



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF OCTOBER 26, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.
2. Invocation and Pledge of Allegiance. Invocation by Dr. John Jacobs, Village Chapel, Pledge of Allegiance led by Mayor John Strickland
3. Reports:
Manager
Council
4. Motion to Approve Consent Agenda.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.
 - A. Approval of Village Council Meeting Minutes
October 12, 2021 Regular Minutes
October 12, 2021 Work Session
October 12, 2021 Closed SessionEnd of Consent Agenda.
5. Discuss and Consider Resolution 21-25 Appointing Al Davis to the Firefighter Relief Fund Board of Trustees
6. Discuss and Consider Awarding Stormwater Management and Master Plan to McGill Associates
7. Discuss and Consider a Special Intensity Allocation for 85 Trotter Hills Circle
8. Motion to Recess Regular Meeting and Enter Public Hearing No. 1
9. Public Hearing No.1 - Electronic Permitting
The purpose of this public hearing is to hear comments on a number of amendments to various sections of the Pinehurst Development Ordinance (PDO) to implement required use of the Village's online permitting system for permitting and planning applications.
10. Motion to adjourn Public Hearing No. 1 and Re-Enter Regular Meeting
11. Discuss and Consider Ordinance #21-14 Electronic Permitting
12. Motion to Recess Regular Meeting and Enter Public Hearing No. 2

13. Public Hearing No.2 - Development Moratorium Extension

The purpose of this public hearing is to hear comments on extending Moratorium Ordinance #21-03 on development activity in Village Place and Pinehurst South (Comprehensive Plan Focus Areas 2 and 4) to allow time to complete the plans and form based codes for the two areas.

14. Motion to adjourn Public Hearing No. 2 and Re-Enter Regular Meeting

15. Discuss and Consider Ordinance #21-15 Extending A Moratorium on Real Estate Development (Small Area Plan Focus Areas)

16. Discuss and Consider Ordinance # 21-06 Buffer Development Ordinance

Council is being asked to approve several amendments to the Pinehurst Development Ordinance (PDO) to update its landscaping and buffering requirements for development within the Village and the extraterritorial zoning jurisdiction.

Council may approve, modify various sections, reject, or table the proposed amendments for further discussion.

17. Discuss and Consider Resolution 21-26 Comprehensive Plan Amendment Policy

18. Discussion of Potential Ethics Violations by Councilmember Boesch

19. Discussion of Potential Ethics Violations by Councilmember Drum

20. Other Business.

21. Comments from Attendees.

22. 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.



**MOTION TO RECESS REGULAR MEETING AND ENTER PUBLIC
HEARING NO. 2
ADDITIONAL AGENDA DETAILS:**



**COUNCIL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- 📎 2021 Key Partner List



Council Member to Report	Partners & Collaborators
John Strickland	Moore County Transportation Committee
	Neighborhood Advisory Committee
	Pinehurst Resort
Judy Davis	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
	FirstHealth
	Moore County
Lydia Boesch	Convention and Visitors Bureau
	Bicycle and Pedestrian Advisory Committee
Kevin Drum	Triangle J. COG
	Partners in Progress
	NCDOT/TARPO
Jane Hogeman	Beautification Committee
	Moore County Schools
	Pinehurst Business Partners



APPROVAL OF VILLAGE COUNCIL MEETING MINUTES
ADDITIONAL AGENDA DETAILS:

October 12, 2021 Regular Minutes
October 12, 2021 Work Session
October 12, 2021 Closed Session

FROM:

Kelly Chance

CC:

Jeff Sanborn

DATE OF MEMO:

10/17/2021

MEMO DETAILS:

Attached are the draft minutes from the October 12, 2021, Council Regular Meeting, Work Session, and Closed Session.

ATTACHMENTS:

Description

- ☐ October 12, 2021 Regular Session
- ☐ October 12, 2021 Work Session



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF OCTOBER 12, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, October 12, 2021 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following attended:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Kelly Chance, Village Clerk

In addition, approximately 12 attendees, including 8 staff and 0 press.

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Reports:

Village Manager

- Mr. Jeff Sanborn reported there were no items to report

Village Council

- Mayor Strickland reported he visited Fort. Bragg under the new Commanding General's invitation which was extended to Mayors and other local government officials. He stated his appreciation of having Fort Bragg part of our community and he looks forward to more contact with them. Mayor Strickland stated he and Councilmember Drum attended the Partners in Progress meeting and they will be moving to Pinehurst into the old bank building. Lastly, he delivered a 100th birthday certificate to Sadie Oettinger as September 20th was her birthday. He reported this was his 5th or 6th presentation to an Octogenarian this year and encouraged the audience to share any knowledge of such birthdays to him so the Village can express their birthday wishes to them.
- Councilmember Hogeman stated the Pinehurst Business Partners met with Jeff Batton and herself and the Mayor to discuss some solutions for parking issues downtown.
- Mayor Pro Tem Davis stated this weekend is the Holly Arts festival in downtown Village Center. She stated that the Festival of the Freedom of Light Celebration will be on the 29th and 30th at the Moore Regional Airport.
- Councilmember Drum stated he is serving on the Partners in Progress entrepreneurial hub and they are making a lot of progress. He stated the Mayor of Blowing Rock lives here part time and in discussions with him it appears the Village and Blowing Rock has a lot of common problems and we have been sharing ideas.
- Councilmember Boesch stated the Bicycle and Pedestrian Advisory Committee met about the Woods Road connection would be completed in the next three weeks. She reported there is a Walking School bus program that starts at Cannon Park and the students are escorted, teaching them safe practices. The last bus meets at 7:15 a.m. Councilmember Boesch reported a

Bike Club meets every Wednesday and teaches bicycle maintenance and safety. The Focus is on safe riding and handling schools. Volunteers are needed to ride with the group and to help. Lastly, the CVB said visitor spending money and occupancy tax is down 31% but we are still ranked 12th among the 100 counties in North Carolina. She stated this year it shows record visitor spending in Moore County.

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.

- Approval of Village Council Meeting Minutes.
 - o September 28, 2021 Regular Meeting
 - o September 28, 2021 Work Session
 - o September 28, 2021 Closed Session

End of Consent Agenda.

Upon a motion by Councilmember Hogeman, seconded by Councilmember Boesch, Council unanimously approved the Consent agenda by a vote of 5-0.

Mayor Strickland noted that on agenda item number ten (10), Other Business, we will have a discussion tonight on some Code of Ethics issues that have arisen.

4. Discuss and Consider Resolution 21-20 Appointment of David Alzamora as Chairman for the Village of Pinehurst Board of Adjustment.

Village Manager Sanborn stated that we have three appointment actions for Council to consider tonight, with two of those being Chair positions. Julia Latham's chair position has expired and can not be renewed. Staff consulted with Ms. Latham and Cyndie Burnett and taking this information, staff would like to nominate David Alzamora for the position of Chairperson of the Board of Adjustment.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved Resolution 21-20, appointing David Alzamora as Chairperson of the Board of Adjustment, effective November 1, 2021, to serve at the pleasure of the Council until the end of his term on April 30, 2023 by a vote of 5-0.

5. Discuss and Consider Resolution 21-21 Reappointment of Jeramy Hooper to the P&Z Board and Board of Adjustment and appointment as Chairman for the P&Z Board.

Village Manager Sanborn stated that Cyndie Burnett has stepped down as a Board member and as Chairperson of the Planning and Zoning Board due to health conditions. As a result, Council will need to fill her position. He stated the Village will miss her and her many contributions. He stated that staff has recommended Council approve Jeramy Hooper for this position.

Jeramy Hooper stated he is motivated to serve in this position, and he said the Board has a lot of important work coming up and he acknowledges the great talents on the Board. Mayor Strickland stated that he encourages the Planning and Zoning work concentration continue to be focused on training opportunities. Mr. Hooper said he agrees active training is a big part of the board. Councilmember Boesch stated her gratitude for the Board and for their work in helping Council understand the issues before them.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved Resolution 21-21, reappointing Jeramy Hooper to the Planning and Zoning Board and Board of Adjustment and appointment as Chairman for the Planning and Zoning Board, effective November 1, 2021, to serve at the pleasure of the Council until the end of his term on October 31, 2024.

6. Discuss and Consider Resolution 21-22 Reappointment of Paul Roberts to the Pinehurst P&Z Board and Board of Adjustment.

Village Manager Sanborn stated the final request for reappointment is for Paul Roberts. Mayor Strickland stated he spoke with Mr. Roberts prior to the meeting, and he will be able to be a more regular attendee than he has been in the past due to his work and

travel schedule.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Davis, Council unanimously approved Resolution 21-22, reappointing Paul Roberts as a member of the Board of Adjustment and the Planning and Zoning Board, effective December 1, 2021, to serve at the pleasure of the Council until the end of his term on November 30, 2024 by a vote of 5-0.

7. Presentation of the FY 2021 State of the Village Report.

Jill Lazusky, VOP Administrative Assistant and Data Coordinator, stated the agenda item is a review of the Village's performance relative to the goals and objectives set for FY 2021. Ms. Lazusky stated the Village performed very well this year in meeting or exceeding its goals for FY 2021. She stated, using the Baldrige Performance Excellence Framework, the Village successfully created a culture of continuous improvement, focusing on eight initiative action plans and residents and businesses continue to indicate high satisfaction levels with most Village services.

Ms. Lazusky stated that since 2013, the Village has seen improved resident satisfaction in 86% of our service areas and we currently exceed the national averages in 48 out of 49 service areas. She stated that in FY 2021, we achieved the highest annual satisfaction ratings in the U.S. in the ETC DirectionFinder Benchmark Group for 12 areas, matching FY 2020 as the most achieved in one year for the Village. Ms. Lazusky presented data results showing that since 2012, the Village has achieved the highest annual satisfaction rating in the U.S. for 21 different areas including crime prevention, major street maintenance, residential trash collection services, overall appearance of the Village, and others.

Ms. Lazusky stated that overall, in FY 2021, the Village exceeded the goals set forth by the Village Council on the FY 2021 Balanced Scorecard with a score of 8.07 (Goal was 6.66). The Balanced Scorecard Goals covers customer-oriented goals such as safeguarding the community, protecting the environment, promoting active living and cultural opportunities, promoting a thriving business community, promoting high quality development and appearance, and promoting transportation mobility and connectivity. Other goals are the internal goal of professionally managing a high performing organization, the workforce goal of attracting and retaining and engaged workforce, and a financial goal of maintaining a healthy financial condition.

Ms. Lazusky stated that in looking at some key performance indicators for the Fire Department, in FY 2021, the Village saw a sharp increase in fire incident rates from the previous year, achieved a reaction and response time of 90 seconds from dispatcher alert to unit leaving the station, and the Fire Department received Reaccredited Agency status with the Commission on Fire Accreditation International (CFAI).

Ms. Lazusky stated that key performance indicators showed the Planning and Inspections Department issued 136 new single-family residential permits and investigated over 1,200 code violations, 97% which were resolved within 45 days. She stated that of the 8,723 building inspections completed, 100% were completed within one business day in FY 2021. Ms. Lazusky also noted that in FY 2021, consultants were hired to assist in creating Small Area Plans for the Village Place/Rattlesnake Trail Corridor and Hwy 5, all of which are currently underway.

Ms. Lazusky stated that key performance indicators around promoting a thriving business community showed a 93% satisfaction rating with customer services provided by Village employees compared to other places they operated a business in the past, and 99% were satisfied with the overall image of the Village. She noted that non-residential development saw a strong year with 24 non-residential permits issued at a value of \$63,277,042 which is 11 less permits than in FY 2020, but value of properties permitted increased by more than \$26 million.

Ms. Lazusky stated that key performance indicators addressing the goal of promoting transportation mobility and connectivity demonstrated a 67% satisfaction rating by residents satisfied with the availability of walkways, but 92% satisfaction rate for residents satisfied with availability of greenway/walking trails. She stated that in FY 2021, 4.5 miles of the Village's 108 centerline miles of Village roadways were resurfaced and of the residents participating in the annual survey, 83% indicated satisfaction with maintenance of streets in neighborhoods in and around the Village.

Ms. Lazusky stated that in terms of protecting the environment, stormwater has risen as a priority for residents over the last several years. She noted that over the last year, the Public Services Department reported 100% of solid waste routes were completed on

schedule and results showed 96% of residents were satisfied with solid waste services. Mayor Strickland stated in terms of stormwater management the survey is showing us a better picture than we normally note from residents. Mayor Pro Tem Davis stated that we have not had a lot of heavy storms as well which could be leading to the number disparity.

Ms. Lazusky reported that in the goal surrounding promotion of active living and cultural opportunities, adult and youth participation is roughly equal between athletic and recreation programs hosted by the Village of Pinehurst, and in total, 182 athletic and recreation programs were offered to the community during 2021. She stated recreation programs saw another successful year with 95% of residents satisfied with the quality of youth recreation programs and 93% satisfied with the quality of adult recreation programs. She noted that over the last year, the department served 4,085 participants in athletic and recreation programs.

Ms. Lazusky stated that for the internal goal of professionally managing a high performing organization, residents listed satisfaction with Village communications and customer service highly. She noted that to leverage technology, the Village continues to implement the GIS Strategic Plan including training that began in the Fall of 2021. The MyVOP mobile app allows residents to stay involved in Village affairs and at the close of FY 2021, there were approximately 5,186 downloads of the app. Ms. Lazusky stated that Village staff addressed over 4,500 requests and complaints received through the MyVOP app, responding to 98% of those complaints within desired time frames.

Ms. Lazusky stated the Village's goal for attracting and retaining an engaged workforce results showed that 98% of employees stated that overall, they liked their job and 98% were happy with their role. She noted that this year, the Village continued working on a Workforce Learning and Development initiative action plan. The initiative's goal is to develop workforce skills and abilities through a new learning and development system and to incorporate the system into the succession planning process. Ms. Lazusky noted that vacancies filled with internal candidates can be an indicator of successfully developing the workforce and this year, 47% of vacancies were filled with internal candidates, exceeding the goal of 35%.

Ms. Lazusky reported that regarding the goal of maintaining a healthy financial condition, for the 28th consecutive year, the Village received the GFOA Certificate of Achievement for Excellence in Financial Reporting. She noted that for the 14th consecutive year, the Village received the GFOA Distinguished Budget Award and received a clean audit opinion by external auditors, proving diligent financial management.

Ms. Lazusky concluded her presentation with noting that the Village is a high performing organization, as demonstrated by: 99% of residents and 100% of businesses indicate the quality of life as good or excellent; 93% of residents are satisfied with the value received for taxes paid; the Village exceeds 48 of 49 U.S. average satisfaction ratings; resident satisfaction ratings have improved in 86% of our service areas since 2013; our workforce indicates high levels of engagement; and the Village remains in excellent financial condition.

Mayor Strickland asked the new Performance Director, Matthew McKirahan, if there were any results that stuck out which would indicate areas the Village might want to look at. Mr. McKirahan stated he will be provided some more information during the Strategic Retreats of some areas we may want to investigate. Mayor Strickland stated he is appreciative of Jill Lazusky's work and asked if she has any input for the Council. Ms. Lazusky stated she has been involved with this project for many years and she has seen this process evolve over the last 7 years and she looks forward to seeing the direction the Village goes as we move through the strategic planning for the next fiscal year.

Councilmember Drum called a point of order inquiring about an agenda item that he thought was going to be in a closed session. Mayor Strickland stated no that the announcement was that it would be held in a regular meeting under Other Business. Councilmember Drum stated you can not add something that is not on the Public Agenda. Mayor Strickland stated he is not sure of that and they will talk to the Village Attorney and stated we will take care of this at the end of the meeting following the next agenda items. Councilmember Drum stated he wanted to deal with the situation right now and that the second paragraph of the closed session is where he thought the items under Other Business would be discussed. Mayor Strickland stated that the items listed under the closed session are not the items that will be discussed under Other Business. Councilmember Drum stated the Mayor inserted an item into the agenda that he wants as a closed session item. Mayor Strickland asked what Council's desire was: to carry-on with the regular agenda items or discuss it.

8. Presentation of the FY 2021 Community and Business Survey Results.

Matthew McKirahan, VOP Organizational Performance Director, stated the Village recently conducted its tenth annual Community and Business Surveys. The Village contracted with ETC Institute of Olathe, Kansas to gather input from residents and businesses on a broad spectrum of Village services. He stated the information gathered from the surveys will help the Village set community priorities including staffing and budget expenditures, determine areas or services that need improvement, and identify future needs.

Mr. McKirahan presented Council members with ETC's final report, which included: A summary of the methodology for administering the survey and major findings; charts and graphs for each question on the survey; Benchmarking data that shows how the results for the Village of Pinehurst compare to other communities; Tables that show the results for each question on the survey; a copy of the survey instrument; and a separate attachment included GIS maps that show the results as neighborhood maps of the Village.

Mr. McKirahan stated the purpose of the Residential Survey was to objectively assess resident satisfaction with the delivery of major Village services; to help determine priorities for the Village; to measure trends from previous surveys; and to compare the Village's performance with residents regionally and nationally. He stated the resident survey was 7 pages, including many of the same questions that were asked in previous years (10th Resident Survey conducted for the Village) and was mailed and provided online to a random sample of Village residents. Mr. McKirahan noted that there were 801 completed surveys, which far exceeded the goal of 700, and demographics of survey respondents accurately reflects the actual population of the Village. He noted there is a margin of error which is +/- 3.4% overall.

Mr. McKirahan provided a general overview which showed that residents have a very positive perception of the Village, with 95% rating Pinehurst as excellent or a good place to live. He noted 96% of residents indicated that their overall feeling of safety in the Village was either excellent or good. Mr. McKirahan stated that satisfaction ratings have increased or stayed the same in 32 of 89 areas since 2020, and 66 of 77 areas since 2013. He noted Pinehurst is rated above the U.S. average in 48 of 49 areas and that satisfaction with customer service from Village employees rated 35% above the U.S. average. Mr. McKirahan noted that the overall community priorities were noted to be efforts at maintaining the quality of neighborhoods and enforcement of Village codes and ordinances. Mr. McKirahan reported that overall satisfaction with Village Services was scored at the 80% or above range for fire services, police service, solid waste services, parks & recreation programs, and customer service provided by Village employees.

Jill Lazusky stated that on top of this summarization presentation they have broken down each category into more defined data and the availability of segmentation data will be available for Council. Village Manager Sanborn noted that the representative

Mr. McKirahan reported that the purpose of the Business survey was to objectively assess the quality of Village services that are provided to businesses in Pinehurst, to identify ways to improve the quality of Village services that are provided to businesses in the community, and to measure trends from previous surveys. He stated the survey was 4 pages (9th Business survey conducted for the Village) and was sent via mail and provided online to a sample of businesses in the Village of Pinehurst. He noted the number of completed surveys was 75.

Mr. McKirahan presented Council with data which demonstrated that businesses noted a high level of satisfaction with Village services, with the highest levels showing fire emergency response, front desk help, police emergency response, and building inspections. He stated that 41% of surveyed businesses feel that the overall business environment in the Village is better than two years ago; 33% felt no change, but stated the atmosphere is good. Mr. McKirahan reported that the most important Village services were noted to be public safety and response, and streets and grounds. He stated that data showed that 81% would be very likely or likely to recommend the Village as a business location to friends.

9. Discuss and Consider Resolution 21-23 Changes to the Position Classification and Pay Plan.

Angela Kantor, Human Resources Director stated that with the addition of the Given Memorial Library, the Village needs to add the library positions to the current Position Classification and Pay Plan. She noted staff reviewed and compared current responsibilities of each position and recommended the following additions to the current plan: add Library Services and Archives Director to pay grade 28; add Assistant Library Services Director to pay grade 18; and add Library Associate to pay grade 15.

Ms. Kantor stated staff has a compensation study scheduled for Spring 2022 and will include the library positions in that study. She notes that Staff is recommending that Council approve Resolution 21-23 amending the FY 2021-2022 Position Classification and Pay table.

Mayor Pro Tem asked if the Due Diligence is going to be complete by October 15th. Village Sanborn stated that there were three items still outstanding, which were the Title Search, the Building Inspection, and the.... Which should be complete by Friday. Jeff Batton, stated we hired a commercial building inspector out of Raleigh (name them here)

Upon a motion by Councilmember Hogeman, seconded by Councilmember Drum, Council unanimously approved Resolution 21-23, amending the Policy on the Administration of the Position Classification and Pay plan for the Village of Pinehurst to include the Library Services and Archives Director, Assistant Library Services Director, and Library Associate positions, effective October 12, 2021, by a vote of 5-0.

10. Other Business.

Councilmember Drum stated that he felt the item added to the agenda should be a closed session item because it was added to the agenda verbally without it be added to the Public agenda and it fits under the description of a closed session item. Mayor Strickland stated that the consensus was that the item of ethics issue was okay to be discussed. Councilmember Drum stated he did not consent, and Mayor Strickland replied he understands that there may be different positions on the board, but Council has other issues to discuss in the closed session as described in the memorandum. Councilmember Drum stated he felt the addition of the agenda item was outside of the rules and the Village Manager Jeff Sanborn stated that there was no violation as any item could be discussed during other business. He further stated that an item that can be discussed in closed session does not mean that it must be. Councilmember Drum stated he felt it was best for it to be discussed in closed session.

Mayor Strickland asked if it was the consensus of Council to discuss the two items during the regular meeting. Councilmember Boesch stated that at the beginning of the meeting Mayor Strickland stated that they were adding an Item 10 as a separate item and so her interpretation was that we were adding items without giving public notice and then it is mentioned that there are two items, and she is uncertain what those two items are. Mayor Strickland stated the two items were identified by emails sent the prior day involving ethics violations involving two council members. Councilmember Drum stated the two items belong under a closed session and Mayor Strickland replied that if it a consensus of the Council then they will continue under the regular session. Councilmember Drum stated he felt it was blindsiding because it was not on the agenda and was never discussed to be on the regular session, of which Councilmember Boesch stated her agreement.

Mayor Strickland asked if there was a consensus of the Council to continue this discussion under Item number 10 of the regular meeting. A vote of Council was taken with Mayor Strickland, Mayor Pro Tem Davis, and Councilmember Hogeman voting for continuing and Councilmember's Drum and Boesch voting against continuing. Mayor Strickland announced the vote was 3 to 2 and thus the discussion will continue under Item 10 Other Business.

Mayor Strickland asked the Village Attorney, Mike Newman to join Council in the discussion and stated that during the last several days, he became aware that Village staff and members of the public are confused and concerned about two issues which involve members of the Village Council and therefore, the integrity of the Village Council itself. Mayor Strickland reported there were two separate matters that happened to occur around the same time and there is public concern about both. He stated that as elected officials, we must abide by a code of ethics and other policies and deal with violations as they occur.

Mayor Strickland stated the incidents involved Councilmember Boesch and Councilmember Drum. He stated the Village Attorney will review the details of each, followed by comments by Councilmember Boesch, Councilmember Drum and other members of Village Council. Mayor Strickland stated the first incident, involving Councilmember Boesch, is centered around a rumor caused by the unauthorized contact by Councilmember Boesch with Senior Staff and others regarding the leadership style of Village Manager Jeff Sanborn. He stated Council began dealing with the a few weeks ago in a meeting with Councilmember Boesch.

Mayor Strickland stated Village Attorney Mike Newman will present some background information about the issues that have arisen and explain the ongoing problems. Councilmember Boesch stated she feels blindsided, and she just received an email yesterday

about additional allegations that she had not had the opportunity to investigate or respond to and she feels blindsided and shocked. Councilmember Boesch stated she read the statements provided and is not saying they are wrong but does not agree with them and noted there is another side to the story of which she has not been given the opportunity to prepare. Mayor Strickland stated that there is some information that is floating around that needs dealt with in a public way that deals with Village Staff and the integrity of the Council and it is appropriate that it be dealt with tonight in a public way. He stated after hearing from the Village Attorney, there will be time for discussion and determination on how the Council wishes to proceed.

Councilmember Boesch stated she feels an appropriate way to deal with this is for her to be given the opportunity to respond to whatever it is she is getting ready to hear. She stated this has been handled in a way that has not given her the opportunity to respond to items that may be harmful to her reputation. Mayor Strickland stated the information is that which was provided in the emails and contained the statements and material that was provided to the Village Attorney to come up with an appropriate information stream to supply tonight. Councilmember Boesch stated that being provided the email yesterday is not enough time to respond to the items that the public is about to hear, which will be one side of the story, and she is not prepared to deal with the allegations and accusations, and it is unfair and unprofessional. Councilmember Drum stated he felt it is irresponsible.

Village Attorney Mike Newman stated he was informed on Thursday afternoon that there was a consensus of the Council seeking direction from him on whether the council had the authority under North Carolina Law to address perceived transgressions by Councilmember of the Code of ethics for the Village of Pinehurst. He stated that he provided the answer of yes to Mayor Strickland and Village Manager Sanborn that Council does have authority to answer these types of issues involving violations of the Code of Ethics. Mr. Newman stated the Code of Ethics for the Village of Pinehurst was adopted in 2010 by the Village Council serving at that time and that was in response to a NC General Statute in 2009 that requires by the following year municipalities have a Code of Ethics adopted which had to include certain items.

Attorney Newman stated that Councilmember Boesch on Sept 8th or 9th requested the Pinehurst police chief meet her at Lake Pinehurst to discuss some issue and when the Chief got there the initial discussion was about the Tree Ordinance Issue and how the delegation to the General Assembly perceived Pinehurst staff's interaction on the tree ordinance issue. He stated it is reported that the conversation then morphed into questions from Councilmember Boesch to the Police Chief involving our Village Manager Jeff Sanborn. He stated the questions specifically addressed whether he had heard anything about the Village Manager's leadership and that people cannot work with the Village Manager. Attorney Newman stated Councilmember Boesch alluded these rumors had started by delegates to the General Assembly. He stated part of this issue is that such a meeting was going to take place and that the other members of Village Council had not been informed of this meeting taking place or of the line of inquiry that would be discussed with the Police Chief.

Attorney Newman stated the questions from Councilmember Boesch to the Police Chief were centered around the working environment within the Village and if the Chief had any knowledge of working relationships that were adversely affected by the Manager's style or whether the environment appeared toxic due to the Manager's style of leadership. The Police Chief reported he had heard no such thing and there were even questions as to whether the former Police Chief had retired because of the Village Manager. Councilmember Boesch stated she did not know where Attorney Newman had got his facts, but they were not accurate and thus she asked how she was to appropriately respond to one-sided, non-accurate information. Attorney Newman stated that, so the record is clear, he was not present at any of the reported discussions, and he is summarizing the statement that was given to the Village Council by the Chief of Police, Glen Webb.

Councilmember Boesch stated she saw the statements of Angie Kantor and Glen Webb and she cannot say they are wrong, but she noted she told Council that she was concerned that the statements are one-sided and being presented to the public before she has been provided the opportunity to give her own statement. Attorney Newman reiterated that he was not saying the incident occurred, the Police Chief is saying this occurred, and thereafter Human Resources Director, Angie Kantor, is saying these things occurred. He noted that by the request of the majority of the Council, he is simply summarizing the written statements, which have been provided to all Council members. Councilmember Boesch again stated she feels the public is not getting both sides of the story. Councilmember Drum stated she is being prosecuted with no witnesses. Attorney Newman again reiterated no one is being prosecuted, that he is merely summarizing the written statements, as he has been directed by the majority of Council to do.

Mayor Strickland stated to Councilmember Boesch that the statements being noted are very consistent with other discussions that Council has had on this point and he did not feel that anything was any different that has been heard tonight than what has already been discussed as a whole Council. Attorney Newman stated that because of the late conversation, Glen Webb expressed that he felt uneasy about the conversation, so much so that he felt he needed to report it to the Human Resources Director, which was done. He stated that unease expressed to Angie Kantor led to Ms. Kantor calling Councilmember Boesch and discussing what she perceived as the impropriety of that meeting and of that type of topic which creates an uncomfortable environment for a staff member to be questioned about his direct Supervisor. Village Attorney stated the two allegations against Councilmember Boesch are what is contained in the Police Chief's statement and Angie Kantor's statement.

Village Attorney Newman stated to Councilmember Drum that he is not here to prosecute him, but to state the allegations that have been brought against you. Councilmember Drum stated he thought it was going to be in closed session or he would have brought some people with him. Mayor Strickland stated it would be more efficient if we handle the issues separately and Attorney Newman stated he provided a copy of 2010's code of ethics which states that council has full authority to decide if conduct falls short of compliance with the code of ethics.

Attorney Newman reported a couple of items Council could take action on, if they choose, was the expectancy that Council be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents; second, that the Village policy, including personnel policy, must be made and implemented through proper channels and processes of the governmental structure; third, that individual Councilmembers are not allowed to act on behalf of the Council and may do so only if the Council authorizes it; fourth, that the Councilmembers are expected to act as if they are duty as elected officials regardless of where they are or what they are doing; and lastly, that Council will consider improprieties based upon whether a reasonable person, who is aware of all the facts and circumstances surrounding the Council members conduct, would conclude that the action was inappropriate. He stated that is basically the test under the Village of Pinehurst Code of Ethics that was adopted eleven (11) years ago.

Mayor Strickland invited Councilmember Boesch to comment. Councilmember Boesch stated again she had only received the statements yesterday and has not had time to prepare her defense as one side of this two-sided statements is being presented to the public and without her opportunity to provide her side. She states that at a minimum she would like to write her own statement about her conversation with Angie and her conversation with Glen Webb and she would like them both to see read it. Councilmember Boesch stated then at that point Council can decide what to do, but for Council to decide only on their statements hurts her brain. She stated it is unreasonable for her to be given time to write her own statement and have it reviewed. Attorney Newman stated that is a Council decision, not his.

Mayor Strickland said that in earlier conversations Council and he have had with her, he feels these statements are consistent with what has been discussed with her and what she is trying to achieve. He stated the inappropriateness of this behavior prior to tonight and now bringing this to the public is necessary because the ripple effect with the public and staff is detrimental and not good. He further stated that none of the information that she has supplied and that others have supplied have been substantiated in relation to issues with the Village Manager. Mayor Strickland invited Councilmember to provide the comments now that she would like to write in a statement and Council would be happy to discuss them. Councilmember Boesch stated she is not prepared to provide her full and accurate report on the conversations with Angie and Glen and her understanding was that this issue had been resolved.

Councilmember Boesch stated she did not understand the ripple effect the Mayor was alluding to as she had only spoken to Glen Webb and added complaints, she was provided with in the email are a surprise to her. She stated that in the closed session in which her, the Mayor, and Jeff Sanborn met, had resolved this issue and she requested to know who had been talking.

Mayor Pro Tem Davis stated that she understands that she would want time to have more time to respond to the comments, but the heart of the issue is that you acted independently as though you were representing the Village of Pinehurst. Councilmember Boesch denied this. Mayor Pro Tem Davis stated that when a person with authority, such as you, meets with a person of lesser authority, you are presenting yourself not as Lydia Boesch the person, but as Lydia Boesch as the Village Council. Councilmember Boesch asked if Mayor Pro Tem Davis knew her relationship with Glen Webb and Mayor Pro Tem Davis stated we cannot know

that, but the perception is that you cut the whole Council out. Councilmember Boesch stated that she understood that after the discussion in closed sessions that this was resolved and Angie had a plan to write a policy with how we dealt with this and the Mayor, Jeff Sanborn and she met and that was not in closed session where we came to concessions and now it has spun out of control.

Councilmember Boesch stated she needs to know who has been talking and needs more time to prepare her statement. Mayor Pro Tem Davis stated the issue is, not the who, but the act. Councilmember Boesch stated she told Jeff that she owns that mistake and when they met, she was told what her motive was, and she denies that motive and she is not sure how that got morphed and spun. She stated they all concluded there was not a policy for this, and Angie agreed to write a policy. She stated she apologized to Mr. Sanborn, when she found out what they felt her motive was, for the pain and suffering he felt, and reiterated that was not her motive.

Councilmember Drum stated that this is sad that they have already put her through this and now they are doing it again. He stated we all met and agreed on what Councilmember Boesch did, and she accepted what she did so it's like double jeopardy. Mayor Pro Tem Davis stated, we did not put her through it, and we all walked away from that meeting with different impressions. She stated this is the first time she has heard Councilmember Boesch say she owns that. Councilmember Boesch stated following the meeting she told Mr. Sanborn that if someone comes to her about his leadership style, she will tell them time out and tell them that whatever they have to say to her to phrase it so she can communicate it to Mr. Sanborn.

Mayor Pro Tem Davis Judy stated that problems occur with innuendos where people suggest things and the clear fact is that if someone brings information to us that Jeff is a scoundrel, we will have to go to the Mayor and he would talk to the Village Attorney and then a broader strategy including fact finding, data collection, and perhaps an inquiry with Jeff to handle it. Councilmember Boesch stated again that she understands that it was agreed that Angie would write a policy on how to deal with this. Mayor Strickland stated that is correct and is one of the things that will be happening, but there are also other guiding principles here that do not need to wait for that policy.

Councilmember Hogeman said the code of ethics is a way to view ourselves as a council and if we don't maintain that standard than our credibility is lost. She states she is concerned that staff feels like we are going around behind their backs and we want staff to know we will follow the proper channels if there is an issue with staff. Councilmember Boesch asked why we had a closed session if we were just going to rehash this in the public. Mayor Strickland stated you continue to claim that it was not your intention to cause any harm of character to Jeff, but there continues to be a ripple effect, despite the closed session. Councilmember Boesch stated she never intended to hurt Jeff and she stated Jeff admits he has some shortcomings. She stated her goal was if he is 95% perfect than she would make him 96% and the best Village Manager he can possibly be.

Mayor Strickland stated that steps were taken to investigate Mr. Sanborn's leadership method, and no one has stated and that was inappropriate, and no one has substantiated that he is toxic. He stated we want to lay it out on the table that you meant no harm and you found no supporting evidence that Mr. Sanborn is toxic, and that staff should not worry. Councilmember Boesch stated she has always been a listening sponge and people in this Village come and talk to me every day. She stated she fears that some of the things that people are saying to the Mayor are not true and are multiple layers of here say. Councilmember Boesch said that the next time someone says to me anything about his leadership style she would report it to Mr. Sanborn. She said she wants him to be the best he can be. If they have a legitimate concern, she wants to hear it, but she will take it to Mr. Sanborn. She expressed that the Village is blessed to have Mr. Sanborn and she wants him to be the best he can be.

Mayor Strickland asked if Councilmember Boesch found any evidence that Mr. Sanborn is not a good leader etc. and she stated we are coming up on Mr. Sanborn's review and she has questions for Angie about his review. Councilmember Boesch stated she doesn't know if she feels Mr. Sanborn is a perfect leader, but she stated she has questions that will be in the review. Mayor Strickland stated that is a separate issue and Council follows a review process that includes integrity, policy, and the code of ethics is extremely important to follow. He stated that other Councilmembers, her colleagues are saying there was an infraction here and this needs to be settled so the public understands there shouldn't be any innuendos and rumors going around about the Village Manager.

Councilmember Boesch asked how she was in violation of the code of ethics. Attorney Newman stated that the Code of Ethics applies to the entire Council and it is up to the Council to decide what a reasonable person would view if they were on the receiving end of the Councilmembers conduct. He stated that the issue with a Councilmember acting outside of normal employee policy is very problematic and doing so in conjunction with acting unilaterally can lead to instances where a lot of feelings can get hurt, ripple effects occur, and feelings of unease among all the staff. This is why policies are in place, so this ripple effect is avoided.

Councilmember Boesch asked if there is one specific section of the code of ethics, she violated so she knows how to respond. Attorney Newman stated that the relevant portions that could apply should the Councilmember consider to act upon are: that personnel policies should follow the appropriate channels and processes; second, that individual councilmembers are not generally allowed to act on behalf of the entire council but may do so if given the authority of the Council; third, that Councilmembers are expected to act as though they are on duty as elected officials, regardless of where they are or what they are doing; and fourth, that the Council will consider improprieties in terms of whether a reasonable person that is aware of all the facts and circumstances around a Councilmembers actions would conclude the actions were appropriate. Mr. Newman stated he was not here to suggest an action to the council and reiterated that Council can act if council elects to do so.

Councilmember Drum stated he has reported three incidents to the Mayor that Mr. Sanborn was alleged to be leaving and it is possible that some of these things predate this whole thing with Councilmember Boesch. He stated he reported it through the proper processes, and this has been out there prior to this. He stated he reported two incidents to Mr. Sanborn and Mr. Sanborn stated he did not know what Councilmember Drum was talking about. Councilmember Drum stated the Assistant Manager of Southern Pines said I heard Jeff is leaving and someone else in Southern Pines said you were leaving. He stated that Mr. Sanborn and he spoke about it at the Tri-Cities meeting and Mr. Sanborn stated he recalled being approached by the Mayor of Southern Pines after the Tri-Cities meeting and she said, "hey I heard you are leaving." Mr. Sanborn stated he reported that to the Council. He stated to Councilmember Drum that he did not tell him anyone else had said that to him. Councilmember Drum argued he did and said the Vice-Mayor asked two years ago if you were leaving, but he thought he was just looking for a job, so he didn't think it was a big deal and he told Mr. Sanborn about that.

Manager Sanborn asked why this relates to saying that concerns over his leadership have been out there in the past. Councilmember Drum stated I don't think they are accurate and that he is just saying that it is out there. Manager Sanborn stated this is sowing more seeds out there about his leadership and could we just not. Councilmember Drum stated there is no concern and he was just saying that things might have predated this.

Mayor Pro Tem Davis stated that the issue here is about Councilmember Boesch going outside of the process and acting unilaterally. She stated had it been agreed upon by the Council it would have been one thing, but it was not and that is the issue. Mayor Strickland stated his feeling is that he is not the focal point, he is managing this meeting, and from suggestions from other councilmembers that we should have this conversation tonight. Mayor Strickland stated this action is supported by others on the Council. He stated Council has the ability to pass a motion that would point out an infraction or we can take action later, but he wants to make sure we reinforce to the Village Manager that we support him.

Councilmember Boesch stated she wants to point out that she has not said the things that have been said and if those people who are saying these things will come talk to her, she will tell them that Jeff is a great leader, and she is not saying that he is not. Mayor Strickland stated he disagrees with that statement and it is very consistent with what she has told them in other meetings. Mayor Pro Tem Davis stated the concern is that Councilmember Boesch went outside of the process, accepting no boundaries of her role, by going to talk with Glen Webb about his perspective of the Village Manager. Councilmember Boesch stated she owns the mistake she made and if she had to do it over, she would have done it differently, and will not do it again in the future. Mayor Pro Tem Davis stated that unfortunately this will end up being an object lesson for future council members. Councilmember Boesch stated that was good, she was glad, and that it should be.

Mayor Strickland asked does council wish to make a motion to the effect of disagreeing with the actions of Councilmember Boesch in stepping outside of the process or is there some other action we wish to take. Councilmember Drum stated she accepted responsibility. Councilmember Boesch stated she wants time to write her statement before action is taken. Mayor Strickland stated the issue is you went outside logical and known procedures and anything you write in a statement is not going to provide more

clarity in a policy.

Councilmember Hogeman said she can't imagine a reasonable person who heard something about the Village Manager would then take the information to the Police Chief in a private conversation. Councilmember Boesch stated she does not want to go into the reason behind the meeting with Mr. Webb. Mayor Pro Tem Davis said you acted on your own as a maverick in talking to the Police Chief and is not something we want to commend. Mayor Strickland asked if Village Council wants to take action or defer to another time. Mayor Strickland states he would like to see it happen tonight because he does not see the circumstances changing, but he is open to what the Council would like to do. Councilmember Drum said he heard her take responsibility. Councilmember Boesch stated that right now Council does not have a complete written record. Mayor Strickland asked if Village Council wants to take action or defer until receiving a written statement from Councilmember Boesch.

Councilmember Hogeman stated she moves that the Council, having had the statements tonight of Councilmember Boesch, by Village Police Chief Glen Webb, and Village Resource Director Angie Kantor, and having confirmed through the Village Attorney that the Village Council possesses the authority to address perceived transgressions by Councilmembers of the Code of Ethics, reprimand Councilmember Lydia Boesch for her actions circumventing the Village's established personnel policy to ensure that proper channels are followed when evaluating the performance of all Village staff, including the Village Manager, so that all Village employees, agents, and staff are treated fairly and impartially during the evaluation of their respective job performances. These actions unnecessarily and inappropriately create unease and uncertainty among Village staff as to the Village Managers continued employment status and potential impacts across the staff, and they breach the Village's Code of Ethics.

Councilmember Boesch asked who wrote that and noted she never had an opportunity to see it and she felt uneasy about it. Councilmember Hogeman stated she worked on the motion and sent it around. Councilmembers Drum and Boesch stated that had not seen it. Councilmember Drum stated he thought this was against ethics. Councilmember Boesch asked how many days the draft motion had been going around and whose idea was it to write it. Councilmember Drum stated this is further proof it is political. Mayor Strickland stated it is not political. Councilmember Boesch states she does not know what her recourse is, and she does not want to go hire an attorney as she is an attorney, but she will have to think through all this and try to figure out how to respond to this.

Mayor Strickland stated his recommendation is to await a statement from Councilmember Boesch and any motion we want to make be worked on and circulated and we take up this matter at our next meeting on October 26th or at an interim meeting before them. Councilmember Boesch stated she would like to see a copy of the motion Councilmember Hogeman wrote. Councilmember Drum stated that he feels it is an ethics violation that the motion was not shared with all the Council.

Mayor Strickland stated the next issue to discuss which involves Councilmember Drum in which he entered into a series of intimidating and some may say threatening emails with the President and the Board of Pinehurst Business Partners. He reported these emails came from his business account, not his government account, but noted our Code of Ethics states Councilmembers are to conform their behavior to standards of ethical conduct that warrant the trust of their constituents and behave consistently with respect toward everyone.

Attorney Mike Newman stated this issue appears to have arisen from an email sent out on September 16th to the Pinehurst Business Partners regarding a meet and greet for a candidate who is running for Village Council, not Mr. Drum. He stated Councilmember Drum is a member of the Pinehurst business partners and when the President sent the eblast out for another candidate, Councilmember Drum voiced some dissatisfaction with the Board getting involved in politics. Mr. Newman stated that he again wants to state that he is not prosecuting someone, but stating the information Council has received, including all the email strings that transpired, and statements from Jim Nash and Katrin, have been provided to all Councilmembers.

Attorney Newman stated the conversation quickly escalated with a back-and-forth exchange in which Councilmember Drum makes demands that members resign, and a new election take place, including the comment that we need smart people running this operation. Attorney Newman summarized Jim Nash's statement which stated he characterized Councilmember Drums behavior as bullying and threatening. He summarized Katrin's statement as characterizing Councilmember Drums behavior as Intimidating, abusive and threatening.

Village Attorney Newman stated based upon the actions by Councilmember Drum with respect to the applicable code of ethics, Council could, if they choose, take action based upon sections in the code which state: one, a Councilmember must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents; two, Councilmembers must behave consistently and with respect toward everyone with which they interact; three, Councilmembers must live as if they are duty as elected officials, regardless of where they are or what they are doing; and lastly, that the Council will consider improprieties on whether a reasonable person aware of all the facts and circumstances surrounding the Councilmembers actions would conclude if the Councilmembers actions were appropriate.

Councilmember Drum stated he is a successful businessman, and he wants businesses to run properly. He stated he was upset that an organization that was designed to market all businesses would single out one. He stated he runs Old Town Pinehurst Facebook Page and when he ran two elections he was never on that page. He stated he owns the Drum and Quill, and it has never been on that page. Councilmember Drum stated this is an organization designed to promote all, major events, the concourse, etc. and he feels it is a breach of integrity and he stated he wears a Celtic ring that stands for integrity. He stated he feels this organization has lost its integrity. He stated he attended the meeting thinking everything has been worked out and then he found out that they approached the Village with a Golf Cart proposal that they admitted would not work.

Councilmember Drum stated this was upsetting to him that they also stated the Village wasn't doing anything about parking, and he noted he made comments that the owners there had the ability to change the parking issue by asking their employees to park in the parking lot. He stated his emotions got the best of him and he was shocked how it extended so far into my personal life, not the village life. He stated he takes responsibility for his actions and agrees with the code of ethics and he now understands the implications and he knows he needs to be more professional. Councilmember Drum stated he heard a lot of lies and misinformation at the meetings and it was very upsetting to him. He stated after reading through the emails he agrees he just didn't think he understood the implications of his behavior. He stated he wants that organization to succeed.

Mayor Strickland asked the Village Attorney how our code of ethics need to be part of all our activities. Attorney Newman stated we all tend to forget that although we think we are wearing a different hat during different circumstances, most outsiders will see us as the Councilmember or the Mayor and so he would stress to the council to never assume that because you have internally changed the hat, that outsiders will know that. Councilmember Drum stated he admits that was how he was operating, with his hat off.

Councilmember Boesch stated that it would be good for Council to refamiliarize themselves with this annually because you forget. Councilmember Hogeman agreed this was a good idea. Councilmember Drum stated he owns his behaviors, and he treasures being a Village Council member and wants to do what is best for the community and for businesses. He stated he wants to make this organization better and he is concerned about that organization.

Mayor Pro Tem Davis said she appreciates that Councilmember Drum took ownership of what wasn't as obvious to you, although she stated in today's modern society its really hard to think that you could compartmentalize yourself like that; we have a number of people like that in the NFL that tried to compartmentalize themselves that are out of jobs and looking pretty shaky in their jobs. She stated it should not be deemed unreasonable of Council to expect you to control your email and anger and show a lack of respect.

Mayor Pro Tem Davis said she feels like we need to take action on both of these actions in a measured way and a respective way recognizing that she would like some time to work that out. Councilmember Drum stated there are two very different instances. Mayor Strickland said the consensus of council is to defer action on Councilmember Drum for next meeting and for Councilmember Boesch we will await on her statement. Councilmember Drum asked if he could speak to Attorney Newman before the next meeting and do I have to go through the Village Manager. Mayor Strickland stated that would be a wise decision.

11. Comments from Attendees.

- No comments

12. Motion to Adjourn.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 7:39 p.m.

Respectfully Submitted,

Kelly Chance,
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

DRAFT



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF OCTOBER 12, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a work session at 7:48 p.m. Tuesday, October 12, 2021, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The meeting was streamed in real time on the Village's website.

The following were in attendance in Assembly Hall:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey Sanborn, Village Manager
Ms. Kelly Chance, Village Clerk

And approximately 6 attendees, including 5 staff and 0 press.

• **Call to Order.**

Mayor John Strickland called the Council work session to order.

• **Other Work Session Business.**

- Councilmember Boesch reported there were some rotted Trees in the Village area and suggested with the 2024 Open coming up we address these two trees. She asked if this would be covered by the Landscape facelift. Jeff Batton stated Kevin Brewer has looked at them but does not feel the trees need removed at this time. He stated some of the trees are approaching their life expectancy and we will have to make decisions on removal and replacement as needed. The trees in question were on Market and Dogwood (ReMax side) and on the island between the Holly.
- Mayor Pro Tem Davis asked when Council will act on online permitting and the buffer ordinance. This will occur the meeting of October 26, or the meeting in November.

• **Potential Future Agenda Items.**

- Online permitting and buffer ordinance

• **Motion to Recess the Work Session and Enter a Closed Session**

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Davis, Council unanimously approved to recess the work session and enter a closed session, by a vote of 5-0, at 7:55 p.m.

• **Closed Session**

Council held a closed session pursuant to NCGS §143-318.11(a)(5)(i) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease and pursuant to NCGS §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee: or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

- **Motion to Adjourn the Closed Session and Re-Enter the Work Session**

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Davis, Council unanimously approved to adjourn the closed session and re-enter the work session, by a vote of 5-0, at 8:55 p.m.

- **Motion to Adjourn.**

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the work session, by a vote 5-0, at 8:59 p.m.

Respectfully Submitted,

Kelly Chance,
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org

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**DISCUSS AND CONSIDER RESOLUTION 21-25 APPOINTING AL DAVIS
TO THE FIREFIGHTER RELIEF FUND BOARD OF TRUSTEES
ADDITIONAL AGENDA DETAILS:**

FROM:

J. Carlton Cole

CC:

Jeff Sanborn & Council

DATE OF MEMO:

10/19/2021

MEMO DETAILS:

Subject: Village Council Appointment to the Local Firefighter's Relief Fund Board of Trustees

Please find attached supporting information for the Village Council to consider Alfred L. Davis, Jr. for appointment to the Local Firefighter's Relief Fund Board of Trustees. The need for this appointment became necessary with the passing of Mrs. Virginia Fallon, who served as a trustee from 2014 until her death.

As reviewed at a previous Village Council meeting, the North Carolina General Assembly established a fund in 1907 known as the State Relief Fund for Fireman (Firefighter's Relief Fund). The Firefighter's Relief Fund is financed and administered through the North Carolina Department of Insurance, Office of State Fire Marshal. Insurance companies conducting business in a fire district are required to report to the Secretary of Revenue each year an account of all premiums collected and received from all fire and lightning insurance sold within that district and to remit a tax on these premiums to finance the Firefighter's Relief Fund. N.C.G.S. 105-228.5(d) (4). states that Cities, town, sanitary districts, rural fire districts, and other political subdivisions (hereafter referred to as "cities") with an organized fire department may be eligible to receive funds to support a local firemen's relief fund.

A local Firefighter's Relief Fund Board of Trustees shall be elected to control the local funds. The Firefighter's Relief Fund Board of Trustees is comprised of five (5) people: two shall be elected by the fire department, two shall be elected by the city governing body and one shall be appointed by the Insurance Commissioner. One of the elected board members will be chosen to serve as the Relief Fund Treasurer, who is covered by a bond provided by the state. A board member's term is at the pleasure of the appointing authority.

Expenditures of local funds must be approved by the North Carolina State Firemen's Association to ensure the local fund remains actuarially sound. The trustees are required to keep records of all funds received and disbursed and to render reports to the North Carolina State Firemen's Association annually for audit.

The current council appointed trustee is Andy Wilkison, the fire department appointed trustees are James Reynolds and Randy Cox, and Ann Hughes has been appointed by the Commissioner of Insurance.

Please contact me with questions.

J. Carlton Cole
Fire Chief

ATTACHMENTS:

Description

- ▣ Resolution 21-25 Appointment of Alfred Davis to the Firefighter's Relief Fund Board
- ▣ Davis Letter

RESOLUTION #21-25:

A RESOLUTION REGARDING APPOINTMENT OF ALFRED L. DAVIS, JR. TO THE FIREFIGHTER'S RELIEF FUND BOARD.

WHEREAS, the North Carolina General Assembly established a fund in 1907, known as the State Relief Fund for Fireman (Firefighter's Relief Fund); and

WHEREAS, the Firefighter's Relief Fund is financed and administered through the North Carolina Department of Insurance, Office of State Fire Marshal; and

WHEREAS, N.C.G.S. 58-84-30 states that there shall be appointed a local board of trustees, known as the trustees of the local Firefighters' Relief Fund; and

WHEREAS, the local Firefighter's Relief Fund Board of Trustee's is comprised of five (5) people: two shall be elected by the fire department, two shall be elected by the city governing body, and one shall be appointed by the Insurance Commissioner.

WHEREAS, the current council appointed trustees are Virginia Fallon, Andy Wilkison, the fire department appointed trustees are James Reynolds and Randy Cox, and Ann Hughes has been appointed by the Commissioner of Insurance.

WHEREAS, the passing of Mrs. Virginia Fallon, who served as a trustee from 2014 until her death, requires the Council name a new Trustee.

WHEREAS, the Village Council of the Village of Pinehurst is desirous of making an appointment to fill the vacant seat on the Firefighter's Relief Fund Board of Trustee's.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 26th day of October, 2021, as follows:

SECTION 1. That the following appointment is hereby made to the Firefighter's Relief Fund Board of Trustee's for the term indicated:

Mr. Alfred L. Davis, Jr. shall be appointed to the Firefighter's Relief Fund Board of Trustee's, effective October 26, 2021, to serve at the pleasure of the Council.

SECTION 3. That this appointee shall continue serving until a replacement is appointed and qualified.

THIS RESOLUTION passed and adopted this 26th day of October, 2021.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

1 Gilmore Road
Pinehurst, NC 28374
October 5, 2021

Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Ladies and Gentlemen:

I am writing to express my interest in serving as a council appointee for the Pinehurst Firefighters Relief Fund Board of Trustees. I served in various roles in the fire department beginning in 1981 as a volunteer and retiring in 2016 as a Battalion Chief. In addition, I have served as Sexton for Community Presbyterian Church for over 30 years.

Being a native to Pinehurst, and having raised my family here, I have a desire to continue to serve the community, and the opening for a Relief Fund Trustee aligns my interest with a need. I understand the importance of fiscally sound practices through my years of involvement with the Village budget process and am familiar with the statutory requirement of the relief fund trustees.

Thank you for your consideration. Please feel free to contact me with questions, or if you need additional information.

Sincerely,

Alfred (Al) Davis, Jr.
(910) 295-5029



**DISCUSS AND CONSIDER AWARDING STORMWATER MANAGEMENT
AND MASTER PLAN TO MCGILL ASSOCIATES
ADDITIONAL AGENDA DETAILS:**

FROM:

Mike Apke, P.E., Public Services and Engineering Director

CC:

Jeff Sanborn and Jeff Batton

DATE OF MEMO:

10/19/2021

MEMO DETAILS:

This item is to consider awarding a contract to McGill Associates (McGill) to complete a Stormwater Management and Master Plan for the Village. Development of a Comprehensive Stormwater Master Plan is an Initiative Action Plan (IAP) within the Village's 2022 Strategic Operating Plan (SOP) as part of an overall effort to address stormwater issues and concerns within the community. Expanding and enhancing our stormwater management efforts is also identified as a Strategic Opportunity in the 2022 SOP.

In addition, the Village's 2019 Comprehensive Plan provided three (3) recommendations related to stormwater, including:

- Prepare a comprehensive Stormwater Master Plan to identify effective stormwater management strategies
- Evaluate creating a local stormwater utility for planning, programming, and coordinating future stormwater infrastructure in the community
- Develop and implement rules for post-construction stormwater maintenance requirements

Village staff believes that all three (3) of these recommendations can be accomplished as part of this project.

To begin this process, staff developed and publicly advertised a Request For Qualifications, detailing the project objectives and proposed scope of work. We subsequently received Statements of Qualification (SOQs) from six (6) professional firms, which were then reviewed by a committee comprised of Assistant Village Manager Jeff Batton, Planning Director Darryn Burich, Assistant Public Services Director Megan Skjellerup, and myself.

After reviewing the SOQs, the committee elected to interview three (3) firms, and unanimously recommended McGill as the most qualified firm to complete the project. McGill maintains an office here in Pinehurst, and currently serves as the Village's primary on-call engineer to assist staff with various engineering tasks, including stormwater reviews for site plans and subdivisions. Their staff maintains an in-depth understanding of our current standards in the PDO and ESSM.

Village staff and McGill staff have worked together to generate the attached Task Order FY22-3, which serves as a supplement to a Master Services Agreement that was executed in 2007 between the Village and McGill. Staff is recommending that the project be divided into phases. The Task Order includes Phase 1 services, but also notes several items that may be included in Phase 2 of the project. The final scope and fee

for Phase 2 is proposed to be developed after completion of the Public Engagement in Phase 1, as some of the Phase 2 tasks may be developed based on information received from the public.

The Village's FY22 SOP includes \$125,000 to complete this IAP, and McGill's proposed fee for the Phase 1 scope of services is \$73,600. This leaves \$51,400 in funds to utilize on Phase 2 tasks if desired by the Village. Staff's plan would be to bring a Task Order amendment to Council for the Phase 2 services after completion of Public Engagement in Phase 1.

ATTACHMENTS:

Description

▣ Task Order FY22-3

TASK ORDER NO. FY22-3

This **TASK ORDER NO. FY22-3** is a supplement to the **MASTER SERVICES AGREEMENT** between the Village of Pinehurst, North Carolina, (the “Owner” or “VOP”) and McGill Associates, P.A. (the “Engineer”) dated August 16, 2007. The purpose of Task Order No. FY22-3 (the “Task Order”) is to authorize the Engineer, (including subcontractors and/or subconsultants employed and duly authorized by the Engineer to act on the Engineer’s behalf), to provide services generally described as:

Stormwater Management and Master Plan

The primary purposes of the project are to identify effective stormwater management strategies, evaluate supporting programs and future funding mechanisms, and develop a plan to guide Village staff in addressing the future of stormwater management in Pinehurst. The project is anticipated to be divided into phases as follows:

Phase 1 includes evaluating and updating the VOP’s existing stormwater program policies, standards, ordinances, documents, and regulations; reviewing historical MyVOP stormwater work orders and complaints to identify trends and target areas; evaluating the adequacy of the current 10-year design storm standard; evaluating the potential for implementing additional runoff standards on single family residential lots; developing and executing a related public engagement strategy; and developing options for post-construction stormwater maintenance requirements.

Phase 2, if authorized by the Village after the Public Engagement phase, may include developing conceptual plans and cost estimates to address specific deficiencies; assessing whether funding levels in the VOP’s current 5-year CIP are adequate; evaluating funding sources, including the use of American Rescue Plan Act (ARPA) funds and/or the creation of a Stormwater Utility; and evaluating the implementation of an in-house program for erosion and sedimentation control review and inspections.

Both phases will be summarized in a written, comprehensive Stormwater Management and Master Plan (SWMP) document. A draft version of the plan will be provided to the VOP for review and comment, with a final signed and sealed digital copy and ten (10) hard copies provided after addressing all comments.

ARTICLE 1. SCOPE OF SERVICES

The Engineer shall provide all professional engineering services (the “Services”) for the Project including, without limitation, performance of the following tasks:

Phase 1

1. **Coordinate POG and VOP Staff Meetings** — McGill will coordinate Project Oversight Group (POG) and VOP Staff Meetings to provide regular coordination and communication with VOP staff and the POG throughout the course of the project via one (1) kick-off meeting and two (2) additional coordination meetings. Coordination will include discussions with staff to determine what’s working, what’s not, and identify opportunities for improvement and providing digital copies of minutes and monthly progress reports as well as emails and teleconferences.
2. **Document Review** - McGill will review current stormwater program policies, standards, ordinances, and regulations in the Pinehurst Development Ordinance (PDO), Engineering Standards and Specifications Manual (ESSM), Comprehensive Plan, Storm Drainage pamphlet, etc. to develop a complete understanding of the current program goals and objectives as well as concerns and challenges. In addition, McGill will review FY18-FY22 work order “tickets” from the MyVOP system with the intent to determine trends and issues at the forefront of Pinehurst residents’ minds related to stormwater, and develop a system of categories to log the frequency and severity of various types of issues.
3. **Review of Model Ordinances** - McGill will gather sample stormwater ordinances and policies from at least seven (7) similar sized communities (Southern Pines, Chapel Hill, Davidson, Cary, Holly Springs, Hendersonville and Hope Mills) for evaluation. For communities that currently have a Stormwater Utility, this will include collection, review, and comparisons of the essential elements of the Utility data (e.g., rate structure, credit program, billing process and funded stormwater program elements), if available. A matrix will be provided highlighting the major elements of the stormwater program of each community and discussing potential

pros and cons of implementation in the VOP. Based on discussions with VOP staff, recommendations will be provided to implement selected standards that address historical VOP concerns.

4. **Review of Design Storm and Return Frequency** – Based on the results of Tasks 2 and 3 above, McGill will compare flood complaints during storm events to the 10-year design storm standard and assess if the 10-year level of service is reasonable for the community or if modifications (to a 25-year or other design storm) are warranted. McGill will explore various options to achieve enhanced standards, review findings with VOP staff and provide recommendations to address historical VOP concerns.
5. **Pre/Post for Residential Development** – McGill will evaluate options and potential restrictions for controlling stormwater discharge from existing developed and proposed development lots in single-family residential areas. McGill will gather information on the benefits, limitations, and available model policies for regulating runoff from single-family residential lots from the communities noted in Task 3 and NCDEQ for evaluation. McGill will review findings with VOP staff and provide recommendations to address historical VOP concerns.
6. **Public Engagement** - McGill will develop a basic (10 question or less) survey and coordinate and participate in one (1) public input meeting. The meeting will be formatted to allow in person as well as virtual participation. McGill will coordinate logistics for public meeting advertisement with the VOP's Communications Specialist and virtual participation with the VOP IT Department. McGill will also prepare minutes from the meeting and review/compile survey results for inclusion in the final plan.
7. **Post-Construction Stormwater Maintenance** - McGill will identify options for implementing standards for post-construction stormwater maintenance based on typical NPDES Phase 2 program requirements and discuss with VOP staff. These

may include (but are not limited to) maintenance agreements, compliance inspections, and enforcement options.

8. **SWMP Phase 1 Chapters** - McGill will develop a summary of all tasks performed for Phase 1, compiled research, detailed data and results tables, draft text for ordinances, decision matrices, and prioritized recommendations for implementation.
9. **Village Council Presentation** – McGill will support VOP staff in one (1) public meeting or presentation to Council. Support may include PowerPoint presentations, agenda, outlines, exhibits, documents, and personnel.

Phase 2

A full determination of the scope of services, schedule, deliverables and fees associated with Phase 2 will be performed after completion of the Public Engagement Task. If implemented, Phase 2 services will be an amendment to this Task Order, and may include some or all of the Tasks as noted below.

1. Development of conceptual problem area improvement plans and cost estimates.
2. Evaluation as to whether funding levels in the VOP's current 5-year capital improvement plan for stormwater improvements are adequate.
3. Identification of which conceptual problem area improvement plans qualify for funding under the American Rescue Plan Act.
4. Further analysis as to whether the creation of a Stormwater Utility is feasible and/or desirable for the Village.
5. Evaluation of the advantages, disadvantages, and steps required to establish a delegated erosion and sedimentation control review and inspection program in lieu of utilizing NCDEQ for these services.
6. Implementation of the Phase 2 tasks into the comprehensive SWMP.

ARTICLE 2. COMPENSATION

The Owner shall pay the Engineer for services outlined in Phase 1 of Task Order No. FY22-3 the following amounts:

Task	Fee	Fee Type
1. Coordinate POG and VOP Staff Meetings	\$12,600	Lump Sum
2. Document Review	\$9,000	Lump Sum
3. Review of Model Ordinances	\$15,500	Lump Sum
4. Review of Design Storm and Return Frequency	\$3,500	Lump Sum
5. Pre / Post for Residential Development	\$4,000	Lump Sum
6. Public Engagement	\$6,500	Lump Sum
7. Post-construction Stormwater Maintenance	\$3,000	Lump Sum
8. SWMP - Phase 1 Chapters	\$15,000	Lump Sum
9. Village Council Presentation	\$4,500	Lump Sum
Total Phase 1	\$73,600	

Note: VOP and McGill anticipate determination of the full scope of services, schedule, deliverables and fees associated with Phase 2 after completion of the Public Engagement Task. If implemented, Phase 2 will be an amendment to this Task Order.

In accordance with Section 6.2 of the Master Services Agreement between the Village of Pinehurst and McGill Associates, P.A., the OWNER shall pay the ENGINEER for additional services not specifically defined in this Task Order based on actual time and expenses incurred by the ENGINEER in accordance with the Standard Rate and Fee Schedule dated January 2020 (attached hereto).

ARTICLE 3. SCHEDULE

The following presents the anticipated schedule of tasks for this project. The actual order and duration of task execution may vary depending on coordination with VOP staff, establishment of the POG, etc.

Project Schedule - Phase 1										
	Month	November	December	January	February	March	April	May	June	July
Task										
POG meetings										
VOP document review										
Review of model ordinances										
Review of design storm and										
Pre / post for residential										
Public engagement strategy										
Public survey and meeting										
Post-construction stormwater										
SWMP development										
Draft SWMP development										
Final SWMP submittal										
Village Council presentation										
Planned Meeting										

ARTICLE 4. MISCELLANEOUS

Except as otherwise provided herein, this Task Order supersedes all prior written or oral understanding of the parties and may only be changed by a written amendment executed by both parties.

IN WITNESS WHEREOF, the parties execute below this Task Order No. FY22-3:

EXECUTED this _____ day of _____, 2021

McGill Associates, P.A.

David Honeycutt, P.E.
Principal

Village of Pinehurst

John C. Strickland, Mayor
Village of Pinehurst

Attest:

By: _____

Kelly Chance,
Village Clerk

This instrument has been preaudited in the manner required by the
Local Government Budget and Fiscal Control Act.

By: _____

Brooke Hunter
Finance Director

STANDARD HOURLY RATE AND FEE SCHEDULE

JANUARY 2020

PROFESSIONAL FEES	I	II	III	IV
Senior Principal	\$245			
Principal – Regional Manager – Director	\$195	\$210	\$220	\$225
Practice Area Lead	\$165	\$175	\$200	\$215
Senior Project Manager	\$185	\$195	\$205	\$210
Project Manager	\$165	\$180	\$185	\$190
Project Engineer	\$120	\$130	\$150	\$155
Engineering Associate	\$100	\$105	\$115	\$120
Planner- Consultant – Designer	\$105	\$120	\$140	\$155
Engineering Technician	\$95	\$110	\$120	\$125
CAD Operator – GIS Analyst	\$85	\$90	\$100	\$105
Construction Services Manager	\$135	\$150	\$160	\$165
Construction Administrator	\$100	\$115	\$125	\$130
Construction Field Representative	\$90	\$95	\$100	\$105
Environmental Specialist	\$90	\$100	\$105	\$110
Surveyor	\$90	\$95	\$100	\$105
Surveying Associate	\$75	\$80	\$85	\$90
Survey Technician	\$80	\$85	\$90	\$95
Survey Field Technician	\$65	\$70	\$75	\$80
Administrative Assistant	\$70	\$75	\$80	\$85

1. EXPENSES

- Mileage - \$0.65/mile
- Robotics/GPS Equipment - \$25/hr.
- Survey Drone - \$100/hr.
- Telephone, reproduction, postage, lodging, and other incidentals shall be a direct charge per receipt.

2. ASSOCIATED SERVICES -

- Associated services required by the project such as soil analysis, materials testing, etc., shall be at cost plus fifteen (15) percent.

Revised January 2020



**DISCUSS AND CONSIDER A SPECIAL INTENSITY ALLOCATION FOR 85
TROTTER HILLS CIRCLE
ADDITIONAL AGENDA DETAILS:**

FROM:

Alex Cameron

CC:

Jeff Sanborn & Darryn Burich

DATE OF MEMO:

10/20/2021

MEMO DETAILS:

This agenda item is a request for Council to approve a Special Intensity Allocation (SIA) within the WS-II Watershed Protection District for an approximate 0.94 acre property at 85 Trotter Hills Circle.

Approval of the SIA would permit development of a parking lot to serve the adjacent Veteran's Guardian Association professional office. SIA allocations require use of stormwater Best Management Practices (BMP's) and are proposed to be incorporated into the proposed site development.

There is currently a balance of 751.034 acres of intensity allocation remaining within this watershed district. If approved, the Village will have allocated approximately 69.8 acres since 1993, leaving a balance of 750.094 acres of intensity allocation remaining for future projects in the WS-II Watershed.

Council may approve the SIA request by motion.

Please see the attached staff memo and proposed site plan for more information.

ATTACHMENTS:

Description

- ▣ Staff Report
- ▣ Proposed Site Erosion Control, Grading & Drainage Plan



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Mayor Strickland and Village Council
From: Alex Cameron, Planning Supervisor
CC: Jeff Sanborn, Village Manager
Darryn Burich, Planning & Inspections Director
Kelly Chance, Village Clerk
Date: October 20, 2021
Subject: Request for Special Intensity Allocation of 0.94 acres for Veteran's Guardian Association additional parking at 85 Trotter Hills Circle (PID # 96000380).

Background

A request to grant a Special Intensity Allocation (SIA) of 0.94 acres to allow for development for additional parking to serve the Veteran's Guardian Association (Professional Service) which would result in an increase of approximately 25,579 square feet of impervious area. The existing business is located on the adjacent lot at 75 Trotter Hills Circle and has purchased the subject property to construct the proposed parking. The owner is currently in the process of recombining the two lots and will need to be executed prior to site plan approval. Village staff has reviewed a preliminary recombination plat and provided comments to the applicant. Once the two properties are combined, the resulting impervious area for both lots (1.94 acres combined) would be approximately 63.9%. The subject property is located in the WS II Drowning Creek – Lumber River Watershed that limits non-residential development to not exceed 12% built upon area without receiving a SIA by Village Council pursuant to Section 8.3.3.5(B) of the Pinehurst Development Ordinance (PDO). The subject property is located in the Trotter Hills office park in the Pinehurst South area just west of NC Highway 5.

Property Owner	Property Location	Moore County PID#	Project Area
75 Trotter Hills Circle, LLC	85 Trotter Hills Circle	96000380	0.94

Zoning and Proposed Use

Current Zoning	OP-Office Professional
Watershed Protection District	WS II Drowning Creek-Lumber River
Within Corporate Limits	Yes
Existing Use	Vacant
Proposed Use	Additional parking to serve adjacent professional service office building (Veteran's Guardian Association)
Proposed Imperious Area	25,579 square feet or approximately 62% of existing lot, 63.9% total once combined with adjacent property (up to 70% permitted per SIA and OP Zoning District)

Project Analysis

The proposed project involves construction of a 62 space parking lot. The parking lot will serve the adjacent Veteran's Guardian Association professional services office which has an existing 35 parking spaces. The two lots are in the process of being combined which would result in a total area of 1.94 acres and if the SIA is approved and the project completed, result in approximately 63.9% impervious coverage or built upon area.

This SIA would grant relief from the WS-II Watershed Protection District maximum impervious built upon area of twelve percent (12%) identified in Section 8.3.3.5 (B) (1) of the PDO, which again is permitted up to 70% impervious coverage for non-residential uses and within the OP (Office & Professional Development District). Per Section 8.3.3.5 (B) (2) (a), the total acreage of the tract shall be calculated in granting the allocation including pervious areas, which totals 0.94 acres with this request. Up to ten percent (10%) of the WS-II Watershed Protection District can be granted a Special Intensity Allocation (SIA). This yields a total area of 819.84 acres eligible to receive a Special Intensity Allocation in the WS-II Watershed Protection District. **The Village has allocated approximately 69.8 acres since 1993 leaving 751.034 acres of allocation remaining for future projects.**

The property is located within the corporate limits of the Village of Pinehurst and complies with the Village Council's Watershed Intensity Allocation Policy contained in Resolution 13-13 that states, "It shall be the policy of the Village of Pinehurst to only allocate special intensity allocations to properties that are located within the corporate limits of Pinehurst or to properties which have an active voluntary annexation petition to the Village of Pinehurst."

Associated Approvals

The Technical Review Committee is currently reviewing the proposed improvements as a Minor Site Plan and a SIA allocation would need to be granted prior to issuing site plan approval for construction. The PDO requires the use of Best Management Practices (BMP) to minimize water quality impacts if an SIA is approved. Stormwater is controlled by a network consisting of approximately 575 linear feet of 30" pipe

that will collect runoff via inlets placed throughout the parking lot. The system has been designed to meet the Village's Engineering Standards to handle post development runoff for a 10-year, 24 hour storm event. The system will adhere to the water quality standards required of the watershed by allowing the first inch of runoff to infiltrate into the ground. The provided soil scientist report and analysis has indicated an infiltration rate of 10.8" per hour which far exceeds the minimum requirement by the North Carolina Department of Environmental Quality (NCDEQ). Once the properties are combined, the proposed development will meet all other PDO requirements.

The table below outlines activity in the WS-II Watershed Protection District since 1996.

Date of Council Action	Project	Area Approved by Council for SIA (Acres)	Balance of WS-II (Acres)
6/21/1993	Creation of WS-II (Drowning Creek)	N/A	198.300
12/16/1996	MOWASA (Moore County Water and Sewer Authority)	0.150	198.150
1/21/1997	Love Grove Freewill Baptist Church	0.060	198.090
2/17/1997	Moore County Landfill	2.580	195.510
6/16/1997	Quail Haven Village	6.700	188.810
7/21/1997	Deep Creek Baptist Church	0.260	188.550
7/21/1997	Pinehurst Resort Parking Lot	0.500	188.050
8/18/1997	Boles Funeral Home	0.690	187.360
3/16/1998	Quail Haven	0.000	187.360
6/15/1998	Quail Haven	0.006	187.354
8/17/1998	Golf Course #1 Restrooms	0.017	187.337
10/26/1998	Congregational Church	0.870	186.467
10/26/1998	Pinehurst Resort Improvements	12.830	173.637
10/26/1998	Pinehurst Resort Golf Learning Center	1.860	171.777
10/26/1998	Moore County Landfill	0.150	171.627
3/15/1999	Congregational Church	0.023	171.604
3/15/1999	Harness Track	2.290	169.314
4/19/1999	Pinehurst Track Restaurant	0.010	169.304
6/21/1999	Quail Haven Village	0.010	169.294
5/30/2000	Pinehurst Resort Green House	0.870	168.424
1/23/2001	The Pinehurst Company	0.020	168.404
1/23/2001	The Pinehurst Company	0.590	167.814
1/23/2001	Bretton Woods Pool Pavilion	0.598	167.216

5/22/2001	Quail Haven Village	0.022	167.194
7/24/2001	Trotter Hills Development	1.560	165.634
10/8/2001	Pinehurst Hardware	0.350	165.284
1/16/2004	Moore County ABC Store	0.377	164.907
8/2/2004	Rudd Office Building	0.340	164.567
12/16/2008	Community One Bank	1.440	163.127
5/5/2011	Village Chapel	1.440	161.687
1/10/2012	Quality Care Pharmacy	1.440	160.247
6/12/2012	Moore County Transfer of WS-II Acreage	+ 621.537	781.784
1/8/2013	Village Green	6.630	775.154
11/18/2013	Terry Riney Office	1.140	774.014
9/8/2015	Sandhills Alliance Church	1.540	772.474
*6/28/2016	Kirkpatrick Office Building	1.000	771.474
8/13/2019	La Foret Townhomes	6.950	764.524
8/13/2019	Pinehurst Coin Exchange	1.440	763.084
1/14/2020	Pinehurst Resort Beach Club Improvements	5.81	757.274
9/8/2021	Huntley Office Building	1.0	756.274
4/27/2021	Hwy 5 Retail Development	0.850	755.424
4/27/2021	Vieta Dermatology	3.350	752.074
8/10/21	95 Trotter Hills NC Child Development Services	1.04	751.034
10/26/2021*	Veteran's Guardian Association Parking Lot	0.94	750.094*

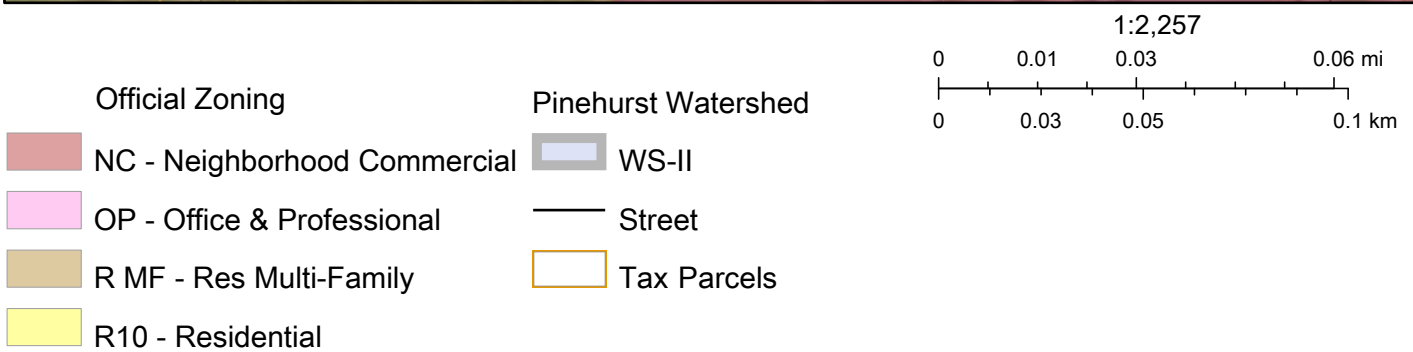
* Previously approved SIA for adjacent property (75 Trotter Hills Circle) to be combined with subject property

**Tentative until approved by Village Council

Staff Recommendation

Village staff recommends approval of the SIA for the project as proposed and allocating the 0.94 acres from the balance of the WS-II Watershed Protection District, which Council can approve by motion. Approval of this SIA as requested would leave approximately 750.094 acres remaining that may be allocated in the WS-II Watershed Protection District.

An aerial photograph of a residential area. A cyan rectangle is drawn on the left side of the map, with a cyan arrow pointing to a specific spot on the road labeled 'TROTTER HILLS'. The road 'TROTTER HILLS' is a winding road that runs vertically through the center of the image. Other roads visible include 'CLARK' at the top right, 'BEULAH HILL' on the right, 'BLAKE' at the bottom right, 'TROTTER' at the bottom, and 'WENTWORTH' on the left. A building with a parking lot is visible in the upper left quadrant. The area is mostly covered in trees and vegetation.



DWQ CONSTRUCTION GENERAL PERMIT GROUND STABILIZATION REQUIREMENTS		
SITE AREA DESCRIPTION	STABILIZATION TIME FRAME	STABILIZATION TIME FRAME EXCEPTIONS
Perimeter dikes, swales, ditches and slopes	7 days	None
High Quality Water (HQP) Zones	7 days	None
Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
Slopes 3:1 or flatter	14 days	7-days for slopes greater than 50 feet in length
All other areas with slopes flatter than 4:1	14 days	None (except for perimeters and HQW Zones)
* "Extensions of time may be approved by the permitting authority based on weather or other site-specific condition that make compliance impracticable." (Section II.B(2)(b))		

JAMES R TRUSTEE
KIRKPATRICK
PO BOX 1087
WEST END, NC 27376
PARCEL ID: 00054232
PIN: 855108885831
ZONING: OP

EROSION CONTROL KEY NOTING:

SYM.	DESCRIPTION	SHEET REFERENCE
1	INSTALL TEMPORARY CONSTRUCTION ENTRANCE	SHT. D-02, #1
2	INSTALL TEMPORARY SILT FENCE	SHT. D-02, #2
3	INSTALL TEMPORARY SILT FENCE OUTLET	SHT. D-02, #3
4	INSTALL TEMPORARY INLET PROTECTION	SHT. D-02, #5
5	INSTALL PERMANENT RIP-RAP APRON	SHT. D-02, #4
6	INSTALL GRATE INLET	SHT. D-03, #4
7	INSTALL OUTLET STRUCTURE	SHT. D-03, #5

LIMITS OF DISTURBANCE
0.97 ACRES (42,278 SFT)

NOTE: ALL 30" HDPE SHALL BE PERFORATED.
18" HDPE SHALL BE SOLID.

50 LF 30" HDPE PERFORATED @ 0.50%
50 LF 30" HDPE PERFORATED @ 0.50%
GRATE INLET #2
RIM: 506.50
INV IN: 501.05 (S)
INV IN: 501.05 (S)
INV OUT: 501.00 (W)
INV OUT: 501.00 (W)
FES #1
18" INV IN: 500.50 (SE)
20 LF 18" HDPE SOLID @ 0.50%
OUTLET STRUCTURE #1
RIM: 504.50
30" INV IN: 500.60 (SE)
30" INV IN: 500.60 (SE)
18" INV OUT: 500.60 (NW)
18 LF 30" HDPE SOLID @ 0.55%
18 LF 30" HDPE SOLID @ 0.55%
GRATE INLET #4
RIM: 505.25
INV IN: 500.75 (E)
INV IN: 500.75 (S)
INV IN: 500.75 (E)
INV IN: 500.75 (S)
INV OUT: 500.70 (NW)
INV OUT: 500.70 (NW)
G1-#2
7,210 SF
G1-#4
19,535 SF
G1-#3
5,602 SF
G1-#1
2,748 SF
GRATE INLET #3
RIM: 506.25
INV OUT: 501.30
INV OUT: 501.30
GRATE INLET #1
RIM: 507.00
INV OUT: 501.60 (N)
INV OUT: 501.60 (N)

MOORE COUNTY
PO BOX 905
CARTHAGE, NC 27376
PARCEL ID: 00025973
PIN: 855108871889
ZONING: OP

T-REX AND ASSOCIATES, LLC
35 APAWAMIS CIR
PINEHURST, NC 28374
PARCEL ID: 96000384
PIN: 855108885346
ZONING: OP

BOBBY JONES
2210 BRINGLE FERRY RD
SALISBURY, NC 28146
PARCEL ID: 96000381
PIN: 855108873985
ZONING: OP

INFRASTRUCTURE INSPECTION NOTICE TO CONTRACTOR

THIS IS TO ADVISE YOU THE THE VILLAGE OF PINEHURST IS NOW REQUIRING A MINIMUM OF FORTY-EIGHT(48) HOURS OF NOTICE WHEN REQUESTING AN ENGINEERING INSPECTION. INSPECTION REQUESTS MAY BE MADE BY CALLING THE ENGINEERING DEPARTMENT AT 295-1900. ITEMS REQUIRING AN ENGINEERING INSPECTION INCLUDE, BUT ARE NOT LIMITED TO:

- SUBGRADE INSPECTION/PROOF ROLLING(STREETS, SIDEWALKS, FIRE LANES, ETC.) DENSITY TESTS FROM AN APPROVED GEO-TECHNICAL ENGINEERING FIRM MAY BE REQUIRED.
- PLACEMENT AND INSPECTION OF BASE COURSE MATERIALS INCLUDING PROOF-ROLLING. DENSITY TESTS FROM A VILLAGE APPROVED GEO-TECHNICAL ENGINEERING FIRM MAY BE REQUIRED/ACCEPTED BY THE VILLAGE.
- PLACEMENT AND COMPACTING OF PAVEMENT MATERIALS INCLUDING CONCRETE AND ASPHALT SURFACE COURSES. INCLUDES STRINGLINES/GRADE CONTROL, PAVING AND ROLLING OPERATIONS, MATERIAL INSPECTIONS. INSTALLATION OF WATER AND SEWER MAINS AND SERVICES INCLUDING PRESSURE TESTING, PIPE LAYING CHLORINATION OF WATER.
- MAINS, BACTERIAL TESTING, MANDREL PULLS, ETC. NECESSARY TO MEET THE VILLAGE'S UTILITY ORDINANCES. NOTE: THE CONTRACTOR SHALL ALSO CONTACT THE MOORE COUNTY UTILITIES DEPARTMENT ENGINEERING DIVISION AT 947-6315 TO SCHEDULE UTILITY INSPECTIONS AS REQUIRED BY MCPUD.
- INSTALLATION OF FORMWORK AND PLACEMENT OF CONCRETE(SIDEWALKS, CURB AND GUTTER, ETC.) WITHIN PUBLIC RIGHT OF WAY. INSTALLATION OF STORM DRAINAGE SYSTEMS(PIPES, TRENCHES, CATCH BASINS, FRAMES/GRATES, OUTLET, PROTECTION, ETC.)
- INSTALLATION OF STORM DRAINAGE SYSTEMS(PIPES, TRENCHES, CATCH BASINS, FRAMES/GRATES, OUTLET, PROTECTION, ETC.)

FAILURE TO SCHEDULE THE REQUIRED INSPECTIONS SHALL BE GROUNDS FOR REJECTION OA ALL WORK NOT INSPECTED AND ISSUANCE OF A STOP-WORK ORDER UNTIL THE PROJECT IS IN COMPLIANCE.

REVISIONS			
SYM.	DESCRIPTION	DATE	BY

NOTES:

- ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON SHEET C-01 SHALL APPLY TO THIS PLAN.
- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL VILLAGE OF PINEHURST AND MOORE COUNTY STANDARDS AND SPECIFICATIONS.
- CONTRACTOR SHALL ENSURE THAT THE EXISTING UTILITIES ARE LOCATED AND MARKED PRIOR TO CONSTRUCTION.
- PURSUANT TO G.S.113A-57(2), THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE RETAINED BY VEGETATIVE COVER OR OTHER ADEQUATE EROSION CONTROL DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED WILL, WITHIN 7 OR 14 DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT GROUND COVER, DEVICES OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION. PURSUANT TO G.S. 113A-57(3), PROVISIONS FOR PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION MUST BE ACCOMPLISHED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 90 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT. ALL SEEDING AREAS WILL BE FERTILIZED, RE-SEEDING AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN TO MAINTAIN A VIGOROUS, DENSE VEGETATION COVER. IF ANY SEEDING FAILURE OCCURS, THOSE AREAS SHALL BE RE-SEEDING WITH RYE GRAIN FOR TEMPORARY STABILIZATION AND PREPARED FOR PERMANENT SEEDING.

EROSION CONTROL SEQUENCE:

- OBTAIN ALL NECESSARY PERMITS AND APPROVALS AND HOLD PRE-CONSTRUCTION CONFERENCE.
- INSTALL TEMPORARY SILT FENCE WITH SILT FENCE OUTLETS AND GRAVEL CONSTRUCTION ENTRANCE AS SHOWN ON PLAN.
- APPLY TEMPORARY SEEDING TO ALL DISTURBED AREAS.
- ROUGH GRADE THE PARKING FACILITY, DRIVEWAYS, AND OTHER RELATED SITE AMENITIES.
- INSTALL NEW STORM DRAINAGE SYSTEM AND IMMEDIATELY INSTALL INLET PROTECTION AS INLETS ARE INSTALLED AT ALL STORM DRAINAGE STRUCTURES.
- CONSTRUCT THE DRIVEWAY AND PARKING AREAS WHILE MAINTAINING ALL EROSION CONTROL DEVICES.
- COMPLETE FINE GRADING AND SEEDING/SODDING/MULCHING OF THE SITE.
- ONCE THE CONSTRUCTION OF THE IMPERVIOUS AREAS ARE ACCOMPLISHED AND ALL UPSTREAM AREAS ARE STABILIZED, CALL FOR AN INSPECTION BY THE VILLAGE OF PINEHURST.
- ASPHALT SURFACE SHALL BE INSTALLED AT THIS TIME.
- ALL EXCAVATED SOILS, NO LONGER REQUIRED FOR THE PROJECT AREA ARE TO BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGALLY PERMITTED BORROW PIT.
- ONCE ALL WORK IS COMPLETED AND ALL AREAS STABILIZED, CONTRACTOR SHALL REQUEST AN INSPECTION BY THE VILLAGE OF PINEHURST.
- THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER SYSTEM.

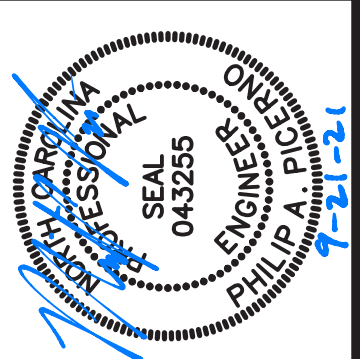
NOTE:
FOR TRAFFIC APPLICATIONS WITH LESS THAN FOUR FEET OF COVER, EMBEDMENT OF THE PIPE SHALL BE USING ONLY A CLASS I OF CLASS II BACKFILL.

20 0 10 20 40
GRAPHIC SCALE
FULL SIZE SHEET 22"x34" (IN FEET)

VILLAGE OF PINEHURST
CONSTRUCTION PLAN APPROVAL

All Construction Methods and Materials shall be in accordance with the Village of Pinehurst, Moore County Public Utilities, and NCDOT Standards and Specifications. In the event of a conflict between standards, the more stringent shall govern unless a written waiver is issued by the Village Engineer. Utility installations and other Public Facilities, including streets, sidewalks, and handicap ramps, have been approved by the Village of Pinehurst and shall be so installed unless a change is authorized by prior written approval. Public Sanitary Sewer and Utility Easements shall be recorded prior to final acceptance and/or issuance of a Certificate of Occupancy by the Village.

PLAN APPROVAL NUMBER
ENGINEERING
FIRE DEPARTMENT
PLANNING
MOORE CO. PUBLIC UTILITIES



LKC Engineering, pllc
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkceengineering.com
License No. P-1095

Engineering
Landscape Architecture
Surveying

LKC

EROSION CONTROL, GRADING,
& DRAINAGE PLAN

VETERANS GUARDIAN
PARKING LOT
PINEHURST, NC

DATE: JULY, 2021
DESIGNED: WLS
DRAWN: MFL
CHECKED: PAP
NO.

C-04



PUBLIC HEARING NO.1 - ELECTRONIC PERMITTING ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to hear comments on a number of amendments to various sections of the Pinehurst Development Ordinance (PDO) to implement required use of the Village's online permitting system for permitting and planning applications.

FROM:

Darryn Burich & Alex Cameron

CC:

Jeff Sanborn

DATE OF MEMO:

10/20/2021

MEMO DETAILS:

The Village of Pinehurst has progressively implemented a system that allows for electronic submittal of all materials needed to acquire permits and approvals from the Village. The Pinehurst Development Ordinance includes references to Village forms, numbers of copies and types of submittals. These references need to be amended such that applicants are directed to the Village of Pinehurst's website and Online Permit Center and the correct form or type of documents are identified.

ATTACHMENTS:

Description

- ☐ Summary List PDO Amendments
- ☐ Electronic Permitting PDO Redline
- ☐ Planning and Zoning Board Statement of Consistency

Summary List of PDO Amendments to Implement Online Permitting

Chapter 4 Public Hearings, Permits and Approvals

Section 4.2.2

Chapter 5 Variances and Administrative Appeals

Section 5.1.3 (B), (C)

Section 5.3.4(A)

Chapter 6 Text Amendments and Rezonings

Section 6.1.3(A)

Section 6.2.1(D)

Chapter 8 Zoning

Section 8.3.2.4(A)

Section 9.14.2(C)

Chapter 9 Design and Development Standards and Processes

Section 9.14.7(A)

Section 9.17.1.1 (C)

Section 9.17.1.5 (A)(1)

Section 9.17.1.6 (A)

Appendices A-E

Appendix A – Plot/Sketch Plan Information

Appendix B – Single Family Development Review

Appendix C – General Concept Plan Information

Appendix D – Site Plan Information

Appendix E – Subdivision Plan Information

An Amendment to the Pinehurst Development Ordinance to
Provide for Electronic Submittal of Applications and Supplemental Materials

~~Redline/Strikethrough~~ Revisions

4.2.2 Development Permit Application

Each application for a development permit shall ~~be accompanied by the number of copies of a plan as set forth by this Ordinance and/or the appropriate application~~ be submitted in accordance with the ~~electronic submittal requirements of Appendix A through E of this Ordinance~~ . The plan shall be drawn in accordance with the required plan type as outlined in Appendix A thru E of this Ordinance:

5.1.3 Application Requirements; Determination of Completeness

(B) An application for a variance shall be filed with the Village Planner on a variance application form ~~using the Village's Online Permit Center~~ along with the associated fee.

(C) The application shall contain, or be accompanied by, such information and general concept plans (Appendix C) (may be modified by Village Planner as appropriate) ~~in electronic format~~ as required on the application form;

5.3.4 Filing of Appeal

(A) An application for an appeal shall be filed with the Village Clerk on an appeal form ~~using the Village's Online Permit Center~~ along with the associated fee as prescribed on the most recent Village of Pinehurst fee schedule;

6.1.3 Filing and Content of Applications

(A) An application requesting the amendment ~~and all attachments~~ shall be filed ~~in electronic format~~ with the Village Planner on an Application provided by the Village ~~using the Village's Online Permit Center~~.

6.2.1 Application Procedures

(D) Content of Application: A Conditional District application shall consist of a General Concept Plan (Appendix C); as well as any other plans, drawings, renderings, elevations, maps, and documents specifically included by the applicant as development documents for approval by the Village Council. The General Concept Plan, as a site-specific conditional zoning plan, is itself a condition of the Conditional District rezoning. ~~All materials shall be submitted electronically using the Village's Online Permit Center.~~ The provisions of the Conditional District General Concept Plan shall replace all conflicting development regulations set forth in this ordinance which would otherwise apply to the development site.

8.3.2.4 Certificate of Appropriateness Procedure

(A) An application for a Certificate of Appropriateness **and any supplemental materials shall be submitted using the Village's Online Permit Center-**. Applications for Certificate of Appropriateness for major work shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content.

9.14.2 Design Criteria and Review Procedures

(C) Revisions and changes will be considered and approved or disapproved by the Village Planner. Examples of changes are site plan, landscape plan, change of height or the addition of elements not previously shown. All proposed changes shall be submitted **in electronic format to the Village Planner**. Staff will evaluate the proposed changes and provide a response to the applicant. For all changes, redrawing of plans shall be required.

Section 9.14.7 Single-Family Dwelling Development Review Process

(A) Builder/Developer submits application and plans with appropriate application fee. **All materials shall be submitted using the Village's Online Permit Center;**

9.17.1.1 Plat Approval Required; Major Subdivisions and Minor Subdivisions

(C) There are three (3) procedures for the approval of subdivisions, depending on whether the subdivision is an exempt subdivision, minor subdivision or a major subdivision. **All materials shall be submitted using the Village's Online Permit Center and shall satisfy the electronic recordation requirements of the County of Moore:**

9.17.1.5 Preliminary Plat Approval

(A) Application Requirements:

- (1) An application shall **be submitted using the Village's Online Permit Center along with the associated fee** and include the information listed in Appendix E, as it may be amended from time to time by the Village Council. Incomplete or incorrect information shall result in rejection or refusal to act on the application by the Village Planner;

9.17.1.6 Final Plat Approval

(A) Applicable Requirements: Within the time limit stated in subsection (C) below, the applicant shall file an application **using the Village's Online Permit Center along with the associated fee** for final plat approval, for that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, with the Village Planner on a form prescribed by the Village, along with the prescribed fee, and shall include the information shown on the preliminary plat and the information listed in Appendix E , as it may be amended from time to time by the Village Council;

Appendix A of the Pinehurst Development Ordinance – Sketch Plan

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Plot/Sketch Plan~~

This plan submittal type should be used for developments in which no permanent foundations are being constructed or for minor work such as patios, decks, fences in both single family, multifamily and non-residential development. This is the most basic of plan types allowed for development.

Plot/Sketch Plan Required Information

- ☐ Property lines.
- ☐ Existing structures to scale.
- ☐ New structures to scale.
- ☐ Setbacks.
- ☐ Estimated impervious surfaces.
- ☐ Any other information the Village Planner identifies as necessary.
- ☐ All plans and drawing sheets shall be drawn to a scale that is easily legible.

Note: No foundation or final surveys are required.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance.

Appendix B of the Pinehurst Development Ordinance – Single-Family Development Review

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Single-Family Dwelling Development Review Process~~

~~Checklist for Single-Family Development Review Applications~~

SUBMISSION REQUIREMENTS FOR SINGLE-FAMILY DEVELOPMENT APPLICATIONS: This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

The following documents shall be submitted, if applicable, for issuance of a building permit, development permit, floodplain development permit, clearing/grading permit, driveway permit and Certificate of Appropriateness.

- ☐ Application Form
- ☐ Site Plan/Topographic Survey including driveway connections (see below)
- ☐ Elevation Drawings
- ☐ Exterior Material Form and Samples, if application is associated with a Certificate of Appropriateness.
- ☐ Driveway Permit Application
- ☐ Building permit submittal requirements in accordance with the current edition of the North Carolina State Building Code;
- ☐ Other Agency Permits and Approvals, as required
 - ☐ Sedimentation and Erosion Control Plan (NCDEQ)
 - ☐ Driveway Permit (NCDOT)
 - ☐ Right-of-way Encroachment (NCDOT)
 - ☐ On-site Wastewater Disposal Permit (Moore County Environmental Health)
 - ☐ Well Permit (Moore County Environmental Health)
 - ☐ US Fish and Wildlife Approval (particularly for Red-cockaded Woodpeckers)

~~This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.~~

Required Site Plan Information: ~~to be included on the Single-Family Site Plan:~~

- ☐ Indicate existing and proposed topographic elevations and finished floor elevation on site plan. Contour lines shall be indicated with no larger than two-foot intervals for existing and proposed (LIDAR data may be utilized); ☐ Show scale and North arrow;
- ☐ All plans and drawings shall be drawn to a scale that is easily legible. Site plans shall be prepared by a licensed surveyor or engineer.
- ☐ Vicinity Map - must be legible and lot easily located;
- ☐ Title block with site name and location;
- ☐ Indicate zoning classification of property on plan; ☐ Show total acreage including area and dimensions of the entire tract;
- ☐ Provide developer/builder name, address and telephone number on plans;
- ☐ Provide designer's name, address and telephone number on plans; ☐ Indicate adjoining lot lines, lot number and subdivision name on plans;

- ☐ Indicate by note, minimum dwelling size proposed for each floor;
- ☐ Show front, side and rear building setbacks;
- ☐ Show road frontage at the right-of-way and lot width at the building line;
- ☐ Show all easements. ☐ Clearly show the location of any additions/alterations (to scale);
- ☐ Location of all proposed and existing accessory structures to include pet runs, fences, LPG tank(s), irrigation well, etc.;
- ☐ Driveway and sidewalk locations;
- ☐ Building elevation (front, rear, and sides) shown with finished grade, to scale;
- ☐ Show location of silt fence;
- ☐ Existing and proposed impervious areas including the calculations on new construction and additions/alterations;
- ☐ Tree survey that locates and identifies specimen trees within 100' of a development site, showing the critical root zone for each tree to be preserved or reflect this information on the landscaping plan;
- ☐ Landscaping plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks;
- ☐ Floodplain and wetland delineation if applicable;
- ☐ Location of septic, and/or existing drainage structures;
- ☐ Existing and proposed utility connections.
- ☐ Any other information the Village Planner identifies as necessary.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance. The Village Planner may allow for a plot/sketch plan **listed in Appendix A** to be submitted rather than the single-family plan type based on the individual proposal and what is needed to determine compliance.

Single-Family Final Approval Process for Issuance of Certificate of Occupancy

1. No building hereafter erected, or structurally altered, or changed in use shall be used or occupied until approved by the Village. Prior to issuance of a Certificate of Occupancy by the Village, the following shall be done:
 - a. All plans and applications shall be modified to reflect as-built conditions.
 - b. A final driveway inspection shall be made by public services and approved.
 - c. A final survey prepared by a licensed surveyor or engineer shall be submitted, if required.
 - d. Fire Marshal shall conduct an inspection and approve.
 - e. The Certificate of Occupancy shall be issued upon final building inspection.
2. Changes to original plans shall be reviewed and approved by the Village **Planner**. All changes shall be **submitted electronically using the Village's Online Permitting System** ~~to the Village Planner~~ to ensure a successful final review of the project.

Appendix C of the Pinehurst Development Ordinance – General Concept Plan

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Required General Concept Plan Information

~~General Concept Plan~~

~~1. Required information to be included on the general concept plan:~~

- ☐ Basic map information including title block with owner, applicant's name and contact information, designer's name and contact information, surveyor's name and contact information; north arrow, scale in text and graphics, vicinity map, and revision block. "Bubbles" or "clouds" shall show revisions with date.
- ☐ If the conceptual plan is based on a survey, provide a separate drawing of work product by surveyor signed, sealed and dated showing precision ratio and tied to NC grid.
- ☐ The present and proposed zoning classification(s) of the tract;
- ☐ Adjoining property lines;
- ☐ The height, size and location of existing and proposed structure(s);
- ☐ A table showing proposed use of land and structures, zoning classification, and dimensional requirements;
- ☐ Building elevation drawings;
- ☐ Proposed planting areas, ~~including~~ walls and fences and the treatment of any existing natural features;
- ☐ The owner names, addresses, LRK #, zoning and deed references of adjoining property;
- ☐ All existing and proposed easements, reservations, rights-of-way lines and width and all setbacks required for the zoning district;
- ☐ General location and size of existing utilities both on-site and to the site, proposed tie-in location to existing public utilities (including water, sewer, drainage, etc.) and proposed location of utilities to serve the site;
- ☐ General location and type of existing and proposed stormwater facilities;
- ☐ Delineation of the 100-year floodplain;

Development Intensity:

- ☐ For residential uses this shall include number of units and outline of area within which structures will be located.
- ☐ For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
- ☐ Existing and maximum proposed impervious coverage reflected in square feet ~~SF~~ and acreage,
- ☐ Parking and circulation plan; showing location, arrangement, and number of existing and proposed parking spaces. Parking calculations shall also be shown;
- ☐ Ingress and egress to adjacent areas;

- ☐ Proposed dimension and number of signs and their locations;
- ☐ Proposed phasing and approximate completion time of the project;
- ☐ Survey base map that provides legal metes and bounds including location of regulated (e.g., US Fish and Wildlife designated red-cockaded woodpecker trees) and specimen trees.
- ☐ Trip generation based on ITE standards and the Village's Engineering Standards and Specifications Manual for the proposed uses.
- ☐ Roadway/signal improvements for the development proposal.
- ☐ Proposed pedestrian improvements including sidewalks, greenways, etc.
- ☐ ISO computations based on the approximate/proposed square footages for each type of use.
- ☐ Current and proposed topography. Use of LIDAR data is acceptable for conceptual plans, however, actual surveyed topography shall be required for formal site plan submittal.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.

Appendix D of the Pinehurst Development Ordinance – Site Plans

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Site Plan Information~~

~~Major and Minor Site Plans~~

A. Information required for major and minor site plans:

- ☐ Map size shall be electronically formatted to be reproducible at 24"x36" with a scale no less than one (1) inch equals fifty (50) feet for all major and minor site plans (an index plan shall be used if multiple sheets are needed).;
- ☐ Show north arrow, scale of drawings, precision ratio, lot dimensions, setbacks, area in square feet and acres;
- ☐ Revision blocks with date of revisions and "bubbles" or "clouds" to show changes on the map with date;
- ☐ A signed and sealed map of the entire tract, including the boundary of the entire tract by metes and bounds tied to North Carolina grid and the location and dimension of all onsite and adjacent offsite easements, including but not limited to drainage, utility, public access, aerial utility, and permanent and temporary construction easements;
- ☐ The location and dimension(s) of all existing and proposed building(s) on the site. Show the finished floor elevations for the existing building(s) and the proposed floor grades, including basement, for each floor of the proposed building(s), if applicable;
- ☐ The location and dimension(s) of all proposed or existing impervious surfaces on the site, including but not limited to driveways, sidewalks, parking lots, loading and other vehicle use areas, and curb and median cuts;
- ☐ Indicate front, side, and rear setbacks for all existing and proposed structures;

- ☐ Provide a Title Block:
 - ☐ Property owner's name; address, telephone number(s), email address;
 - ☐ Applicant's name; address, telephone number(s), email address; and
 - ☐ Designer's name, address, telephone number(s), email address;
 - ☐ Provide a Development Data Block or Chart listing of the following data;
 - ☐ Zoning of the tract with dimensional requirements.
- ☐ Existing and proposed gross square footage of buildings;
- ☐ Amount of square footage utilized in parking and loading areas (see landscape standards section 9.5);
- ☐ Number of parking spaces proposed and required;
- ☐ Number of handicapped parking spaces proposed and required;
- ☐ Required and proposed minimum landscape area square footages;
- ☐ Residential uses: indicate maximum density allowed and the proposed density;
- ☐ Proposed linear footage of roads;
- ☐ Conditional zoning and special use conditions, if applicable;
- ☐ Existing and proposed built-upon area in square feet, acreage and as a percentage of site; Identify any existing development predating the effective date of watershed regulations;
- ☐ Indicate the owner, address, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets);
- ☐ Show locations, size and configuration of common open space for residential development, if applicable.
- ☐ Location of permanent dumpsters and service areas.
- ☐ Indicate location and method of screening of all existing and proposed propane tanks, HVAC, mechanical systems, dumpsters and any other structures or facilities that require screening as per section 9.5;
- ☐ Vicinity map showing location of tract at scale of not less than one (1) inch equals five hundred (500) feet;
- ☐ Proposed location of all stormwater facilities and appropriate calculations in accordance with the Engineering Standards and Specification Manual by a qualified design professional;
- ☐ Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories, and grade of each story, including basement, height and location;
- ☐ Provide a topographic survey of the site certified by a registered land surveyor showing existing site features, existing contour lines at a minimum interval of two (2) feet that are field verified, and all proposed contours. All proposed contours shall be tied to North Carolina grid.
- ☐ Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title;
- ☐ Plan of each floor of parking garage, if applicable;
- ☐ Utility plan showing the sizes, composition and location of all existing and proposed underground and overhead utilities such as water, sanitary sewer, gas, electric, and telephone cables, fire protection infrastructure, etc. both within the property and in adjacent streets, where practical;

- ☐ Show all road improvements required in conformance with thoroughfare plan, including any right-of-way dedications, sight triangles (per Sect. 9.1.G and the Village of Pinehurst Engineering Standards and Specifications Manual) and traffic control devices (MUTCD 3B.16);
- ☐ Submit a plan showing the location and specifications for all outdoor lighting with calculations showing compliance with section 9.8.
- ☐ Submit a plan showing the location and design of all landscaping improvements and landscaped areas, include data relative to credits for existing trees and required and supplemental planting;
- ☐ Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the property, including a foraging study for the Red-cockaded Woodpecker, wetlands, floodplains, and also showing specimen trees as defined in Section 9.5.1.8.
- ☐ Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadways/signal improvements for the development proposal.
- ☐ Approved street names and property numbers;
- ☐ A statement on whether the site is in a watershed and, if so, which watershed.
- ☐ Delineate area and boundary of floodplains, floodways, wetlands, and watershed areas.
- ☐ ISO calculations based on the approximate square footage of each type of use.
- ☐ Proposed fire hydrant and fire lane locations.
- ☐ Documentation from public utility provider concerning ability to serve the proposed development with water and sanitary sewer.
- ☐ Plan approval signature block on all pages of submittal sheets.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.
- ☐ Site plan drawings shall include all information required in Section 1.03b. Site Plans of the Village of Pinehurst Engineering Standards and Specifications Manual.
- ☐ All building permit submittal requirements shall be in accordance with the current edition of the North Carolina State Building Code;
- ☐ Any other information the Village Planner may deem necessary to determine compliance with this Ordinance.

Appendix E of the Pinehurst Development Ordinance – Subdivision Plats

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including the submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance. Final plats shall be submitted electronically to the Village Planner through the Online Permitting Center for review and to the County of Moore in accordance with recordation requirements of the Register of Deeds.

Subdivision Plat Information

Information to be submitted with applications for major and minor preliminary and final subdivision approval and for subdivision construction plans.

A. General Rules for Mapping and Graphics:

- ☐ All maps shall be drawn to scale and the scale shall be not less than 1"=200'. An index plan shall be used where the subdivision is shown on more than one sheet;
- ☐ Map size shall be **electronically formatted to be reproducible at 24"x36"**, except that final plats shall conform to the dimensional requirements of the Moore County Review Officer and Register of Deeds;
- ☐ All preliminary and final plats shall be prepared by a registered land surveyor of the State of North Carolina or a licensed Engineer of the State of North Carolina in accordance with North Carolina General Statutes §47-30.

B. Information Required for Major and Minor Preliminary Subdivisions:

- ☐ Title block containing the name of the subdivision. Include previous names for approved subdivisions (if any), date and revision date(s);
- ☐ Name and owner of the tract, surveyor, engineer and/or land planner, their addresses, business telephone, and fax numbers, and professional registration numbers (if any);
- ☐ North arrow and scale;
- ☐ Zoning of the tract;
- ☐ Acreage of tract;
- ☐ Acreage of dedicated open space;
- ☐ The total number of lots proposed;
- ☐ Smallest lot;
- ☐ Total linear feet in streets as measured along the center line;
- ☐ Setbacks: Provide a table of minimum building setbacks, including:
 - ☐ Front yard setback;
 - ☐ Side yard setbacks;
 - ☐ Any required landscaped or watershed buffers and other required setbacks or buffers;
 - ☐ Rear yard setback;
 - ☐ Corner yard setback;
- ☐ The location on the property of all existing and proposed property lines, easements, political boundary lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and properties of historic or cultural significance;
- ☐ Buildable area per lot, in square feet and existing built-upon area in lot in square feet and as a percentage of lot
- ☐ Area to be covered by impervious surface for the project;
- ☐ Provide on plans, a listing of all approved conditions of the conditional zoning district, if applicable;
- ☐ Indicate the names of adjoining property owners or subdivisions;
- ☐ Indicate the zoning and existing land use of all adjoining properties;

- ☐ Indicate the location of all property lines, setbacks, lot numbers, and lot dimensions in square feet and acres. Indicate the location of the existing property boundaries and the location of intersecting lines of adjoining properties by metes and bounds;
- ☐ Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the subdivision, including a foraging study for the Red-Cockaded Woodpecker, wetlands, and floodplains and showing specimen trees as defined in landscape section 9.5.1.8;
- ☐ Indicate the location of proposed parks, school sites, or other open space, if any. Indicate if the property is private or public. If public, indicate if it is proposed to be dedicated to the Village.
- ☐ Where required, indicate proposed streets, sidewalks, traffic control devices, street names, rights-of-way, roadway widths and approximate grades. Indicate if the streets are to be public or private. Show typical cross sections. Depict sight triangles per Section 9.1. (G) of the Pinehurst Development Ordinance and the 3.02.a of the Village of Pinehurst Engineering Standards and Specifications Manual. Street names are to be coordinated with 911 to avoid duplication of names;
- ☐ Provide a grading plan delineating existing ground contours at two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan. A full topographic survey and grid of the site is not required;
- ☐ Submit a sketch vicinity map showing the proposed subdivisions in relationship to surrounding property and streets;
- ☐ Provide a plan showing the location, general type, and number of plantings required in the perimeter buffer, streetscape, and other required landscaping areas;
- ☐ Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadway/signal improvements for the development proposal.
- ☐ Indicate driveway locations on adjacent properties along and across adjacent rights-of-way.
- ☐ Any other information the Village Planner may deem reasonable and necessary to determine compliance with this Ordinance.

C. Information Required for Major and Minor Final Plats:

- ☐ Title block containing subdivision names; vicinity map; legal description including township, county and state; the date of any revisions to the plat; a North arrow and deflection; scale in feet per inch and a bar graph; the name and address of the owner(s); and the name, address, registration number and seal of the engineer and/or surveyor;
- ☐ Exact boundary lines of tract in heavy line, full dimensions of lengths and bearings, and intersecting boundaries of adjoining lands;
- ☐ Street names, rights-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;
- ☐ Accurate descriptions and locations of all monuments, markers, and control points;
- ☐ Location, purpose, and dimensions of areas to be used for other than residential purposes;
- ☐ Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the centerline of curved streets and curved

property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;

- ☐ Boundaries of floodways and one hundred-year flood plains, wetlands and water supply watershed designation;
- ☐ Lots numbered consecutively throughout the subdivision;
- ☐ The names of owners of adjoining properties;
- ☐ Building setbacks (both on plat and in table format);
- ☐ Site calculations, including:
 - ☐ Total acreage;
 - ☐ Total number of lots;
 - ☐ Acreage in lots;
 - ☐ Acreage in street rights-of-way;
 - ☐ Linear feet of each individual street.

D. Submittal of Exempt and Final Plats for Recordation

One (1) paper copy of Exempt and Final Plats shall be submitted for signature by Village staff for recordation.

~~**F. Certificates to be Shown on Preliminary Subdivision Plats as Appropriate**~~

E. Plat Certificates



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

**PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY
WITH THE LONG RANGE COMPREHENSIVE PLAN
JULY 1, 2021 REGULAR MEETING**

**TEXT AMENDMENT TO THE
PINEHURST DEVELOPMENT ORDINANCE to
Provide for Electronic Submittal of Applications and Supplemental Materials**

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed text amendment **IS** consistent with *Envision the Village*, the adopted 2019 Comprehensive Long Range Plan which identifies 10 Strategic Opportunities for the Village. Strategic Opportunity 3 directs the Village to “Become a Digital Village and Live and Work from Home” Destination. Included in the Implementation Strategies on page 192 is Strategy 6.6 in which the Village should “Evaluate the capacity of Village Hall to meet the increased service needs and demands of residents.”

The proposed text amendment will move more operations to a digital platform. This will ease storage, retention, processing and archiving of materials for Planning, Engineering and Public Works while allowing the development community and residents to interact with staff from any location. A digital platform will extend the work capacity of Village Hall staff and result in reduction of processing time for projects by speeding communication, submittals and requests for additional information.

This amendment is consistent with the Strategy 6.6 outlined in the 2019 Comprehensive Long Range Plan. Achieving this goal is considered reasonable and in the best interest of the public.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the text amendment to the Pinehurst Development Ordinance.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

This is the 06th day of July, 2021.

Chair of the Planning and Zoning Board

Shannon Konstantinou
Clerk to the Planning and Zoning Board

Cc: Darryn Burich
Alex Cameron

PLANNING & INSPECTIONS

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-2581 • Fax (910) 295-1396 • www.vopnc.org



**DISCUSS AND CONSIDER ORDINANCE #21-14 ELECTRONIC
PERMITTING
ADDITIONAL AGENDA DETAILS:**

FROM:

Darryn Burich

CC:

Jeff Sanborn & Council

DATE OF MEMO:

10/19/2021

MEMO DETAILS:

This agenda item relates to implementing required use of the Village's Online Permit Center to apply for and obtain permits for various building and planning associated approvals (e.g. residential building permits, subdivision plats, mechanical permits, etc.). Use of the Online Permit Center was the outcome of a recommendation in the FY18 P&I Process Improvements BIRDIE that specifically recommended that the Village "acquire and implement new permit and inspection software". As part of the BIRDIE process the Village evaluated several software permit systems and ultimately adopted the system created and managed by Accela Land Management and has been in "official" use for permits and planning applications since July 1, 2019. It should also be noted that in 2011, the Village engaged the Lawrence Group to review development processes in which they recommended that the Village implement an online portal and allow digital-only submission where possible. The proposed PDO amendments follow through with these previous recommendations.

The Online Permit Center is available 24/7 365 days per year and allows for efficient communication between and applicant and the Village on permit application and approvals as well as the ability to schedule inspections and obtain inspection results electronically. Multiple copies of documents are no longer required (reducing printing costs for large projects) and the digital files can be more efficiently distributed to reviewers and the Technical Review Committee.

In order to implement required use of the Online Permit Center, multiple sections of the PDO need to be amended as proposed in Ordinance # 21-14. On July 1, the Planning and Zoning Board recommended the proposed PDO amendments. Attached to this agenda item are:

1. Staff P&Z memo from Senior Planner Kathy Liles
2. Summary List of PDO Amendment References to Implement Online Permitting by Chapter and Section
3. PDO Amendments showing individual amendments by Chapter and Section with redline and strikethrough
4. Ordinance # 21-14 Amending PDO to Implement Online Permitting
5. Comprehensive Plan Consistency Statement from Planning and Zoning Board

Darryn Burich

Planning & Inspections Director

ATTACHMENTS:

Description

- ▣ Draft Ordinance 21-14 Electronic Permitting
- ▣ Summary List PDO Amendments
- ▣ Electronic Permitting PDO Redline
- ▣ Planning and Zoning Board Statement of Consistency

ORDINANCE #21-14:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE TO IMPLEMENT ELECTRONIC PERMITTING

WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on October 26, 2021, in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed text amendments; and

WHEREAS, the Planning and Zoning Board recommended, on July 1, 2021, the Village Council approve these amendments to the Pinehurst Development Ordinance; and

WHEREAS, the Village of Pinehurst adopted the 2019 Comprehensive Plan which identified 10 Strategic Opportunities with Strategic Opportunity 3 identifying the Village to Become a Digital Village and “Live and Work from Home” Destination; and

WHEREAS, the adopted the 2019 Comprehensive Plan identifies Implementation Strategies of which Strategy 6.6 states the Village should Expand and Enhance Village Owned Facilities and Infrastructure as well as evaluate the capacity of Village Hall to meet the increased service needs and demands of residents; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments to the text of the Pinehurst Development Ordinance, have determined that it is considered reasonable and in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction and that it is consistent with the 2019 Comprehensive Long Range Plan for the reasons stated herein that the Pinehurst Development Ordinance be further amended, making the amendments as requested.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 26th day of October, 2021, as follows:

SECTION 1. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended as shown in the attached “Exhibit A”

SECTION 2. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 3. That this Ordinance shall become effective January 1, 2022 and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 26th day of October, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

ATTACHMENT - EXHIBIT A

An Amendment to the Pinehurst Development Ordinance to Provide for Electronic Submittal of Applications and Supplemental Materials

4.2.2 Development Permit Application

Each application for a development permit shall be accompanied by the number of copies of a plan as set forth by this Ordinance and/or the appropriate application be submitted in accordance with the electronic submittal requirements of Appendix A through E of this Ordinance . The plan shall be drawn in accordance with the required plan type as outlined in Appendix A thru E of this Ordinance:

5.1.3 Application Requirements; Determination of Completeness

(B) An application for a variance shall be filed with the Village Planner on a variance application form using the Village's Online Permit Center along with the associated fee.

(C) The application shall contain, or be accompanied by, such information and general concept plans (Appendix C) (may be modified by Village Planner as appropriate) in electronic format as required on the application form;

5.3.4 Filing of Appeal

(A) An application for an appeal shall be filed with the Village Clerk on an appeal form using the Village's Online Permit Center along with the associated fee as prescribed on the most recent Village of Pinehurst fee schedule;

6.1.3 Filing and Content of Applications

(A) An application requesting the amendment and all attachments shall be filed in electronic format with the Village Planner on an Application provided by the Village using the Village's Online Permit Center.

6.2.1 Application Procedures

(D) Content of Application: A Conditional District application shall consist of a General Concept Plan (Appendix C); as well as any other plans, drawings, renderings, elevations, maps, and documents specifically included by the applicant as development documents for approval by the Village Council. The General Concept Plan, as a site-specific conditional zoning plan, is itself a condition of the Conditional District rezoning. All materials shall be submitted

electronically using the Village's Online Permit Center. The provisions of the Conditional District General Concept Plan shall replace all conflicting development regulations set forth in this ordinance which would otherwise apply to the development site.

8.3.2.4 Certificate of Appropriateness Procedure

(A) An application for a Certificate of Appropriateness and any supplemental materials shall be submitted using the Village's Online Permit Center. Applications for Certificate of Appropriateness for major work shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content.

9.14.2 Design Criteria and Review Procedures

(C) Revisions and changes will be considered and approved or disapproved by the Village Planner. Examples of changes are site plan, landscape plan, change of height or the addition of elements not previously shown. All proposed changes shall be submitted in electronic format to the Village Planner. Staff will evaluate the proposed changes and provide a response to the applicant. For all changes, redrawing of plans shall be required.

Section 9.14.7 Single-Family Dwelling Development Review Process

(A) Builder/Developer submits application and plans with appropriate application fee. All materials shall be submitted using the Village's Online Permit Center;

9.17.1.1 Plat Approval Required; Major Subdivisions and Minor Subdivisions

(C) There are three (3) procedures for the approval of subdivisions, depending on whether the subdivision is an exempt subdivision, minor subdivision or a major subdivision. All materials shall be submitted using the Village's Online Permit Center and shall satisfy the electronic recordation requirements of the County of Moore:

9.17.1.5 Preliminary Plat Approval

(A) Application Requirements:

- (1) An application shall be submitted using the Village's Online Permit Center along with the associated fee and include the information listed in Appendix E, as it may be amended from time to time by the Village Council. Incomplete or incorrect information shall result in rejection or refusal to act on the application by the Village Planner;

9.17.1.6 Final Plat Approval

(A) Applicable Requirements: Within the time limit stated in subsection (C) below, the applicant shall file an application using the Village's Online Permit Center along with the associated fee for final plat approval, for that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, with the Village Planner on a form

prescribed by the Village, along with the prescribed fee, and shall include the information shown on the preliminary plat and the information listed in Appendix E , as it may be amended from time to time by the Village Council;

Appendix A of the Pinehurst Development Ordinance – Sketch Plan

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village’s Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Plot/Sketch Plan

This plan submittal type should be used for developments in which no permanent foundations are being constructed or for minor work such as patios, decks, fences in both single family, multifamily and non-residential development. This is the most basic of plan types allowed for development.

Plot/Sketch Plan Required Information

- ☐ Property lines.
- ☐ Existing structures to scale.
- ☐ New structures to scale.
- ☐ Setbacks.
- ☐ Estimated impervious surfaces.
- ☐ Any other information the Village Planner identifies as necessary.
- ☐ All plans and drawing sheets shall be drawn to a scale that is easily legible.

Note: No foundation or final surveys are required.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance.

Appendix B of the Pinehurst Development Ordinance – Single-Family Development Review

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village’s Online

Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Single-Family Dwelling Development Review Process

Checklist for Single-Family Development Review Applications

SUBMISSION REQUIREMENTS FOR SINGLE-FAMILY DEVELOPMENT

APPLICATIONS: This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

The following documents shall be submitted, if applicable, for issuance of a building permit, development permit, floodplain development permit, clearing/grading permit, driveway permit and Certificate of Appropriateness.

- ☐ Application Form
- ☐ Site Plan/Topographic Survey including driveway connections (see below)
- ☐ Elevation Drawings
- ☐ Exterior Material Form and Samples, if application is associated with a Certificate of Appropriateness.
- ☐ Driveway Permit Application
- ☐ Building permit submittal requirements in accordance with the current edition of the North Carolina State Building Code;
- ☐ Other Agency Permits and Approvals, as required
 - o Sedimentation and Erosion Control Plan (NCDEQ)
 - o Driveway Permit (NCDOT)
 - o Right-of-way Encroachment (NCDOT)
 - o On-site Wastewater Disposal Permit (Moore County Environmental Health)
 - o Well Permit (Moore County Environmental Health)
 - o US Fish and Wildlife Approval (particularly for Red-cockaded Woodpeckers)

This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

Required Site Plan Information: to be included on the Single-Family Site Plan:

- ☐ Indicate existing and proposed topographic elevations and finished floor elevation on site plan. Contour lines shall be indicated with no larger than two-foot intervals for existing and proposed (LIDAR data may be utilized);
- ☐ Show scale and North arrow;
- ☐ All plans and drawings shall be drawn to a scale that is easily legible. Site plans shall be prepared by a licensed surveyor or engineer.
- ☐ Vicinity Map - must be legible and lot easily located;
- ☐ Title block with site name and location;
- ☐ Indicate zoning classification of property on plan;
- ☐ Show total acreage including area and dimensions of the entire tract;
- ☐ Provide developer/builder name, address and telephone number on plans;
- ☐ Provide designer's name, address and telephone number on plans;
- ☐ Indicate adjoining lot lines, lot number and subdivision name on plans;
- ☐ Indicate by note, minimum dwelling size proposed for each floor;
- ☐ Show front, side and rear building setbacks;
- ☐ Show road frontage at the right-of-way and lot width at the building line;
- ☐ Show all easements.
- ☐ Clearly show the location of any additions/alterations (to scale);
- ☐ Location of all proposed and existing accessory structures to include pet runs, fences, LPG tank(s), irrigation well, etc.;
- ☐ Driveway and sidewalk locations;
- ☐ Building elevation (front, rear, and sides) shown with finished grade, to scale;
- ☐ Show location of silt fence;
- ☐ Existing and proposed impervious areas including the calculations on new construction and additions/alterations;
- ☐ Tree survey that locates and identifies specimen trees within 100' of a development site, showing the critical root zone for each tree to be preserved or reflect this information on the landscaping plan;
- ☐ Landscaping plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks;
- ☐ Floodplain and wetland delineation if applicable;
- ☐ Location of septic, and/or existing drainage structures;
- ☐ Existing and proposed utility connections.

- ☐ Any other information the Village Planner identifies as necessary.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance. The Village Planner may allow for a plot/sketch plan listed in Appendix A to be submitted rather than the single-family plan type based on the individual proposal and what is needed to determine compliance.

Single-Family Final Approval Process for Issuance of Certificate of Occupancy

1. No building hereafter erected, or structurally altered, or changed in use shall be used or occupied until approved by the Village. Prior to issuance of a Certificate of Occupancy by the Village, the following shall be done:
 - a. All plans and applications shall be modified to reflect as-built conditions.
 - b. A final driveway inspection shall be made by public services and approved.
 - c. A final survey prepared by a licensed surveyor or engineer shall be submitted, if required.
 - d. Fire Marshal shall conduct an inspection and approve.
 - e. The Certificate of Occupancy shall be issued upon final building inspection.
2. Changes to original plans shall be reviewed and approved by the Village Planner. All changes shall be submitted electronically using the Village's Online Permitting System to the Village Planner to ensure a successful final review of the project.

Appendix C of the Pinehurst Development Ordinance – General Concept Plan

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Required General Concept Plan Information

General Concept Plan

1. Required information to be included on the general concept plan:
 - ☐ Basic map information including title block with owner, applicant's name and contact information, designer's name and contact information, surveyor's name

and contact information; north arrow, scale in text and graphics, vicinity map, and revision block. “Bubbles” or “clouds” shall show revisions with date.

- ☐ If the conceptual plan is based on a survey, provide a separate drawing of work product by surveyor signed, sealed and dated showing precision ratio and tied to NC grid.
- ☐ The present and proposed zoning classification(s) of the tract;
- ☐ Adjoining property lines;
- ☐ The height, size and location of existing and proposed structure(s);
- ☐ A table showing proposed use of land and structures, zoning classification, and dimensional requirements;
- ☐ Building elevation drawings;
- ☐ Proposed planting areas, including walls and fences and the treatment of any existing natural features;
- ☐ The owner names, addresses, LRK #, zoning and deed references of adjoining property;
- ☐ All existing and proposed easements, reservations, rights-of-way lines and width and all setbacks required for the zoning district;
- ☐ General location and size of existing utilities both on-site and to the site, proposed tie-in location to existing public utilities (including water, sewer, drainage, etc.) and proposed location of utilities to serve the site;
- ☐ General location and type of existing and proposed storm water facilities;
- ☐ Delineation of the 100-year floodplain;
- ☐ Development Intensity:
 - ☐ For residential uses this shall include number of units and outline of area within which structures will be located.
 - ☐ For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
 - ☐ Existing and maximum proposed impervious coverage reflected in square feet SF and acreage,
 - ☐ Parking and circulation plan, showing location, arrangement, and number of existing and proposed parking spaces. Parking calculations shall also be shown;
 - ☐ Ingress and egress to adjacent areas;
 - ☐ Proposed dimension and number of signs and their locations;
 - ☐ Proposed phasing and approximate completion time of the project;
 - ☐ Survey base map that provides legal metes and bounds including location of regulated (e.g., US Fish and Wildlife designated red-cockaded woodpecker trees) and specimen trees.

- ☐ Trip generation based on ITE standards and the Village's Engineering Standards and Specifications Manual for the proposed uses.
- ☐ Roadway/signal improvements for the development proposal.
- ☐ Proposed pedestrian improvements including sidewalks, greenways, etc.
- ☐ ISO computations based on the approximate/proposed square footages for each type of use.
- ☐ Current and proposed topography. Use of LIDAR data is acceptable for conceptual plans, however, actual surveyed topography shall be required for formal site plan submittal.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.

Appendix D of the Pinehurst Development Ordinance – Site Plans

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Site Plan Information

Major and Minor Site Plans

A. Information required for major and minor site plans:

- ☐ Map size shall be electronically formatted to be reproducible at 24"x36" with a scale no less than one (1) inch equals fifty (50) feet for all major and minor site plans (an index plan shall be used if multiple sheets are needed).
- ☐ Show north arrow, scale of drawings, precision ratio, lot dimensions, setbacks, area in square feet and acres;
- ☐ Revision blocks with date of revisions and "bubbles" or "clouds" to show changes on the map with date;
- ☐ A signed and sealed map of the entire tract, including the boundary of the entire tract by metes and bounds tied to North Carolina grid and the location and dimension of all onsite and adjacent offsite easements, including but not limited to drainage, utility, public access, aerial utility, and permanent and temporary construction easements;
- ☐ The location and dimension(s) of all existing and proposed building(s) on the site. Show the finished floor elevations for the existing building(s) and the proposed floor grades, including basement, for each floor of the proposed building(s), if applicable;

- ☐ The location and dimension(s) of all proposed or existing impervious surfaces on the site, including but not limited to driveways, sidewalks, parking lots, loading and other vehicle use areas, and curb and median cuts;
- ☐ Indicate front, side, and rear setbacks for all existing and proposed structures;
- ☐ Provide a Title Block:
 - ☐ Property owner's name; address, telephone number(s), email address;
 - ☐ Applicant's name; address, telephone number(s), email address; and
 - ☐ Designer's name, address, telephone number(s), email address;
 - ☐ Provide a Development Data Block or Chart listing of the following data;
 - ☐ Zoning of the tract with dimensional requirements.
- ☐ Existing and proposed gross square footage of buildings;
- ☐ Amount of square footage utilized in parking and loading areas (see landscape standards section 9.5);
- ☐ Number of parking spaces proposed and required;
- ☐ Number of handicapped parking spaces proposed and required;
- ☐ Required and proposed minimum landscape area square footages;
- ☐ Residential uses: indicate maximum density allowed and the proposed density;
- ☐ Proposed linear footage of roads;
- ☐ Conditional zoning and special use conditions, if applicable;
- ☐ Existing and proposed built-upon area in square feet, acreage and as a percentage of site;
- ☐ Identify any existing development predating the effective date of watershed regulations;
- ☐ Indicate the owner, address, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets);
- ☐ Show locations, size and configuration of common open space for residential development, if applicable.
- ☐ Location of permanent dumpsters and service areas.
- ☐ Indicate location and method of screening of all existing and proposed propane tanks, HVAC, mechanical systems, dumpsters and any other structures or facilities that require screening as per section 9.5;
- ☐ Vicinity map showing location of tract at scale of not less than one (1) inch equals five hundred (500) feet;
- ☐ Proposed location of all storm water facilities and appropriate calculations in accordance with the Engineering Standards and Specification Manual by a qualified design professional;
- ☐ Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories, and grade of each story, including basement, height and location;

- ☐ Provide a topographic survey of the site certified by a registered land surveyor showing existing site features, existing contour lines at a minimum interval of two (2) feet that are field verified, and all proposed contours. All proposed contours shall be tied to North Carolina grid.
- ☐ Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title;
- ☐ Plan of each floor of parking garage, if applicable;
- ☐ Utility plan showing the sizes, composition and location of all existing and proposed underground and overhead utilities such as water, sanitary sewer, gas, electric, and telephone cables, fire protection infrastructure, etc. both within the property and in adjacent streets, where practical;
- ☐ Show all road improvements required in conformance with thoroughfare plan, including any right-of-way dedications, sight triangles (per Sect. 9.1.G and the Village of Pinehurst Engineering Standards and Specifications Manual) and traffic control devices (MUTCD 3B.16);
- ☐ Submit a plan showing the location and specifications for all outdoor lighting with calculations showing compliance with section 9.8.
- ☐ Submit a plan showing the location and design of all landscaping improvements and landscaped areas, include data relative to credits for existing trees and required and supplemental planting;
- ☐ Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the property, including a foraging study for the Red-cockaded Woodpecker, wetlands, floodplains, and also showing specimen trees as defined in Section 9.5.1.8.
- ☐ Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadways/signal improvements for the development proposal.
- ☐ Approved street names and property numbers;
- ☐ A statement on whether the site is in a watershed and, if so, which watershed.
- ☐ Delineate area and boundary of floodplains, floodways, wetlands, and watershed areas.
- ☐ ISO calculations based on the approximate square footage of each type of use.
- ☐ Proposed fire hydrant and fire lane locations.
- ☐ Documentation from public utility provider concerning ability to serve the proposed development with water and sanitary sewer.
- ☐ Plan approval signature block on all pages of submittal sheets.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.

- ☐ Site plan drawings shall include all information required in Section 1.03b. Site Plans of the Village of Pinehurst Engineering Standards and Specifications Manual.
- ☐ All building permit submittal requirements shall be in accordance with the current edition of the North Carolina State Building Code;
- ☐ Any other information the Village Planner may deem necessary to determine compliance with this Ordinance.

Appendix E of the Pinehurst Development Ordinance – Subdivision Plats

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including the submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance. Final plats shall be submitted electronically to the Village Planner through the Online Permitting Center for review and to the County of Moore in accordance with recordation requirements of the Register of Deeds.

Subdivision Plat Information

Information to be submitted with applications for major and minor preliminary and final subdivision approval and for subdivision construction plans.

A. General Rules for Mapping and Graphics:

- ☐ All maps shall be drawn to scale and the scale shall be not less than 1"=200'. An index plan shall be used where the subdivision is shown on more than one sheet;
- ☐ Map size shall be electronically formatted to be reproducible at 24"x36", except that final plats shall conform to the dimensional requirements of the Moore County Review Officer and Register of Deeds;
- ☐ All preliminary and final plats shall be prepared by a registered land surveyor of the State of North Carolina or a licensed Engineer of the State of North Carolina in accordance with North Carolina General Statutes §47-30.

B. Information Required for Major and Minor Preliminary Subdivisions:

- ☐ Title block containing the name of the subdivision. Include previous names for approved subdivisions (if any), date and revision date(s);
- ☐ Name and owner of the tract, surveyor, engineer and/or land planner, their addresses, business telephone, and fax numbers, and professional registration numbers (if any);
- ☐ North arrow and scale;
- ☐ Zoning of the tract;

- ☐ Acreage of tract;
- ☐ Acreage of dedicated open space;
- ☐ The total number of lots proposed;
- ☐ Smallest lot;
- ☐ Total linear feet in streets as measured along the center line;
- ☐ Setbacks: Provide a table of minimum building setbacks, including:
 - ☐ Front yard setback;
 - ☐ Side yard setbacks;
 - ☐ Any required landscaped or watershed buffers and other required setbacks or buffers;
 - ☐ Rear yard setback;
 - ☐ Corner yard setback;
- ☐ The location on the property of all existing and proposed property lines, easements, political boundary lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and properties of historic or cultural significance;
- ☐ Buildable area per lot, in square feet and existing built-upon area in lot in square feet and as a percentage of lot
- ☐ Area to be covered by impervious surface for the project;
- ☐ Provide on plans, a listing of all approved conditions of the conditional zoning district, if applicable;
- ☐ Indicate the names of adjoining property owners or subdivisions;
- ☐ Indicate the zoning and existing land use of all adjoining properties;
- ☐ Indicate the location of all property lines, setbacks, lot numbers, and lot dimensions in square feet and acres. Indicate the location of the existing property boundaries and the location of intersecting lines of adjoining properties by metes and bounds;
- ☐ Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the subdivision, including a foraging study for the Red-Cockaded Woodpecker, wetlands, and floodplains and showing specimen trees as defined in landscape section 9.5.1.8;
- ☐ Indicate the location of proposed parks, school sites, or other open space, if any. Indicate if the property is private or public. If public, indicate if it is proposed to be dedicated to the Village.
- ☐ Where required, indicate proposed streets, sidewalks, traffic control devices, street names, rights-of-way, roadway widths and approximate grades. Indicate if the streets are to be public or private. Show typical cross sections. Depict sight triangles per Section 9.1. (G) of the Pinehurst Development Ordinance and the 3.02.a of the Village of Pinehurst

Engineering Standards and Specifications Manual. Street names are to be coordinated with 911 to avoid duplication of names;

- ☐ Provide a grading plan delineating existing ground contours at two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan. A full topographic survey and grid of the site is not required;
- ☐ Submit a sketch vicinity map showing the proposed subdivisions in relationship to surrounding property and streets;
- ☐ Provide a plan showing the location, general type, and number of plantings required in the perimeter buffer, streetscape, and other required landscaping areas;
- ☐ Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadway/signal improvements for the development proposal.
- ☐ Indicate driveway locations on adjacent properties along and across adjacent rights-of-way.
- ☐ Any other information the Village Planner may deem reasonable and necessary to determine compliance with this Ordinance.

C. Information Required for Major and Minor Final Plats:

- ☐ Title block containing subdivision names; vicinity map; legal description including township, county and state; the date of any revisions to the plat; a North arrow and deflection; scale in feet per inch and a bar graph; the name and address of the owner(s); and the name, address, registration number and seal of the engineer and/or surveyor;
- ☐ Exact boundary lines of tract in heavy line, full dimensions of lengths and bearings, and intersecting boundaries of adjoining lands;
- ☐ Street names, rights-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;
- ☐ Accurate descriptions and locations of all monuments, markers, and control points;
- ☐ Location, purpose, and dimensions of areas to be used for other than residential purposes;
- ☐ Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;
- ☐ Boundaries of floodways and one hundred-year flood plains, wetlands and water supply watershed designation;
- ☐ Lots numbered consecutively throughout the subdivision;
- ☐ The names of owners of adjoining properties;
- ☐ Building setbacks (both on plat and in table format);
- ☐ Site calculations, including:

- o Total acreage;
- o Total number of lots;
- o Acreage in lots;
- o Acreage in street rights-of-way;
- o Linear feet of each individual street.

D. Submittal of Exempt and Final Plats for Recordation

One (1) paper copy of Exempt and Final Plats shall be submitted for signature by Village staff for recordation.

E. Certificates to be shown on Preliminary Subdivision Plats as Appropriate

F. Plat Certificates

Summary List of PDO Amendments to Implement Online Permitting

Chapter 4 Public Hearings, Permits and Approvals

Section 4.2.2

Chapter 5 Variances and Administrative Appeals

Section 5.1.3 (B), (C)

Section 5.3.4(A)

Chapter 6 Text Amendments and Rezonings

Section 6.1.3(A)

Section 6.2.1(D)

Chapter 8 Zoning

Section 8.3.2.4(A)

Section 9.14.2(C)

Chapter 9 Design and Development Standards and Processes

Section 9.14.7(A)

Section 9.17.1.1 (C)

Section 9.17.1.5 (A)(1)

Section 9.17.1.6 (A)

Appendices A-E

Appendix A – Plot/Sketch Plan Information

Appendix B – Single Family Development Review

Appendix C – General Concept Plan Information

Appendix D – Site Plan Information

Appendix E – Subdivision Plan Information

An Amendment to the Pinehurst Development Ordinance to
Provide for Electronic Submittal of Applications and Supplemental Materials

~~Redline/Strikethrough~~ Revisions

4.2.2 Development Permit Application

Each application for a development permit shall ~~be accompanied by the number of copies of a plan as set forth by this Ordinance and/or the appropriate application~~ be submitted in accordance with the ~~electronic submittal requirements of Appendix A through E of this Ordinance~~ . The plan shall be drawn in accordance with the required plan type as outlined in Appendix A thru E of this Ordinance:

5.1.3 Application Requirements; Determination of Completeness

(B) An application for a variance shall be filed with the Village Planner on a variance application form ~~using the Village's Online Permit Center~~ along with the associated fee.

(C) The application shall contain, or be accompanied by, such information and general concept plans (Appendix C) (may be modified by Village Planner as appropriate) ~~in electronic format~~ as required on the application form;

5.3.4 Filing of Appeal

(A) An application for an appeal shall be filed with the Village Clerk on an appeal form ~~using the Village's Online Permit Center~~ along with the associated fee as prescribed on the most recent Village of Pinehurst fee schedule;

6.1.3 Filing and Content of Applications

(A) An application requesting the amendment ~~and all attachments~~ shall be filed ~~in electronic format~~ with the Village Planner on an Application provided by the Village ~~using the Village's Online Permit Center~~.

6.2.1 Application Procedures

(D) Content of Application: A Conditional District application shall consist of a General Concept Plan (Appendix C); as well as any other plans, drawings, renderings, elevations, maps, and documents specifically included by the applicant as development documents for approval by the Village Council. The General Concept Plan, as a site-specific conditional zoning plan, is itself a condition of the Conditional District rezoning. ~~All materials shall be submitted electronically using the Village's Online Permit Center.~~ The provisions of the Conditional District General Concept Plan shall replace all conflicting development regulations set forth in this ordinance which would otherwise apply to the development site.

8.3.2.4 Certificate of Appropriateness Procedure

(A) An application for a Certificate of Appropriateness **and any supplemental materials shall be submitted using the Village's Online Permit Center-**. Applications for Certificate of Appropriateness for major work shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content.

9.14.2 Design Criteria and Review Procedures

(C) Revisions and changes will be considered and approved or disapproved by the Village Planner. Examples of changes are site plan, landscape plan, change of height or the addition of elements not previously shown. All proposed changes shall be submitted **in electronic format to the Village Planner**. Staff will evaluate the proposed changes and provide a response to the applicant. For all changes, redrawing of plans shall be required.

Section 9.14.7 Single-Family Dwelling Development Review Process

(A) Builder/Developer submits application and plans with appropriate application fee. **All materials shall be submitted using the Village's Online Permit Center;**

9.17.1.1 Plat Approval Required; Major Subdivisions and Minor Subdivisions

(C) There are three (3) procedures for the approval of subdivisions, depending on whether the subdivision is an exempt subdivision, minor subdivision or a major subdivision. **All materials shall be submitted using the Village's Online Permit Center and shall satisfy the electronic recordation requirements of the County of Moore:**

9.17.1.5 Preliminary Plat Approval

(A) Application Requirements:

- (1) An application shall **be submitted using the Village's Online Permit Center along with the associated fee** and include the information listed in Appendix E, as it may be amended from time to time by the Village Council. Incomplete or incorrect information shall result in rejection or refusal to act on the application by the Village Planner;

9.17.1.6 Final Plat Approval

(A) Applicable Requirements: Within the time limit stated in subsection (C) below, the applicant shall file an application **using the Village's Online Permit Center along with the associated fee** for final plat approval, for that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, with the Village Planner on a form prescribed by the Village, along with the prescribed fee, and shall include the information shown on the preliminary plat and the information listed in Appendix E , as it may be amended from time to time by the Village Council;

Appendix A of the Pinehurst Development Ordinance – Sketch Plan

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Plot/Sketch Plan~~

This plan submittal type should be used for developments in which no permanent foundations are being constructed or for minor work such as patios, decks, fences in both single family, multifamily and non-residential development. This is the most basic of plan types allowed for development.

Plot/Sketch Plan Required Information

- ☐ Property lines.
- ☐ Existing structures to scale.
- ☐ New structures to scale.
- ☐ Setbacks.
- ☐ Estimated impervious surfaces.
- ☐ Any other information the Village Planner identifies as necessary.
- ☐ All plans and drawing sheets shall be drawn to a scale that is easily legible.

Note: No foundation or final surveys are required.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance.

Appendix B of the Pinehurst Development Ordinance – Single-Family Development Review

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Single-Family Dwelling Development Review Process~~

~~Checklist for Single-Family Development Review Applications~~

SUBMISSION REQUIREMENTS FOR SINGLE-FAMILY DEVELOPMENT APPLICATIONS: This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

The following documents shall be submitted, if applicable, for issuance of a building permit, development permit, floodplain development permit, clearing/grading permit, driveway permit and Certificate of Appropriateness.

- ☐ Application Form
- ☐ Site Plan/Topographic Survey including driveway connections (see below)
- ☐ Elevation Drawings
- ☐ Exterior Material Form and Samples, if application is associated with a Certificate of Appropriateness.
- ☐ Driveway Permit Application
- ☐ Building permit submittal requirements in accordance with the current edition of the North Carolina State Building Code;
- ☐ Other Agency Permits and Approvals, as required
 - ☐ Sedimentation and Erosion Control Plan (NCDEQ)
 - ☐ Driveway Permit (NCDOT)
 - ☐ Right-of-way Encroachment (NCDOT)
 - ☐ On-site Wastewater Disposal Permit (Moore County Environmental Health)
 - ☐ Well Permit (Moore County Environmental Health)
 - ☐ US Fish and Wildlife Approval (particularly for Red-cockaded Woodpeckers)

~~This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.~~

Required Site Plan Information: ~~to be included on the Single-Family Site Plan:~~

- ☐ Indicate existing and proposed topographic elevations and finished floor elevation on site plan. Contour lines shall be indicated with no larger than two-foot intervals for existing and proposed (LIDAR data may be utilized); ☐ Show scale and North arrow;
- ☐ All plans and drawings shall be drawn to a scale that is easily legible. Site plans shall be prepared by a licensed surveyor or engineer.
- ☐ Vicinity Map - must be legible and lot easily located;
- ☐ Title block with site name and location;
- ☐ Indicate zoning classification of property on plan; ☐ Show total acreage including area and dimensions of the entire tract;
- ☐ Provide developer/builder name, address and telephone number on plans;
- ☐ Provide designer's name, address and telephone number on plans; ☐ Indicate adjoining lot lines, lot number and subdivision name on plans;

- ☐ Indicate by note, minimum dwelling size proposed for each floor;
- ☐ Show front, side and rear building setbacks;
- ☐ Show road frontage at the right-of-way and lot width at the building line;
- ☐ Show all easements. ☐ Clearly show the location of any additions/alterations (to scale);
- ☐ Location of all proposed and existing accessory structures to include pet runs, fences, LPG tank(s), irrigation well, etc.;
- ☐ Driveway and sidewalk locations;
- ☐ Building elevation (front, rear, and sides) shown with finished grade, to scale;
- ☐ Show location of silt fence;
- ☐ Existing and proposed impervious areas including the calculations on new construction and additions/alterations;
- ☐ Tree survey that locates and identifies specimen trees within 100' of a development site, showing the critical root zone for each tree to be preserved or reflect this information on the landscaping plan;
- ☐ Landscaping plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks;
- ☐ Floodplain and wetland delineation if applicable;
- ☐ Location of septic, and/or existing drainage structures;
- ☐ Existing and proposed utility connections.
- ☐ Any other information the Village Planner identifies as necessary.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance. The Village Planner may allow for a plot/sketch plan **listed in Appendix A** to be submitted rather than the single-family plan type based on the individual proposal and what is needed to determine compliance.

Single-Family Final Approval Process for Issuance of Certificate of Occupancy

1. No building hereafter erected, or structurally altered, or changed in use shall be used or occupied until approved by the Village. Prior to issuance of a Certificate of Occupancy by the Village, the following shall be done:
 - a. All plans and applications shall be modified to reflect as-built conditions.
 - b. A final driveway inspection shall be made by public services and approved.
 - c. A final survey prepared by a licensed surveyor or engineer shall be submitted, if required.
 - d. Fire Marshal shall conduct an inspection and approve.
 - e. The Certificate of Occupancy shall be issued upon final building inspection.
2. Changes to original plans shall be reviewed and approved by the Village **Planner**. All changes shall be **submitted electronically using the Village's Online Permitting System** ~~to the Village Planner~~ to ensure a successful final review of the project.

Appendix C of the Pinehurst Development Ordinance – General Concept Plan

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Required General Concept Plan Information

~~General Concept Plan~~

~~1. Required information to be included on the general concept plan:~~

- ☐ Basic map information including title block with owner, applicant's name and contact information, designer's name and contact information, surveyor's name and contact information; north arrow, scale in text and graphics, vicinity map, and revision block. "Bubbles" or "clouds" shall show revisions with date.
- ☐ If the conceptual plan is based on a survey, provide a separate drawing of work product by surveyor signed, sealed and dated showing precision ratio and tied to NC grid.
- ☐ The present and proposed zoning classification(s) of the tract;
- ☐ Adjoining property lines;
- ☐ The height, size and location of existing and proposed structure(s);
- ☐ A table showing proposed use of land and structures, zoning classification, and dimensional requirements;
- ☐ Building elevation drawings;
- ☐ Proposed planting areas, ~~including~~ walls and fences and the treatment of any existing natural features;
- ☐ The owner names, addresses, LRK #, zoning and deed references of adjoining property;
- ☐ All existing and proposed easements, reservations, rights-of-way lines and width and all setbacks required for the zoning district;
- ☐ General location and size of existing utilities both on-site and to the site, proposed tie-in location to existing public utilities (including water, sewer, drainage, etc.) and proposed location of utilities to serve the site;
- ☐ General location and type of existing and proposed stormwater facilities;
- ☐ Delineation of the 100-year floodplain;

Development Intensity:

- ☐ For residential uses this shall include number of units and outline of area within which structures will be located.
- ☐ For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
- ☐ Existing and maximum proposed impervious coverage reflected in square feet ~~SF~~ and acreage,
- ☐ Parking and circulation plan; showing location, arrangement, and number of existing and proposed parking spaces. Parking calculations shall also be shown;
- ☐ Ingress and egress to adjacent areas;

- ☐ Proposed dimension and number of signs and their locations;
- ☐ Proposed phasing and approximate completion time of the project;
- ☐ Survey base map that provides legal metes and bounds including location of regulated (e.g., US Fish and Wildlife designated red-cockaded woodpecker trees) and specimen trees.
- ☐ Trip generation based on ITE standards and the Village's Engineering Standards and Specifications Manual for the proposed uses.
- ☐ Roadway/signal improvements for the development proposal.
- ☐ Proposed pedestrian improvements including sidewalks, greenways, etc.
- ☐ ISO computations based on the approximate/proposed square footages for each type of use.
- ☐ Current and proposed topography. Use of LIDAR data is acceptable for conceptual plans, however, actual surveyed topography shall be required for formal site plan submittal.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.

Appendix D of the Pinehurst Development Ordinance – Site Plans

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Site Plan Information~~

~~Major and Minor Site Plans~~

A. Information required for major and minor site plans:

- ☐ Map size shall be electronically formatted to be reproducible at 24"x36" with a scale no less than one (1) inch equals fifty (50) feet for all major and minor site plans (an index plan shall be used if multiple sheets are needed).;
- ☐ Show north arrow, scale of drawings, precision ratio, lot dimensions, setbacks, area in square feet and acres;
- ☐ Revision blocks with date of revisions and "bubbles" or "clouds" to show changes on the map with date;
- ☐ A signed and sealed map of the entire tract, including the boundary of the entire tract by metes and bounds tied to North Carolina grid and the location and dimension of all onsite and adjacent offsite easements, including but not limited to drainage, utility, public access, aerial utility, and permanent and temporary construction easements;
- ☐ The location and dimension(s) of all existing and proposed building(s) on the site. Show the finished floor elevations for the existing building(s) and the proposed floor grades, including basement, for each floor of the proposed building(s), if applicable;
- ☐ The location and dimension(s) of all proposed or existing impervious surfaces on the site, including but not limited to driveways, sidewalks, parking lots, loading and other vehicle use areas, and curb and median cuts;
- ☐ Indicate front, side, and rear setbacks for all existing and proposed structures;

- ☐ Provide a Title Block:
 - ☐ Property owner's name; address, telephone number(s), email address;
 - ☐ Applicant's name; address, telephone number(s), email address; and
 - ☐ Designer's name, address, telephone number(s), email address;
 - ☐ Provide a Development Data Block or Chart listing of the following data;
 - ☐ Zoning of the tract with dimensional requirements.
- ☐ Existing and proposed gross square footage of buildings;
- ☐ Amount of square footage utilized in parking and loading areas (see landscape standards section 9.5);
- ☐ Number of parking spaces proposed and required;
- ☐ Number of handicapped parking spaces proposed and required;
- ☐ Required and proposed minimum landscape area square footages;
- ☐ Residential uses: indicate maximum density allowed and the proposed density;
- ☐ Proposed linear footage of roads;
- ☐ Conditional zoning and special use conditions, if applicable;
- ☐ Existing and proposed built-upon area in square feet, acreage and as a percentage of site; Identify any existing development predating the effective date of watershed regulations;
- ☐ Indicate the owner, address, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets);
- ☐ Show locations, size and configuration of common open space for residential development, if applicable.
- ☐ Location of permanent dumpsters and service areas.
- ☐ Indicate location and method of screening of all existing and proposed propane tanks, HVAC, mechanical systems, dumpsters and any other structures or facilities that require screening as per section 9.5;
- ☐ Vicinity map showing location of tract at scale of not less than one (1) inch equals five hundred (500) feet;
- ☐ Proposed location of all stormwater facilities and appropriate calculations in accordance with the Engineering Standards and Specification Manual by a qualified design professional;
- ☐ Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories, and grade of each story, including basement, height and location;
- ☐ Provide a topographic survey of the site certified by a registered land surveyor showing existing site features, existing contour lines at a minimum interval of two (2) feet that are field verified, and all proposed contours. All proposed contours shall be tied to North Carolina grid.
- ☐ Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title;
- ☐ Plan of each floor of parking garage, if applicable;
- ☐ Utility plan showing the sizes, composition and location of all existing and proposed underground and overhead utilities such as water, sanitary sewer, gas, electric, and telephone cables, fire protection infrastructure, etc. both within the property and in adjacent streets, where practical;

- ☐ Show all road improvements required in conformance with thoroughfare plan, including any right-of-way dedications, sight triangles (per Sect. 9.1.G and the Village of Pinehurst Engineering Standards and Specifications Manual) and traffic control devices (MUTCD 3B.16);
- ☐ Submit a plan showing the location and specifications for all outdoor lighting with calculations showing compliance with section 9.8.
- ☐ Submit a plan showing the location and design of all landscaping improvements and landscaped areas, include data relative to credits for existing trees and required and supplemental planting;
- ☐ Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the property, including a foraging study for the Red-cockaded Woodpecker, wetlands, floodplains, and also showing specimen trees as defined in Section 9.5.1.8.
- ☐ Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadways/signal improvements for the development proposal.
- ☐ Approved street names and property numbers;
- ☐ A statement on whether the site is in a watershed and, if so, which watershed.
- ☐ Delineate area and boundary of floodplains, floodways, wetlands, and watershed areas.
- ☐ ISO calculations based on the approximate square footage of each type of use.
- ☐ Proposed fire hydrant and fire lane locations.
- ☐ Documentation from public utility provider concerning ability to serve the proposed development with water and sanitary sewer.
- ☐ Plan approval signature block on all pages of submittal sheets.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.
- ☐ Site plan drawings shall include all information required in Section 1.03b. Site Plans of the Village of Pinehurst Engineering Standards and Specifications Manual.
- ☐ All building permit submittal requirements shall be in accordance with the current edition of the North Carolina State Building Code;
- ☐ Any other information the Village Planner may deem necessary to determine compliance with this Ordinance.

Appendix E of the Pinehurst Development Ordinance – Subdivision Plats

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including the submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance. Final plats shall be submitted electronically to the Village Planner through the Online Permitting Center for review and to the County of Moore in accordance with recordation requirements of the Register of Deeds.

Subdivision Plat Information

Information to be submitted with applications for major and minor preliminary and final subdivision approval and for subdivision construction plans.

A. General Rules for Mapping and Graphics:

- ☐ All maps shall be drawn to scale and the scale shall be not less than 1"=200'. An index plan shall be used where the subdivision is shown on more than one sheet;
- ☐ Map size shall be **electronically formatted to be reproducible at 24"x36"**, except that final plats shall conform to the dimensional requirements of the Moore County Review Officer and Register of Deeds;
- ☐ All preliminary and final plats shall be prepared by a registered land surveyor of the State of North Carolina or a licensed Engineer of the State of North Carolina in accordance with North Carolina General Statutes §47-30.

B. Information Required for Major and Minor Preliminary Subdivisions:

- ☐ Title block containing the name of the subdivision. Include previous names for approved subdivisions (if any), date and revision date(s);
- ☐ Name and owner of the tract, surveyor, engineer and/or land planner, their addresses, business telephone, and fax numbers, and professional registration numbers (if any);
- ☐ North arrow and scale;
- ☐ Zoning of the tract;
- ☐ Acreage of tract;
- ☐ Acreage of dedicated open space;
- ☐ The total number of lots proposed;
- ☐ Smallest lot;
- ☐ Total linear feet in streets as measured along the center line;
- ☐ Setbacks: Provide a table of minimum building setbacks, including:
 - ☐ Front yard setback;
 - ☐ Side yard setbacks;
 - ☐ Any required landscaped or watershed buffers and other required setbacks or buffers;
 - ☐ Rear yard setback;
 - ☐ Corner yard setback;
- ☐ The location on the property of all existing and proposed property lines, easements, political boundary lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and properties of historic or cultural significance;
- ☐ Buildable area per lot, in square feet and existing built-upon area in lot in square feet and as a percentage of lot
- ☐ Area to be covered by impervious surface for the project;
- ☐ Provide on plans, a listing of all approved conditions of the conditional zoning district, if applicable;
- ☐ Indicate the names of adjoining property owners or subdivisions;
- ☐ Indicate the zoning and existing land use of all adjoining properties;

- ☐ Indicate the location of all property lines, setbacks, lot numbers, and lot dimensions in square feet and acres. Indicate the location of the existing property boundaries and the location of intersecting lines of adjoining properties by metes and bounds;
- ☐ Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the subdivision, including a foraging study for the Red-Cockaded Woodpecker, wetlands, and floodplains and showing specimen trees as defined in landscape section 9.5.1.8;
- ☐ Indicate the location of proposed parks, school sites, or other open space, if any. Indicate if the property is private or public. If public, indicate if it is proposed to be dedicated to the Village.
- ☐ Where required, indicate proposed streets, sidewalks, traffic control devices, street names, rights-of-way, roadway widths and approximate grades. Indicate if the streets are to be public or private. Show typical cross sections. Depict sight triangles per Section 9.1. (G) of the Pinehurst Development Ordinance and the 3.02.a of the Village of Pinehurst Engineering Standards and Specifications Manual. Street names are to be coordinated with 911 to avoid duplication of names;
- ☐ Provide a grading plan delineating existing ground contours at two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan. A full topographic survey and grid of the site is not required;
- ☐ Submit a sketch vicinity map showing the proposed subdivisions in relationship to surrounding property and streets;
- ☐ Provide a plan showing the location, general type, and number of plantings required in the perimeter buffer, streetscape, and other required landscaping areas;
- ☐ Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadway/signal improvements for the development proposal.
- ☐ Indicate driveway locations on adjacent properties along and across adjacent rights-of-way.
- ☐ Any other information the Village Planner may deem reasonable and necessary to determine compliance with this Ordinance.

C. Information Required for Major and Minor Final Plats:

- ☐ Title block containing subdivision names; vicinity map; legal description including township, county and state; the date of any revisions to the plat; a North arrow and deflection; scale in feet per inch and a bar graph; the name and address of the owner(s); and the name, address, registration number and seal of the engineer and/or surveyor;
- ☐ Exact boundary lines of tract in heavy line, full dimensions of lengths and bearings, and intersecting boundaries of adjoining lands;
- ☐ Street names, rights-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;
- ☐ Accurate descriptions and locations of all monuments, markers, and control points;
- ☐ Location, purpose, and dimensions of areas to be used for other than residential purposes;
- ☐ Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the centerline of curved streets and curved

property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;

- ☐ Boundaries of floodways and one hundred-year flood plains, wetlands and water supply watershed designation;
- ☐ Lots numbered consecutively throughout the subdivision;
- ☐ The names of owners of adjoining properties;
- ☐ Building setbacks (both on plat and in table format);
- ☐ Site calculations, including:
 - ☐ Total acreage;
 - ☐ Total number of lots;
 - ☐ Acreage in lots;
 - ☐ Acreage in street rights-of-way;
 - ☐ Linear feet of each individual street.

D. Submittal of Exempt and Final Plats for Recordation

One (1) paper copy of Exempt and Final Plats shall be submitted for signature by Village staff for recordation.

~~**F. Certificates to be Shown on Preliminary Subdivision Plats as Appropriate**~~

E. Plat Certificates



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

**PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY
WITH THE LONG RANGE COMPREHENSIVE PLAN
JULY 1, 2021 REGULAR MEETING**

**TEXT AMENDMENT TO THE
PINEHURST DEVELOPMENT ORDINANCE to
Provide for Electronic Submittal of Applications and Supplemental Materials**

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed text amendment **IS** consistent with *Envision the Village*, the adopted 2019 Comprehensive Long Range Plan which identifies 10 Strategic Opportunities for the Village. Strategic Opportunity 3 directs the Village to “Become a Digital Village and Live and Work from Home” Destination. Included in the Implementation Strategies on page 192 is Strategy 6.6 in which the Village should “Evaluate the capacity of Village Hall to meet the increased service needs and demands of residents.”

The proposed text amendment will move more operations to a digital platform. This will ease storage, retention, processing and archiving of materials for Planning, Engineering and Public Works while allowing the development community and residents to interact with staff from any location. A digital platform will extend the work capacity of Village Hall staff and result in reduction of processing time for projects by speeding communication, submittals and requests for additional information.

This amendment is consistent with the Strategy 6.6 outlined in the 2019 Comprehensive Long Range Plan. Achieving this goal is considered reasonable and in the best interest of the public.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the text amendment to the Pinehurst Development Ordinance.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

This is the 06th day of July, 2021.

Chair of the Planning and Zoning Board

Shannon Konstantinou
Clerk to the Planning and Zoning Board

Cc: Darryn Burich
Alex Cameron

PLANNING & INSPECTIONS

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-2581 • Fax (910) 295-1396 • www.vopnc.org



PUBLIC HEARING NO.2 - DEVELOPMENT MORATORIUM EXTENSION ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to hear comments on extending Moratorium Ordinance #21-03 on development activity in Village Place and Pinehurst South (Comprehensive Plan Focus Areas 2 and 4) to allow time to complete the plans and form based codes for the two areas.

FROM:

Darryn Burich

CC:

Jeff Sanborn

DATE OF MEMO:

10/21/2021

MEMO DETAILS:

On February 10, 2021 Council approved a moratorium on real estate development activity within the Village Place and Pinehurst South areas to allow time for small area plans and form based codes to be developed for the two areas. The purpose of the moratorium was to prevent incongruous development from occurring while the plans and codes were being developed that will ultimately result in new zoning regulations for each of the areas. The final plans and codes will not be developed by the time the moratorium expires on November 10, 2021 thus staff is proposing to extend the moratorium an additional 60 days from the upcoming expiration date to January 10, 2022.

Staff is currently working with Design Collective toward completion of the plans and codes and is targeting public workshop # 3 for middle November to present draft plans and codes for discussion. After feedback from the public and Council, revisions will be made and plans and codes will be moved forward for adoption. Extension of the moratorium will help to ensure that future development is congruous with adopted plans and codes.

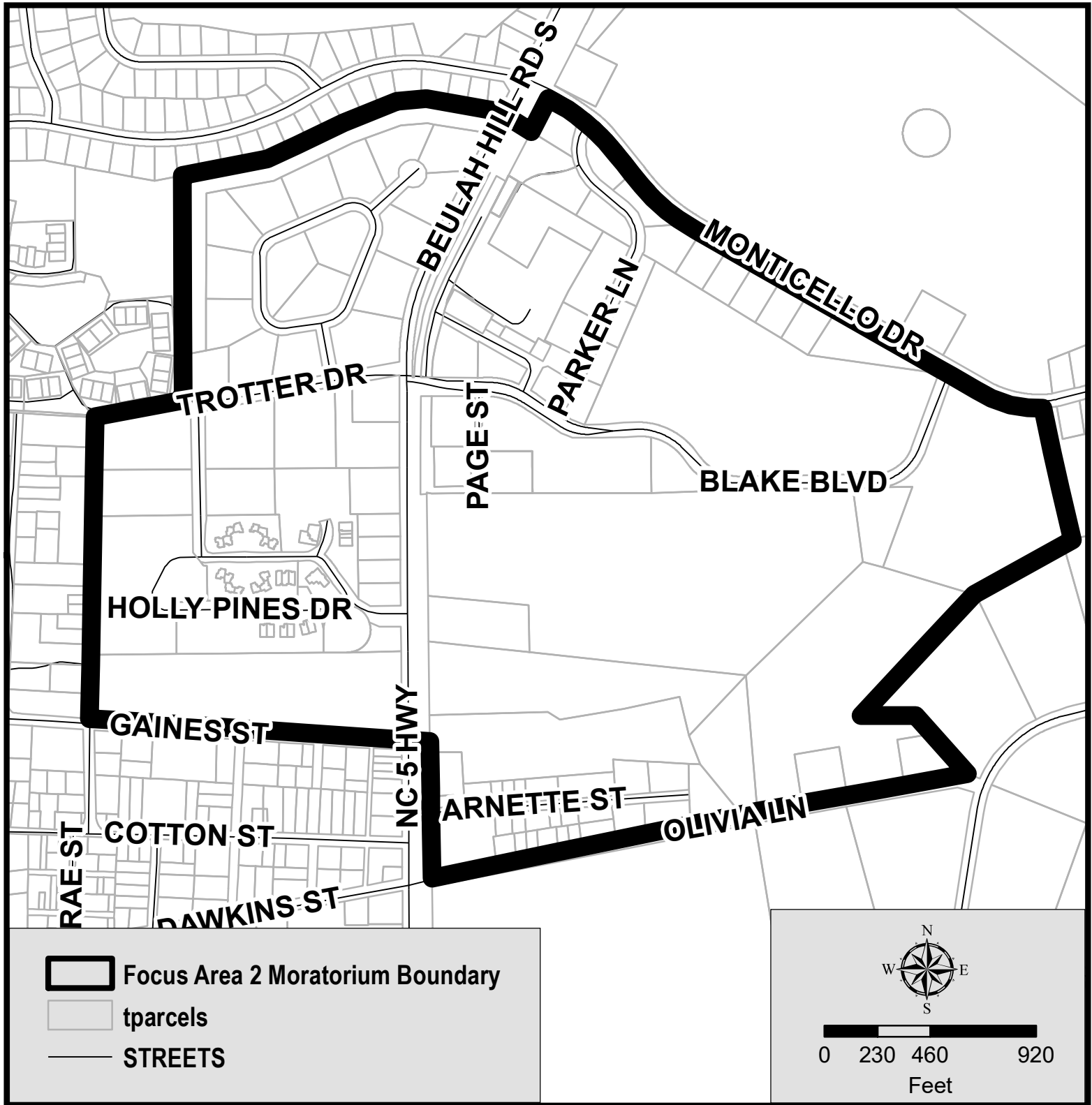
ATTACHMENTS:

Description

- ☐ Exhibit A - Focus Area 2
- ☐ Exhibit B - Focus Area 4
- ☐ Exhibit C - Ordinance 21-03 Moratorium (Small Area Focus)

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

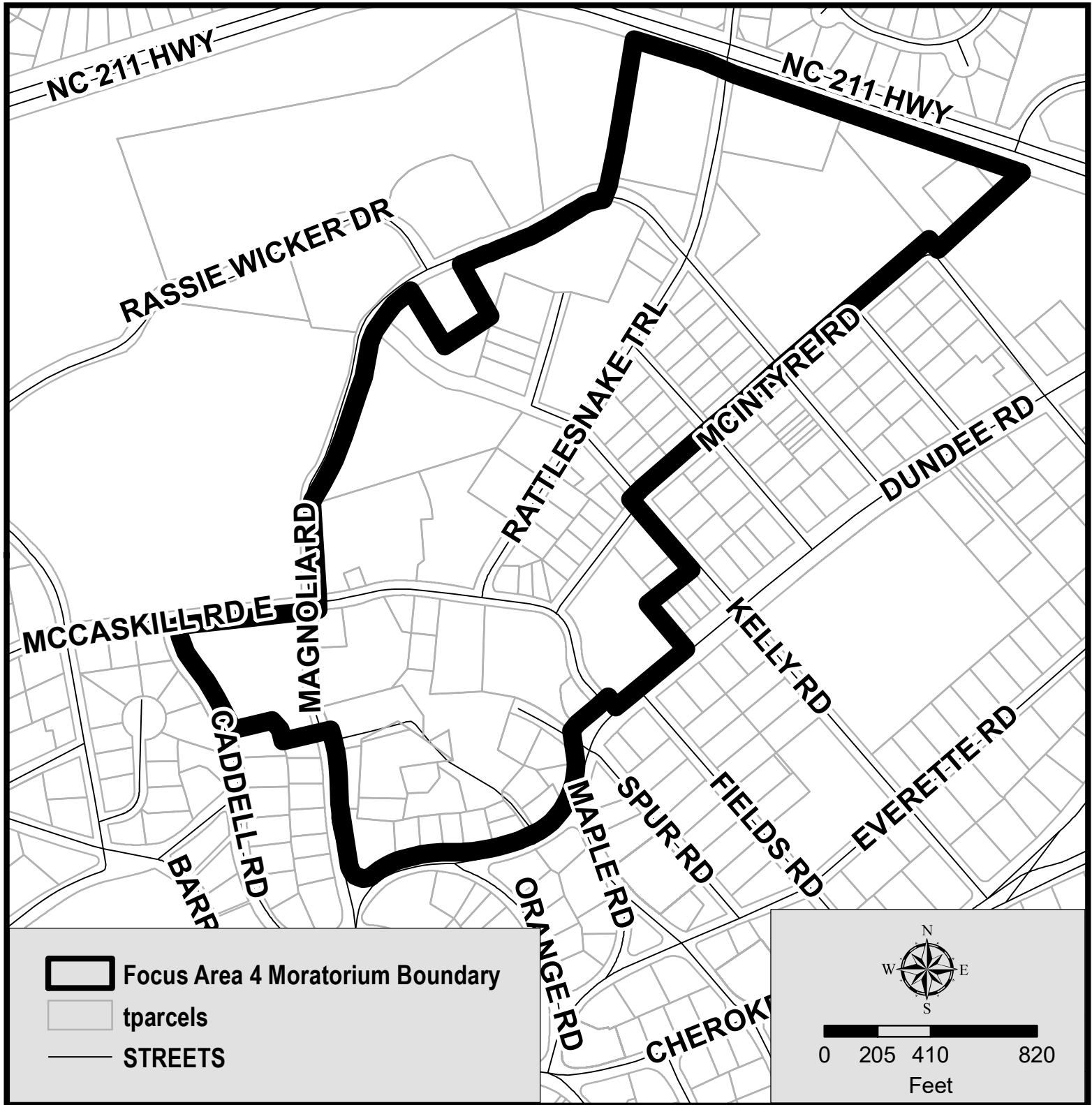


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

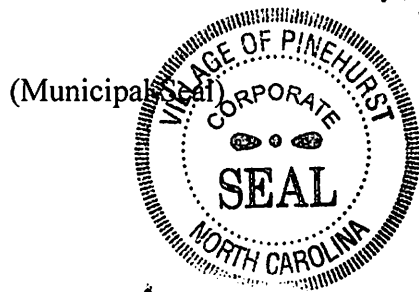
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

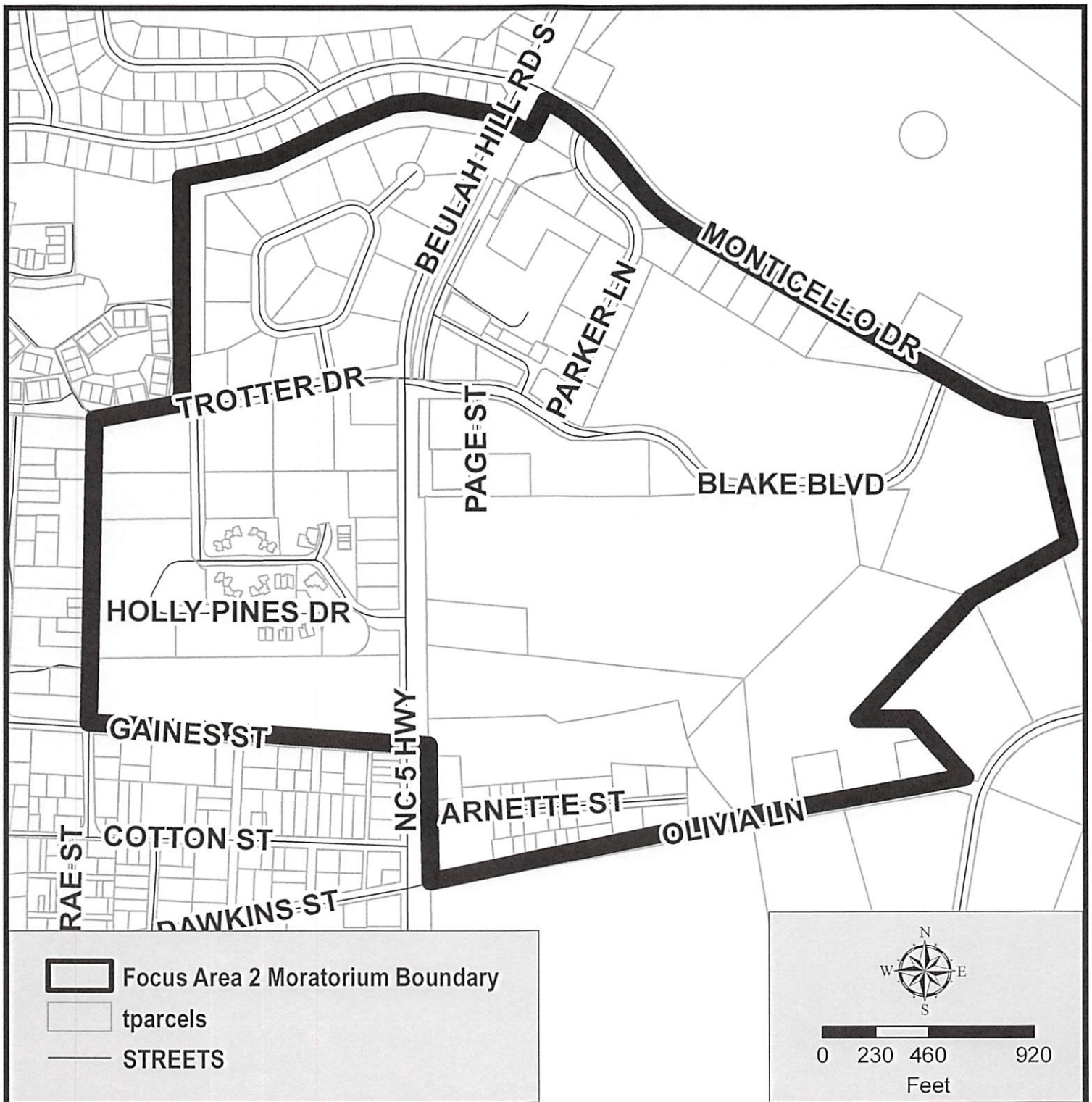
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

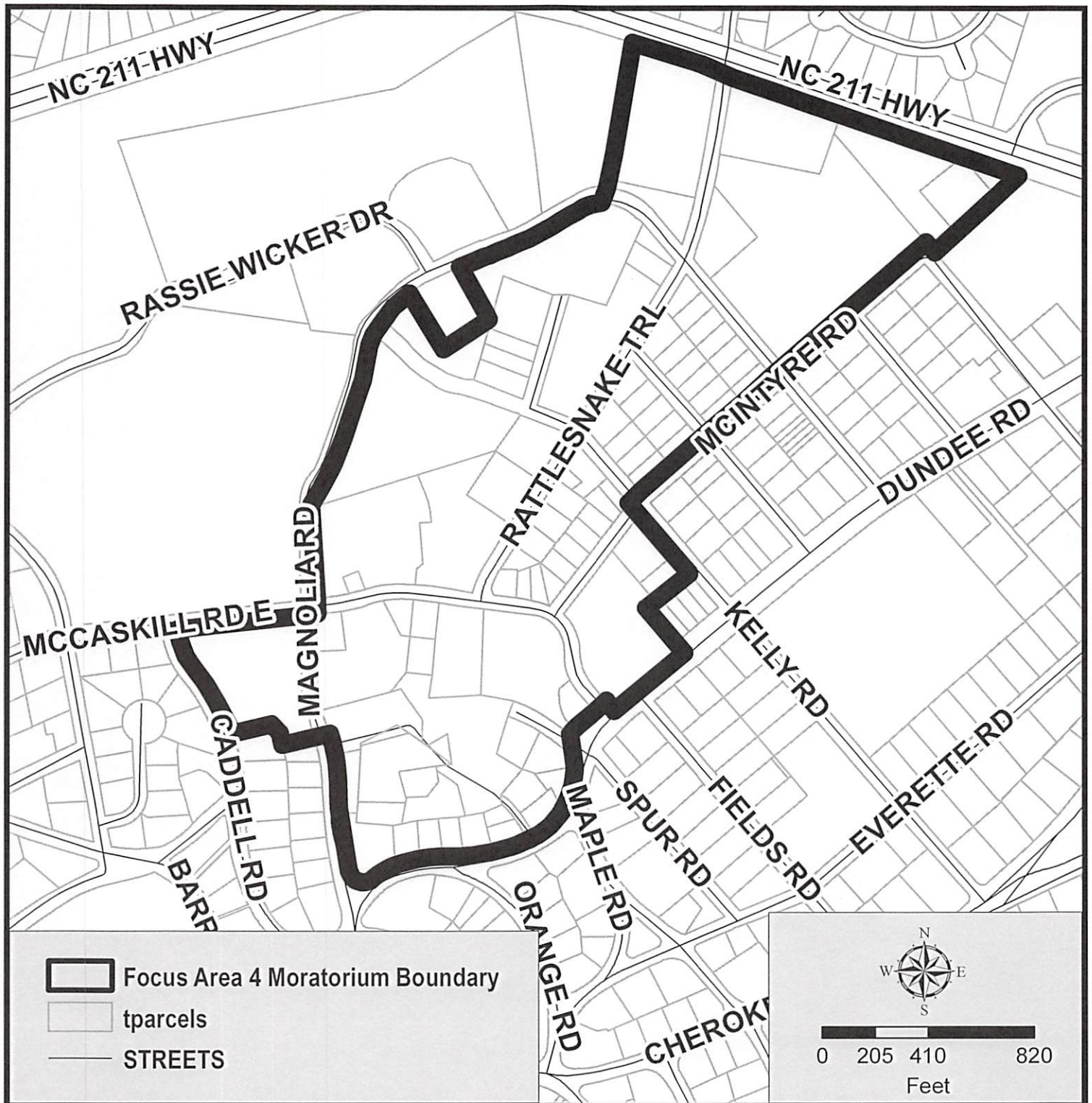


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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**DISCUSS AND CONSIDER ORDINANCE #21-15 EXTENDING A
MORATORIUM ON REAL ESTATE DEVELOPMENT (SMALL AREA PLAN
FOCUS AREAS)
ADDITIONAL AGENDA DETAILS:**

MEMO DETAILS:

ATTACHMENTS:

Description

- ☐ Draft Ordinance 21-15 Moratorium Extension Small Area Plan Focus
- ☐ Exhibit A - Focus Area 2
- ☐ Exhibit B - Focus Area 4
- ☐ Ordinance 21-03 Exhibit C

ORDINANCE #21-15:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, said moratorium expires on November 10, 2021; and

WHEREAS, the Village has not completed the small area plans and form based codes for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and codes will be presented for adoption by the Village; and

WHEREAS, Ordinance #21-03 will expire before completion of said plans codes; and

WHEREAS, extending the moratorium will allow time for completion of said plans and codes; and

WHEREAS, allowing real estate development activity to reoccur in the said areas will result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 60 days would aid in the accomplishment of the purpose of Ordinance 21-03 as described in Exhibit C.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 26th day of October 2021, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 is hereby extended for an additional sixty-day period from the date of expiration, thus, to expire on January 10, 2022.

Section 2. That all sections of Ordinance 21-03 attached as Exhibit C remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 26th day of October, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

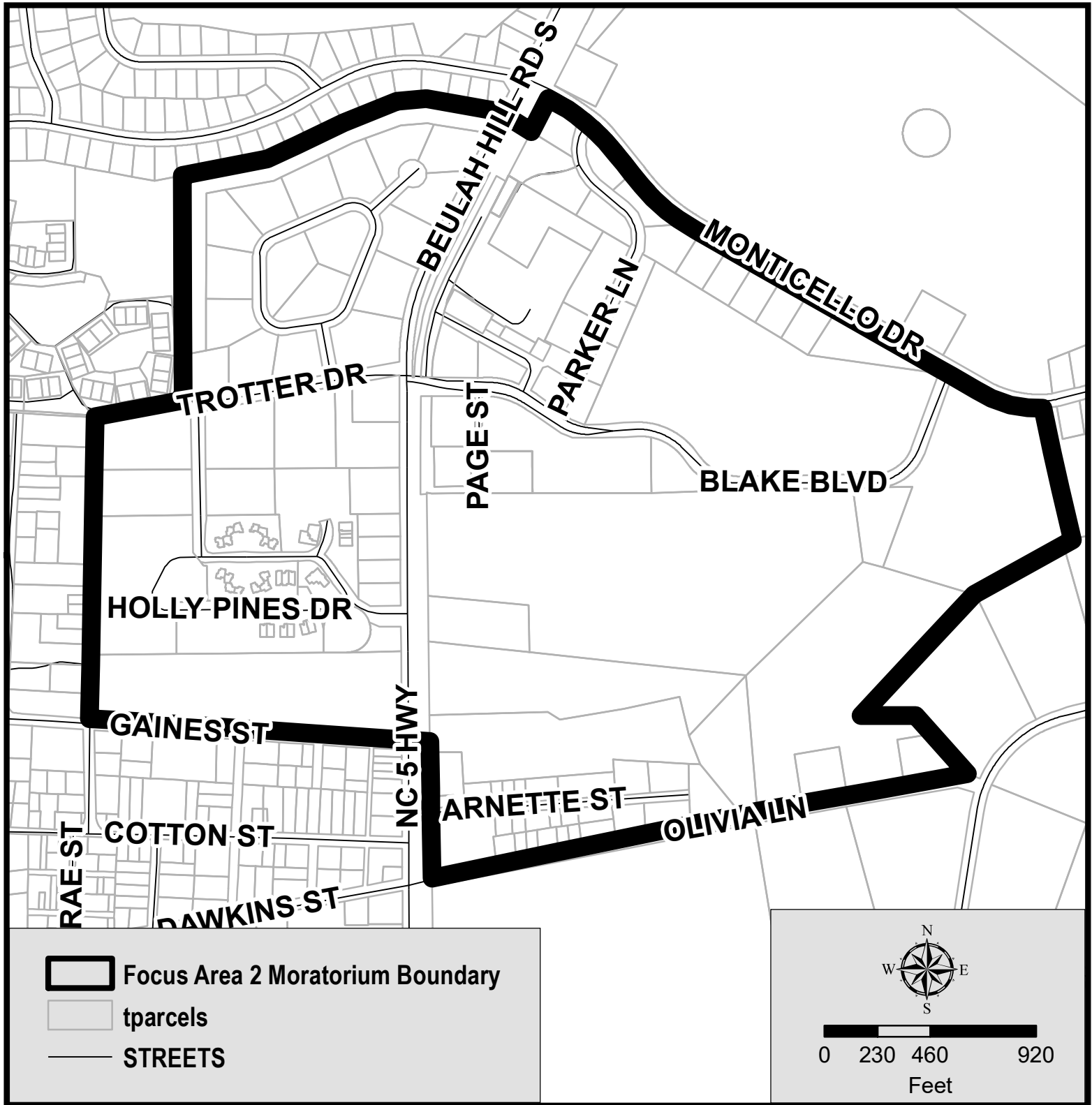
Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

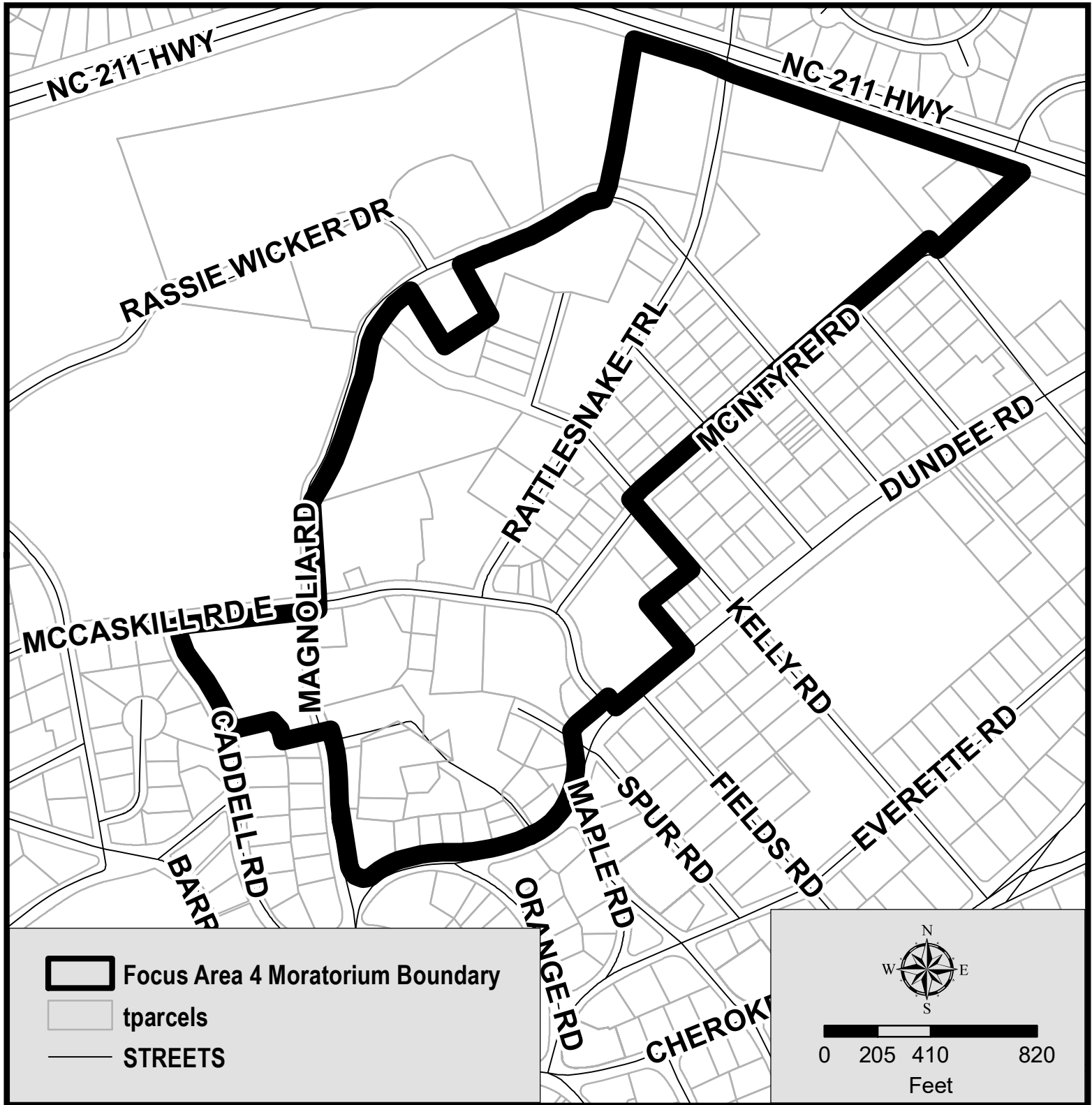


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

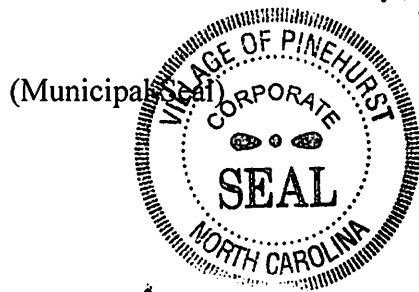
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

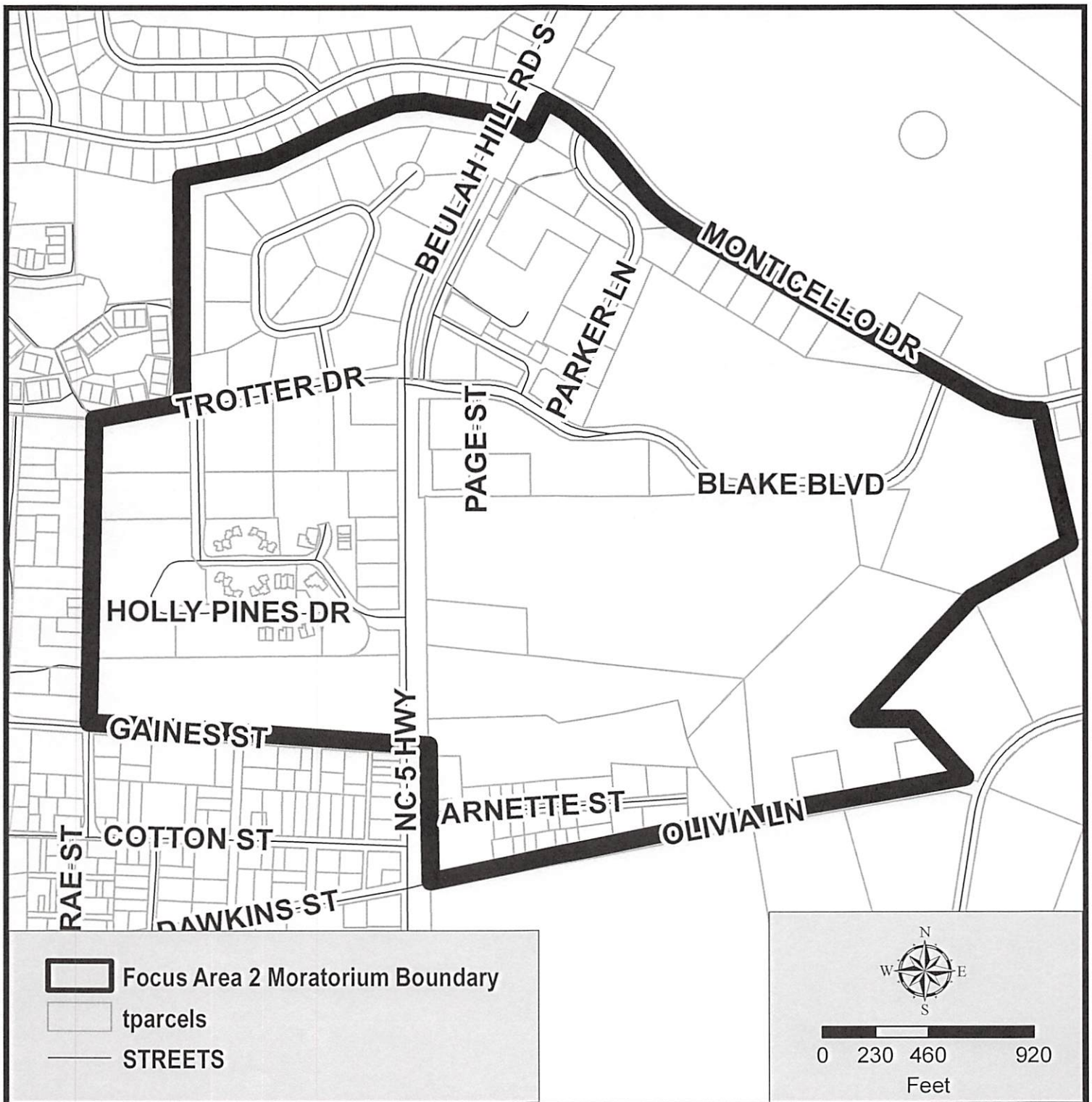
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

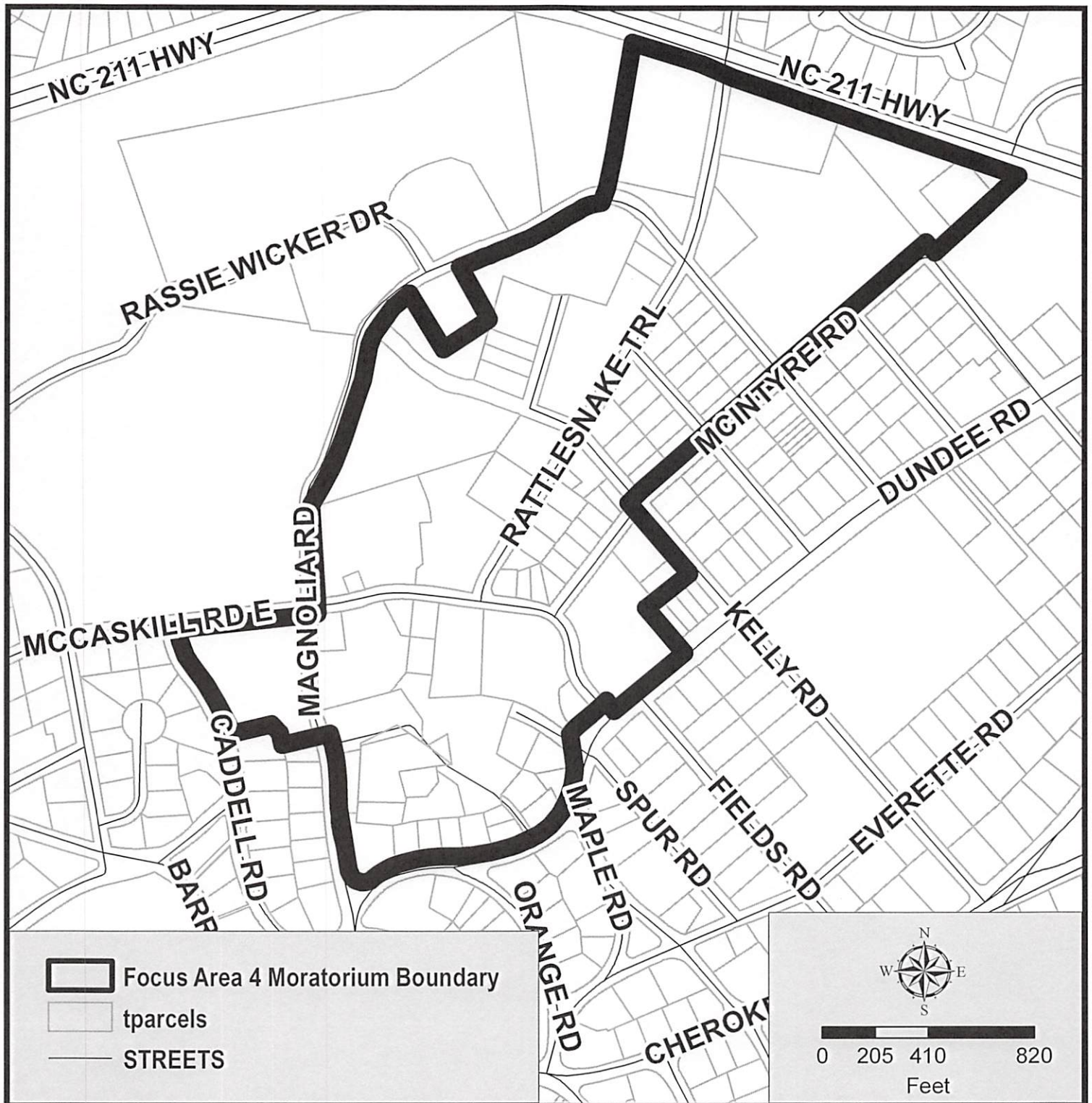


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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DISCUSS AND CONSIDER ORDINANCE # 21-06 BUFFER DEVELOPMENT ORDINANCE

ADDITIONAL AGENDA DETAILS:

Council is being asked to approve several amendments to the Pinehurst Development Ordinance (PDO) to update its landscaping and buffering requirements for development within the Village and the extraterritorial zoning jurisdiction.

Council may approve, modify various sections, reject, or table the proposed amendments for further discussion.

FROM:

Darryn Burich & Alex Cameron

CC:

Jeff Sanborn

DATE OF MEMO:

10/21/2021

MEMO DETAILS:

Attached to this Novus Agenda item are several documents related to updating the Pinehurst Development Ordinance's landscaping and buffering requirements.

- 1) Staff Memo on Ordinance Updates
- 2) Redline version of Ordinance #21-06 which identifies various changes as well as identifying code provisions that are not changing. Text **highlighted in red and underlined** are new code provisions. Text **shaded in grey** are existing code provisions that are not changing other than renumbering location in the PDO.
- 3) "Clean copy" of Ordinance #21-06 with no underlining or shading. This will be the signed copy.
- 4) Buffer Yard Frequently Asked Questions currently posted on the Village's website.

ATTACHMENTS:

Description

- ☐ Staff Cover Memo
- ☐ Redline Version of Ord # 21-06
- ☐ Ordinance # 21-06 (clean copy)
- ☐ Buffer Yard FAQ



PLANNING AND INSPECTIONS DEPARTMENT COUNCIL STAFF MEMO

To: Mayor Strickland and Village Council
From: Darryn Burich, Director of Planning and Inspections
Alex Cameron, Planning Supervisor
Cc: Jeff Sanborn, Village Manager
Date: October 21, 2021
Subject: Proposed PDO Amendments to Chapter 9 related to Landscaping and Buffering Standards.

Council is being asked to approve several amendments to the Pinehurst Development Ordinance (PDO) that update landscaping and buffering requirements for development within the Village and its extraterritorial zoning jurisdiction. The proposed ordinance is the product of a significant amount of staff time in crafting, editing, and re-editing the ordinance which ultimate goal is to help maintain the aesthetic character of the community through improved landscaping as well as buffering development activity to mitigate impact on adjacent uses. The proposed ordinance is also the product of countless hours of involvement and contribution by members of the Planning and Zoning Board, Village Council, the public, and development interests over the past 3.5 years.

It should also be noted that the efforts to develop the ordinance amendments were not staff driven initiatives but recommendations after thoughtful public discourse as reflected in adopted Village plans. The proposed ordinance amendments follow through with recommendations and concerns expressed in every adopted Village Comprehensive Plan (2003, 2010, and 2019) and fulfills FY21 VOP Strategic Operating Plan OFI (Opportunities for Innovation and Improvement) to “Enhance Tree Preservation Program and standards for tree planting”.

The ordinance as proposed does not prevent tree removal from occurring. Lots may still be clear cut. The ordinance simply creates buffer standards that are triggered by new development activity through establishment of perimeter buffer yards that can be achieved by planting of new trees or with existing qualifying trees on a property in the form of a “planting credit”. This planting credit can significantly reduce if not eliminate the need to plant new trees on a lot. This planting credit is unique and is an incentive to preserve existing vegetation through thoughtful site planning. The numbers of trees required per buffer yard is calculated by the linear footage of the yard along the setback line. For example, if a rear setback line is 100 feet in length, the buffer requirements would be 4 trees ($100/25 = 4$). Such trees could be provided through new plantings or by existing qualifying trees as a planting credit or combination thereof.

It should be noted that the Historic District Standards have some limitations on tree removal in an effort to maintain the historic street tree canopy. On residential properties, healthy trees 12 inches in diameter and larger and located in the front must be granted a Major Certificate of Appropriateness by the Historic Preservation Commission for removal. These regulations help to maintain the special aesthetic character of the historic district and overall community.

Landscaping and buffering standards are not new in the PDO. Non-residential uses are currently required to install buffer and screening yards and are largely unchanged by the proposed ordinance amendments. Residential uses currently require a specified number of trees (4-16), depending on zoning district, and may be placed anywhere on a property. Residential uses also require perimeter foundation plantings, which requirement is not changing with the proposed amendments.

The proposed buffer yard standards replace the current landscaping requirement, are more focused at the perimeter of the property, and will apply to new development and redevelopment. The vast majority of existing developed residential uses are exempt from the new requirement until redevelopment.

The other new proposal is relative to land disturbing activities on vacant properties where no other planning or permit application is being reviewed such as minor site plan or building permit application. The proposed buffer yard standards would apply to land disturbing activities, as defined in the ordinance, and would trigger establishment of perimeter buffer yards. This is a frequent concern heard when sites are being prepped for new development outside of a building permit and can often have significant impact on adjacent properties and drainage.

The proposed ordinance under consideration by Council is largely the same in content than previously reviewed with one exception changing grouping and maximum spacing from 35 feet to 50 feet. The required number of plantings would remain the same but spacing has been increased to allow for additional landscape design flexibility and to accommodate side lot line driveway placement (generally serving side loaded garages) that run along the lot line and may be challenging to meet the current 35-foot spacing requirement. Other than that, staff has reformatted sections or updated language for clarification.

To more easily evaluate and discuss the proposed ordinance amendment, Council is directed to use the redline version in Novus Agenda to identify where changes are being made (and not made) to the PDO. Text highlighted in red and underlined are new code provisions that would update the PDO. Text shaded in grey are existing code provisions that are not changing other than grammatical edits, consistent terminology, and renumbering to locate the landscaping requirements in one area of the PDO whereas they are currently separated by several sections.

Staff has also developed an FAQ regarding the proposed buffer standards that is currently posted on the Village's website and included in Novus agenda. The FAQ seeks to address some of the more frequent questions and concerns that have been raised during the ordinance development process.

Comprehensive Plan Consistency:

The 2019 Comprehensive Plan sets seven Guiding Principles which emerged to expand upon the vision of the Village, help achieve community goals and preserve and enhance the high quality of life. The Comprehensive Plan also set ten Strategic Opportunities as well as Implementation Strategies which are actionable recommendations to address the strategic opportunities.

One of the Strategic Opportunities on page 26 is to promote high quality development by updating and modernizing the Pinehurst Development Ordinance to ensure future development is of the desired character favored by Pinehurst residents.

On page 124 under Guiding Principle 3 “Places to Live” for Protect & Enhance Existing Neighborhoods; Improve Neighborhood Appearance, Implementation Strategy 3.1 states the Village should periodically evaluate standards for landscape design and planting and amend standards as necessary to meet the needs and desires of the Village.

On page 203 under Guiding Principle 7 “All things Green: Parks, Open Spaces & Natural Resources” for Protecting Pinehurst’s Natural Resources; Preserve Trees states the *urban forest is an important aesthetic, economic, and environmental asset to Pinehurst. It contributes positively to the character of the Village, the health of the environment, the quality of life of residents, and the experience of visitors.* Implementation Strategy 7.6 further suggests the Village to enhance *the Tree Preservation Program and standards for tree planting and preservation in the Pinehurst Development Ordinance.*

Staff Recommendation

Based on various Comprehensive Plan recommendations and the OFI in the FY21 Village of Pinehurst Strategic Operating Plan to enhance standards for tree planting, staff recommends the Village Council approve Ordinance #21-06 as proposed.

ORDINANCE #21-06

AN ORDINANCE AMENDING THE VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO CHAPTER 9, DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES

Whereas, development impacts adjoining uses and properties and can be impacted by adjoining uses and properties through an absence or elimination of vegetative buffering; and

Whereas, development can be impacted by the impacts from activities that occur in adjacent rights-of-way including traffic, noise, dust, and odor through an absence or elimination of vegetative buffering; and

Whereas, development affects the aesthetic character of the Village and the ETJ through the elimination or absence of vegetative buffering; and

Whereas, these regulations will help to mitigate the impact of development impacts through creation of vegetated tree lined buffer yards; and

Whereas, these regulations also contain provisions to incentivize the use of existing qualifying vegetation to provide buffering; and

Whereas, these regulations are consistent with Guiding Principle 1 of the 2019 Comprehensive Plan to retain the small-town charm, scale, and character of the community to ensure a high quality life; and

Whereas, on page 124 of the 2019 Comprehensive Plan Guiding Principle 3 “Places to Live” to Protect & Enhance Existing Neighborhoods; Improve Neighborhood Appearance, Implementation Strategy 3.1 states the Village should periodically evaluate standards for landscape design and planting and amend standards as necessary to meet the needs and desires of the Village; and

Whereas, On page 203 of the 2019 Comprehensive Plan under Guiding Principle 7 “All things Green: Parks, Open Spaces & Natural Resources” for Protecting Pinehurst’s Natural Resources; Preserve Trees states the *urban forest is an important aesthetic, economic, and environmental asset to Pinehurst. It contributes positively to the character of the Village, the health of the environment, the quality of life of residents, and the experience of visitors.* Implementation Strategy 7.6 further suggests the Village to enhance *the Tree Preservation Program and standards for tree planting and preservation in the Pinehurst Development Ordinance.*

Whereas, the 2019 Comprehensive Plan was adopted by the Pinehurst Village Council on October 22, 2019 after undergoing a planning process supported by extensive and robust public participation that included residents, business owners, local interest groups, and elected and appointed officials; and

Whereas, the 2019 Comprehensive Plan is the result of thoughtful public conversations spanning over one year and represents a path forward for the Village of Pinehurst to achieve its vision.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the ____ day of _____, 2021, makes the following amendments to the Pinehurst Development Ordinance:

Section 1. The Village of Pinehurst Development Ordinance Chapter 9 Section 9.5 Landscaping Requirements, Section 9.14.6 Tree Conservation and Newly Installed Trees and Plants is amended as follows.

Section 9.5 Landscaping and Buffering Requirements

Part 1. General Standards

9.5.1 Purpose and Scope

The regulations of this Section are intended to establish buffer yards associated with development activity within the Village of Pinehurst and its ETJ. Buffer yards help to moderate visual contact, create spatial separation, and minimize adverse impacts on adjacent properties resulting from development. Buffer yards also help to reduce the visual effects and the impacts of traffic, noise, dust, and odor as well as to protect the privacy of neighbors. The Village values its existing tree canopy, and these regulations also provide incentives that allow existing qualifying trees to be used as part of the buffers required by this Section. By doing so, these regulations will preserve and enhance the visual character of Village and the ETJ and lessen the impacts of the development.

9.5.1.1 Buffer Yards Established

Buffer Yards: for the purposes of Sections 9.5 and 9.14.6, buffer yards are established and defined as follows. Yard lengths are based on the most interior length of the setback line.

- (A) Front Buffer: is equal to the depth of the front yard setback of the zoning district extended to the side property lines.
- (B) Rear Buffer: is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.
- (C) Side Buffer is equal to the width of the side yard setback from where it intersects both the front and the rear yard.

(D) Side Street Buffer: is equal to the width of the side street setback from where it intersects both the front and the rear yard.

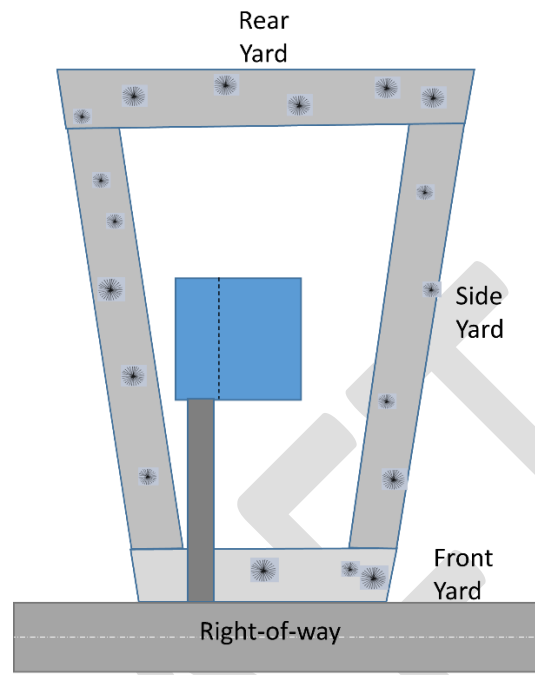


Figure 1. Standard lot yards

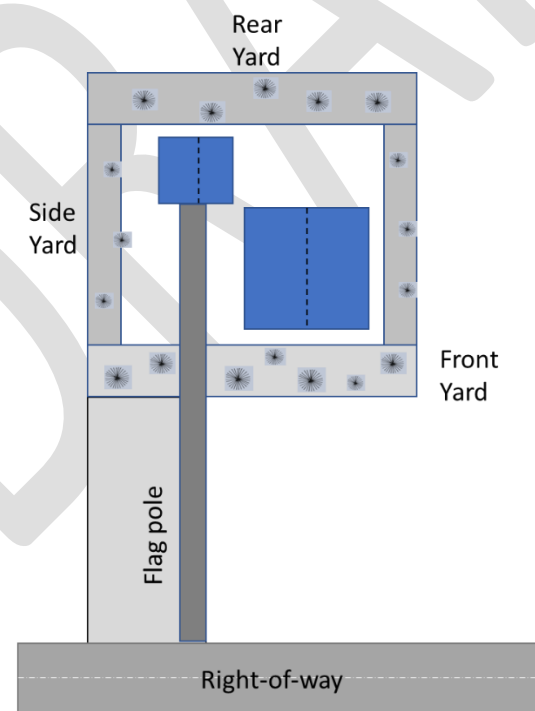


Figure 2. Flag Lot Yards

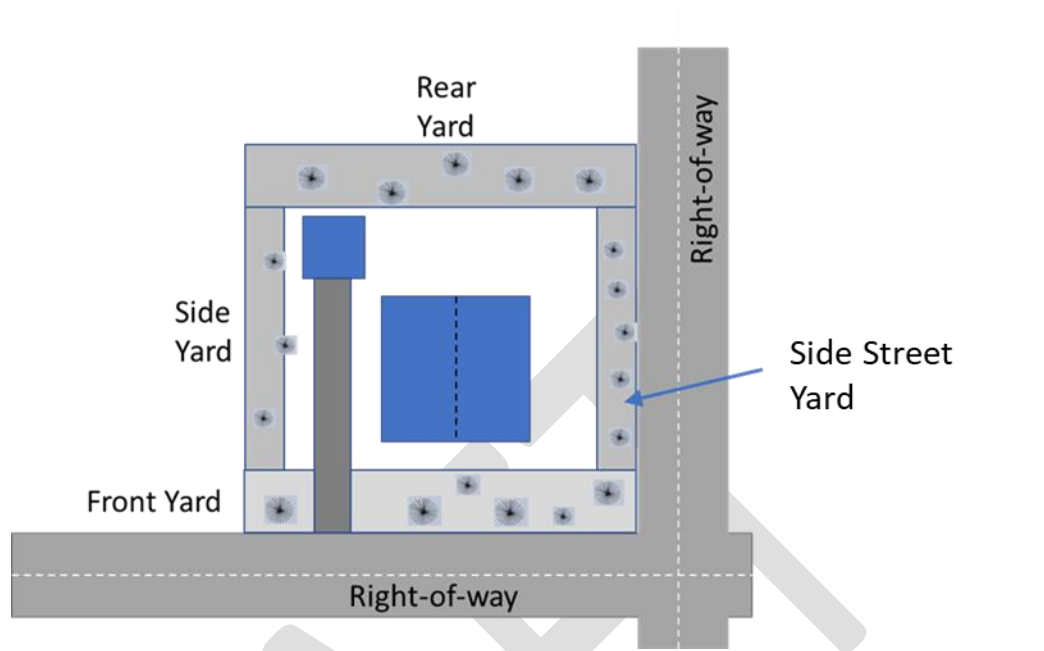


Figure 3. Side Street Buffer Yard

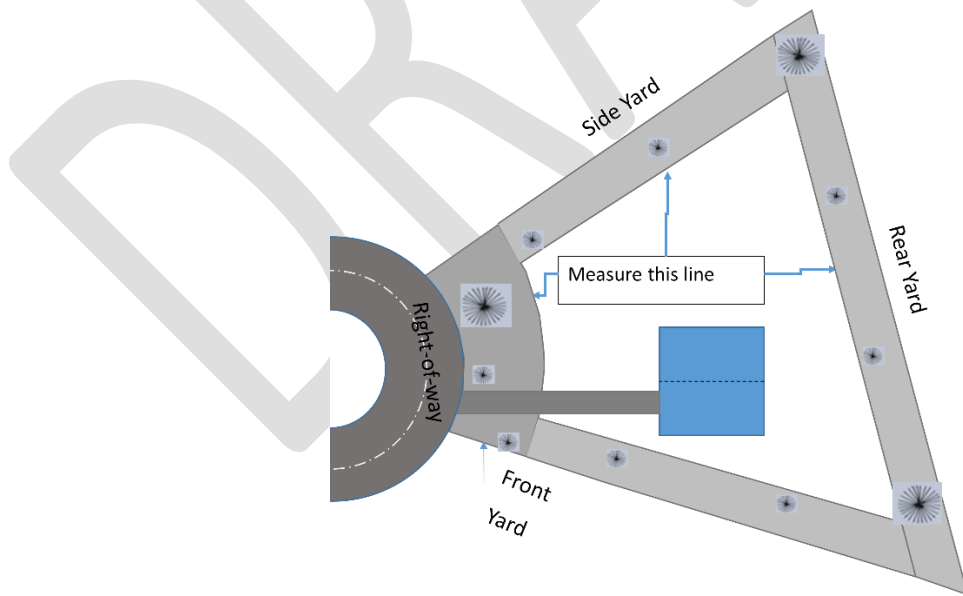


Figure 4. Where to Take Linear Measurements

9.5.1.2 Development Permit for Land Disturbing Activity

A development permit is required prior to land disturbing activity when there is no other active development application in process pursuant to this Ordinance (e.g. Major or Minor Site Plan, Major or Minor Subdivision, Single Family Development). The development permit application shall be accompanied by a landscape plan when the applicant intends to plant the required buffer yard trees or a tree survey if the applicant proposes to use qualifying trees to meet the buffer yard requirements.

9.5.1.3 Landscape Plans and Tree Surveys

(A) Landscape plans shall contain the following information:

- 1) Dimensions of the property lines
- 2) Location and dimensions of all required buffer yards
- 3) Location of construction access/driveways
- 4) Location of trees to be planted:
- 5) Types of trees to be planted:
- 6) Size and caliper of trees to be planted:
- 7) Tree spacing:
- 8) Summary calculation table of required plantings by buffer yard.

(B) Tree surveys shall be prepared by a surveyor licensed in the state of North Carolina. Tree surveys shall include the following:

- 1) Dimensions of the property lines;
- 2) Location and dimensions of all required buffer yards;
- 3) Location of construction access/driveways;
- 4) Location, diameter breast height, and species of all trees to be retained within required buffer yards;
- 5) Summary calculation table of required plantings by buffer yard.

9.5.1.4 Buffer Yard Standards

(A) When a land disturbing activity requires issuance of a Development Permit, and there is no other active development application in process pursuant to this Ordinance (e.g. Major or Minor Site Plan, Major or Minor Subdivision, Single Family Development) perimeter buffer yards must be established per this Section. Planting credits may be used to satisfy buffer yard requirements per 9.5.1.4 (D) using existing qualifying trees.

Table 9.5.1.4 Buffer Yard Standards

<u>Location</u>	<u>Number of Required Trees</u>
<u>Front Buffer Yard</u>	<u>1 Qualifying Tree Per 25 Linear Feet of Street Frontage</u>
<u>Side Street Buffer Yard</u>	<u>1 Qualifying Tree Per 25 Linear Feet of Street Frontage</u>
<u>Side Buffer Yard</u>	<u>1 Qualifying Tree Per 35 Linear Feet</u>

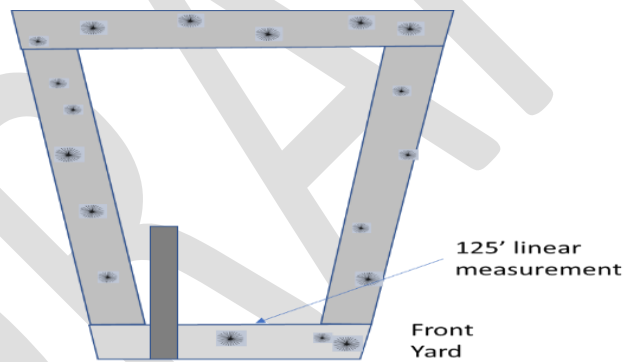
<u>Rear Buffer Yard</u>	<u>1 Qualifying Tree Per 25 Linear Feet</u>	
<u>Planted Tree Type</u>	<u>Minimum Planting Height</u>	<u>Minimum Planting Caliper</u>
<u>Evergreen Trees</u>	<u>6 Feet</u>	<u>2 Inches</u>
<u>Tall Trees from Appendix F</u>	<u>8 Feet</u>	<u>2 Inches</u>
<u>Short Trees from Appendix F</u>	<u>6 Feet</u>	<u>1.25 Inches</u>

(B) The number of required trees shall be measured in whole numbers. The applicant may round down when calculating the number of trees.

(C) Driveway Allowance

Each parcel shall be provided a deduction for one (1) 20 (twenty) foot wide driveway connection. In the event a driveway intersects two different yards, the property owner shall select which yard receives the credit. This deduction shall be applied by subtracting twenty (20) feet from the linear foot calculation for number of required trees as shown in Table 9.5.1.4 for the yard through which the connection is made.

Example:



$$125' - 20' = 105'$$

$$105' / 25' = 4 \text{ trees required for Front Buffer Yard}$$

(D) Tree Planting Credits

To promote maintenance of the existing tree canopy and preservation of specimen trees, planting credits may be provided toward the requirements of Table 9.5.1.4 for qualifying trees as follows:

- 1) Tree planting credits apply to the buffer yard in which the tree is located.
- 2) One additional tree planting credit may be granted for every four (4) inch increase in tree girth above 12" DBH in the buffer yard where the tree is located.

Example: The front buffer yard is 125 feet in length and requires five (5) trees to comply with buffer yard planting requirement. The front buffer yard contains a healthy 24" oak tree that will be retained per the landscape plan. Preservation of this tree grants four (4) planting credits of the five (5) required trees. Note:

Maximum spacing requirements still apply within the front and side street buffer yards.

- 3) Trees subject to the planting credit may be grouped and are not required to meet spacing requirements in the side and rear yards. In order to ensure adequate street yard buffer and to maintain street tree canopy, trees may be grouped in the front and side street buffer yards, however, there shall be no distance less than one tree per every 50 linear feet across the frontage of the buffer yard.

(E) Planting Credit for Trees Less than eight (8) inches DBH

Where there are insufficient trees present on the property to meet the requirements of Table 9.5.1.4, planting credit may be provided for trees smaller than eight (8) inches DBH but not less than three (3) inches DBH.

(F) Minor Modifications for Alternate Spacing and Grouping

The Village Planner may authorize modifications to encourage preservation of existing trees in lieu of planting subject to the following standards:

- 1) To satisfy tree credits described in 9.5.1.1 (D).
- 2) To allow preservation of trees within a building envelope within a distance no greater than the required buffer yard depth when insufficient trees are available for preservation.

9.5.1.5 Exemptions from buffer yard planting requirements.

- (A) This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws.
- (B) Dead, diseased or naturally fallen or severely damaged trees or vegetation, or or trees or vegetation that are a threat to the public health, safety, or welfare based on photographic documentation, observation by the Village Planner, or by the submittal of a report prepared by an arborist or other landscape professional, should be removed. Replacement of the tree(s) would only be subject to buffer requirements to maintain compliance with a required landscape plan.
- (C) Bona fide agricultural and forestry operations shall be exempt from the provisions of this Article. This exemption applies to forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes (NCGS) and activities conducted in accordance with an approved forestry management plan subject Chapter 89B of NCGS and extends to any activity defined as a bona fide farm operation in NCGS 160D-903 within the extraterritorial jurisdiction of the Village.
- (D) The North Carolina Department of Transportation (NCDOT) shall be exempt from buffer requirements of this Ordinance within NCDOT rights-of-way. Tree removal in the Village rights-of-way must be approved by the Village Manager or designee.
- (E) All real properties owned by the Village of Pinehurst.

9.5.1.6 Noncompliance with Buffer Yard Standards

- (A) On properties where land disturbing activity has occurred without a development permit, buffer yards shall be established pursuant to this Section. A landscape plan and development permit shall be submitted demonstrating compliance with this Section.
- (B) In addition, other remedies up to and including penalties may apply in accordance with Chapter 7 of this Ordinance.

Landscaping standards are incorporated in 9.5 Part 2 Landscape Requirements for Multi-family, Commercial and Industrial projects and in 9.14.6 for Single Family Residential Use.

Section 2. Amend Section 9.5 to insert a new part and renumber the existing text.

Part 2. Landscaping Requirements for All Development Requiring a Permit Other than Single-Family Residential

9.5.2.0 Purpose and Scope

The natural landscape conditions within the Village of Pinehurst and its extraterritorial jurisdiction typifies the North Carolina Sandhills and Longleaf Pine Ecosystems. These natural conditions (topography, vegetation, and wildlife) are unique within North Carolina and are the strongest visual aspects defining the character of the Village. The purpose of the landscaping standards in this Section shall be to create an appearance in which manmade development is situated within a forest or naturalized setting all zoning districts. All size standards in this section shall conform to the American Standards for Nursery Stock.

9.5.2.1 Landscape Plan Required

A landscape plan shall be submitted to the Village Planner and its approval is a prerequisite for the issuance of a development permit where required.

9.5.2.2 Planted Buffers

- (A) Permitted Uses Within Planted Buffer Areas: Planted Buffers should be left in an undisturbed natural vegetative state and provided with supplemental plantings. Selective thinning of vegetation and removal of dead vegetation may be permitted as long as the intent of the planted buffer requirement is maintained. Driveways and utilities may cross a planted buffer at or as near a perpendicular angle as practical. Paths and walkways may pass through the planted buffer and pedestrian walkways (greenways) may be installed within the buffer area. Grading in the designated planted buffer may be allowed with site plan approval, if the re-vegetation plan is determined to meet the intent of this Section;
- (B) Location of Planted Buffers: Required planted buffers shall be provided along the perimeter of development unless alternate locations are approved by the Village Planner. Planted buffers shall be designated and dimensioned on all site plans and subdivisions plans, where applicable;

(C) Public Pedestrian Easement Required: The full width of all buffer areas shall be designated as a public pedestrian easement and shown on a recorded plat;

(D) Application:

- 1) These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments and uses located within the VC, VMU, VCP and VR Zoning Districts when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner. When nonresidential and multi-family uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the nonresidential or multi-family property. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates a nonresidential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.
- 2) The required planted buffer width is based on the classification shown on Table 9.5.2.2;
- 3) If said project is adjacent to property that is zoned non-residential or multi-family but is used for single family purposes, half the required planted buffer width along the perimeter of the property adjoining that property shall be required;
- 4) A class 3 planted buffer shall be installed along and adjacent to NC 2, Midland Road east of the Traffic Circle to the zoning jurisdictional boundary of Pinehurst, on the west side of Hwy. 15/501 from the northern extent of the zoning jurisdictional boundary of Pinehurst southward to the western extent of the traffic circle and the intersection with Hwy. 211, Hwy. 211 from the intersection of McKenzie Rd. to the western extent of the zoning jurisdictional boundary of Pinehurst, Murdocksville Rd. from the intersection of Hwy. 211 to the northern extent of the zoning jurisdictional boundary of Pinehurst and on the west side of Hwy 5 from the intersection of Lake Hills Rd. south to the intersection with Trotter Hills for all non-single family residential uses.
- 5) If the adjacent property is zoned for residential use but is vacant at the time of the proposed development, the full required planted buffer width shall be provided;
- 6) If the proposed development is non-residential and the adjacent property is zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, but not less than ten (10) feet;
- 7) If the proposed development is for multi-family dwellings adjacent to property zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, whether the property is occupied or not.

(E) Planted Buffer Classifications and Width:

- 1) Planted buffer width is based on uses in the following classifications:
 - a) Class 1 - 10 feet: Cemeteries, golf courses, passive recreational areas, and;
 - b) Class 2 - 20 feet: Offices, churches, schools, public facilities including playgrounds, ball fields, community swimming pools, and similar facilities, day care facilities, multi-family, residential, hotels;

- c) Class 3 - 30 feet: Neighborhood commercial and service activities including, but not limited to, retail operations, funeral homes, restaurants, banks, convenience stores;
- d) Class 4 - 50 feet: Commercial activities with higher vehicle activities including, but not limited to, vehicle repair, theatres, outdoor recreation centers, and outdoor storage

Table 9.5.2.2

REQUIRED PLANTED BUFFER WIDTH IN FEET BASED ON BUFFER CLASSIFICATION AND ADJACENT PROPERTY USE AND ZONE				
ADJACENT PROPERTY USE AND ZONE				
Planted Buffer Class	Developed Residential Zone	Principal Residential Use in Nonresidential Zone	Developed Multi-Family Zone	Vacant Multi-Family Zone
Class 1	10 feet	10 feet	10 feet	10 feet
Class 2	20 feet	20 feet	10 feet	10 feet
Class 3	30 feet	30 feet	15 feet	15 feet
Class 4	50 feet	50 feet	25 feet	25 feet

- 2) The required setbacks may be used to meet landscape planted buffer width requirements in all districts. When planted buffers are required for residential uses, the planted buffer requirements shall be designated open space, or common area;
- 3) Planted buffer widths and required plantings may be reduced by thirty percent (30%) if the site plan indicates a berm, alternate landscaping, walls, opaque fencing in combination with landscaping or topographic features which will, in the opinion of the Village Planner, achieve the intent of this Section as outlined in Section 9.5.1 and result in equal or better performance. In no case shall a buffer width be less than ten (10) feet. Berms may not have a slope steeper than two (2) horizontal to one (1) vertical and must have a crown width of at least two (2) feet and a minimum height of two (2) feet;

(F) Requirements for Planted Buffer Areas:

- 1) Existing Vegetation. Existing vegetation, regardless of species, shall be used to meet all or part of the requirements of this Section wherever possible, if it provides the same level of obscurity as the planted buffer required below. Vegetation to be saved shall be identified on site plans, along with protection measures to be used during grading and construction. (See Section 9.5.2.7 for protection measures and calculation of credits for existing trees);
- 2) Planting requirements: Planting requirements for planted buffers include both trees (large and small) and shrubs as described below. (See Appendix F for a listing of native/water conserving trees and shrubs.) In calculating buffer planting requirements, areas of driveways are excluded;
 - a) Tree Standards: This requirement may be satisfied as follows:
 - i. One longleaf pine tree with a minimum size of three (3) inch caliper at planting are required per two hundred (200) square feet of buffer area.

- ii. Two Understory trees a minimum of two-inch caliper are required per five hundred (500) square feet of buffer area, one of which is to be an evergreen species that is not a pine tree.
 - iii. Trees shall be distributed along the entire length and width of the planted buffer. Due to unique characteristics of a site, or design objectives, alternative plant mixes and spacing may be approved by the Village Planner.
- b) Shrub Standards: Shrubs, a minimum of twenty-four (24) inches in height, of a variety that can be expected to reach four (4) to five (5) feet in height and three (3) feet in width within three (3) years of planting, shall be provided. Shrubs shall not be planted closer than six (6) feet to newly planted trees, nor within the drip line of existing hardwood trees. Shrubs shall be distributed along the entire length and width of the planted buffer, preferably in naturalistic groupings so as not to create a hedge-like condition. Shrubs shall be provided at one per seventy-five (75) square feet of buffer area.

9.5.2.3 Landscape Screens

- (A) The purpose of a screen is to use plants and/or other landscape or architectural elements to obscure views from all corridors or adjacent properties.
- 1) Structures such as loading docks, mini-warehouses, service courts, dumpster areas, mechanical equipment, and outside storage of material stocks or equipment, either for sale or not for sale on the premises, such as, but not limited to, motor vehicles, equipment, or construction equipment shall be screened from unobstructed off-site views. Uses requiring screening as noted in this Ordinance shall be screened according to the requirements of this Section. This screening requirement does not pertain to outdoor display of merchandise located within the Historic Preservation Overlay District that complies with the regulations and design guidelines of that district.
 - 2) Landscape Screen Standards: Features and uses specified above and/or others requiring screens shall provide a visual obstruction from all corridor and adjacent properties in conformance with the following standards: The screen may be composed of view-obscuring vegetation, wall, fence, or berm. The items may be used individually or in combination. The minimum result shall be a semi-opaque seventy-five percent (75%) screen that obscures views from the ground to a height of the object being screened. Evergreen screening plants shall be at least five (5) feet tall at the time of installation and reach the desired height within three (3) years of planting. Additionally, screen areas shall be sufficient size to allow for the mature growth of plant materials when used.

9.5.2.4 Parking Area Landscaping

- (A) Purpose: In order to reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards apply.
- (B) Required Perimeter Landscape Plants:

- 1) Large trees (unless subject to overhead power lines): Longleaf pines shall be planted at the rate of one three (3) inch caliper tree per twenty (20) linear feet of property line abutting a street and/or adjoining property, less driveways and sight distance triangles. Trees must be a minimum of five (5) feet and a maximum of twenty (20) feet from the parking lot edge to meet this requirement. Credit given for existing, healthy, protected trees, regardless of species, shall be according to 9.5.2.7 of this Section;
- 2) Evergreen shrubs at the rate of one (1) 24-inch height minimum shrub per three (3) linear feet of parking lot edge abutting streets and adjoining property, less driveways, of a species expected to reach a minimum height of 36 inches and a minimum spread of thirty (30) inches within three (3) years of planting. This rate may be varied based upon size of installed plant materials. Shrubs must be a minimum of five (5) feet and a maximum of ten (10) feet from the parking lot edge to meet this requirement.
 - a) Shrubs shall be planted such that no less than seventy-five percent (75%) of the length of the parking lot edge, to a height of thirty-six (36) inches, is obscured from view after three (3) years of growth. Shrubs planted within sight distance triangles shall be of a type with a maximum mature height of eighteen (18) inches.
 - b) Additionally, shrubs shall not be planted within six (6) feet of the trunk of a tree;
- 3) A brick or stone wall, or fence, at least thirty-six (36) inches tall and of a material compatible with the building, may be substituted for the requirements of shrubs.
- 4) Berms may be installed within the highway (front) or interior (side or rear) yards with a minimum two (2) foot height, two (2) foot minimum crown width, and side slopes of not steeper than two horizontal to one vertical. Berms shall be planted with live vegetation, and may be used with smaller plants to meet the required screening area, provided that the combination of the berm and the shrubs obscures no less than seventy-five percent (75%) of the length of the parking area, to a minimum height of thirty-six (36) inches after three (3) years of growth;
- 5) Areas used for vehicle sales and/or service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive-up service, shall be considered parking areas and shall comply with the requirements of this Section.

(C) Landscaping Within Parking Areas:

- 1) Location: Parking areas shall provide and maintain landscaped areas based upon the parking area. Areas under canopies, loading and service areas, and portions of drives with no parking on either side for a distance longer than twenty-five (25) feet and/or used exclusively as access to loading or service areas, are exempt from this requirement. The landscaping within parking areas shall be provided in addition to planted buffer requirements of this Ordinance.
 - a) Areas used for landscaping shall be provided in the amount equivalent to at least ten (10) percent of the parking area, and shall be used for planting either trees and/or shrubs according to the requirements below. Tree planting areas shall be located such that no parking space is farther than seventy-five (75) feet from a tree trunk.
- 2) Required Landscape Plants: Trees shall be used at the following rates, either in combinations of small and large trees, or with large trees only, to add up to the required landscape area:

- a) One three (3) inch caliper, large hardwood or pine tree per two hundred fifty (250) square feet of required landscaped area. Each large tree shall be located within a minimum growing area of two hundred fifty (250) square feet un-encroached upon by shrubs or impervious pavement, with a minimum dimension of ten (10) feet;
- b) One understory tree less than three (3) inch caliper at the rate of one eight (8) foot tall tree per one hundred twenty-five (125) square feet of required landscaped area. Understory and evergreen trees shall be located within a minimum growing area of one hundred twenty-five (125) square feet, with a minimum dimension of seven and one half (7½) feet, un-encroached upon by shrubs or impervious pavement. Understory trees may be used to fulfill up to one third (1/3) of the required trees.

3) Islands and Medians:

- a) Minimum curb radii of five (5) feet are required on the corners of all tree islands and medians to allow for free movement of motor vehicles around planting materials. (See the Village of Pinehurst Engineering Standards and Specifications Manual). All islands shall have raised curbing around them meeting the Village of Pinehurst Engineering Standards and Specifications Manual to further protect plants from being run over by motor vehicles. Medians without curbing shall include devices to stop vehicles from driving into the planted areas;
- b) No more than one tree may be provided per island, unless there is at least the minimum growing area per tree as required above. Large trees shall not normally be planted less than eighteen (18) feet apart, and small trees/large shrubs shall not normally be planted less than twelve (12) feet apart.

4) Existing Trees:

- a) Credit given for existing, healthy, protected trees shall be according to 9.5.2.7 of this Section. Trees used to meet other requirements of this Ordinance may not be used to meet the requirements of this Section.
- b) Sight Distances: To facilitate safer vehicle circulation within parking lots, shrubs shall be pruned to a maximum height of 42 inches. Tree limbs shall be pruned to no lower than 72 inches from the ground.

(D) Parking Area Landscaped Yards: Any new or expanded off-street parking areas shall provide landscaped areas meeting the requirements below:

- 1) New or expanded parking areas shall provide a landscaped area, adjacent to and outside of the street right-of-way, and/or adjacent residential property line edge, less driveways, of a minimum of ten (10) feet in width and adjacent non-residential property line edge, less driveways, of a minimum of five (5) feet. Proposed locations of plants and parking spaces shall be arranged to protect plants from vehicles;
- 2) Planted buffers and/or screens provided adjacent to right-of-way, as required under Sections 9.5.2.2 and/or 9.5.2.3 of this Section, and located between parking lots and streets and/or adjoining residential property may be considered in fulfilling these requirements.

(E) Street Trees Required

For all non-single-family developments one three (3) inch caliper, large hardwood or pine tree per forty (40) lineal feet of street frontage minus driveways shall be planted in the road right of way. These street trees shall be approved by the Village Engineer as being

acceptable street trees. These trees shall be planted outside of site triangles and not conflict with any utilities. Alternate type and size trees may be approved by the village engineer based on existing site conditions and constraints.

9.5.2.5 Maintenance Responsibility

Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of all required plant material and continued compliance with this Section.

9.5.2.6 Request for Extension of Compliance

- (A) A letter of request for extension of compliance with landscaping requirements may be filed with the Village Planner that states the reasons why the request is being made. If the Village Planner finds that there are unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not longer than ninety (90) days. The letter shall also acknowledge that the property owner is aware of all landscaping and screening requirements, and will comply with those requirements within ninety (90) days, or discontinue use of the property;
- (B) If an extension is allowed by the Village Planner, the applicant shall provide to the village a financial guarantee as set forth in Section 9.17.1.26 sufficient to cover one hundred twenty-five percent (125%) of the installed landscaping costs based on an estimate from a nursery or qualified landscape professional;
- (C) If the initial letter of request for extension of compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the applicant may request one (1) additional extension of up to ninety (90) days. Failure to comply with the provisions of this Section within the time noted in the letter of request for the extension of compliance with landscaping requirements shall be deemed a violation of this Ordinance. In addition, failure to perform in accordance with this Section shall result in default and the forfeiture of the financial guarantee as set forth in Section 9.17.1.26.

9.5.2.7 Existing Vegetation Credits

- (A) Existing healthy trees and shrubs may be credited toward landscape requirements. Vegetation to be saved shall be identified on submitted plans. Protection measures shall be installed to maintain tree health and such protective measures shall be shown on the submitted plan.
- (B) Credit shall be given for existing, healthy, protected trees shall be on a tree-for-tree basis, for planted buffer areas, and on the basis of fulfilling the requirements for parking areas. When trees exceed 12" in diameter, credit may be granted in accordance with Section 9.5.1.4(C). Existing trees will not be allowed to be counted towards landscape screen requirements. Trees so credited must be at least three (3) inch caliper.

9.5.2.8 Specimen Trees

A specimen tree is any healthy, living tree and includes all of the following:

- 1) Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;
- 2) A trunk DBH of twelve (12) inches or more in the case of the following species:
 - i. Ilex species (holly);
 - ii. Magnolia species;
 - iii. Longleaf Pine species;
- 3) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;
- 4) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or
- 5) Has been cited by the Village Council as being historically significant.

9.5.2.9 Preservation and Removal on Private Property

(A) Specimen Trees on Private Land:

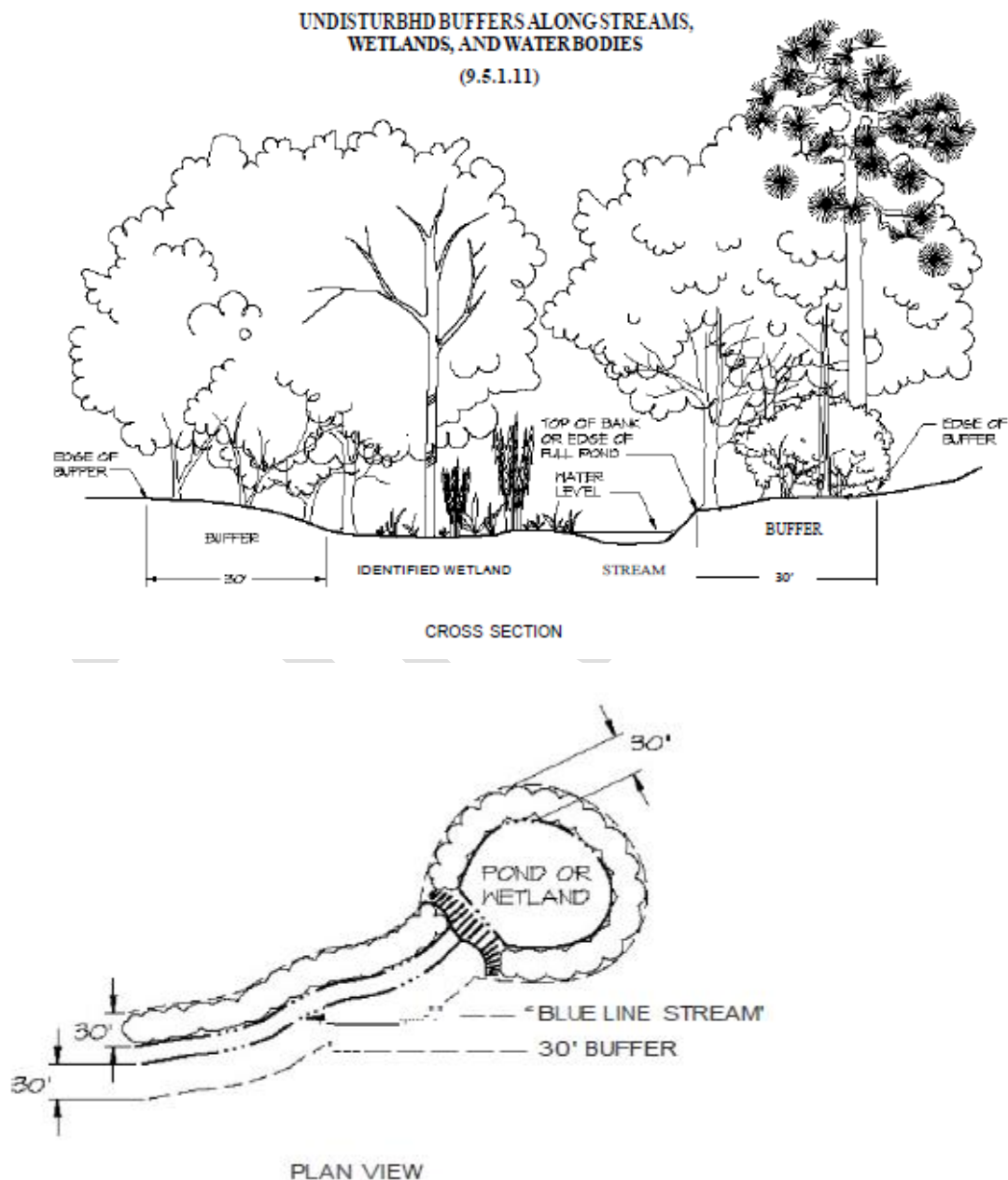
- 1) Specimen trees shall be shown on all preliminary commercial and residential site plans submittals and located by survey on final site or Landscape Protection Plans. The Village Planner may inspect the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a development site where soil disturbance or construction activity is proposed;
- 2) Proposed development shall be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities shall be pursued in order to save them;
- 3) Notwithstanding any provision of this Ordinance to the contrary, saving of a specimen tree shall constitute evidence that the requirements for a case have been met for a variance application;
- 4) No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during the review of the site and/or Landscape Protection Plan it is determined there is no reasonable way the property can be developed without such disturbance.

(B) Voluntary Protection of Specimen Trees On Existing Residential Lots:

- 1) Specimen trees which are located on individual lots with single homes shall be protected if voluntarily registered by the property owner;
- 2) Registration of such trees shall render the owner of the lot the following privileges: If a permitted accessory structure or addition to a house is being planned, notwithstanding any provision of the Ordinance to the contrary, saving of a specimen tree may constitute evidence that requirements for a case have been met for a variance application.

9.5.2.9 Undisturbed Buffers along Streams, Wetlands, and Water Bodies

(A) Notwithstanding any other provisions of this Ordinance regarding buffers, landscaping or setbacks, all development, other than development of existing single family lots shall maintain a thirty (30) foot undisturbed buffer measured from the top of the bank along all streams that are shown as "blue lines" on the most recent versions of U.S. Geologic Survey 1:24,000 scale topographical maps; along the edge of identified wetlands as established by the North Carolina Department of Environmental Resources as defined by N.C.G.S. §143.212(6); and along the edge of the full pond of any water body that is fed by or connected to a "blue-line" stream, other setbacks such as wetland and watershed (Section 8.3.3) may also apply;



(B) The Village Council may permit as a special exception water dependent structures, pedestrian facilities and other similar structures where the Council finds that only minimal disturbance will result. In permitting such facilities, the Council may attach such reasonable conditions as the Council deems appropriate.

Section 3. Amend Chapter 10 of the Pinehurst Development Ordinance to add the following definitions.

Qualifying Tree: Any healthy tree with a diameter breast height of eight inches and greater.

Redevelopment: Demolition of existing principal structure(s) on a parcel or through building additions that increase the building footprint of the principal structure by 50% or more through single or cumulative additions.

Land Disturbing Activity: refers to an activity on a property that results in a change to the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, clearing, grading, filling, and excavation.

Specimen tree is any healthy living tree that:

- 1) Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;
- 2) A trunk DBH of twelve (12) inches or more in the case of the following species:
 - i. Ilex species (holly);
 - ii. Magnolia species;
 - iii. Longleaf Pine species;
- 3) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;
- 4) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or
- 5) Has been cited by the Village Council as being historically significant.

Buffer Yard: is a landscaped or vegetated area intended to partially obstruct the view of adjacent land uses or properties from one another and are classified and measured as follows:

- a. Front: is equal to the depth of the front yard setback of the zoning district extended to the side property lines.
- b. Rear: is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.
- c. Side: is equal to the width of the side yard setback from where it intersects both the front and the rear yard.
- d. Side Street: is equal to the width of the side street setback from where it intersects both the front and rear yard.

Section 4. The Village of Pinehurst Development Ordinance Chapter 9, Section 9.14.6 Tree Conservation and Newly Installed Trees and Plants is amended as follows.

9.14.6 Single Family Development Landscaping and Buffer Yard Standards. The following landscaping and buffer yard standards apply to new single development and redevelopment.

(A) Buffer Yards Established

- 1) Planted buffer yards must be established per the requirements of Table 9.14.6 that specifies the minimum number of trees required for each buffer yard within an individual lot or parcel. Buffer yard landscaping may be provided through planting new trees or by using existing qualifying vegetation on site as tree planting credits per 9.5.1.4 (D) or any combination of thereof.

Table 9.14.6 Buffer Yard Standards

<u>Setback Location</u>	<u>Quantity</u>	
<u>Front Buffer Yard</u>	<u>1 Qualifying Tree Per 25 Linear Feet of Street Frontage</u>	
<u>Side Street Buffer Yard</u>	<u>1 Qualifying Tree Per 25 Linear Feet of Street Frontage</u>	
<u>Side Buffer Yard</u>	<u>1 Qualifying Tree Per 35 Linear Feet</u>	
<u>Rear Buffer Yard</u>	<u>1 Qualifying Tree Per 25 Linear Feet</u>	
<u>Tree type</u>	<u>Minimum Planting Height</u>	<u>Minimum Caliper</u>
<u>Evergreen trees</u>	<u>6 feet</u>	<u>2 inch</u>
<u>Tall trees from Appendix F</u>	<u>8 feet</u>	<u>2 inch</u>
<u>Short trees from Appendix F</u>	<u>6 feet</u>	<u>1.25 inch</u>

- 2) Tree Preservation Credits: shall be in accordance with 9.5.1.4. (D).

- 3) Driveway Credit: shall be in accordance with Section 9.5.1.4 (C).

(B) Tree Placement and Planting.

- 1) Planted trees may be grouped and staggered in alignment throughout the length of the required buffer yards if there shall be no distance less than one tree per every 50 linear feet within the associated buffer yard. At least one-half of the planted trees in front and side-

street yards shall be Longleaf Pines. The remaining trees shall be selected from Appendix F of the Pinehurst Development Ordinance.

2) The Village Planner may authorize minor modifications subject to the following:

- a) To allow the preservation of trees within the building envelope if they are within a distance no greater than the required buffer yard depth when insufficient trees are available for preservation.
- b) Small trees as identified in Appendix F may be used to avoid conflicts with overhead infrastructure.
- c) To allow alternate species where site and/or soil conditions are not suitable for certain plant/tree species.
- d) To allow for alternative placement due to presence of public utility easements.

(C) As part of the required single-family site plan review process, the approximate location, size and type of trees to be used to meet this standard shall be shown on a landscape plan.

(D) All trees used to meet the intent of this section shall be healthy and well protected during construction. See Appendix F for a listing of trees which are known to be adaptive and naturalized in the Sandhills of North Carolina. Any of these trees can be used in meeting the tree conservation standards of this section.

(E) HVAC units, pool equipment, well houses, and other structures on the property shall be screened with landscaping material or fencing so as to be seventy-five percent (75%) opaque.

(F) Foundation Plantings Required: Foundation plantings shall be provided for all principal and accessory buildings and structures, including storage sheds. The number of plants or plant groupings shall be provided based on the linear footage of foundation along all sides of each structure minus doorways, and steps at a rate of one (1) shrub or plant grouping per six (6) linear foot of foundation. A minimum of fifty percent (50%) of the required plantings shall be five (5) gallon or larger at the time of planting, the remainder shall be a minimum of three (3) gallon in size. Said plantings are not required to be placed in a uniform, linear arrangement when installed and plant groupings or ground cover beds may be used to meet the intent of this section.

(G) The site shall be designed to minimize the removal of mature specimen trees, for example, Longleaf Pine, Dogwood, American Holly and Southern Magnolia.

(H) Maintenance/Alteration of Landscape Plans. Changes or alterations to a previously approved landscape plan require approval of a development permit showing compliance with the landscaping and buffer yard standards of this Section.

(I) Landscaping Standards for Developed Lots. The following standards apply to existing single family developed lots not being redeveloped.

Table 9.14.6 C Landscaping Standards for Developed Lots

<u>Zoning District</u>	<u># of Trees per Dwelling</u>	<u>Size of Tree</u>

<u>R-5, R-8 and R-10</u>	<u>4</u>	<u>2" DBH</u>
<u>R-15, R-20, R-30</u>	<u>8</u>	<u>2" DBH</u>
<u>R-210</u>	<u>16</u>	<u>2" DBH</u>

SECTION 5. That the Pinehurst Development Ordinance Amendments as approved in this Ordinance are consistent with the 2019 Comprehensive Plan guiding principles and implementation strategies as identified in this document's preamble.

SECTION 6. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

ORDINANCE #21-06

AN ORDINANCE AMENDING THE VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO CHAPTER 9, DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES

Whereas, development impacts adjoining uses and properties and can be impacted by adjoining uses and properties through an absence or elimination of vegetative buffering; and

Whereas, development can be impacted by the impacts from activities that occur in adjacent rights-of-way including traffic, noise, dust, and odor through an absence or elimination of vegetative buffering; and

Whereas, development affects the aesthetic character of the Village and the ETJ through the elimination or absence of vegetative buffering; and

Whereas, these regulations will help to mitigate the impact of development impacts through creation of vegetated tree lined buffer yards; and

Whereas, these regulations also contain provisions to incentivize the use of existing qualifying vegetation to provide buffering; and

Whereas, these regulations are consistent with Guiding Principle 1 of the 2019 Comprehensive Plan to retain the small-town charm, scale, and character of the community to ensure a high quality life; and

Whereas, on page 124 of the 2019 Comprehensive Plan Guiding Principle 3 “Places to Live” to Protect & Enhance Existing Neighborhoods; Improve Neighborhood Appearance, Implementation Strategy 3.1 states the Village should periodically evaluate standards for landscape design and planting and amend standards as necessary to meet the needs and desires of the Village; and

Whereas, on page 203 of the 2019 Comprehensive Plan under Guiding Principle 7 “All things Green: Parks, Open Spaces & Natural Resources” for Protecting Pinehurst’s Natural Resources; Preserve Trees states the *urban forest is an important aesthetic, economic, and environmental asset to Pinehurst. It contributes positively to the character of the Village, the health of the environment, the quality of life of residents, and the experience of visitors.* Implementation Strategy 7.6 further suggests the Village to enhance the *Tree Preservation Program and standards for tree planting and preservation in the Pinehurst Development Ordinance.*

Whereas, these regulations are consistent with Guiding Principle 7 of the 2019 Comprehensive Plan to preserve, conserve, and feature Pinehurst’s natural resources; and

Whereas, the 2019 Comprehensive Plan was adopted by the Pinehurst Village Council on October 22, 2019 after undergoing a planning process supported by extensive and robust public participation that included residents, business owners, local interest groups, and elected and appointed officials; and

Whereas, the 2019 Comprehensive Plan is the result of thoughtful public conversations spanning over one year and represents a path forward for the Village of Pinehurst to achieve its vision.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the ____ day of _____, 2021, makes the following amendments to the Pinehurst Development Ordinance:

Section 1. The Village of Pinehurst Development Ordinance Chapter 9 Section 9.5 Landscaping Requirements, Section 9.14.6 Tree Conservation and Newly Installed Trees and Plants is amended as follows.

Section 9.5 Landscaping and Buffering Requirements

Part 1. General Standards

9.5.1 Purpose and Scope

The regulations of this Section are intended to establish buffer yards associated with development activity within the Village of Pinehurst and its ETJ. Buffer yards help to moderate visual contact, create spatial separation, and minimize adverse impacts on adjacent properties resulting from development. Buffer yards also help to reduce the visual effects and the impacts of traffic, noise, dust, and odor as well as to protect the privacy of neighbors. The Village values its existing tree canopy, and these regulations also provide incentives that allow existing qualifying trees to be used as part of the buffers required by this Section. By doing so, these regulations will preserve and enhance the visual character of Village and the ETJ and lessen the impacts of the development.

9.5.1.1 Buffer Yards Established

Buffer Yards: for the purposes of Sections 9.5 and 9.14.6, buffer yards are established and defined as follows. Yard lengths are based on the most interior length of the setback line.

- (A) Front Buffer: is equal to the depth of the front yard setback of the zoning district extended to the side property lines.
- (B) Rear Buffer: is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.
- (C) Side Buffer is equal to the width of the side yard setback from where it intersects both the front and the rear yard.

(D) Side Street Buffer: is equal to the width of the side street setback from where it intersects both the front and the rear yard.

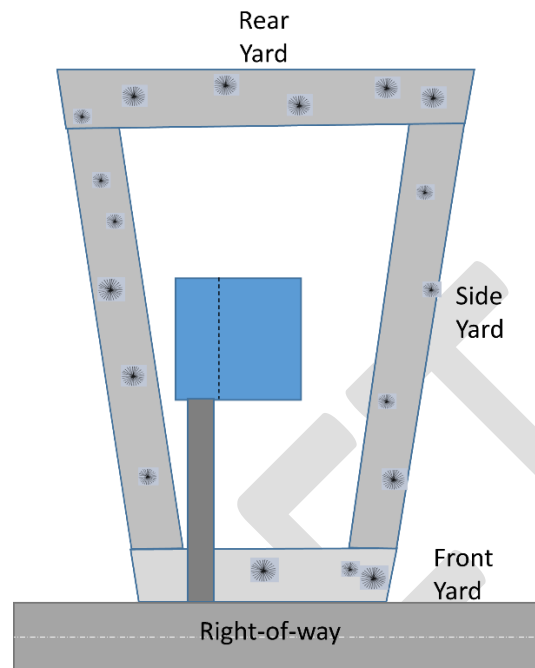


Figure 1. Standard lot yards

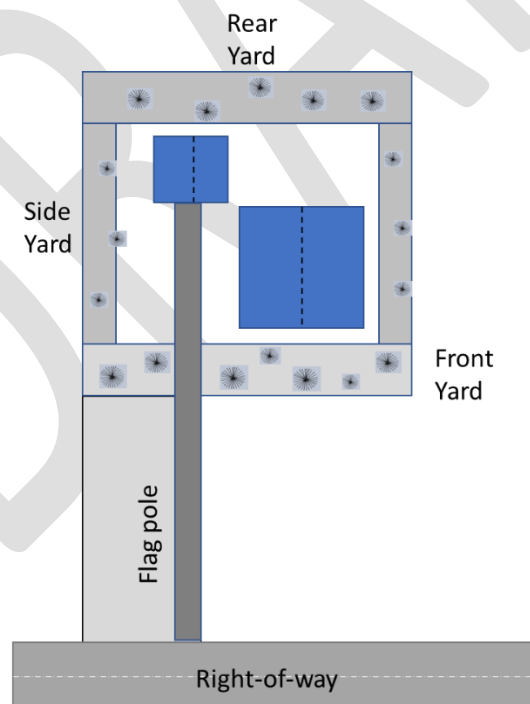


Figure 2. Flag Lot Yards

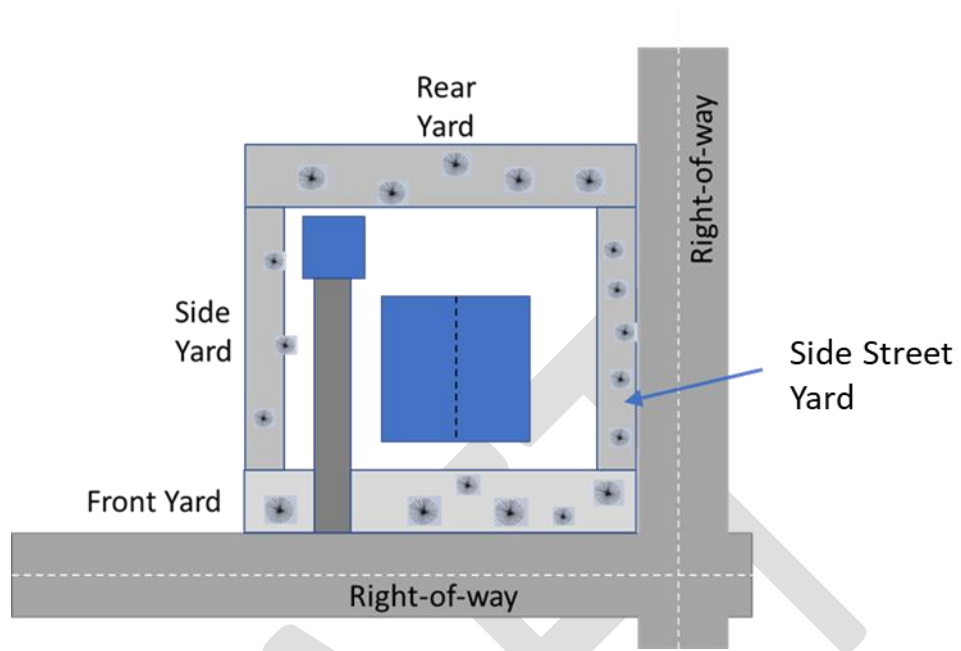


Figure 3. Side Street Buffer Yard

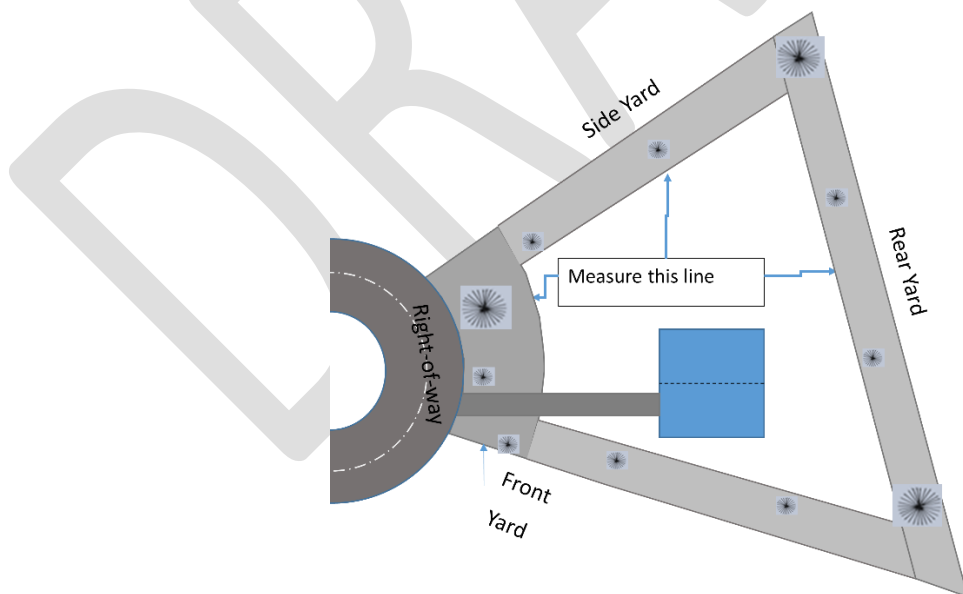


Figure 4. Where to Take Linear Measurements

9.5.1.2 Development Permit for Land Disturbing Activity

A development permit is required prior to land disturbing activity when there is no other active development application in process pursuant to this Ordinance (e.g. Major or Minor Site Plan, Major or Minor Subdivision, Single Family Development). The development permit application shall be accompanied by a landscape plan when the applicant intends to plant the required buffer yard trees or a tree survey if the applicant proposes to use qualifying trees to meet the buffer yard requirements.

9.5.1.3 Landscape Plans and Tree Surveys

(A) Landscape plans shall contain the following information:

- 1) Dimensions of the property lines
- 2) Location and dimensions of all required buffer yards
- 3) Location of construction access/driveways
- 4) Location of trees to be planted;
- 5) Types of trees to be planted:
- 6) Size and caliper of trees to be planted:
- 7) Tree spacing:
- 8) Summary calculation table of required plantings by buffer yard.

(B) Tree surveys shall be prepared by a surveyor licensed in the state of North Carolina. Tree surveys shall include the following:

- 1) Dimensions of the property lines;
- 2) Location and dimensions of all required buffer yards;
- 3) Location of construction access/driveways;
- 4) Location, diameter breast height, and species of all trees to be retained within required buffer yards;
- 5) Summary calculation table of required plantings by buffer yard.

9.5.1.4 Buffer Yard Standards

(A) When a land disturbing activity requires issuance of a Development Permit, and there is no other active development application in process pursuant to this Ordinance (e.g. Major or Minor Site Plan, Major or Minor Subdivision, Single Family Development) perimeter buffer yards must be established per this Section. Planting credits may be used to satisfy buffer yard requirements per 9.5.1.4 (D) using existing qualifying trees.

Table 9.5.1.4 Buffer Yard Standards

Location	Number of Required Trees
Front Buffer Yard	1 Qualifying Tree Per 25 Linear Feet of Street Frontage
Side Street Buffer Yard	1 Qualifying Tree Per 25 Linear Feet of Street Frontage

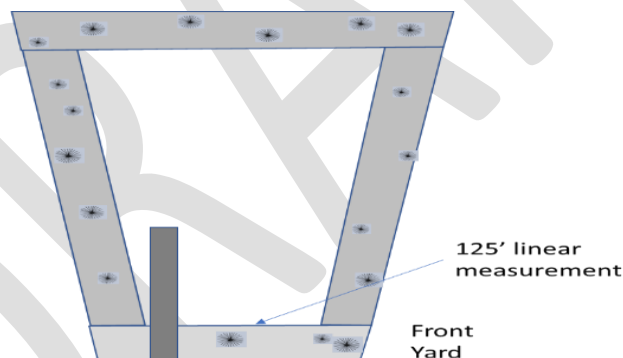
Side Buffer Yard	1 Qualifying Tree Per 35 Linear Feet	
Rear Buffer Yard	1 Qualifying Tree Per 25 Linear Feet	
Planted Tree Type	Minimum Planting Height	Minimum Planting Caliper
Evergreen Trees	6 Feet	2 Inches
Tall Trees from Appendix F	8 Feet	2 Inches
Short Trees from Appendix F	6 Feet	1.25 Inches

(B) The number of required trees shall be measured in whole numbers. The applicant may round down when calculating the number of trees.

(C) Driveway Allowance

Each parcel shall be provided a deduction for one (1) 20 (twenty) foot wide driveway connection. In the event a driveway intersects two different yards, the property owner shall select which yard receives the credit. This deduction shall be applied by subtracting twenty (20) feet from the linear foot calculation for number of required trees as shown in Table 9.5.1.4 for the yard through which the connection is made.

Example:



$$125' - 20' = 105'$$

$$105' / 25' = 4 \text{ trees required for Front Buffer Yard}$$

(D) Tree Planting Credits

To promote maintenance of the existing tree canopy and preservation of specimen trees, planting credits may be provided toward the requirements of Table 9.5.1.4 for qualifying trees as follows:

- 1) Tree planting credits apply to the buffer yard in which the tree is located.
- 2) One additional tree planting credit may be granted for every four (4) inch increase in tree girth above 12" DBH in the buffer yard where the tree is located.

Example: The front buffer yard is 125 feet in length and requires five (5) trees to comply with buffer yard planting requirement. The front buffer yard contains a healthy 24" oak tree that will be retained per the landscape plan. Preservation of

this tree grants four (4) planting credits of the five (5) required trees. Note: Maximum spacing requirements still apply within the front and side street buffer yards.

- 3) Trees subject to the planting credit may be grouped and are not required to meet spacing requirements in the side and rear yards. In order to ensure adequate street yard buffer and to maintain street tree canopy, trees may be grouped in the front and side street buffer yards, however, there shall be no distance less than one tree per every 50 linear feet across the frontage of the buffer yard.

(E) Planting Credit for Trees Less than eight (8) inches DBH

Where there are insufficient trees present on the property to meet the requirements of Table 9.5.1.4, planting credit may be provided for trees smaller than eight (8) inches DBH but not less than three (3) inches DBH.

(F) Minor Modifications for Alternate Spacing and Grouping

The Village Planner may authorize modifications to encourage preservation of existing trees in lieu of planting subject to the following standards:

- 1) To satisfy tree credits described in 9.5.1.1 (D).
- 2) To allow preservation of trees within a building envelope within a distance no greater than the required buffer yard depth when insufficient trees are available for preservation.

9.5.1.5 Exemptions from buffer yard planting requirements.

- (A) This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws.
- (B) Dead, diseased or naturally fallen or severely damaged trees or vegetation, or or trees or vegetation that are a threat to the public health, safety, or welfare based on photographic documentation, observation by the Village Planner, or by the submittal of a report prepared by an arborist or other landscape professional, should be removed. Replacement of the tree(s) would only be subject to buffer requirements to maintain compliance with a required landscape plan.
- (C) Bona fide agricultural and forestry operations shall be exempt from the provisions of this Article. This exemption applies to forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes (NCGS) and activities conducted in accordance with an approved forestry management plan subject Chapter 89B of NCGS and extends to any activity defined as a bona fide farm operation in NCGS 160D-903 within the extraterritorial jurisdiction of the Village.
- (D) The North Carolina Department of Transportation (NCDOT) shall be exempt from buffer requirements of this Ordinance within NCDOT rights-of-way. Tree removal in the Village rights-of-way must be approved by the Village Manager or designee.
- (E) All real properties owned by the Village of Pinehurst.

9.5.1.6 Noncompliance with Buffer Yard Standards

- (A) On properties where land disturbing activity has occurred without a development permit, buffer yards shall be established pursuant to this Section. A landscape plan and development permit shall be submitted demonstrating compliance with this Section.
- (B) In addition, other remedies up to and including penalties may apply in accordance with Chapter 7 of this Ordinance.

Landscaping standards are incorporated in 9.5 Part 2 Landscape Requirements for Multi-family, Commercial and Industrial projects and in 9.14.6 for Single Family Residential Use.

Section 2. Amend Section 9.5 to insert a new part and renumber the existing text.

Part 2. Landscaping Requirements for All Development Requiring a Permit Other than Single-Family Residential

9.5.2.0 Purpose and Scope

The natural landscape conditions within the Village of Pinehurst and its extraterritorial jurisdiction typifies the North Carolina Sandhills and Longleaf Pine Ecosystems. These natural conditions (topography, vegetation, and wildlife) are unique within North Carolina and are the strongest visual aspects defining the character of the Village. The purpose of the landscaping standards in this Section shall be to create an appearance in which manmade development is situated within a forest or naturalized setting all zoning districts. All size standards in this section shall conform to the American Standards for Nursery Stock.

9.5.2.1 Landscape Plan Required

A landscape plan shall be submitted to the Village Planner and its approval is a prerequisite for the issuance of a development permit where required.

9.5.2.2 Planted Buffers

- (A) Permitted Uses Within Planted Buffer Areas: Planted Buffers should be left in an undisturbed natural vegetative state and provided with supplemental plantings. Selective thinning of vegetation and removal of dead vegetation may be permitted as long as the intent of the planted buffer requirement is maintained. Driveways and utilities may cross a planted buffer at or as near a perpendicular angle as practical. Paths and walkways may pass through the planted buffer and pedestrian walkways (greenways) may be installed within the buffer area. Grading in the designated planted buffer may be allowed with site plan approval, if the re-vegetation plan is determined to meet the intent of this Section;
- (B) Location of Planted Buffers: Required planted buffers shall be provided along the perimeter of development unless alternate locations are approved by the Village Planner. Planted buffers shall be designated and dimensioned on all site plans and subdivisions plans, where applicable;

(C) Public Pedestrian Easement Required: The full width of all buffer areas shall be designated as a public pedestrian easement and shown on a recorded plat;

(D) Application:

- 1) These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments and uses located within the VC, VMU, VCP and VR Zoning Districts when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner. When nonresidential and multi-family uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the nonresidential or multi-family property. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates a nonresidential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.
- 2) The required planted buffer width is based on the classification shown on Table 9.5.2.2;
- 3) If said project is adjacent to property that is zoned non-residential or multi-family but is used for single family purposes, half the required planted buffer width along the perimeter of the property adjoining that property shall be required;
- 4) A class 3 planted buffer shall be installed along and adjacent to NC 2, Midland Road east of the Traffic Circle to the zoning jurisdictional boundary of Pinehurst, on the west side of Hwy. 15/501 from the northern extent of the zoning jurisdictional boundary of Pinehurst southward to the western extent of the traffic circle and the intersection with Hwy. 211, Hwy. 211 from the intersection of McKenzie Rd. to the western extent of the zoning jurisdictional boundary of Pinehurst, Murdocksville Rd. from the intersection of Hwy. 211 to the northern extent of the zoning jurisdictional boundary of Pinehurst and on the west side of Hwy 5 from the intersection of Lake Hills Rd. south to the intersection with Trotter Hills for all non-single family residential uses.
- 5) If the adjacent property is zoned for residential use but is vacant at the time of the proposed development, the full required planted buffer width shall be provided;
- 6) If the proposed development is non-residential and the adjacent property is zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, but not less than ten (10) feet;
- 7) If the proposed development is for multi-family dwellings adjacent to property zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, whether the property is occupied or not.

(E) Planted Buffer Classifications and Width:

- 1) Planted buffer width is based on uses in the following classifications:
 - a) Class 1 - 10 feet: Cemeteries, golf courses, passive recreational areas, and;
 - b) Class 2 - 20 feet: Offices, churches, schools, public facilities including playgrounds, ball fields, community swimming pools, and similar facilities, day care facilities, multi-family, residential, hotels;

- c) Class 3 - 30 feet: Neighborhood commercial and service activities including, but not limited to, retail operations, funeral homes, restaurants, banks, convenience stores;
- d) Class 4 - 50 feet: Commercial activities with higher vehicle activities including, but not limited to, vehicle repair, theatres, outdoor recreation centers, and outdoor storage

Table 9.5.2.2

REQUIRED PLANTED BUFFER WIDTH IN FEET BASED ON BUFFER CLASSIFICATION AND ADJACENT PROPERTY USE AND ZONE				
ADJACENT PROPERTY USE AND ZONE				
Planted Buffer Class	Developed Residential Zone	Principal Residential Use in Nonresidential Zone	Developed Multi-Family Zone	Vacant Multi-Family Zone
Class 1	10 feet	10 feet	10 feet	10 feet
Class 2	20 feet	20 feet	10 feet	10 feet
Class 3	30 feet	30 feet	15 feet	15 feet
Class 4	50 feet	50 feet	25 feet	25 feet

- 2) The required setbacks may be used to meet landscape planted buffer width requirements in all districts. When planted buffers are required for residential uses, the planted buffer requirements shall be designated open space, or common area;
- 3) Planted buffer widths and required plantings may be reduced by thirty percent (30%) if the site plan indicates a berm, alternate landscaping, walls, opaque fencing in combination with landscaping or topographic features which will, in the opinion of the Village Planner, achieve the intent of this Section as outlined in Section 9.5.1 and result in equal or better performance. In no case shall a buffer width be less than ten (10) feet. Berms may not have a slope steeper than two (2) horizontal to one (1) vertical and must have a crown width of at least two (2) feet and a minimum height of two (2) feet;

(F) Requirements for Planted Buffer Areas:

- 1) Existing Vegetation. Existing vegetation, regardless of species, shall be used to meet all or part of the requirements of this Section wherever possible, if it provides the same level of obscurity as the planted buffer required below. Vegetation to be saved shall be identified on site plans, along with protection measures to be used during grading and construction. (See Section 9.5.2.7 for protection measures and calculation of credits for existing trees);
- 2) Planting requirements: Planting requirements for planted buffers include both trees (large and small) and shrubs as described below. (See Appendix F for a listing of native/water conserving trees and shrubs.) In calculating buffer planting requirements, areas of driveways are excluded;
 - a) Tree Standards: This requirement may be satisfied as follows:
 - i. One longleaf pine tree with a minimum size of three (3) inch caliper at planting are required per two hundred (200) square feet of buffer area.

- ii. Two Understory trees a minimum of two-inch caliper are required per five hundred (500) square feet of buffer area, one of which is to be an evergreen species that is not a pine tree.
- iii. Trees shall be distributed along the entire length and width of the planted buffer. Due to unique characteristics of a site, or design objectives, alternative plant mixes and spacing may be approved by the Village Planner.
- b) Shrub Standards: Shrubs, a minimum of twenty-four (24) inches in height, of a variety that can be expected to reach four (4) to five (5) feet in height and three (3) feet in width within three (3) years of planting, shall be provided. Shrubs shall not be planted closer than six (6) feet to newly planted trees, nor within the drip line of existing hardwood trees. Shrubs shall be distributed along the entire length and width of the planted buffer, preferably in naturalistic groupings so as not to create a hedge-like condition. Shrubs shall be provided at one per seventy-five (75) square feet of buffer area.

9.5.2.3 Landscape Screens

- (A) The purpose of a screen is to use plants and/or other landscape or architectural elements to obscure views from all corridors or adjacent properties.
 - 1) Structures such as loading docks, mini-warehouses, service courts, dumpster areas, mechanical equipment, and outside storage of material stocks or equipment, either for sale or not for sale on the premises, such as, but not limited to, motor vehicles, equipment, or construction equipment shall be screened from unobstructed off-site views. Uses requiring screening as noted in this Ordinance shall be screened according to the requirements of this Section. This screening requirement does not pertain to outdoor display of merchandise located within the Historic Preservation Overlay District that complies with the regulations and design guidelines of that district.
 - 2) Landscape Screen Standards: Features and uses specified above and/or others requiring screens shall provide a visual obstruction from all corridor and adjacent properties in conformance with the following standards: The screen may be composed of view-obscuring vegetation, wall, fence, or berm. The items may be used individually or in combination. The minimum result shall be a semi-opaque seventy-five percent (75%) screen that obscures views from the ground to a height of the object being screened. Evergreen screening plants shall be at least five (5) feet tall at the time of installation and reach the desired height within three (3) years of planting. Additionally, screen areas shall be sufficient size to allow for the mature growth of plant materials when used.

9.5.2.4 Parking Area Landscaping

- (A) Purpose: In order to reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards apply.
- (B) Required Perimeter Landscape Plants:

- 1) Large trees (unless subject to overhead power lines): Longleaf pines shall be planted at the rate of one three (3) inch caliper tree per twenty (20) linear feet of property line abutting a street and/or adjoining property, less driveways and sight distance triangles. Trees must be a minimum of five (5) feet and a maximum of twenty (20) feet from the parking lot edge to meet this requirement. Credit given for existing, healthy, protected trees, regardless of species, shall be according to 9.5.2.7 of this Section;
- 2) Evergreen shrubs at the rate of one (1) 24-inch height minimum shrub per three (3) linear feet of parking lot edge abutting streets and adjoining property, less driveways, of a species expected to reach a minimum height of 36 inches and a minimum spread of thirty (30) inches within three (3) years of planting. This rate may be varied based upon size of installed plant materials. Shrubs must be a minimum of five (5) feet and a maximum of ten (10) feet from the parking lot edge to meet this requirement.
 - a) Shrubs shall be planted such that no less than seventy-five percent (75%) of the length of the parking lot edge, to a height of thirty-six (36) inches, is obscured from view after three (3) years of growth. Shrubs planted within sight distance triangles shall be of a type with a maximum mature height of eighteen (18) inches.
 - b) Additionally, shrubs shall not be planted within six (6) feet of the trunk of a tree;
- 3) A brick or stone wall, or fence, at least thirty-six (36) inches tall and of a material compatible with the building, may be substituted for the requirements of shrubs.
- 4) Berms may be installed within the highway (front) or interior (side or rear) yards with a minimum two (2) foot height, two (2) foot minimum crown width, and side slopes of not steeper than two horizontal to one vertical. Berms shall be planted with live vegetation, and may be used with smaller plants to meet the required screening area, provided that the combination of the berm and the shrubs obscures no less than seventy-five percent (75%) of the length of the parking area, to a minimum height of thirty-six (36) inches after three (3) years of growth;
- 5) Areas used for vehicle sales and/or service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive-up service, shall be considered parking areas and shall comply with the requirements of this Section.

(C) Landscaping Within Parking Areas:

- 1) Location: Parking areas shall provide and maintain landscaped areas based upon the parking area. Areas under canopies, loading and service areas, and portions of drives with no parking on either side for a distance longer than twenty-five (25) feet and/or used exclusively as access to loading or service areas, are exempt from this requirement. The landscaping within parking areas shall be provided in addition to planted buffer requirements of this Ordinance.
 - a) Areas used for landscaping shall be provided in the amount equivalent to at least ten (10) percent of the parking area, and shall be used for planting either trees and/or shrubs according to the requirements below. Tree planting areas shall be located such that no parking space is farther than seventy-five (75) feet from a tree trunk.
- 2) Required Landscape Plants: Trees shall be used at the following rates, either in combinations of small and large trees, or with large trees only, to add up to the required landscape area:

- a) One three (3) inch caliper, large hardwood or pine tree per two hundred fifty (250) square feet of required landscaped area. Each large tree shall be located within a minimum growing area of two hundred fifty (250) square feet un-encroached upon by shrubs or impervious pavement, with a minimum dimension of ten (10) feet;
 - b) One understory tree less than three (3) inch caliper at the rate of one eight (8) foot tall tree per one hundred twenty-five (125) square feet of required landscaped area. Understory and evergreen trees shall be located within a minimum growing area of one hundred twenty-five (125) square feet, with a minimum dimension of seven and one half (7½) feet, un-encroached upon by shrubs or impervious pavement. Understory trees may be used to fulfill up to one third (1/3) of the required trees.
- 3) Islands and Medians:
 - a) Minimum curb radii of five (5) feet are required on the corners of all tree islands and medians to allow for free movement of motor vehicles around planting materials. (See the Village of Pinehurst Engineering Standards and Specifications Manual). All islands shall have raised curbing around them meeting the Village of Pinehurst Engineering Standards and Specifications Manual to further protect plants from being run over by motor vehicles. Medians without curbing shall include devices to stop vehicles from driving into the planted areas;
 - b) No more than one tree may be provided per island, unless there is at least the minimum growing area per tree as required above. Large trees shall not normally be planted less than eighteen (18) feet apart, and small trees/large shrubs shall not normally be planted less than twelve (12) feet apart.
- 4) Existing Trees:
 - a) Credit given for existing, healthy, protected trees shall be according to 9.5.2.7 of this Section. Trees used to meet other requirements of this Ordinance may not be used to meet the requirements of this Section.
 - b) Sight Distances: To facilitate safer vehicle circulation within parking lots, shrubs shall be pruned to a maximum height of 42 inches. Tree limbs shall be pruned to no lower than 72 inches from the ground.
- (D) Parking Area Landscaped Yards: Any new or expanded off-street parking areas shall provide landscaped areas meeting the requirements below:
 - 1) New or expanded parking areas shall provide a landscaped area, adjacent to and outside of the street right-of-way, and/or adjacent residential property line edge, less driveways, of a minimum of ten (10) feet in width and adjacent non-residential property line edge, less driveways, of a minimum of five (5) feet. Proposed locations of plants and parking spaces shall be arranged to protect plants from vehicles;
 - 2) Planted buffers and/or screens provided adjacent to right-of-way, as required under Sections 9.5.2.2 and/or 9.5.2.3 of this Section, and located between parking lots and streets and/or adjoining residential property may be considered in fulfilling these requirements.
- (E) Street Trees Required

For all non-single-family developments one three (3) inch caliper, large hardwood or pine tree per forty (40) lineal feet of street frontage minus driveways shall be planted in the road right of way. These street trees shall be approved by the Village Engineer as being

acceptable street trees. These trees shall be planted outside of site triangles and not conflict with any utilities. Alternate type and size trees may be approved by the village engineer based on existing site conditions and constraints.

9.5.2.5 Maintenance Responsibility

Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of all required plant material and continued compliance with this Section.

9.5.2.6 Request for Extension of Compliance

- (A) A letter of request for extension of compliance with landscaping requirements may be filed with the Village Planner that states the reasons why the request is being made. If the Village Planner finds that there are unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not longer than ninety (90) days. The letter shall also acknowledge that the property owner is aware of all landscaping and screening requirements, and will comply with those requirements within ninety (90) days, or discontinue use of the property;
- (B) If an extension is allowed by the Village Planner, the applicant shall provide to the village a financial guarantee as set forth in Section 9.17.1.26 sufficient to cover one hundred twenty-five percent (125%) of the installed landscaping costs based on an estimate from a nursery or qualified landscape professional;
- (C) If the initial letter of request for extension of compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the applicant may request one (1) additional extension of up to ninety (90) days. Failure to comply with the provisions of this Section within the time noted in the letter of request for the extension of compliance with landscaping requirements shall be deemed a violation of this Ordinance. In addition, failure to perform in accordance with this Section shall result in default and the forfeiture of the financial guarantee as set forth in Section 9.17.1.26.

9.5.2.7 Existing Vegetation Credits

- (A) Existing healthy trees and shrubs may be credited toward landscape requirements. Vegetation to be saved shall be identified on submitted plans. Protection measures shall be installed to maintain tree health and such protective measures shall be shown on the submitted plan.
- (B) Credit shall be given for existing, healthy, protected trees shall be on a tree-for-tree basis, for planted buffer areas, and on the basis of fulfilling the requirements for parking areas. When trees exceed 12" in diameter, credit may be granted in accordance with Section 9.5.1.4(C). Existing trees will not be allowed to be counted towards landscape screen requirements. Trees so credited must be at least three (3) inch caliper.

9.5.2.8 Specimen Trees

A specimen tree is any healthy, living tree and includes all of the following:

- 1) Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;
- 2) A trunk DBH of twelve (12) inches or more in the case of the following species:
 - i. Ilex species (holly);
 - ii. Magnolia species;
 - iii. Longleaf Pine species;
- 3) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;
- 4) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or
- 5) Has been cited by the Village Council as being historically significant.

9.5.2.9 Preservation and Removal on Private Property

(A) Specimen Trees on Private Land:

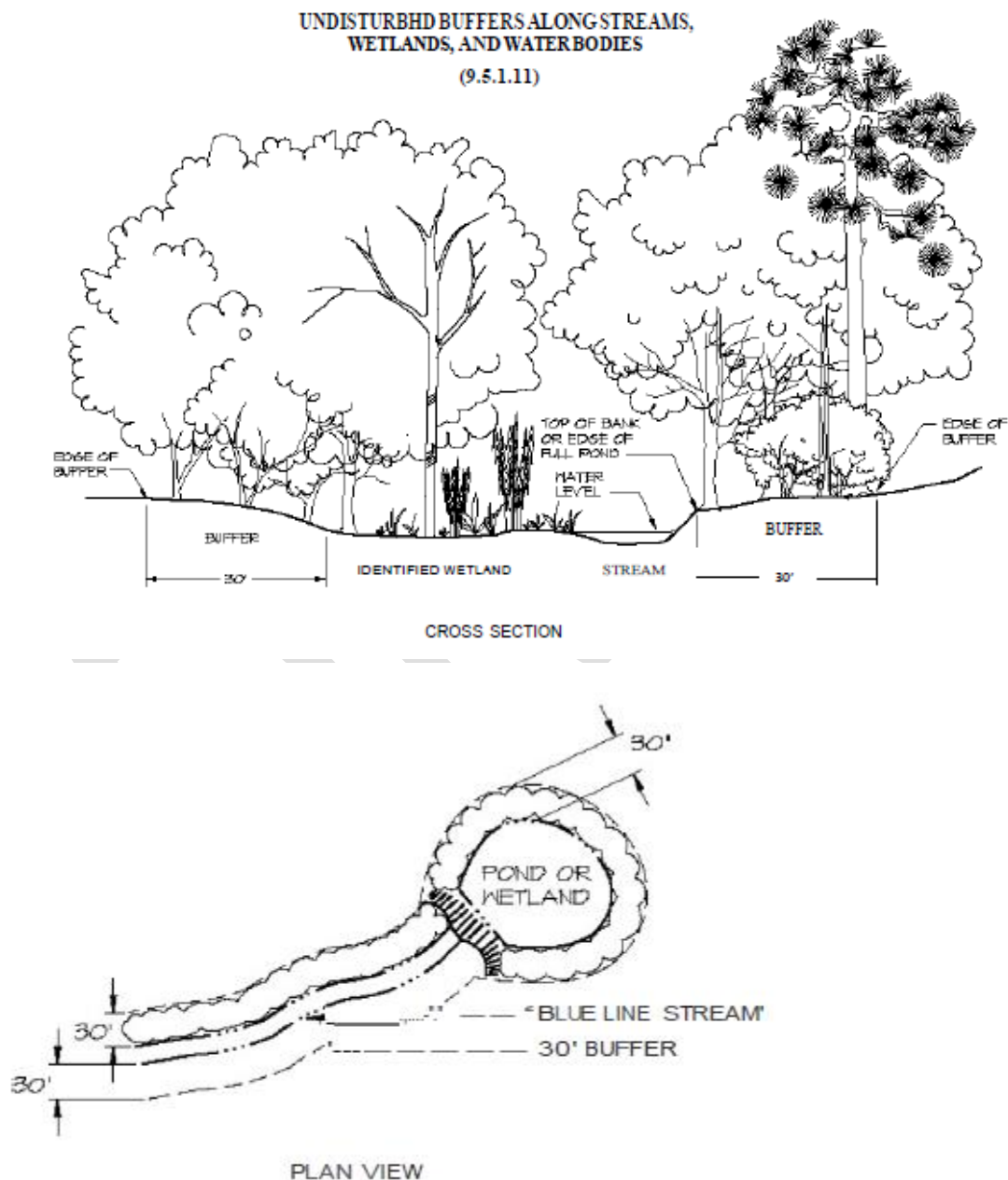
- 1) Specimen trees shall be shown on all preliminary commercial and residential site plans submittals and located by survey on final site or Landscape Protection Plans. The Village Planner may inspect the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a development site where soil disturbance or construction activity is proposed;
- 2) Proposed development shall be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities shall be pursued in order to save them;
- 3) Notwithstanding any provision of this Ordinance to the contrary, saving of a specimen tree shall constitute evidence that the requirements for a case have been met for a variance application;
- 4) No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during the review of the site and/or Landscape Protection Plan it is determined there is no reasonable way the property can be developed without such disturbance.

(B) Voluntary Protection of Specimen Trees On Existing Residential Lots:

- 1) Specimen trees which are located on individual lots with single homes shall be protected if voluntarily registered by the property owner;
- 2) Registration of such trees shall render the owner of the lot the following privileges: If a permitted accessory structure or addition to a house is being planned, notwithstanding any provision of the Ordinance to the contrary, saving of a specimen tree may constitute evidence that requirements for a case have been met for a variance application.

9.5.2.9 Undisturbed Buffers along Streams, Wetlands, and Water Bodies

(A) Notwithstanding any other provisions of this Ordinance regarding buffers, landscaping or setbacks, all development, other than development of existing single family lots shall maintain a thirty (30) foot undisturbed buffer measured from the top of the bank along all streams that are shown as "blue lines" on the most recent versions of U.S. Geologic Survey 1:24,000 scale topographical maps; along the edge of identified wetlands as established by the North Carolina Department of Environmental Resources as defined by N.C.G.S. §143.212(6); and along the edge of the full pond of any water body that is fed by or connected to a "blue-line" stream, other setbacks such as wetland and watershed (Section 8.3.3) may also apply;



- (B) The Village Council may permit as a special exception water dependent structures, pedestrian facilities and other similar structures where the Council finds that only minimal disturbance will result. In permitting such facilities, the Council may attach such reasonable conditions as the Council deems appropriate.

Section 3. Amend Chapter 10 of the Pinehurst Development Ordinance to add the following definitions.

Qualifying Tree: Any healthy tree with a diameter breast height of eight inches and greater.

Redevelopment: Demolition of existing principal structure(s) on a parcel or through building additions that increase the building footprint of the principal structure by 50% or more through single or cumulative additions.

Land Disturbing Activity: refers to an activity on a property that results in a change to the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, clearing, grading, filling, and excavation.

Specimen tree is any healthy living tree that:

- 1) Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;
- 2) A trunk DBH of twelve (12) inches or more in the case of the following species:
 - i. Ilex species (holly);
 - ii. Magnolia species;
 - iii. Longleaf Pine species;
- 3) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;
- 4) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or
- 5) Has been cited by the Village Council as being historically significant.

Buffer Yard: is a landscaped or vegetated area intended to partially obstruct the view of adjacent land uses or properties from one another and are classified and measured as follows:

- a. Front: is equal to the depth of the front yard setback of the zoning district extended to the side property lines.
- b. Rear: is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.
- c. Side: is equal to the width of the side yard setback from where it intersects both the front and the rear yard.
- d. Side Street: is equal to the width of the side street setback from where it intersects both the front and rear yard.

Section 4. The Village of Pinehurst Development Ordinance Chapter 9, Section 9.14.6 Tree Conservation and Newly Installed Trees and Plants is amended as follows.

9.14.6 Single Family Development Landscaping and Buffer Yard Standards. The following landscaping and buffer yard standards apply to new single development and redevelopment.

(A) Buffer Yards Established

- 1) Planted buffer yards must be established per the requirements of Table 9.14.6 that specifies the minimum number of trees required for each buffer yard within an individual lot or parcel. Buffer yard landscaping may be provided through planting new trees or by using existing qualifying vegetation on site as tree planting credits per 9.5.1.4 (D) or any combination of thereof.

Table 9.14.6 Buffer Yard Standards

Setback Location	Quantity	
Front Buffer Yard	1 Qualifying Tree Per 25 Linear Feet of Street Frontage	
Side Street Buffer Yard	1 Qualifying Tree Per 25 Linear Feet of Street Frontage	
Side Buffer Yard	1 Qualifying Tree Per 35 Linear Feet	
Rear Buffer Yard	1 Qualifying Tree Per 25 Linear Feet	
Tree type	Minimum Planting Height	Minimum Caliper
Evergreen trees	6 feet	2 inch
Tall trees from Appendix F	8 feet	2 inch
Short trees from Appendix F	6 feet	1.25 inch

- 2) Tree Preservation Credits: shall be in accordance with 9.5.1.4. (D).
- 3) Driveway Credit: shall be in accordance with Section 9.5.1.4 (C).

(B) Tree Placement and Planting.

- 1) Planted trees may be grouped and staggered in alignment throughout the length of the required buffer yards if there shall be no distance less than one tree per every 50 linear feet within the associated buffer yard. At least one-half of the planted trees in front and side-

street yards shall be Longleaf Pines. The remaining trees shall be selected from Appendix F of the Pinehurst Development Ordinance.

2) The Village Planner may authorize minor modifications subject to the following:

- a) To allow the preservation of trees within the building envelope if they are within a distance no greater than the required buffer yard depth when insufficient trees are available for preservation.
- b) Small trees as identified in Appendix F may be used to avoid conflicts with overhead infrastructure.
- c) To allow alternate species where site and/or soil conditions are not suitable for certain plant/tree species.
- d) To allow for alternative placement due to presence of public utility easements.

(C) As part of the required single-family site plan review process, the approximate location, size and type of trees to be used to meet this standard shall be shown on a landscape plan.

(D) All trees used to meet the intent of this section shall be healthy and well protected during construction. See Appendix F for a listing of trees which are known to be adaptive and naturalized in the Sandhills of North Carolina. Any of these trees can be used in meeting the tree conservation standards of this section.

(E) HVAC units, pool equipment, well houses, and other structures on the property shall be screened with landscaping material or fencing so as to be seventy-five percent (75%) opaque.

(F) Foundation Plantings Required: Foundation plantings shall be provided for all principal and accessory buildings and structures, including storage sheds. The number of plants or plant groupings shall be provided based on the linear footage of foundation along all sides of each structure minus doorways, and steps at a rate of one (1) shrub or plant grouping per six (6) linear foot of foundation. A minimum of fifty percent (50%) of the required plantings shall be five (5) gallon or larger at the time of planting, the remainder shall be a minimum of three (3) gallon in size. Said plantings are not required to be placed in a uniform, linear arrangement when installed and plant groupings or ground cover beds may be used to meet the intent of this section.

(G) The site shall be designed to minimize the removal of mature specimen trees, for example, Longleaf Pine, Dogwood, American Holly and Southern Magnolia.

(H) Maintenance/Alteration of Landscape Plans. Changes or alterations to a previously approved landscape plan require approval of a development permit showing compliance with the landscaping and buffer yard standards of this Section.

(I) Landscaping Standards for Developed Lots. The following standards apply to existing single family developed lots not being redeveloped.

Table 9.14.6 C Landscaping Standards for Developed Lots

Zoning District	# of Trees per Dwelling	Size of Tree

R-5, R-8 and R-10	4	2" DBH
R-15, R-20, R-30	8	2" DBH
R-210	16	2" DBH

SECTION 5. That the Pinehurst Development Ordinance Amendments as approved in this Ordinance are consistent with the 2019 Comprehensive Plan guiding principles and implementation strategies as identified in this document's preamble.

SECTION 6. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney



PROPOSED BUFFER DEVELOPMENT STANDARDS

Frequently Asked Questions



Are these landscaping regulations new?

Yes and no. For non-residential development, the existing regulations remain the same. For single-family development, the proposed regulations update the Village's existing landscaping requirements by creating perimeter buffer yards around a property whereas the current development regulations require a specified number of trees based on the zoning district ranging from 4-16 to be located anywhere on a property. The proposed regulations are more focused on mitigating the impact of development. The most significant change involves land disturbing development activity on vacant lots when no other permit has been issued and will require buffer yards to be established.



Why is the Village updating its landscaping and buffering requirements?

During the Comprehensive Planning process, public input indicated that the Village's tree-lined corridors and tree canopies were essential characteristics contributing to the community's uniqueness and namesake as Pinehurst—which literally means "Grove of Pines." Based on our namesake, history, and community input, the Village is updating its landscaping and development buffer requirements.



What is the goal of the updated buffer development regulations?

To maintain community character and buffer the impact of development and adjacent street right-of-way. This is done by either planting new trees in buffer yards or retaining existing qualifying trees on the lot.



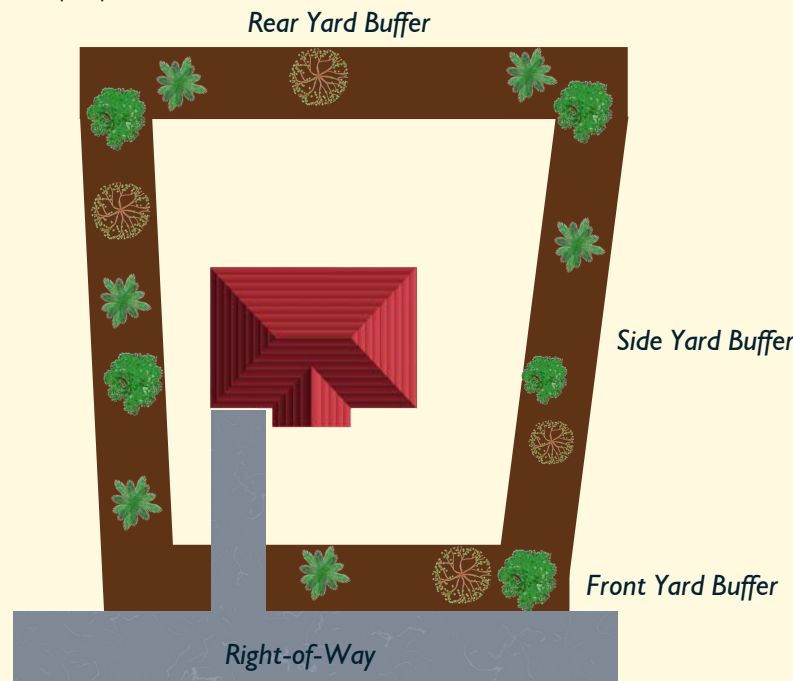
Does this mean I cannot remove trees on my property?

No, the proposed ordinance does not prevent you from removing trees from your property or cutting down dead, diseased, or dying trees. Likewise, it does not prevent you from practicing agriculture. However, you will need to maintain or plant any required landscaping or buffering triggered by development activity (e.g., new single-family development permit).



What is the purpose of a buffer yard?

A buffer yard is a landscaped or vegetated area intended to partially obstruct the view of adjacent land uses or properties from one another. Buffer yards are not intended to act as a complete screen between properties.



Will the proposed new residential landscape buffer standards prohibit clear-cutting trees?

No, nothing in the proposed standards prohibits removal of trees on private property. The new buffer standards may be met through new plantings or credits provided by retaining existing qualifying vegetation on site. For example, an existing 16" diameter pine tree could count for two required trees in a particular buffer yard. Heavily treed lots within the Village may meet the buffer yard requirements through existing qualifying trees on site.



How do buffer yards work on vacant residential parcels?

Buffer yards are established when a vacant tract of land or an individual lot undergoes land-disturbing activity. This means that trees may have to be planted to meet the ordinance's perimeter buffer yard landscaping requirements, which can be accomplished by retaining existing qualifying trees or by planting new trees. The number of trees to be retained or planted is based on the following:

One tree every 25 linear feet*

- Front yard
- Side Street Yard
- Rear Yard

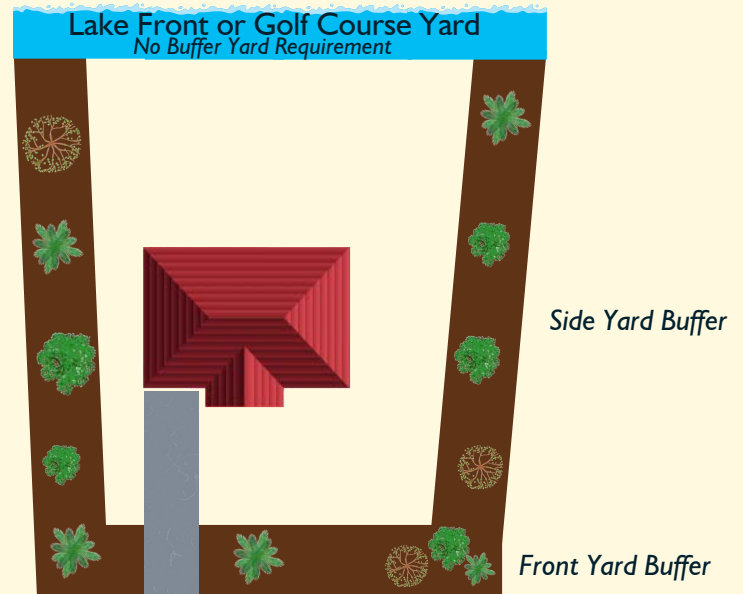
One tree every 35 linear feet*

- Side Yard

No requirement for golf course or lakefront yard

**Grouping and spacing of trees are permitted.*

Example (not to scale)



Front Yard: $125' / 25 = 4$ front yard trees

Side yard: $175' / 35 = 5$ side yard trees

Golf Course or Lakefront = no requirement

Total Trees Required = 9

Note: Current PDO requirements for a R-15, R-20 and R-30 Lot = 8 trees



What existing trees count toward the buffer requirements?

Qualifying trees are those 8" in diameter and larger located in the associated perimeter buffer yard. If there are not enough existing qualifying trees, it may be possible to qualify trees between 3" and 8" in diameter.



Can I minimize the number of trees that are required to be planted when the buffer yard requirements are triggered?

Yes, in addition to the one credit for retaining qualifying trees, larger diameter trees can get extra credit to reduce the number of trees to be planted. One additional tree credit is granted for every four-inch increase in tree girth above 12" diameter breast height (DBH) in the buffer yard where the tree is located.

For example, a 24-inch diameter tree would count for four required trees.

$12 + 4 + 4 + 4 = 4$ trees

This reduces the number of trees to be planted. Another incentive is using smaller trees to meet the tree requirement when larger trees on the site are not available or there are other site limitations (e.g. steep slopes, wetlands). Staff can also authorize the use of existing trees within the building envelope to count towards this requirement.



Do street trees count?

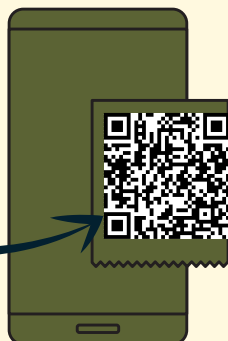
No, street trees are those located in the street right-of-way, not on a private lot. The Village manages trees growing along its public streets. Street trees do serve a landscape function, but they are not sufficient in number alone to create a buffer yard.



What kind of trees may I plant?

The Village encourages residents to plant native species such as pine; however, any tree identified as a large or small tree in Appendix F of the Pinehurst Development Ordinance may be used.

Scan this code with your smart device to visit the VOP Planning & Inspections website.



Do I have to have a permit if I want to remove a tree from my lot?

Generally, you will not need to get a permit or pay a fee to the Village to remove a tree outside of the Historic District. Inside the Historic District, a certificate of appropriateness may be required for removal of trees in the front yard. A development permit may be required for extensive land disturbing activities such as site alteration and grading to prep for development or removal of trees included in a previously approved landscape plan.

Call (910) 295-2581 for more information



**DISCUSS AND CONSIDER RESOLUTION 21-26 COMPREHENSIVE PLAN
AMENDMENT POLICY
ADDITIONAL AGENDA DETAILS:**

FROM:

Doug Willardson

CC:

Jeff Sanborn

DATE OF MEMO:

10/18/2021

MEMO DETAILS:

The attached policy will define the systematic and transparent process whereby the Village Council will adopt and amend its Comprehensive Plan to manage future growth in the community and to avoid disparities between the Comprehensive Plan, market & economic realities, and existing conditions.

ATTACHMENTS:

Description

- ☐ Comprehensive Plan Amendment Policy
- ☐ Timeline for Comprehensive Plan Amendments
- ☐ Resolution 21-26 Adopting a Comprehensive Plan Adoption, Amendment, and Implementation Policy



VILLAGE OF PINEHURST
VILLAGE COUNCIL POLICY

SUBJECT:	Comprehensive Plan Adoption, Amendment, and Implementation	Effective:
Department:	Planning	Policy No.:
Prepared by:	Darryn Burich, Planning & Inspections Director	Revised:
Approved by:	Village Council	# of Pages:

PURPOSE:

The purpose of this policy is to define the systematic and transparent process whereby the Village Council will adopt and amend its Comprehensive Plan to manage future growth in the community.

POLICY:

A Comprehensive Plan is intended to guide coordinated, efficient, and orderly development within the planning & development regulation jurisdiction based on an analysis of present and future community needs.

In accordance with NCGS 160D-501(a), the Village's process for adopting and amending the Comprehensive Plan shall include opportunities for citizen engagement. In order to adequately guide future growth, the Comprehensive Plan must be reasonably up to date and may be amended from time to time.

The adopted Comprehensive Plan is advisory in nature, which means other development regulations can be adopted and amended that are inconsistent with the adopted plan.

PROCEDURES:

The Village Council will periodically update the Comprehensive Plan to avoid disparities between the Comprehensive Plan, market & economic realities, and existing conditions.

Comprehensive Updates

To ensure the Village's Comprehensive Plan is reasonably up to date, the Village Council will prepare and adopt a comprehensive update to the Village's Comprehensive Plan every 8-10 years. This includes a complete and thorough review and update of the

entire plan document based on reviews of existing conditions and extensive community engagement and input.

Biennial Review

Every 2 years, in an odd numbered year, the Village Council will review the Comprehensive Plan for any discrepancies between significant plan components and existing conditions to determine if an amendment is needed. Significant plan components include the following elements of the Comprehensive Plan:

- Vision Statement
- List of Guiding Principles or their definitions
- Top 10 Strategic Opportunities
- Conservation and Growth Map and Land Use Descriptions
- Focus Area Boundaries or Scenario Plan Land Use Map

Should the Village Council determine any of the significant components need to be amended, the Village will seek public input on proposed amendments beyond the public hearing required by NCGS.

Annual Implementation Updates

Every year in December, the Village Council will review the status of the Comprehensive Plan Implementation Strategies in their annual strategic planning retreat. Comprehensive Plan Implementation Strategies may be modified or amended annually.

After approval of the annual SOP by the Village Council in June, Village staff will update the Implementation Matrix component of the Comprehensive Plan to reflect those strategies included in the SOP. This implementation update shall occur between the adoption of the Strategic Operating Plan each June and the Village Council's strategic planning retreat.

Other Updates

The Village Council may also consider Comprehensive Plan amendments outside of the regularly scheduled Comprehensive Plan updates when the following triggering events occur:

- Changes in legal and/or regulatory requirements.
- Related plans adopted by the Village Council, including but not limited to, small area plans, neighborhood plans, hazard-mitigation plans, transportation plans, housing plans, and recreation or open space plans.
- Significant market changes or new information that create a demonstrated need to adjust the Plan.
- Creation of a previously non-existent land use category.

In the event that a proposed amendment to the Village's zoning map or Pinehurst Development Ordinance is inconsistent with the Comprehensive Plan, the Village Council should amend the Comprehensive Plan prior to or concurrent with approval of any such amendments.

Comprehensive Plan amendments may be initiated by a member of the public, Village staff, or a quorum of the Village Council. A member of the public requesting an amendment must submit a completed application and fees indicated on the Village's Adopted Fees & Charges Schedule.

The Village Council will hold one or more public hearings for any and all Comprehensive Plan amendments under consideration. If a proposed amendment affects any of the following items, a more extensive public engagement process will be conducted to obtain broad community input on the proposed amendment:

- Vision Statement
- List of Guiding Principles or their definitions
- Top 10 Strategic Opportunities
- Conservation and Growth Map and Land Use Descriptions
- Focus Area Boundaries or Scenario Plan Land Use

The Village Council will evaluate proposed amendments to the Comprehensive Plan using the following criteria:

- Extent to which the amendment aids to promote, enhance, and sustain the quality of life for residents, businesses, and visitors
- Extent to which the existing Comprehensive Plan policies are still relevant, given existing market, economic, or demographic conditions
- Compatibility with neighboring land uses and surrounding neighborhoods
- Impact on regulations contained in regulatory documents, including but not limited to the Pinehurst Development Ordinance or Engineering Specifications & Standards Manual
- Impact on the existing annual Strategic Operating Plan
- Extent to which demographic and socioeconomic changes have occurred or are projected to occur (e.g. population growth, employment growth, development, and conversion of land)
- Ability of the Village and/or other service providers (i.e. schools, water and/or sewer purveyors) to provide adequate public services and facilities
- Anticipated environmental impact

After evaluating amendments by these criteria, the Village Council may adopt an Ordinance to amend the Comprehensive Plan.

Approved by:

John C. Strickland, Mayor

Date

Resolution # 21-

Village Council, Resolution

Date

DRAFT

Staff Present Report Card on Current Implementation Matrix

Council Retreat
Dec. 2021

Council Input on Current Comprehensive Plan

- Survey prior to meeting
- Discuss potentially changes identified through the survey at Council Workshop--sequential by Guiding Principle

June
2022*

Solicit Public Input

- Engage Pinehurst Portal
- Public meeting(s)

July
2022

Staff Condense Comments and Prepare Recommendations

August
2022

Public Hearing and adoption of Amendment

Sept.
2022

*Will repeat in June 2023 to return to biennial schedule

RESOLUTION #21-26:

**A RESOLUTION ADOPTING THE VILLAGE OF PINEHURST
COMPREHENSIVE PLAN ADOPTION, AMENDMENT, AND
IMPLEMENTATION POLICY.**

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted the 2019 Comprehensive Plan on the 22nd day of October, 2019, for the purpose of guiding coordinated, efficient, and orderly development within the planning & development regulation jurisdiction based on an analysis of present and future community needs; and

WHEREAS, in order to adequately guide future growth and priorities, the Comprehensive Plan must be reasonably up to date and may be amended from time to time; and

WHEREAS, the Village Council, after considering all of the facts and circumstances have determined that it is in the best interest of the Village of Pinehurst to define the systematic and transparent process whereby the Village Council will adopt and amend its Comprehensive Plan to manage future growth in the community; and

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in Work Session assembled on the 26th day of October, 2021, as follows:

SECTION 1. That the attached “Comprehensive Plan Adoption, Amendment, and Implementation Policy,” is hereby adopted, said policy attached hereto as (Exhibit A) and made a part hereof, the same as if included verbatim.

SECTION 2. That this Resolution shall be and remain in full force and effect from the date of its adoption.

Adopted this 26th day of October, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney



**DISCUSSION OF POTENTIAL ETHICS VIOLATIONS BY
COUNCILMEMBER BOESCH
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- ▣ Village of Pinehurst Code of Ethics
- ▣ Statement - Glen Webb
- ▣ Statement - Angela Kantor
- ▣ Boesch Letter Provided to Council



Code of Ethics for the Village Council of the Village of Pinehurst, North Carolina

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this Village, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Village of Pinehurst, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Village Council do hereby adopt the following General Principles and Code of Ethics to guide the Village Council in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens.
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
 - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official

must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Village Council and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Council members should obey all laws applicable to their official actions as members of the board. Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow council members or citizens. To declare that a council member is behaving unethically because one disagrees with that council member on a question of policy (and not because of the council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Council members should endeavor to keep up to date, through the village attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.

Section 2. Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.
- Disclosing contracts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other council members and the public with respect and honoring the opinions of others even when the council members disagree with those opinions.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect badly on those offices.
- Recognizing that they are part of a larger group and acting accordingly.

- Recognizing that individual council members are not generally allowed to act on behalf of the council but may only do so if the council specifically authorizes it, and the council must take official action as a body.

Section 3. a. Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this council will consider impropriety in terms of whether a reasonable person who is aware of all the relevant facts and circumstances surrounding the council member's action would conclude that the action was inappropriate.

Section 3. b. If a Council member believes that his or her actions, while legal and ethical, may be misunderstood, the members should seek the advice of the village attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Council members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the council has authority.

Council members should be willing to bear their fair share of the council's workload. To the extent appropriate, they should be willing to put the council's interests ahead of their own.

Section 5. Council members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to council members or their employees.

In order to ensure strict compliance with the laws concerning openness, council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

Statement

On or about September 8th 2021 I was contacted by Council Member Bosh requesting to meet with me. I asked if she would like to come by the police department or if she would prefer I come to wherever she was going to be. It was agreed that I would come to the lake at Pinewild at 10a on September 9th 2021.

Once at the location, the discussion started about the Village Tree ordinance and an issue the town was or is having with the General Assembly concerning this item. It was also mentioned by the council member that there may have been some friction between the manager and our local delegation to the General Assembly.

I was asked about the working environment at Village Hall as to whether or not it was toxic per things she had heard. I responded that I have friends at Village Hall and that I had never been told the work environment there was toxic. I was asked if Earl Phipps left because of Jeff Sanborn, the Village Manager. I replied that Earl had not told me that and had only indicated that he was leaving because he had a good opportunity in the private sector and that he was able to purchase some early retirement time for his wife. I don't remember the exact context about Lauren Craig, but to paraphrase I was asked if she left because of the working environment at Village Hall and the manager not allowing her to go part-time. I replied that she and I occasionally talk, I consider her a friend, and I had only been told by her that she departed for an opportunity at her church and to spend more time with her children.

After I left the meeting I was uneasy and unsure how to proceed as I am a direct report of the manager and no crimes were alleged. I processed this over that weekend and either Monday or Tuesday of the following week I went to the HR Director Angie Kantor. I discussed the meeting with her and my feeling that I should talk to the manager because I was uneasy being asked what were essentially performance related questions about my supervisor and that all of it being non-criminal was outside my purview as a police officer. After meeting with Angie, either that day or the next, I went to meet with the manager to discuss this matter.

All of the above statements are true and accurate to the best of my recollection.

Glen T. Webb II



Chief of Police

From: Angela M. Kantor

Sent: Friday, October 8, 2021 9:03 AM

To: Mike Newman (michaeln@vancamplaw.com) <michaeln@vancamplaw.com>

Subject: Privileged-Statement

Mike,

Here is my statement. I have documented what I remember to the best of my knowledge. Let me know if you have any questions.

Angie

On 9/13/2021, Glen Webb, Police Chief, spoke to me about a meeting he had with Lydia Boesch. He said he was struggling with the situation and asked me if he should go to Jeff Sanborn about the meeting. I advised Glen that he could do what he thought was best, but I advised him to inform Jeff of the meeting. I told him that is what I would do if I were in his position.

On 9/16/2021, I called Lydia to talk with her about my conversation with Glen. When I called her, I told her I was calling because Glen had advised me of the meeting she had with him at the lake. She said she was so glad Glen had come to HR. She then proceeded to talk more. She said Jamie Boles and Tom McInnis had spoken to her and expressed concern about Jeff. They said it was difficult to work with Jeff and they did not trust his judgement. She said Jamie Boles told her he needed to go and she needed to start talking to staff. She also said Natalie had told her some things. She then said Jeff had sent an email indicates J. Boles and T. McInnis had disdain for the Village and she thought that was inappropriate.

I then said I was calling because Glen was very uncomfortable with the conversation they had. I told her it puts staff in a difficult position when Council Members approach us directly to discuss any Manager's performance because we report to the Managers. I told her that I advised Glen to tell Jeff about the meeting. She gasped and said she was not ready for the information to be shared with Jeff yet. I reminded her that I was calling just to let her know that Glen came to me and I wanted her to know how I advised. I also told her that he was probably going to tell Jeff.

She did ask how council is supposed to find out information about Jeff's performance. I told her she could talk with the mayor and request a closed session to discuss, but meeting in an informal setting offsite with staff is uncomfortable and puts staff in a bad position. Staff does try to be respectful of Council requests as often as they can, but this type of situation puts staff in a difficult position.

She asked if we do exit interviews and I said yes. She asked if council could see those. I told her there are summaries of the exit interviews, but not details from specific people.

The items presented below go either to: (1) Issues relevant to Jeff's annual review, (2) a broader concern about Jeff's relationship with staff, and/or (3) issues for Council consideration.

The seed for this discussion was sprouted during Jeff's review last year.

The meat for today's discussion began in March 2021 when I ran into Jamie Boles.

- Tree ordinance
- Local bill

There have been intermittent comments by Jamie Boles and Tom McInnis since the initial March conversation with Jamie until mid August (after our August 10 Council meeting). What I was hearing:

- We will work with you on the tree ordinance, specifically mentioning other communities
- Jeff Sanborn is your problem or Jeff Sanborn has to go

We learned about tree legislation being inserted into the budget bill and that it was added at the request of Jamie Boles in response to our tree ordinance.

Jeff sent an email about Tom and Jamie's "disdain" for the Village of Pinehurst. This was very troubling to me, which I communicated to John.

I emailed Tom and Jamie asking if I could talk or meet with them about their relationship with the Village of Pinehurst that apparently had become broken.

- Tom replied that he would be happy to get together after working on a current project.
- Jamie called me at home a week or so later.
 - "Your problem is Jeff Sanborn."
 - Urged me to talk with Village staff. Mentioned several positions.
 - Reiterated that he would work with us on the tree ordinance.

I went on vacation in late August, knowing I would ponder all of this. Came to the realization that a problem probably exists and I have a responsibility to address it. My choices appeared to be to try to speak with Angie in Pinewild (not at Village Hall) or an employee I trusted and with whom I have a good relationship. That turned out to be Glen.

Glen met with me in Pinewild. *He gave nothing away.* He listened, then we discussed family issues. Glen did the right thing to communicate with Angie.

What I've been told in the past few weeks:

- Jamie – If we could work with you, we could move Highway 5 up on the DOT list. Staff is afraid to speak out.
- Merchants – I've been asked what I think of Jeff's management style and have been told that Jeff has to go.
- Jeff Morgan – a Village employee told Jeff Morgan this past weekend that he (the employee) could speak with Jeff because Jeff is a candidate, but the employee is not allowed to speak with Council members.

Indicators or patterns that are not good:

- Relationship with General Assembly members (Council discussion? Appropriate for Jeff's review?)
- Relationship with businesses (Council discussion? Appropriate for Jeff's review?)
- Staff departures – is there a core reason that would be important for Council to know?

100. The above information is for your information only. It is not intended to be used for any other purpose.

and with St. Peter, the longest growing fish in the world.

[illegible]

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

... ..

1. The first step in the process of identifying a problem is to recognize that a problem exists. This involves gathering information about the situation and identifying the specific issue that needs to be addressed.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

[illegible]

100-443887-100

Page 1 of 10

[illegible]

1. The following information is being furnished to you for your information only. It is not intended to be used for any other purpose.

[illegible]

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1. What is the purpose of the experiment?

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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**DISCUSSION OF POTENTIAL ETHICS VIOLATIONS BY
COUNCILMEMBER DRUM
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- ▣ Village of Pinehurst Code of Ethics
- ▣ Email String Reference Kevin Drum
- ▣ Statement - Jim Nash
- ▣ Statement - Katrin Franklin



Code of Ethics for the Village Council of the Village of Pinehurst, North Carolina

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this Village, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Village of Pinehurst, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Village Council do hereby adopt the following General Principles and Code of Ethics to guide the Village Council in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens.
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
 - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official

must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Village Council and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Council members should obey all laws applicable to their official actions as members of the board. Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow council members or citizens. To declare that a council member is behaving unethically because one disagrees with that council member on a question of policy (and not because of the council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Council members should endeavor to keep up to date, through the village attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.

Section 2. Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.
- Disclosing contracts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other council members and the public with respect and honoring the opinions of others even when the council members disagree with those opinions.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect badly on those offices.
- Recognizing that they are part of a larger group and acting accordingly.

- Recognizing that individual council members are not generally allowed to act on behalf of the council but may only do so if the council specifically authorizes it, and the council must take official action as a body.

Section 3. a. Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this council will consider impropriety in terms of whether a reasonable person who is aware of all the relevant facts and circumstances surrounding the council member's action would conclude that the action was inappropriate.

Section 3. b. If a Council member believes that his or her actions, while legal and ethical, may be misunderstood, the members should seek the advice of the village attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Council members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the council has authority.

Council members should be willing to bear their fair share of the council's workload. To the extent appropriate, they should be willing to put the council's interests ahead of their own.

Section 5. Council members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to council members or their employees.

In order to ensure strict compliance with the laws concerning openness, council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Mike Newman

From: Jane Hogeman <jhogeman@vopnc.org>
Sent: Monday, October 11, 2021 5:10 PM
To: CouncilMembers; Jeff Sanborn; Mike Newman
Subject: Fw: (EMAIL THREAD 3) Notice of Threatening Emails from PBP Member Business and Village Council Member

Jane Hogeman
Council Member
Village of Pinehurst
395 Magnolia Rd, Pinehurst, NC 28374
(910) 295-1900 ✉ jhogeman@vopnc.org ✉ 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, Improvement.
Pursuant to North Carolina General Statutes, Chapter 132, et seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

From: contact@pinehurstbusinesspartners.com <contact@pinehurstbusinesspartners.com>
Sent: Friday, September 24, 2021 4:41 PM
To: John Strickland <jstrickland@vopnc.org>; Lydia Boesch <lboesch@vopnc.org>; Jane Hogeman <jhogeman@vopnc.org>; Judy Davis <jdavis@vopnc.org>; abbymgibson@gmail.com <abbymgibson@gmail.com>; amanda@pinehurstlivingmagazine.com <amanda@pinehurstlivingmagazine.com>; greg@pinehurstlivingmagazine.com <greg@pinehurstlivingmagazine.com>; holly@kirktrous.com <holly@kirktrous.com>; info@thebumpandbaby.com <info@thebumpandbaby.com>; josephb@spoton.com <josephb@spoton.com>; mldavis8@ncsu.edu <mldavis8@ncsu.edu>; pinehurst@discoverymap.com <pinehurst@discoverymap.com>; raekinney99@gmail.com <raekinney99@gmail.com>; sbharrison@earthlink.net <sbharrison@earthlink.net>
Subject: (EMAIL THREAD 3) Notice of Threatening Emails from PBP Member Business and Village Council Member

----- Original Message -----

Subject: 3 of 3 Fwd: Re: *REMINDER* Meet Pat Pizzella for Council *SAVE THE DATE* September 23rd
Date: 2021-09-22 19:10
From: contact@pinehurstbusinesspartners.com
To: abbymgibson@gmail.com, amanda@pinehurstlivingmagazine.com, greg@pinehurstlivingmagazine.com, holly@kirktrous.com, info@thebumpandbaby.com, josephb@spoton.com, mldavis8@ncsu.edu, pinehurst@discoverymap.com, raekinney99@gmail.com

----- Original Message -----

Subject: Re: *REMINDER* Meet Pat Pizzella for Council *SAVE THE DATE* September 23rd
Date: 2021-09-22 19:05
From: contact@pinehurstbusinesspartners.com
To: Kevin Drum <KDrum@drumandquill.com>

Kevin,

I apologize if someone misquoted you. You are not a regular attendee at the monthly meetings and I am often asked why you do not attend, considering you are a local business owner and on the Village Council. The public assumes we are all working towards the same goals for the Village Center. Someone told me they asked you why you don't attend more meetings and that's what you had said. If that was incorrect, I am sorry.

I tell people you have always been a supporter of mine and the PBP, because up until now, you have been, whether you attend meetings or not. Not every person makes every meeting, myself included. I am not sure what it is you want from me, exactly. You asked me a week ago if this was a PBP meeting or a newsletter of Duneberry's and I answered your question. I am not sure why you asked a second time, unless you did not get my first reply.

PBP has ALWAYS shared every single email blast from any member business - I hope you jump on board and use that function if your businesses also send out emails. PBP has also ALWAYS encouraged Village Council comradery and most Village Council members or running candidates have attended board meetings or BAH meetings. You, yourself, have spoken at BAH meetings about your councilship. Again, you we have known each other for six years, and you should know where my heart is. I have always encouraged open doors, open communication, and community support.

Your emails to me are abrasive and hurtful. I will repeat myself, now for the third time, PLEASE include me in your campaigning, so that PBP may SUPPORT YOU, as well, as it is OUR POLICY to support all Village Council members and Village Center news.

I am happy you are a paid member as of today and are participating in the Holly Festival.

Thanks,

K

On 2021-09-22 17:34, Kevin Drum wrote:

Katrin

That is false - whoever you get your information from is a liar. I never said that in my life. I attend more than one a year but I do know where I stand now so thanks.

I am a paid member as of today. Susan did not respond to my email and I didn't know I was not a paid member until today after I called her today.

No - I dont believe in organizations using their lists for politics so I decline a social event.

And, after your comments would you rather me resign as member?

I dont appreciate you false comments and lies about me saying something I never said. So I think a apology is in order?

Kevin Drum, Proprietor
Drum & Quill
40 Chinquapin Rd
Pinehurst, NC 28374
KDrum@DrumandQuill.com
Pub: (910)295-3193

Cell (910)603-0477

www.DrumandQuill.com
www.facebook.com/DrumandQuill
www.Twitter.com/DrumandQuill

On Sep 22, 2021, at 8:05 PM, contact@pinehurstbusinesspartners.com wrote:

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Let me know what other questions you have,

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I am trying to get a answer since this is from the board of Pinehurst Business Partners is this a Pinehurst Business Partners Meeting or is this a third party fundraiser? I'm so confused on what this is? I want to attend all Pinehurst Business Partners Meetings but not interested in attending a trade organization fundraiser for a candidate.

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As I member I want clarity?

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Katrin & Team
Katrin Franklin, Bump & Baby, LLC//Piggy + Co Southern Pines
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Abby Gibson, Elizabeth Darcy
Amanda Jakl, Pinehurst Living Magazine//Purple Thistle Kitchen & Co.
Laura Byers, Discovery Map of the Sandhills & Western NC
Joe Bologna, Spot On Small Business Solutions

Mike Newman

From: Jane Hogeman <jhogeman@vopnc.org>
Sent: Monday, October 11, 2021 5:09 PM
To: CouncilMembers; Jeff Sanborn; Mike Newman
Subject: Fw: (EMAIL THREAD 2) Notice of Threatening Emails from PBP Member Business and Village Council Member

Jane Hogeman
Council Member
Village of Pinehurst
395 Magnolia Rd, Pinehurst, NC 28374
(910) 295-1900 ✉ jhogeman@vopnc.org ✉ www.vopnc.org

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From: contact@pinehurstbusinesspartners.com <contact@pinehurstbusinesspartners.com>
Sent: Friday, September 24, 2021 4:40 PM
To: John Strickland <jstrickland@vopnc.org>; Lydia Boesch <lboesch@vopnc.org>; Judy Davis <jdavis@vopnc.org>; Jane Hogeman <jhogeman@vopnc.org>; abbymgibson@gmail.com <abbymgibson@gmail.com>; amanda@pinehurstlivingmagazine.com <amanda@pinehurstlivingmagazine.com>; greg@pinehurstlivingmagazine.com <greg@pinehurstlivingmagazine.com>; holly@kirk tours.com <holly@kirk tours.com>; info@thebumpandbaby.com <info@thebumpandbaby.com>; josephb@spoton.com <josephb@spoton.com>; mldavis8@ncsu.edu <mldavis8@ncsu.edu>; pinehurst@discoverymap.com <pinehurst@discoverymap.com>; raekinney99@gmail.com <raekinney99@gmail.com>; sbharrison@earthlink.net <sbharrison@earthlink.net>
Subject: (EMAIL THREAD 2) Notice of Threatening Emails from PBP Member Business and Village Council Member

----- Original Message -----

Subject: 2 of 3 Fwd: Re: Meet Pat Pizzella for Council *SAVE THE DATE* September 23rd

Date: 2021-09-22 19:09

From: contact@pinehurstbusinesspartners.com

To: abbymgibson@gmail.com, amanda@pinehurstlivingmagazine.com, greg@pinehurstlivingmagazine.com, holly@kirk tours.com, info@thebumpandbaby.com, josephb@spoton.com, mldavis8@ncsu.edu, pinehurst@discoverymap.com, raekinney99@gmail.com

----- Original Message -----

Subject: Re: Meet Pat Pizzella for Council *SAVE THE DATE* September 23rd

Date: 2021-09-16 21:59

From: contact@pinehurstbusinesspartners.com

To: Kevin Drum <KDrum@drumandquill.com>

Of course. This is Duneberry's meetup and I have just forwarded the email.
Let me know what you have planned and we'll get it out!

-K

On 2021-09-16 18:05, Kevin Drum wrote:

I assume you'll do this for all the candidates ?

Sent from my iPhone:

**Kevin Drum, Brand Evangelist
Drum & Quill**

Cocktails and Kitchen

40 Chinquapin Road

Pinehurst, NC 28374

(910)295-3193

DrumandQuill.com

KDrum@DrumandQuill.com

| On Sep 16, 2021, at 6:01 PM, Kevin Drum <KDrum@drumandquill.com> wrote:

Do you guys to political meet and greets now?

Sent from my iPhone:

**Kevin Drum, Brand Evangelist
Drum & Quill**

Cocktails and Kitchen

40 Chinquapin Road

Pinehurst, NC 28374

(910)295-3193

DrumandQuill.com

KDrum@DrumandQuill.com

| On Sep 16, 2021, at 5:50 PM, contact@pinehurstbusinesspartners.com wrote:

Hey, all!

Please see a very special invite attached!

Please join us Thursday, September 23rd for a meet and greet with Patrick Pizella!

Please RSVP if you plan on attending.

Xoxo,

Katrin & Team

Katrin Franklin, Bump & Baby, LLC//Piggy + Co Southern Pines

Holly Kirk, Kirk Tours & Limousine

Rae Anne Kinney, Pinescone Cafe (2 Locations!)

Meghan Davis, Cooper & Bailey's

Abby Gibson, Elizabeth Darcy

Amanda Jakl, Pinehurst Living Magazine//Purple Thistle Kitchen & Co.

Laura Byers, Discovery Map of the Sandhills & Western NC

Joe Bologna, Spot On Small Business Solutions

----- Original Message -----

Subject:Meet Pat Pizzella for Council

Date:2021-09-16 10:49

From:James <JRNash@DuneBerry.com>

To:contact@pinehurstbusinesspartners.com

You Are Invited
to a
Special Meet-&-Greet
for
Historical Village Businesses
(Owners, Managers, Staff)

Please RSVP with # attending
(Hors d'oeuvres & Wine served)

<MeetPat.jpeg>

DuneBerry Resort Wear
120 Market Sq.
Pinehurst, NC 28374

Mike Newman

From: Jane Hogeman <jhogeman@vopnc.org>
Sent: Monday, October 11, 2021 5:11 PM
To: CouncilMembers; Jeff Sanborn; Mike Newman
Subject: Fw: (EMAIL THREAD 4) Notice of Threatening Emails from PBP Member Business and Village Council Member

Jane Hogeman
Council Member
Village of Pinehurst
395 Magnolia Rd, Pinehurst, NC 28374
(910) 295-1900 ✉ jhogeman@vopnc.org ✉ www.vopnc.org

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From: contact@pinehurstbusinesspartners.com <contact@pinehurstbusinesspartners.com>
Sent: Friday, September 24, 2021 4:42 PM
To: John Strickland <jstrickland@vopnc.org>; Lydia Boesch <lboesch@vopnc.org>; Judy Davis <jdavis@vopnc.org>; Jane Hogeman <jhogeman@vopnc.org>; abbymgibson@gmail.com <abbymgibson@gmail.com>; amanda@pinehurstlivingmagazine.com <amanda@pinehurstlivingmagazine.com>; greg@pinehurstlivingmagazine.com <greg@pinehurstlivingmagazine.com>; holly@kirk tours.com <holly@kirk tours.com>; info@thebumpandbaby.com <info@thebumpandbaby.com>; josephb@spoton.com <josephb@spoton.com>; mldavis8@ncsu.edu <mldavis8@ncsu.edu>; pinehurst@discoverymap.com <pinehurst@discoverymap.com>; raekinney99@gmail.com <raekinney99@gmail.com>; sbharrison@earthlink.net <sbharrison@earthlink.net>
Subject: (EMAIL THREAD 4) Notice of Threatening Emails from PBP Member Business and Village Council Member

----- Original Message -----

Subject:Re: The Shoppe Girls: Fri-nally back at diVine Lounge!!! 🗨

Date:2021-09-23 12:10

From:contact@pinehurstbusinesspartners.com

To:Kevin Drum <KDrum@drumandquill.com>

Cc:abbymgibson@gmail.com, amanda@pinehurstlivingmagazine.com, greg@pinehurstlivingmagazine.com, holly@kirk tours.com, info@thebumpandbaby.com, josephb@spoton.com, mldavis8@ncsu.edu, pinehurst@discoverymap.com, raekinney99@gmail.com

Rae Anne is a member of Pinehurst Business Partners.

Thanks,

K

On 2021-09-22 20:46, Kevin Drum wrote:

Now your promoting bands? Are you lost? Your the president of a member marketing association ?

Sent from my iPhone:

**Kevin Drum, Brand Evangelist
Drum & Quill**

Cocktails and Kitchen

40 Chinquapin Road

Pinehurst, NC 28374

(910)295-3193

DrumandQuill.com

KDrum@DrumandQuill.com

On Sep 22, 2021, at 11:44 PM, contact@pinehurstbusinesspartners.com wrote:

Hey, all!

Please see the latest newsletter from The Shoppe Girls attached!

Xoxo,

Katrin & Team

Katrin Franklin, Bump & Baby, LLC//Piggy + Co Southern Pines

Holly Kirk, Kirk Tours & Limousine

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Meghan Davis, Cooper & Bailey's

Abby Gibson, Elizabeth Darcy

Amanda Jakl, Pinehurst Living Magazine//Purple Thistle Kitchen & Co.

Laura Byers, Discovery Map of the Sandhills & Western NC

Joe Bologna, Spot On Small Business Solutions

From:

Sent: Tuesday, September 21, 2021 9:24 PM

To:

Subject: Fri-nally back at diVine Lounge!!! 🍷

<diVine-09-24.jpg>

Mike Newman

From: Jane Hogeman <jhogeman@vopnc.org>
Sent: Monday, October 11, 2021 5:13 PM
To: CouncilMembers; Jeff Sanborn; Mike Newman
Subject: Fw: (EMAIL THREAD 5) Notice of Threatening Emails from PBP Member Business and Village Council Member

Jane Hogeman
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Village of Pinehurst
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Subject: (EMAIL THREAD 5) Notice of Threatening Emails from PBP Member Business and Village Council Member

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Date:2021-09-23 12:11

From:contact@pinehurstbusinesspartners.com

To:Kevin Drum <KDrum@drumandquill.com>

Cc:abbymgibson@gmail.com, amanda@pinehurstlivingmagazine.com, greg@pinehurstlivingmagazine.com, holly@kirktravels.com, info@thebumpandbaby.com, josephb@spoton.com, mldavis8@ncsu.edu, pinehurst@discoverymap.com, raekinney99@gmail.com

Rae Anne is a member of Pinehurst Business Partners.

Thanks,

K

On 2021-09-22 20:47, Kevin Drum wrote:

Your are promoting bands of laying in southern pines? This is nits! You need to resign!

Sent from my iPhone:

**Kevin Drum, Brand Evangelist
Drum & Quill**

Cocktails and Kitchen
40 Chinquapin Road
Pinehurst, NC 28374
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To: CouncilMembers; Jeff Sanborn; Mike Newman
Subject: Fw: (EMAIL THREAD 6) Notice of Threatening Emails from PBP Member Business and Village Council Member

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From: Jane Hogeman <jhogeman@vopnc.org>
Sent: Monday, October 11, 2021 4:48 PM
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Subject: Fw: (EMAIL THREAD 6) Notice of Threatening Emails from PBP Member Business and Village Council Member

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Subject: (EMAIL THREAD 6) Notice of Threatening Emails from PBP Member Business and Village Council Member

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Subject:Re: *REMINDER* Meet Pat Pizzella for Council *SAVE THE DATE* September 23rd

Date:2021-09-23 12:15

From:contact@pinehurstbusinesspartners.com

To:Kevin Drum <KDrum@drumandquill.com>

Cc:abbymgibson@gmail.com, amanda@pinehurstlivingmagazine.com, greg@pinehurstlivingmagazine.com, holly@kirktrous.com, info@thebumpandbaby.com, josephb@spoton.com, mldavis8@ncsu.edu, pinehurst@discoverymap.com, raekinney99@gmail.com, sbharrison@earthlink.net

Kevin,

We do not send out membership applications. They are found on the website and are provided at all of our monthly membership meetings.

I do not understand the rest of your email.

Thanks,

K

On 2021-09-22 21:01, Kevin Drum wrote:

Me abusive? Read your email to me. I forwarding to every Budinesd I know. You got to go you have idea what your doing. Now your promoting bands in southern Pines - what the hell does that have to do with Pinehurst. Your list and willing to lie and I have been to 5 this year and I will NEVER be at another. Your clueless, a liar and also to never sent me membership form but Sussn tool care of it bit I don't want to be member with such a hateful person running I'm starting own organization that doesn't do politics, doesn't promote bangs in some then pined or forests digital newspapers. I'll create a consumer marketing plan and I already 5 to join and Milo her them all are board because I know what I'm going - you don't. Your clueless. You have no idea I talked with some of your board who don't know their names were on the bottom of a csnnidstr meet and great invite.

You are so hateful towards me when I fight for the village and get shot down slot. I requested permanent manager for ended by village - I'm done - I told Sussn to stop up check.bye.

Sent from my iPhone:

**Kevin Drum, Brand Evangelist
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Laura Byers, Discovery Map of the Sandhills & Western NC
Joe Bologna, Spot On Small Business Solutions

Mike Newman

From: Jane Hogeman <jhogeman@vopnc.org>
Sent: Monday, October 11, 2021 5:17 PM
To: CouncilMembers; Jeff Sanborn; Mike Newman
Subject: Fw: (EMAIL THREAD 7) Notice of Threatening Emails from PBP Member Business and Village Council Member

Jane Hogeman
Council Member
Village of Pinehurst
395 Magnolia Rd, Pinehurst, NC 28374
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To: John Strickland <jstrickland@vopnc.org>
Subject: Fw: (EMAIL THREAD 7) Notice of Threatening Emails from PBP Member Business and Village Council Member

From: contact@pinehurstbusinesspartners.com <contact@pinehurstbusinesspartners.com>
Sent: Friday, September 24, 2021 4:43 PM
To: John Strickland <jstrickland@vopnc.org>; Judy Davis <jdavis@vopnc.org>; Jane Hogeman <jhogeman@vopnc.org>; Lydia Boesch <lboesch@vopnc.org>; abbymgibson@gmail.com <abbymgibson@gmail.com>; amanda@pinehurstlivingmagazine.com <amanda@pinehurstlivingmagazine.com>; greg@pinehurstlivingmagazine.com <greg@pinehurstlivingmagazine.com>; holly@kirktrips.com <holly@kirktrips.com>; info@thebumpandbaby.com <info@thebumpandbaby.com>; josephb@spoton.com <josephb@spoton.com>; mldavis8@ncsu.edu <mldavis8@ncsu.edu>; pinehurst@discoverymap.com <pinehurst@discoverymap.com>; raekinney99@gmail.com <raekinney99@gmail.com>; sbharrison@earthlink.net <sbharrison@earthlink.net>
Subject: (EMAIL THREAD 7) Notice of Threatening Emails from PBP Member Business and Village Council Member

----- Original Message -----

Subject:Re: *REMINDER* Meet Pat Pizzella for Council *SAVE THE DATE* September 23rd

Date:2021-09-23 12:18

From:contact@pinehurstbusinesspartners.com

To:Kevin Drum <KDrum@drumandquill.com>

Cc:abbymgibson@gmail.com, amanda@pinehurstlivingmagazine.com, greg@pinehurstlivingmagazine.com, holly@kirktrips.com, info@thebumpandbaby.com, josephb@spoton.com, mldavis8@ncsu.edu, pinehurst@discoverymap.com, raekinney99@gmail.com, sbharrison@earthlink.net

Kevin,

I sought permission from the position-holding members of the board before I sent the email. I am sorry that you didn't realize that we have always supported Village Council members and candidates in past. Perhaps you do not remember speaking at a Membership Mixer when you were also campaigning. Our entire board wants to see more connection and collaboration between the Village Center and the Village of Pinehurst.

About The Shoppe Girls, Rae Anne is a member of Pinehurst Business Partners.

Thanks,

K

On 2021-09-22 21:08, Kevin Drum wrote:

You will not be included in my campaigning - I'm not a hypocrite - you shouldn't endorse candidates period. Me or anyone. I want no part of a marketing organization losing its way. I don't want one and never talked politics except when asked. You need to resign - you're too mean and lack accountability. You are sending emails with board members names on it that none of them have approved. You just had the board of Pinehurst Business Partners hosting. Meet and greet and don't even understand or know what you did then you promoted an event in southern pines - oh - you live in southern pines you work in southern pines.

FYI _ Pinehurst Business Partners - hint.

You are clueless.

Kevin Drum, Proprietor
Drum & Quill
40 Chinquapin Rd
Pinehurst, NC 28374
KDrum@DrumandQuill.com
Pub: (910)295-3193

Cell (910)603-0477

www.DrumandQuill.com
www.facebook.com/DrumandQuill
www.Twitter.com/DrumandQuill

On Sep 22, 2021, at 10:05 PM, contact@pinehurstbusinesspartners.com wrote:

Kevin,

I apologize if someone misquoted you. You are not a regular attendee at the monthly meetings and I am often asked why you do not attend, considering you are a local business owner and on the Village Council. The public assumes we are all working towards the same goals for the Village Center. Someone told me they asked you why you don't attend more meetings and that's what you had said. If that was incorrect, I am sorry.

I tell people you have always been a supporter of mine and the PBP, because up until now, you have been, whether you attend meetings or not. Not every person makes every meeting, myself included. I am not sure what it is you want from me, exactly. You asked me a week ago if this was a PBP meeting or a newsletter of Duneberry's and I answered your question. I am not sure why you asked a second time, unless you did not get my first reply.

PBP has ALWAYS shared every single email blast from any member business - I hope you jump on board and use that function if your businesses also send out emails. PBP has also ALWAYS encouraged Village Council comradery and most Village Council members or running candidates have attended board meetings or BAH meetings. You, yourself, have spoken at BAH meetings about your councilship. Again, you and we have known each other for six years, and you should know where my heart is. I have always encouraged open doors, open communication, and community support.

Your emails to me are abrasive and hurtful. I will repeat myself, now for the third time, PLEASE include me in your campaigning, so that PBP may SUPPORT YOU, as well, as it is OUR POLICY to support all Village Council members and Village Center news.

I am happy you are a paid member as of today and are participating in the Holly Festival.

Thanks,

K

On 2021-09-22 17:34, Kevin Drum wrote:

Katrin

That is false - whoever you get your information from is a liar. I never said that in my life. I attend more than one a year but I do know where I stand now so thanks.

I am a paid member as of today. Susan did not respond to my email and I didn't know I was not a paid member until today after I called her today.

No - I don't believe in organizations using their lists for politics so I decline a social event.

And, after your comments would you rather me resign as member?

I don't appreciate your false comments and lies about me saying something I never said. So I think an apology is in order?

Kevin Drum, Proprietor
Drum & Quill
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www.DrumandQuill.com
www.facebook.com/DrumandQuill
www.Twitter.com/DrumandQuill

On Sep 22, 2021, at 8:05 PM, contact@pinehurstbusinesspartners.com wrote:

Kevin, I have already answered your question and all of your emails.

This is a DUNEBERRY event and I am sharing his email. The email blast is from DUNEBERRY and it is in my policy to share all member newsletters. You have yet to take advantage of this function and attend roughly one meeting a year.

The next Business After Hours meetings (which you have been quoted as calling "worthless socials") is Monday, September 27th at 530pm at Landseer Properties behind Olmsted Village. You are welcome to attend even though you have not filled out and remitted a membership form for the 2021 year. You should know by now that it is a value of mine to have an open door policy despite whether someone is a paid member, or not; it's more important to me that the Village Center is connected and aligned.

Should you want to host a Business After Hours I would be happy to put you in the rotation. Our next opening is for a December holiday party or the February opening season Membership Mixer. OR should you want to host a campaign meet and greet, I would be happy to send along to our members and other contacts. All other candidates have reached out to me and are planning on hosting an event in the coming weeks.

Let me know what other questions you have,

K

On 2021-09-22 19:33, Kevin Drum wrote:

Jim

I am trying to get an answer since this is from the board of Pinehurst Business Partners is this a Pinehurst Business Partners Meeting or is this a third party fundraiser? I'm so confused on what this is? I want to attend all Pinehurst Business Partners Meetings but not interested in attending a trade organization fundraiser for a candidate.

So Jim what is this? It looks like a official meeting of Pinehurst Busiess Partners? Is that correct? Ot is the database being used to support a candidate in the form of a Pinehurst Busiess Partners era Meeting?

As I member I want clarity?

Kevin Drum, Proprietor
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www.Twitter.com/DrumandQuill

On Sep 22, 2021, at 6:11 PM, contact@pinehurstbusinesspartners.com wrote:

Katrin & Team
Katrin Franklin, Bump & Baby, LLC//Piggy + Co Southern Pines
Holly Kirk, Kirk Tours & Limousine
Rae Anne Kinney, Pinescone Cafe (2 Locations!)
Meghan Davis, Cooper & Bailey's
Abby Gibson, Elizabeth Darcy
Amanda Jakl, Pinehurst Living Magazine//Purple Thistle Kitchen & Co.
Laura Byers, Discovery Map of the Sandhills & Western NC
Joe Bologna, Spot On Small Business Solutions

Mike Newman

From: Jane Hogeman <jhogeman@vopnc.org>
Sent: Monday, October 11, 2021 5:41 PM
To: CouncilMembers; Jeff Sanborn; Mike Newman
Subject: 2 More Emails

From: Kevin Drum <KDrum@drumandquill.com>
Subject: Re: Welcome Back to PBP? I never left!
Date: October 3, 2021 at 7:50:52 PM EDT
To: contact@pinehurstbusinesspartners.com
Cc: abbymgibson@gmail.com, amanda@pinehurstlivingmagazine.com, greg@pinehurstlivingmagazine.com, holly@kirktraveltours.com, info@thebumpandbaby.com, josephb@spoton.com, mldavis8@ncsu.edu, pinehurst@discoverymap.com, raekinney99@gmail.com, sbharrison@earthlink.net

Yes - I accepted your apology and I apologized to Susan for being caught in the middle of your rude behavior. I have been a member for over 12 years.

Glad I was there to correct the massive amount of the misinformation last week you presented. I also find it interesting you proposed a park and ride solution you said last week in the meeting you know wouldn't work. I find that irresponsible partnering with VOP on something you knew would fail - your words - not mine. Great way to start a partnership.

I also find it irresponsible saying village council are not working on parking solution when we have been for 4 years and just made resort add 3 new parking lots now and 4th after us open and expand Carolina lot now to relieve pressure in village now. Are you telling your members about that? We also have in budget this year to build a garage downtown and that should be done before end of fiscal year - are you telling your members that?

I found it astonishing some of your members didn't know employee parking was resulting in the problem because businesses are not making their employees park in sand lot. Some sounded like it's the first time they heard this and want to help. I'm impressed with them and their excitement to help and wonder if they were informed better things (like how this parking issue is a self inflicted wound by Business owners not

managing staff) how much this smart group could have accomplished with real leadership instead of this insecure bad attitude of yours that everything is VOP's fault and spreading misinformation on VOP and proposing VOP support a program you know would fail. It's like a massive whine fest when there are so many positive opportunities since we are now living in the "Village of Pinehurst Renaissance." it's time to think big not small.

Also, all the board on the email didn't approve of using their name to support a political fundraiser - I know that for a fact but some are just not speaking up to be nice. I think that was so irresponsible the fact you don't know that was wrong says it all and is crazy.

I think this business association needs new leadership and saw plenty of smart people capable of leading the organization. When is next election? I saw at least 8 smart people ready to help that wouldn't participate in misinformation, politicising organization or creating programs they know would fail like you are and would never send a rude email like you did.

I formally ask as a 14 year member for you to embrace moving the organization forward by getting out of the way. When is elections and when do nominations begin to take this organization to the next level which is what I do for a living by they way! I am 120% committed to either making this organization generate business for its members or creating another one that does. I know 10 businesses that are not members because of the lack of leadership - I am not alone. To grow this organization you must change so I ask the board to choose success over mediocrity and get new blood in leadership now. It's time to think big!

Thanking you in advance,

Sent from my iPhone:

Kevin Drum, Brand Evangelist
Drum & Quill

Cocktails and Kitchen
40 Chinquapin Road
Pinehurst, NC 28374
(910)295-3193

DrumandQuill.com

KDrum@DrumandQuill.com

Jane Hogeman
Council Member
Village of Pinehurst
395 Magnolia Rd, Pinehurst, NC 28374
(910) 295-1900 ✉ jhogeman@vopnc.org ✉ 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, Improvement. Pursuant to North Carolina General Statutes, Chapter 132, et seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

On Oct 3, 2021, at 6:14
PM, contact@pinehurstbusinesspartners.com wrote:
te:

Hey, Kevin!

Susan Harrison let me know you phoned her last week and that you've had a change of heart. She has informed me that I have apologized and you have accepted my apology; this is good news! In this case, we will proceed as usual. Should you want to brush up on our Mission Vision Values, maybe check out the website at www.pinehurstbusinesspartners.com. I think a lot of the miscommunication is what you think Pinehurst Business Partners is and does, and what we really are and do. Over the past few years, we have focused on everything small business, from including businesses from all over the county, to offering free classes on social media, tax prep and FAQ zoom calls with local professionals during the Covid shutdowns and providing Small Business Administration resources, to events, meetings, and general support. We partner with local organizations like the Moore County Chamber of Commerce, the Convention and Visitors Bureau, and Sandhills Community College. If it's in the greater interest of the Village Center and neighboring businesses, we do it! We also understand that limiting our scope to "just Pinehurst" is missing the forest for the trees; we have grown our membership and community by doing what we do best - behaving like one

community, which yields great opportunities and support.

Holly Kirk, Membership, will process your membership application,

Susan Harrison, Holly Arts & Crafts Festival Chair, will process your HACF application,

Rae Anne Kinney, Treasurer, will process and deposit your fees, respectively,

And I will add you back to our email list.

I appreciate seeing you at the September BAH Monthly Mixer. It's really encouraging for member businesses to see so much support from the Village Council. Jane Hogeman regularly supports these meetings and it's helped us feel like a team with the VOP, which is our ultimate desire.

Thanks so much and welcome back!

Xoxo,

Katrin & Team

Katrin Franklin, Bump & Baby, LLC//Piggy + Co
Southern Pines

Holly Kirk, Kirk Tours & Limousine

Rae Anne Kinney, Pinescone Cafe (2 Locations!)

Meghan Davis, Cooper & Bailey's

Abby Gibson, Elizabeth Darcy

Amanda Jakl, Pinehurst Living Magazine//Purple
Thistle Kitchen & Co.

Laura Byers, Discovery Map of the Sandhills &
Western NC

Joe Bologna, Spot On Small Business Solutions

October 10, 2021

Mike Newman, Esq.
Attorney for Village of Pinehurst (VOP)
c/o John Strickland, Major VOP

Dear Mr. Newman:

It was requested that I write you concerning my knowledge and interaction with VOP Council member Kevin Drum over the last few weeks.

In August, I was asked by one of the members of Patrick Pizzella's campaign if I would host a Meet and Greet for him – Pat's wife shops in our retail store and Pat has been a frequent visitor to the store...I enthusiastically agreed to host an event at our store in the Village on September 23, 2021 at 5:00 PM.

Since many Meet and Greets were planned around Pinehurst, I decided to keep the invitation list to those mainly in the Historical Village or that are a stakeholder in the Village. As a member of Pinehurst Business Partners I asked Katrin (President) if she would announce the event as they do any other PBP activity/event of members. Email Invitations went out to two email lists Katrin has access to, of mainly Historical Village people. The first emailing was September 16th and 17th and a reminder to these lists again on September 23rd.

On the 16th shortly after the invite went out, I was made aware by Katrin that both Kevin Drum and Lydia Boesch (VOP Council members) had contacted her and objected to PBP promoting my Meet and Greet for candidate Pizzella. I was copied only in correspondence where my name or store name was used. I believe you have copies of all the various emails including additional emails and record of in-person confrontations between Katrin, Kevin Drum and Lydia Boesch.

Kevin Drum also contacted me directly on September 16th stating:

"So this is not a Business Partners Meeting this has a campaign fundraiser? I will attend a Pinehurst Business Partners Meeting but not sure if this is both or just a fundraiser for a candidate?"

To which I DID NOT reply.

He again wrote me the same day with:

"I am trying to get a answer since this is from the board of Pinehurst Business Partners is this a Pinehurst Business Partners Meeting or is this a third party fundraiser? I'm so confused on what this is? I want to attend all Pinehurst Business Partners Meetings but not interested in attending a trade organization fundraiser for a candidate."

So Jim what is this? It looks like a official meeting of Pinehurst Busiess Partners? Is that correct? Ot is the database being used to support a candidate in the form of a Pinehurst Busiess Partners era Meeting? As I member I want clarity?"

[bty he is not a member of PBP]

I responded with:

"Kevin: I was asked by an unrelated third-party if we would host a Meet & Greet for Pat for Village merchants and others who work in the Village, which I agreed to host. Since I don't have an email list for the Village, I asked PBP if they would announce our activity as they do for all other PBP members who have various events in their stores. This is a DuneBerry event to introduce a new candidate to anyone interested to come. This is not in any way a PBP meeting nor a fundraiser. It is my understanding PBP made the same offer to all candidates that are PBP members, or any Village merchant who is a PBP member and wishes to host a candidates Meet & Greet - all could be announced by PBP to PBP members if they wish to do a similar activity. PBP is doing what it normally does in passing along event information of their members - DuneBerry or any business should be able to host these type of Meet and Greets if they so choose...Hopefully this clarifies this situation."

On Septmeber 23rd Kevin again wrote me:

"It does finally - its not a official meeting of the Pinehurst Busies Partners - finally my questions is answered. And no a offer was not made to all candidate until I complained this is not a function of the busiess partners mailing list so this not true - it happened after I commented.

Now Katrin just emailed me and insulted me so I will not be attending.

But agree - you should be able to host anything for anyone anytime but organizations that are supposed to work for all - not just one - for all - usually dont use their lists in this way so I will not request a meet a greet promoted through Pinehurst Busiess Partners becuae I domino think its a proper.

I dont want to be hypocrite so I dont think this invitation should have occurred wiht all board members names on the bottom as it did and I think its extremely bad form.

Hope you have a successful event and next zi will be emailing Katrin about her insulting email which again is improper."

To which I still have NOT replied.

[bty all the misspellings in the *italicized* Drum emails herein were his]

I have been trying to give Katrin sound advise through this entire ordeal, as has her PBP Board members, who are all in 100% support of her and everything she has done in this manner.

Because I was copied on correspondence which my name or business name was used, I am privy to most of the abuse heaped in Katrin by Kevin Drum. I am personally appalled at the repeated bullying, threats, abuse and name calling as-well-as calling for her resignation as President of PBP – this is unconscionable behavior for any Village merchant to another merchant, let alone coming from a VOP Council member. I feel Kevin's behavior is also a very bad reflection on the entire VOP admin/council and its unbelievable he would do this during a re-election campaign. There should be rules of conduct and decorum for VOP Council and they should be enforced! One of His four points to his campaign promise is "Civility" [*politeness and courtesy in behavior or speech*] He just failed the Civility test! A growing number of people in the community now know about this and the awareness is growing...for my two cents, it needs to be dealt with in the sternest way possible without delay.

I am available any time if you wish clarity on any of these matters.

Respectfully,

Jim Nash, Owner
DuneBerry Resort Wear
Resident of Pinehurst
JRNash@DuneBerry.com
(231) 645-2526

From: contact@pinehurstbusinesspartners.com

Date: October 7, 2021 at 9:13:33 PM EDT

To: John Strickland <jstrickland@vopnc.org>

Cc: Jane Hogeman <jhogeman@vopnc.org>, Judy Davis <jdavis@vopnc.org>, Lydia Boesch <lboesch@vopnc.org>, abbymgibson@gmail.com, amanda@pinehurstlivingmagazine.com, greg@pinehurstlivingmagazine.com, Holly Kirk <holly@kirktravels.com>, Info@thebumpandbaby.com, josephb@spoton.com, mldavis8@ncsu.edu, pinehurst@discoverymap.com, raekinney99@gmail.com, sbharrison@earthlink.net

Subject: Pinehurst Business Partners: A Request for Support

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Newman,

I hope this email serves as a small glimpse into the past few weeks for the Pinehurst Business Partners board and I.

As you may know, it is within our policy to share any member emails and newsletters, to which I did on Thursday, September 16th, when I shared a member business's email regarding a Meet and Greet for Village Council candidate, Patrick Pizzella. The responses rolled in, in either interest or appreciation. It has always been a value of Pinehurst Business Partners to share and support Village Center ongoings, and we are especially proud of our growing relationship and partnership with the Village of Pinehurst. Most Village Council candidates and elected members have spent time chatting with the board and members, speaking at public meetings, etc. It is not uncommon for community members to announce and discuss their candidacy at our meetings and it is important to us that our member businesses and residents have access to these types of relationships within their community, demystifying the gap between town government and its constituents.

Less than one hour after sending the email blast, I was berated by business owner and Village Council member and candidate, Kevin Drum. Over the next few weeks, the emails intensified, with name calling and language in unparalleled unprofessionalism. Kevin Drum threatened to "expose lies", "tell The Pilot", "tell everyone", "force a resignation", on and on. You will see the volatile nature of these emails in the copies that I have provided to the Village Council. When Kevin Drum did not receive a response from me that was to his liking, despite my time and effort to be kind and informative, he emailed or phoned other members of the board or neighboring member businesses, often late at night, to question and harass them, seemingly in hopes of escalating the issue to reflect his mission to "take over" the board.

Most of Kevin Drum's questions, or rather, intimidating accusations, could be answered by regular attendance to meetings and membership, which he does not historically participate in. Averaging 1-2 meetings a year, which are held monthly, and having never attended a board meeting (even when he was the Village of Pinehurst Council Member liaison for the Pinehurst Business Partners organization) or voting session, I can see why he understands so little about

our organization and its Mission Vision Values. Despite my lengthy replies, Kevin Drum remained irate and inconsolable, and instructed me to cancel his 2021 Membership application and check (which had been remitted in mid September, instead of January/February like the rest of our paying and participating members.) A few days later, he called an event committee member and left her a voicemail instructing her to cash his check. The following day, he made an appearance at our September monthly mixer held at a member business, and was friendly, interested, and engaged in conversation. Caring less about formality, and with the positive feedback at the meeting, the board approved to accept this apparent change of heart. We were hopeful this was behind us, and I emailed him with "welcome" information about our website, events, and initiatives, and a thank-you for stepping into more of a participative role. That email was, however, once again, met with total disdain and disrespect, as if he had no recollection of the previous directives to cancel his membership or his friendly demeanor at the meeting just a few nights previous. Seeing that this vicious cycle was likely to continue, I chose not to respond to him and spoke directly with John Strickland, Jane Hogeman, and Jeff Batton, instead.

It is here that I leave you with this letter.

Thank you for your time and attention to this matter.

Katrin Franklin, President
Pinehurst Business Partners
3 Market Square
Pinehurst, NC 28374
910-420-865
www.pinehurstbusinesspartners.com