Road "A", on the 13 acres R-5 Tract but we are open to discussion on that with Village Staff.

If you have any questions, please feel free to contact me at this office (910) 420-1437.

Regards,
LKC Engineering, PLLC

A handwritten signature in blue ink, appearing to read 'Tim Carpenter'.

Tim Carpenter

Copy to: Marcel Gonneau, Cottages at Legacy Lakes, LLC
Dave Neill, Fox Rothschild, LLP



Public Hearing No. 1

I. Major Subdivision review for a 42 lot subdivision with 38 single family residential lots located in the ETJ and off Blake Boulevard, currently PID# 00046287 and a portion of PID# 00046241 applicant and owner is The Cottages at Legacy Lakes, LLC

o Current Zoning and Land Use

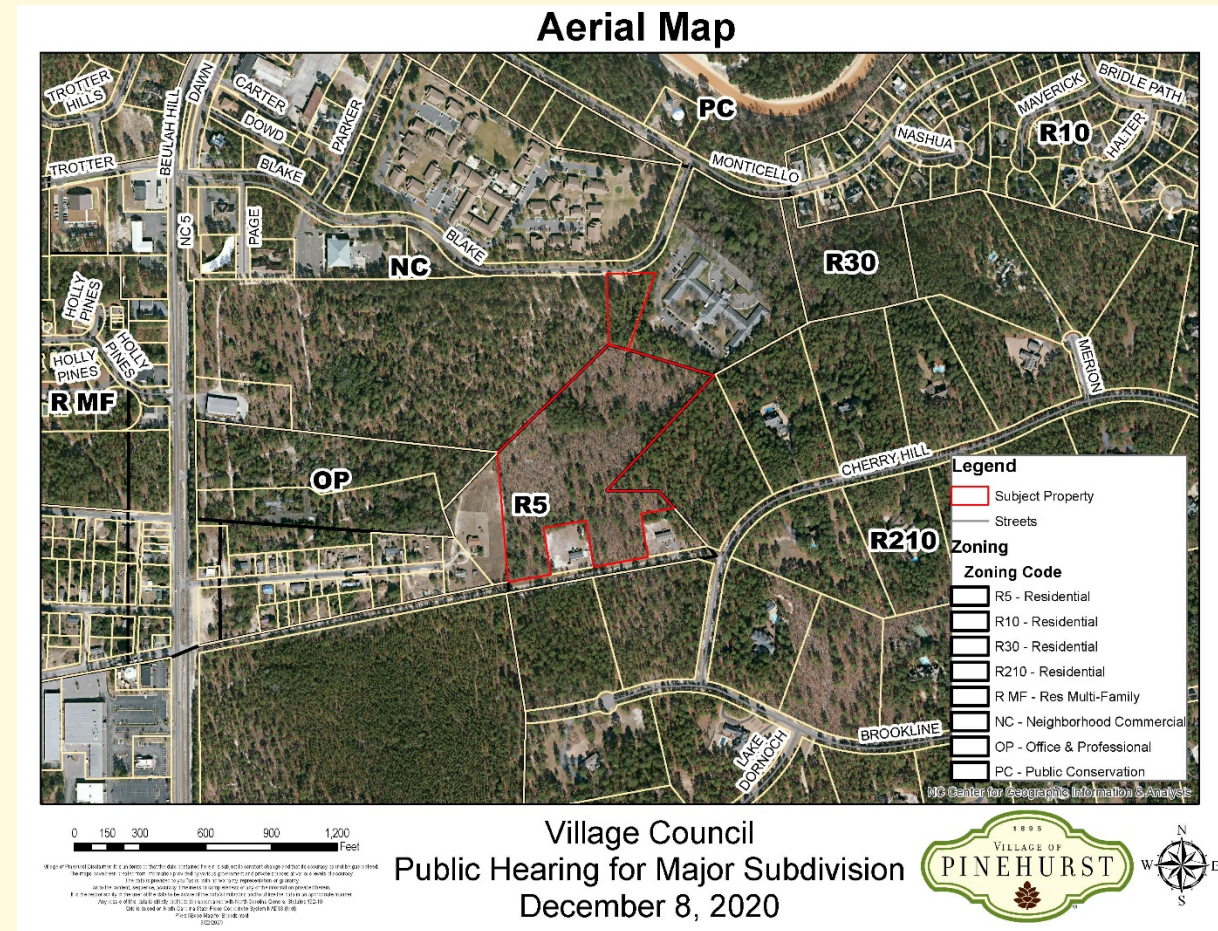
- R-5 (High Density Residential District)
 - 1 single family residential lot totaling +/- 13 acres
- NC (Neighborhood Commercial District)
 - 1 newly subdivided vacant lot totaling +/- 1.3 acres

o Proposed Zoning and Land Use

- No proposed zoning change
- 42 lot subdivision with 38 residential lots and related infrastructure

o The public hearing was duly posted, adjacent owners notified, and hearing published.

(required by our ordinance even though this is not a legislative hearing such as a zoning or text amendment)







Major Subdivision

- Any subdivision creating more than 3 lots and involves the dedication or improvement of any new street(s).
- Applications and material are submitted to the Village Planner and reviewed by the Technical Review Committee (TRC).
- After TRC comments are addressed the proposal is reviewed by the Planning and Zoning Board, a public hearing is held and a recommendation is forwarded to Village Council.
- Village Council holds a public hearing and reviews the proposed subdivision to determine compliance **with applicable development standards** and can approve, conditionally approve or reject the proposed preliminary plat.





Request

- The applicant requests a Major Subdivision approval to allow for a 42 lot subdivision creating 38 residential lots located in the Village's extraterritorial jurisdiction (ETJ)
- The parent tracts of this proposed subdivision are identified as Moore County PID# 00046287 and a portion of PID# 00046241
- The area is located off of and south of Blake Boulevard, a Village owned right-of-way, and north of Olivia Lane
- The site is currently vacant & highly vegetated
- The proposed lots range in size from 6,600 sq. ft. to 13,479 sq. ft.





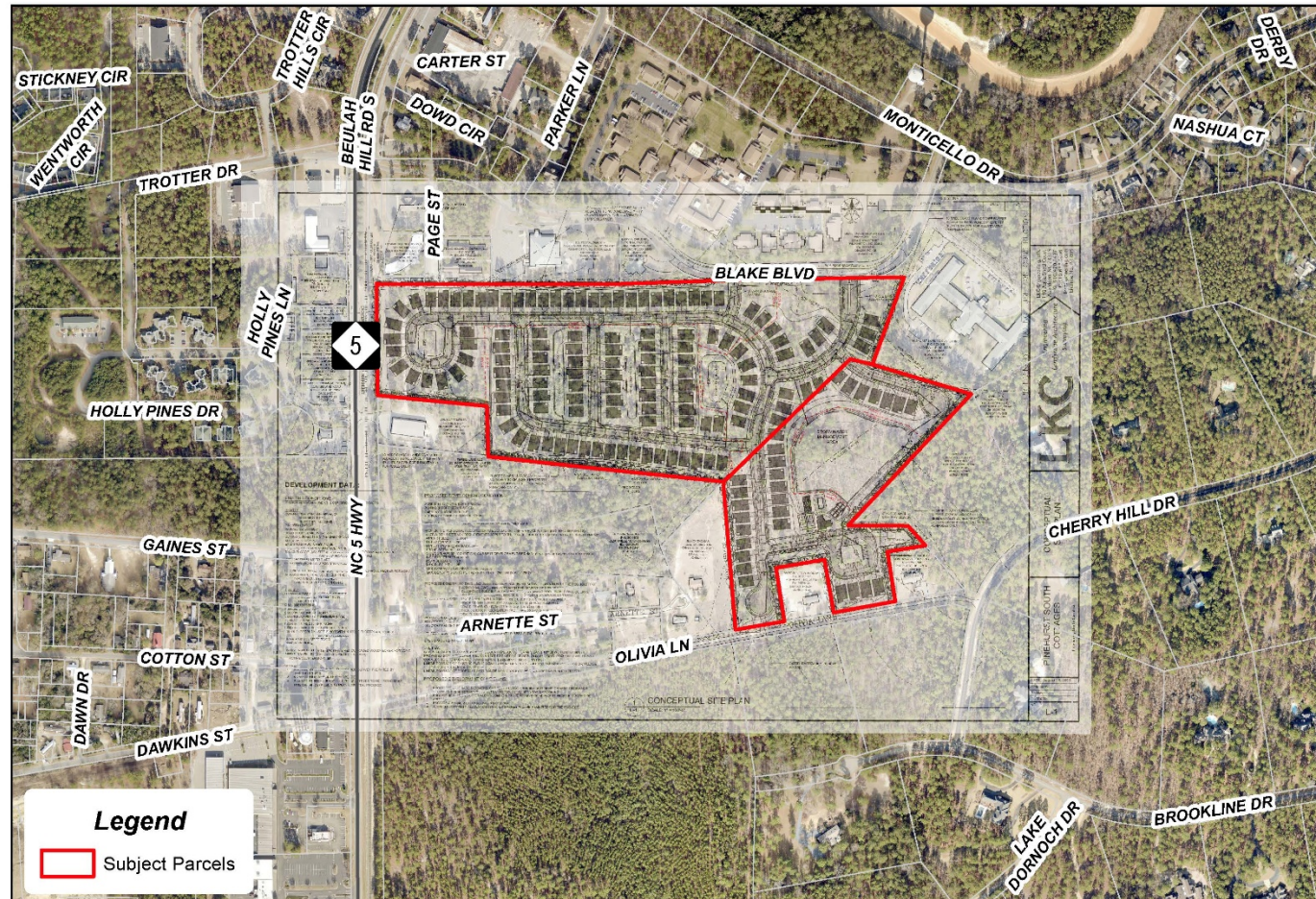
Background

- A previous proposal for some of the project area was proposed last year.
- That proposal included the totality of the NC (Neighborhood Commercial) zoned property and requested a rezoning to RMF-CD (Residential Multi-Family – Conditional District) to allow for 160 residential lots.
- The Planning and Zoning Board held a public hearing in October of 2019 and ultimately recommended that Village Council deny the proposal as it was NOT consistent with the recently adopted 2019 Long Range Comprehensive Plan.
- The applicant decided not to pursue the request and go before Village Council.





Previous Proposal (2019)



Pinehurst South Cottages Proposed Rezone





Included with the Application:

- Subdivision Application
- Preliminary Plat
- Trip Generation
- Biological Assessment for Red-Cockaded Woodpecker Impacts





Project Density and Dimensions

- The R-5 Zoning District allows for a minimum of 5,000 square foot lots which roughly results in a net density of 8 units per acre.
- There is no option to develop a residential open space subdivision in the R-5 Zoning District.
- The property is not located within a Watershed Protection District therefore, there is no further limits on density or impervious coverage.
- All of the lots will meet the dimensional requirements of the R-5 Zoning District.
- The typical lot size is shown as 6,600 square feet and would allow for approximately 2,800 square feet of buildable area.
- Other lots are shown for stormwater management, sanitary sewer lift station and undeveloped common areas or green space.





R-5 Zoning District Dimensional Requirements

R-5 Zoning District Dimensional Requirements	
Minimum Lot Size	5,000 square feet
Maximum Building Height	35 feet
Maximum Lot Covered by Impervious Surface	45%
Building Setbacks	
Principal Building Front Setback	20 feet
Principal Building Side Setback	10 feet
Principal Building Side Street Setback	15 feet
Principal Building Rear Setback	20 feet
Accessory Building Side Setback	5 feet
Accessory Building Side Street Setback	15 feet
Accessory Building Rear Setback	10 feet

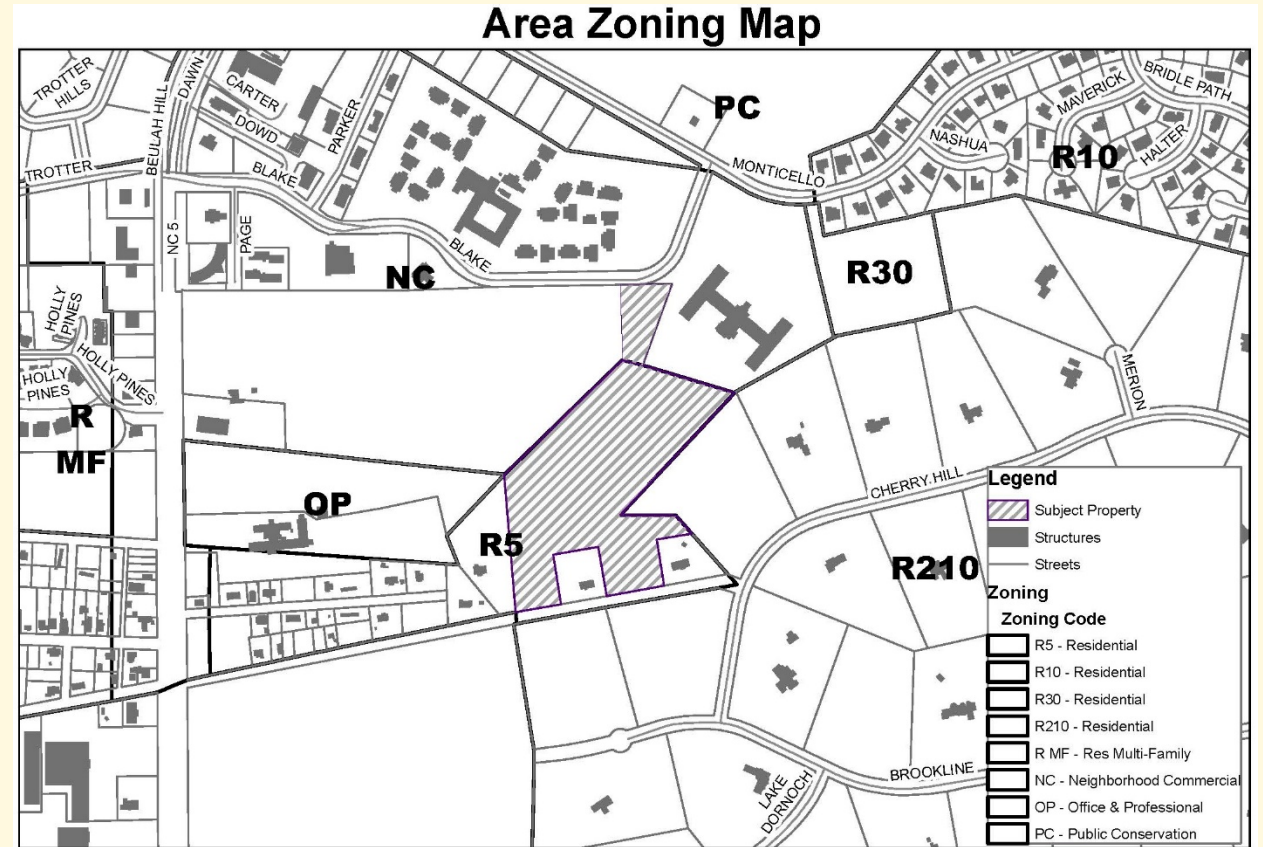




Adjacent Land Uses and Zoning

- Surrounding properties contain a mix of land uses and zoning

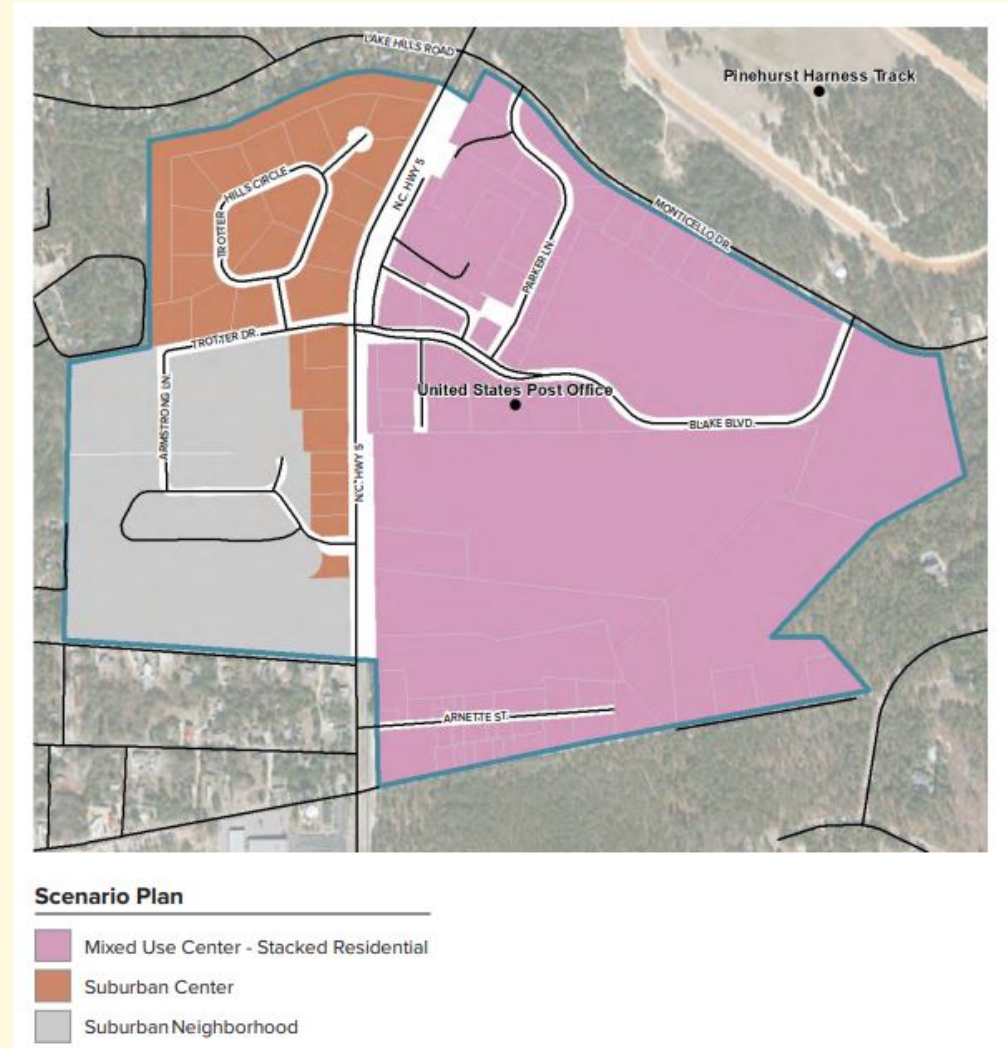
Adjacent Land Uses and Zoning		
Area	Existing Uses	Zoning
North	Senior Living/Retirement and Health & Rehabilitation Center	NC
South	Single Family Residential and Vacant (CCNC)	R-210
East	Single Family Residential and Vacant (CCNC)	R-210
West	Vacant Commercial and Office	NC & OP
Comprehensive Plan Land Use Designation		
Focus Area 2 Highway 5 Commercial Area – Mixed Use-Stacked Residential		





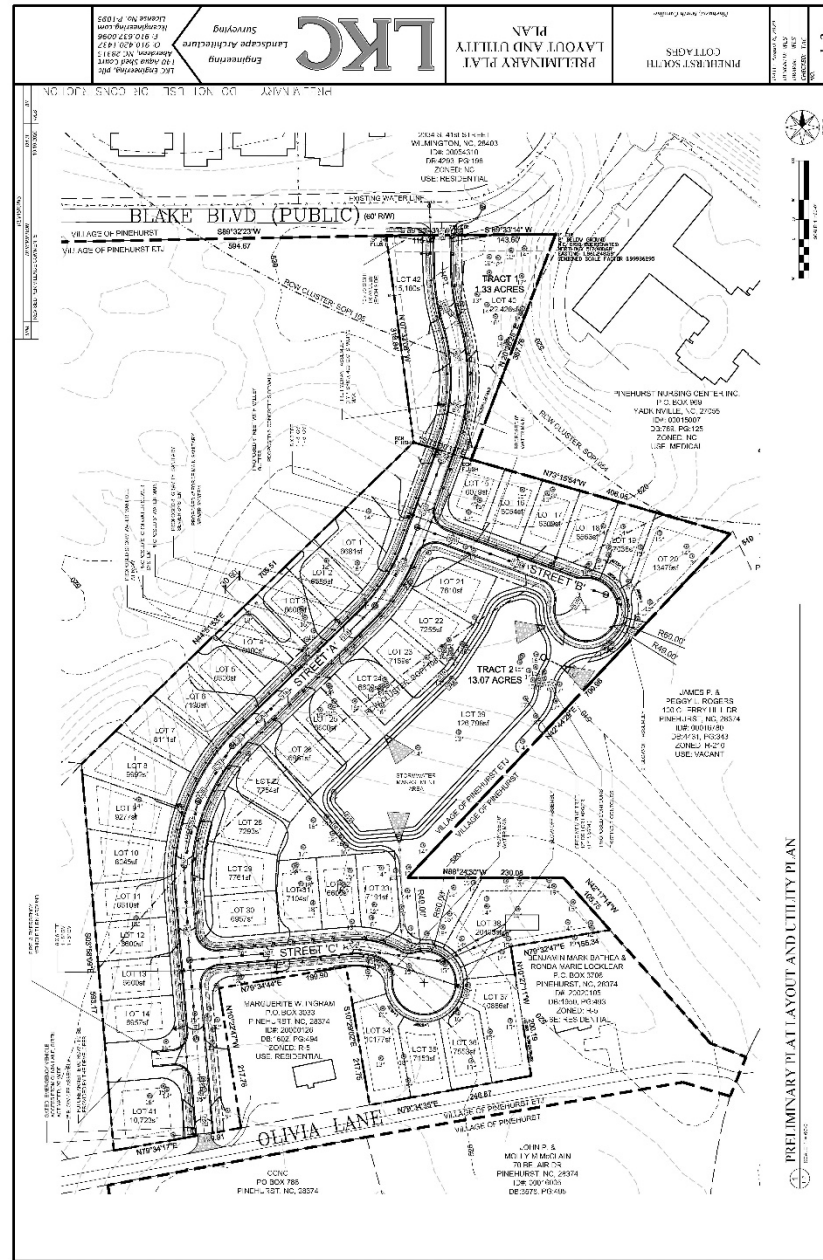
2019 Comprehensive Plan

- The 2019 Comprehensive Plan identifies this area as Focus Area 2: Highway 5 Commercial Area.
- The Comprehensive Plan recommends that a small area plan be developed for this area with additional public input to ensure high quality development and to consider the need for mixed-uses with a primary focus on office, medical, life science and research facilities with small scale retail services which could create an “Innovation Hub”.
- The plan does consider stacked residential in the area but not stand alone single family uses.
- The proposed subdivision is not consistent with the Comprehensive Plan **however, it is compliant with the existing zoning and no zoning amendment is proposed.**





Preliminary Plat with Utility Layout







Site Features

- The applicant proposes internal streets with a 60' right of way, a 24' street width and a 49' cul-de-sac radius.
- The applicant is proposing to use valley gutter in lieu of full concrete curb and gutter. **This will require a waiver to be granted by Village Council.**
- Access to the subdivision is from a connection to Blake Boulevard, a Village owned and maintained road.
- A future 60' right-of-way is shown to be preserved adjacent to the neighboring property that borders Arnette Street, a NCDOT road. This could provide for the future extension of Arnette Street and could provide reasonable means of ingress and egress for the surrounding properties. A turnaround capable for large vehicles (solid waste and fire apparatus) is also provided in this area (between lots #14 & #41).
- A 20' wide gated emergency vehicle only access from Olivia Lane (the Village currently has an agreement with the railroad to utilize the crossing on Olivia Ln. for the sole purpose to provide emergency services to the lots in the rear of CCNC)
- The streets are intended to be public and can only be accepted as such by Village Council.





Site Features

- Sidewalks are required and are provided on both sides of all streets as shown on the plans.
- A 30' wide pedestrian and storm drainage easement is shown between lots #3 and #4. This could allow for pedestrian access to the adjacent commercial zoned property at such time it were to be developed in the future.
- Public water and sewer are to be provided to the lots and will be served by MCPW with the pump station and lot to be turned over to MCPW.
- The current plan indicates stormwater control measures on site including a detention area labeled as Lot 39. This system will be required to be designed, constructed and inspected in accordance with the Village's ESSM.
- The applicant indicates that an HOA will be formed and will be responsible for the maintenance of the required improvements and ownership of the common area (labeled as undeveloped lots).
- The applicant intends to petition for annexation into the Village's corporate limits.
- If the owner petitioned for annexation the Village could then provide solid waste and emergency services (police) as well as take over the ownership and maintenance of the improvements in the right-of-way after the work has been inspected to ensure compliance with the standards and a warranty period put in place.





Landscaping

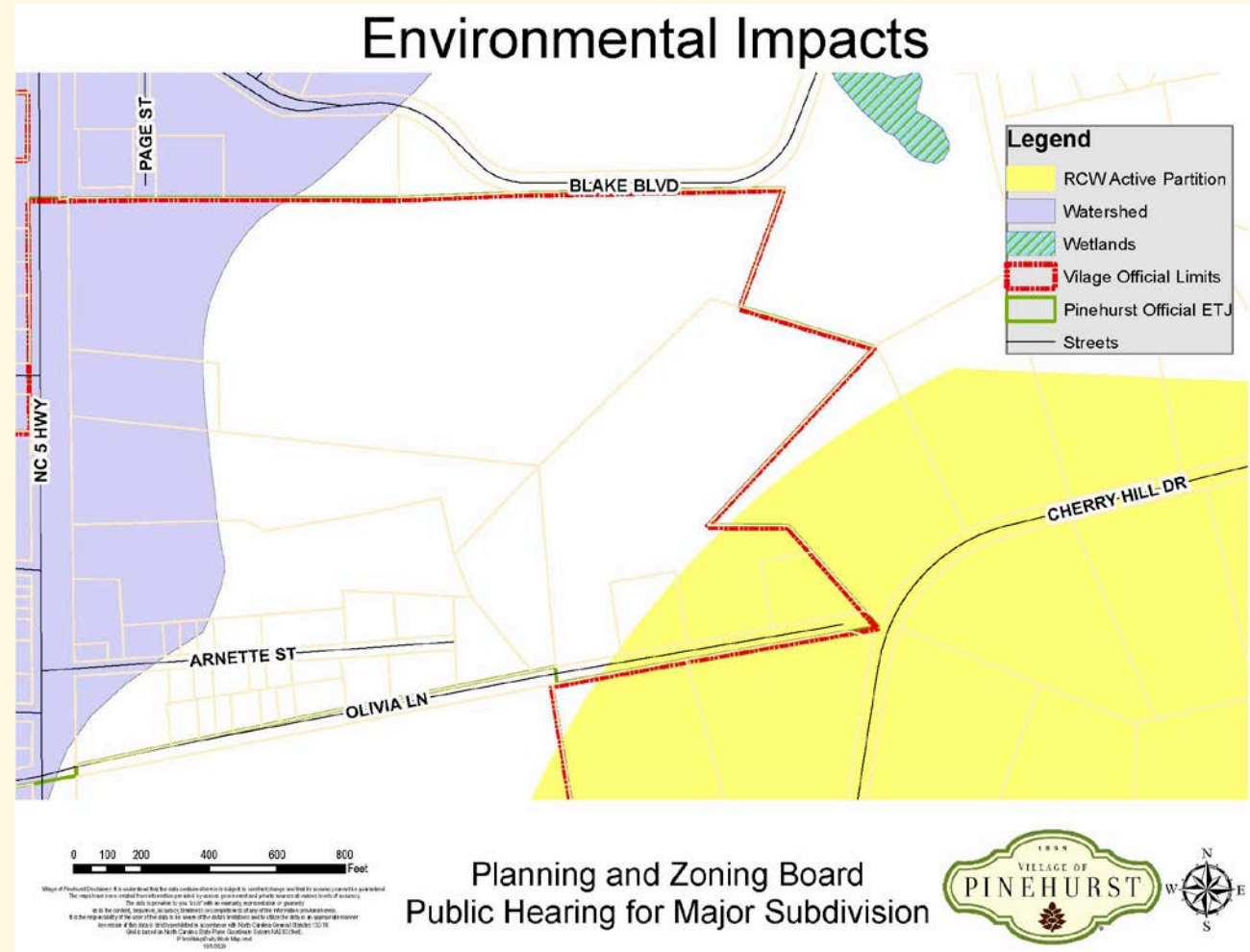
- o Due to the proposal being a single family development that will also abut single family development and commercially zoned property, no planted buffer is required.
 - o The adjacent commercial zoned property would be required to install a buffer at the time any development would be proposed.
- o Street trees will be required at a rate of one large hardwood or pine per 40 linear feet of roadway minus driveways.
 - o Street trees are depicted on the preliminary plat and will need to be located within the right-of-way and away from utilities.
 - o A landscape plan showing compliance with this standard will be required to be submitted and approved during review of and prior to approval of construction drawings.





Environmental Impacts

- o No floodplains, wetlands or located within a watershed
- o Portion of the subdivision lies within an active RCW partition.
 - No impacts for red-cockaded woodpecker habitat per biological assessment provided by USFWS





Staff Technical Review

- o Over the course of several months, the Technical Review Committee (TRC) has reviewed the application and the Preliminary Plat and have issued comments on the proposal to the applicant. The applicant has submitted updated and revised material based on those comments.
- o The TRC has deemed it compliant enough to move forward with a few items that will need to be addressed and can be done at the time construction drawings are submitted and prior to approval of such. Those items include:
 - o Sight distance at the proposed intersection with Blake Boulevard and recommend the applicant provide documentation to show compliance with the required intersection sight distance per Section 3.02a of the ESSM.
 - o With the proposed number of lots requiring a secondary access to the subdivision and the proposed emergency access being located off Olivia Lane, the Village's current agreement with Aberdeen Carolina and Western Railway Company may have to be renegotiated. This may change the proposed secondary access and may require the homes be equipped with a fire sprinkler suppression system.





Staff & TRC Recommendation

- Therefore, staff and the TRC recommends approval of the preliminary plat with the following conditions:
 - A. All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.
 - B. A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.
 - C. The proposed preliminary plat does not show a site triangle compliant with Section 3.02(a) of the Pinehurst Engineering Standards and Specifications Manual (ESSM) at the intersection of proposed "Street A" and Blake Boulevard. A compliant site triangle will be required prior to approval of construction drawings and the final plat.





Planning and Zoning Board Action

- Conducted a public hearing on October 1st and November 5th, reviewed the material along with the staff recommendation and the requirements of the PDO.
- The Planning and Zoning Board recommended that Village Council approve the Preliminary Plat with the following conditions:
 - A. *All dwelling units shall be equipped with a fire sprinkler suppression system as approved by the Village of Pinehurst Fire Marshall unless the Village's current lease agreement with the Aberdeen Carolina and Western Railway Company is renegotiated to permit emergency secondary access to the subdivision. Prior to approval of construction drawings, the applicant is to provide information acceptable to the Village that an emergency access drive can be connected to Olivia Lane.*
 - B. *A sight distance analysis be performed and sealed by a qualified, licensed North Carolina Professional Engineer with transportation engineering experience for the proposed intersection with Blake Boulevard, to confirm compliance with the AASHTO and NCDOT requirements noted in the Village's ESSM as part of and prior to approval of the construction drawing submittal for this project.*





Action by Village Council

- Conduct a public hearing and review the application along with the recommendation of the Planning and Zoning Board and staff.
- After conducting a public hearing, Council can decide to approve, conditionally approve or reject the Preliminary Plat.
- If Council approves the plat with conditions, the reasons for requiring such shall be stated in the record of approval
- If Council rejects the preliminary plat, the reasons therefor shall be stated in the record along with recommendations for ways to revise the preliminary plat so it could be approved.





End of Presentation





PRESENTATION OF THE DISTINGUISHED BUDGET PRESENTATION AWARD.

ADDITIONAL AGENDA DETAILS:

FROM:

Natalie Hawkins

CC:

Jeff Sanborn

DATE OF MEMO:

1/5/2021

MEMO DETAILS:

The Village's Finance Department has once again been recognized with the Government Finance Officers Association's Distinguished Budget Presentation Award for the 2021 Strategic Operating Plan. This award marks the 13th consecutive year the Village's Budget and Strategic Operating Plan have met the highest governmental principles and standards for governmental budgeting.

In addition, the Village's 2021 Strategic Operating Plan received Special Performance Measures Recognition when all three evaluators gave the Village the highest marks for our inclusion and integration of Key Performance Indicators (KPIs) in the budget document. This marks the fourth time the Village has received this special recognition in the 13 years of achieving the award.

To receive the Distinguished Budget Presentation Award, the Village had to satisfy nationally recognized guidelines for effective budget presentations designed to assess how well the annual budget serves as:

- A policy document
- A financial plan
- An operations guide, and
- A communications device

Congratulations to our Finance Director, Brooke Hunter, the Finance Department staff, and our Organizational Performance Director, Lauren Craig for this tremendous accomplishment and well-deserved recognition.

ATTACHMENTS:

Description

- 📎 2020 GFOA Distinguished Budget Award

November 15, 2020

Brooke Hunter
Financial Services Director
Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Dear Ms. Hunter:

We are pleased to inform you, based on the examination of your budget document by a panel of independent reviewers, that your budget document has been awarded the Distinguished Budget Presentation Award from Government Finance Officers Association (GFOA) for the current fiscal period. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by your organization. In addition to receiving the award, your entity's budget received the following special recognition:

Special Performance Measures Recognition

The Distinguished Budget Presentation Award is valid for one year. To continue your participation in the program, it will be necessary to submit your annual budget document to GFOA within 90 days of the proposed budget's submission to the legislature or within 90 days of the budget's final adoption. A Distinguished Budget Program application is posted on GFOA's website. This application must be completed and accompany your next submission. (See numbers 12 and 13 on page 2 of the application for fee information and submission instructions.)

Each program participant is provided with confidential comments and suggestions for possible improvements to the budget document. Your comments are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next budget.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual(s) or department designated as being primarily responsible for its having achieved the award. Enclosed is a Certificate of Recognition for Budget Preparation for:

Financial Services Department

Brooke Hunter

November 15, 2020

Page 2

Continuing participants will find a brass medallion enclosed with these results. First-time recipients will receive an award plaque that will be mailed separately and should arrive within eight to ten weeks. Also enclosed is a camera-ready reproduction of the award for inclusion in your next budget. If you reproduce the camera-ready image in your next budget, it should be accompanied by a statement indicating continued compliance with program criteria.

The following standardized text should be used:

Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to **Village of Pinehurst, North Carolina**, for its Annual Budget for the fiscal year beginning **July 1, 2020**. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as a financial plan, as an operations guide, and as a communications device.

This award is valid for a period of one year only. We believe our current budget continues to conform to program requirements, and we are submitting it to GFOA to determine its eligibility for another award.

A press release is enclosed.

Upon request, GFOA can provide a video from its Executive Director congratulating your specific entity for winning the Budget Award.

We appreciate your participation in this program, and we sincerely hope that your example will encourage others in their efforts to achieve and maintain excellence in governmental budgeting. The most current list of award recipients can be found on GFOA's website at www.gfoa.org. If we can be of further assistance, please contact the Technical Services Center at (312) 977-9700.

Sincerely,

A handwritten signature in black ink, reading "Michele Mark Levine". The signature is written in a cursive, flowing style.

Michele Mark Levine
Director, Technical Services Center

Enclosure



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

Village of Pinehurst

North Carolina

For the Fiscal Year Beginning

July 1, 2020

Christopher P. Morill

Executive Director



**DISCUSS THE NATIONAL HISTORIC LANDMARK DISTRICT
INTEGRITY & CONDITION STUDY.
ADDITIONAL AGENDA DETAILS:**

FROM:

Natalie Dean Hawkins

DATE OF MEMO:

1/6/2021

MEMO DETAILS:

As previously reported to the Village Council, the National Park Service (NPS) is in the process of conducting an Integrity & Condition Study of the Pinehurst National Historic Landmark (NHL) District. The NPS is conducting this study to monitor the condition of Pinehurst NHL District to ensure it continues to possess the historic qualities for which it was designated in 1996. These qualities are described in the Pinehurst NHL Nomination as:

"The Pinehurst NHL District is significant for its extraordinary role in the development of the sport of golf and resort communities and for its association with golfer and golf course designer Donald Ross. Designed by the prominent landscape architecture firm of Olmsted, Olmsted, and Eliot, the District encompasses "a designed network of curvilinear roads embracing the village green in a lush evergreen landscape...on which late-Victorian, Colonial Revival, and Bungalow-style hotels, cottages, stores and churches were built, golf courses were laid out," as well as a multitude of other recreational venues" (Pinehurst NHL Nomination, 1996)

The NPS issued a press release on November 19, 2020 announcing the launch of this comprehensive study and a project site where additional information about the study can be found (<https://parkplanning.nps.gov/pinehurst>). The objective of the Pinehurst NHL District Integrity & Condition Study is to document existing conditions in the district based on research, field surveys, photographic documentation, Geographical Information Systems analysis, and public engagement to determine if the district continues to possess the historic qualities for which it was nominated for.

The public engagement component of the study will include two virtual public input meetings that will be held on February 2nd at 10:30 am and 6:30 pm. In addition to public meetings, NPS will be inviting community members with a direct role in the management of the district, including elected officials, business owners, and preservation experts, to a series of listening sessions. The purpose of these sessions is to gain a greater understanding of the inner workings of Pinehurst to help aid in the stewardship of the NHL by providing policy makers and the public with a better understanding of the District

Through this important public engagement process, Pinehurst residents and property owners will be asked to provide their thoughts on what is going well and not going so well with regards to historic preservation of properties in the district. Residents and property owners will also be able to discuss any specific projects, initiatives, or trends that they believe may be beneficial or harmful to the district.

The NPS has contracted with Richard Grubb & Associates, Inc. to conduct fieldwork and perform visual inspections of properties in the district. This fieldwork has been underway for several weeks now and the Integrity & Condition Study is expected to be completed late this summer or early fall. Representatives of the

NPS will host a public meeting upon completion of the study to review and discuss the findings with the community.

Village staff encourages residents and property owners to provide their input using the public engagement methods outlined above as we partner with the NPS to administer this important study of our historic district.



DISCUSS AND CONSIDER APPROVAL OF THE VILLAGE OF PINEHURST EMERGENCY PAID SICK LEAVE POLICY.

ADDITIONAL AGENDA DETAILS:

FROM:

Angela Kantor

CC:

Jeff Sanborn

DATE OF MEMO:

1/4/2021

MEMO DETAILS:

In March 2020, President Trump signed a coronavirus emergency aid package, the Families First Coronavirus Response Act (FFCRA). This Act provided job-protected paid leave to employees under the Emergency Family and Medical Leave Expansion Act and Emergency Paid Sick Leave effective April 1, 2020 through December 31, 2020.

This federal policy expired December 31, 2020 and the Village would like to extend the 80 hours of emergency paid sick leave through March 31, 2021. This paid leave is separate from the federal program, but would operate in the same manner. Employees would not be granted an additional 80 hours, but would be able to utilize any hours remaining from the federal policy.

Eligible employees can take leave under this policy for certain qualifying reasons:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID–19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19.
3. The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID–19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

Eligible employees are entitled for up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on their rate of pay. The amount of pay will vary depending on the reason leave is needed. Pay details are listed in the policy.

This policy does exclude emergency responders (firefighters, police officers, telecommunication specialists and solid waste equipment operators) from reasons #4 and #5 above. They are eligible when their health is impacted.

At this time, we are not recommending extending the family and medical leave portion of the federal policy.

The policy and resolution are attached for your review. Thank you for your consideration.

ATTACHMENTS:

Description

- ▣ Resolution #21-01 Village of Pinehurst Emergency Paid Sick Leave Policy
- ▣ Village of Pinehurst Emergency Sick Leave Policy

RESOLUTION #21-01:

**A RESOLUTION APPROVING THE VILLAGE OF PINEHURST EMERGENCY
PAID SICK LEAVE POLICY.**

WHEREAS, Families First Coronavirus Response Act (FFCRA), which required certain employers to provide employees with paid sick leave for “specified reasons related to COVID-19”, expired on December 31, 2020.

WHEREAS, the Village of Pinehurst desires to continue this benefit to employees as COVID-19 continues to affect employees.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 12th day of January, 2021 as follows:

SECTION 1. That the Village of Pinehurst Emergency Paid Sick Leave Policy is hereby adopted; said policy attached hereto as “Attachment A” and made a part hereof; the same as if included verbatim.

SECTION 2. This policy will be effective from January 1, 2021 until March 31, 2021.

THIS RESOLUTION passed and adopted this 12th day of January, 2021.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Beth Dunn, Village Clerk

Michael J. Newman, Village Attorney



Village of Pinehurst Emergency Paid Sick Leave Policy

Purpose

To assist employees affected by the COVID-19 outbreak with job-protected emergency paid sick leave. This policy will be in effect from January 1, 2021, until March 31, 2021.

The Village of Pinehurst will provide eligible employees with temporary emergency paid sick leave under certain conditions. This policy is subject to change should Congress extend or adopt an Emergency Paid Sick Leave Policy/Act prior to the expiration date of this policy.

Emergency Paid Sick Leave

Eligibility

All regular full-time and regular part-time benefit eligible employees who have been employed with the Village at least 30 days are eligible.

To qualify for this leave, an employee must be unable to work (or telework) due to one of the following reasons:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

Emergency Responders are excluded from reasons 4 and 5 above.

Part-time employees working less than 20 hours per week, seasonal employees, on-call employees, and reserve employees are not eligible for this leave.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is-

- (A) under 18 years of age; or
- (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Emergency Responders” mean firefighters, law enforcement officers, telecommunication specialists, and solid waste equipment operators.

Amount of Paid Sick Leave

All eligible full-time employees will be able to utilize any hours remaining from the 80 hours of paid sick leave granted under the previous federal policy, . Eligible part-time employees are entitled to the number of hours scheduled to work over a two-week pay period. Eligible part-time employees will be able to utilize any hours remaining from the hours granted under the previous federal policy.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Rate of Pay

Paid emergency sick leave will be paid at the employee's regular rate of pay for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay. Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;
- \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

Interaction with Other Paid Leave

The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Procedure for Requesting Emergency Paid Sick Leave

Employees must notify their department director or the HR department of the need and specific reason for leave under this policy. A form will be provided to all employees on the Village intranet and/or in a manner accessible to all. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave has begun, the employee and his or her director must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

Carryover

Paid emergency sick leave under this policy will not be provided beyond March 31, 2021. Any unused paid sick leave will not carry over or be paid out to employees.

Job Protections

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

Please contact the HR department with any questions.



**DISCUSS AND CONSIDER BUDGET AMENDMENT FOR LAND
PURCHASE COMPLETED IN DECEMBER.
ADDITIONAL AGENDA DETAILS:**

FROM:

Brooke Hunter/Jeff Batton

DATE OF MEMO:

12/30/2020

MEMO DETAILS:

As you will recall, \$200,000 was budgeted in FY2021 to possibly acquire land for a future third fire station if the opportunity presented itself. While a few sites have been considered, no realistic opportunities currently exist. As a result, those funds are not expected to be expended for that purpose.

Meanwhile, a different opportunity arose to acquire a 7.62 acre tract located at 285 Bowman Road which is adjacent to West Pinehurst Park. Council elected to pursue the opportunity to add the acreage to West Pinehurst Park and the land was acquired in December.

Instead of taking the park land acquisition funds from fund balance, it was agreed to re-direct the existing land acquisition funds in the Fire Department's budget.

This proposed budget amendment would move \$182,000 from the existing Fire Department's capital budget to the existing Parks and Recreation Department's capital budget and is inclusive of purchase price plus due diligence and closing expenses. This accounting step is necessary to appropriately align the funds expended to acquire the 7.62 acre parcel.

A motion to approve the amendment is needed if Council concurs with the recommended action.

ATTACHMENTS:

Description

□ Ordinance 21-01

ORDINANCE #21-01:

AN ORDINANCE AMENDING THE ORDINANCE APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2021, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND (LAND ADJACENT TO WEST PINEHURST PARK)

THAT WHEREAS, on December 8, 2020, the Village Council voted to purchase 7.62 acres of land on Bowman Road adjacent to West Pinehurst Park, further identified as Moore County Parcel ID 20030102; and

WHEREAS, funding for this purchase and related land acquisition costs is available in the Fire Department budget appropriation, since a parcel of land for a potential future fire station has not been purchased this year; and

WHEREAS, the Village wishes to transfer funding from the Fire Department land account to the Recreation Department land account for this purchase;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 12th day of January 2021, as follows:

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

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-80-610-7100	Capital Outlay: Land	\$182,000	
10-10-320-7100	Capital Outlay: Land		\$ 182,000

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

THIS ORDINANCE passed and adopted this 12th day of January 2021.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Beth Dunn, Village Clerk

Michael J. Newman, Village Attorney



**DISCUSS AND CONSIDER ORDINANCE AMENDING THE MUNICIPAL
CODE TO ESTABLISH A PUBLIC TREE PROTECTION PROGRAM.
ADDITIONAL AGENDA DETAILS:**

FROM:

Jeff Batton

CC:

Jeff Sanborn

DATE OF MEMO:

1/7/2021

MEMO DETAILS:

This item is to consider establishing an ordinance that would protect public trees from unauthorized removal and establish guiding principles for when public trees should be considered for removal.

While trees being removed from the right-of-way or other public spaces without first seeking permission from the Village is rare, it has happened in the past. The ordinance would establish penalties for such actions and is intended to compel adjacent landowners, tree services, etc. to seek permission from the Village before taking any action to remove a tree from public property.

The ordinance would also establish the Village's position on when trees can be considered for removal. The ordinance language mirrors staff's practices related to public tree removal but this ordinance would solidify the policy related to public tree protection.

If Council is in agreement, a motion adopting the ordinance would be necessary.

ATTACHMENTS:

Description

- ☐ Ordinance 21-02 (V1)
- ☐ Ordinance 21-02 (V2)

ORDINANCE #21-02

AN ORDINANCE ESTABLISHING CHAPTER 96 OF THE VILLAGE OF PINEHURST MUNICIPAL CODE TITLED PUBLIC TREE PROTECTION

WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the “Village of Pinehurst, North Carolina Municipal Code;” and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to establish Chapter 96, Public Tree Protection, in the Pinehurst Municipal Code; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to add Sections 96.01, 96.02, 96.03, 96.04, and 96.05 to Chapter 96, to effectively regulate public tree protection; and

WHEREAS, the Village Council has determined it is in the best interest of the citizens of Pinehurst to add Section 96.99 to Chapter 96, to establish penalties and enforcement of Section 96.03 of Chapter 92.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled this 12th day of January, 2021 as follows:

SECTION 1. That the following amendments be made to the Pinehurst Municipal Code:

Chapter 96: PUBLIC TREE PROTECTION

Section

96.01 Intent

96.02 Maintenance of Public Trees or Public Tree Projects

96.03 Unauthorized Pruning, Maintenance and Removals

96.04 Arbor Day Observance

96.99 Penalty

SECTION 2. That the following amendments be made to Chapter 96.

§ 96.01 Intent

The Village shall annually review its tree installation needs, including new projects and replacement of diseased or damaged trees, in conjunction with development of the Village's annual Strategic Operating Plan.

§ 96.02 Maintenance of Public Trees or Public Tree Projects

(a) The Buildings and Grounds Department or their designee shall be responsible for the protection, care, maintenance, and removal of storm damaged, dead, dying, or diseased trees on Village property that pose a threat to public safety or are necessary for the health and benefit of the surrounding trees. The Public Services Department shall be responsible for the protection, care, maintenance, and removal of storm damaged, dead, dying, or diseased trees on public right-of-ways that pose a threat to public safety or are necessary for the health and benefit of the surrounding trees.

(b) The Village shall have the right to prune, maintain, and remove any tree on public right-of-ways which interferes with the safe flow of traffic, any traffic control device, sign, or otherwise deemed a hazard to public safety.

(c) Planting, maintenance, and removal activities of Village trees shall meet current accepted arboricultural practices for tree care operations. Village departments, contractors, community organizations and individuals performing tree related activities on Village property are required to adhere to those standards.

§ 96.03 Unauthorized Pruning, Maintenance and Removals

It shall be unlawful for any person to remove, top or cut back to stubs the crown of any tree on public property or right-of-way, without first obtaining Village approval.

§ 96.04 Arbor Day Observance

The Village shall annually observe Arbor Day with a ceremony and proclamation, as required, to maintain the Village's status as a Tree City USA by the Arbor Day Foundation. The Village recognizes the importance of public trees to our community.

§ 96.99 Penalty

Any violation of Section § 96.03 shall not constitute a misdemeanor offense or criminal infraction, but instead shall subject the offender to a minimum fine of \$100 per offense plus \$50 per diameter inch of the remaining stump for each inch above 4", not to exceed a total fine of \$500. If the stump has been removed prior to measurement of the diameter, the fine is set at \$500 unless the offender can definitively prove that the diameter was less than 10" in which case the penalty will be \$100 plus \$50 per diameter inch for each inch above than 4". Each unauthorized act shall constitute a separate offense.

SECTION 3. That this Ordinance amendment shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE is passed and adopted this 12th day of January, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Beth Dunn, Village Clerk

Michael J. Newman, Village Attorney

DRAFT

ORDINANCE #21-02

AN ORDINANCE ESTABLISHING CHAPTER 96 OF THE VILLAGE OF PINEHURST MUNICIPAL CODE TITLED PUBLIC TREE PROTECTION

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WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to establish Chapter 96, Public Tree Protection, in the Pinehurst Municipal Code; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to add Sections 96.01, 96.02, 96.03, 96.04, and 96.05 to Chapter 96, to effectively regulate public tree protection; and

WHEREAS, the Village Council has determined it is in the best interest of the citizens of Pinehurst to add Section 96.99 to Chapter 96, to establish penalties and enforcement of Section 96.03 of Chapter 92.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled this 12th day of January, 2021 as follows:

SECTION 1. That the following amendments be made to the Pinehurst Municipal Code:

Chapter 96: PUBLIC TREE PROTECTION

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§ 96.02 Maintenance of Public Trees or Public Tree Projects

(a) The Buildings and Grounds Department or their designee shall be responsible for the protection, care, maintenance, and removal of storm damaged, dead, dying, or diseased trees on Village property that pose a threat to public safety or are necessary for the health and benefit of the surrounding trees. The Public Services Department shall be responsible for the protection, care, maintenance, and removal of storm damaged, dead, dying, or diseased trees on public right-of-ways that pose a threat to public safety or are necessary for the health and benefit of the surrounding trees.

(b) The Village shall have the right to prune, maintain, and remove any tree on public right-of-ways which interferes with the safe flow of traffic, any traffic control device, sign, or otherwise deemed a hazard to public safety.

(c) Planting, maintenance, and removal activities of Village trees shall meet current accepted arboricultural practices for tree care operations. Village departments, contractors, community organizations and individuals performing tree related activities on Village property are required to adhere to those standards.

§ 96.03 Unauthorized Pruning, Maintenance, Damage and Removals

It shall be unlawful for any person or business to remove or prune any tree on public property or right-of-way, without first obtaining Village approval. It shall be unlawful for any person to take any willful action that damages, weakens, or kills any tree on public property or right-of-way. Such actions may include but are not limited to causing root damage, severe pruning or inappropriate chemical applications.

§ 96.04 Arbor Day Observance

The Village shall annually observe Arbor Day with a ceremony and proclamation, as required, to maintain the Village's status as a Tree City USA by the Arbor Day Foundation. The Village recognizes the importance of public trees to our community.

§ 96.99 Penalty

(a) Any violation of Section § 96.03 shall not constitute a misdemeanor offense or criminal infraction, but instead shall subject the offender to a minimum fine of \$100 per offense plus \$50 per diameter inch of the remaining stump for each inch above 4", not to exceed a total fine of \$500 for each tree removed. For each stump that has been removed prior to measurement of the diameter, the fine is set at \$500 unless the offender can definitively prove that the diameter was less than 10" in which case the penalty will be \$100 plus \$50 per diameter inch for each inch above 4". The cost to remove any leftover tree debris, logs and/or stumps for proper disposal shall be at the expense of the offender and may be added to the fine if carried out by the Village.

(b) For public trees pruned without permission the fine is set at \$250 for each tree.

(c) Public trees pruned, damaged, or weakened to the point of needing removal as determined by Village personnel subjects the offender to the same fines for each tree as delineated for unauthorized tree removals. The cost to cut down the tree as well as all associated costs for debris, logs and/or stump removal for proper disposal shall be at the expense of the offender and may be added to the fine if carried out by the Village.

SECTION 3. That this Ordinance amendment shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE is passed and adopted this 12th day of January, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Beth Dunn, Village Clerk

Michael J. Newman, Village Attorney