



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF NOVEMBER 14, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 04:30 PM, Tuesday November 14, 2023, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

Mr. John Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Mr. Jeff Morgan, Councilmember
Ms. Lydia Boesch, Councilmember
Mr. Tom Hennie, Councilmember
Mr. Jeff Sanborn, Village Manager
Ms. Shannon Konstantinou, Village Clerk
Ms. Lori Hercules, IT Technician

And approximately 23 attendees, including 6 staff and 1 press.

1. Call to Order.

Mayor Strickland called the Village Council meeting to order. Mayor Strickland noted a signup sheet for both the Public Comment period and Public Hearing No. 1 were located in the rear of the room.

2. Reports:

Village Manager

- Mr. Jeff Sanborn, Village Manager, reported on the addition of Ms. Angie Whisnant to the Village of Pinehurst Staff as the Parks and Recreation Director, the two upcoming openings for volunteers to serve on the Historic Preservation Commission, the two newly installed walkways on Pine Vista Dr. and Fields Rd., and the Shop Small event happening next week in the Village.

Village Council

- Mayor Strickland reported on the November 07, 2023 Moore County Economic Development Partnership quarterly meeting (which included discussion on the progress of the Iron Horse development and the November 14, 2023 Entrepreneurship Summit at the Fair Barn), the number of Non-Conforming Use Certificates received and issued by the Village (318 received; 244 issued), the November 13, 2023 Sandhills Metropolitan Planning Organization meeting, the 2023 Municipal Elections, the swearing in and seating of the new Council on December 12, 2023, and expressed thanks for the past four years he has served as Mayor.
- Mayor Pro Tem Pizzella reported on the Southern Pines Veterans' Day parade, a recent compliment

from a resident on Council's action reclassifying certain roads within the Village to restrict large trucks from using the roads, on recent citations issued by the Pinehurst Police Department, on the Beautification Committee meeting of last week (the Committee's efforts to decorate the Village for the holidays and discussion of the new law passed requiring native plants in public right of ways), and complimented Staff for the placement of new trash cans Downtown.

- Councilmember Boesch reported on November 18, 2023, Pinehurst Turkey Trot event, the Rock the Village event, the Shop Small event, the installation of the walking path along Pine Vista Dr., and thanked the Village Staff for the time she has worked with them and their work ethic.
- Councilmember Morgan thanked Mayor Strickland, Councilmember Boesch, and Councilmember Hennie for their service on the Village Council; and commended Village Staff for the work they put into the Veterans' Day Parade.
- Councilmember Hennie expressed thanks for the time he has served on Council and his wish to have the opportunity to continue.

3. Motion to Approve Consent Agenda.

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

A. Approval of Village Council Meeting Minutes

- October 24, 2023 Council Regular Meeting Minutes
- October 24, 2023 Council Work Session Minutes
- October 24, 2023 Council Closed Session Minutes

B. Request from Retiring Police Lieutenant Michael Tew to Purchase His Service Side Arm

End of Consent Agenda.

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

4. Consider Resolution 23-48 Appointing a Chairperson for the Historic Preservation Commission

Mr. Sanborn provided a brief background on Mr. Richard Vincent's experience on the Historic Preservation Commission and endorsement by both the current Historic Preservation Commission Chair and Staff.

Mr. Alex Cameron, Planning and Inspections Director, provided details on Mr. Vincent's work with the Historic Preservation Commission, and his background and experience relevant to the Historic Preservation Commission's work.

Mr. Vincent expressed thanks for the four years he has served on the Historic Preservation Commission, outlined what he feels is important about serving on the Commission, and provided details on his personal background and experience.

Council and Mr. Vincent discussed the process of revising the Historic District Standards.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously

approved Resolution 23-48 Appointing Mr. Richard Vincent as Chairperson of the Historic Preservation Commission effective December 01, 2023, with said term expiring on July 31st, 2025, by a vote of 5-0.

5. **Motion to Recess the Regular Meeting and enter into Public Hearing No. 1.**

Upon a motion by Councilmember Morgan, seconded by Councilmember Hennie, Council unanimously approved to recess the Regular Meeting and Enter Public Hearing No. 1 by a vote of 5-0. Mayor Strickland reviewed the rules and procedures for a Quasi-Judicial Public Hearing.

All Councilmembers did not have any ex parte communication and did not have any conflicts of interest relating to the case. Mayor Strickland did visit the site. Councilmember Boesch disclosed a discussion with Mr. Alex Cameron, Planning and Inspections Director, regarding Pinehurst Resort's interest in the proposal and Mr. Cameron's advice that the discussion of the Resort's interest be limited to the Public Hearing.

6. **Public Hearing No. 1 - Special Use Permit for 455 St. Andrews Dr.**

The purpose of this public hearing is to consider a request for a Special Use Permit in order to establish an Accessory Dwelling at 455 St. Andrews Drive. This property is in the R-10 (Single Family Residential) Zoning District and is further identified as Moore County PID #00025542. The applicants and owners are Bryan and Carol Lewis.

Mr. Alex Cameron and Ms. Carol Lewis were sworn into the Public Hearing and testified as follows.

Mr. Alex Cameron, Planning & Inspections Director, reviewed a PowerPoint presentation outlining the proposed Special Use Permit for an Accessory Dwelling at 455 St. Andrews Dr., the process that must be followed for a quasi-judicial public hearing, the requirements to be met for approval of a Special Use Permit for an Accessory Dwelling, and Council's action options. Mr. Cameron submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits. Council accepted the materials into evidence.

Ms. Carol Lewis, Owner and Applicant, thanked Council for the opportunity to present the application, and provided background information on the intention behind seeking the Special Use Permit for an Accessory Dwelling (for family and friends to use during visits to Pinehurst).

Council, Ms. Lewis, and Mr. Cameron discussed the thoroughness of the application (the Applicant was assisted by a local architect, the builder, and a surveyor), Exhibit A-2.1 demonstrating the thoroughness and professionalism of the application, the location of the property in relation to different holes and tees of the golf course, the Special Use Permit being attached to the property not to the Owner, the Applicant having discussed the proposed Accessory Dwelling Unit (ADU) with neighbors (all were supportive of the ADU), the notice requirements for a quasi-judicial public hearing, the directions each of the elevations of the proposed ADU will face (front elevation facing the golf course and right elevation facing St. Andrews Dr.), Pinehurst Resort's interest in the placement of the ADU and the relevance of the Resort's interest to the case (given no representative of the Resort was present to provide testimony, it was determined any information relating to the Resort's interest would be hearsay and not eligible for the Council to use in making their determination), there not being any language in the Pinehurst Development Ordinance (PDO) that would conflict with any deed restrictions placed on the property, no new driveway connection being proposed (access to the proposed ADU will be combined with the existing driveway), Ms. Lewis' primary residence being in Michigan and the property at 455 St. Andrews Dr. being a secondary residence for her and her family, reviewed the site plan depicting the orientation of the proposed ADU to St. Andrews Dr. (the ADU will be at an angle to the street), and the turn around depicted in the plans possibly being removed if space allows for vehicles to maneuver without the turn around once foundations for the proposed ADU are set.

Mayor Strickland asked if any member of the audience with standing wished to speak. One audience member came forward.

Ms. Dale Jennings, lot 107 (1 Quail Lake Rd. W), was sworn into the Public Hearing and testified as follows.

Council agreed Ms. Jennings had standing to testify due to Ms. Jennings being an adjacent property owner.

Council, Ms. Lewis, Ms. Jennings, and Mr. Cameron discussed light pollution from car headlights impacting Ms. Jennings's property, what screening could be required as a condition of approval, removal of the proposed turnaround portion of the driveway being required for approval, it was determined to allow the two private property owners to work out a solution to the light pollution amongst themselves, and Ms. Lewis expressed interest in having plantings similar to Arborvitae installed as she does not wish to see a fence constructed.

Mayor Strickland verified with Mr. Cameron that the only plantings required for the proposed work would be foundation plantings.

Mayor Strickland stated seeing no other audience member who wished to speak, Council would move forward with Council deliberations.

Mr. Cameron reviewed the motion template and draft Findings of Fact for Council to use when making their decision and reviewed the suggested Condition Staff provided regarding compliance with the WS-II Watershed Protection District requirements.

7. **Consider a Motion Approving the Special Use Permit and Adopting the Findings of Fact for an Accessory Dwelling at 455 St. Andrews Dr.**

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously approved the Special Use Permit for an Accessory Dwelling at 455 St. Andrews Dr. and adopted the following Findings of Fact with conditions by a vote of 5-0:

- A. The proposed Special Use **meets** all required conditions and specifications: The Garage with Upper Floor Dwelling will meet all required conditions and specifications of SR-108, SR-109 and the North Carolina State Building Code. The architect, surveyor and builder are all respected local professionals with extensive experience on Pinehurst projects.
- B. The proposed Special Use **is** in harmony with the area or compatible with the neighborhood: The owners have testified that the Garage with Upper Floor Dwelling is designed and will be constructed to be in harmony with the principal dwelling and the surrounding neighborhood homes. Construction will be architecturally compatible with the existing house. They intend to use the same styles and colors: vinyl siding, brick, doors, windows, shingles, and shutters. The combined square footage of the existing and proposed dwellings will be comparable to nearby residences.
- C. The proposed Special Use **will not** materially endanger public health or safety: The Garage with Upper Floor Dwelling is intended to be utilized to store vehicles and to provide accommodation for visiting family and friends. The owners have stated that they do not intend for the property to be used for short- or long-term rental purposes and thus will not be a hazard to public health or safety. No disturbance to the local neighborhood is expected to occur. The

security system in place for the principal dwelling will be extended to provide coverage for the Garage with Upper Floor Dwelling.

- D. The proposed Special Use will not substantially injure the value of adjoining property or be a public necessity: The Garage with Upper Floor Dwelling will not injure the value of the adjoining property but may increase the property value and aesthetics not only of the principal dwelling, but also of the adjacent golf course green. The aesthetics of the surrounding area will be enhanced by the improvements made to the current vacant and neglected lot. There is no indication that the Garage with Upper Floor Dwelling will constitute a public necessity.
- E. The proposed Special Use will be in conformity with the Village of Pinehurst Comprehensive Long-Range Plan: The Garage with Upper Floor Dwelling will be in conformity with the Village of Pinehurst Comprehensive Long-Range Plan as follows:
- a. Accommodation will be provided for the owners' family and friends to visit Pinehurst and enjoy its charming attractions.
 - b. Completing this project will allow the family to continue to live in Pinehurst throughout multiple stages of their lives.
 - c. Landscaping will enhance the aesthetics of the current vacant and neglected lot, while maintaining the ambiance and character of abundant, tall pines. Placement of the dwelling on the lot has been considered to maximize preservation of the tall pines and maintain open space adjacent to the golf course green.
 - d. Maintaining the integrity of the neighborhood in providing single family homes inhabited by residents who actively participate in and support the community. The owners have stated that the dwelling will not be used as a short- or long-term rental.
 - e. Protecting and enhancing the quality and character of the existing neighborhood by improvements made in landscaping and construction.
 - f. Construction will adhere to energy efficient, green techniques and will be in harmony with the character and authenticity of the surrounding neighborhood.
 - g. Providing additional high quality and safe storage for the family's cars and golf carts will improve the visual presentation of the current dwelling.
 - h. The project addresses the relevant three (3) of the seven (7) Guiding Principles, namely Village Character & Authenticity, Places to Live and All Things Green as detailed in the above list.

Village Council finds approval is based on the following conditions:

In order to ensure future compliance with the WS-II Watershed Protection District requirements (see Sec. 8.3.3.3(B) and 8.3.3.5(B), impervious surface is limited to 12% of the lot area excluding any development existing prior to June 21, 1993. This limits the total impervious area of the property to 7,391 square feet.

Village Council finds that each of the Standards of Review have been met based on the evidence submitted into the record and the testimony given.

8. Motion to Adjourn Public Hearing No. 1 and Re-Enter the Regular Meeting.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn Public Hearing No. 1 and Re-Enter the Regular Meeting by a vote of 5-0.

9. Consider Adoption of the Stormwater Management and Master Plan.

Mr. Mike Apke, Public Services Director, provided details and background on the proposed Stormwater

Management and Master Plan.

Council, Mr. Apke, and Mr. Michael Hansen of McGill and Associates discussed the proposed change in measurement of stormwater to address runoff of water amongst developed / adjacent lots, some recommendations being changed to considerations due to further work needing to be done on language and implementation, and the proposal including language to allow for the opportunity for developers to work with the Village to help control stormwater on individual lots.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved to adopt the 2023 Village of Pinehurst Stormwater Management and Master Plan effective November 14, 2023, by a vote of 5-0.

Mayor Strickland recessed the Regular Meeting at 06:02 PM for a 5-minute break.

Mayor Strickland reconvened the Regular Meeting at 06:09 PM.

10. Consider Resolution 23-47 Establishing a Fee for Review and Inspections for Large Scale New Underground Utility Installations.

Mr. Jeff Batton, Assistant Village Manager, and Mr. Mike Apke, Public Services Director, provided information on the intentions behind the proposal, reviewed the proposed addendum to the encroachment agreement, discussed aspects of the process for installing fiber optic cable, and reviewed the proposed amendment to the Fees and Charges Schedule.

Council, Mr. Batton, and Mr. Apke discussed the ability of the Village to verify references and licenses of contractors performing the installation and preventing installations from being done during the U.S. Open to lessen the impact on the community during this time.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved Resolution 23-47 Amending the Village of Pinehurst Fees and Charges Schedule effective November 15, 2023, by a vote of 5-0.

11. Financial Statements for the Quarter Ended September 30, 2023

Ms. Dana Van Nostrand, Finance Director, reviewed a PowerPoint presentation outlining the Budget-to-Actual Summary, Revenues vs. Expenditures, Revenues, Revenues to Note, Operating Expenditures, Operating Expenditures to Note, Capital Expenditures, Capital Expenditures to Note, Financial Outlook, Cash and Investment Balance, and Library Expansion Capital Project Fund.

Council, Mr. Sanborn, Mr. Batton, and Ms. Van Nostrand discussed the low usage of appropriated funds for the Stormwater and Intersection Improvements and Sidewalk Improvements projects.

12. Amendment to the Audit Contract for Fiscal Year 2023 Audit

Ms. Van Nostrand reviewed the submitted memo detailing the proposed amendment to the Audit Contract for Fiscal Year 2023 Audit.

Council, Ms. Van Nostrand, and Mr. Brandon Flinch, Managing Director of Forvis, discussed the LGC requiring Council action to amend the contract.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved the amended Audit Contract for Fiscal Year 2023 Audit by a vote of 5-0.

13. Presentation of the FY 2023 Annual Comprehensive Financial Report

Ms. Van Nostrand and Mr. Flinch reviewed the Forvis Report to the Honorable Mayor and Members of the Village Council.

Council, Mr. Sanborn, Ms. Van Nostrand, and Mr. Flinchum discussed the Uncorrected Misstatements section of the Forvis Report and the difference in interpretation of the newly implemented GASB 96 being the cause for the misstatement and the release of additional, significant GASB Standards in the future.

14. Other Business

Council and Mr. Sanborn discussed any decisions made regarding the High Falls Dam not having an impact on the Village of Pinehurst.

15. Comments from Attendees.

None.

16. Motion to Adjourn

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 07:09 PM.

Respectfully Submitted,



Shannon Konstantinou

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