



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF JULY 14, 2020
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, July 14, 2020 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

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

And approximately 32 attendees, and 5 staff members.

1. Call to Order.

Mayor Strickland, called the Village Council meeting to order.

2. Reports:

Village Manager

- The County will distribute \$20,000, of CRF funds, to each municipality for costs associated with COVID-19. We have currently sent the County the bill for \$18,000 for those costs to date. A second round of funds, close to 2 million, will be coming to the County with the stipulation that 25% of the overall funds must be distributed to municipalities. The County will distribute a base amount of \$20,000 to each municipality and then use a formula based on population to distribute the remaining funds.
- For the 3rd consecutive year the Village was awarded the Certificate of Excellence for Performance Management by the International City Managers Association (ICMA). This award is their highest honor for Performance Management.
- April sales tax numbers came in just .71% down from last year at this time. However, the state overall reported a 13% decrease in sales tax revenue.

Village Council

- Mayor Strickland encouraged the public to continue to practice social distancing.
- Mayor Pro Tem Davis stated the North South Women's Tournament is going on this week, which consists of 126 women from many colleges across the United States. Shredding Day is Saturday, July 18th, at 90 Aviemore Drive from 9:00 a.m. to 11:00 a.m.
- Councilmember Drum welcomed everyone attending and stated it was great to see people attending the meeting.
- Councilmember Boesch stated the community should be proud that the Village was able to satisfy the 10 requirements to receive the Performance Management Award. The kids with the Pinehurst Robotics Club have started Coffee with a Cop, which is a nationwide effort. They want to improve relations between the public and the Police. If the public has questions they can submit those to pinehurstrobotics@gmail.com and the teens at will ask the questions to the police officers and make a

video. The videos and more information on the program can be found at pinehurstrobotics.com.

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.
 - June 23, 2020 Regular Meeting
 - June 23, 2020 Work Session
 - June 24, 2020 Special Meeting
 - June 30, 2020 Special Meeting

End of Consent Agenda.

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

4. Presentation of Resolution for David Kelley Honoring His Service on the Board of Adjustment and Planning and Zoning Board.

Mayor Strickland presented David Kelley with a resolution adopted by Village Council honoring him for his service on the Planning and Zoning Board and Board of Adjustment.

5. Motion to Recess Regular Meeting and Enter into a Public Hearing.

Upon a motion by Councilmember Boesch, seconded by Councilmember Drum, Council unanimously approved to recess the regular meeting and enter into a public hearing, by a vote of 5-0.

6. Public Hearing No. 1

Darryn Burich, Planning Director, explained the purpose of the public hearing is to consider an Official Zoning Map Amendment. This map amendment includes one parcel of land consisting of approximately 4.5 acres further identified as Moore County PID # 00029674 and would zone the property PC-CD (Public Conservation – Conditional District). The property is currently zoned PC (Public Conservation District). The proposed rezoning will allow for the addition of a 7,317 square foot education building and associate site features. The applicant and property owner is Village Chapel.

Mr. Burich stated the proposed building is intended for educational purposes of the Village Chapel and is 1.5 stories and approximately 33 feet tall. The Historic Preservation Commission has issued a Certificate of Appropriateness (COA) for the proposed construction. Mr. Burich reviewed the existing zoning surrounding the property and explained the site is currently limited to 12% impervious area. The Village Chapel is requesting a condition to allow an increase in impervious area to a maximum of 33%. The applicant is also requesting to not install a public sidewalk along Village Green Road East and is also limiting future uses of the site. Mr. Burich stated that Planning and Zoning (P&Z) Board held a public hearing on June 4, 2020 and recommended approval of the zoning map amendment and general concept plan. The P&Z Board also recommended one for one tree replacement. Mr. Burich reviewed the building elevations and landscaping plans for the proposed project and explained the parking spaces provided would net 5 additional spaces. Mr. Burich noted staff recommends approval of the conditional zoning request and general concept plan and recommendations of the P&Z Board with an adjustment to the one for one tree replacement, as the P&Z recommendations wasn't specific.

John Jacobs, Senior Pastor of Village Chapel, stated they are the community church of Pinehurst and they can see the growth of Chapel with the growth of the Village. For 35 years the Chapel held service in one building, in 1960 an administration building was added, and in 1991 a fellowship hall was added. He explained that in the last 30 years they have seen growth in young families and now there are youth and children with no facility for Sunday school. The adults have to drive across the Village to the Care Cottage for Sunday school. The new building would allow the children and youth to have a space of their own and adults and stay onsite as well. Pastor Jacobs noted that they are the only church in the area without facilities dedicated to youth and children.

Jack Wood, Heritage Hall Project Manager for Village Chapel, explained that after several studies on how to best meet the needs of children and youth the Chapel determined the only option was to construct a new building. In January in 2019 a committee was

formed to produce a user requirements document, outlining the desires and needs of a new building and site plan. Mr. Wood stated that after 6 months of research and study the committee produced a comprehensive document that the Board of Trustees approved in August 2019 and then the congregation overwhelmingly approved to proceed with design and construction.

Pete Bogle, Bogle Architecture, reviewed the requested and recommended conditions and uses they are requesting be removed. Mr. Bogle reviewed the renderings of the site and the proposed landscaping buffers. He explained the contingency for the impervious surface at 33% is strictly for contingency. He noted that the Fire Marshall may require the driveway to be widened to allow fire apparatuses to fit in the driveway and that would be an additional impervious surface. Without the contingency would require the Chapel to come back through the entire planning approval process. Mr. Bogle stated a net zero increase of storm water run-off for a 10 year rain event is required, so they are proposing to install STORMTECH underground storm basins with open bottom infiltration. Mr. Bogle explained they would be willing to install a 25 year rain event equipment and allow the Village of Pinehurst to install additional underground storm basins on Chapel property if storm water is an issue. Mr. Bogle explained that the condition to not install sidewalks was originated by Village staff which they are agreeable to and Village Chapel is agreeable to the condition to replant all removed pine trees at a one to one basis. However, Ramsey Landscaping indicated that there are very few areas on the site to replant the pines, other plantings would be better suited for the site. Mr. Bogle reviewed the parking requirements and the ADA parking spaces that will be added for compliance with the NC Building Code.

Public Comments:

- John Rowderdink, Chairman of The Board of Trustees for Village Chapel, explained the Board of Trustees are responsible for vision, planning, administration, and operational functions of the church. The fundraising campaign raised, in barely over a year, enough money to fund the entire project. The project received a 94% vote of approval from the congregation. He shared the mission statement of Village Chapel and asked Council for approval of the plan to help meet the needs of the children.
- Vickie Smith, Minister of Children and Youth for Village Chapel, explained that 20 years ago the church had maybe 5 children and now they have a total enrollment of over 100 children and the Chapel has inadequate facilities to meet their needs. They have make shift classrooms with sliding walls which requires tables and chairs to be set up and broke down every week. The new building would allow the children and youth classes to be divided by age or grade, which is currently not an option.
- Lindsey LaShmit, Village Chapel member, the current facility is not conducive to providing the education children deserve. They have a paid off duty officer to safeguard the halls as the classrooms are not secure for children.
- Dee Park, Village Chapel member, explained the children and youth have no space of their own. She stated let's give the children and youth a space of their own.
- John Hoffman, Everett Road, explained that he feels impervious surface, storm water run-off, and parking are all issues that require solutions. He feels the Village Chapel site has reached its impervious surface limit. Asked Council not to destroy the ambiance by approving such a large unnecessary expansion.
- Frieda Powers, Village Chapel member, explained she lives on Linden Road and has a sand/clay path in her yard and has to have gravel brought in now because the water runs off the path and into her driveway.

Mayor Strickland asked why the Chapel didn't consider placing the playground to the rear of the building or between the two buildings. Mr. Wood stated that this playground is for toddlers and preschool age children and having that between buildings could be disturbing during services. Councilmember Drum asked if the storm water issues on Village Green East has been addressed. Jeff Batton, Assistant Village Manager, stated the issue has been addressed. Councilmember Drum asked why the building wasn't connected to the main Chapel. Mr. Bogle stated it was mostly not to touch the main historic building.

Councilmember Hogeman stated the site has some challenges and asked if the underground storm drains count as impervious surface and if you can park on them. Mr. Bogle stated they are not counted as impervious surface and they will have to check on the parking, as they are not paved parking lots where they are being installed. Councilmember Hogeman asked how many parking spaces will be lost by building the new building. Mr. Bogle explained that they will pick up additional spots as they will utilize parking in the rear of the property. Mayor Pro Tem Davis stated she wasn't comfortable with the 33% impervious surface, she would be comfortable with the required amount of 29.6% and then allowing the actual needed amount. Mayor Strickland stated Council will continue to work on the conditions discussed at tonight's meeting.

7. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to adjourn the public hearing and re-enter the regular meeting, by a vote of 5-0.

8. Discuss and Consider an Ordinance Amending the Official Zoning Map.

Council tabled this item until their July 28, 2020 regular meeting.

9. Discuss and Consider a Budget Amendment for FY 2021 Fall and Spring Traffic Circle Plantings.

Jeff Batton, Assistant Village Manager of Operations, explained that the North Carolina Department of Transportation (NCDOT) is in a very strained financial position. As a consequence, the Village stepped in to ensure that the seasonal flower display around the Pinehurst traffic circle continued for the spring and summer of 2020. NCDOT's financial position remains unchanged and in order to continue the plantings for the fall of 2020 and spring of 2021, the Village will need to fund and manage the planting project again.

Mr. Batton explained the requested budget amendment in the amount of \$25,000, if approved, would be used to fund the seasonal plantings at the traffic circle. Mr. Batton noted that if the NCDOT's funding position were to change mid-year, which is unlikely, and they are able pay for the spring plantings, then any unused Village funds from this amendment would be returned to the fund balance.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved ordinance 20-08 amending the general fund budget, to fund seasonal plantings at the traffic circle, by a vote of 5-0

10. Discuss and Consider an Ordinance Repealing an Established Ordinance and Amending the Municipal Code for the Community Appearance Commission.

Beth Dunn, Village Clerk, explained this agenda items was for Council to consider approving an ordinance to repeal the establishing ordinance for the Community Appearance Commission (CAC) and amending Chapter 31 of the Municipal Code. The CAC was amended many times over the years and eventually dissolved, however, there was never an ordinance approved to repeal the establishing ordinance for the CAC nor removing the organization from the Municipal Code.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Davis, Council approved ordinance 20-09 repealing an established ordinance and amending Chapter 31, Village Organizations, of the Pinehurst Municipal Code, by a vote of 5-0.

11. Discuss and Consider a Resolution Granting an Easement to Verizon Wireless.

Jeff Batton, Assistant Village Manager of Operations, explained that Cellco, D/B/A Verizon Wireless, has requested a 25 year non-exclusive access and underground utility easement along the eastern edge of the Cannon Park property line between McIntyre Road and Highway 211. The purpose of the easement is to establish access to the County water tank property as well as to install underground cabling to the water tank. Verizon intends to place cellular antennas on top of the water tank to improve service in the hospital area of Pinehurst.

Ms. Batton noted that the location of the easement is actually an overlay of an existing easement with Moore County for access to the water tank property and has no impact on the current or future recreational use of the Cannon Park property. A one-time fee of \$7,009 would be paid to the Village for the easement. This amount was calculated based on actual tax value less a reasonable discount for the property already being encumbered by an existing easement. The initial offer from Verizon was a one-time payment of \$500. Mr. Batton explained that as the negotiated value of the easement is fair and reasonable and as cellular service provision would be enhanced for the hospital and residents in this part of Pinehurst, staff recommends acceptance of the terms and execution of the easement.

Upon a motion by Councilmember Drum, seconded by Councilmember Hogeman, Council approved resolution 20-25 granting an easement to Cellco Partnership, DBA Verizon Wireless, and authorizing the Village Manger to execute any and all documents necessary to facilitate the easement, by a vote of 5-0.

12. Other Business.

Jeff Sanborn, Village Manager, explained the Village reached out to Peter Stillwell to share the precautions put in place to make sure the US Kids Golf Tournament will be held in a safe manner. Mr. Stillwell informed him that the Governor's office had reviewed the plans and suggested improvements, which they have incorporated those into the plans. Members of the Board of Health will come onsite to make sure guidelines are being followed. They have removed the major social functions, such as the parade. Volunteer staff is down, they have 270 volunteers compared to 700 in previous years. Mr. Sanborn stated that Mr. Stillwell expressed concerns about having the capacity to feed everyone with all of the dining restrictions. Council discussed extending the outdoor dining, beyond the current Friday and Saturday limit, for the week of the US Kids Tournament.

13. Comments from Attendees.

- Debbie Lalor, Pinehurst resident, submitted the following comments via email: I hope the Council will consider my comments on the subject of short-term rentals: **Clearer Rules:** Short-term rentals have been largely unregulated in Pinehurst. Clearer rules are needed at a minimum re noise and parking. **Noise:** Pinehurst should adopt a noise ordinance. Optimally, it should be something that both Police and residents can check on any number of free, downloadable decibel meter apps for smart phones. Readings can be recorded as to date and time, information readily communicated to police who may be called to the scene. This way, residents and Police are all on the same page. There are rules, and violations are easily recorded and dealt with. **Parking:** Tenants at short-term rentals should be limited to the number of cars their rental has space for. It is the owner's responsibility to provide parking. **Better Monitoring:** Municipalities across the country have adopted a variety of different ordinances to get control of their short-term rental markets in an effort to maintain the character of their residential neighborhoods. Pinehurst has heretofore favored no regulation or monitoring, at the expense of its neighborhoods. **Registration of Short-Term Rentals:** Any home-owner renting his/her property more than a given number of times/year should be required to register the property with the Village, at no fee. If they do not register, a penalty should be charged. (Neighbors made aware of this new registration policy will no doubt be happy to make sure the property is registered with the Village!) **Police Calls:** The Police should have access to the list of registered properties and use it to keep track of the number of complaints filed against each property. An excessive number of complaints against any one rental should result in a hefty fine to the property owner, perhaps a restriction on parties at the site, number of tenants staying there, number of times property could be rented/year, etc. **More Transparency:** The Village Council, Manager and Police Department need to do a better job of communicating and working with residents re short-term rentals, above and beyond the advice to "call the Police or to call the property manager." **Proactive Communication:** The Village should widely publicize its new registration policy, parking policy, and Noise Ordinance, especially through its NAC meetings. Perhaps a representative of the Police could attend a meeting and explain the use of the noise meters and explain the protocol when making a complaint. **Follow-up:** More follow through is needed when neighbors call the Police to complain of a rowdy party, excessive noise, cars parked all over the neighborhood. The Police need to be more responsive to residents and also to be held accountable for actions taken following the filing of complaints. Were fines charged? Tickets given to illegally parked cars or cars towed? Restrictions put on future rentals? This information should be maintained as part of the public record. Pinehurst is both a resort destination and also a quiet residential Village. Short-term rentals threaten the balance between these two identities. I hope that the Council will take those actions necessary to preserve and protect the quality of life for the Village's many residents.
- Robert and Sharon Wilson, Pinehurst residents, submitted the following comments via email: We have been proud full time residents of the Village since 2008 and believe short term rentals (STRs) need to be effectively regulated to protect a wide variety of interests. Specifically, we think the Council should take actions on STRs which: Respect individual neighborhood wishes regarding STRs, such as shown in the Lake Pinehurst Assn survey submitted to the Council a few years ago; Respect binding and public covenants on subdivision property that provide for only single family occupancy and which people relied upon before building or buying homes in the VOP; Respect current zoning designations, e.g., single family residential; Respect existing commercial high quality hotels who abide by commercial building codes and who are put at an unfair financial disadvantage by STRs; and, respect those (young and older residents both) who wish to avoid rowdy, ever changing new "neighbors" that can destroy communities, neighborhood safety and property values. Pinehurst is somewhat lagging in their response to STRs. In the recent past, we have personally spoken to officials in Blowing Rock and Asheville who have successfully dealt with STRs in their community over the last decade. In short, there is a path forward to successfully dealing with the STR issue. And, within the last year, the UNC School of Government, which the NC legislature and other NC government officials rely upon, confirms their belief that STRs can be dealt with simply by using existing zoning regulations. Please see this web link and its attachment from UNC which I believe every Council member now has seen: Regulation and Taxation of Short-Term Rentals | UNC School of Government <https://www.sog.unc.edu/publications/books/regulation-and-taxation-short-term-rentals>.

14. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved to adjourn the regular meeting, by a vote of 5-0 at 8:41 p.m.

Respectfully Submitted,



Beth Dunn,
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