ORDINANCE #14-19:

AN ORDINANCE AMENDING THE ORDINANCE APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2014, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA (MOORE COUNTY EMERGENCY RESPONDERS MEMORIAL)

THAT WHEREAS, Lieutenant Jerry McDonald and Wanda Rhyne delivered a presentation to the Village Council on January 28, 2014 concerning the proposed Moore County Emergency Responders Memorial to be constructed at Sandhills Community College; and

WHEREAS, it has been confirmed that the funds raised for the memorial will be handled by the Sandhills Community College Foundation; and

WHEREAS, The Council discussed the request to donate $2,500 and determined that they would make a donation at a future date;

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

SECTION 1. To amend the FY 2014 General Fund budget with regard to revenues and expenditures, the revenue and expenditure accounts are to be changed as follows:

Account No.	Account Name	Debit	Credit
10-10-310-6980	Miscellaneous Grant Exp.	$ 2,500	
10-00-190-3905	Fund Balance Appropriated		$ 2,500

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Village Council, Village Manager, and Director of Financial Services for their direction and implementation.

THIS ORDINANCE passed and adopted this 27th day of May 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

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VILLAGE OF PINEHURST
BUDGET AMENDMENTS APPROVED BY BUDGET OFFICER
FOR THE PERIOD APRIL 16 - MAY 15, 2014

Under Village of Pinehurst Ordinance #13-27, the Village Council grants the Budget Officer, or Village Manager the ability to transfer appropriations under specific conditions. These conditions allow transfers of up to $10,000 between departments (including contingency) of the same fund for the 2013-2014 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.

ACCOUNT NUMBER	DESCRIPTION	DEBIT	CREDIT	APPROVED DATE
10-20-420-5903	S&G: Fleet Maintenance-ISF	$ 9,000		5/13/2014
10-00-990-9999	General Contingency		$ 9,000	
10-00-960-5901	Repairs & Maintenance: Furniture & Equipment	$ 9,000		
10-00-960-3560	Charges to Other Departments		$ 9,000	
	(Transferred funds from General Contingency to cover unexpected repairs on equipment.)			
10-20-420-5903	S&G: Fleet Maintenance-ISF	$ 3,814		5/13/2014
10-20-420-7410	S&G: Capital Outlay Fleet		$ 3,814	
10-00-960-5901	Repairs & Maintenance: Furniture & Equipment	$ 3,814		
10-00-960-7400	Capital Outlay: Equipment		$ 3,814	
	(A snow plow, budgeted as capital outlay, came in under the $5,000 capitalization threshold. This amendment transferred funds from capital to the operating budget to correctly account for this item.)			

History, Charm, & Southern Hospitality.

Vision

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions, enhanced by a unique combination of cultural arts and recreational activities.

Mission

Preserve and enhance the community's character and ambience by guiding growth, managing change, and providing services in a financially responsible manner.

Values

Competent
Courteous
Professional
Responsive

MINUTES OF
VILLAGE COUNCIL SPECIAL MEETING
APRIL 2, 2014

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
5:00 P.M.

The Pinehurst Village Council reconvened the Special Meeting at 5:00 P.M. on Wednesday, April 2, 2014 in the Council Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Clark H. Campbell, Councilmember
Ms. Claire L. Phillips, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andy Wilkison, Village Manager
Ms. Lauren M. Craig, Village Clerk
Mr. Bruce Gould, Senior Planner

And approximately 5 attendees, including 1 staff and 0 press.

1. Call to Order and Reconvened the Special Meeting from March 26, 2014.

Mayor Pro Tem John R. Cashion called the meeting to order and reconvened the Special Meeting from March 26.

2. Draft Pinehurst Development Ordinance Discussion Chapter 8-9.

Bruce Gould, Senior Planner led a discussion of the changes that are being proposed to the Pinehurst Development Ordinance. Mr. Gould provided handouts showing the breakdown of commercial uses in the Village Center including a breakdown specific to the first floor of buildings. Council held a discussion around the use of these properties in the Village and options for regulating this to be discussed at future meetings.

Council continued their discussion on SR-18 regarding religious institutions and schools. Audience member Mr. John Hoffman gave factual knowledge to help understand the history. He noted Community Presbyterian chose to expand in their current location rather than moving like the Catholic Church. He explained the parking issues within the residential neighborhood. He also explained an issue with 35 Kelly Road next to the fellowship hall and the Wee School which was a historically significant home which was demolished. He is afraid the church will utilize the Wee School lot for parking and also demolish the Cheney house for this. Council determined to take out provision #2 of SR-18 and go back to the existing statement from the current PDO.

Council discussed the issue that Churches are permitted by right in two of our districts in the proposed PDO. Educational and institutional requirements were reviewed.

Councilmember Campbell asked for Mike Newman to give us an update on the MOU soon regarding the LandCore proposed development. Council needs discussion about the HPC and need to reduce the membership and the appointment terms. It was requested that this be placed on the Tuesday Regular Meeting agenda at the end.

Other changes were reviewed in the proposed Pinehurst Development Ordinance.

Next week Council will continue discussing

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3. Adjournment.

At approximately 6:30 pm Councilmember Strickland moved to recess the Special Meeting until 5:00 pm on April 9th in the Council Conference Room. The motion was seconded by Councilmember Campbell and passed unanimously with a vote of 5-0.

Respectfully Submitted,

Lauren Craig,
Village Clerk

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MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 8, 2014

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
4:30 P.M.

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, April 8, 2014 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. Clark H. Campbell, Councilmember
Mr. John R. Cashion, Mayor Pro-Tem
Ms. Claire L. Phillips, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager

And approximately 28 attendees, including 6 staff and 2 press.

1. **Call to Order.**
Mayor Nancy Roy Fiorillo called the meeting to order.

2. **Reports**

Manager

- None

Council

- Councilmember Strickland reported that he attended the first Beautification Meeting under the new leadership of Molly Rowell and that it went well.
- Mayor Fiorillo reported that Councilmember Cashion represented the Council at the Military Child Event that was held on Saturday, April 5th. Mayor Fiorillo also reported that the Matinee Races that were held on Sunday, April 6th were a great success.

3. **Presentation of Arbor Day Proclamation 2014**
Mayor Nancy Roy Fiorillo presented a Proclamation stating April 29, 2014 will be designated as Arbor Day in the Village of Pinehurst and she urged all citizens to support the efforts to care for our trees and woodlands, to support our village's community forestry program, and to plant trees to promote the well-being of present and future generations.

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. Public Safety Reports
Police Department
Fire Department

End of Consent Agenda.

Councilmember Cashion moved to approve the Consent Agenda. The motion was seconded by Councilmember Phillips and passed unanimously with a vote of 5-0.

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5. **Tree Lighting Event**
Mark Wagner, Director of Parks and Recreation, discussed the tree lighting event with Council. Specifically, he discussed his recommendation to purchase an artificial tree and to move the entire Tree Lighting ceremony to the Tufts Memorial Park in the Village Green. Councilmember Strickland asked some clarifying questions on the cost of the artificial tree versus the live tree. There was a consensus of the Council directing staff to proceed with acquiring an artificial tree for the Tree Lighting Ceremony.

6. **Discussion of proposed ordinance establishing Minimum Housing Standards for the Village of Pinehurst.**
Manager Andy Wilkison introduced the draft ordinance amending the Municipal Code to provide authority for regulating abandoned and deteriorating homes including the ability to order the repair or eventual removal of the dwelling if necessary. The Council consulted with Attorney Mike Newman on the property at 90 Torry Pines, which was the impetus for the proposed Minimum Housing Standards, and the process the Village would follow to address properties that do not meet the minimum standards outlined in the proposed standards.

Upon a motion by Councilmember Cashion, seconded by Councilmember Strickland, Council approved Ordinance #14-16 amending the Pinehurst Municipal Code adding Chapter 153 for establishing minimum housing standards for the Village of Pinehurst by a vote of 5-0. (A copy of the Ordinance can be found in the Ordinance Book.)

7. **Discussion regarding the Chairmanship, terms and make up of membership of the Historic Preservation Commission.**
Manager Andy Wilkison indicated the Council requested this item be included on the agenda and he opened up the discussion. Councilmember Cashion recommended the Council reduce the number of Historic Preservation Commission (HPC) members from 7 to 5 and keep the current term limits of 3 terms at 2-year increments each. Councilmember Campbell indicated the Village has two options: 1) The Village can extend the service limits of those currently serving by resolution, or 2) replace the members who are past their term limits. Council discussed the issue and their options at length.

Councilmember Campbell indicated there are two members on the commission whose terms will expire next month. He suggested the Council allow those terms to expire and not appoint replacement members, as a way to reduce the committee size from 7 to 5. Councilmember Strickland indicated he would prefer the commission remain at 7 members, while other Council members expressed their desire to change the committee to a 5-member board. Upon a motion by Councilmember Cashion, seconded by Councilmember Campbell, Council voted to decrease the size of the Historic Preservation Commission from 7 members to 5 members by a vote of 4-1, with Councilmember Strickland casting the dissenting vote.

Council then discussed term limit restrictions for HPC members. Councilmember Strickland made a motion to suspend the term limit restrictions of Historic Preservation Commission members Frank Thigpen and Nancy Smith and allow them to serve out the remainder of their terms. Councilmember Phillips seconded the motion and after considerable discussion and consultation with Village Attorney Michael Newman, Councilmember Strickland withdrew his motion.

Upon a motion by Councilmember Campbell, and a second by Councilmember Cashion, Council voted to adhere to the current term limits and seek replacements for HPC members Thigpen and Smith by a vote of 4-1, with Councilmember Strickland casting the dissenting vote.

Audience members asked clarifying questions, which were answered by staff or Council.

Mayor Fiorillo called a 2-minute break, then Council discussed whether or not to appoint a new chairman. Councilmember Strickland made a motion to appoint Jim Lewis as the new Chairman of the

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Historic Preservation Commission, upon the expiration of the term of the current chairman. Unanimous vote. The motion was seconded by Councilmember Campbell and passed by a vote of 5-0.

8. **Temporary Ordinances for the 2014 US Open Championships.**
Assistant Village Manager Natalie Dean presented two proposed municipal code amendments for the 2014 US Open Championships. The first ordinance is an amendment to the open container ordinance clarifing that the possession and consumption of alcohol in public streets open to vehicular traffic is unlawful during the period of June 7-22. Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council unanimously approved Ordinance #14-14 amending Section 130.05 to the Pinehurst Municipal Code as it pertains to alcoholic beverages during the 2014 US Opens effective June 7 - June 22, 2014 by a vote of 5-0. (A copy of the Ordinance can be found in the Ordinance Book.)

Assistant Village Manager Natalie Dean also disucused the second proposed ordinance to institute 3-hour time limits on parking in the Village Center for the week of the Men's US Open Championship, or for the time period of June 9-16, 2014. Upon a motion by Councilmember Phillips seconded by Councilmember Cashion, Council unanimously approved Ordinance #14-15 amending Schedule II-Parking Time Limited on Certain Streets, Chapter 72, Section 72.03 of the Pinehurst Municipal Code as it pertains to parking in the Village of Pinehurst during the 2014 US Men's Open Championship effective June 9-June 16, 2014 by a vote of 5-0. (A copy of the Ordinance can be found in the Ordinance Book.)

9. **Matters Related to the Collection of Delinquent MSD Assessments.**
John Frye, Director of Financial Services, presented information related to delinquent Municipal Service District Assessements.

Upon a motion by Councilmember Cashion, seconded by Councilmember Strickland, Council approved Resolution #14-13 waiving acceleration of assessment installments of the Municipal Service District for the Village of Pinehurst by a vote of 5-0. (A copy of the resolution can be found in the Resolution Book.)

Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council approved Resolution #14-14 ordering the advertisement of special assessment liens on real property of the Municipal Service District for the Village of Pinehurst by a vote of 5-0. (A copy of the resolution can be found in the Resolution Book.)

10. **Minority Business Outreach Plan for Construction Projects.**
John Frye, Director of Financial Services, presented the proposed outreach plan for minority businesses for construction projects.

Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council approved Resolution #14-15 adopting an outreach plan for participation by minority businesses in the awarding of building construction contracts pursuant to N.C.G.S. 143-128.2 by a vote of 5-0. (A copy of the resolution can be found in the Resolution Book.)

11. **Resolution requesting the introduction of a local bill regarding the annexation of the Cotswold subdivision.**
Manager Andy Wilkison explained the resolution for Council to consider requesting the General Assembly enact legislation for the annexation of Cotswold into the Village of Pinehurst.

Upon a motion by Councilmember Cashion, seconded by Councilmember Phillips, Council approved Resolution #14-12 requesting that the General Assembly of North Carolina enact legislation which annexes into the Corporate Limits of the Village of Pinehurst the Cotswold Subdivision by a vote of 4-1, with Councilmember Strickland casting the dissenting vote. (A copy of the resolution can be found in the Resolution Book.)

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12. Other Business

Councilmember Cashion inquired about staff meeting with representatives from the Sandhills Sandsharks about their improvement of the pool on Rattlesnake Trail and Woods Road. Councilmember Cashion also inquired when the Council would discuss the Land Core proposal. Manager Wilkison indicated the Planning Staff has accumulated the information requested by Land Core and have submitted it to Land Core. Mayor Fiorillo asked if the item could be placed on a Council meeting agenda after the Village Attorney has had discussion with Land Core's attorneys.

Councilmember Campbell discussed the fieldhouse on Woods Road and asked how the building was demolished when the Council indicated they would discuss it first. After some discussion, the Council acknowledged they did not discuss the matter and Manager Wilkison indicated the project was approved in the budget and was not something that was typically taken to the Council on an individual project basis, but could be done in the future if the Council desired to do so.

13. Comments from attendees.

- Mr. Pacifico requested better communication from the Village on initiatives in advance. He also expressed his frustration with the shoulders on McKenzie Road and the fact that the sod placed on the shoulder wasn't watered for 5 days.
- Jeannie Cassenella expressed frustration that Parker Lane has not been striped or the apron expanded. She also expressed frustration with the road shoulders in the Village in general. She suggested the Village institute a Citizen Work Order Request system.

14. Motion to Adjourn.

Councilmember Strickland moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Cashion and carried unanimously. The Regular Meeting adjourned at 7:24 p.m.

Respectfully Submitted,

Natalie E. Dean
Assistant Village Manager

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MINUTES OF
VILLAGE COUNCIL SPECIAL MEETING
APRIL 9, 2014

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
5:00 P.M.

The Pinehurst Village Council reconvened the Special Meeting at 5:00 P.M. on Wednesday, April 9, 2014 in the Council Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Clark H. Campbell, Councilmember
Ms. Claire L. Phillips, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andy Wilkison, Village Manager
Mr. Bruce Gould, Senior Planner

And approximately 2 attendees, including 2 staff and 0 press.

1. Call to Order and Reconvened the Special Meeting from April 2, 2014.

Mayor Nancy Roy Fiorillo called the meeting to order and reconvened the Special Meeting from April 2.

2. Draft Pinehurst Development Ordinance Discussion Chapter 8-9.

Bruce Gould, Senior Planner led a discussion of the changes that are being proposed to the Pinehurst Development Ordinance. Mr. Gould covered additional changes for Council to consider regarding several Special Requirements (SR) to the Tables of Permitted and Special Uses and Special Requirements. Council also discussed several Accessory Uses on the table.

Next week Council will continue discussing Chapters 8 and 9 of the proposed Pinehurst Development Ordinance.

3. Adjournment.

At approximately 6:30 pm Councilmember Strickland moved to recess the Special Meeting until 5:00 pm on April 16th in the Council Conference Room to have a discussion about the budget followed by the PDO review of Chapters 8-9. The motion was seconded by Councilmember Campbell and passed unanimously with a vote of 5-0.

Respectfully Submitted,

Lauren Craig,
Village Clerk

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MINUTES OF
VILLAGE COUNCIL SPECIAL MEETING
APRIL 10, 2014

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
4:30 P.M.

The Pinehurst Village Council convened the Special Meeting at 4:30 P.M. on Thursday, April 10, 2014 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Clark H. Campbell, Councilmember
Ms. Claire L. Phillips, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andy Wilkison, Village Manager
Ms. Angela Kantor, Director of Human Resources

And approximately 5 attendees, including 1 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Discussion with Hartwell Wright regarding Village Manager recruitment.

Angie Kantor, Director of Human Resources, introduced Mr. Hartwell Wright, HR Consultant from the North Carolina League of Municipalities. Mr. Wright discussed the process the Council may want to consider when recruiting and selecting the next Village Manager upon Village Manager Andy Wilkison's retirement on December 1, 2014.

After a general discussion, the Council agreed to hire a Human Resources professional to help the Council develop the Village Manager candidate profile.

3. Adjournment.

At approximately 6:30 pm Councilmember Strickland moved adjourn the Special Meeting. The motion was seconded by Councilmember Phillips and passed unanimously with a vote of 5-0.

Respectfully Submitted,

Natalie E. Dean,
Assistant Village Manager

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MINUTES OF
VILLAGE COUNCIL SPECIAL MEETING
APRIL 16, 2014

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
5:00 P.M.

The Pinehurst Village Council reconvened the Special Meeting at 5:00 P.M. on Wednesday, April 16, 2014 in the Council Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Clark H. Campbell, Councilmember
Ms. Claire L. Phillips, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andy Wilkison, Village Manager
Ms. Natalie Dean, Assistant Village Manager
Mr. John Frye, Director of Financial Services
Ms. Lauren Craig, Village Clerk

And approximately 5 attendees, including 4 staff and 0 press.

1. Call to Order and Reconvened the Special Meeting from April 9, 2014.

Mayor Nancy Roy Fiorillo called the meeting to order and reconvened the Special Meeting from April 9.

2. FY 2015 Strategic Operating Plan Preview and Discussion.

Andy Wilkison introduced the agenda item and noted that staff has been working on the budget and the CIP for several weeks. He explained that staff is looking for guidance from Council to consider possible changes to the Village's revenue structure, such as a property tax increase, to take on major initiatives addressing areas of dissatisfaction for our citizens.

Natalie Dean, Assistant Village Manager and John Frye, Director of Financial Services outlined the work of the staff for the FY 2015 Strategic Operating Plan. John Frye noted the financial parameters that staff and Council have determined together are great ways to determine financial health.

The Village Council discussed other possible alternatives beyond a tax increase and held a discussion about how to engage citizens to determine how to proceed with the need of a community center. Mayor Fiorillo supported adding a referendum on the ballots in 2015 to group a few projects together for a tax increase and let the voters decide. Other items were discussed that could influence the budget such as a splash pad, programming support for the library, and greenways.

Council and staff determined to hold budget work sessions on Friday, May 16 at 9:00am and Monday, May 19 at 1:00pm.

3. Draft Pinehurst Development Ordinance Discussion Chapter 8-9.

Due to time constraints, Council did not address this agenda item. Next week Council will continue discussing Chapters 8 and 9 of the proposed Pinehurst Development Ordinance.

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4. Adjournment.

At approximately 6:50pm Councilmember Cashion moved to recess the Special Meeting until 5:00 pm on April 23rd in the Council Conference Room. The motion was seconded by Councilmember Campbell and passed unanimously with a vote of 5-0.

Respectfully Submitted,

Lauren Craig,
Village Clerk

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MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 22, 2014

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
4:30 P.M.

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, April 22, 2014 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. Clark H. Campbell, Councilmember
Mr. John R. Cashion, Mayor Pro-Tem
Ms. Claire L. Phillips, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 33 attendees, including 4 staff and 2 press.

1. **Call to Order.**
Mayor Nancy Roy Fiorillo called the meeting to order.

2. **Invocation and Pledge of Allegiance**
Andrew M. Wilkison, Village Manager offered the invocation and led everyone in the Pledge of Allegiance.

3. **Reports**

Manager

- None.

Council

- Mayor Nancy Fiorillo announced Pinehurst has been named the #1 Safest City in North Carolina by SafeWise. She noted that our law enforcement and citizens on patrol all work very hard to make this happen.

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 Draft Village Council Meeting Minutes
March 5 Special Meeting
March 11 Regular Meeting
March 12 Special Meeting
March 19 Special Meeting
March 25 Regular Meeting
March 26 Special Meeting

B. Resolution reappointing a member to the Historic Preservation Commission (Lewis)
C. Resolution reappointing members of the Pinehurst Community Watch (Lemke and Gaida)
D. Resolution reappointing a member of the Beautification Committee (Tweed)

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End of Consent Agenda.

Councilmember Strickland moved to approve the Consent Agenda. The motion was seconded by Councilmember Cashion and passed unanimously with a vote of 5-0.

5. **Presentation by the MIRA Foundation USA, Inc.**
The Manager introduced Marijanet Doonan from the MIRA Foundation USA, Inc. who gave a presentation on the organization. Ms. Doonan gave a background on MIRA and shared stories of children who have received guide dogs from the MIRA Foundation USA, Inc. She noted that to provide one dog for a child is a $60,000 expense. The dogs are trained for two years before they are matched with a child. MIRA has spent over $1 million to provide guide dogs to children and she explained how they are matched. Ms. Doonan also shared a short video on MIRA. Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council unanimously approved naming Pinehurst as "The Home of Guide Dogs for Children in the United States" by a vote of 5-0.

6. **Discuss and take action on ordinance amending the Pinehurst Municipal Code to include the Historic Preservation Commission in Chapter 31 Regarding Village Organizations.**
The Manager explained the need to consider taking action on the agenda item to update the information regarding the Historic Preservation Commission in Chapter 31 regarding Village Organizations. Upon a motion by Councilmember Cashion, seconded by Councilmember Strickland, Council unanimously approved Ordinance #14-17 amending Chapter 31 of the Pinehurst Municipal Code as it pertains to Village Organizations to include the Historic Preservation Commission by a vote of 5-0. (A copy of the ordinance can be found in the Ordinance Book.)

7. **Landscape Lighting**
Assistant Village Manager Jeff Batton explained that the Public Services Department is interested in installing landscape lighting in two landscape areas on prominent entry points to the Village. He explained the rough estimate for both areas is approximately $1,000 and can be accommodated in the existing budget and per our right-of-way policy is seeking Council's direction. Upon review, Council came to consensus to proceed with this project.

8. **Discuss and take action on resolution appointing member to the Planning and Zoning/Board of Adjustment (Kelley)**
The Manager introduced the discussion regarding appointing David Kelley to the Planning and Zoning and Board of Adjustment. Upon a motion by Councilmember Phillips, seconded by Councilmember Campbell, Council unanimously approved Resolution #14-19 appointing Mr. David Kelley as a member of the Board of Adjustment and the Planning and Zoning Board by a vote of 5-0. (A copy of the resolution can be found in the Resolution Book.)

9. **Boy Scouts present their Village Flag Pole Project**
Frank Pacifico introduced the Village Flag Pole Project for the Village of Pinehurst explaining that on Saturday, March 8 Boy Scouts from Pinehurst Troop 7 measured the flagpoles within the Village and he introduced the Boy Scout representative to present the report to the Village Council. The representative of the Boy Scouts presented the history of the flag, protocol for displaying flags outdoors, measurements of the flagpoles, and flag size needed for these poles through the Village. Upon the conclusion of the presentation, the scout leader explained that his troop could help with any future retirement flag ceremonies.

10. **Other Business**
Councilmember Phillips inquired about the Welcome Center hours and materials during the U.S. Open Championships and Gwendy Hutchinson explained that the Welcome Center plans to be open from 10:00am-6:00pm.

11. **Comments from attendees.**

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Audience member Jean Casinella and Dough Middaugh submitted a letter of concern to the Village Council, Manager, and Clerk and addressed several of the items included at the Council meeting. Ms. Casinella suggested the roadside be fixed on Parker Lane for safety reasons. She also requested an online citizen request tool to place work orders around town. Ms. Casinella expressed concerns with not hiring an outside firm to hire for the Village Manager and Planning Director roles. She also addressed a concern regarding the railroad and problems with tanker cars. Ms. Casinella requested the content of the referendum that Council has discussed for the ballots in 2015 regarding the Community Center and possible tax increase. Council determined to address the details in the letter submitted at another open meeting once they had time to review everything.

12. Motion to Adjourn.

Councilmember Strickland moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Cashion and carried unanimously. The Regular Meeting adjourned at 5:46p.m.

Respectfully Submitted,

Lauren M. Craig
Village Clerk

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MINUTES OF
VILLAGE COUNCIL SPECIAL MEETING
APRIL 23, 2014

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
5:00 P.M.

The Pinehurst Village Council reconvened the Special Meeting at 5:00 P.M. on Wednesday, April 23, 2014 in the Council Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Clark H. Campbell, Councilmember
Ms. Claire L. Phillips, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andy Wilkison, Village Manager
Ms. Lauren Craig, Village Clerk
Mr. Bruce Gould, Senior Planner

And approximately 4 attendees, including 1 staff and 0 press.

1. Call to Order and Reconvened the Special Meeting from April 16, 2014.

Mayor Nancy Roy Fiorillo called the meeting to order and reconvened the Special Meeting from April 16.

2. Draft Pinehurst Development Ordinance Discussion Chapter 8-9.

Bruce Gould, Senior Planner led a discussion of the changes that are being proposed to the Pinehurst Development Ordinance. Mr. Gould covered additional changes for Council to consider regarding several Special Requirements (SR) to the Tables of Permitted and Special Uses. The group held a discussion further about the regulations of propane tanks, fencing for screening, and the importance of enforcement was also discussed. Bruce Gould agreed to contact local propane companies regarding their regulations for partial burials of tanks and actual size options from the local vendors to make sure any limitations Council determines to set in regards to size and weight follow the accurate depiction of what the local companies provide. Another regulation discussed was to prohibit the vending ice machines in the Village of Pinehurst. Next week Council will continue discussing Chapters 8-9 of the proposed Pinehurst Development Ordinance.

3. Adjournment.

At approximately 6:13 pm Councilmember Campbell moved to recess the Special Meeting until 5:00 pm on April 30th in the Council Conference Room. The motion was seconded by Councilmember Phillips and passed unanimously with a vote of 5-0.

Respectfully Submitted,

Lauren Craig,
Village Clerk

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MINUTES OF
VILLAGE COUNCIL SPECIAL MEETING
APRIL 30, 2014

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
5:00 P.M.

The Pinehurst Village Council reconvened the Special Meeting at 5:00 P.M. on Wednesday, April 30, 2014 in the Council Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Clark H. Campbell, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andy Wilkison, Village Manager
Ms. Lauren Craig, Village Clerk
Mr. Bruce Gould, Senior Planner

Excused absence: Ms. Claire L. Phillips, Councilmember

And approximately 6 attendees, including 1 staff and 0 press.

1. Call to Order and Reconvened the Special Meeting from April 23, 2014.

Mayor Nancy Roy Fiorillo called the meeting to order and reconvened the Special Meeting from April 23. Council briefly discussed scheduling needs for the individual meetings with Ellis Hankins on Tuesday, May 6 to create a profile for the Village Manager search.

2. Draft Pinehurst Development Ordinance Discussion Chapter 8-9.

Bruce Gould, Senior Planner led a discussion of the changes that are being proposed to the Pinehurst Development Ordinance. Mr. Gould covered additional information on propane tanks that was collected by staff with local gas companies (McNeil Oil, Eastwood Propane, Sandhills Propane, VanDerVeer's/Amerigas and Ferrellgas) and Council discussed the cost of burying propane tanks and staff agreed to verify this cost. Temporary Uses (All Districts) was reviewed with Council. Council agreed to edit SR-200 back to its original regulation for boat storage. Yard sales and estate/tag sales regulations were discussed and Council determined to change this to two sales allowed on the same property each year as currently regulated. Council reviewed items within Chapter 9 General Regulations.

Next week Council will continue discussing Chapter 9, including the fee-in-lieu of sidewalks section of the proposed Pinehurst Development Ordinance.

3. Adjournment.

At approximately 6:23pm Councilmember Cashion moved to recess the Special Meeting until 5:00 pm on May 7th in the Council Conference Room. The motion was seconded by Councilmember Campbell and passed unanimously with a vote of 5-0.

Respectfully Submitted,

Lauren Craig,
Village Clerk

DRAFT

ORDINANCE #14-20:

AN ORDINANCE AMENDING THE ORDINANCE APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2014, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA (INSURANCE PROCEEDS)

THAT WHEREAS, a Police patrol vehicle was damaged in an accident; and

WHEREAS, the damaged vehicle is considered essential to Police operations; and

WHEREAS, the Village's property insurance reimbursed the Village for a portion of the cost of the repairing the damaged vehicle and these funds were not included in the FY 2014-2015 Budget when it was originally adopted;

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

SECTION 1. To amend the General Fund with regard to revenues and expenditures, the revenue and expenditure accounts are to be changed as follows:

Account No.	Account Name	Debit	Credit
10-10-310-5903	Police: Fleet Maintenance ISF	$ 2,915	
10-00-120-3805	Insurance Proceeds		$ 2,915
10-00-960-5902	R&M: Vehicles	2,915	
10-00-960-3560	Charges to Other Depts.		2,915

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Village Council, Village Manager, and Director of Financial Services for their direction and implementation.

THIS ORDINANCE passed and adopted this 27th day of May 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

_____
Lauren M. Craig, Village Clerk

_____
Michael J. Newman, Village Attorney

DRAFT

The Village of PINEHURST NORTH CAROLINA

Application for

Voluntary Petition for Annexation

Location of Property: Midland Road near Knoll Road

Moore County Tax Map and Parcel Number: Parcel ID 20090101 and Parcel ID 00035897

Total area of the Property (acres): +/- 3.2 ac.

Property Owner Name: Citadel Development Group, LLC

Address: 120 St Mellions Drive, Pinehurst NC 28374 Telephone Number: 704.985.9200

1. The undersigned Patrick Molamphy, being owner of all real property located within the area described in the attached metes and bounds description, requests that such area be annexed into the Village of Pinehurst, North Carolina.
2. The area to be annexed is located at Walker Station
   A metes and bounds description of said property is attached hereto.
3. A map of the foregoing property, showing its relationship to the existing corporate limits of the Village, is attached hereto.
4. A complete copy of the last deed of record is attached hereto.
5. Two (2) copies of a boundary survey of the property to be annexed, including the following information:
   1. the Moore County Tax Map and Parcel Number
   2. the total area of the property (in acres)
   3. the name and address of the property owner(s)
6. This petition is presented under the authority contained in GS 160 A-31

Respectfully submitted this 17th day of January 2014

Attest _____

Secretary

(Name) Patrick Molamphy

(Address) 120 St Mellions Drive Pinehurst NC 28374

(Owner/President) Patrick Molamphy

I, Lauren M. Craig, Clerk to the Village Council of the Village of Pinehurst, do hereby certify that the sufficiency of the above referenced petition has been checked and found to be in compliance with G.S. 160A-31.

Lauren M Craig 2/5/14

Village Clerk Date

DESCRIPTION – VOLUNTARY PETITION FOR ANNEXATION BY THE CITADEL DEVELOPMENT GROUP, LLC

A CERTAIN PIECE OR PARCEL OF LAND, SITUATED ON THE SOUTHERLY SIDE OF MIDLAND ROAD IN THE VILLAGE OF PINEHURST, COUNTY OF MOORE, STATE OF NORTH CAROLINA AND DEPICTED AS "VOLUNTARY PETITION FOR ANNEXATION ON PARCEL ID 20090101 AND A PORTION OF PARCEL ID 0035897 BY THE CITADEL DEVELOPMENT GROUP, LLC 140,046 SQ.FT. OR 3.22± ACRES " ON A PLAT ENTITLED "VOLUNTARY PETITION FOR ANNEXATION INTO THE VILLAGE OF PINEHURST PREPARED FOR PREPARED FOR CITADEL DEVELOPMENT GROUP, LLC, PARCEL ID 20090101 AND A PORTION OF PARCEL ID 0035897 - MIDLAND ROAD, MCNEIL TOWNSHIP, MOORE COUNTY, PINEHURST, NORTH CAROLINA DATED 01-10-2014, SCALE 1"=50' JOB NO. 13702, SHEET 1 OF 1" SAID PARCEL BEING BOUNDED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF REFERENCE MARKED BY CONCRETE MONUMENT LOCATED IN THE SOUTHERLY STREET LINE OF MIDLAND ROAD AT THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF LAUREN S. HOLLAND. SAID POINT ALSO MARKS THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT GROUP, LLC .

THENCE, S 09° 43' 34" W A DISTANCE OF 299.58 FEET TO A THE TRUE POINT AND PLACE OF BEGINNING. SAID POINT BEING THE NORTHEASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, S 09° 43' 34" W ALONG OTHER LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT A DISTANCE OF 699.56 FEET TO A POINT MARKING THE SOUTHEASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, N 80° 16' 02" W A DISTANCE OF 99.96 FEET TO A POINT.

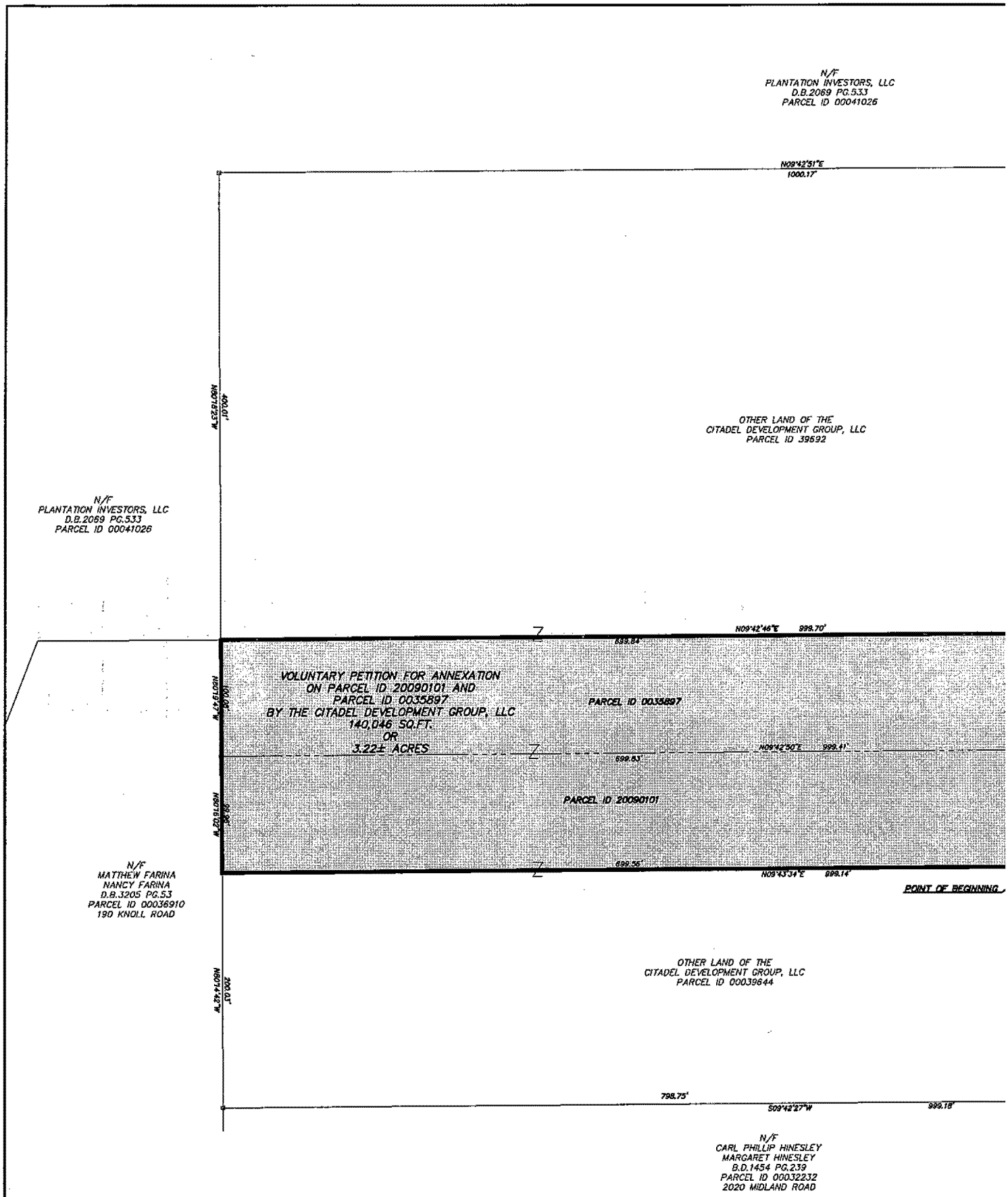
THENCE, N 80°19' 47" W A DISTANCE OF 100.08 FEET TO A POINT MARKING THE SOUTHWESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED. THE LAST TWO COURSES BEING ALONG LAND NOW OR FORMERLY OF MATTHEW AND NANCY FARINA.

THENCE, N 09°42' 46" E ALONG OTHER LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT A DISTANCE OF 699.84 FEET TO A POINT MARKING THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, S 80°11' 06" E A DISTANCE OF 100.09 FEET TO A POINT.

THENCE, S 80°09' 47" E A DISTANCE OF 100.11 FEET TO THE POINT AND PLACE OF BEGINNING.

SAID PARCEL CONTAINS 140,046 SQUARE FEET OR 3.22 ACRES MORE OR LESS.


N/F
PLANTATION INVESTORS, LLC
D.B.2069 PG.533
PARCEL ID 00041026
N09°42'51"E
1000.17'
N/F
PLANTATION INVESTORS, LLC
D.B.2069 PG.533
PARCEL ID 00041026
OTHER LAND OF THE
CITADEL DEVELOPMENT GROUP, LLC
PARCEL ID 39692
N09°42'46"E 999.70'
699.84'
VOLUNTARY PETITION FOR ANNEXATION
ON PARCEL ID 20090101 AND
PARCEL ID 0035897
BY THE CITADEL DEVELOPMENT GROUP, LLC
140,046 SQ.FT.
OR
3.22± ACRES
PARCEL ID 0035897
N09°42'50"E 999.41'
699.83'
PARCEL ID 20090101
699.35'
N09°43'34"E 999.14'
POINT OF BEGINNING
N/F
MATTHEW FARINA
NANCY FARINA
D.B.3205 PG.53
PARCEL ID 00036910
190 KNOLL ROAD
OTHER LAND OF THE
CITADEL DEVELOPMENT GROUP, LLC
PARCEL ID 00039644
798.75'
S09°42'27"W 999.18'
N/F
CARL PHILLIP HINESLEY
MARGARET HINESLEY
B.D.1454 PG.239
PARCEL ID 00032232
2020 MIDLAND ROAD

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

WHEREAS, Align Development LLC, Julie Sutton, Lizzie Covington, and Marian Baker (collectively "Claimants") may have claims against the Village of Pinehurst and Village of Pinehurst Village Council (together hereinafter referred to as "Village of Pinehurst") for discrimination in land-use decisions or in the permitting of development based on the fact that a proposed development contains affordable housing units for individuals with incomes below eighty percent of the area median income; discrimination in land-use decisions or in the permitting of a proposed development based on race; otherwise making unavailable or denying housing because of race; statements indicating any preference, limitation, or discrimination based on the fact that a proposed development contains affordable housing units for individuals with incomes below eighty percent of the area median income, by refusing to approve, blocking or otherwise interfering with the development of an affordable housing apartment complex (the "Claims");

WHEREAS, the Village of Pinehurst denies any liability for the aforementioned claims.

WHEREAS, the purpose of this agreement is to settle and compromise the dispute between the parties;

WHEREAS, it is understood and agreed that this is a compromise settlement agreement and full release in satisfaction of the claims and demands and that the furnishing of the consideration for this agreement shall not be deemed or construed as an admission of liability.

WHEREAS, the parties have agreed to settle the Claims through this Settlement Agreement and Release of Claims;

In consideration of the rights and benefits conferred on each party, the parties have agreed to enter into the following SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS (the "Agreement");

1. EFFECTIVE DATE: the parties agree that this Agreement is effective upon the payment of the Monetary Payment set forth below;

2. MONETARY PAYMENT: The Village of Pinehurst shall pay the lump sum payment of $90,000 in the form of a check made payable to "Relman, Dane & Colfax PLLC" within 14 days of the execution of the Agreement. The payment shall be sent to Reed Colfax, Relman, Dane & Colfax, 1225 Nineteenth Street, NW, #600, Washington, D.C. 20036. This payment is inclusive of all monetary payments to be made by Village of Pinehurst to all Claimants, including, but not limited to, attorneys' fees and costs.

3. OTHER RELIEF: The Village of Pinehurst agrees to the following:

a. Defendants shall not (a) make unavailable or deny a dwelling to any person because of race, color, or the fact that a proposed development contains affordable housing units for

individuals with incomes below eighty percent of the area median income and/or (b) interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right protected by the federal Fair Housing Act or the North Carolina State Fair Housing Act;

b. The Village of Pinehurst has agreed to permit the construction of Pinehurst Senior Apartments, a 56-unit senior affordable rental housing community on a parcel of property **currently** within the Extra Territorial Jurisdiction of Village of Pinehurst, North Carolina **and being further defined as a portion or Moore County LRK # 00022010 in accordance with Village of Pinehurst Ordinance #14-09**. The Village of Pinehurst shall not obstruct or delay any aspect of construction or completion of Pinehurst Senior Apartments including with respect to the timing, level, and issuance, as applicable, of inspections, approvals, occupancy permits, and other similar matters. If permits or approvals are required from Moore County, the State of North Carolina, or any other entity for the construction or completion of Pinehurst Senior Apartments, the Village of Pinehurst shall work with Align Development LLC and Julie Sutton to obtain as promptly as possible, in the normal and ordinary course of business, the necessary permits and approvals. If modifications, changes, or clarifications to the plans for, or construction of, Pinehurst Senior Apartments become necessary during the pendency of its construction, the Village of Pinehurst shall work cooperatively and in good faith with Align Development LLC and Julie Sutton to handle these matters reasonably and in the ordinary course of permitting and construction. Nothing in this paragraph shall be construed to prevent the Village of Pinehurst from applying its zoning requirements in a non-discriminatory manner and from ensuring that Pinehurst Senior Apartments complies with valid requirements of applicable law.

4. RELEASE: It is understood and agreed that the following is a full, complete, and final general release of any and all claims described as aforesaid, and each party agrees that it shall apply to all unknown, unanticipated, unsuspected, and undisclosed claims, demands, liabilities, actions or causes of action, in law, equity or otherwise, as well as those which are now known, anticipated, suspected or disclosed.

a. General Mutual Release: The parties hereby forever generally and completely release and discharge the opposing parties and their servants, agents, directors, officers, employees and all others, of and from any and all claims and demands of any kind and nature, in law, equity or otherwise, known or unknown, suspected or unsuspected, disclosed and undisclosed, and in particular of and from all claims, demands of every kind and nature, known or unknown, suspected or unsuspected, disclosed and undisclosed, for damages, actual and consequential, past, present and future, arising out of or in any way related to their respective obligations, activities, dealings with one another at any time prior to the date hereof, including (without limitation) all such claims and demands arising out of or in any way related to the alleged but denied claims and causes of action for otherwise making unavailable or denying housing because of race and/or affordable housing characteristic by refusing to approve, blocking or interfering with the development of Pinehurst Senior Apartments.

5. WARRANTIES AND REPRESENTATIONS: Claimants warrant and represent that there are no liens or claims of liens or assignments in law or equity or otherwise of or against any of the

claims or causes of action released herein and, further, that each party is fully entitled and duly authorized to give this complete and final general release and discharge.

6. COMPLETE AGREEMENT: This agreement contains the entire agreement between the parties hereto and constitutes the complete, final, and exclusive embodiment of their agreement with respect to the subject matter hereof. The terms of the Agreement are contractual and not a mere recital. The Agreement is executed by the parties without reliance on any promise, warranty or representation by any party or any representative of any party other than those expressly contained herein, and each party has carefully read this Agreement, has been advised of its meaning and consequences by his or her respective attorney, and signs the same of his, her or its free will.

7. COUNTERPARTS: This Agreement may be signed in counter-parts.

Dated:_____ _____
_____ for
Village of Pinehurst

Dated:_____ _____
Charles Grant for
Align Development LLC

Dated: _____ _____
Julie Sutton

Dated:_____ _____
Lizzie Covington

Dated:_____ _____
Marian Baker

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Mayor Fiorillo and Village Council
From: Bruce Gould, Senior Planner
Cc: Andy Wilkison, Village Manager
Lauren Craig, Village Clerk
Date: May 20, 2014
Subject: Public Hearing #1. Consideration of a Voluntary Petition for Annexation/Walker Station

Applicant:	Pat Molamphy (Citadel Development Group, LLC)
Owners:	Pat Molamphy (Citadel Development Group, LLC)
Property Location:	Walker Station Subdivision/Midland Rd.
Rezoning:	CU-R-MF (multi-family) is established as a district in which the principal use of land is for multi-family and single-family dwellings.
Current Land Use:	Subdivision under construction
Proposed Land Use:	70 Residential Units
Moore County LRK#:	00035897 and 20090101

The applicant requests a voluntary annexation of the +/- 3.2 acres of property of the development that is currently not within the corporate limits of Pinehurst. This petition is to annex land that is contiguous to the existing corporate boundary of Pinehurst and therefore is regulated by G.S. 160A-31. As required in G.S 160A-361once the Village Clerk has certified the petition a Public Hearing before the Village Council is required. Action is not required by the Planning and Zoning Board for annexation petitions.

Analysis:

This proposed annexation will fill an existing void within the development and the corporate limits and will better facilitate the administration of Village services, including street maintenance, garbage collection and police protection.

Staff has notified Aberdeen, Foxfire, Carthage and Southern Pines of this petition as required by or annexation agreements and heard no feedback.

The area to be annexed is located on the Pinehurst side of the annexation agreement with Southern Pines and is consistent with the Village of Pinehurst Comprehensive Long Range Plan

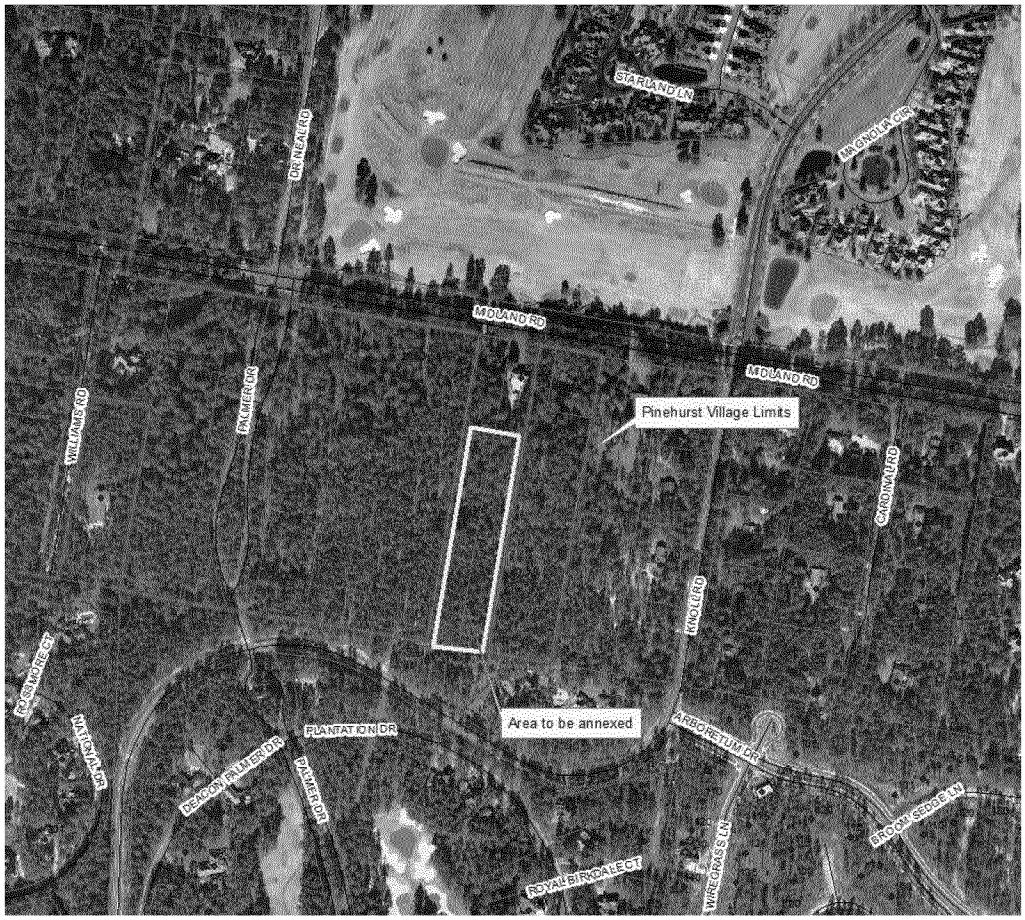
The area to be annexed is currently within the Pinehurst Fire District so no reimbursement of existing debt to another fire department will be required.

The current tax value of the property is $84,300. It should be noted that this calculation does not reflect the infrastructure and amenities that have been installed nor the platting of individual lots that has yet to occur. As the neighborhood builds out, this figure will climb considerably.

Recommendation:

Village staff recommends approval of this petition for a contiguous voluntary annexation. An ordinance to do so has been drafted and included. It is further recommended that this ordinance be adopted with an effective date for the annexation of June 30th 2014 in order to eliminate a prorated property tax scenario for this fiscal year. This is not a text amendment or a rezoning so no comprehensive plan consistency statement is required.

Map:



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.

DRAFT

Adopted this 27th day of May, 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT

ORDINANCE #14-21:

AN ORDINANCE AMENDING THE ORDINANCE APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2014, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND (SOLID WASTE VEHICLE PURCHASE).

THAT WHEREAS, a Yard Debris Collection report was presented to the Village Council on October 22, 2013 with recommendations to improve the Village's solid waste collection practices through process redesign and automation; and

WHEREAS, the study recommended automating the collection of yard debris materials in the Village by January 1, 2015; and

WHEREAS, the Village has included the purchase of an additional automated solid waste vehicle in the proposed FY 2014-2015 Budget, but the automated vehicle requires six-months to manufacture deliver; and

WHEREAS, in order to automate the collection of yard debris by January 1, 2015, the vehicle must be ordered prior to July 1, 2014;

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

SECTION 1. To amend the General Fund with regard to revenues and expenditures, the revenue and expenditure accounts are to be changed as follows:

Account No.	Account Name	Debit	Credit
10-00-960-7500	Capital Outlay: Vehicles	$ 175,000	
10-00-960-3560	Charges to Other Depts.		$ 175,000
10-30-510-7510	Capital Outlay: Fleet	$ 175,000	
10-00-190-3905	Fund Balance Appropriated		$ 175,000

SECTION 2. Copies of this budget amendment shall be furnished to the Village Clerk, Village Manager and to the Financial Services Director for their direction and implementation.

Adopted this the 27th day of May 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

DRAFT

Attest:

Approved as to Form:

_____

Lauren M. Craig, Village Clerk

_____

Michael J. Newman, Village Attorney

DRAFT

ORDINANCE #14-22:

AN ORDINANCE AMENDING SECTION 130 OF THE PINEHURST MUNICIPAL CODE AS IT PERTAINS TO UNMANNED AIRCRAFT SYSTEMS.

THAT, WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the "Village of Pinehurst, North Carolina Municipal Code;" and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

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

SECTION 1. That Section 130 of the Village of Pinehurst, North Carolina Municipal Code is hereby amended, which shall read as follows:

§ 130.06 UNMANNED AIRCRAFT SYSTEMS

(A) Findings. The Committee on Unmanned Aircraft Systems of the Legislative Research Commission of the North Carolina General Assembly has found that unmanned aircraft systems have the potential to be a valuable tool in many areas, including law enforcement, public safety, agriculture and business. Additionally, the development and manufacture of unmanned aircraft systems could prospectively bring industry and jobs to the State. The Committee also recognizes the possibility for inappropriate and criminal usage of unmanned aircraft systems, and finds that there should be some guidance and regulation governing the lawful operation of unmanned aircraft systems.

(B) Definitions. As used in this section, the following definition shall apply, unless the context clearly indicates or requires a different meaning.

UNMANNED AIRCRAFT. **An aircraft that is operated without the possibility of human intervention from within or on the aircraft.**

UNMANNED AIRCRAFT SYSTEM. **An unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.**

DRAFT

MODEL AIRCRAFT. **An unmanned aircraft limited to not more than 10 pounds flown within visual line of sight of the person operating the aircraft for recreational and hobby purposes only.**

(C) Restrictions on use of unmanned aircraft systems. No person shall operate an unmanned aircraft system in the corporate limits of the Village of Pinehurst during the period of June 6 through June 24, 2014. This restriction shall not apply to the operation of a model aircraft as defined in Item B above.

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

SECTION 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 27th day of May, 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT

ORDINANCE #14-23:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF PINEHURST, NORTH CAROLINA.

THAT WHEREAS, the Village Council of the Village of Pinehurst has received a voluntary petition for annexation on January 27, 2014 under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Village Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Pinehurst Village Hall, 395 Magnolia Road at 4:30 p.m. on May 27, 2014 after due notice; and

WHEREAS, the Village Council finds that the petition meets the requirements of G.S. 160A -31 and that the areas to be annexed are contiguous to its boundaries.

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

SECTION 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous properties owned by the Citadel Development Group, LLC are hereby annexed and made part of the Village of Pinehurst as of June 30, 2014:

A Portion of Walker Station Subdivision, Moore County, North Carolina

A CERTAIN PIECE OR PARCEL OF LAND, SITUATED ON THE SOUTHERLY SIDE OF MIDLAND ROAD IN THE VILLAGE OF PINEHURST, COUNTY OF MOORE, STATE OF NORTH CAROLINA AND DEPICTED AS "VOLUNTARY PETITION FOR ANNEXATION ON PARCEL ID 20090101 AND A PORTION OF PARCEL ID 0035897 BY THE CITADEL DEVELOPMENT GROUP, LLC 140,046 SQ.FT. OR 3.22± ACRES " ON A PLAT ENTITLED "VOLUNTARY PETITION FOR ANNEXATION INTO THE VILLAGE OF PINEHURST PREPARED FOR PREPARED FOR CITADEL DEVELOPMENT GROUP, LLC, PARCEL ID 20090101 AND A PORTION OF PARCEL ID 0035897 - MIDLAND ROAD, MCNEIL TOWNSHIP, MOORE COUNTY, PINEHURST, NORTH CAROLINA DATED 01-10-2014, SCALE 1"=50' JOB NO. 13702, SHEET 1 OF 1" SAID PARCEL BEING BOUNDED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF REFERENCE MARKED BY CONCRETE MONUMENT LOCATED IN THE SOUTHERLY STREET LINE OF MIDLAND ROAD AT THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF LAUREN S. HOLLAND. SAID POINT ALSO MARKS THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT GROUP, LLC.

DRAFT

THENCE, S 09º 43' 34" W A DISTANCE OF 299.58 FEET TO A THE TRUE POINT AND PLACE OF BEGINNING. SAID POINT BEING THE NORTHEASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, S 09º 43' 34" W ALONG OTHER LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT A DISTANCE OF 699.56 FEET TO A POINT MARKING THE SOUTHEASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, N 80º 16' 02" W A DISTANCE OF 99.96 FEET TO A POINT.

THENCE, N 80º19' 47" W A DISTANCE OF 100.08 FEET TO A POINT MARKING THE SOUTHWESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED. THE LAST TWO COURSES BEING ALONG LAND NOW OR FORMERLY OF MATTHEW AND NANCY FARINA.

THENCE, N 09º42' 46" E ALONG OTHER LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT A DISTANCE OF 699.84 FEET TO A POINT MARKING THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, S 80º11' 06" E A DISTANCE OF 100.09 FEET TO A POINT.

THENCE, S 80º09' 47" E A DISTANCE OF 100.11 FEET TO THE POINT AND PLACE OF BEGINNING.

SAID PARCEL CONTAINS 140,046 SQUARE FEET OR 3.22 ACRES MORE OR LESS.

SECTION 2. Upon and after June 30, 2014, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Pinehurst and shall be entitled to the same privileges and benefits as other parts of the Village of Pinehurst. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the Village of Pinehurst shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary State at Raleigh, North Carolina, an accurate map of the annexed territory attached to the ordinance as attachment #1, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

THIS ORDINANCE passed and adopted this 27th day of May, 2014.

DRAFT

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

CERTIFICATION

I, LAUREN M. CRAIG, VILLAGE CLERK, of the Village of Pinehurst, North Carolina, do hereby certify that this is a true and accurate copy of Ordinance #14-___ adopted by the Village Council in a regular meeting assembled on the 27th day of May, 2014.

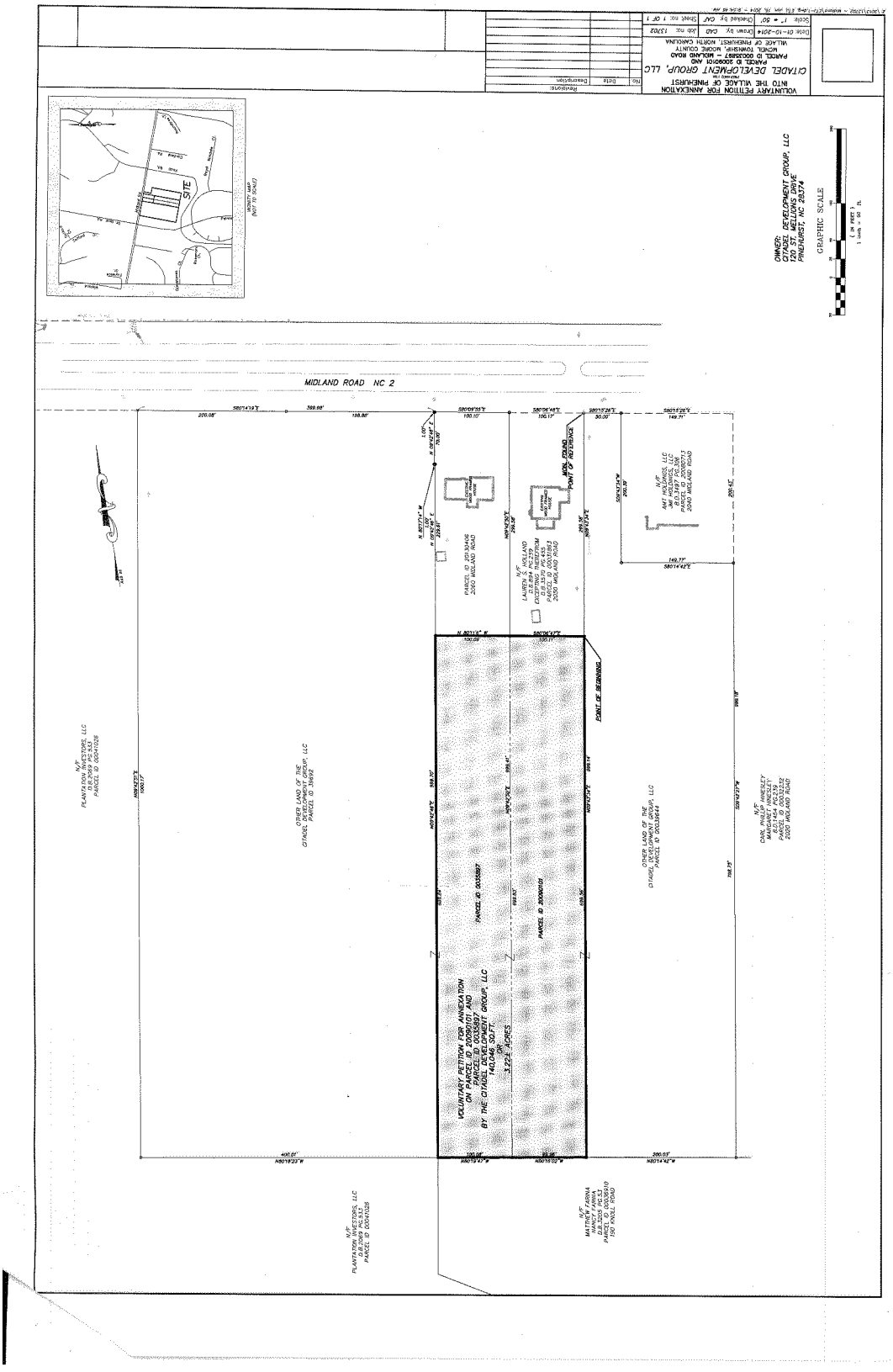
WITNESS MY HAND AND OFFICIAL SEAL of the Village of Pinehurst, North Carolina this 27th day of May, 2014.

_____
Lauren M. Craig
Village Clerk

(Municipal Seal)

DRAFT

Attachment #1



NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING
RALEIGH, NC 27601

April 23, 2014

TO THE MEMBERS OF THE LEGISLATIVE RESEARCH COMMISSION:

Attached for your consideration is the report to the 2014 Regular Session of the 2013 General Assembly. This report was prepared by the Legislative Research Commission's Committee on Unmanned Aircraft Systems, pursuant to G.S. 120-30.17(1).

Representative Mitchell S. Setzer
Co-Chair

Representative John A. Torbett
Co-Chair

Co-Chairs
Committee on Unmanned Aircraft Systems
Legislative Research Commission

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LEGISLATIVE RESEARCH COMMISSION

COMMITTEE ON UNMANNED AIRCRAFT SYSTEMS

NORTH CAROLINA GENERAL ASSEMBLY

DRAFT

REPORT TO THE 2014 SESSION of the 2013 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL, 2014

A LIMITED NUMBER OF COPIES OF THIS REPORT ARE AVAILABLE FOR DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY

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LEGISLATIVE PROPOSAL #1
AN ACT TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON UNMANNED AIRCRAFT SYSTEMS

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TRANSMITTAL LETTER

May 13, 2014

TO THE MEMBERS OF THE 2014 REGULAR SESSION
OF THE 2013 GENERAL ASSEMBLY

The Legislative Research Commission herewith submits to you for your consideration its report and recommendations to the 2014 Regular Session of the 2013 General Assembly. The report was prepared by the Legislative Research Commission's Committee on Unmanned Aircraft Systems, pursuant to G.S. 120-30.17(1).

Respectfully submitted,

Senator Thomas M. Apodaca

Representative Timothy K. Moore

Co-Chairs
Legislative Research Commission

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LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

2013 – 2014

Senator Thomas M. Apodaca
Co-Chair

Senator Phil Berger, Ex Officio
Senator Dan Blue
Senator Harry Brown
Senator Martin L. Nesbitt, Jr.

Representative Timothy K. Moore
Co-Chair

Representative Thom Tillis, Ex Officio
Representative John M. Blust
Representative Justin P. Burr
Representative Becky Carney
Representative Mike D. Hager

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PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is co-chaired by the President Pro Tempore of the Senate and the Speaker of the House of Representatives and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigation into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission authorized the study of **Unmanned Aircraft Systems**, under authority of G.S. 120-30.17(1). The Committee was chaired by Representative Mitchell S. Setzer and Representative John A. Torbett, Co-Chairs of the Committee. The full membership of the Committee is listed under Committee Membership. A committee notebook containing the committee minutes and all information presented to the committee will be filed in the Legislative Library by the end of the **2013-2014** biennium.

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COMMITTEE PROCEEDINGS

The Legislative Research Commission's Committee on Unmanned Aircraft Systems met four times after the 2013 Regular Session. The Committee's Charge can be found here. The electronic documents accompanying the presentations can be found here. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

January 21, 2014

The Committee held its first meeting on Tuesday, January 21, 2014, at 1:00 p.m. in Room 1228/1327 of the Legislative Building, with Co-Chair Rep. Mitchell Setzer presiding.

Committee Counsel Bill Patterson reviewed the Committee Charge and explained the limit on the number of meetings and the deadlines for the Committee's report to the Legislative Research Commission.

The Committee received a presentation by Chris Estes, State Chief Information Officer, who provided an introduction to Unmanned Aircraft Systems in North Carolina.

Kyle Snyder, Director, NextGen Air Transportation Center (NGAT), Institute of Transportation Research and Education, gave the Committee an overview of NGAT's North Carolina UAS program.

Committee Counsel Susan Sitze presented a summary of existing State laws that are potentially relevant to activities conducted with the use of UAS.

February 17, 2014

The Committee held its second meeting on Monday, February 17, 2014, at 1:00 p.m. in Room 544 of the Legislative Office Building, with Co-Chair Rep. John Torbett presiding.

The Committee received the following presentations at this meeting:

- Chief Brandon Zuidema, Garner Police Department, and Region VII Director of the North Carolina Association of Chiefs of Police, expressed the Association's concern that premature or overly restrictive regulation could prevent legitimate and valuable uses of UAS technology by law enforcement, and conveyed the Association's request that the Committee defer any action on proposed legislation to regulate UAS.
- State Highway Patrol Sergeant M.A. “Mat” Tribula, Unit Commander/Chief Pilot, Aircraft Operations, expressed the Patrol's concern that UAS operation

in North Carolina will endanger the safety of its piloted aircraft because there is no way to warn the pilot of a potential UAS collision hazard.

- Jason Barton, KSI Video, gave the Committee a presentation describing the way in which private industry manages and archives data obtained by means of UAS.
- Barry Summers, attending as a member of the public from Asheville, requested the opportunity to address the Committee and was recognized to do so. Mr. Summers asked that the Committee consider how State regulation of UAS may be affected by federal regulation or by federal authorization for the U.S. military to use military grade UAS in domestic airspace, and to address the 4th Amendment issues involved in the use of UAS by law enforcement.

Before adjourning, the Committee discussed the issues raised by these presentations, and Rep. Torbett encouraged the members to come to the Committee's next meeting prepared to discuss any suggestions they may have for recommendations to be included in the Committee's report.

March 17, 2014

The Committee held its third meeting on Monday, March 17, 2014, at 1:00 p.m. in Room 1128/1327 of the Legislative Building, with Co-Chair Rep. Mitchell Setzer presiding.

Ted Lindsley, CEO, Olaeris, spoke to the Committee remotely from Thailand via Skype. Mr. Lindsley's presentation addressed potential economic benefits to North Carolina in supporting the development of commercial UAS use and his company's goal of building the nation's first statewide UAS network in North Carolina. Mr. Lindsley encouraged the Committee to support approval of the governance plan for UAS and sufficient budget for the NGAT Center at N.C. State University.

The Committee received a presentation from Young Kim, General Manager, BOSH Precision Agriculture, who described the potential economic benefits of using UAS to boost productivity in the agriculture industry.

Chris Estes, State Chief Information Officer, presented the Committee with a summary of his March 2014 report to the Joint Legislative Oversight Committee on Information Technology.

Committee Counsel Susan Sitze summarized the provisions of a draft bill to regulate the use of UAS in North Carolina.

Kyle Snyder, Director, NextGen Air Transportation Center, Institute of Transportation Research (ITRE), North Carolina State University, told the Committee that agencies were asking for more time concerning UAS regulations.

Sarah Preston, Policy Director, American Civil Liberties Union of North Carolina, presented a statement to the Committee supporting legislation to require law enforcement agencies to obtain a warrant before using UAS to collect evidence against an individual.

Before adjourning, the Committee discussed the issues raised in the presentations and the use of current laws with small modifications as needed to address UAS.

April 23, 2014

The Committee held its fourth and final meeting on Wednesday, April 23, 2014, at 2:00 p.m., with Co-Chair Rep. John A. Torbett presiding. The Committee approved the final report.

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FINDINGS AND RECOMMENDATIONS

The Committee on Unmanned Aircraft Systems finds that unmanned aircraft systems have the potential to be a valuable tool in many areas, including law enforcement, public safety, agriculture, and business. Additionally, the development and manufacture of unmanned aircraft systems could prospectively bring industry and jobs to the State. However, the Committee also recognizes the possibility for inappropriate and criminal usage of unmanned aircraft systems, and finds that there should be some guidance and regulation governing the lawful operation of unmanned aircraft systems.

Therefore, the Committee recommends the enactment of Legislative Proposal #1.

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COMMITTEE MEMBERSHIP

2013-2014

House of Representatives Members:

Representative Mitchell S. Setzer, Co-Chair
Representative John A. Torbett, Co-Chair

Representative Nathan Baskerville
Representative John Faircloth
Representative Carl Ford
Representative Jim Fulghum, M.D.
Representative Pricey Harrison
Representative Tim D. Moffitt
Representative Michael Speciale
Representative Joe P. Tolson
Representative Chris Whitmire

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COMMITTEE CHARGE

Unmanned Aircraft Systems - The LRC Study Committee on Unmanned Aircraft Systems shall study both the safety and privacy of its citizens, as well as the economic benefits of enabling unmanned aircraft systems ("UAS"), UAS sub-systems, and peripheral support industries and sciences to develop governmental needs and provide commercial growth in the private and academic sectors in the State. This study shall examine:

(1) The integration of unmanned aircraft into the national airspace (NAS).
(2) The diverse operational uses for UAS in the areas of search and rescue, natural disaster mitigation, law enforcement operations, surveying, environmental monitoring and infrastructure monitoring.
(3) Potential economic benefits to the State through the development of UAS.
(4) Potential privacy concerns and considerations related to the deployment and use of UAS.
(5) Potentially viable commercial applications for UAS-enabled technology in the future.
(6) Any other issues pertinent to this study.

Additionally, the committee shall study issues concerning legal and constitutional limitations of UAS technology. These shall include:

(1) Government limitations prescribed in the United States Constitution and North Carolina Constitutions concerning illegal searches using UAS technology.
(2) Whether the common law warrant exceptions developed from the 4th Amendment to the United States Constitution extend to the use of UAS including:
    (a) Imminent harm to life or property.
    (b) Felony pursuit.
    (c) Imminent description of evidence, etc.
(3) The scope of data that may be collected.
(4) Penalties for unauthorized data collection.
(5) Admissibility and limitations of evidence collected by UAS technology.
(6) Data retention and destruction of unauthorized information collected by UAS technology.
(7) Reporting requirements identifying who used the technology pursuant to a warrant, the offense specified in the warrant, and the nature of the property or person searched.
(8) Potential extenuating circumstances where legal clarity is needed.

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STATUTORY AUTHORITY

NORTH CAROLINA GENERAL STATUTES
ARTICLE 6B.

Legislative Research Commission.

§ 120-30.17. Powers and duties.

The Legislative Research Commission has the following powers and duties:

(1) Pursuant to the direction of the General Assembly or either house thereof, or of the chairmen, to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner.

(2) To report to the General Assembly the results of the studies made. The reports may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations.

(3), (4) Repealed by Session Laws 1969, c. 1184, s. 8.

(5), (6) Repealed by Session Laws 1981, c. 688, s. 2.

(7) To obtain information and data from all State officers, agents, agencies and departments, while in discharge of its duty, pursuant to the provisions of G.S. 120-19 as if it were a committee of the General Assembly.

(8) To call witnesses and compel testimony relevant to any matter properly before the Commission or any of its committees. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission and its committees as if each were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this subsection, the subpoena shall also be signed by the members of the Commission or of its committee who vote for the issuance of the subpoena.

(9) For studies authorized to be made by the Legislative Research Commission, to request another State agency, board, commission or committee to conduct the study if the Legislative Research Commission determines that the other body is a more appropriate vehicle with which to conduct the study. If the other body agrees, and no legislation specifically provides otherwise, that body shall conduct the study as if the original authorization had assigned the study to that body and shall report to the General Assembly at the same time other studies to be conducted by the Legislative Research Commission are to be reported. The other agency shall conduct the transferred study within the funds already assigned to it.

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LEGISLATIVE PROPOSALS

LEGISLATIVE PROPOSAL #1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H **D**

BILL DRAFT 2013-SAz-16A [v.7] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/15/2014 12:29:48 PM

Short Title:	Unmanned Aircraft Regulation.	(Public)
Sponsors:	Representative.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON UNMANNED AIRCRAFT SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 15A of the General Statutes is amended by adding a new Article to read:

"Article 16B.

USE OF UNMANNED AIRCRAFT SYSTEMS

"§ 15A-300.1. Restrictions on use of unmanned aircraft systems.

(a) The following definitions apply to this section:

(1) Manned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated with a person in or on the aircraft.

(2) Unmanned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated without the possibility of human intervention from within or on the aircraft.

(3) Unmanned aircraft system. – An unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

(b) Except as otherwise provided in this section, no person, entity, or State agency shall use an unmanned aircraft system to do any of the following:

(1) Conduct surveillance of:

a. An individual or a dwelling owned by an individual and that dwelling's curtilage, without the individual's written consent.

b. A farm, dairy, ranch or other agricultural industry without the written consent of the owner of the farm, dairy, ranch or other agricultural industry.

(2) Photograph an individual, without the individual's written consent, for the purpose of publishing or otherwise publicly disseminating the photograph.

(c) Notwithstanding the provisions of subsection (b) of this section, the use of unmanned aircraft systems by law enforcement agencies of the State, or a political subdivision of the State, is not prohibited in the following instances:

(1) To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk.

(2) To conduct surveillance that would not require a warrant if conducted by a manned aircraft.

(3) If the law enforcement agency first obtains a search warrant authorizing the use of an unmanned aircraft system.

(4) If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to facilitate the search for a missing person.

(5) To photograph gatherings of the public on public or private land.

(d) Any person who is the subject of unwarranted surveillance, or whose photograph is taken in violation of the provisions of this section, shall have a civil cause of action against the person, entity or State agency that conducts the surveillance, or that uses an unmanned aircraft system to photograph for the purpose of publishing or otherwise disseminating the photograph.

(e) Evidence obtained or collected in violation of this section is not admissible as evidence in a criminal prosecution in any court of law in this State."

SECTION 2. Chapter 14 of the General Statutes is amended by adding a new article to read:

Article 2F.

CRIMES BY UNMANNED AIRCRAFT SYSTEMS.

"**§ 14-7.45. Crimes committed by use of unmanned aircraft systems.**

All crimes committed by use of an unmanned aircraft system, as defined in G.S. 15A-300.1, while in flight over this State shall be governed by the laws of this State; and the question of whether the conduct by an unmanned aircraft system while in flight over this State constitutes a crime by the owner of the unmanned aircraft system shall be determined by the laws of this State."

SECTION 3. Article 36 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-280.3. Interference with manned aircraft by unmanned aircraft systems.**

(a) Any person who willfully damages, disrupts the operation of, or otherwise interferes with a manned aircraft through use of an unmanned aircraft system, while the

manned aircraft is taking off, landing, in flight, or otherwise in motion, is guilty of a Class H felony.

(b) The following definitions apply to this section:

(1) Manned aircraft. – As defined in G.S. 15A-300.1.

(2) Unmanned aircraft system. – As defined in G.S. 15A-300.1"

SECTION 4. Article 52 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

(a) It shall be a Class I felony for any person to possess or use an unmanned aircraft or unmanned aircraft system that has a weapon attached.

(b) It shall be a Class 3 misdemeanor for any person to fish or to hunt using an unmanned aircraft system.

(c) The following definitions apply to this section:

(1) To fish. – As defined in G.S. 113-130.

(2) To hunt. – As defined in G.S. 113-130.

(3) Unmanned aircraft. – As defined in G.S. 15A-300.1.

(4) Unmanned aircraft system. – As defined in G.S. 15A-300.1

(5) Weapon. – Those weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or 14-288.8, and any other object capable of inflicting serious bodily injury or death when used as a weapon.

(d) This section shall not prohibit possession or usage of an unmanned aircraft or unmanned aircraft system that is authorized by federal law or regulation."

SECTION 5.(a) Chapter 63 of the General Statutes is amended by adding a new article to read:

"Article 10.

"**OPERATION OF UNMANNED AIRCRAFT SYSTEMS.**

"**§ 63-95. Training required for operation of unmanned aircraft systems.**

(a) As used in this Article, the term "Division" means the Division of Aviation of the Department of Transportation.

(b) The Division shall develop a knowledge and skills test for operating an unmanned aircraft system that complies with all applicable State and federal regulations, and shall provide for administration of the test. The Division may permit a person, including an agency of this State, an agency of a political subdivision of this State, an employer, or a private training facility to administer the test developed pursuant to this subsection, provided the test is the same as that administered by the Division and complies with all applicable State and federal regulations.

(c) No agent or agency of the State, or agent or agency of a political subdivision of the State, may operate an unmanned aircraft system within the State without completion of the test set forth in subsection (b) of this section."

"**§ 63-96. License required for commercial operation of unmanned aircraft systems.**

(a) No person shall operate an unmanned aircraft system, as defined in G.S. 15A-300.1, in this State for commercial purposes unless the person is in possession of a license issued by the Division valid for the unmanned aircraft system being operated. Application for such license shall be made in the manner provided by the Division.

Unless suspended or revoked, the license shall be effective for a period to be established by the Division not exceeding eight years.

(b) No person shall be issued a license under this section unless all of the following apply:

(1) The person is at least 21 years of age.

(2) The person possesses a valid driver's license issued by any state or territory of the United States or the District of Columbia.

(3) The person has passed the knowledge and skills test for operating an unmanned aircraft system as prescribed in G.S. 63-95(b).

(4) The person has satisfied all other applicable requirements of this Article or federal regulation.

(c) A license to operate an unmanned aircraft system for commercial purposes shall not be issued to a person while the person's license to operate an unmanned aircraft system is suspended, revoked, or cancelled in any state.

(d) The Division shall develop and administer a program to license operators of unmanned aircraft systems for commercial purposes. The program must include the following components:

(1) A system for classifying unmanned aircraft systems based on characteristics determined to be appropriate by the Division.

(2) A fee structure for licenses.

(3) A license application process.

(4) Technical guidance for complying with program requirements.

(5) Criteria under which the Division may suspend or revoke a license.

(6) Criteria under which the Division may waive licensure requirements for applicants currently holding a valid license to operate unmanned aircraft systems issued by another state or territory of the United States, the District of Columbia, or the United States.

(7) A designation of the geographic area within which a licensee shall be authorized to operate an unmanned aircraft system.

(8) Requirements pertaining to the collection, use and retention of data by licensees obtained through the operation of unmanned aircraft systems, to be established in consultation with the State Chief Information Officer.

(9) Requirements for the marking of each unmanned aircraft system operated pursuant to a license issued under this section sufficient to permit identification of the owner of the system and the person licensed to operate it.

(10) A system for providing agencies that conduct other operations within regulated airspace with the identity and contact information of licensees and the geographic areas within which the licensee is permitted to operate an unmanned aircraft system.

(e) A person who operates an unmanned aircraft system for commercial purposes other than as permitted under this section shall be guilty of a Class 3 misdemeanor.

(f) The Division may issue rules and regulations to implement the provisions of this section."

SECTION 5.(b) The Division of Aviation of the Department of Transportation shall develop and implement the knowledge and skills test required by G.S. 63-95, as enacted in subsection (a) of this section, no later than February 1, 2015, and shall report to the Joint Legislative Transportation Oversight Committee on the status of implementation by March 1, 2015.

SECTION 5.(c) The Division of Aviation of the Department of Transportation shall immediately begin developing the licensing system for commercial operation required by G.S. 63-96, as enacted in subsection (a) of this section, and shall ensure that the system complies with Federal Aviation Administration (FAA) guidelines on commercial operation, as those guidelines become available. Within 60 days of issuance of the FAA guidelines and authorization by the FAA for commercial operations to begin, the Division shall implement the licensing system required by G.S. 63-96, as enacted in subsection (a) of this section.

SECTION 5.(d) No operation of unmanned aircraft systems by agents or agencies of the State, or agents or agencies of a political subdivision of the State shall be authorized in this State until the knowledge and skills test required by G.S. 63-95, as enacted in subsection (a) of this section, has been implemented.

No operation of unmanned aircraft systems for commercial purposes shall be authorized in this State until the FAA has authorized commercial operations and the licensing system required by G.S. 63-96, as enacted in subsection (a) of this section, has been implemented.

SECTION 6.(a) Section 7.16(e) of S.L. 2013-360 is repealed.

SECTION 7. Sections 1 and 6 of this act become effective when the Division of Aviation of the Department of Transportation has implemented the knowledge and skills test required by G.S. 63-95 as enacted in Section 5 of this act, or February 1, 2015, whichever occurs first. Sections 2, 3, and 4 of this act become effective December 1, 2014, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

ORDINANCE #14-23:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF PINEHURST, NORTH CAROLINA.

THAT WHEREAS, the Village Council of the Village of Pinehurst has received a voluntary petition for annexation on January 27, 2014 under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Village Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Pinehurst Village Hall, 395 Magnolia Road at 4:30 p.m. on May 27, 2014 after due notice; and

WHEREAS, the Village Council finds that the petition meets the requirements of G.S. 160A -31 and that the areas to be annexed are contiguous to its boundaries.

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

SECTION 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous properties owned by the Citadel Development Group, LLC are hereby annexed and made part of the Village of Pinehurst as of June 30, 2014:

A Portion of Walker Station Subdivision, Moore County, North Carolina

A CERTAIN PIECE OR PARCEL OF LAND, SITUATED ON THE SOUTHERLY SIDE OF MIDLAND ROAD IN THE VILLAGE OF PINEHURST, COUNTY OF MOORE, STATE OF NORTH CAROLINA AND DEPICTED AS "VOLUNTARY PETITION FOR ANNEXATION ON PARCEL ID 20090101 AND A PORTION OF PARCEL ID 0035897 BY THE CITADEL DEVELOPMENT GROUP, LLC 140,046 SQ.FT. OR 3.22± ACRES " ON A PLAT ENTITLED "VOLUNTARY PETITION FOR ANNEXATION INTO THE VILLAGE OF PINEHURST PREPARED FOR PREPARED FOR CITADEL DEVELOPMENT GROUP, LLC, PARCEL ID 20090101 AND A PORTION OF PARCEL ID 0035897 - MIDLAND ROAD, MCNEIL TOWNSHIP, MOORE COUNTY, PINEHURST, NORTH CAROLINA DATED 01-10-2014, SCALE 1"=50' JOB NO. 13702, SHEET 1 OF 1" SAID PARCEL BEING BOUNDED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF REFERENCE MARKED BY CONCRETE MONUMENT LOCATED IN THE SOUTHERLY STREET LINE OF MIDLAND ROAD AT THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF LAUREN S. HOLLAND. SAID POINT ALSO MARKS THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT GROUP, LLC.

DRAFT

THENCE, S 09º 43' 34" W A DISTANCE OF 299.58 FEET TO A THE TRUE POINT AND PLACE OF BEGINNING. SAID POINT BEING THE NORTHEASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, S 09º 43' 34" W ALONG OTHER LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT A DISTANCE OF 699.56 FEET TO A POINT MARKING THE SOUTHEASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, N 80º 16' 02" W A DISTANCE OF 99.96 FEET TO A POINT.

THENCE, N 80º19' 47" W A DISTANCE OF 100.08 FEET TO A POINT MARKING THE SOUTHWESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED. THE LAST TWO COURSES BEING ALONG LAND NOW OR FORMERLY OF MATTHEW AND NANCY FARINA.

THENCE, N 09º42' 46" E ALONG OTHER LAND NOW OR FORMERLY OF CITADEL DEVELOPMENT A DISTANCE OF 699.84 FEET TO A POINT MARKING THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED.

THENCE, S 80º11' 06" E A DISTANCE OF 100.09 FEET TO A POINT.

THENCE, S 80º09' 47" E A DISTANCE OF 100.11 FEET TO THE POINT AND PLACE OF BEGINNING.

SAID PARCEL CONTAINS 140,046 SQUARE FEET OR 3.22 ACRES MORE OR LESS.

SECTION 2. Upon and after June 30, 2014, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Pinehurst and shall be entitled to the same privileges and benefits as other parts of the Village of Pinehurst. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the Village of Pinehurst shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary State at Raleigh, North Carolina, an accurate map of the annexed territory attached to the ordinance as attachment #1, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

THIS ORDINANCE passed and adopted this 27th day of May, 2014.

DRAFT

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

CERTIFICATION

I, LAUREN M. CRAIG, VILLAGE CLERK, of the Village of Pinehurst, North Carolina, do hereby certify that this is a true and accurate copy of Ordinance #14-___ adopted by the Village Council in a regular meeting assembled on the 27th day of May, 2014.

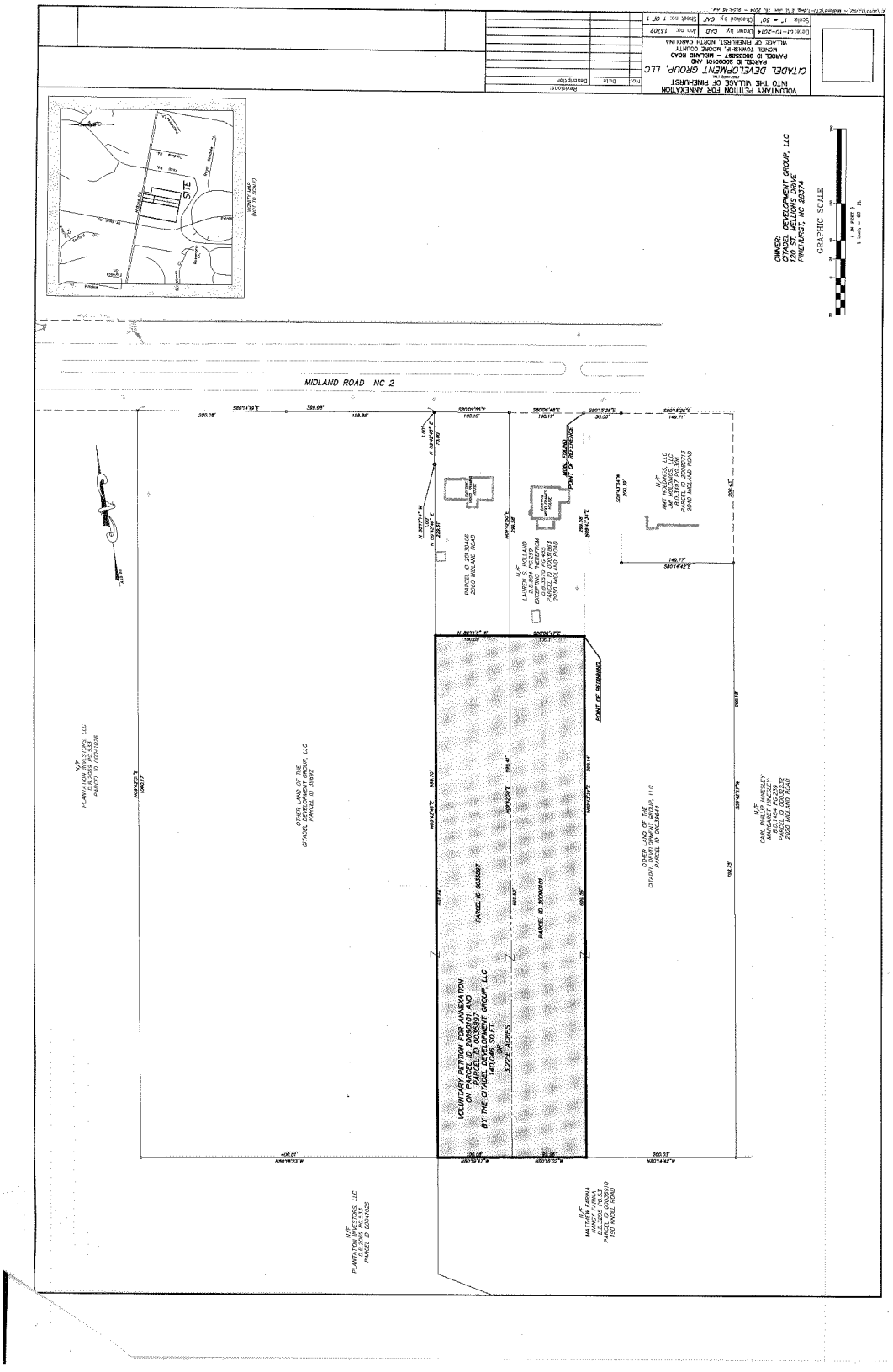
WITNESS MY HAND AND OFFICIAL SEAL of the Village of Pinehurst, North Carolina this 27th day of May, 2014.

_____
Lauren M. Craig
Village Clerk

(Municipal Seal)

DRAFT

Attachment #1



RESOLUTION #14-31:

A RESOLUTION REGARDING A RE-APPOINTMENT TO THE VILLAGE OF PINEHURST BEAUTIFICATION COMMITTEE.

THAT WHEREAS, on the 16th day of November, 2010, the Village of Pinehurst established a Village of Pinehurst Beautification Committee by Resolution #10-35; and

WHEREAS, the term of Brenda Lyne Blackwell expired on December 31, 2013; and

WHEREAS, Ms. Blackwell and the Village Council of Pinehurst are desirous of her continuing to serve as a member of the Beautification Committee;

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

SECTION 1. That the following re-appointment is hereby made to the Village of Pinehurst Beautification Committee for the term indicated:

Ms. Blackwell is re-appointed as a member of the Village of Pinehurst Beautification Committee, said term to expire December 31, 2016.

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

THIS RESOLUTION passed and adopted this 27th day of May, 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT

RESOLUTION 14-32:

A RESOLUTION HONORING THE SERVICE OF MS. NANCY SMITH TO THE VILLAGE OF PINEHURST HISTORIC PRESERVATION COMMISSION

THAT WHEREAS, the Village Council of Pinehurst, North Carolina, wishes to acknowledge and express its appreciation to Ms. Nancy Smith for her dedicated service to the citizens of Pinehurst as a member of the Pinehurst Historic Preservation Commission; and

WHEREAS, Ms. Smith was appointed to the Historic Preservation Commission on June 12, 2007 and served continuously and faithfully from that time; and

WHEREAS, Ms. Smith was instrumental in the efficient operation of the Historic Preservation Commission, always conducting the Village's business in a courteous, professional manner; and

WHEREAS, Ms. Smith was involved in many decisions affecting the character of the community, each time exhibiting sound judgement and concern for the health, safety and welfare of the Village of Pinehurst, and its important historic qualities, in her decision-making process.

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

SECTION 1. That the Village Council hereby expresses on behalf of the citizens of Pinehurst, deep appreciation and gratitude for the gifts of time, ability, and determination given as a member of the Historic Preservation Commission.

SECTION 2. That the Village Manager is hereby directed to have a copy of this Resolution presented to Ms. Smith as a token of our gratitude.

THIS RESOLUTION passed and adopted this 27th day of May, 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT

RESOLUTION 14-33:

A RESOLUTION HONORING THE SERVICE OF MR. FRANK THIGPEN TO THE VILLAGE OF PINEHURST HISTORIC PRESERVATION COMMISSION

THAT WHEREAS, the Village Council of Pinehurst, North Carolina, wishes to acknowledge and express its appreciation to Mr. Frank Thigpen for his dedicated service to the citizens of Pinehurst as a member of the Pinehurst Historic Preservation Commission; and

WHEREAS, Mr. Thigpen was appointed to the Historic Preservation Commission on March 14, 2006 and served continuously and faithfully from that time; and

WHEREAS, Mr. Thigpen was instrumental in the efficient operation of the Historic Preservation Commission, always conducting the Village's business in a courteous, professional manner; and

WHEREAS, Mr. Thigpen was involved in many decisions affecting the character of the community, each time exhibiting sound judgement and concern for the health, safety and welfare of the Village of Pinehurst, and its important historic qualities, in his decision-making process.

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

SECTION 1. That the Village Council hereby expresses on behalf of the citizens of Pinehurst, deep appreciation and gratitude for the gifts of time, ability, and determination given as a member of the Historic Preservation Commission.

SECTION 2. That the Village Manager is hereby directed to have a copy of this Resolution presented to Mr. Thigpen as a token of our gratitude.

THIS RESOLUTION passed and adopted this 27th day of May, 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

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OVERSIZED VEHICLE. Any of the following vehicles or any vehicle that is similar in nature to any of the following vehicles: buses, recreational vehicle (RV), campers, box trucks, cargo trucks, truck-tractors, dump trucks and moving vans.
(1986 Code, § 7-17.3)

TRAILER. Any of the following trailers or any trailer that is similar in nature to any of the following trailers: travel trailers, semi-trailers, horse trailers, livestock trailers, commercial trailers, recreational trailers, utility trailers or landscape trailers. All of these ***TRAILERS*** shall include covered varieties as well as open air varieties.
(1986 Code, § 7-17.4)

(B) *Parking and/or storage prohibited.* Commercial vehicles, oversized vehicles and trailers shall not be parked or stored in any residentially zoned districts or on any public right-of-way adjacent thereto unless they are kept within a totally enclosed structure. No vehicles shall be parked or stored for a fee, or for any commercial purpose, on any property in the jurisdiction of the village unless the use of the property for the purpose of parking or storing vehicles for a fee exists on the date of adoption of this section (April 26, 2005), or the use of the property for the parking or storing of vehicles for a fee receives specific approval from the Village Council. The provisions of this section shall not apply to:

(1) Vehicles or equipment being used for current permitted construction activities or engaged in routine pickups, deliveries or similar typical activities;

(2) Vehicles or equipment being used for service activities or in case of emergencies resulting from breakdowns requiring repairs to the vehicle;

(3) Vehicles involved in a governmental purpose and/or performing an emergency function;

(4) Vehicles that are licensed as a school, church or nonprofit organization bus and kept on property owned by the same; or

(5) Vehicles that are incidentally associated with and stored/parked at a permitted or conditional use or legally existing nonconforming use as set forth in the Pinehurst Development Ordinance.
(1986 Code, § 7-17.1)

(C) *Administration and enforcement.* The Chief of Police and the Zoning Enforcement Officer shall be responsible for the administration and enforcement of this section. The Chief of Police shall be responsible for administration and enforcement of this section for situations on public streets and highways within the village, on property owned by the village and in instances of illegal commercial parking of vehicles, or parking or storage of vehicles for a fee, as described in division (B) above. The Chief of Police is authorized to cause the violation of the prohibition of commercial parking or storage of vehicles, for a fee, to cease and desist immediately. The Zoning Enforcement Officer shall be responsible for administration and enforcement of this section for other situations on private property.
(1986 Code, § 7-17.5)
(Ord. 03-54, passed 11-25-2003; Ord. 05-05, passed 04-26-2005) Penalty, see § 72.99

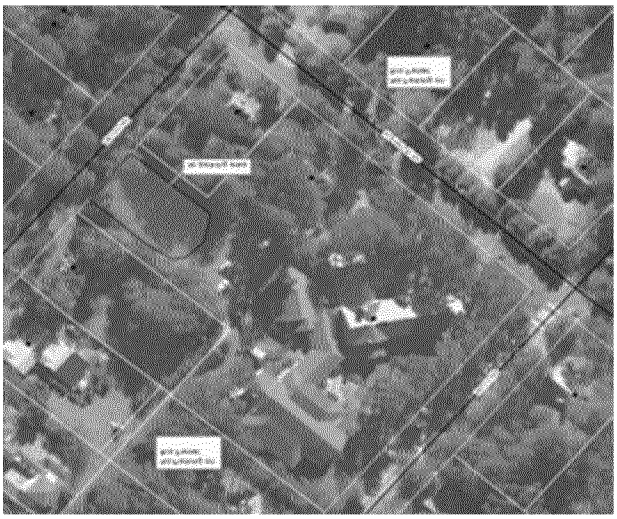
Andy,
Thank you for considering our request to be put on the Council's agenda for next Tuesday's meeting. Community Presbyterian Church, 125 Everette Road would like approval from the Village Council to make our parking available to the public during the Men's Open. In exchange for the ability to park on church property a donation to our church would be requested. Proceeds from the donations will go to the greater ministry of our church.

The parking area being considered is the sand lot on Everette Road across from the church, the marked parking spaces on Everette Road in front of the church, and if needed the area behind the Fellowship Hall, except of course where the Wee Cottage was. Kelly Road would be reserved for those conducting church business or needing access to the Elementary School. Below is a map provided by Bruce Gould that shows our location and parking availabilities.

Not knowing what the parking needs of the Open will require, our leadership felt it would be important for us to manage the parking spaces on our church property. While managing these spaces it would be our hope that the ministries of our church would also benefit.

Thank you for your consideration.

Sincerely,
Rod Stone, Pastor



No Parking on this Parcel
KELLY RD
155
70
125
60
115
130
no parking area
FIELDS RD
EVERETTE RD
55
105
No Parking on this Parcel
110
65
65

Chapter 120: Mobile Vendors

§120.01 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Mobile Vendor Any equipment, apparatus, trailer, vehicle, cart or other conveyance, other than a legally permitted vending machine, located outdoors, from which a vendor displays, sells, offers for sale, gives away, or offers to give away anything of value including any food, beverage, goods, wares, merchandise, or services that is not within a permanent permitted structure.

§120.02 Purpose

The purposes of this chapter are:

(A) Protect established uses that occupy permanent permitted structures,
(B) Preserve the aesthetics of the Village, and
(C) Ensure public safety and the protection of public rights-of-way.
(D) To protect the public from any adverse effects of doing business with a transient entity.

§120.03 Permit Required

No mobile vendor shall operate or establish use on public rights-of-way or private property including parking lots and vacant land within the Village unless such use is authorized as a temporary use through issuance of a temporary event permit in accordance with 94.14 and 152 of the Pinehurst Municipal Code.

§120.99 Penalty

Any person, firm or corporation violating any of the provisions of this chapter, or failing or neglecting or refusing to comply with same, shall be guilty of a misdemeanor and shall be subject to any one, all or combination of remedies authorized under § 10.99 of this code.

ORDINANCE #14-24:

AN ORDINANCE AMENDING THE PINEHURST MUNICIPAL CODE ADDING CHAPTER 120 TO PROHIBIT MOBILE VENDORS WITHIN THE VILLAGE OF PINEHURST.

THAT, WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the "Village of Pinehurst, North Carolina Municipal Code;" and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village of Pinehurst requests additional authority to regulate mobile vendors.

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

SECTION 1. That Section 120 Mobile Vendors of the Village of Pinehurst, North Carolina Municipal Code be added to Title XI: Business Regulations as follows:

CHAPTER 120: MOBILE VENDORS

§120.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE VENDOR. **Any equipment, apparatus, trailer, vehicle, cart or other conveyance, other than a legally permitted vending machine, located outdoors, from which a vendor displays, sells, offers for sale, gives away, or offers to give away anything of value including any food, beverage, goods, wares, merchandise, or services that is not within a permanent permitted structure.**

§120.02 PURPOSE

The purposes of this chapter are:

(A) Protect established uses that occupy permanent permitted structures,

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(B) Preserve the aesthetics of the Village, and

(C) Ensure public safety and the protection of public rights-of-way.

(D) To protect the public from any adverse effects of doing business with a transient entity.

§120.03 PERMIT REQUIRED

No mobile vendor shall operate or establish use on public rights-of-way or private property including parking lots and vacant land within the Village unless such use is authorized as a temporary use through issuance of a temporary event permit in accordance with 94.14 and 152 of the Pinehurst Municipal Code.

§120.99 PENALTY

Any person, firm or corporation violating any of the provisions of this chapter, or failing or neglecting or refusing to comply with same, shall be guilty of a misdemeanor and shall be subject to any one, all or combination of remedies authorized under § 10.99 of this code.

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

SECTION 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 27th day of May, 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

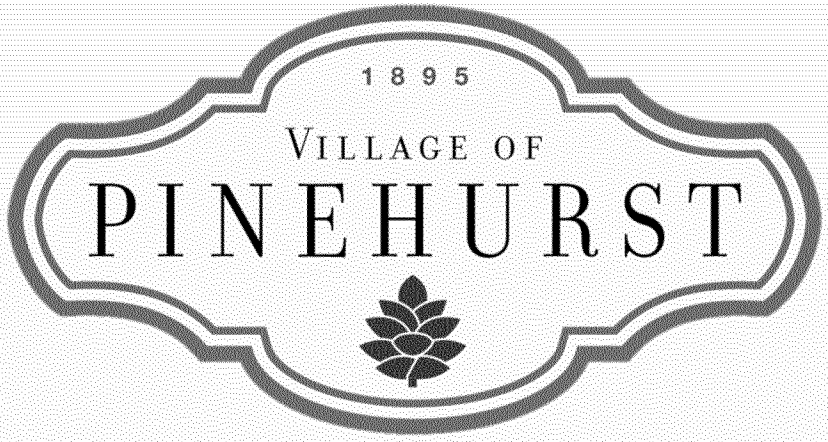
Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT



2015 Strategic Operating Plan

2015 Strategic Operating Plan

Vision, Mission, and Values

VALUES

Competent
Courteous
Professional
Responsive

VISION

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions, enhanced by a unique combination of cultural arts and recreational activities.

MISSION

Preserve and enhance the community's character and ambience by guiding growth, managing change, and providing services in a financially responsible manner.

2015 Strategic Operating Plan

Overview

- Based on Council direction from December 2013 Strategic Planning Retreat and FY 2015 adopted Balanced Scorecard (BSC)
- Addresses Council's strategic objectives and goals, with emphasis on four Areas of Focus:
  1. Preserve the character & ambiance of the Village
  2. Promote economic opportunity
  3. Provide & promote safe traffic & pedestrian mobility
  4. Provide a variety of cultural & recreational opportunities

2015 Strategic Operating Plan

Council Strategies and Priorities

- Key initiatives to address Council strategic objectives and goals include:
  - Several process improvement reviews (BIRDIEs)/evaluations:
    - Code enforcement
    - Submission of P&I applications and forms
    - Consolidation of S&G and B&G
    - Need for indoor recreation facilities

- Oversee the annexation of Cotswold
- Extend sidewalk and walkway system
- Improve the adequacy of street lighting in neighborhoods
- Incrementally expand the Village Center (Community Road improvements)
- Implement single day collection system with automated yard debris

2015 Strategic Operating Plan

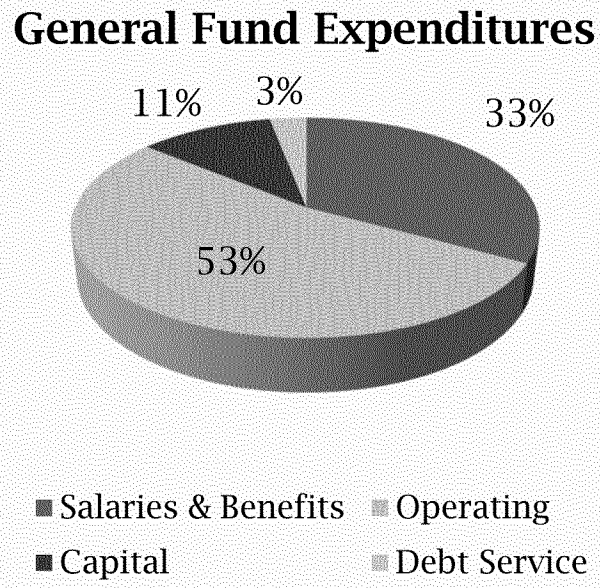
FY 2015 General Fund Overview

- 55 strategic initiatives at $1.6 million
- Total General Fund Budget of $17,756,000, or 2% lower than FY 2014
- Maintains current tax rate of $0.28
- Maintains current staffing levels of 132 full-time equivalents (FTEs), with only .25 FTE addition
- Uses $1.7 million of appropriated fund balance
- Results in estimated fund balance of 37% of expenditures

2015 Strategic Operating Plan

FY 2015 General Fund Overview

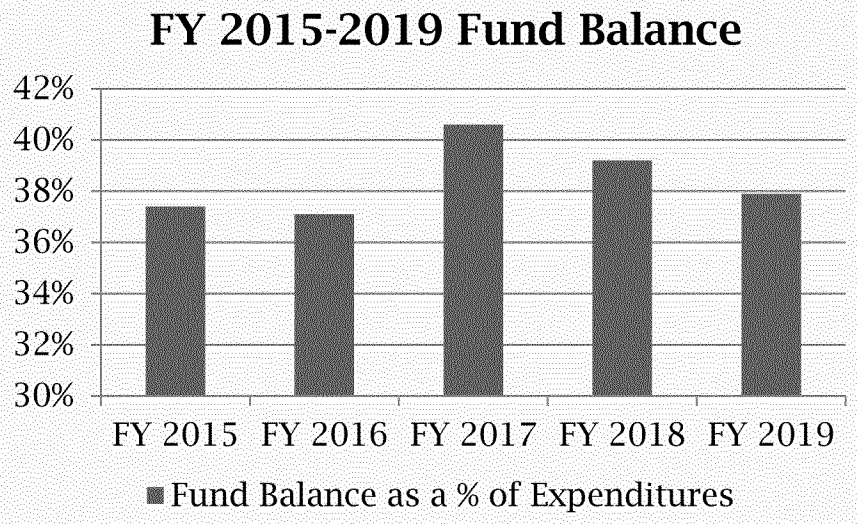
- Modest growth in the tax base (0.8%)
- 3.0% growth in local option sales taxes
- Includes $134,000 for merit based raises of 0%-2%
- Includes $1,974,000 for capital
- Includes $495,000 for debt service



2015 Strategic Operating Plan

FY 2015 -2019 CIP:

- Projects revenues and expenditures for next 5 years
- Assumes a revenue neutral tax rate of $0.27 in FY 2016 and thereafter
- Maintains staffing at 132 FTEs for 5-year period
- Includes financing a fire truck, with debt as a % of capital remaining below 3%



2015 Strategic Operating Plan

FY 2015 -2019 CIP:

- Significant capital investments include:
  - Routine replacement of vehicles and equipment
  - Stormwater improvements (Cotswold, Red Cedar Lane, Blake Boulevard)
  - Sidewalks and traffic lights on Hwy 211
  - Community Road streetscape improvements
  - Fair Barn parking lot improvements
  - Rassie Wicker Park development
  - Expansion of sidewalks and pathways

2015 Strategic Operating Plan

Next Steps:

- Budget Public Hearing - Tuesday, May 27th at 4:30 pm in Assembly Hall
- Adopt Budget

ORDINANCE #14-25:

VILLAGE OF PINEHURST
Budget Ordinance
Fiscal Year 2014-2015

BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in Regular Session assembled this 27th day of May 2014 as follows:

SECTION 1. The following amounts are hereby appropriated in the General Fund for the operation of Village government and its activities for the fiscal year beginning July 1, 2014 and ending June 30, 2015, in accordance with the chart of accounts heretofore established for this Village:

OPERATING EXPENDITURES:

Governing Body	$ 233,000
Administration	1,074,975
Financial Services	606,310
Human Resources	459,905
Police	2,773,875
Fire	2,535,925
Inspections	226,090
Public Services	405,025
Streets & Grounds	1,213,665
Powell Bill	788,300
Solid Waste	1,435,975
Planning	658,435
Community Development	293,900
Recreation	1,288,335
Library	380,000
Harness Track	524,040
Fair Barn	289,380
Contingency	100,000
Debt Service	494,525
Total Operating Expenditures	$ 15,781,660

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CAPITAL EXPENDITURES:

Administration	$ 102,205
Financial Services	4,880
Human Resources	2,440
Police	142,695
Fire	126,575
Inspections	1,645
Public Services	67,505
Streets & Grounds	479,530
Solid Waste	197,900
Planning	2,010
Community Development	498,500
Recreation	162,755
Harness Track	109,245
Fair Barn	76,515
Total Capital Expenditures	$ 1,974,400
TOTAL EXPENDITURES	$ 17,756,060

SECTION 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2014 and ending June 30, 2015:

Ad Valorem Tax Revenue	$ 9,767,000
Other Taxes and Licenses	2,800,700
Unrestricted Intergovernmental Revenue	1,664,900
Restricted Intergovernmental Revenue	506,760
Permits and Fees	557,750
Sales and Services	532,500
Assessments	31,110
Other Revenues	193,530
Investment Income	14,100
Appropriated Fund Balance	1,687,710
TOTAL REVENUES	$ 17,756,060

SECTION 3. The following amounts are hereby appropriated in the Land Dedication Special Revenue Fund for the fiscal year beginning July 1, 2014, and ending June 30, 2015 in accordance with the chart of accounts heretofore approved for the Village:

Reserve for Future Use	$ 5

DRAFT

SECTION 4. It is estimated that the following revenues will be available in the Land Dedication Special Revenue Fund for the fiscal year beginning July 1, 2014, and ending June 30, 2015:

Investment Income	$ 5

SECTION 5. There is hereby levied a tax at the rate of twenty-eight cents ($0.28) per one hundred dollars ($100) valuation of property as listed for taxes as of January 1, 2014, for the purpose of raising revenue in the General Fund in Section 2 of this ordinance. This rate is based on a total valuation of property for the purposes of taxation of $3,492,000,000 and an estimated collection rate of 99.9% for real and personal property and 96.9% for motor vehicles.

SECTION 6. The Village Manager is hereby authorized to transfer appropriations as contained herein under the following conditions:

a. He may transfer amounts between line item expenditures within a department without limitation and without a report being required.

b. He may transfer amounts up to $10,000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Village Council.

c. He may not transfer any amounts between funds, except as approved by the Village Council in the Budget Ordinance as amended.

SECTION 7. The Village Manager or his designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes:

a. Purchase of apparatus, supplies, and materials where formal bids are not required by law;

b. Leases of normal and routine business equipment;

c. Construction or repair work where formal bids are not required by law;

d. Consultant, professional, or maintenance service agreements up to an anticipated contract amount of $25,000;

e. Agreements for acceptance of State and Federal grant funds; and

f. Grant agreements with public and non-profit agencies.

SECTION 8. Copies of this Budget Ordinance shall be furnished to the Clerk of the Village Council and to the Village Manager and Assistant Village Manager of Finance and Administration to be kept on file by them for their direction in the disbursements of the funds.

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THIS ORDINANCE passed and adopted this 27th day of May, 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By:_____
Nancy R. Fiorillo, Mayor

Attest:

_____
Lauren Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT

RESOLUTION #14-30:

A RESOLUTION REGARDING A RE-APPOINTMENT TO THE PINEHURST VILLAGE CENTER ENHANCEMENT COMMITTEE (BARRY, BOXELL, MILLER).

THAT WHEREAS, on the 11th day of May, 2010, the Village of Pinehurst established a Village Center Enhancement Committee by Resolution #10-15; and

WHEREAS, the term of Mr. Patrick Barry will end on May 31, 2014 and the terms of Ms. Carole Boxell and Ms. Carolina Miller will end on June 12, 2014 ; and

WHEREAS, Mr. Barry, Ms. Boxell, Ms. Miller, and the Village Council of Pinehurst are desirous of their continuing to serve as members of the Village Center Enhancement Committee;

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

SECTION 1. That the following re-appointments are hereby made to the Village Center Enhancement Committee for the terms indicated:

Mr. Patrick Barry is re-appointed as the Chairman of the Village Center Enhancement Committee, effective May 31, 2014 said term to expire on May 31, 2016.

Ms. Carole Boxell is re-appointed as a member to the Village Center Enhancement Committee, effective June, 12, 2014 said term to expire on June 30, 2016.

Ms. Caroline Miller is re-appointed as a member to the Village Center Enhancement Committee, effective June, 12, 2014 said term to expire on June 30, 2016.

SECTION 2. That these appointees shall continue serving until replacements are appointed and qualified.

THIS RESOLUTION passed and adopted this 27th day of May, 2014.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT