



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

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, January 12, 2021 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina and via the electronic meeting platform ZOOM. The meeting was streamed in real time on the Village's website.

The following were in attendance in Assembly Hall:

Mr. John C. Strickland, Mayor
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

The following were in remote attendance:

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

And approximately 19 attendees, including 8 staff and 1 press.

1. Call to Order.

Mayor Strickland, called the Village Council meeting to order.

2. Reports:

Village Manager

- FirstHealth will be administering COVID vaccinations at the Fair Barn on Tuesdays and Wednesday, in general, until August. The Health Department is also administering vaccinations at their office in Carthage. Details on the vaccination plan can be found on the County's website, vaccinations are by appointment only. They hope to vaccinate 1,000 people per week at the Fair Barn.
- Morganton Road will close tomorrow at 8:00 a.m. for some work by NCDOT.

Village Council

- Mayor Strickland stated Council was contacted by FirstHealth on December 31st about providing space for vaccinations and the Village quickly stepped up. The January Neighborhood Advisory Committee meeting was canceled due to COVID.
- Mayor Pro Tem Davis stated she traveled on Highway 5 today and noticed the police helping with traffic coming and going from the vaccination clinic at the Fair Barn. She encouraged everyone to get their vaccination when it is their turn.
- Councilmember Drum stated his wife has received both shots for the COVID vaccination, as a medical provider, and everything went smoothly. He stated the Mayor, Jeff Sanborn, and his self meet with the railroad and he discussed the rails with trails program and received good reception and feedback for that program.

- Councilmember Hogeman stated the Bicycle and Pedestrian Advisory Committee has 3 stretches of sidewalks they are looking at. One is the Cannon Park stretch, which is in progress.
- Councilmember Boesch stated that the Bicycle and Pedestrian Advisory Committee discussed the surface to be used for the sidewalks along Cannon Park to Pinehurst Elementary. They will be bringing their recommendation to 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.

- 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.

Upon a motion by Councilmember Boesch, seconded by Councilmember Drum, Council unanimously approved the Consent agenda by a vote of 5-0.

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

Mayor Strickland stated Matthew Jones is being considered for a vacant position on the Planning and Zoning Board and Board of Adjustment. Cyndie Burnett, Planning and Zoning Board Chair, stated they are excited to have an engineer on the board and he will be a great addition. Matthew Jones stated he was excited for the opportunity to serve.

Upon a motion by Councilmember Hogeman, seconded by Councilmember Drum, Council unanimously approved resolution 21-02 appointing Matthew Jones to the Board of Adjustment and Planning and Zoning Board, by a vote of 5-0.

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

Darryn Burich, Planning and Inspections Director, explained that 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 in the Comprehensive Plan. Mr. Burich stated the proposed subdivision contains 38 residential lots; one pump station lot; a stormwater management lot; and two undeveloped commercially zoned, Neighborhood Commercial (NC), lots. 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 R5 and NC with all the proposed residential lots located in the R-5 zoned area.

Mr. Burich explained that on December 8, 2020 Council continued the public hearing to today's meeting 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

Mr. Burich stated the applicant's attorney has furnished an opinion 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". The Village Attorney is in agreement with this opinion letter. 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.

Mr. Burich explained 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. Mr. Burich noted a condition is recommended to update the lease agreement with the ACWR to permit Village emergency access to the subdivision 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.

Mr. Burich explained that Lots 40 and 42, are shown as being undeveloped and zoned NC and noted that the applicant has stated that these lots will remain as undeveloped greenspace for the neighborhood. 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 Pinehurst Development Ordinance (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. Mr. Burich also stated there is no guest parking requirement for residential subdivisions in the PDO and explained 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.

Mr. Burich stated that the preliminary plat includes a request to waive the Village's Engineering Standards and Specifications Manual (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.

Mayor Strickland asked the difference in the way valley curb and gutter handles stormwater compared to standard curb and gutter. Mr. Burich stated the water goes into the storm water system the same way. Mr. Burich noted that more catch basins would show up in the construction phase with the valley curb and gutter. Councilmember Boesch asked about the easement from the railroad. Mr. Burich stated ACWR are supportive of amending the current agreement, no money has ever been discussed to amend the agreement, as the Village currently maintains the access now. Mr. Burich noted that Mike Newman, Village Attorney, stated the opinion letter regarding the easement on Olivia Lane was solid. Councilmember Boesch inquired if emergency vehicles would have the right to enter the subdivision roads if they are private roads. Dave McNeill, applicant's attorney, stated the subdivision roads will be dedicated as public roads on the approved recorded plat.

Councilmember Hogeman asked if there is enough room at the designated mail kiosk for residents to park and get their mail without blocking the main entrance. Mr. Burich stated that design would be reviewed at the construction phase. Councilmember Hogeman asked if the lots on the neighborhood commercial area would be developed. Mr. McNeill stated the intent of those lots were to be used as common area and not be developed. Mr. McNeill noted the applicant agreed to reflect that intent on the recorded plat. Councilmember Drum stated that everyone has done a great job with the conditions for this project and asked about the clearing of the property. Tim Carpenter, LKC, stated they will minimize cutting down any unnecessary trees.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved the Pinehurst South Cottages major subdivision preliminary plat identified as Moore County Parcel ID 00046287 and a portion of 00046241 with the following conditions, by a vote of 5-0:

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. 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.

6. Presentation of the Distinguished Budget Presentation Award.

Jeff Sanborn, Village Manager, explained 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. This marks the fourth time the Village has received this special recognition in the 13 years of achieving the award. Mr. Sanborn explained 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, financial plan, operations guide, and a communications device. Mr. Sanborn congratulated the Finance Director, Brooke Hunter, the Finance Department staff, and Lauren Craig, Organizational Performance Director, for this tremendous accomplishment and well-deserved recognition.

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

Natalie Hawkins, Assistant Village Manager of Administration, stated that 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. The NPS has contracted with Richard Grubb & Associates, Inc. to conduct fieldwork and perform visual inspections of properties in the district.

Ms. Hawkins stated 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 at <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. Ms. Hawkins noted that the NPS is conducting the study as a required statutory obligation.

Ms. Hawkins stated that the public engagement component of the study will include two virtual public input meetings that will be held on February 2nd at 10:00 a.m. and 6:30 p.m. 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 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. Ms. Hawkins explained that 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 preliminary 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.

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

Jeff Sanborn, Village Manager, explained in March 2020, the Federal Government enacted the Families First Coronavirus Response Act (FFCRA), which provided job-protected paid leave to employees through December 31, 2020. Mr. Sanborn explained the 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.

Angie Kantor, Human Resources Director, explained 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, as the same in the last policy. Ms. Kantor noted that only regular full time and regular part time employees would be eligible for the emergency sick leave and new hires would have a 30 day waiting period. Ms. Kantor noted that since the beginning of the year the Village has had 7 employees that have needed to take off for COVID related issues. Mayor Pro Tem Davis asked if we were being reimbursed for this sick leave. Ms. Kantor stated that private employers will receive a tax credit but the Village will not receive any reimbursement. Councilmember Hogeman asked if we knew what our sister cities and the County was doing. Mr. Sanborn stated Aberdeen was discussing an extension for 6 months and both Southern Pines and Moore County are discussing a similar policy.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved resolution 21-01 approving the Village Pinehurst Emergency Paid Sick Leave Policy, by a vote of 5-0.

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

Brooke Hunter, Financial Services Director, stated that previously \$200,000 was budgeted in FY2021 to potentially 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. Ms. Hunter explained that 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 the Fund Balance, it was agreed to re-direct the existing land acquisition funds in the Fire Department's budget. Mr. Hunter stated that 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.

Upon a motion by Councilmember Hogeman, seconded by Councilmember Boesch, Council unanimously approved ordinance 21-01 amending the ordinance appropriating funds for operations, regarding revenues and expenditures of the General Fund for the Village of Pinehurst, by a vote of 5-0.

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

Jeff Batton, Assistant Village Manager of Operations, stated 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, and others 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.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved ordinance 21-02 amending the Pinehurst Municipal Code, by adding Chapter 96, as it pertains to Public Tree Protection, subject to the review and approval of Counsel for the Village of Pinehurst, by a vote of 5-0.

11. Other Business.

- Mayor Strickland stated the County has invited municipalities across Moore County to participate in a meeting with the Conventions Visitor's Bureau (CVB) on January 27th to discuss the request to increase the County's occupancy tax.
- Mayor Strickland noted that Council received a follow up letter from residents on McKenzie Road East requesting sidewalks. Councilmember Hogeman stated the Bicycle and Pedestrian committee has discussed proposing this area to extend sidewalks to tie into the Greenway.
- Mayor Strickland stated maybe we should refresh to-go lanes for the restaurants in the Village. Mr. Batton stated there

hasn't been a request for re-establishing curbside to-go lanes. With the outdoor dining it could pose a challenge as opposed to last winter when we installed them and there wasn't outside dining. Mr. Batton stated they would take a look at the arrangements and see what they could work out.

12. Comments from Attendees.

There were no comments from attendees.

13. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 6:48 p.m.

Respectfully Submitted,



Beth Dunn,
Village Clerk

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

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

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

Values: Service, Initiative, Teamwork, and Improvement