



## 2024 PLANNING AND ZONING BOARD / BOARD OF ADJUSTMENT SCHEDULE

| BOARD/COMMITTEE           | FREQUENCY                | LOCATION      | TIME    | DATES      |             |
|---------------------------|--------------------------|---------------|---------|------------|-------------|
| PLANNING AND ZONING BOARD | 1 <sup>st</sup> Thursday | Assembly Hall | 4:00 PM | 01/04/2024 | 07/11/2024* |
|                           |                          |               |         | 02/01/2024 | 08/01/2024  |
|                           |                          |               |         | 03/07/2024 | 09/05/2024  |
| BOARD OF ADJUSTMENT       |                          |               |         | 04/04/2024 | 10/03/2024  |
| (FOLLOWING P&Z AS NEEDED) |                          |               |         | 05/02/2024 | 11/07/2024  |
|                           |                          |               |         | 06/06/2024 | 12/05/2024  |

*\*Date has been changed due to a Holiday*

## **Section 3.8 Conflict of Interest**

### **3.8.1 Village Council**

(A) A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(B) Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(Ord. 21-12, passed 07-27-2021)

### **3.8.2 Appointed Board**

(A) Members of appointed boards, including but not limited to the Planning and Zoning Board, Board of Adjustment and Historic Preservation Commission, shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the board member has a close familial, business, or other associational relationship.

(B) Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(Ord. 21-12, passed 07-27-2021)

### **3.8.3 Staff**

(A) No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the supervisor.

(B) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(Ord. 21-12, passed 07-27-2021)

**Organizations in Which Volunteer Currently Serves,  
Directly or Indirectly**

(Provide name of organization/entity, and primary endeavor)

Organization/Entity: \_\_\_\_\_

Position: \_\_\_\_\_

Primary Endeavor: \_\_\_\_\_

Organization/Entity: \_\_\_\_\_

Position: \_\_\_\_\_

Primary Endeavor: \_\_\_\_\_

Organization/Entity: \_\_\_\_\_

Position: \_\_\_\_\_

Primary Endeavor: \_\_\_\_\_

Organization/Entity: \_\_\_\_\_

Position: \_\_\_\_\_

Primary Endeavor: \_\_\_\_\_

Affirmed by: \_\_\_\_\_ Date: \_\_\_\_\_

Print name:

Position: Planning & Zoning Board and Board of Adjustment

Witnessed by: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_

**Declaration of Potential Conflicts of Interest**

(Describe circumstances i.e. enterprise, family member, relationship or possible conflict with the  
Village of Pinehurst)

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Affirmed by: \_\_\_\_\_ Date: \_\_\_\_\_

Print name:

Position:     Planning & Zoning Board and Board of Adjustment

Witnessed by: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_



**VILLAGE OF PINEHURST**  
**STANDARD PROCEDURE**

SUBJECT: **Ethics Policy**

Effective  
Date: August 1, 2013

Department: Administration

Policy No.: AD - 150

Prepared by: Administration

Revised: November 1, 2015

Approved by: Village Manager

# of Pages: 7

**I. PURPOSE**

This purpose of this Ethics Policy is to establish a policy to promote and demand the highest standards of ethics from the Village of Pinehurst workforce and to provide guidance on specific ethical topics.

The foundation of government depends upon public trust and confidence. It is the responsibility of government officials and employees to perform their job in a manner that fosters this public trust by providing quality service, selfless loyalty, and fair dealing. Municipal government requires its workforce to be respectful, impartial and accountable to its citizens and avoid conflicts of interest or use of position for personal gain.

To ensure Village of Pinehurst citizens can have complete confidence in the integrity of Village government, each Village employee and volunteer shall respect and adhere to these standards of ethical conduct.

**II. DEFINITIONS**

As used in this code of ethics, the following terms have the meanings indicated unless the context clearly requires a different meaning or a different definition is adopted for a particular provision.

1. Citizen - Any member of the general public not employed by the Village of Pinehurst.
2. Employee - Any paid or reserve employee of the Village who is not an elected official.
3. Gift — Anything that has monetary value (e.g. gratuity, discount, entertainment, hospitality) given by or received from a prohibited source.

4. Harassment - Includes, but is not limited to, slurs, jokes, derogatory comments, cartoons, pranks and other verbal, graphic or physical conduct relating to an individual's race, color, disability, religion, sex, national origin, age, veteran's status or other protected characteristic.
5. Outside employment – Any employment external to the Village, including self-employment
6. Supervisor - Any employee who has been granted, by the Village, authority to oversee the activities of other employees.
7. Volunteer - Any individual appointed by the Village Council to serve on a board, commission, or committee.

### **III. POLICY**

This policy applies to all individuals employed by the Village of Pinehurst and volunteers (as defined above), unless otherwise addressed by a more restrictive federal, state, or departmental policy.

#### **Standards of Conduct**

These standards are established pursuant to the Village of Pinehurst's Employee Handbook and should be referred to for any applicable employee guidelines. Employees should also rely on ethics policies of their individual professional organization when applicable.

1. **Conflicts of Interest** Village employees and volunteers are prohibited from engaging in any conduct that could reflect unfavorably upon the Village of Pinehurst. Employees and volunteers must avoid any action that may result in or create the impression of using public office or position for private gain, giving preferential treatment to any person, or losing impartiality in conducting Village business.

Conflicts of interest involve:

- (a) **Gifts, gratuities, and rebates.** Employees and volunteers are expected to make decisions which are in the best interests of the Village. To prevent a potential or perceived conflict of interest, no employee, volunteer, nor members of their family, may solicit or accept any gift, favor, or thing of value that may tend to influence the workforce in the discharge of official duties or influence an employee or volunteer to grant an improper favor, service, or thing of value. This is not intended to prevent a gift to an employee who would be permitted to accept such gift under G.S. 138A-32, or the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets.

Employees and volunteers, or their family members, should not offer or accept any kickbacks, rebates, cash or anything of value to or from any representative of a vendor, customer or potential customer, supplier, financial institution or similar entity. Such practices are not only unethical but are, in many cases, illegal and considered taxable income. If a rebate is issued by a vendor, it should be used to offset the cost of future Village purchases from that vendor.

If a gift is received and impossible to return, the gift should be given to the Human Resources office for disposal as anonymous door prizes at an employee picnic, party, or other employee function; provided, however, on occasion, citizens make gifts to groups of employees in gratitude for service. Such gifts are not deemed to be of the nature that would impact or appear to impact discretion and may be accepted by such groups of employees so long as they are collectively shared. The appropriate Department Head shall file, within ten (10) days of receipt of any such group gift, a written statement with the Human Resources Director identifying the gift and donor.

- (b) Extraneous Fees. Village employees or volunteers will not accept any extraneous fee for work performed on behalf of the Village.
- (c) Outside Employment. Employees may not engage in other outside employment that interferes with proper and effective job performance as a Village employee or that may be considered a conflict of interest, or may subject the Village, in the opinion of the Village Manager, to any form of public criticism or embarrassment. Employees may not use their jobs with the Village to further their interests on the second job. No employee shall engage in any business other than his/her regular duties during working hours.

Upon notification to, at the discretion of, and with written approval of the Department Head, an employee may engage in other outside employment. Employees are required to complete an "OUTSIDE EMPLOYMENT REQUEST" form and secure the appropriate approvals prior to beginning supplemental employment. Police officers are required to complete a "SECONDARY POLICE EMPLOYMENT" form and secure the appropriate approvals prior to beginning supplemental employment.

- (d) Impartiality. Every employee and volunteer shall perform his/her duties with impartiality and without prejudice or bias for the benefit of all citizens of the Village of Pinehurst. No Village employee or volunteer may grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to all citizens. Village employees and volunteers must refrain from securing special privilege or exemption for themselves or their relatives beyond that which would be available to all citizens.

Village employees and volunteers may not exercise discretion relative to any matter that affects, or that would lead a reasonable person to infer that it affects, a personal interest, defined as any financial, ownership or employment interest, without disclosing the personal interest before the exercise, when possible, to his or her immediate supervisor.

Employees and volunteers are expected to maintain impartial relationships with all vendors and suppliers. Care must be exercised to avoid even the appearance of special influence being exerted on behalf of a vendor or supplier due to personal relationships.

2. **Misuse of Public Assets** Certain employees and volunteers of the Village of Pinehurst are charged with the receipt, safekeeping, transfer or disbursement of public money in the course of their duty. No concise written policy can cover every ethical or legal issue that may arise. A good foundation for ethical behavior consists of individual conscience, common sense, good judgment, and compliance with governmental laws and regulations.

- (a) **Public Equipment**. All Village owned property and assets are to be used solely for the benefit of the public. No Village employee or volunteer shall request, use or permit the use of any publicly owned property, vehicle, equipment, labor, service, or supplies (new, surplus, scrap, or obsolete) for the personal convenience or advantage of the employee, volunteer, or any other person except for that use which is generally available to the public. Improper or unauthorized use of publicly owned property or removal of equipment, tools, supplies or materials, is not only an ethical violation but may also be a violation of the law.
- (b) **Public Funds**. No Village employee or volunteer without authority of law, shall appropriate any portion of monies designated to be paid to the Village of Pinehurst or on behalf of the Village of Pinehurst to his own use or to the use of another. Nor shall any Village employee or volunteer knowingly alter, falsify, conceal, destroy, obliterate, or make a false entry or erasure in an account with the intent to defraud or deceive the Village of Pinehurst.
- (c) **Payroll**. No Village employee shall attempt to defraud the Village of Pinehurst by making false entries to payroll time sheets, cards, or request compensation for time not worked.
- (d) **Technology Resources**. Employees agree to adhere to the Village's Electronic Communication and Use Policy as it relates to technology resources.

3. **Confidential Information** Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged. Whenever an employee or volunteer sees, hears, or learns information which

is of a confidential nature, it will be kept secret, unless the performance of duty or legal provision requires otherwise.

The Village of Pinehurst recognizes and makes every effort to comply with federal and state laws. There may be times where certain records or information may need to remain confidential, such as Police, medical, and personnel information, in accordance with federal or state laws.

NC General Statute 133.32 provides that, during a person's employment or service with the Village and for two years thereafter, no Village employee may disclose or use confidential information without appropriate authorization.

Each employee and volunteer is required to adhere to the following:

- (a) A Village employee or volunteer shall not use his/her position to obtain official information about any person or entity for any purpose other than the performance of official duties.
  - (b) No employee or volunteer shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the Village.
  - (c) Employees or volunteers must not use privileged information for their own financial advantage or to provide friends and acquaintances with financial advantages or with information that could be used for financial advantage.
  - (d) Each employee and volunteer is charged with the responsibility of ensuring that he or she releases only information that should be made available to the general public.
4. **Harassment** It is the Village's policy that employees and volunteers have the right to be free from harassment on the job from co-workers, managers, and others because of the individual's race, color, sex, religion, gender, national origin, age, disability, veteran's status, or other protected class. Harassment, of any employee or volunteer by management, supervisor, employee, volunteer, contractor, vendor, customer or visitor in any form, is prohibited.
- (a) **Sexual Harassment.** While it is not easy to precisely define sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, unwelcome or offensive touching and/or other verbal, visual or physical conduct of a sexual nature where:
    - Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or volunteer service, or
    - Submission to or rejection of such conduct by an individual is used as a basis for employment or appointment decisions affecting such individual, or

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(b) Hostile Work Environment Harassment. Harassment can also include unwelcome joking, teasing, or other conduct directed toward a person because of a protected characteristic which is sufficiently severe or pervasive to create an unprofessional and hostile working environment and is prohibited. This type of harassment applies to situations where race, color, religion, national origin, age, disability, veteran's status or other protected characteristics are involved.

#### **IV. PROCEDURES**

The following procedures will be followed for reporting, investigating, and disciplining violations of this ethics policy:

1. **Reporting Possible Violations**. A Village employee or volunteer who has knowledge of a violation of any of the provisions of this Ethics Policy shall report this violation as provided below within a reasonable time after the person has knowledge of a violation. A Village employee or volunteer shall not delegate to, or rely on, another person to make the report.

To report possible violations, an employee or volunteer may, without fear of retaliation, contact his/her immediate supervisor, Department Head, Director of Human Resources, or the Village Manager. To ensure the matter is properly documented and investigated, the reporting employee or volunteer shall provide as many facts and details as possible in writing.

All reports of violations of this policy must be provided to the Village's Human Resources Director, who is responsible for monitoring and evaluating Village-wide compliance with this policy.

2. **Investigation of Possible Violations**. The Village of Pinehurst will treat each report seriously and any individual who reports or participates in an investigation of a report of a violation shall not be retaliated against. However, knowingly submitting a false complaint will subject an employee to discipline up to and including termination, which will be administered based on guidelines of the Village of Pinehurst Employee Handbook.

(a) Upon receiving a complaint, the Village will promptly conduct a thorough investigation in consultation with the Human Resources Department. It is the obligation of all employees and/or volunteers to cooperate in such an investigation. The Human Resources Director will keep the Village Manager appropriately informed of any investigation regarding possible violations of this policy.

- (b) Those responsible for the investigation will maintain the confidentiality of the allegations of the complaint and the identity of the persons involved, subject to the need to conduct a full and impartial investigation, remedy any violations of the Village's policies, or monitor compliance with or administer the Village's policies.
  - (c) The investigation generally will include, but will not be limited to, discussion with the complaining employee (unless the complaint was submitted on an anonymous basis), or the reporting party.
  - (d) In the event that an investigation establishes that an employee or volunteer has engaged in conduct or actions constituting a violation of this policy, the Village will take immediate and appropriate corrective action up to and including termination of the employee's employment, based on guidelines of the Village of Pinehurst Employee Handbook, or removal from the volunteer board, commission, or committee.
3. **Corrective Action**. In addition to any other penalty as provided by the law, appropriate disciplinary action, up to and including termination, will be administered based on guidelines of the Village of Pinehurst Employee Handbook. Corrective action will be taken against any employee who violated this policy, retaliates against another employee or volunteer for reporting a possible violation of this policy, or deliberately makes a false report against another employee or volunteer. Any volunteer who violates this policy, retaliates against another employee or volunteer for reporting a possible violation of this policy, or deliberately makes a false report against another employee or volunteer is subject to removal from the volunteer role.

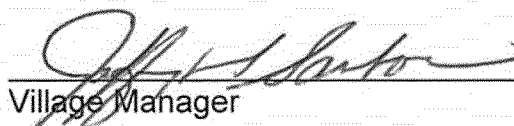
## V. ACKNOWLEDGEMENT AND AGREEMENT TO ADHERE TO TERMS OF THE POLICY

All Village employees and volunteers will agree to abide by the terms of this Ethics Policy on an annual basis.

Approved by:

  
Policy Committee Chair

10-29-2015  
Date

  
Village Manager

10/30/15  
Date



Village of Pinehurst  
Ethics Policy  
Employee Acknowledgement

I have read and understand the Village of Pinehurst Ethics Policy and my responsibilities as an employee regarding it. I have received a copy of the Ethics Policy.

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

**RULES OF PROCEDURE**  
**PLANNING AND ZONING BOARD**  
**VILLAGE OF PINEHURST, NORTH CAROLINA**

**I. GENERAL RULES**

The Planning and Zoning Board shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina and the Village of Pinehurst Development Ordinance (the “PDO”).

**II. OFFICERS AND DUTIES**

A. **Chairperson (“Chair”).** A Chairperson shall be appointed by the Village Council. The Chair shall decide on all points of order and procedure, subject to the rules herein, unless directed otherwise by a majority of the Board in session at the time. The term of office for the Chair shall be as set by Village Council or until a new Chairperson is named by the Village Council. The Chair may make no motions or second motions made by others and will vote only when required to break a tie.

B. **Vice Chairperson(s) (“Vice Chairs”).** Two Vice Chairpersons shall be elected by the Board from its members and subject to the same term limits as the Chair. The senior (first elected) Vice Chair present shall serve as Acting Chair in the Chairperson’s absence and at such times shall have the same powers and duties as the Chair.

- C. **Powers.** The presiding officer (Chair or Vice Chair) shall have the following powers:
1. With the Board’s informal consent, to amend the meeting’s agenda
  2. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
  3. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
  4. To entertain and answer questions of parliamentary law or procedure;
  5. To call a brief recess at any time;
  6. To continue a meeting to a future date and,
  7. To adjourn in an emergency.

### III. RULES OF CONDUCT FOR MEMBERS

A. The Chair may recommend to Village Council that members of the Board be removed for good cause shown, including violation of the rules stated below or in accordance with General Statutes.

B. Faithful attendance at all Board meetings shall be considered a prerequisite of continuing membership on the Board. In the event a member is absent from two Board meetings in any contiguous twelve month span, the Chair will meet with the member to determine the member's continued commitment to the Board. Whenever possible, Board members will provide advance notice of a planned absence to both the Clerk and the Chair and, when known, the Chair will announce the status of non-attendees at the beginning of each meeting.

C. Annually all Board members are required to review and acknowledge by their signature the *Ethics Policy of the Village of Pinehurst* and to provide or update the information described in the attachments hereto labelled *Organizations in Which Volunteer Currently Serves, Directly or Indirectly* and *Declaration of Potential Conflicts of Interest*. A Board member must declare a potential conflict of interest when it exists and ask to be excused from the meeting while the conflicted matter is discussed and a vote is called. Conflicts of interest include, but are not limited to, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

D. Every member must vote unless excused by the remaining members of the Board. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Board or by law, or the member's official conduct, as defined by the Board. In all other cases, a failure to vote by a member who is physically present in the Board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. Generally, voting will be done by rollcall and when votes are not unanimous dissenting votes must be specifically noted in the meeting's minutes.

### IV. MEETINGS

A. **Organization Meeting.** The regularly scheduled December meeting of the Planning and Zoning Board will serve as its annual organization meeting at which Vice Chairs will be nominated and elected to serve one year terms and any other governance/protocol matters will be considered.

**B. Regular Meetings.**

1. **Regular meetings** of the Board shall be held monthly on the first Thursday of the month at 4:00 PM at the Village Hall Assembly Room located at 395 Magnolia Rd., Pinehurst, NC; provided that meetings may be scheduled at or continued to another convenient place and time in the Village in any case where the Chair determines it is in the public interest to do so. As necessary, meetings may be continued to the second Thursday of the month in order to complete proceedings initiated in the prior week.

2. **Web Site Notice of Meetings.** The regular meeting schedule of the Planning Board shall be posted on the Village web site as will notice of any special or recessed meeting. If practicable, notice of any emergency meeting shall also be posted on the web site prior to the beginning of the meeting.

C. **Special and Emergency Meetings.** The Chair or a majority of the members may call special meetings of the Board at any time. A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. At least forty-eight (48) hours before a special meeting, written notice of the meeting stating its time and place and the subjects to be considered shall be given to each Board member, mailed, emailed or delivered to each media enterprise and person who has filed a written request for notice with the Village Clerk. Notice shall also be mailed, emailed or delivered at least forty-eight (48) hours before the meeting to each Board member who either did not call for the special meeting or was not present at the meeting at which the special meeting was called. Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless all members are present or have signed a written waiver of notice.

The Chair or a majority of the members may also at any time call an emergency meeting of the Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each Board member and to each media enterprise that has filed a written emergency meeting notice request with the Village Clerk and whose request includes the telephone number of the media enterprise. Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting.

D. **Cancellation of Meetings.** If there are no matters to be brought before the Board, or if so many members notify the Clerk and Chair that they cannot attend a meeting that a quorum will not be available, the Chair may cancel the meeting. The Chair or Clerk shall cause the notification of Board members of the cancellation.

E. **Quorum.** A quorum shall consist of five members of the Board and no action can be taken unless there are at least five members present and eligible to vote.

F. **Proposed Agenda.** The Planning Director or his/her designee shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two (2) working days before the meeting. The Chair or Village Planner may waive this two-day requirement for any proposed agenda item. Any Board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed agenda items, including attachments, shall be included with the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is necessary to a full understanding of the issue. Each Board member shall receive a copy of the proposed agenda and agenda package and they shall be available for public inspection when they are distributed to the Board members.

G. **Motions.** A Board member making a motion may revise the motion after discussion but the motion cannot be amended by another member. A second is required for all motions in order to call for a vote and only one motion can be considered at a time.

H. **Subcommittees.** Ad hoc subcommittees comprised of three Board members with a fourth serving as an alternate may be formed at any time to develop work product for consideration by the full Board.

I. **Public Hearings/Decorum.** When a meeting agenda includes more than one public hearing each hearing will be opened and closed before proceeding to the next. Before opening any public hearing, the Chair or presiding Vice Chair will review the Board's responsibilities with attending residents and guests as well as the expectations of them regarding their participation. Specifically, no person appearing before the Board shall make personal, impertinent, or slanderous remarks, nor shall any person appearing before the Board become boisterous or threatening. Any such person may be barred from the meeting room by the chair or the presiding officer. No signs or placards may be brought into the meeting.

The Chair shall have the authority either during or prior to the hearing to establish procedural rules for the hearing, provided that such rules may not conflict with these rules or any other applicable law. Procedural rules adopted may govern, but are not limited to, the following matters:

1. Rules fixing the maximum time allotted to each speaker or group;
2. Providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
3. Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting place of the Board (so long as

arrangements are made for those excluded from the meeting place to listen to the hearing);and,

4. Providing for the maintenance of order and decorum in the conduct of the hearing.

J. **Time of Recommendation.** The Board must issue its recommendations to Village Council within thirty (30) days of a public hearing. No recommendation set forth within that period will have the same effect as if a recommendation to approve had been made.

K. **Conduct of Meetings.** All meetings shall be open to the public and unless otherwise set forth herein, will be governed by Robert's Rules of Order.

## VII. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than a simple majority of the Board, provided that such amendment be presented in writing at a regular or special meeting before the meeting at which the vote is taken.

ADOPTED this the 11<sup>th</sup> day of July, 2019

VILLAGE OF PINEHURST PLANNING AND ZONING BOARD

Ceo Santorano  
Chairman

James Baruch  
Director of Planning and Inspections



**PLANNING AND ZONING BOARD  
REGULAR MEETING  
THURSDAY, NOVEMBER 02<sup>ND</sup>, 2023  
ASSEMBLY HALL  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA  
4:00 PM**

**Board Members Present:**

Jeramy Hooper, Chair  
Jack Farrell, 1<sup>st</sup> Vice-Chair  
Carol Henry  
Paul Roberts  
Bruce Hironimus  
Matt Jones  
Louise Mercuro  
Tom Schroeder

**Board Members Absent:**

Sonja Rothstein

**Staff Present:**

Alex Cameron, Planning Director  
Pamela Graham, Planning Supervisor  
Michael Mandeville, Senior Planner  
Maria Carpenter, Planner  
Shannon Konstantinou, Village Clerk  
Shelby Grow, Clerk to the Board  
Lori Hercules, IT Technician

Approximately 19 member(s) of the public are in attendance.

**I. Call to Order**

Mr. Hooper called the meeting to order at 04:00 PM, confirmed a quorum was present, and explained the purpose of this meeting. The Board introduced themselves and Mr. Hooper introduced Staff. Mr. Hooper noted the absence of Ms. Rothstein.

Mr. Hooper reminded the public in attendance that there was a sign-up sheet available for those who wished to speak during the Public Hearing and asked those wishing to speak to limit their time to 3 minutes.

**II. Approval of Minutes**

**a. 10-05-2023 Regular Meeting Minutes**

Mr. Roberts moved to approve the minutes of the October 05<sup>th</sup>, 2023 Regular Meeting. Seconded by Mr. Jones. Approved by a vote of 7-0.

Mr. Schroeder moved to adjourn the Public Hearing and enter the Regular Meeting. Seconded by Ms. Mercuro. Approved by a vote of 7-0.

**III. Public Hearing No.1 - Trotter Hills Residential Development Conditional Zoning Request**

*The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 8.04 acres of land (four parcels) located in the vicinity of Trotter Drive west of NC Highway 5 currently owned by Red Pine Investments, LLC and further identified by Parcel ID #'s 00052965, 00052966, 00052967, and 00052968. This*

*proposed map amendment would zone the property from PS-FBC-H (Pinehurst South Form Based District Block H) to PS-FBC-H-CD (Pinehurst South Form Based Conditional District Block H). The proposed rezoning and associated General Concept Plan would allow for the development of a mix of 31 single-family detached units and 34 single-family attached units. The applicant is Michael Etowski of Red Pine Investments, LLC.*

Mr. Cameron reviewed a PowerPoint presentation outlining the Conditional Zoning Process, Request and Background, General Concept Plan, Sections 6.2 and 8.5.2 of the PDO, Area Zoning Map, Dimensional Criteria, Conditions, Comprehensive Plan, Small Area Plan, Form Based Guidance Plan, Plan Consistency, Planning & Zoning Board Action, and Staff Recommendation.

The Board and Mr. Cameron discussed the Residential Density allowable based on the Small Area Plan, adherence to the Proposed General Concept Plan, how the special intensity allocation is calculated and allocated in the watershed district, lot setbacks, dedication of roads and alleyways, application of Buffer Requirements, and what aspects of the proposal are not consistent with the Comprehensive Plan/Small Area Plans/Form Based Guidance Plans.

Mr. Bob Koontz, Mr. Tim Carpenter and Mr. Mike Etowski reviewed a PowerPoint presentation outlining the intentions behind the proposed development, Existing Site Location, Guiding Principles of the Pinehurst South Small Area Plan, General Concept Plan – Illustrative, Proposed General Concept Plan, Dimensional Standards Conditions, Roadway Plan, Roadway Sections, Additional Standards, Utilities, Landscape Conditions, Architecture - Color Schemes – SFA/SFD, and Architecture – Illustrative.

The Board, Mr. Koontz, Mr. Carpenter, Mr. Etowski and Mr. Cameron, discussed the homeowner association maintaining the open space, alleyway widths and setbacks, the aesthetics of frontloading townhomes, the walkability of the proposed development, stormwater management, sewer and water services, rear loading units being preferred based on the Form Based Guidance Plan, using a brick or rock façade instead of cementitious material, fencing not being installed along the perimeter, the existing fencing along Bretton Woods property, expanding the width of alleys to 24 feet, parking issues, and traffic issues.

Mr. Farrell expressed disappointment in the proposed development and inconsistencies with the Small Area Plans and Form Based Guidance Plans, and the lack of rear loading garage SFA. Mr. Koontz reviewed the difficulties posed by the site, which impede using rear loading.

Mr. Jones asked for clarification on the Utility Plan, and the impervious surface calculations. Mr. Koontz stated that Duke Energy would be moving the power lines, in accordance with the Concept Plan. Mr. Koontz also stated that the proposed impervious surface would allow more flexibility for the homeowner, i.e. installing a patio.

Mr. Schroeder expressed concern over the alleyway dimensions for Fire & Waste Management access. Mr. Koontz stated that the Fire Department would come from the street side, and waste management requires a 16 ft alleyway width.

Mr. Etowski reiterated the intentions behind the design of the proposed development.

Mr. Hooper discussed implementing conditions on the proposed development and how the applicants' proposed conditions align with staff recommendations. Mr. Cameron responded with staff recommendations aligning with the Form Based Guidance Plans.

Mr. Hooper asked for clarification on who would be building the dwellings, as well as the square footage of the single-family homes. Mr. Etowski stated that they would be the builder on this project, and the approximate square footage of the single-family homes would be 1900 sq. ft. and townhomes 2100 sq. ft.

Mr. Hooper recessed the Public Hearing for a 5-minute break at 6:15pm.

Mr. Hooper reconvened the public hearing at 6:21 pm.

Mary Flynn, 137 Lark Dr., expressed concern over the space between the dwellings and asked if the Board has seen examples of this development in person, and expressed concerns over the use of cementitious sidings, and concerns over the removal of large trees, and asked that the Board recommend remediation for tree removal.

Thomas Tyson, 1584 NC Hwy 5., expressed concern over the impact the proposed development would have on the surrounding neighborhoods, and the increased traffic.

Lydia Person-Jones, 319 Dawkins St., expressed concern over the effect this will have on the Jackson-Hamlet neighborhood and asked the Board for consideration for the community.

Brenda Brown, 233 Gaines St., expressed concern over stormwater run-off.

Mr. Cameron addressed the concern regarding proximity to Armstrong Ln. stating that it does not abut this street. Mr. Koontz and Mr. Carpenter responded to concerns expressed over stormwater management and the impact on surrounding properties stating that the pre and post development standard has been met, and the run-off flows away from Armstrong Ln. in a southeast direction. Mr. Koontz responded to concerns

over site clearing, stating that Pinehurst Development Ordinance standards would be met, and trees would be re-planted within the development.

Mr. Hooper asked if anyone else wished to provide comments. Hearing none, Mr. Hooper asked the Board to move into the deliberation portion of the meeting.

The Board began deliberations and discussed options for a council recommendation or continuation of the Public Hearing, the precedent set by the decision made, what conditions could be applied if approval with revisions is given, and the need for the applicant to agree to any conditions proposed by the Board and the applicant's ability to proceed with the proposal to Council without implementing any of the Boards recommendations.

The Board asked Mr. Koontz and Mr. Etowski whether revisions to the proposed setbacks could be made to become more consistent with the requirements of the Small Area Plans. Mr. Etowski stated the site constraints prevent revisions to the setbacks, and the design is intended to create a sense of community. Mr. Koontz further analyzed site constraints and surrounding development that prevents revisions to the proposed plans for the east side of the property.

The Board deliberated whether the numbers that must be met are the numbers outlined in the PDO requirements or the Small Area Plans requirements.

***Mr. Farrell moved the Planning and Zoning Board recommend denial of the zoning map amendment to the Pinehurst Village Council and find that the proposed zoning map amendment is not consistent with the 2019 Comprehensive Plan. Seconded by Mr. Hironimus. The reasons the proposed zoning map amendment is not consistent with the 2019 Comprehensive Plan:***

- 1. Does not conform to the PDO.***
- 2. Critical dimension standard 9.2B, such as setbacks and build to lines.***
- 3. The proposed townhomes are not rear loaded and therefore not consistent with the adopted plans.***
- 4. The proposed alleys are not consistent with the recommended 24' right-of-way.***
- 5. There is no significant on street parking.***

***Vote of 5-2, with Mr. Jones and Mr. Schroeder dissenting.***

#### **IV. Next Meeting Date**

##### **A. 12-07-2023 Regular Meeting**

#### **V. Motion to Adjourn**

**Mr. Jones moved to adjourn the Regular Meeting. Seconded by Mr. Schroeder. Approved by a vote of 7-0 at 07:28 PM.**

Respectfully Submitted,

Shelby Grow  
Clerk to the Board &  
Planning Administrative Specialist  
Village of Pinehurst

*A videotape of this meeting is located on the Village website: [www.vopnc.org](http://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.