

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 11th day of July, 2019

VILLAGE OF PINEHURST PLANNING AND ZONING BOARD

Ceo Santoranzo
Chairman

Amey Baruch
Director of Planning and Inspections



**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.

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
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

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