



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF OCTOBER 11, 2022
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 11, 2022, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

Mr. John C. Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Jeff Morgan, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Kelly Chance, Village Clerk

And approximately 41 attendees, including 5 staff and 1 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Reports:

Village Manager

- Mr. Jeff Sanborn, Village Manager, reported nothing.

Village Council

- Mayor Strickland reported Holly Arts Festival is this Saturday and Kirk Tours will be supplying free rides from the Rassie Wicker Park area. He noted this Friday is also the last Live After five.
- Councilmember Boesch reported the Bicycle and Pedestrian Committee met and discussed 2 topics: the Pine Vista and McKenzie survey done in January and next year's projects. She noted they will have a list soon to provide to Council and staff.
- Mayor Pro Tem Pizzella had nothing to report.
- Councilmember Hogeman reported the Beautification Committee is working on Christmas decorations.
- Councilmember Morgan had nothing to report.

3. Motion to Approve Consent Agenda.

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

A. Approval of Village Council Meeting Minutes

- September 27, 2022, Council Regular Meeting
- September 27, 2022, Council Work Session

End of Consent Agenda.

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

4. Mayoral Proclamation: National School Lunch Week

Mayor John Strickland presented Council with a proclamation to join in celebrating National School Lunch Week.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved a Mayoral Proclamation declaring October 10-14, 2022, as National School Lunch Week, by a vote of 5-0.

5. Discuss and Consider Ordinance #22-15 Amending the Pinehurst Development Ordinance to address Short-term Rentals, Homestays, and Permit Revocation.

Darryn Burich, Planning and Inspections Director, stated based on public hearing comments and Council discussion received at the public hearing, staff is proposing several updates to the proposed PDO amendments related to addressing short-term rentals and permit revocation, which includes additional nonconforming use provisions that have not been previously discussed relative to amendments to Chapter 2 of the PDO.

Mr. Burich stated the proposed updates would accomplish five items. First, the ordinance would prevent the creation and operation of any new STRs in any district zoned single-family residential as originally proposed by Council. He noted STRs would no longer be a permitted use in single family zoning districts which addresses the stated concerns of an explosion of new STRs in the single-family districts to preserve quality of life and prevent the transition of these predominantly single-family neighborhoods to transient lodging neighborhoods. He stated as initially proposed by Council, new STRs would only be permitted in areas zoned as: Village Mixed Use (VMU), Village Commercial (VC), Residential Multi-Family (R-MF). Additionally, he noted staff is recommending that new STRs also be permitted in the Hotel (H) and the Village Cottage Professional District.

Mr. Burich stated the ordinance allows all existing STRs located in single-family zoning districts to continue to be operated as lawful nonconforming uses subject to the Village's nonconforming use definitions and requirements. He noted all nonconforming uses generally run with the land, and cannot be enlarged, expanded, or intensified. He stated the ordinance does not include amortization for any type of nonconforming use, including STRs. He noted the ordinance does not contain any requirement that owners of existing STRs obtain permission to rent from the Village, or a permit to rent from the Village, or require that current STR owners register their STR with the Village, to continue their lawful operation as a nonconforming use. He reported the proposed amendment to the Cessation of Use provisions in 2.3.2 (G) would cessate the STR use to a permitted use if a nonconforming STR is not used in a 365 day period.

Mr. Burich reported that to officially recognize legal nonconforming use status, staff is proposing to create a "Nonconforming Use Certificate" which will certify to the owner and future owners of a property the right to continue such lawful nonconforming use within applicable limits of Village ordinances, and the statutory and common law of North Carolina. He noted owners of all nonconforming uses, including owners of existing STRs, will be required to apply for and will be issued a Nonconforming Use Certificate from the Village upon proof of its legal existence as a nonconforming use.

Mr. Burich stated the Village Council has separately updated its municipal code to enable the Village to address complaints involving excessive noise more effectively and efficiently, unruly behavior by residents and visitors, littering, and parking violations. He noted these municipal code requirements will be uniformly enforced as to all residents, and all visitors, including visitors using STRs. He stated efficient and uniform enforcement of our municipal code will allow the Village to promptly address and remedy those behavioral issues which adversely affect our residents' quality of life. He noted the Village is confident these tools will allow us to effectively address those STRs which are or have been creating problems for their neighbors.

Mr. Burich stated owners of existing STRs, and their guests, will be subject to all municipal code requirements which apply to all

residents. He noted owners of existing STRs are also required to comply with the development standards proposed with SR-9 as well as with all state building code requirements, fire code requirements, and similar requirements which apply uniformly to all guest lodging uses. He stated the proposed edits or modifications discussed have not been incorporated into proposed Ordinance #22-15 and would require Council action to incorporate all or any of the changes.

No action was taken.

6. Discuss and Consider Ordinance #22-19 Amending Chapter 110 of the Pinehurst Municipal Code: Peddling and Soliciting on Private Property.

Kelly Chance, Village Clerk stated this item is presented for follow-up from Council Work Session, September 13, 2022. She stated under the direction of Council, Chapter 110 of the Pinehurst Municipal Code which governs Peddling and Soliciting on Private Property in the Village of Pinehurst.

Ms. Chance reported proposed amendments include:

- Elimination of the ability to engage in any act of canvassing or soliciting in any public or quasi-public place, door-to-door, or place-to-place, within the Village of Pinehurst except for any person canvassing or soliciting for a political candidate, organization, or program; or any nonprofit, religious, charitable, recreational, civic or veteran's organization, service club or volunteer fire or first aid company desiring to solicit or canvass.
- Elimination of background investigation requirement due to current laws governing the ability of our police department
- Changes to the Application requirements
- Elimination of \$10.00 Fee
- Changes to the Appeals process
- Changes to the Revocation authority
- Changing of "permit" to "Special permit" throughout the chapter
- Restructuring and renumbering the Sections and elimination of sections 110.10 and 10.11

Ms. Chance reported staff submits Ordinance #22-19 Amending Chapter 110 for Council Consideration for approval. Councilmember Boesch noted she had some minor changes she would like changed and will supply those to Ms. Chance. The item will be presented at the next meeting.

7. Other Business.

No other business was discussed.

8. Comments from Attendees.

- Suzie McAuliffe addressed Council about a problem with a Construction site adjacent to her property.
- Jim Fisher addressed Council about short-term rentals
- Jack Farrell addressed Council about short-term rentals
- Isabel Mattox, representing CCNC, addressed Council about short-term rentals
- Phillip Sounia addressed Council about short-term rentals.
- David Byers addressed Council about short-term rentals.

9. Motion to Adjourn.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 7:50 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