

JANITORIAL SERVICES AGREEMENT

Fair Barn

THIS JANITORIAL SERVICES AGREEMENT (the "Agreement") is dated this 27 day of
June, 2022.

CONTRACTOR

Sylvia Medlin dba Sandhills Services

Sylvia Medlin dba Sandhills Services
Contractor Signature

Sylvia Medlin dba Sandhills Services
Print Name

CO-OWNER
Print Title

VILLAGE OF PINEHURST

Client Signature

Print Name

Print Title

CERTIFICATION:

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

Finance Officer

Date

BACKGROUND

- A. The Client is of the opinion the Contractor has the necessary qualification, abilities, and experience to provide janitorial services to the Client.
- B. The Contractor is agreeable to providing such janitorial services to the Client on the terms and conditions set out in this Agreement.

IN CONSIDERATION OF the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the Client and the Contractor (individually the "Party" and collectively the "Parties" to the Agreement) agree as follows:

PERFORMANCE OF SERVICES

1. The services shall be performed at the following location:
Fair Barn
200 Beulah Hill Rd. S.
Pinehurst, NC 28374
2. The premises making up the working areas under this Agreement will be known further in the Agreement as the “**Named Areas**”, which are defined as all areas noted on “**Fair Barn Cleaning Schedule**”.
3. The Contractor agrees to service the Named Areas as scheduled on Fair Barn Cleaning Schedule.
4. The Contractor agrees to furnish all labor, equipment, and products necessary to provide the services specified in the Fair Barn Cleaning Schedule for Named Areas. The Contractor shall have sufficient trained personnel that will perform these services in a workmanlike manner.
5. The Contractor will maintain at their own expense and provide the Client proof of insurance during the term of the contract:
 - A. Commercial general liability insurance on an occurrence basis, in an amount not less than One Million Dollars (\$1,000,000) general aggregate, products/completed operations aggregate, personal and advertising liability and each occurrence. This shall include premises and operations, independent contractors, products and completed operations, broad form property damage, XCU coverage, if applicable and contractual liability.
 - B. Worker’s compensation insurance in compliance with applicable state laws.
6. The Contractor and their subcontractors with 25 or more employees in North Carolina as defined in Article 2 of Chapter 64 of the NC General Statutes must comply with E-Verify requirements to contract with the Village. E-Verify is a Federal program operated by the US Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

FAIR BARN CLEANING SCHEDULE

Cleaning services frequency, times, and days will be scheduled by the Fair Barn Coordinator.

NAMED AREAS:

GENERAL CLEAN: TO BE DONE AFTER EACH EVENT (RENTAL)

Main Restrooms:

- Clean and sanitize toilet bowls and seats.
- Plunge toilets if necessary to clean them.
- Clean and sanitize urinals in men’s room.
- Clean and sanitize countertops and sinks.
- Empty garbage and replenish garbage bags from stock.
- Refill soap dispensers from stock.

- Restock paper towels and toilets tissue from stock.
- Clean mirrors.
- Sweep and mop floors.

Main Room:

- Sweep balcony and stairs, if necessary.
- Removal all garbage and debris.
- Sweep and mop floor.
- Vacuum rubber mats.
- If dance floor is out, sweep and mop.

Outside (Main and back entrances):

- Remove and visible garbage.
- Empty Smoker's Stations if needed.

Annex Hallway:

- Sweep and mop floor.

Dressing Rooms:

- Sweep or vacuum laminate floor and clean with approve laminate floor type cleaner.
- Remove and garbage.
- Clean mirrors.
- Clean and disinfect countertops.

Annex Restrooms:

- Clean and sanitize toilet bowl and seats.
- Plunge toilets if necessary to clean them.
- Clean and sanitize sinks.
- Empty garbage and replenish garbage bags from stock.
- Refill soap dispensers from stock.
- Restock paper towels and toilet tissue from stock.
- Clean mirrors.

Kitchen:

- Clean and disinfect countertops/tabletops.
- Sweep and mop floor.
- Empty ice coolers, wipe out, and return to kitchen.
- Clean stove top and ovens.
- Empty and clean refrigerators and freezers.
- Clean sinks.
- Make sure all dishes are washed and stacked.
- Make sure dishwasher is cleaned and turned off.
- Empty garbage and replenish garbage bags from stock.
- Refill soap dispensers from stock.
- Restock paper towels from stock.

Other:

- Break down cardboard boxes and place in recycling carts.

DEEP CLEAN: TO BE DONE EVERY OTHER MONTH (6 TIMES)

Kitchen:

- Thoroughly clean and sanitize inside and outside of refrigerator and freezer.
- Clean glass in windows and door.
- Dust all surfaces.
- Move tables/equipment and sweep and mop behind and under.
- Wash out trash cans and lids.
- Clean rolling carts.
- Clean and sanitize the ice coolers.
- Thoroughly clean stove top and ovens.
- Clean and sanitize tables and shelving.
- Scrub tile floors.
- Remove cobwebs from corners.

Dressing Rooms:

- Dust all surfaces including light fixtures.
- Remove cobwebs from corners.

Annex Hallway and Restrooms:

- Dust all surfaces.
- Clean glass in doors and windows.
- Remove cobwebs.
- Scrub concrete and tile floors.

Storage Room:

- Sweep and mop floor.
- Clean glass in windows and doors.

Main Room:

- Dust walls, columns, light fixtures (within reasonable reach)
- Dust balcony area.
- Clean glass indoors and windows (except round windows and skylights)
- Remove cobwebs from corners.

Main Restrooms:

- Dust all surfaces.
- Wipe down walls, doors, and partitions.
- Remove cobwebs from corners.
- Clean glass in doors and windows.
- Scrub tile floors.

FLOOR WAXING: TO BE DONE EVERY OTHER MONTH (6 TIMES)

Main Room:

- Strip and wax concrete floor in main room.

TERM OF AGREEMENT

1. The term of this Agreement (the "Term") will begin on the July 15, 2022 and will remain in full force and effect until June 30, 2023. This Agreement may be extended for four (4) additional 12 month periods beginning July 1 and ending June 30 if mutually agreeable to both Parties. This Agreement may be terminated for non-performance as set out below.
2. Non-performance is defined as the failure, neglect or refusal to perform any act outlined in the Cannon Park Community Center Cleaning Schedule. Before any termination for non-performance is effective, the terminating Party must give the other Party written notice specifying in detail the nature of any defect or failure in performance. Upon the effective date of the receipt of notice on non-performance, the Contractor, at their election, shall have fifteen (15) days in which to cure the defect in performance to the reasonable satisfaction of the Client. In the event the defect is not satisfactorily cured at the end of the fifteenth (15th) day from the effective date, the terminating party shall provide written notification to the other party of the failure to satisfactorily cure the defect. The Agreement shall then terminate fifteen (15) days from the date of the second notice.
3. In addition, either Party has the right to terminate this Agreement upon thirty (30) days written notice prior to anniversary date.

COMPENSATION

1. The Client agrees to compensate the Contractor for services performed based on the cost provided by the Contractor on **BID FORM**. Compensation will be provided on a weekly basis through invoicing unless other arrangements are made.
2. The amount paid by Client shall be adjusted each year on the anniversary date of the Agreement with an increase based upon the U.S. Bureau of Labor Statistics, Consumer Price Index (CPI) for the U.S. South Urban Area. The CPI adjustment shall be calculated as the annual percentage increase as of April 30th over the previous year. Should the Consumer Price Index have a decrease over this period, there will be no decrease in Agreement amount. The maximum increase in any given year shall not exceed three (3%) percent.
3. Credits for holidays excluded in the Fair Barn Cleaning Schedule are included in the initial amount and no other adjustments will be made for those holidays.
4. The amount paid by the Client may be increased or decreased to reflect an increase or decrease in the scope of services beyond services as scheduled in Cleaning Schedule.
5. In the event payment for services rendered is not received within thirty (30) days from the date such is due, Contractor may suspend services to Client until such payment is received. Suspension of services under this Section shall not deprive Contractor of any of its remedies or action for payment of services or other rights.

III. BID FORM:

Name of Business: SANDHILLS SERVICES

The undersigned having full knowledge of the facility, the specifications for the Work, and the conditions of this Proposal hereby agrees to furnish all labor necessary and materials that were not specified as being provided that are necessary to perform the Work in accord with the Specifications and General Conditions for the cost outlined below:

General Cleaning- cost per one (1) cleaning: \$ 295.00

Deep Clean- cost per one (1) cleaning: \$ 1012.00

Floor Waxing- cost per one (1) waxing: \$ 1800.00

Name and Title (please print): Sylvia Medlin - owner

Signature: Sylvia Medlin Date: 6-22-22

Address: 1000 Devonshire Trail Aberdeen NC

City, State, Zip: Aberdeen NC 28315

Telephone: 910-315-2493 Email: sylviamedlin@yahoo.com
910-315-6599

CAPACITY/INDEPENDENT CONTRACTOR

1. In providing the services under this Agreement it is expressly agreed that the Contractor is acting as an independent contractor and not as an employee. The Contractor and the Client acknowledge that this Agreement does not create a partnership or joint venture between them, and is exclusively a contract for service. The Client is not required to pay, or make any contributions to, any social security, local, state or federal tax, unemployment compensation, workers' compensation, insurance premium, profit-sharing, pension or any other employee benefit for the Contractor during the Term. The Contractor is responsible for paying, and complying with reporting requirements for, all local, state and federal taxes related to payments made to the Contractor under this Agreement.
2. The Contractor will provide at the Contractor's own expense, any and all equipment, accessories, chemical, solvents, cleaning fluids, workwear and any other supplies necessary to deliver the Services in accordance with the Agreement with the exception of: **toilet tissue, paper towels, trash can liners, sanitary receptacle liners, and hand soap** that will be provided by the Client.

INDEMINIFICATION

1. The Contractor agrees to protect, defend, indemnify and hold the Client (Village of Pinehurst) and its offices, employees, and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of this agreement and/or the performance hereof and caused by the negligence of the Contractor. The Contractor further agrees to investigate, handle, respond to, provide defense for, and defend any such claims, etc. at their sole expense and agrees to bear all costs and expenses related thereto, even if (claims, etc.) is groundless, false or fraudulent.

GENERAL PROVISIONS

1. Any amendment or modification of this Agreement or additional obligation assumed by either Party in connection with this Agreement will only be binding if evidenced in writing signed by each Party or an authorized representative of each Party.
2. The Contractor will not voluntarily, or by operation of law, assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Client.
3. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement except as expressly provided in the Agreement.
4. Upon the expiration or termination of this Agreement, the Contractor will return to the Client any property which is the property of the Client.
5. This Agreement will be governed by and construed in accordance with the laws of the State of North Carolina.



**VILLAGE OF PINEHURST
BUDGET AMENDMENTS APPROVED BY BUDGET OFFICER
FOR THE PERIOD JUNE 22 - JUNE 30, 2022**

Under Village of Pinehurst Ordinance #21-09, the Village Council grants the Budget Officer, or Village Manager, the ability to transfer appropriations under specific conditions. These conditions allow transfers between departments (including contingency) of the same fund to increase an appropriation up to \$25,000 in a single budget amendment for the FY 2022 Budget. The Budget Officer may not transfer monies between funds at any time.

According to Section 159-15 of The Local Government Budget and Fiscal Control Act, "any such transfers shall be reported to the governing board at its next regular meeting and shall be entered in the minutes." Listed below are the amendments authorized by the Budget Officer for the period specified above.

Note: Since appropriations are made at the department level, line item adjustments within the same department may be made without limit and do not require a report since they do not actually amend the adopted budget ordinance.

	<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>APPROVED DATE</u>
1	10-00-210-5800	Governing Body-Professional Services	\$ 10,000		6/29/2022
	10-40-710-4000	Planning-Salaries		\$ 10,000	
		<i>Transfer funds to cover potential legal services expenditures.</i>			

RESOLUTION #22-20:

A RESOLUTION REGARDING A RE-APPOINTMENT TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE FOR THE VILLAGE OF PINEHURST.

THAT WHEREAS, the Village of Pinehurst has established a Bicycle and Pedestrian Advisory Committee by Resolution; and

WHEREAS, the term of Ms. Melody Jensen expires on August 31, 2022; and

WHEREAS, Ms. Jensen and the Village Council of Pinehurst are desirous of her continuing to serve as a member of the Bicycle and Pedestrian Advisory Committee for an additional term.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 12th day of July, 2022 as follows:

SECTION 1. That the following appointment is hereby made to the Bicycle and Pedestrian Advisory Committee for the term indicated:

Ms. Jensen is re-appointed as a member of the Bicycle and Pedestrian Advisory Committee, effective September 1, 2022, said term expiring on August 31, 2024.

SECTION 2. That this appointee shall continue serving until a replacement is appointed and qualified.

THIS RESOLUTION passed and adopted this 12th day of July, 2022.

(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



Council Member to Report	Partners & Collaborators
John Strickland	Convention and Visitors Bureau
	FirstHealth
	*Moore County, NC - Rotating
	Moore County Transportation Committee
	NCDOT/TARPO
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Partners in Progress
	Pinehurst Resort
Patrick Pizzella	*Moore County, NC - Rotating
	NCDOT/TARPO
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Partners in Progress
	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
Jane Hogeman	Beautification Committee
	Chamber of Commerce
	*Moore County, NC - Rotating
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Pinehurst Business Partners
	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
Lydia Boesch	Bicycle and Pedestrian Advisory Committee
	Convention and Visitors Bureau
	*Moore County, NC - Rotating
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
Jeff Morgan	FirstHealth
	*Moore County, NC - Rotating
	Moore County Schools
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Triangle J. COG



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF JUNE 28, 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, June 28, 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 47 attendees, including 6 staff and 1 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Invocation by Reverend Rod Stone and Pledge of Allegiance led by Mayor John Strickland

3. Reports:

Village Manager

- Mr. Jeff Sanborn announced the Fourth of July related festivities for the weekend, which is the fireworks on the evening of the third, and the parade on the morning of the fourth. He reported the Neighborhood Quality of Life Survey was sent out by invitation only to approximately 4000 across the village. He stated as of yesterday afternoon, 285 validated responses had been received.

Village Council

- Mayor Strickland reported he attended the Shop till 8 Event and an Open-House on Thursday night in the village and reminded the residents this is an event sponsored through our business community and encourages later hours on Thursday nights over the summertime. He reported there will be another one the third week in July and the third week of August. Mayor Strickland reported he attended an open house, held by Golf Pride, one of the leading businesses in the community and received a tour of the new testing facility. He reported he and Mayor Pro Tem Pizzella had a review meeting with the Department of Transportation last week.
- Councilmember Boesch reported on information shared by Matt Nunez, Tournament Director at Pinehurst Country Club, that the first stages North and South Men's Amateur Championship began today. She stated it consists of an international field of 120 golfers from all over the world and provided some background history of the event.

- Mayor Pro Tem Patrick Pizzella reported he made a visit to Golf Pride this week where he learned a great deal about the science of a golf grip. He reported the names and term expiration dates of members of the Historic Preservation Commission, Planning and Zoning Board, and the Board of Adjustment are now listed on the VOP website and anticipates the addition of the Bicycle and Pedestrian Committee, and Beautification Committee members will follow. He noted this is an effort to enhance the transparency for our village residents and showcases those village residents that are helping this government function. Mayor Pro Tem Pizzella congratulated the Moore County Board of Commissioners for passing a property tax rate cut that affects everyone. He noted this occurs on the eve of the property valuation reassessments and following the Village Council's tax cut.
- Councilmember Jane Hogeman had nothing to report.
- Councilmember Jeff Morgan reported he attended the Change of Command for the Garrison at Fort Bragg in a professional capacity versus as a Village Councilmember. He noted the commanders recognized Pinehurst in their remarks and expressed appreciation for their outstanding support.

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.
 - June 14, 2022, Council Regular Meeting
 - June 14, 2022, Council Work Session
 - June 14, 2022, Council Closed Session
- B. Budget Amendments Report
- C. Proclamation Honoring Laura Morgan, Ms. Senior America 2022
- D. Approval of Village Manager Employment Contract

End of Consent Agenda.

Councilmember Boesch requested Item D. Approval of Village Manager Employment Contract, be removed from the Consent Agenda, for later discussion. She stated she had questions from residents asking why Mr. Sanborn's contract was being extended before his annual review, which typically occurs in the fall. The item was removed for discussion during Other Business.

Upon a motion by Councilmember Lydia Boesch, seconded by Mayor Pro Tem Patrick Pizzella, Council unanimously approved the Consent agenda to include Items A, B, and C, by a vote of 5-0.

5. Presentation of Proclamation to Laura Morgan, Ms. Senior America 2022.

Mayor John Strickland, and Councilmember Jeff Morgan presented a Mayoral Proclamation to Laura Morgan, recognizing and honoring her accomplishments as the 2022 Ms. Senior America. It was noted in the proclamation that Ms. Morgan's win marked the first time in the 43-year history of the Senior Pageant that a North Carolina resident had brought home the crown. Ms. Morgan was also awarded the Ms. North Carolina Senior America prior to winning Ms. Senior America.

6. NCDOT Traffic Circle Improvement Presentation.

Patrick Norman, North Carolina Department of Transportation Division Engineer, and Craig Scheffler, HNTB Consultant, provided Council with a presentation on results of an analysis on the Traffic Circle. Mr. Norman provided an in-depth walk-through of the development of concepts and ideas to improve the circle traffic problems and demonstrated some potential traffic models and data analysis supporting the models.

Mr. Norman reported they met with council back in 2018 with a presentation of where they were at that time and stated the presentation today has shown the progression on the project and the options they are now considering. He presented four major concepts under consideration, which were the hybrid concept, the turbo concept (noted it did not really provide much benefit), the superstate (noted it worked for awhile on the short term, but ultimately failed due to all the U-turns along 15-501), and the tunnel concept (noted this did not perform well either). Mr. Norman stated his purpose was to seek feedback from Council and the public. He noted they were ready to begin scheduling public meetings and workshops so they can make a final selection.

Councilmember Jeff Morgan inquired about the accuracy of the traffic models presented to which Mr. Norman stated they calibrated the models to existing backups by measuring and calibrating the speeds of all the vehicles entering the circle. He stated the accuracy of the models is dependent on the accuracy of the forecasts of how much traffic is going to grow. Councilmember Morgan asked about the completion date of the project. Mr. Norman stated the acquisition would occur in 2024, the construction in 2026, and tentatively completion date would be latter part of 2028, the anticipated date being prior to the 2029 US Open. Councilmember Morgan noted the option to not build is not an option to him.

Councilmember Hogeman noted her objection to having an enormous highway going right through the center of the Village, which she stated would impact the character of the Village and the National Historic District. She stated she would like to feel more comfortable with the research in terms of the projections of the amount of traffic, because she stated it looks like a very big change in the amount of interstate traffic coming through the Village. Councilmember Hogeman asked if it would be better to take interstate traffic from 73/74 directly to Route One going north or some other alternate route.

Mayor Pro Tem Pizzella stated the presentation shows a recommendation to cut down almost all the long leaf trees in our historic traffic circle and replace those with turn signals and turn lanes. He noted he has questions about the data, but his concern is in order to save a few minutes at the traffic circle, we must destroy a historic part of the village. He stated that 90% of Village residents don't need to drive through that traffic circle any time during the day to get where they want to get in the Village of Pinehurst and so are not impacted by the traffic circle. He noted he felt smaller fixes could provide the same output, yet with a cost much less than the \$26 million dollars proposed for the alternatives.

Mayor Strickland stated he would like to know more detail on the residential or commercial data that is being used to which Pat Norman stated they could supply at a future work session meeting.

Councilmember Boesch stated the Pinehurst Historic Landmark District is very important and when she sees pictures of concrete and traffic lights, she struggles with this. She stated that back in 2019, the majority of traffic was coming on Highway 5 and the traffic circle, and the biggest struggle then was understanding of where the traffic was coming from and focusing on the problems in those areas. She stated it seems that we are focusing only on the traffic circle and in fact there are many areas of the Village that need some attention. She stated the people that live here know what intersections the problems lie in, and she would like to see some focus on those areas.

7. Village Council Code of Ethics Review.

Doug Willardson, Assistant Village Manager of Administration, stated this item is presented to have the Council review the Code of Ethics Policy, which will be done each year. He noted staff did review the policy and did not find any changes that need to be made. He noted there are a lot of municipalities throughout the state that have a very similar document. Councilmember Boesch stated she would like a section added on Due Process provision, such as the one we offer to our workforce. Mr. Willardson stated they will review that recommendation and bring the policy back to Council at a later date.

8. Discuss and Consider Solid Waste Contract for Lofton Garbage Service for FY23.

Mike Apke, Public Services Director, presented Council with a proposed contract renewal with Lofton Garbage Service for CCNC. He stated the contract would be for a one-year renewal to continue to collect in CCNC, with a CPI adjustment of 4.2% included. He noted this is based on the CPI index for water, sewer, and trash collection services in the United States and Lofton has agreed to this adjustment. Mr. Apke stated Lofton has agreed to the terms and the HOA in CCNC has indicated the residents in their community are very pleased with the services Lofton provides.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council approved to authorize the mayor or his designee to execute a 1-year renewal contract with Lofton Garbage Service beginning on July 1, 2022 and extending through June 30, 2023 for an amount estimated to be \$123,600, by a vote of 5-0.

9. Discuss and Consider Ordinance 22-07 Budget Amendment to Implement Lease Reporting Standard (GASB 87).

Brooke Hunter, Financial Services Director, reported the Governmental Accounting Standards Board's (GASB) Statement 87,

Leases, is effective for most NC local governments in Fiscal Year 2022. She stated this standard eliminates existing lease accounting and reporting guidance that has been in place for decades. She noted the distinction between “capital” and “operating” leases is no longer a consideration. She stated the basic premise of the new guidance is that a lease contract is a financing transaction.

Ms. Hunter reported GASB 87 defines a lease as “a contract that conveys control of the right to use another entity’s nonfinancial asset for a period of time in an exchange or exchange-like transaction.” She stated the Village compiled and reviewed all potential lease agreements and identified those meeting the criteria listed in the statement. She noted staff implemented DebtBook, a lease tracking software, to maintain these agreements and assist with annual reporting requirements. She stated the software implementation specialists performed a review of all potential leases agreements to ensure each contract was categorized correctly and new leases will be added to the software system in subsequent years.

Ms. Hunter reported there are several exceptions to the standard that eliminate the requirement to report agreements under this new guidance. For example, short-term leases with a maximum possible term of 12 months or contracts that transfer ownership of an asset at the end of the contract are not considered reportable leases.

Ms. Hunter reported for FY 2022, the Village has a total of seven lessee agreements for six copiers and one postage meter. She noted several of our copier leases were expiring within 12 months, thus those agreements did not meet the requirements in the first year of reporting. However, in FY 2023, she said staff anticipates adding several additional copier agreements as new multi-year contracts are signed and potentially one lessor agreement for the Pinehurst Track Restaurant.

Ms. Hunter stated from a budgetary standpoint on the lessee side, units will report an expenditure (capital outlay) and an offsetting other financing source for the present value of the lease liability in the year the lease is initially recognized. She reported lease payments will be classified as debt service principal and interest expenditures.

Ms. Hunter stated now that the Village has identified which leases qualify under this new standard and calculated the amounts, an amendment is needed to record these “right to use” assets and account for them in the correct manner within debt service and so Ordinance 22-07 amending the FY 2022 budget for GASB 87 lease implementation is available for your consideration.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Ordinance 22-07 Budget Amendment to Implement Lease Reporting Standard (GASB 87) for the Village of Pinehurst, by a vote of 5-0.

10. Discuss and Consider Resolution 22-17 Amending the Capital Assets Policy

Brooke Hunter, Financial Services Director, reported The Given Memorial Library and Tufts Archives became part of the Village of Pinehurst in April 2022. She stated the Asset and Service Transfer Agreement between the two organizations identified various assets that would transfer ownership to the Village, including the archives collection.

Ms. Hunter reported the Village’s intent is to retain these assets for public use indefinitely, thus the collection meets the criteria outlined in GASB Statement No. 34 (GASB 34) for exemption from capitalization. However, she noted, the Village will disclose information about the collection in the notes to our financial statements.

Ms. Hunter stated there are three criteria in GASB 34 that must be met to exempt the collection from capitalization, as indicated below. The collection must be:

- a. “Held for public exhibition, education, or research in furtherance of public service, rather than financial gain
- b. Protected, kept unencumbered, cared for, and preserved
- c. Subject to an organizational policy that requires the proceeds from sales of collection items to be used to acquire other items for collections.”

Ms. Hunter reported these criteria ultimately show that a collection has an indefinite useful life. She stated in order for us to fully

comply with GASB 34, a minor revision is needed to our Capital Assets Policy to cover the last requirement. She stated a new section has been added to the Capital Asset Policy that mentions all three items above, including a statement that any proceeds from the sale of collection items must be used to acquire other collection items. Ms. Hunter stated staff consulted with our auditors, and they confirmed this method of reporting is appropriate. She reported the new policy language is as follows:

Collections of Art, Historical Treasures, or Other Similar Assets – The Village houses certain collections of works of art, literary works, and historical artifacts, including the Tufts Archives collection. These collections are protected and preserved for public exhibition, education, research, and the furtherance of public service. They are neither disposed of for financial gain nor encumbered in any manner; however, an inventory is maintained. Accordingly, these collections are not recorded or capitalized for financial statement purposes. In the event an item of the collection is sold, the proceeds must be used to acquire other collection items.”

Ms. Hunter stated Resolution #22-17 is presented for Council consideration and approval of this resolution would amend the policy as presented.

Upon a motion by Mayor Pro Tem Patrick Pizzella, seconded by Councilmember Hogeman, Council unanimously approved Resolution 22-17, amending the Capital Assets Policy for the Village of Pinehurst, by a vote of 5-0.

11. Discuss and Consider Changes to the Position Classification and Pay Plan.

Angela Kantor, Human Resources Director, stated the Human Resources Department contracted with The MAPS Group Inc. in FY 21-22 to perform a partial position classification and pay study. The study included:

- Evaluating all regular full-time and regular part-time positions in the following departments: Fire, Administration, Human Resources, Financial Services, Library Services, Recreation, Solid Waste, and four administrative positions in various departments;
- Conducting a salary survey of comparable organizations in the public sector;
- Updating class specifications (position descriptions) for each position; and
- Making recommendations for position classification changes and policy changes.

Ms. Kantor stated the study began in February with employees in the selected departments completing position description questionnaires outlining current job responsibilities. She noted employees, supervisors, department directors and managers were interviewed to clarify responsibilities for each position.

Ms. Kantor reported the group conducted a salary survey to determine the competitiveness of our salary grades for each position. She stated they selected areas to survey based on geography, job similarities and direct competitors for recruiting. She noted the following towns were surveyed: Aberdeen, Carrboro, Clayton, Davidson, Harrisburg, Hope Mills, Laurinburg, Lexington, Rockingham, Sanford, Southern Pines, as well as Moore County.

Ms. Kantor stated based on the information collected and reviewed, staff was recommending several changes that more appropriately reflect the responsibilities for the presented positions and are more in line with our peers. She reported staff not only reviews positions and pay grades during this process, but also reviews the policy outlining the administration of our pay plan. Ms. Kantor stated there are no changes recommended to the policy at this time.

Ms. Kantor stated staff recommends increasing the pay grades by 4.7% based on the average Consumer Price Index (CPI) for calendar year 2021, as outlined in the policy. She noted the Village will continue to offer merit pay based on performance for the fiscal year, with the Merit increases becoming effective October 1st. She reported this year, the merit range is 0%-3%. Those who earn 3% must demonstrate truly extraordinary performance.

Ms. Kantor presented the Resolution to amend the Policy on the Administration of the Position Classification and Pay Plan based on the recommendations above.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Resolution 22-18, amending the Position Classification and Pay Plan Changes for the Village of Pinehurst, by a vote of 5-0.

12. Consider a contract for Worker's Compensation Insurance.

Jeff Batton, Assistant Village Manager of Operations, reported the Risk Management Committee (RMC) is charged with review, negotiation, and recommendation of various insurance programs for the Village. Property & Liability as well as Worker's Compensation coverage is among the programs administered by the Risk Management Committee. He noted these coverages run on a fiscal year basis of July 1 to June 30.

Mr. Batton stated the RMC bid out these coverages this year and are recommending changing the worker's compensation insurance coverage from the NCLM to Surry Insurance and BITCO. He noted BITCO is the insurance provider and Surry Insurance is the brokerage firm that RMC worked with in securing bids.

Mr. Batton stated BITCO's quote was substantially lower than NCL's quote for FY2023. He reported they provided greater discounts for our historical experience than our current provider and is charging less per employee classification in all but two classifications. He noted the net result is a 37% reduction in premium amounting to approximately \$48,000.

Mr. Batton stated if Council concurs with the Committee's recommendation, we will need a motion to authorize the mayor or his designee to execute an agreement with Surry Insurance to bind our worker's compensation coverage with BITCO.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved to authorize the mayor or his designee to execute an agreement with Surry Insurance to bind the Village of Pinehurst worker's compensation coverage with BITCO, effective July 1, 2022 and extending through June 30, 2023, by a vote of 5-0.

13. Discuss and Consider Ordinance 22-08 Text Amendment Change to Municipal Code Relative to Neighborhood Quality of Life.

Jeff Sanborn, Village Manager, presented Council with Ordinance 22-08, a text amendment changes to the Municipal Code pursuant to efforts to try to improve quality of life and sustain the quality of life in the residential neighborhoods. Mr. Sanborn noted this work was reviewed during the prior work session and the refinements presented are due to those comments and concerns. Councilmember Boesch expressed concern over the addition of language on unruly gatherings and the ability to enforce this. She also expressed concern about the overnight parking, of which Village Acres has a need for parking on the street at night. She further stated she does not feel we need to add in urination and defecation verbiage in the policy as it is not a problem in the Village of Pinehurst. Mr. Sanborn stated this is a precautionary provision and is common for municipalities to have.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council approved Ordinance 22-08; text amendment change to the Municipal Code relative to neighborhood quality of life for the Village of Pinehurst, by a vote of 4-1, with Councilmember Lydia Boesch casting the *no vote*.

14. Other Business.

Item D – Approval of Village Manager Employment Contract, was discussed. Councilmember Boesch stated there were two questions provided to her by residents. Mayor Strickland stated that two weeks prior, the village council had a meeting to discuss the extension of the manager's contract. The council determined to continue the contract under the terms presented in the consent agenda tonight, to extend it to July 1, 2027. He stated we are now here to vote as a Council for this extension.

Councilmember Boesch stated it is because of comments she received from the public that she wanted to bring to Council's attention. The first was the question of why the contract is being renewed two-years early. The second comment was should this wait until after Mr. Sanborn's performance review. No other Councilmember expressed concern or had comments from the public, so Mayor Strickland asked if there was a motion to vote.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Pizzella, Council unanimously voted to approve the

Village Manager, Jeff Sanborn's, contract as presented, by a vote of 5-0.

For other business, Mayor Pro Tem Pizzella noted that those involved in the Adaptive Opening being conducted on Pinehurst Number 6, should continue to get the word out about the event and shared that this event is a good thing for golf and for Pinehurst.

15. Comments from Attendees.

- Collett Kolinski, 25 Queens Court, addressed Council about the ordinances passed this evening and offered her appreciation to the Councilmembers, while stating she is against degrading property values for personal gain.
- Jennifer Carlson, 1000 Burning Tree Rd, addressed Council about short-term rentals, as a business owner, noting her support for them.
- Phillip Sounia, 29 Bedford Circle, addressed Council about short-term rentals, noting the need for Council to continue to collect data before deciding on regulation efforts.
- Lora Sumrall addressed Council about quality of life vs. economics and data as it pertains to STRs.
- Dr. Daniel May, 175 Lakeview, addressed Council about short-term rentals, noting his support for them.
- Kristina Barnes addressed Council about short-term rentals, noting she is neither for nor against, but wants to know her neighbors.

16. Motion to Adjourn.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Pizzella, 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

RESOLUTION #22-21:

**A RESOLUTION REGARDING AN APPOINTMENT TO THE BICYCLE AND
PEDESTRIAN ADVISORY COMMITTEE FOR THE VILLAGE OF PINEHURST.**

WHEREAS, the Village of Pinehurst has established a Bicycle and Pedestrian Advisory Committee by Resolution 15-28; and

WHEREAS, there is a need to fill a one vacancy on the committee; and

WHEREAS, Mr. Paul Ackermann and the Village Council of Pinehurst are desirous of Mr. Ackermann serving as a member of the Bicycle and Pedestrian Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 12th day of July 2022 as follows:

SECTION 1. That the following appointment is hereby made to the Bicycle and Pedestrian Advisory Committee for the term indicated:

Mr. Ackerman is appointed as a member of the Bicycle and Pedestrian Advisory Committee, effective July 12, 2022, said term expiring on August 31, 2024.

SECTION 2. That this appointee shall continue serving until a replacement is appointed and qualified.

THIS RESOLUTION passed and adopted this 12^h day of July 2022.

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

	VILLAGE OF PINEHURST STANDARD PROCEDURE	
SUBJECT: Meeting Room Use Policy		Effective Date: September 11, 2013
Department: Administration		Policy No: ADM – 113
Prepared by: Administration		Revised: n/a
Approved by: Village Manager		# of Pages: 4

I. PURPOSE

The purpose of this Village Meeting Rooms Policy is to effectively manage the use and rental of Village facilities including Assembly Hall, Assembly Hall lobby, Council Conference Room, other Village Hall Conference Rooms, and the Fire Department Training Room.

II. RESPONSIBLE PARTY

The responsibility for both scheduling the meeting areas and supervising the use thereof is assigned to the Village Manager or his designee. The Village Manager is authorized to refuse or cancel any use of the building which in his opinion is not in the best interest of the public.

III. PRIORITY OF USE POLICY

Use of the meeting rooms covered by this policy are assigned priority in the following order:

1. Boards and Commissions appointed by the Village Council.
2. Departments of the Government of the Village of Pinehurst and/or their affiliate groups.
3. Departments of Moore County or North Carolina State Government. (Rental rates do not apply.)
4. Non-profit organizations may use the referenced facilities after permission is given by the responsible party and provided that the use of the facilities is for educational, business, or professional meetings. (Rental rates do not apply if the principal operating office of the non-profit is located in the Village of Pinehurst.)

5. Other groups and private individuals for uses other than special entertainment such as receptions or parties. (Rental rates apply.)
6. Political Parties, per the N.C. General Statutes 163.99 definition. (Rental rates do not apply.)
7. Special Entertainment Purposes. The Assembly Hall may be used for special entertainment purposes if prior approval is received from the Village Manager or his designee. (Rental rates apply.)

The Village of Pinehurst reserves the right to withhold approval of usage of the Assembly Hall for Special Entertainment purposes.

As policy, if the Village of Pinehurst requires the use of the Assembly Hall or a conference room during a time of a conflicting reservation, notice will be given to the conflicting reservation and action taken to find an alternative location. If no other location is suitable for the conflicting reservation, all deposits and rental payments will be fully refunded.

IV. PROCEDURES

The following procedures are applicable for meeting room reservations.

1. The Assembly Hall and Assembly Hall lobby are available for meetings between the hours of 8:00 a.m. and 10:00 p.m.; however, if you arrive before 8:30 a.m. and/or depart after 5:00 p.m. Monday through Friday or use the facility on a weekend, you must obtain a key from the customer service representative at the front desk prior to your meeting.

The Conference Room is available for meetings between 8:30 a.m. and 5:00 p.m. Monday through Friday.

Use of the Conference Room or the Assembly Room does not include any other portion of the building, hallways or lobby with the exception of the public restrooms.

2. A request for scheduling must be made by completing an Application for Meeting Rooms Rental and submitting it at least four (4) weeks prior to the date of use with the required deposit fee.
3. The appropriate rental fee is required prior to the meeting date.
4. For a full refund of the deposit, any cancellations must be received at least 10 days prior to the scheduled use.
5. Use of the facility does not obligate the Village to provide any equipment not currently assigned to designated areas. Furnishings may not be removed

from this facility under any circumstances. Request for equipment must be made at the time of request of the facility.

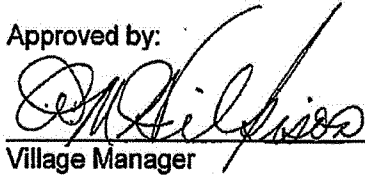
The use of decorations is strictly limited to table or easel arrangements. Any decorations must meet the approval of the Fire Inspector of the Village of Pinehurst. Nothing shall be attached in any manner to any other surface.

If audio-visual equipment is to be used, the user must arrange for adequate training before the meeting/event and pay the audio visual assistance fee.

6. Smoking inside any building is prohibited.
7. Groups or persons using the facilities will accept responsibility to immediately complete the duties listed in the Deposit Return Checklist at the conclusion of the rental time. If the Village Representative finds items uncompleted, a portion or all of the deposit may be forfeited.
8. Anyone who serves food or a catered meal is responsible for removing all associated trash from the premises. Alcohol (beer and wine only) may only be served and consumed in the lobby areas, not in carpeted areas.
9. Use of the Assembly Hall or Conference Room for night or weekend meetings by Village Boards or Commissions is permissible if arrangements are made in advance with the Village Manager.
10. No private or public dances or other similar social functions shall be allowed.
11. No charge shall be levied by the user against their participants except that amount necessary to cover cost incurred.
12. Parking in the circle in front of Village Hall is prohibited.
13. No laboratory tests can be performed at any Health Fairs. Only health information and displays can be used. Bloodmobile usage is allowed.
14. If the user does not conclude their function in a timely fashion (15 minutes past the time indicated on the Facility Use Application) applicable deductions will be made from the deposit.
15. Groups and individuals using Village Hall and Assembly Hall are responsible for their behavior and compliance with Village, County, State, and Federal Laws and Regulations. Failure to comply with any of the above mentioned Operating Procedures will result in the forfeiture of future usage of said facility.
16. See the Village's Fee and Charges Schedule to determine rental rates and deposit amounts required.

17. A Deposit Return Checklist must be completed and approved by a Village of Pinehurst representative before any deposits are returned. In the event of a checklist item not being completed, the Village may return a portion of the deposit.

Approved by:


Village Manager

9-17-13
Date

Work Session
Village Council Approval

September 10, 2013
Date

	VILLAGE OF PINEHURST STANDARD POLICY/PROCEDURE	
SUBJECT: Public Right-of-Way Beautification Grant Fund Policy	Effective Date: 7/08/08 Revised: 1/08/10 Revised: 7/1/12 Revised: 9/9/14 Revised: 8/29/17 Revised: 5/3/18	
Department: Administration	Policy No.: ADM – 116.1	
Prepared by: Jeff Batton, Assistant Village Mgr.	# of Pages: 3	

I. Establishment of Beautification Fund

The Village of Pinehurst Financial Services Department shall determine an appropriate line item in the annual budget for the grant funds. The Village Manager shall annually consider proposing funds for this line item in the budget subject to fund availability and Council approval.

II. Purpose

The purpose of the fund is to provide for public right-of-way beautification enhancements within the Village of Pinehurst. This fund may only be used for projects located within a public right-of-way and should primarily be used in areas of high visibility such as well traveled roads and intersections.

The purpose of this policy is to provide the Beautification Committee guidance in expending and disseminating funds for public right-of-way landscape enhancements from the Public Right-of-Way Beautification Grant Fund.

III. Fund Guidelines

Funds from this line item may be expended by the Village of Pinehurst directly for any landscape enhancement within a public right-of-way upon approval and grant award of the Beautification Committee. Such landscape enhancements may include, but are not limited to, the planting of flowers, shrubbery, trees, sod and/or associated expenses related to landscape enhancements as well as standardized Village-issued park benches if to be placed in a safe, public neighborhood location with high pedestrian volume.

Community organizations, such as neighborhood associations, garden clubs, service clubs, etc. interested in performing enhancements within the public right-of-way within

the Village of Pinehurst may apply for grant support for 50% of the total cost of the project up to \$2,000.

A community organization is defined as meeting at least one of two criteria: a tax-exempt status or a verifiable membership roll with a separate bank account. Proof of meeting this definition may be required by the Village. The Village reserves the right to require any additional supporting information it may deem appropriate to determine the organization's eligibility.

Community organizations interested in applying for funds should submit the Beautification Grant Application to the Assistant Village Manager of Operations who will review for completeness and forward to the Beautification Committee for consideration. The written request should include the following information:

- 1) Description of the project including what is being added or removed;
- 2) Specific grant fund request;
- 3) Location description;
- 4) Sketch of the planting plan;
- 5) Itemized list of landscape materials and estimated costs; and
- 6) Long term maintenance plans.

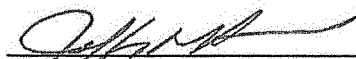
The Village may provide in-kind services for the enhancement in addition to, or in lieu of, funding. In-kind services is dependent on staff and equipment availability based on current workloads as determined by the Assistant Village Manager of Operations in consult with the Village Manager and Public Services Director.

The evaluation and approval of any community organization grant request will be made by a selection committee from within the Beautification Committee. Once approved, funds will be dispersed by Financial Services upon presentation of an approved check request form from the Assistant Village Manager of Operations or his designee. The Village and Beautification Committee reserves the right to reject any and all requests for any reason and approval is always subject to fund availability.

IV. Policy Considerations

This policy shall be reviewed on an annual basis in January. Any changes must be approved by the Village Manager.

Approved by:



Jeff Sanborn, Village Manager

5/3/18

Date

#8-16

Village Council, Resolution

July 8, 2008

Date



Application for
Public ROW Beautification Grant
(revised 8/18/17)

APPLICANT:

Community Organization: _____

Property Location: _____

Applicant's First and Last Name: _____

Mailing Address: _____

Telephone: _____ Email Address: _____

PLAN FOR IMPROVEMENTS:

General description of planned improvements to enhance the right-of-way beautification (attach photos, sketch of planting plans, or architectural drawings):

Describe the long-term maintenance plans for this improvement:

Specific grant fund request: _____

Estimated total cost of improvement (attach complete budget): _____

Contractor on the project: _____

Applicant Signature: _____

Date: _____

For Internal Use:

- ☐ Received by AVM
- ☐ Sent to Beautification Committee
- ☐ Sent to P&I
- ☐ Project Approved by P&I
- ☐ Grant Awarded
- ☐ Post Project Expense Reconciliation received

EXHIBIT A

Partners of Pinehurst

Voluntary Tree Preservation & Xeriscaping Program

In order to help promote and preserve the natural beauty and aesthetics of Pinehurst, the Village has developed the Voluntary Tree Protection & Xeriscaping Program. When Pinehurst was originally founded as a health resort in 1895, the area had been mostly clear-cut by the logging industry. Since then, a great effort has been made by several generations to return the lush greenery to our area and maintain a healthy environment. This program is a continuance of those efforts. Aimed at new residential and commercial development, as well as additional construction to existing structures, within the Village of Pinehurst, this voluntary program encourages the retention of trees in order to minimize the impact of tree loss before, during, and after development; ensures a sustained tree canopy in Pinehurst; and promotes the use of indigenous plants that have low irrigation requirements. Simply stated, the Village is encouraging builders and homeowners to preserve as many viable trees on their property as possible.

Purpose

The purposes for this voluntary program are to:

1. Preserve existing tree cover to protect the health, safety and welfare of the public by preserving the visual and aesthetic qualities of the Village;
2. Promote tourism and other economic development activities that are the result of the aesthetic appeal of the Village;
3. Preserve the character and integrity of the community;
4. Protect property values;
5. Protect existing trees located upon undeveloped sites for use as future buffers and streetscapes as described in the Village's Long-Range Plan;
6. Control erosion and reduce sediment and other pollutant run-off into waterways in an effort to protect water quality;
7. Protect the natural habitat of indigenous threatened and endangered animal species;
8. Maintain a consistently maturing tree canopy so that as old trees die, new trees will be there to replace them;
9. Moderate interior and exterior temperatures by controlling solar radiation on buildings and paved surfaces; and
10. Promote the use of indigenous plants that are drought resistant and/or have low irrigation requirements in order to preserve our natural water resources.

To be formally recognized through various incentives by the Village as a "Partner of Pinehurst" in participating with the Voluntary Tree Preservation & Xeriscaping Program, the builder and homeowner must meet the following requirements:

Recommended Buffers and Vegetation Protection

Other than where necessary to gain reasonable access to the property, clearing and/or removal of ideal trees shall be discouraged in the following areas according to the zoning district:

Preservation Area Measured from Property Line	District						
	R-210	R-30	R-20	R-15	R-10	R-8	R-5
Minimum Side Yard Tree Preservation	10 feet	10 feet	5 feet	5 feet	5 feet		
Minimum Front Yard Tree Preservation	20 feet	20 feet	20 feet	15 feet	15 feet	10 feet	10 feet
Minimum Rear Yard Tree Preservation	20 feet	15 feet	15 feet	15 feet	15 feet	10 feet	10 feet

Trees that are clustered close together may be thinned to help promote healthy tree growth. While the Village encourages the preservation of all ideal trees that do not interfere with building plans outside of these setbacks, it is up to the discretion of the builder and/or homeowner as to which trees will remain. It is recommended that a 10 (ten)-foot distance remain between any permanent foundation and the trunk of any tree to allow for healthy root structures.

Specimens to be preserved within recommended buffers

The following are the size and specimen of all trees that are to be preserved as part of this voluntary program:

1. Pine trees with a diameter of 6 (six) inches or larger at breast height;
2. Magnolia, Holly, and Dogwood trees with a diameter of 3 (three) inches or larger at breast height.

The "diameter at breast height" is the tree diameter measured in inches at the height of 4.5 feet above the ground.

Tree Marking

1. Prior to any tree removal or commencement of construction on a site, the following uniform colored ribbon system shall be used:
 - Orange for trees to be saved
 - Blue for trees to be removed
2. In heavily wooded areas, the Village Planner may give permission to mark large areas of trees to be removed or saved with the appropriately colored ribbon along the perimeter of the designated area.

Xeriscaping Requirements

In order to be considered as a participant in this program, a development must also incorporate native, drought tolerant plants in the landscaping, a practice known formally as *xeriscaping*. The publication *Drought-Tolerant Plants for North Carolina Landscapes*, prepared by the North Carolina Cooperative Extension Service is a recommended reference to accomplish this objective.

Basics about using native plants:

When landscaping with native plants match the right plants with the right site conditions. Consider using plants that occur together in their natural habitats. Do your homework before planting; study the plants, their life history and natural habitats. Visit a natural area such as the Sandhills Horticultural Gardens at Sandhills Community College or the Weymouth Woods-Sandhills Nature Preserve to observe how plants occur, and design your landscape accordingly. Buy nursery propagated plants, not plants collected from the wild, unless you are moving them from within your own property. Remember, landscaping with natives is art imitating nature.

Benefits of native plants:

- Adapted to regional conditions (i.e. drought tolerant) and may require less maintenance and are cost-effective.
- Environmentally friendly, require fewer pesticides and fertilizers because of natural adaptations.
- Promote biodiversity and stewardship.
- Provide food and shelter for native wildlife.
- Restore regional landscapes.
- Prevent future exotic introductions.

Native plants for wildlife:

Using natives in landscaping helps sustain native butterflies, moths and other beneficial insects; native birds, reptiles, mammal, and other fauna. Fall migrating birds depend on high-energy fruits from flowering dogwood, tulip trees, blackgum, persimmon, and sassafras. Spring migrants feed on insects that occur on many trees, especially oaks. A mature oak will produce acorns for wildlife, as well. Sourwood trees and other native trees provide natural nesting habitat, while Eastern red cedar, pines and hollies provide winter cover and food.

“Partners of Pinehurst” Incentives

To encourage builders and property owners to participate in this program and to promote the awareness of the program, the Village of Pinehurst offers these possible incentives:

1. Recognition of the builder and owner in the Village Newsletter for each new home constructed under these guidelines;
2. Recognition in local publications as being a Partner of Pinehurst;
3. Recognition during the construction of each qualifying home at the building site by way of a sign provided by the Village acknowledging the home and builder as being a Partner of Pinehurst; and
4. Recognition of each builder and a picture of the home built in accordance to these guidelines in a formal display in the lobby of the Planning and Inspections Department in the Village Hall.
5. Permission to use “Partner of Pinehurst” logo (yet to be determined) in ads selling the particular home.

RESOLUTION #03-47:

A RESOLUTION ADOPTING A VOLUNTARY TREE PRESERVATION AND XERISCAPING PROGRAM FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA.

THAT WHEREAS, the Community Planning Survey conducted in 2002 as part of the Comprehensive Long Range Plan indicated that Pinehurst citizens value the rural ambiance of this area which is due in large part to the area's rich greenery; and

WHEREAS, trees and native plants help reduce stormwater runoff and erosion by stabilizing the soil with their root structures; and

WHEREAS, trees are able to provide significant saving in the cost of air conditioning by the shade they provide; and

WHEREAS, the natural habitat of many plants and animals need to be conserved to prevent species from becoming endangered; and

WHEREAS, native, drought tolerant plants are more likely to thrive in this area;

WHEREAS, The Village Council of the Village of Pinehurst wishes to address these issues in a fair and reasonable manner that will benefit the entire community;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in Work Session assembled this 11th day of November, 2003, as follows:

SECTION 1. That the Village Council hereby adopts the "Partners of Pinehurst Voluntary Tree Preservation and Xeriscaping Program" said program attached hereto as Exhibit "A" and made a part thereof, the same as if included verbatim.

SECTION 2. That the Village Clerk and the Pinehurst Planning Department shall make copies of this program available to citizens of Pinehurst free of charge.

THIS RESOLUTION passed and adopted this 11th day of November, 2003.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

Attest:

By:

Steven J. Smith, Mayor

Linda S. Brown, Village Clerk

The "Give a Lot to the Village; Mean a Lot to the Village" Program

Adopted by Village Council as Official Policy August 8, 2003

The Village of Pinehurst has established a program wherein property owners in Pinehurst will be encouraged to donate parcels of land or lots to the Village.

From the Village standpoint, the goal of this program is to accumulate lots in a land bank that can be used for the following purposes:

- To create open space
- To be used for greenways
- To be used for stormwater control
- To be used to trade for properties needed for the above purposes
- The Village reserves the right to sell donated property, but only if the proceeds are used to acquire property for one of the above reasons. It is anticipated that this would be done very rarely.

From the donor's viewpoint, the advantages of donating property are:

- To eliminate annual tax expense
- To be able to make a charitable deduction on federal and state tax returns
- To contribute to the appearance and character of Pinehurst

To facilitate such donations, the Village will provide the legal and title search services, and pay the normal fees associated with the transfer. The Village reserves the right to decline to accept donations of properties found to have title or environmental deficiencies.

Property owners who have a Pinehurst Country Club membership attached to their lots may apply to transfer such membership, at no expense, to any other residential lot in Pinehurst that does not have a membership attached to it. Make application to Beth Kocher, Executive Vice President, Pinehurst, Inc.

The determination of the value of the donated property for charitable deduction purposes is the sole responsibility of the donor. Donors should consult with a tax professional concerning this issue.

Owners who wish to take advantage of this program, or who have questions about the program should contact Andy Wilkison, Village Manager, Village of Pinehurst, 910-295-1900.

RESOLUTION #13-17:

**A RESOLUTION ADOPTING A POLICY REGARDING SIGNIFICANT
NEGOTIATIONS CONDUCTED ON BEHALF OF THE VILLAGE OF
PINEHURST.**

THAT WHEREAS, certain agreements being considered by the Village of Pinehurst can have multi-year terms and require official action by the Village Council of a policy nature upon execution; and

WHEREAS, such agreements also often involve Village funding of a significant or continuing nature in the form of public support or of a joint venture nature; and

WHEREAS, it is important and in the public's best interest that the Village Council or a portion thereof be involved early in the negotiation and discussion process to ensure that the Council's desires and policy preferences are made a part of the process in early stages

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in Work Session assembled on the 9th day of April, 2013, as follows:

SECTION 1. It shall be the Policy of the Village of Pinehurst to have two members of the Village Council, as determined by the Council, involved in all discussions with all external entities when such discussions may involve any of the following:

- a. Initiation of one-time public operating or capital spending support of an external entity in an amount in excess of \$25,000.00 unless the support is already individually approved in the current FY budget of the Village of Pinehurst.
- b. Initiation of multi-year operating or capital financial commitment to an external entity of any amount.
- c. Will require as part of its official approval action by the Village Council or otherwise affect adopted policy of the Village of Pinehurst Village Council.
- d. Is otherwise determined by the Village Manager to be of significance or sufficient importance such that representation of the Village Council by Village Council members is appropriate and necessary.

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

Adopted this 9th day of April, 2013.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

RESOLUTION #14-29:

**A RESOLUTION ADOPTING A POLICY REGARDING SIGNIFICANT
VERTICAL CONSTRUCTION ON VILLAGE PROPERTY OR PROPERTY
INTENDED FOR PUBLIC PURPOSE.**

THAT WHEREAS, certain vertical construction may occur to and on property owned by the Village of Pinehurst as well as non-Village owned property intended for public purpose; and

WHEREAS, vertical construction includes alterations and renovations to existing Village-owned buildings and structures, new building construction on Village-owned property as well as new construction, alterations, renovations to non-Village owned buildings and property funded by the Village of Pinehurst for public purpose; and

WHEREAS, these projects may have significant funding and/or continuing operating expenses and will likely impact the visual qualities of the building and/or public property; and

WHEREAS, it is important and in the public's best interest that the Village Council review, consider, comment and decide on items of important aesthetic and functional value;

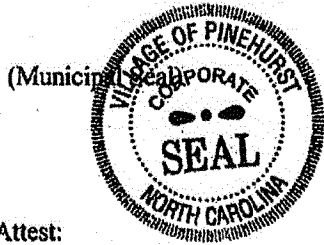
NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled on the 27th day of May, 2014, as follows:

SECTION 1. It shall be the Policy of the Village of Pinehurst for the Village Council to discuss and make the final determination in advance of any bidding of a Village-funded vertical construction project that may involve any of the following:

- a. Alterations and renovations to existing Village-owned structures or any structure on non-Village owned property used by the Village for public purposes. This does not include routine maintenance and repair to structures including such items as replacing siding, rotting boards, gutters, roofing etc. so long as the maintenance and repair is designed to replace old material with new material that is of similar type, color and style of the original materials.
- b. Any new vertical construction on Village-owned property or to any structures on non-Village owned property intended for use by the Village for a public purpose.
- c. Is otherwise determined by the Village Manager to be of significance or sufficient importance such that involvement of the Village Council is appropriate and necessary.

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

Adopted this 27th day of May, 2014.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF JUNE 28, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a work session at 7:39 p.m., Tuesday, June 28, 2022, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance:

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

And approximately 12 attendees, including 5 staff and 0 press.

1. Call to Order.

Mayor John Strickland, called the Council work session to order.

2. Discuss and adopt Village Council Rights-of-Way Use Policy.

Doug Willardson, Assistant Village Manager, stated the Village has a Sidewalk Policy dating back to June 1992. The purpose of the Sidewalk Policy was to "assure pedestrian access to and use of the public rights of way along the streets of Old Town and immediately adjacent areas." Additionally, the Village has a Significant Alterations to the Public Right-Of-Way and Certain Public Spaces Policy. Mr. Willardson stated this policy states that the Village Council has the final determination on matters affecting the Village rights-of-way. The proposed Rights-of-Way (ROW) Use Policy will supersede both of the existing policies.

Mr. Willardson stated the Rights-of-Way (ROW) Use Policy, like the Sidewalk Policy, clarifies that the Village owns the ROW and retains all rights to use and maintain these areas. It delineates the responsibilities of the Village and abutting owners when it comes maintaining the ROW. He noted, in the simplest terms, the Village will maintain public improvements in the ROW, but any private improvements made by abutters are their responsibility to maintain. However, sweeping existing walks and pathways will continue to be the responsibility of the abutters as it is under current policy.

Mr. Willardson stated, additionally, the Village reserves the right to modify private landscaping to enable pedestrian access and use or other roadway improvements. No remuneration or restoration entitlement is required of the Village to abutting property owners when modifying landscaping elements within the ROW.

Mr. Willardson stated, finally, the new ROW policy maintains that Village Council will have the final determination on implementation of Village projects within the public ROW.

Council requested Mr. Willardson send the policy to the Beautification Committee and the Neighborhood Advisory Committee for their review and feedback and bring the policy back to council at the next meeting.

3. Rescind Defunct Council Policies.

Doug Willardson, Assistant Village Manager, presented Council with existing Council policies, that upon review by staff, were recommended for rescinding. These policies included: a Tree Preservation Policy, Lot Donation Policy, Warren H. Manning Beautification Award Program, Significant Negotiations, Significant Vertical Construction on Village Property, Meeting Room Use, and a Public Right-of-Way Beautification Fund Policy.

Council provided some feedback on the policies and requested Mr. Willardson review these changes and bring the policies back to council at the next meeting.

4. Discuss Amendments to the Pinehurst Development Ordinance (PDO) to Address Short Term Rentals and Neighborhood Quality of Life Improvements.

Jeff Sanborn, Village Manager, and Darryn Burich, Planning and Inspections Director, presented council with some potential revisions to the Pinehurst Development Ordinance (PDO) for discussion regarding short-term rentals as well as residential neighborhood quality of life improvements. The areas of the PDO addressed in the presentation included provisions for permit revocation, table of permitted uses, special requirements for permitted uses, and definitions.

Council discussed amortization, number of tenants per room, and dealing with non-conformities. Mr. Burich stated he will continue to work to refine the amendments based on Council suggestions.

5. Proposed Draft PDO Text Amendment

Mayor Pro Tem Pizzella presented to Council a draft of a PDO text amendment pulled together from input from a few citizens. He noted this was the third version of a preamble and some text amendment. He welcomed input and feedback from other Councilmembers and Councilmember Morgan stated he should not let this cloud his ability to be open-minded when the data from the survey is received. Mr. Morgan stated he realizes there is a lot of pressures that are coming from various citizens, but Council has a responsibility to make sure that we are truly looking at things and what's the best for the village.

6. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved to adjourn the work session, by a vote 5-0, at 8:07 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



**VILLAGE OF PINEHURST
VILLAGE COUNCIL POLICY**

SUBJECT: Rights-of-Way (ROW) Use	Effective Date:
Department: Village Council	Policy No.: 25
Prepared by: Doug Willardson	Revised:
Approved by: Village Council	# of Pages: 2

PURPOSE: To set a standard of policy to clarify the responsibilities of the Village and abutting property owners regarding the Village's right-of-way (ROW).

BACKGROUND: ROW refers to the property owned by the Village of Pinehurst for public access and travel throughout the Village—primarily the improved roadway and the areas adjacent to the improved roadway. ROW widths vary depending on the layout of the street. Often the improved roadway is centered within the Village's right-of-way; however, that is not always the case.

POLICY: The Village owns the ROW and retains all rights to use and maintain these areas for clear visibility of traffic sightlines, public sidewalks/walkways, public utilities, public safety, or other purposes in the best interest of the Village.

The following are responsibilities of the Village in regards to the public ROW:

- Repair damaged walkways or paths as the Village deems appropriate. If a walkway is damaged due to willful misconduct or negligence, the cost to repair or reconstruct walkways or paths will be billed to the responsible party;
- Major maintenance such as root removal, brush removal, or tree trimming;
- Maintenance of roadway drainage channels or swales along the ROW. Roadway drainage channels may not be modified, filled in, altered, blocked, or directed through a pipe without written approval from the Department of Public Services.

Village Council will have the final determination on implementation of Village projects within the public ROW including: non-routine maintenance and installation of landscaping and signage; construction of new roadways or sidewalks; or other projects determined by the Village Manager to be of such significance to justify involvement of the Village Council.

The Village is NOT responsible for:

Damage, repair, or replacement of private property placed within the ROW including, but not limited to: signs, vehicles, landscaping—including grass and plantings, fences, mailboxes, irrigation systems, underground pet containment systems, and other structures, whether above ground or below ground, placed within Village-owned ROW. The Village is not responsible for damage even if it is a result of maintenance by Village staff or contractors acting on behalf of the Village.

The following are the responsibilities of the abutting property owners:

- If a resident wishes to make improvements to the ROW, they must apply for an encroachment permit through the Public Services Department. Residents will be required to maintain any improvements made.
- Maintaining driveways, driveway drainage pipes and vegetation, landscaping, ground cover, etc. installed with Village approval.
- Raking or sweeping existing walks and pathways.
- Keeping pedestrian access and traffic sightlines uninhibited, including no parking, placing or storing of motorized vehicles, trailers, or stockpiled materials in areas that impede pedestrian or vehicular traffic. As outlined in Section 95.001 of the Municipal Code of the Village of Pinehurst, it shall be unlawful for any person to cause any sidewalk or pedestrian ROW in the Village of Pinehurst to be closed for travel or unnecessarily obstructed. The Police Department shall issue warnings to violators of this Section of the Code, and if not corrected, citations for a civil penalty will be issued.

If the ROW is landscaped, the Village reserves the right to modify the landscaping to enable pedestrian access and use or other roadway improvements, including construction of walkways, paths, streetlights, stormwater or roadway improvements, etc. No remuneration or restoration entitlement is required of the Village to abutting property owners when modifying landscaping elements within the ROW.

Approved by:

Jeff Sanborn, Village Manager

Date

Resolution #
Village Council, Resolution

Date