PLANNING AND ZONING BOARD
NOVEMBER 4, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM

I. Call to Order

II. Approval of Minutes

   A. 10-07-2021 Regular Meeting Minutes

III. New Business

   A. 2022 Regular Meeting Calendar

   B. Board Organizational Matters

IV. General Business

V. Next Meeting Date

   C. 12-02-2021 Regular Meeting

VI. Motion to Adjourn

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.

10-07-2021 REGULAR MEETING MINUTES
ADDITIONAL AGENDA DETAILS:

FROM:
Shannon Konstantinou

CC:
Alex Cameron; Darryn Burich

DATE OF MEMO:
10/26/2021

MEMO DETAILS:
Attached is a draft copy of the 10-07-2021 Regular Meeting Minutes for your review.

ATTACHMENTS:

	Description
🗋	10-07-2021 Regular Meeting Minutes

PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, OCTOBER 07, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM

Board Members Present:	**Board Members Absent:**	**Staff Present:**
Jeramy Hooper, 1st Vice		Darryn Burich, Planning Director
Julia Latham, 2nd Vice		Alex Cameron, Planning Supervisor
Matt Jones		Shannon Konstantinou, Clerk to the Board
Paul Roberts		
Jack Farrell		
Phillip Shumaker		
David Alzamora		
Sonja Rothstein		

Approximately 27 member(s) of the public 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.

II. Approval of Minutes

A. 09-02-2021 Regular Meeting Minutes

Mr. Farrell moved to approve the minutes of the September 02nd, 2021 Regular Meeting. Seconded by Mr. Shumaker. Approved by a vote of 7-0.

Ms. Latham moved to recess the Regular Meeting and enter into Public Hearing No. 1. Seconded by Ms. Rothstein. Approved by a vote of 7-0.

III. New Business

A. Public Hearing No. 1 (Hollycrest Major Subdivision)

Mr. Hooper stated the purpose of this public hearing is to consider a request of a Major Subdivision Review at Hollycrest. The Board shall provide a recommendation to the Village Council regarding the Subdivision Plat. Subdivision Plat reviews are administrative in nature (i.e. not legislative or quasi-judicial) relative to compliance or consistency with the design standards identified in Section 9.17.1.12 of the Pinehurst Development Ordinance and must be approved if such standards are met. The Planning and Zoning Board may recommend approval of the subdivision plat as presented; may recommend an applicant to revise the plat for consistency with such standards; or may recommend rejection but must provide recommendations on ways to revise the subdivision so that it may be approved.

Mr. Hooper turned the Public Hearing over to Mr. Cameron, Planning Supervisor. Mr. Cameron reviewed background on the proposed Major Subdivision and gave a PowerPoint presentation on the development requirements for the Major Subdivision. Mr. Cameron discussed the process to be followed for Board recommendation of the proposed Major Subdivision to Village Council and on the complete approval process for a Major Subdivision project. Mr. Cameron then concluded the Staff presentation.

Mr. Hooper then asked the applicants present to state their names. Mr. Ken Bass and Jeff Barzak of Barzak Engineering Services introduced themselves. Mr. Bass stated the material presented by Mr. Cameron is the material that has been worked on for six months and discussed the intention for the development of the property. Mr. Hooper asked Mr. Bass for history or background on the development of the property. Mr. Bass stated he was not certain of the exact history of the property but had heard the property had begun to be developed in the 1980's and has remained in that partially developed state since.

Mr. Hooper then moved the Public Hearing forward to the Public Comments portion of the meeting and referred to the Public Comments signup sheet to begin calling members of the audience forward to speak according to the order in which they signed up. Mr. Hooper reminded all in attendance of the 3 minute maximum time allotment for speaking.

Mr. Hooper asked Mr. Peter Strzok to approach the microphone. Mr. Strzok introduced himself and stated his address is 410 Sugar Pine Dr. Mr. Strzok stated his concerns were the impact the development would have on the movement of the deer herds and the increasing density on traffic in the area.

Mr. Hooper asked Mr. G. Michael Gardner to approach the microphone. Mr. Gardner introduced himself and stated his address is 400 Sugar Pine Dr. Mr. Gardner stated his concern was the existing development that has been done in the proposed Major Subdivision of Hollycrest doesn't seem to be accounted for in the material distributed and displayed outlining the proposed development plans. Mr. Barzak and Mr. Cameron clarified the location of the existing development and the location of the proposed development. Mr. Hooper further clarified it is not a requirement to show existing development on lots at this time.

Mr. Hooper asked Mr. John Taylor to approach the microphone. Mr. Taylor introduced himself and stated his address is 7 Spruce Ln. Mr. Taylor stated his concerns were the new sewer lines and the storm drainage from the property.

Mr. Hooper asked Ms. Terry Heller to approach the microphone. Ms. Heller introduced herself and stated her address is 7 Spruce Ln. Ms. Heller stated her concerns were whether the property is located in the Historic District of Pinehurst and who will be developing the property. Mr. Cameron stated the property is NOT located in the Historic District of Pinehurst and apologized for any incorrect information Staff may have provided on this matter. Mr. Hooper stated the Board would discuss the particulars of who would be developing the property during the Board deliberation as at the time the applicant had presented themselves as being the developer.

Mr. Hooper asked Ms. Anne Bourne to approach the microphone. Ms. Bourne introduced herself and stated her address is 3 Pine Ct. Ms. Bourne stated her concerns were the increased traffic the development would bring to the area and the dangers construction traffic going in and out of the area would add to travel along Linden Rd.

Mr. Hooper asked Ms. Linda Venters to approach the microphone. Ms. Venters introduced herself and stated her address is 3 Osage Ln. Ms. Venters stated her concerns were the timeline for development and how development will impact the deer herds.

Mr. Hooper asked Ms. Lynne Ammons to approach the microphone. Ms. Ammons introduced herself and stated her address is 4 Pine Ct. Ms. Ammons stated her concerns were the excess storm drainage, whether the trees located within the 40' easement will be preserved or cleared just as they are within the Duke Energy easement already in existence on the property, and the increased traffic development of the lots will bring to the area.

Mr. Hooper asked Ms. Jamie Keene to approach the microphone. Ms. Keene introduced herself and stated her address is 101 Keswick Ln. Ms. Keene stated her concerns were the impact the new development will have on the existing developed properties within the subdivision (in particular the historic property of Hollycrest Manor), the lack of historical knowledge on the part of the developer, and the quality and size of homes proposed to be built.

Mr. Hooper asked Ms. Tara Maranzano to approach the microphone. Ms. Maranzano introduced herself (Ms. Maranzano's address is 105 Keswick Ln). Ms. Maranzano stated her concerns were the impact of the new development on the historic property of Hollycrest Manor, the horse cemetery located within the subdivision, the long gap in time between original development of the property and now, and the increased traffic the new development will bring to the area.

Mr. Hooper asked Mr. Wayne Boyles and Ms. Stephanie Boyles to approach the microphone. Mr. and Ms. Boyles introduced themselves and stated their address is 360 Sugar Pine Dr. Mr. and Ms. Boyles stated there concerns were the new sewer easement, the storm basin attracting mosquitos, the type of homes to be built, the preservation of the trees within the easement, and the electromagnetic energy that would be released by the power lines on the property emanating from the Duke Energy power lines.

Mr. Hooper asked Ms. Kristi Nix to approach the microphone. Ms. Nix introduced herself and stated her address is 5 Osage Ln. Ms. Nix stated her concerns echoed what were already stated by previous speakers with the addition of concerns over the location of the new entrance to the subdivision proposed, the preservation of the trees within the 40' easement, and the addition of a brick wall running along the entire perimeter of the property. Ms. Nix asked for clarification on the colors of bands placed on the trees during the tree assessment.

Mr. Hooper asked Ms. Lola Garbarino to approach the microphone. Ms. Garbarino introduced herself and stated she and her late husband were the original owners of 105 Keswick Ln. (Ms. Garbarino's current address is 70 Scott Rd). Ms. Garbarino stated her concerns were the increased truck traffic down Linden Rd. as a result of the traffic circle and the fact that Pinehurst is dictating the rules for Hollycrest when Hollycrest isn't a part of Pinehurst.

Mr. Hooper asked Ms. Sharon Cuff to approach the microphone. Ms. Cuff introduced herself, stated her current address 1229 Linden Rd. and she grew up at 1072 Linden Rd., which is a property directly across the road from the proposed development. Ms. Cuff stated she is one of five generations to have lived at this property. Ms. Cuff stated her concerns were Linden Rd. being developed, the loss of the natural beauty along Linden Rd. as has happened along Murdocksville Rd. and the orientation of the proposed development on the lots within the subdivision.

Mr. Hooper asked Mr. Will Cuff to approach the microphone. Mr. Cuff introduced himself and stated his address is 1072 Linden Rd. Mr. Cuff stated his concerns were the water shed that currently runs underneath Linden Rd. via a 14" culvert to the existing storm basin pond within the Hollycrest subdivision backing up and creating even greater flooding than already occurs once the lots within the subdivision are developed and with the increased traffic along Linden Rd. that the new development will bring.

Mr. Hooper asked Mr. R. G. McAllister to approach the microphone. Mr. McAllister introduced himself and stated his address is 200 Hollycrest Dr. Mr. McAllister stated his concerns were over the lack of interest in the historic nature of the property being developed, the quality and type of homes to be built on the lots, and the impact this new development will have on one of the last pieces of historic property within Pinehurst.

Mr. Hooper opened Public Comments to anyone that had not signed up to speak prior to the beginning of the Public Hearing.

Ms. Kelly Elliot of Elliot's Restaurant approached the microphone, introduced herself and stated Elliot's is located at 905 Linden Rd. Ms. Elliot stated her concern is increased traffic and discussed previous accidents witnessed on Linden Rd. near the entrances to the proposed Major Subdivision at Hollycrest.

Mr. Hooper asked if there were any further comments. Receiving no response, Mr. Hooper moved the Public Hearing forward to Board discussion.

Mr. Hooper asked Mr. Roberts to open Board discussion. Mr. Roberts discussed the responsibilities of the Board when making a decision. Mr. Roberts asked the applicants whether a traffic study had been done. Mr. Barzak stated the Department of Transportation had been contacted early on in the application process for feedback on what improvements the DOT would incur on the applicants in relation to the new development. In addition, the planning and engineering departments were contacted to get traffic studies done. All information was submitted with the application and to the DOT. The new development meets all requirements and no improvements were recommended to the intersections proposed. Mr. Roberts asked Mr. Barzak what the computations of additional trips per day on Linden Rd. were. Mr. Barzak stated the total number of additional trips per day on Linden Rd. are estimated to be 448. Mr. Roberts asked what type and style of home would be built. Mr. Bass stated he would not be building the homes. Mr. Bass stated he would be installing the infrastructure and has a contractor he will be working with to build the homes. Mr. Bass declined to give the name or information for the builder of the homes.

Mr. Phillips asked for information on the R-15 zoning of the property. Mr. Cameron stated the property has been zoned as such for approximately 30-40 years. Mr. Phillips asked if there was anything in the PDO that would have prevented the property from being subdivided and developed earlier. Mr. McAllister interrupted discussion to provide the history of the subdivision. Mr. Hooper asked Mr. McAllister to allow Board deliberation to continue without interruption. Mr. Cameron stated for zoning and land development the process has changed over time but nothing had ever existed in the PDO to prevent development prior to now. Mr. Phillips asked for clarification of the location of the subdivision being within the EJT. Mr. Cameron confirmed the subdivision is located within the EJT. Mr. Phillips asked about a wall being built. Mr. Bass stated he has no knowledge of a wall being built around the property. Mr. Phillips asked for clarification on the storm water basins. Mr. Barzak stated the storm water basins meet Pinehurst regulations.

Ms. Rothstein asked Staff about a storm water plan for Pinehurst. Mr. Cameron stated Pinehurst is working on a storm water master plan. Ms. Rothstein asked whether the proposed new development would meet the upcoming storm water master plan requirements or whether additional time and money would be spent at a later time to bring the new development up to code. Mr. Cameron stated storm water management would have to be engineered to be managed on site.

Mr. Farrell stated a member of the public stated there is a culvert running under Linden Rd. Mr. Farrell asked for clarification. Mr. Barzak stated he is not aware of a culvert as it may be buried. All storm water will be handled on the property and will not have any effect on adjacent properties. Mr. Hooper asked Mr. Cameron to discuss whether the storm water calculations would take into account outside water that would flow onto the property. Mr. Cameron stated storm water calculations are part of the engineering analysis and take into consideration all potential sources of water flow and that further analysis will occur during the actual construction phase. Mr. Farrell wanted to be sure external factors are part of the consideration in making the storm water calculations. Mr. Cameron agreed. Mr. Farrell asked for clarification on the open space shown on the application versus what is shown on the plat. Mr. Cameron reviewed the plat to clarify the open space. Mr. Farrell asked Mr. Bass for clarification on whether there is an HOA in place currently or if there is an HOA intended. Mr. Bass stated there will be an HOA established for the 40 new developed lots and 6 vacant lots. The existing 4 homeowners will not be required to join the HOA but will be welcome to join.

Ms. Latham asked for clarification on the open space of the new development versus the existing open space. Mr. Bass and Mr. Barzak stated they don’t believe there is any open space on the original plat and discussed the current plat with the Board. Ms. Latham asked for clarification on ownership of the 40’ buffer and responsibility for maintenance of the buffer. Mr. Barzak stated the 40’ buffer will be under the ownership of the HOA and will, hopefully, not require much maintenance. Mr. Bass stated much of the buffer will not be touched and will remain in its natural vegetative state apart from where Moore County will have to disturb the vegetation for installation of the sewer line. Ms. Latham further clarified that the intention is not for the new development to become a gated community with a wall running through the 40’ buffer, instead the intention is to leave the buffer area relatively undisturbed except to put in the sewer line and that the tagged trees are for the purpose of the survey not for the purpose of removal. Mr. Barzak verified Ms. Latham is correct. Ms. Latham thanked the public for being here and reviewed the Board’s responsibilities when making a decision and advocated for resident involvement in municipal decisions and in elections of local officials.

Mr. Jones asked for the status of the Tree Ordinance and what impact that ordinance will have on this Major Subdivision development. Mr. Cameron stated the Tree Ordinance date of adoption in reference to when applications for development come in will determine how the Tree Ordinance effects development. Mr. Burich reviewed the timeline for the Tree Ordinance adoption.

Mr. Alzamora reviewed the responsibilities of the Board and iterated the fact that fault cannot be found with an individual wanting to exercise their rights to use their land as they wish. Mr. Alzamora stated the traffic concerns are valid but Pinehurst is a growing community and, ultimately, the traffic concerns on Linden Rd. need to be brought to the State. Mr. Alzamora asked the applicants what the name of the proposed subdivision would be. Mr. Bass stated the subdivision would be referred to as Hollycrest.

Mr. Hooper stated there is nothing more important than living in a community where citizens are involved. Mr. Hooper reviewed the responsibilities of the Board. Mr. Hooper asked the applicants to discuss what went into the decision of where to place the sewer lines and whether consideration could be given to moving the sewer lines to the front of the property. Mr. Barzak stated he had worked with Moore County Public Utilities when determining the location of the new sewer line. Elevation and grading prevents proper pitch in the sewer line if run along the front of the properties. In addition, retention of existing improvements, such as pavement, along the front of the properties is a factor. Mr. Hooper asked the applicants for further information on the storm water management. Mr. Barzak reviewed the current information and analysis on how the storm basins will work as part of the storm water management after development. Mr. Hooper asked how current and proposed concrete curbing and other infrastructure features will effect storm water runoff. Mr. Barzak stated it has no effect on water runoff, concrete is an impervious surface, and will work to direct water runoff to storm water catch basins and to the pond. Mr. Bass stated he had requested that type of curbing in order to prevent having to cut the curbing to install driveways. Mr. Hooper asked for clarification on the different colors of banding on the trees. Mr. Bass stated the surveyors tagged the trees and he is not aware of what the different tag colors mean. Mr. Bass further stated the intention of the builder is to maintain as many of the trees as possible and to bring in the Pinehurst character or architecture to the new homes as much as possible. Mr. Cameron stated the different colors of tree survey bands are used to identify specimen trees of different tree species as required by the PDO. Mr. Hooper asked the applicants if there are any old sewer lines running through the property. Mr. Barzak stated there are old sewer lines, which are shown on the plat. Some will be abandoned according to Moore County requirements and some will be utilized for the new development. Mr. Barzak asked Mr. Cameron to display the plat and then reviewed the sewer lines with the Board and Staff. Mr. Hooper verified with the applicants that the sewer work is part of Moore County's jurisdiction. Mr. Barzak agreed. Mr. Hooper asked the applicants to review the lighting requirements for the new development. Mr. Bass stated he did not believe street lights are a requirement but street lights will be installed per Pinehurst ordinance and coordination with Duke Energy will be done.

Ms. Latham asked the applicants to discuss how the storm basins function based on concern from residents regarding mosquitos and other insects. Mr. Barzak reviewed how the storm basins will function in relation to storm water management. Mr. Bass stated, if a mosquito issue does arise, the HOA would work with a pest control company to treat the area on a regular basis.

Ms. Rothstein asked Mr. Bass why the name of the builder would not be disclosed and that the homeowners may feel better knowing who will be building the homes on the property. Mr. Bass discussed what builders will not be used for the development but continued to refuse to disclose the name of the builder in the interest of protecting the builder from potential harassment.

Mr. Jones asked the applicants to verify that, other than for installation of sewer lines, the 40' easement will be left untouched. Mr. Barzak agreed.

Mr. Farrell moved to adjourn Public Hearing No. 1 and re-enter the Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 7-0.

Mr. Hooper asked the Board to begin deliberation of their decision.

The Board and Staff discussed the historic designation of the original development, the existing and proposed HOA, traffic concerns, pedestrian safety, preservation of the Greenway Trail easement and the natural state of the buffer perimeter, storm water management, and consistency with the PDO.

Mr. Jones moved that the Planning and Zoning Board recommend **approva**l to the Pinehurst Village Council of the proposed Major Subdivision (Hollycrest). Seconded by Mr. Shumaker. Approved by a vote of 7-0.

IV. General Business

Mr. Cameron stated reappointments will be on the next Council agenda along with appointment of the new chair. Also, recruitment of a new vice chair will need to begin.

Mr. Roberts asked whether there is anything the Board should be looking at prior to the expiration of the Development Moratorium. Mr. Burich stated the Development Moratorium will be going before Council on October 26th, 2021. An extension of at least 60 days will be pursued to allow time to complete the Small Area Plans. A workshop is tentatively scheduled for mid-November to finalize the Small Area Plans. Mr. Burich and the Board discussed what will be contained in the Small Area Plans.

Mr. Shumaker asked whether any updates on tree legislation at State level have been heard. Mr. Cameron stated there are no updates at this time. Mr. Hooper thanked Mr. Cameron and Mr. Burich for the time and effort they have put into the Tree Ordinance.

Mr. Hooper asked if anyone left in the audience had any general comments they would like to share. No one asked to speak.

V. Next Meeting Date

A. 11-04-2021 Regular Meeting

VI. Motion to Adjourn

Mr. Jones moved to adjourn the Regular Meeting. Seconded by Mr. Farrell. Approved by a vote of 7-0 at 05:56 PM.

Respectfully Submitted,

Shannon Konstantinou
Clerk to the Board &
Planning 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.

2022 REGULAR MEETING CALENDAR
ADDITIONAL AGENDA DETAILS:

FROM:
Shannon Konstantinou

CC:
Alex Cameron; Darryn Burich

DATE OF MEMO:
10/27/2021

MEMO DETAILS:
Attached is a draft copy of the 2022 Regular Meeting Calendar for the Board's consideration.

ATTACHMENTS:

	Description
🗋	2022 Regular Meeting Calendar

2022 PLANNING AND ZONING BOARD / BOARD OF ADJUSTMENTS SCHEDULE

BOARD/COMMITTEE	FREQUENCY	LOCATION	TIME	DATES	
PLANNING AND ZONING BOARD BOARD OF ADJUSTMENTS (FOLLOWING P&Z AS NEEDED)	1st Thursday	Assembly Hall	4:00 PM	1/6/22 2/3/22 3/3/22 4/7/22 5/5/22 6/2/22	7/7/22 8/4/22 9/1/22 10/6/22 11/3/22 12/1/22

BOARD ORGANIZATIONAL MATTERS
ADDITIONAL AGENDA DETAILS:

FROM:
Alex Cameron

CC:
Darryn Burich & Shannon Konstantinou

DATE OF MEMO:
10/28/2021

MEMO DETAILS:
Per the Board's Rules of Procedure, every year the Board is to hold an organization meeting where Vice Chairs can be nominated and elected and any other goverance/protocol matters be considered. Currently, the first Vice Chair position is vacant.

Also, annually all Board members are to review and acknowledge the Village's Ethics Policy and provide updated information for organizations in which a Board member is involved and declaration of potential conflicts of interest.

Attached are the adopted Rules of Procedure, Ethics Policy, Ethics Policy Aknowledgement form and volunteer organizations and conflicts of interest document.

ATTACHMENTS:

	Description
🗋	Adopted Rules of Procedure
🗋	Ethics Policy
🗋	Ethics Policy Acknowledgement
🗋	Volunteer Organizations and Decleration of Conflicts of Interest

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 Statues.

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

Leo Santomasso, Chairman

Darryn Burich, Director of Planning and Inspections

	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. <u>POLICY</u>

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. **<u>Conflicts of Interest</u>** 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) <u>Gifts, gratuities, and rebates</u>. 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) <u>Extraneous Fees</u>. Village employees or volunteers will not accept any extraneous fee for work performed on behalf of the Village.

(c) <u>Outside Employment</u>. 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) <u>Impartiality</u>. 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 of 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. ACKNOWLEGEMENT 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:

Angela M Kantor — 10-29-2015
Policy Committee Chair — Date

[signature] — 10/30/15
Village Manager — Date

Village of Pinehurst
Ethics Policy
Employee Acknowledgement

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

Signature: ________________________________ Date: _______________

Printed name: ______________________________

<u>Organizations in Which Volunteer Currently Serves, Directly or Indirectly</u>

(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: _________________________