VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF DECEMBER 10, 2019
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 10, 2019 in the Assembly Hall of Pinehurst 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 M. Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

And approximately 26 attendees, including 9 staff 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 John Kinyon of Redeemer Church.

3. **Reports:**

Village Manager

- Moore County will be clearing easements for sewer lines for a small area between Midland Rd. and the traffic circle. The County has sent letters to the affected property owners making them aware of the upcoming work.

Village Council

- Mayor Pro Tem Davis stated that the new restaurant, Lisi, opened up right after Thanksgiving and the Village Wine shop celebrated their 10th anniversary last week. The Village Christmas decorating contest winners were notified today and she noted this was the first year the contest was open to the entire Village. She thanked Bert Higgins for coordinating the contest this year, along with the judges and participants for helping out. Also, the production of Dickens will be playing at Village Chapel December 17th thru 19th.
- Councilmember Drum reported the Tri-Cities Group is trying to find ways to protect Midland Road. Also, he attended the Partners and Progress meeting today and explained their relationship with the Southeastern Partnership and the benefits of that partnership.
- Mayor John Strickland stated last week was great, working with Council and staff and getting the Christmas tree lit in the Village.

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.

- Resolutions honoring the service of Nancy Fiorillo, John Bouldry, and Jack Farrell
- Public Safety Reports for November, 2019.
- Approval of Draft Village Council Meeting Minutes.
  - November 12, 2019 Regular Meeting
  - November 12, 2019 Work Session
- Budget Amendments Report.

End of Consent Agenda.

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

5. **Presentation of the FY 2019 Comprehensive Annual Financial Report (CAFR).**

Brooke Hunter, Financial Service Director, introduced John Frank, with Dixon Hughes Goodman LLP. Mr. Frank presented the firm's opinion on the Comprehensive Annual Financial Report stating overall the audit went well and they issued clean audit opinion. Additionally, the Village received the certificate of achievement for Excellence in Financial Reporting award from the Governmental Finance Officers Association. Mr. Frank explained at the end FY 19 the general fund was 29% of annual expenditures, above the required minimum of 15%. The Village currently has unassigned fund balance of 29% of actual general fund expenditures, while total fund balance represents 41% of budgeted expenditures, slightly above the requirement of the fund balance policy, which is to maintain 30% to 40%. Mr. Frank noted that the average for total fund balance in the Village's population peer group is 55%. He also explained that in addition to the required annual audit, in FY 2019, the Village was selected by the Office of State Auditor to obtain an employee census data examination, which they also review and found the information submitted by the Village accurate. Mayor Pro Tem Davis asked Mr. Frank's opinion of the Village's pension liability compared to our peers. Mr. Frank explained other municipality contributions would be determined by the number of employees they have.

6. **Motion to Recess the Regular Meeting and Enter a Public Hearing**

Mayor Strickland stated that this public hearing was a quasi-judicial hearing and reviewed the rules of the hearing.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved to recess the regular meeting and enter the Public Hearing, by a vote of 5-0.

7. **Public Hearing No. 1**

Mayor Strickland swore in Darryn Burich, Richard Yelverton, and Alyson Faulkner to provide testimony. He asked if any Councilmember has had any ex-parte communications, bias, or conflicts of interest on the subject. Councilmember Hogeman shared that she discussed the store moving last year very briefly with the shop keeper.

Darryn Burich, Inspections and Planning Director, stated the purpose of the public hearing is to consider issuance of a Special Use permit to locate an alcohol beverage store at 10 Blake Boulevard, parcel ID 00046792. The applicant is Moore County ABC Board and the owner is RCH Realty Company. Current zoning on the proposed site is neighborhood commercial district. Mr. Burich noted alcohol beverage stores are only permitted through Special Use Permit in the Neighborhood Commercial District (NC).

Mr. Burich explained the zoning requirements for NC and shared photos of the site and the current zoning around the proposed building. Mr. Burich stated that the proposed site complies with the requirements of the Pinehurst Development Ordinance (PDO). Mr. Burich entered the staff report, applicant application, and a copy of the staff PowerPoint presentation into the record.

Richard Yelverton, Attorney, explained the project will be to relocate the existing ABC Store, currently located on Highway 5. The proposed location, Blake Boulevard, is more in harmony with what is currently in the area, compared to the current location. Mr. Yelverton explained getting in and out of the current location is a challenge and the proposed site would be a much safer location. Councilmember Drum inquired if now was the time to ask for the applicant to add more landscaping to the property. Jeff Sanborn, Village Manager, explained that conditions could be added, however, they have to be related to the standards of review. Mr. Burich gave examples of conditions that could be added and noted that he would advise against adding any conditions that go beyond the requirements of the PDO.

Mayor Pro Tem Davis asked what the current ABC store is zoned as. Mr. Burich replied the property is currently zoned NC. Mayor Pro Tem Davis also asked about the signage of the proposed location, she noted she would like to minimize the signage. Mr. Burich explained the current sign requirements in the PDO, which allow the applicant to have two ground signs and one wall sign. Mayor Pro Tem Davis also asked if staff knew of the public safety history of the proposed location. Mr. Sanborn stated there is no crime or accident history at the proposed location and noted that the current location has 2 crimes and 10 vehicle accidents recorded over a 10 year period. Mr. Sanborn entered an email into the record from the Pinehurst Police Department regarding the crime and accident history.

8. **Motion to Adjourn the Public Hearing and Re-enter the 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.

9. **Discuss and Consider a Motion Approving a Special Use Permit for Moore County ABC Board in Order to Locate an Alcohol Beverage Store at 10 Blake Boulevard.**
Councilmember Hogeman felt that since the proposed location is surrounded by commercial uses, has safer access, and is an established building it meets the standards of review. Mayor Pro Tem Davis stated she believes safety will be better at the proposed location and also asked Mr. Burich if he knew what would happen with the current drive thru in that building. Mr. Burich stated from what he has been told the drive thru would be closed off structurally and not used.

Upon a motion my Councilmember Hogeman and seconded by Councilmember Drum, Council approved the Special Use Permit as requested by the applicant, Moore County ABC Board by a vote of 5-0 and accepted the applicant's Standards of Review and adopted them as the Findings of Fact as follows:

(A) The proposed special use meets all required conditions and specifications;
An Alcoholic Beverage Sales Store is a permitted use within the NC zoning district subject to the acquisition of a Special Use Permit as detailed in Table 8.5. 1a in the Code. At this time the Blake Site meets the requirements for a retail store from a parking and other site-specific requirements. The building will need to have an upgraded sprinkler system to support the change in use from a bank to an Alcoholic Beverage Sales Store and the applicant intends to perform those upgrades along with general up fitting and updating of the building itself.

(B) The proposed special use is/is not in harmony with the area, or compatible with the neighborhood;
The proposed ABC store on the Blake Site is harmonious and compatible with the surrounding neighborhood and area. The Blake Site sits squarely in the middle of properties that are all utilized for commercial purposes and the change from a bank building to an ABC store will have limited impact on traffic flow from one use to the other. In fact, the relocation of the ABC store will have it located in a spot completely surrounded by commercial properties rather than the current location which has residential properties directly behind it.

(C) The proposed special use will/will not materially endanger public health or safety;
The relocation of the ABC store from its current location to the Blake Site will have little, if any, negative effect on public health or safety and certainly will not materially endanger public health or safety. In fact, as stated earlier, the Blake Site is far superior from an ingress/egress, lighting, parking and visibility standpoint to the current store location. If anything, the Blake Site would have a positive impact on the public health and safety of those who shop at the store as well as vehicular traffic along Hwy. 5.

(D) The proposed special use will/will not substantially injure the value of adjoining property or be a public necessity;
Changing the use of the Blake Site from a bank building to an ABC store should have no impact on the value of the adjoining property. Traffic count should remain similar and the applicant intends to improve the property for the new store. In addition, having an owner occupied building (as this would be) rather than a tenant occupied building (as was the case with BB&T) should have a positive impact on surrounding property values.

(E) The proposed special use will/will not be in conformity with the Village of Pinehurst Comprehensive Long Range Plan. The proposed use on the Blake Site fits with the Comprehensive Long Range Plan and particularly Focus Area 2: Highway 5 Commercial Area. Locating the ABC Store off of Hwy 5 and revitalizing the Blake Site as a retail outlet certainly appears to serve the goal of "new investment in the existing employment center on NC Highway 5, near the intersection of Blake Boulevard" as set forth in the first sentence of that section of the Long Range Plan. While perhaps not the exact spot of the aforementioned employment center, putting an owner occupied use on the Blake Site seems to serve well the plan for investment in the area and maintaining or growing employment at that site.

10. Discuss and Consider a Budget Amendment and Authorization for Engineering Technician Position and Engineering Services.

Brooke Hunter, Financial Services Director, explained this item stems from when the previous Council approved a change to the Position Classification and Pay Plan that reclassified the former Infrastructure Superintendent position to an Engineering Technician. Which changed the title, adjusted the pay grade for the position from pay grade 24 to pay grade 21, and changed the position from exempt to non-exempt. Thus, the position will now be classified in the Public Services Administration Division instead of the Streets & Grounds Division of the Public Services Department. Ms. Hunter explained a budget amendment is needed to move funds that were originally budgeted in Streets & Grounds salaries and benefits to Public Services Administration. The new Engineering Technician began in December, this amendment transfers enough funds to cover the payroll-related costs from December through June.

Jeff Batton, Assistant Village Manager, explained after the Infrastructure Superintendent's departure, additional on-call engineering services were needed as a result of temporary workload constraints. McGill Associates, our on-call engineering firm, was utilized to perform additional plan reviews and conduct some site inspections during this time to meet demands. To cover the costs of additional engineering review services needed this year, a budget amendment is required. Funds are available in Streets & Grounds salaries due to the departure of the Infrastructure Superintendent. The budget amendment being presented moves funds from Streets & Grounds salaries and benefits accounts to Public Services Administration for the approved Engineering Technician reclassification and for additional engineering services needed during the transition.

Mr. Batton also noted that the additional on-call engineering funds will necessitate a change order to an existing purchase order with McGill Associates. He explained that when combined with the initial purchase order for on-call services, the amount will exceed the $25,000 threshold for the Village Manager execution. As a result, staff will need Council's authorization to issue the change order for $20,000, bringing the total allocated for on-call services to $45,000.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved Ordinance 19-22 amending the general fund budget, for additional engineering services and reclassification of the engineering technician position and authorized the Village Manager to execute a purchase order change order for on-call engineering services with McGill Associates for fiscal year 2020 for a total of $45,000, by a vote of 5-0.

11. Discuss and Consider Contract Award for Streetscape Design Services.

Jeff Batton, Assistant Village Manager, explained that North Carolina State statutes requires the selection for this type of design service to be qualifications based and once a firm is selected, staff has to negotiate the amount of the contract. After review of quotes received, a three member committee of Village staff recommends that design services for the Magnolia Road Streetscape project be awarded to McGill Associates. Mr. Batton explained the contract amount agreed upon is $27,000, however, this amount exceeds the $25,000 threshold in which staff is authorized to execute. Mr. Batton noted that this amount doesn't include a separate surveying contract that was executed for $8,000 to compile all the base data needed for design. The funds for design and implementation of phase one of this project, to include drainage work, are in the FY2020 budget. To proceed staff needs authorization from Council to execute the contract.

Mr. Batton explained the specific section of Magnolia Road to be addressed is between McCaskill Road and Community Road. Mayor Strickland asked what would be the timeframe of this project. Mr. Batton explained after the design phase they would move into drainage work and hopefully be completed with that work by the end of FY 2020, then continue the work into FY 2021. Mr. Batton explained Council will be provided ample opportunities, during the design phase, to weigh in throughout the design process but the general concept is to place storm drainage underground and match the appearance of downtown with brick sidewalks, organized on-street parking, brick curbs, landscape, and decorative street lighting. Councilmember Boesch stated that seeing the

Council will meet the next two days for a Planning Retreat can this wait for approval until they have had time to discuss priorities. Mr. Batton stated it would not hurt to delay approval for 30 days. Mayor Pro Tem Davis asked about the on street parking design. Mr. Batton explained that they would try to get some parallel parking, on Magnolia Road, by putting the storm water underground and moving some utilities. Councilmember Drum stated that funding is in this year's budget and feels the planning needs to be done. Mayor Pro Tem Davis stated the urgency for parking in the Village is so urgent she doesn't want to slow this project down.

Upon a motion by Councilmember Drum, seconded by Councilmember Hogeman, Council unanimously approved to authorize the Village Manager to execute a contract with McGill Associates for design services for the Magnolia Road Streetscape project in the amount of $27,000, by a vote of 5-0.

12. Presentation of the ICMA Certificate of Excellence in Performance Management.

Lauren Craig, Organizational Performance Director, explained the Village of Pinehurst was recognized by the International City/County Management Association (ICMA) for its data-driven management and reporting efforts with a Certificate of Excellence in Performance Management for the second consecutive year. She noted certificates are based on established criteria and are awarded at three levels: Achievement, Distinction, and Excellence. Recipients at all levels collect and verify data to ensure reliability, train staff in performance measurement, and report data to the public through budgets, newsletters, and/or information provided to elected officials. The Village of Pinehurst is one of only 27 jurisdictions receiving the Certificate of Excellence, and one of 63 recognized overall. The award was presented at the 105th ICMA Annual Conference in Nashville, TN on October 21, 2019 and mailed to each jurisdiction following the event.

13. Discuss and Consider Enterprise Agreement with ESRI.

Jason Whitaker, Information Technology Director, explained in 2018 the Village created a strategic plan for Geographic Information Systems (GIS) and also the current Village of Pinehurst Strategic Plan includes an Initiate Action Plan to "Expand GIS". Part of this expansion is to develop a system, using GIS tools, to assist with the inventory and maintenance of storm water facilities. Our GIS Analyst has determined that we need additional software to help record, analyze, and track this information. Mr. Whitaker noted that funds were appropriated in the current budget for this project.

Mr. Whitaker explained to purchase the additional software, we have determined that the best approach is to establish an Enterprise Agreement (EA) with ESRI, which will give us the necessary tools to continue the IAP for expanding GIS capabilities and for many other GIS related needs throughout other Village departments. The EA agreement with ESRI is a single source purchase and will be $15,000 per year for the duration of the 3-year agreement. Mr. Whitaker noted that currently the Village spends approximately $4,500 per year on maintenance and will no longer be paying maintenance during this agreement period.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Davis, Council unanimously approved to authorize the Village Manager to execute a 3 year contract with ESRI for additional GIS software in the amount of $45,000, by a vote of 5-0.

14. Other Business.

No other business was discussed.

15. Comments from Attendees.

- Victoria Adkins, Pinehurst resident, stated she has noticed an increase in traffic and cars parked around the Village. Over the last year the parking issues are constant. The parking issues are causing issues with solid waste collections for residents. She would like to help find a solution to the parking problems.
- Debbie Lalor, 80 Azalea Road, asked the Village Council to please reactivate the parking sub-committee. The Village of Pinehurst continues to use one side of residential roads for on street parking. She believes the future Magnolia Streetscape project will not create any new parking spaces, only make on street parking safer. The lack of parking is causing a derogation in the Village.
- John Webster, Pinehurst resident, stated the Village's pension liability worries. He stated the per capita ad valorem tax base has dropped and we need to find a way to preserve and enhance the tax base.
- Jean Casinella, Pinehurst resident, stated that she hopes that the Council will take the discussion on parking in the Village seriously. She stated she encourages the Council to let TriCities group know that we are concerned with the development on Highway 5, in regards to the traffic issues.

- John Hoffman, Everett Road, stated the PDO should have prevented the renovations at the Community Presbyterian Church. He read a portion of the Pinehurst Development Ordinance regarding conditional zoning, which he feels is not being met or enforced. He stated the condition to remove the gravel from the right of way and the replant trees are not on the site plan. He state the Village Council must enforce the conditions imposed.
- Tom Campbell, Pinehurst resident, stated that parking at Village Hall is getting worse and we need to think about that in the future as well.

16. Motion to Adjourn.

Upon a motion by Councilmember Hogeman, seconded by Councilmember Boesch, Council unanimously approved to adjourn the regular meeting by a vote of 4-0 at 7:10 pm.

Respectfully Submitted,

Beth Dunn

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