



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF MAY 26, 2015
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Presentation of a resolution honoring the service of Mr. Richard Lemke on Pinehurst Community Watch.
4. Reports:
 - Manager
 - Council
5. 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. Consider an ordinance amending the budget for the Cotswold Stormwater Improvements Project.
- B. Approval of Draft Village Council Meeting Minutes.
 - April 14 Regular Meeting Minutes
 - April 21 Work Session Minutes
 - April 28 Regular Meeting Minutes
- C. Public Safety Reports
 - Police Department
 - Fire Department

End of Consent Agenda.

6. Interview and consider a resolution appointing Douglas Tuxbury as Chairman of Pinehurst Community Watch.
7. Motion to Recess Regular Meeting and Enter Into a Public Hearing.
8. Public Hearing No. 1

The purpose of the public hearing is to discuss the proposed 2015-2016 Fiscal Year Strategic Operating Plan and Budget for the Village of Pinehurst.
9. Public Hearing No. 2

The purpose of the public hearing is to consider an Official Text Amendment to the Pinehurst Development Ordinance (PDO), specifically Section 10.2, "Definitions" and Table 8.5.1a, "Table of Permitted and Special Uses and Special Requirements". These proposed amendments will add the

definition of a “Municipal Public Service Facility” to the PDO and allow Municipal Public Service Facilities in the Public Conservation (PC), Village Mixed Use (VMU) and Village Cottage Professional (VCP) Zoning Districts. The applicant is the Village of Pinehurst.

10. Motion to Adjourn the Public Hearing and Re-Enter the Regular Meeting.
11. Consider Ordinance #15-10 amending the Pinehurst Development Ordinance Section 10.2 and Table 8.5.1a Municipal Public Service Facility
12. Presentation on the Highway 211 Corridor Study.
13. Consider the Given Memorial Library capital contribution contract revision.
14. Consider the purchase of service revolver for retiring police officer.
15. Discussion of sale of Juniper Lake Road Property.
16. Discussion on Solid Waste Cart Storage Requirements.
17. Discuss SB25/HB36 pertaining to Zoning/Design and Aesthetic Controls.
18. Other Business.
19. Comments from Attendees.
20. Motion to Adjourn.



History, Charm, & Southern Hospitality.

Vision

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

Mission

Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values

Competent

Courteous

Professional

Responsive



**CONSIDER AN ORDINANCE AMENDING THE BUDGET FOR THE COTSWOLD
STORMWATER IMPROVEMENTS PROJECT.**

ADDITIONAL AGENDA DETAILS:

FROM:

John Frye

CC:

Jeff Batton & Natalie Dean

DATE OF MEMO:

5/18/2015

MEMO DETAILS:

At the May 12 Regular Meeting, the Village Council authorized the Mayor or her designee to execute a contract with McFadden Homes in the amount of \$145,500 for the Cotswold stormwater improvement project. In the FY 2015 Streets & Grounds budget for infrastructure, \$140,000 was appropriated for the project.

The total project, including design and construction, is estimated to cost approximately \$163,000. In order to complete the project as planned, an additional \$23,000 will need to be added to the project budget.

If you have any questions, please let me know.

ATTACHMENTS:

Description

- 📎 Ordinance 15-09 Budget Amendment- Cotswold Stormwater Project

ORDINANCE #15-09:

AN ORDINANCE AMENDING THE ORDINANCE APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2015, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA (COTSWOLD STORMWATER IMPROVEMENT PROJECT)

THAT WHEREAS, in the FY 2015 General Fund budget, \$140,000 was appropriated in the Streets & Grounds department for capital outlays related to the Cotswold stormwater infrastructure project; and

WHEREAS, after the bids for the project were received, the estimated project cost of \$163,000 exceeded the funds available for the project; and

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 26th day of May 2015, as follows:

SECTION 1. To amend the FY 2015 General Fund budget with regard to revenues and expenditures, the revenue and expenditure accounts are to be changed as follows:

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-20-420-7700	Streets & Grounds-Infrastructure	\$ 23,000	
10-00-990-9999	General Contingency		\$ 23,000

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

THIS ORDINANCE passed and adopted this 26th day of May 2015.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren M. Craig, Village Clerk

Michael J. Newman, Village Attorney



**APPROVAL OF DRAFT VILLAGE COUNCIL MEETING MINUTES.
ADDITIONAL AGENDA DETAILS:**

April 14 Regular Meeting Minutes
April 21 Work Session Minutes
April 28 Regular Meeting Minutes

FROM:

Lauren Craig

CC:

Jeff Batton

DATE OF MEMO:

5/20/2015

MEMO DETAILS:

See attachments for draft minutes.

ATTACHMENTS:

Description

- 📎 April 14 Regular Meeting Minutes
- 📎 April 21 Work Session Minutes
- 📎 April 28 Regular Meeting Minutes

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 14, 2015**

**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 14, 2015 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. Jeffrey H. Batton, Interim Village Manager
Ms. Melissa Holt, Administrative Coordinator

And approximately 18 attendees, including 4 staff and 2 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Presentation of the Arbor Day Proclamation.

Mayor Fiorillo presented the proclamation to Wayne Haddock declaring April 22, 2015 as Arbor Day in the Village of Pinehurst.

3. Reports

Manager

- April 21 will be a Council work session.
- NCLM will hold a Regional League Meeting this Thursday morning at the Fair Barn.
- The deer education workshop has been scheduled for September 26.

Council

- Councilmember Strickland added that the deer workshop will be regarding deer resistant plantings. Along with staff members, Mr. Strickland attended the Transportation Authority meeting where they discussed coal ash effects in the Lee, Chatham and Moore County areas and the potential impact on roads as a result of heavy equipment related to potential fracking.
- Mayor Fiorillo reported that the mayors of Southern Pines, Pinehurst and Aberdeen met with Rep. Jamie Boles to discuss the redistribution of the sales tax. This would cause a deficit of \$1.1 million annually by the third year for the Village. Also in this meeting, they discussed the extraterritorial jurisdiction territory statutes and some proposed legislation related to building inspections. Boles stated that he did not feel that the fracking or coal ash would affect Moore County, with the exception of the northernmost tip of the county. Mayor Fiorillo noted that April is Volunteer Appreciation Month and thanked the many volunteers who give their time for the Village.

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. Consider a resolution reappointing members to the Pinehurst Community Watch (Lemke, Gaida).
- B. Public Safety Report

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 14, 2015**

Police Department
Fire Department

End of Consent Agenda.

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

5. Discuss and consider executing a lease agreement for indoor recreation space.

Mark Wagner, Director of Parks and Recreation explained that staff has been working with the real estate agent for the property located at 300 Kelly Road that the Village is interested in leasing for use by the Parks and Recreation Department. Mr. Wagner noted that the Village Council approved pursuing a short term lease for the property at the January 27, 2015 meeting. Mr. Wagner presented Council with a proposed lease which includes a term from May 1, 2015 through June 30, 2018 at \$2,000 per month. Mr. Wagner also noted a potential need for parking expansion for parking at the facility in the future. Council questioned the potential of a long term improvement to the parking area.

Upon a motion by Councilmember John Cashion, seconded by Councilmember John Strickland, Council unanimously approved the Mayor or her designee be authorized to execute a lease agreement with Rattlesnake Properties, LLC for the Pinehurst Parks and Recreation Department use of 300 Kelly Road with a term of May 1, 2015 through June 30, 2018 at \$2,000 per month by a vote of 4-0 with Councilmember Campbell abstaining.

6. Interview and consider a resolution appointing Christine Dandeneau to the Community Appearance Commission.

Interim Manager, Jeff Batton, introduced Alan Hoy from the Community Appearance Commission and volunteer applicant Christine Dandeneau to the Village Council. Mr. Hoy explained his interest to appoint Ms. Dandeneau to the Community Appearance Commission and Council asked Ms. Dandeneau to share information about herself and her interest.

Upon a motion by Councilmember Phillips, seconded by Councilmember Campbell, Council unanimously approved Resolution 15-17 appointing Christine Dandeneau to the Community Appearance Commission by a vote of 5-0. (A copy of this resolution can be found in the resolution book.)

7. Presentation by Partners in Progress on Moore Alive.

Pat Corso of Partners in Progress and Jeff Denny with Liaison Design presented an update to Council on how the Moore Alive website has performed since its launch last year.

Mr. Corso requested that the Village Council consider a \$5,000 investment toward the Moore Alive website in the FY 2016 Budget.

Council discussed referral traffic from the Moore Alive Facebook page and updating the Moore Alive promotional video. Council agreed to support Partners in Progress/Moore Alive with \$5,000 in the FY 2016 budget.

8. Presentation on the File of Life and Yellow Dot programs at the Pinehurst Fire Department.

Fire Chief Carlton Cole shared information on two programs that the Fire Department offers: the new File of Life program and the Yellow Dot program. Chief Cole noted the "File of Life" program is intended to provide residents with a method to store medical information in their home that emergency responders can find if the person is found unconscious. He also noted that the Yellow Dot program is similar but is registrants' vehicles, while File of Life is for the home.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
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9. Discuss and give feedback on the Bicycle & Pedestrian Master Plan.

Interim Manager, Jeff Batton, explained the need for Council to discuss and give feedback on the Bicycle and Pedestrian Master Plan draft and introduced Mike Apke of McGill Associates to facilitate the conversation. Mr. Apke noted that the NCDOT is also reviewing the draft Bicycle Master Plan at this time and once all comments have been collected, staff would plan to make revisions and return to a future Council meeting with the final plans seeking adoption. Mr. Apke pointed out that the Comprehensive Pedestrian Plan and the Comprehensive Bicycle Plan are two separate plans. The bike plan is being funded by the Department of Transportation.

Council questioned if adequate space existed in the right-of-way which would make the addition of sidewalks possible. There was also discussion regarding the addition of sidewalks versus greenway trails around Lake Pinehurst. Mayor Fiorillo expressed concern over the possibility of adding bike lanes to some of Pinehurst's narrow streets.

10. Discuss matters related to the collection of delinquent Municipal Service District assessments.

Interim Manager Jeff Batton explained that billings for this year's Municipal Service District (MSD) assessments were mailed in January and were due February 11, 2015. Mr. Batton noted that as of the due date, three property owners did not pay this year's installment but at this time all of the delinquent assessments have been paid due to subsequent collection efforts. Staff recommends Council approve a resolution waiving the acceleration of the remaining assessment installments at these three properties.

Councilmember Campbell suggested that the resolution be rewritten to state that acceleration of repayment not be undertaken unless Council acts to accelerate. Mr. Batton suggested they approve this resolution before them and that the suggestion be researched further.

Upon a motion by Councilmember John Cashion, seconded by Councilmember John Strickland, Council unanimously approved Resolution 15-15 waiving the acceleration of the remaining assessment installments of the Municipal Service District for the Village of Pinehurst by a vote of 5-0. (A copy of this resolution can be found in the resolution book.)

11. Discuss possible amendments to the Pinehurst Development Ordinance (PDO) regarding a Municipal Public Service Facility.

Kevin Reed, Director of Planning and Inspections, discussed the concept of defining the land use/use type known as a "Municipal Public Service Facility" in the Pinehurst Development Ordinance (PDO) and listing it as a permitted use in some zoning districts. Mr. Reed explained that currently, the PDO does not include a definition for this type of use in the new PDO. Previous versions of the PDO defined this type of land use and included it in the Table of Permitted and Special Uses. Staff believes the omission of this type of use from the current PDO is simply an oversight. Mr. Reed also suggested the defined use of "Municipal Public Service Facility" be added as a permitted use in the Village Mixed Use Zoning jurisdiction and Village Cottage Professional jurisdiction. Mr. Reed sought Council's concurrence in order to initiate the process to formally make the changes.

Council concurred.

12. Discuss and consider an ordinance accepting a road dedication for Cotswold roads.

Interim Manager, Jeff Batton, explained the need for Council to consider accepting the dedication of a portion of the road network and associated rights-of-ways in Cotswold of Pinehurst as public streets from the Cotswold Homeowners Association and Planet Development, LLC since annexation has now occurred.

Upon a motion by Councilmember John Cashion, seconded by Councilmember Claire Phillips, Council unanimously approved Ordinance 15-06 accepting the petition for dedication of streets within the Cotswold of Pinehurst subdivision and amending Chapter 7, Schedule II and Schedule IV of the

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 14, 2015**

Pinehurst Municipal Code as it pertains to regulating traffic on these streets within the Village of Pinehurst by a vote of 5-0. (A copy of this ordinance can be found in the ordinance book.)

13. Other Business

- Councilmember Strickland asked for an update regarding the Cotswold drainage project. Mr. Batton stated that the project was bid last Wednesday and bids are due April 22. He intends to bring a contract award recommendation to Council on April 28.

14. Comments from attendees.

- None.

15. Motion to Adjourn.

Councilmember Cashion moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Strickland and carried unanimously. The Regular Meeting adjourned at 6:03 p.m.

Respectfully Submitted,

Melissa Holt,
Acting Village Clerk

**MINUTES OF
VILLAGE COUNCIL WORK SESSION
APRIL 21, 2015**

**395 MAGNOLIA ROAD
COUNCIL CONFERENCE ROOM
PINEHURST, NORTH CAROLINA
4:30 P.M.**

The Pinehurst Village Council held a Work Session at 4:30 p.m. on Tuesday, April 21, 2015 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. Clark H. Campbell, Councilmember
Mr. John R. Cashion, Mayor Pro-Tem
Mr. John C. Strickland, Councilmember
Mr. Jeffrey H. Batton, Interim Village Manager
Ms. Lauren M. Craig, Village Clerk

Excused absence: Ms. Claire L. Phillips, Councilmember

And approximately 5 attendees, including 3 staff and 0 press.

1. Call to Order.

Mayor Nancy Fiorillo called the meeting to order.

2. Village Council's work session discussion.

Council held a discussion on the following items:

- Net Neutrality update
 - Jason Whitaker, Chief Information Officer, gave an update regarding the FCC ruling on net neutrality noting the original intent was to create a fair playing field for internet services and to allow certain municipalities to sell broadband to its citizens. Mr. Whitaker share his research on net neutrality and summarized his discussions with Century Link and Time Warner Cable about their infrastructure, services, and potential partnership opportunities to meet the needs for Pinehurst. Mr. Whitaker suggested that Council wait on the definite FCC ruling and if needing to provide better services for future economic development, partnerships could form with an existing provider. Council held a discussion about the options for Pinehurst.
- Hwy 211 Corridor Study Report
 - Kevin Reed, Director of Planning and Inspections, shared an overview of the Highway 211 Corridor Study. Mr. Reed shared the report with Council and staff agreed to make a formal presentation on this report at a future regular Council meeting to help inform the public. Interim Manager Jeff Batton shared that the NCDOT has an additional concept plan for the traffic circle and they will need to revisit conversations soon regarding these concept plans with NCDOT for future project plans.
- Pinehurst Trace Impervious Surface issue
 - Councilmember Campbell explained that the old Pinehurst Development Ordinance (PDO) gave the ability to build on the small lots in the R-8 district that are found in Pinehurst Trace and the new PDO is prohibiting building on these lots. Councilmember Campbell suggests allowing the R-8 district to exceed the impervious calculations limit. Kevin Reed noted he has held discussions with builders and the property manager of Pinehurst Trace. Council held a discussion about the possibilities for this situation and concluded to have staff run this PDO amendment through the process starting with the Planning and Zoning board.
- Renovation of Public Services Facility/DFI
 - Interim Manager Jeff Batton shared the concept drawing for Public Services that was shared in a previous Council meeting. Mr. Batton is seeking direction from Council

**MINUTES OF
VILLAGE COUNCIL WORK SESSION
APRIL 21, 2015**

regarding the renovation concepts. Councilmember Campbell shared his suggestions for the phases of the project and the research that he has done on the project possibilities. Jeff Batton noted that the Village would need to complete a bid process for this project. Council held a discussion about the Public Services renovation project and determined to start moving forward with having staff create phases to accomplish the project.

- Assistant Village Manager Natalie Dean noted she will be bringing information to the April 28 meeting regarding the property on Juniper Lake Road for Council's direction. Council discussed the opportunity to rezone the property to commercial.
- Jeff Batton noted he spoke with DFI regarding their fee flexibility but he has not engaged further until getting Council's guidance. Council held a discussion about the DFI study and concluded they need more information about the fee situation. After the fee information is received, Council suggested the possibility to bring DFI back and schedule a meeting with Council all together.
- Pinehurst Business Partners
 - In order to give Councilmembers enough time to review the information received by the Pinehurst Business Partners, Council suggested placing this on the May 12 meeting agenda to consider further along with a contract and a budget amendment. Council suggested sending all feedback and comments to Natalie Dean so she can coordinate the questions and answers with the Pinehurst Business Partners.
- Review of Engineering Standards Manual
 - Councilmember Campbell suggested putting the engineering standards manual through a review process and Jeff Batton suggested creating a small team to complete this project.

3. Motion to Adjourn.

Councilmember Strickland moved to adjourn the Work Session. The motion was seconded by Councilmember Cashion and carried unanimously. The Regular Meeting adjourned at 6:42 p.m.

Respectfully Submitted,

Lauren M. Craig
Village Clerk

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 28, 2015**

**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 28, 2015 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. Jeffrey H. Batton, Interim Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 19 attendees, including 6 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Invocation and Pledge of Allegiance

Interim Manager, Jeff Batton, offered the invocation and led everyone in the Pledge of Allegiance.

3. Presentation of a Mayoral Proclamation for the 2015 Concours d'Elegance

Mayor Fiorillo presented a proclamation to Jay Howard, President of JHE, declaring Saturday, May 2, 2015 as "Pinehurst Concours d'Elegance Day" in the Village of Pinehurst. Mr. Howard thanked the Village Council for their support.

4. Reports

Manager

- Interim Manager, Jeff Batton, reported that DFI is available to meet on June 2 at the Council's next work session. Council agreed to bring them for this meeting.

Council

- None.

5. 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 3 Work Session Minutes
March 10 Regular Meeting Minutes
March 24 Regular Meeting Minutes

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.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 28, 2015**

6. Motion to Recess Regular Meeting and Enter Into a Public Hearing.

Councilmember Cashion moved to recess the regular meeting and enter into a public hearing. The motion was seconded by Councilmember Phillips and passed unanimously with a vote of 5-0.

7. Public Hearing No. 1

The purpose of this hearing is to receive citizen comments about the close-out of Community Development Block Grant (CDBG) #07-D-2356 that the Village received from the North Carolina Department of Commerce Division of Community Assistance (NCDCA).

Steve Austin and Principal Planner Bruce Gould explained the Village Council is required to hold a public hearing as part of the process to close out the Community Development Block Grant (CDBG) for Phase 3 of the Jackson Hamlet Sewer Project. Mr. Austin noted that the project has been completed and the unused money remaining for this project will be de-obligated.

Audience member O'Neal Russ said he has been in Jackson Hamlet for 46 years and expressed on behalf of his neighbors, great appreciation to the Pinehurst Village Council and noted the importance of this project.

8. Public Hearing No. 2

The purpose of the public hearing is to consider an Official text amendment to the Pinehurst Development Ordinance Section 9.13 (8) Exception to Fence Height and Design Type. This amendment will remove the regulation that allows the Village Council to grant an exception to fence height and type. The applicant is the Village of Pinehurst.

Principal Planner Bruce Gould explained that at the March 3, 2015 work session, Council requested that staff proceed with an amendment to the Pinehurst Development Ordinance to remove the exception granted to Village Council that allows for waivers to fence height and design type. Mr. Gould noted that this amendment is consistent with achieving the goals in the Comprehensive Plan and is considered reasonable and in the best interest of the public. Mr. Gould noted that the Planning and Zoning Board voted unanimously to recommend that this amendment be approved.

There were no audience comments.

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

Councilmember Cashion moved to adjourn the public hearing and re-enter the regular meeting. The motion was seconded by Councilmember Phillips and passed unanimously with a vote of 5-0.

10. Consider Ordinance #15-08 amending the Pinehurst Development Ordinance Section 9.13 (8) Exception to Fence Height and Design Type.

Interim Manager, Jeff Batton noted that staff prepared an ordinance for Council to act on Public Hearing No. 2 for the Pinehurst Development Ordinance amendment if ready. Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council unanimously approved Ordinance 15-08 amending the Pinehurst Development Ordinance Section 9.13 (8) Exception to Fence Height and Design Type by a vote of 5-0. (A copy of this ordinance can be found in the Ordinance Book.)

11. Consider a resolution opposing Senate Bill 369 Sales Tax Fairness Act.

Interim Manager, Jeff Batton explained the need for Council to consider Resolution 15-18 to show opposition for Senate Bill 369 Sales Tax Fairness Act. Mr. Batton noted that Moore County recently adopted a similar resolution. Mayor Fiorillo read the resolution for the members of the audience.

Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council unanimously approved Resolution 15-18 opposing the Senate Bill 369 Sales Tax Fairness Act by a vote of 5-0. (A copy of this resolution can be found in the Resolution Book.)

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 28, 2015**

12. Consider a request for special non-residential intensity allocation for Pinehurst Allergy.

Principal Planner Bruce Gould explained that the Technical Review Committee has been reviewing a plan for Allergy Partners of Pinehurst and the customer is seeking a special intensity allocation pursuant to Section 8.3.3.5(c) of the Pinehurst Development Ordinance for the construction of a medical office building and associated site improvements. Upon a motion by Councilmember Phillips, seconded by Councilmember Cashion, Council unanimously approved the special intensity allocation for the proposed Allergy Partners of Pinehurst office at 14 Regional Drive as outlined in the memorandum prepared and submitted by the Pinehurst Planning and Inspections Department dated April 21, 2015 with the condition that should the development approval expire, the intensity allocation shall be rescinded and returned to the pool by a vote of 5-0.

13. Discuss and consider a budget amendment for cul-de-sac modifications.

John Frye, Financial Services Director, explained when the "One and Done" single day automated collections system was implemented, staff discovered the need to adjust several cul-de-sacs throughout the Village to create a larger turning radius for the trucks. These costs were not anticipated and require a budget amendment. Mr. Batton noted these cul-de-sacs are scattered throughout the Pinehurst area.

Upon a motion by Councilmember Cashion, seconded by Councilmember Phillips, Council unanimously approved Ordinance 15-07 amending the FY 2015 budget for the Village of Pinehurst for cul-de-sac modification funding by a vote of 5-0. (A copy of this ordinance can be found in the Ordinance Book.)

14. Presentation of the FY 2015 Strategic Plan Q3 Status Update.

Assistant Village Manager Natalie Dean gave a Q3 update on the status of the implementation of the FY 2015 Strategic Operating Plan (SOP) initiatives, indicating the status of initiatives and any changes recommended by staff. Ms. Dean noted that overall staff has been successful in carrying out the plans made for FY 2015, specifically completing 12 additional strategic initiatives in the third quarter and no new initiatives were added. She explained that staff anticipates five initiatives currently in progress will not be completed by June 30th and will carry forward to FY 2016 and staff recommended eliminating one initiative and postponing three others to a future fiscal year. Council thanked Ms. Dean and staff for their work on these initiatives.

15. Discussion on the disposition of Juniper Lake Road Property.

Assistant Village Manager Natalie Dean introduced options for the Village Council to consider for the disposition of the Juniper Lake Road property. Ms. Dean explained three options to consider and the steps to take for the upset bid process. Staff noted the 52 acres property was purchased in 2005. Council held a discussion about potential future use of this property if sold. Mayor Fiorillo suggested creating a light industrial district, rezone the property, and then market it for selling the property. Council suggested getting advice on the light industrial zoning from a realtor and work with Pat Corso on any economic development possibilities before taking action on this property.

16. Discuss and consider a new concept plan for additional parking at Village Hall.

Interim Manager, Jeff Batton shared a new concept to add parking spaces across the street from Village Hall to increase parking capacity for both Village Hall and the Arboretum. Mr. Batton noted that cost estimates have not been generated but would require minor grading which should not be a large expense. Mr. Batton is seeking Council's direction on this project before pursuing estimates. Council discussed the new concept plan, suggesting a few modifications, and determined to proceed with getting cost estimates.

Audience member Frank Pacifico asked about moving the parking lot over to the meadow where the topography is better.

17. Other Business

- None.

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APRIL 28, 2015**

18. Comments from attendees.

- Audience member, Maureen Horansky a Pinehurst resident spoke about the large number of homeless children in Moore County and their needs. Ms. Horansky noted Pinehurst residents should help these children.

19. 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 6:02 p.m.

Respectfully Submitted,

Lauren M. Craig
Village Clerk

DRAFT



**PUBLIC SAFETY REPORTS
ADDITIONAL AGENDA DETAILS:**

Police Department
Fire Department

ATTACHMENTS:

Description

-  Police Report
-  Fire Report

Incident IBR Reported Offenses Month To Month Comparison

Pinehurst Police Department

April 2015 - April 2014

Part I Offenses	April 2014	April 2015	+/-	Percent Changed	Year-To-Date		+/-	Percent Changed
Murder	0	0	0	0%	0	0	0	0%
Rape	0	0	0	0%	0	0	0	0%
Robbery	0	0	0	0%	1	1	0	0%
Commercial	0	0	0	0%	1	0	-1	-100%
Individual	0	0	0	0%	0	1	1	-
Assault	0	0	0	0%	0	2	2	-
Violent Total:	0	0	0	0%	1	3	2	200%
Burglary	0	0	0	0%	0	0	0	0%
Residential	0	0	0	0%	0	0	0	0%
Non-Residential	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Other	0	0	0	0%	0	0	0	0%
Larceny	1	8	7	700%	23	39	16	70%
Auto Theft	0	0	0	0%	0	0	0	0%
Arson	0	0	0	0%	0	0	0	0%
Property Total:	1	8	7	700%	23	39	16	70%
Part I Total:	1	8	7	700%	24	42	18	75%

Part II Offenses	April 2014	April 2015	+/-	Percent Changed	Year-To-Date		+/-	Percent Changed
Drug	8	6	-2	-25%	24	25	1	4%
Assault Simple	1	0	-1	-100%	5	4	-1	-20%
Forgery/Counterfeit	0	0	0	0%	1	1	0	0%
Fraud	5	5	0	0%	17	16	-1	-6%
Embezzlement	0	0	0	0%	0	0	0	0%
Stolen Property	1	0	-1	-100%	3	2	-1	-33%
Vandalism	2	0	-2	-100%	10	6	-4	-40%
Weapons	0	0	0	0%	1	0	-1	-100%
Prostitution	0	0	0	0%	0	0	0	0%
All Other Sex Offenses	0	0	0	0%	0	0	0	0%
Gambling	0	0	0	0%	0	0	0	0%
Offenses Against Family/Children	0	0	0	0%	0	1	1	-
D.W.I.	1	1	0	0%	5	1	-4	-80%
Liquor Law Violation	0	0	0	0%	2	0	-2	-100%
Disorderly Conduct	0	0	0	0%	1	1	0	0%
Obscenity	0	0	0	0%	1	0	-1	-100%
Kidnap	0	0	0	0%	0	0	0	0%
All Other Offenses	21	21	0	0%	74	67	-7	-9%
Part II Total:	39	33	-6	-15%	144	124	-20	-14%
Incident Total:	40	41	1	2%	168	166	-2	-1%

Arrest IBR Reported Offenses Month To Month Comparison

Pinehurst Police Department

April 2015 - April 2014

Part I Offenses	April 2014	April 2015	+/-	Percent Changed	Year-To-Date 2014	Year-To-Date 2015	+/-	Percent Changed
Murder	0	1	1	-	0	2	2	-
Rape	0	0	0	0%	0	0	0	0%
Robbery	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Individual	0	0	0	0%	0	0	0	0%
Assault	0	0	0	0%	0	2	2	-
Violent Total:	0	1	1	-	0	4	4	-
Burglary	0	0	0	0%	0	0	0	0%
Residential	0	0	0	0%	0	0	0	0%
Non-Residential	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Other	0	0	0	0%	0	0	0	0%
Larceny	0	1	1	-	11	6	-5	-45%
Auto Theft	0	0	0	0%	0	2	2	-
Arson	0	0	0	0%	0	0	0	0%
Property Total:	0	1	1	-	11	8	-3	-27%
Part I Total:	0	2	2	-	11	12	1	9%
Part II Offenses	April 2014	April 2015	+/-	Percent Changed	Year-To-Date 2014	Year-To-Date 2015	+/-	Percent Changed
Drug	17	7	-10	-59%	37	33	-4	-11%
Assault Simple	1	0	-1	-100%	4	8	4	100%
Forgery/Counterfeit	0	0	0	0%	3	0	-3	-100%
Fraud	0	0	0	0%	5	5	0	0%
Embezzlement	0	0	0	0%	0	0	0	0%
Stolen Property	0	1	1	-	10	7	-3	-30%
Vandalism	0	2	2	-	7	3	-4	-57%
Weapons	0	0	0	0%	2	0	-2	-100%
Prostitution	0	0	0	0%	0	0	0	0%
All Other Sex Offenses	0	0	0	0%	0	0	0	0%
Gambling	0	0	0	0%	0	0	0	0%
Offenses Against Family/Children	0	0	0	0%	1	0	-1	-100%
D.W.I.	12	3	-9	-75%	30	21	-9	-30%
Liquor Law Violation	1	0	-1	-100%	4	3	-1	-25%
Disorderly Conduct	0	0	0	0%	1	4	3	300%
Obscenity	0	0	0	0%	0	0	0	0%
Kidnap	0	0	0	0%	0	0	0	0%
All Other Offenses	39	17	-22	-56%	100	106	6	6%
Part II Total:	70	30	-40	-57%	204	190	-14	-7%
Arrest Total:	70	32	-38	-54%	215	202	-13	-6%



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

SUMMARY FOR THE MONTH OF APRIL 2015

SUMMARY OF INCIDENT CALLS

	<i>NUMBER THIS MONTH</i>	<i>NUMBER YTD</i>	<i>NUMBER THIS MONTH LAST YEAR</i>	<i>NUMBER YTD LAST YEAR</i>	<i>PERCENTAGE YTD</i>
TYPE OF INCIDENT					
Fire	10	26	8	19	37%
Overpressure Rupture, Explosion, Overheat - no fire	0	2	0	1	100%
Rescue & EMS Incidents	9	17	9	50	-66%
Hazardous Conditions - no fire	11	49	10	43	14%
Service Call	20	73	15	73	0%
Good Intent Call	22	104	16	94	11%
False Alarm & False Call	20	89	19	67	33%
Severe Weather & Natural Disaster	0	1	0	0	100%
Special Incident Type	0	0	0	1	-100%
TOTAL INCIDENTS	92	361	77	348	4%

SUMMARY OF INSPECTION

	<i>NUMBER THIS MONTH</i>	<i>NUMBER YTD</i>	<i>NUMBER THIS MONTH LAST YEAR</i>	<i>NUMBER YTD LAST YEAR</i>	<i>PERCENTAGE YTD</i>
TYPE OF INSPECTIONS					
Residential	6	27	6	22	23%
Residential New Systems	0	0	0	0	0%
Residential Fire Sprinkler	0	2	0	4	-50%
Commercial	39	122	50	129	-5%
Plan Review/Site Inspections	1	4	0	4	0%
Reinspection	24	122	41	110	11%
Occupancy Certificates	0	0	0	0	0%
TOTAL INSPECTIONS	70	277	97	269	3%
Violations Found:	77	280	101	291	-4%
YTD Violations to be Corrected:		193		104	
YTD Violations Corrected:		127		66	
Correction Percentage:		66%		63%	

May 4, 2015

J. Carlton Cole, Fire Chief

FIRE DEPARTMENT

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-5575 • Fax (910) 295-4861 • www.vopnc.org



**INTERVIEW AND CONSIDER A RESOLUTION APPOINTING DOUGLAS
TUXBURY AS CHAIRMAN OF PINEHURST COMMUNITY WATCH.**

ADDITIONAL AGENDA DETAILS:

FROM:

Lauren Craig

CC:

Jeff Batton

DATE OF MEMO:

5/20/2015

MEMO DETAILS:

Richard Lemke, Chairman of the Pinehurst Community Watch program, has resigned from his appointment due to his plans to move from the Pinehurst area. Mr. Lemke has recommended Doug Tuxbury to take the Chairman position and Police Chief Earl Phipps also supports this recommendation.

Mr. Tuxbury will be in attendance at the May 26 meeting for Council to interview and consider a resolution appointing him as the new Chairman of the Pinehurst Community Watch program.

ATTACHMENTS:

Description

- 📎 Resolution 15-21 Appointment to Community Watch (Tuxbury)
- 📎 Doug Tuxbury's application

RESOLUTION #15-21:

**A RESOLUTION REGARDING AN APPOINTMENT TO THE
VILLAGE OF PINEHURST COMMUNITY WATCH BOARD.**

THAT WHEREAS, the Village Council of the Village of Pinehurst, North Carolina has established a Community Watch Program; and

WHEREAS, the Chairman Richard Lemke has resigned from his appointment due to his plans to move from the Pinehurst area; and

WHEREAS, Mr. Doug Tuxbury has expressed interest in the Chairman position of the Pinehurst Community Watch Program and has the support of Mr. Lemke for this appointment; and

WHEREAS, the Village Council is desirous of filling this vacancy on the Pinehurst Community Watch Board.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in a regular meeting assembled this 26th day of May, 2015, as follows:

SECTION 1. That the following appointment is hereby made to the Community Watch Board for the term indicated:

Mr. Doug Tuxbury is appointed as the Chairman of the Community Watch Board for the remainder of Mr. Lemke's term, effective May 26, 2015 with said term to expire April 30, 2016.

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

THIS RESOLUTION passed and adopted this 14th day of April, 2015.

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



PUBLIC HEARING NO. 1
ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to discuss the proposed 2015-2016 Fiscal Year Strategic Operating Plan and Budget for the Village of Pinehurst.

FROM:

Jeff Batton

DATE OF MEMO:

5/21/2015

MEMO DETAILS:

This agenda item is for the statutorily required Annual Budget Public Hearing. During this hearing, any person wishing to speak about the recommended FY 2016 Budget may do so. Attached is a short PowerPoint presentation that Staff will present at the beginning of the Public Hearing that provides a brief overview of the budget. The budget in its entirety may be viewed online at www.vopnc.org.

ATTACHMENTS:

Description

- ▣ Presentation of FY 16 Budget for Public Hearing



FY 2016 Strategic Operating Plan

FY 2016 Strategic Operating Plan



VALUES

Competent
Courteous
Professional
Responsive

VISION

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

MISSION

Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

FY 2016 Strategic Operating Plan



Items Included in FY 2016 Budget

- \$17.9 million, 1.1% below amended FY 15 Budget
- Tax rate of \$0.29 per \$100 valuation
- 35 initiatives to address Council goals and objectives
- Addition of a Event Assistant position; Total of 132 Full time equivalents (FTEs)
- Merit pay raises can range from 0% to 3%, an increase in the range by 1% from previous five years
- Includes \$1.4 million of appropriated fund balance
- Expect ending fund balance to be at 38% of expenditures



FY 2016 General Fund Budget Overview

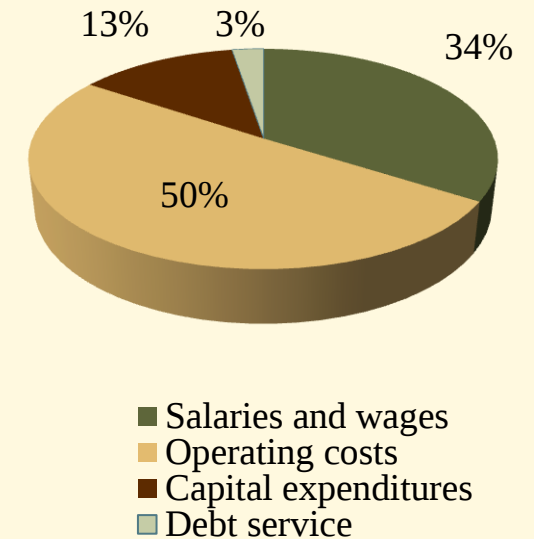
Revenue Assumptions

- Total tax value decreased by 5.15% with the revaluation
- Assumes 100 new homes and a 1.0% growth in the real property tax base
- Assumes 1.0% growth in sales tax receipts

Expenditure Assumptions

- In Jan 2016, begin the 5-year phase out of the 25% subsidy of dependent care health insurance premiums
- Est. 10% increase in health insurance premiums

General Fund Expenditures



Significant FY 2016 Capital (\$2.3 million)

- \$625,600 for routine replacement of vehicles and equipment
- \$49,000 for IT infrastructure
- \$1,675,000 in other capital additions:
 - Drainage projects
 - Community Rd parking and McCaskill Rd streetscape enhancements
 - Intersection improvements at McKenzie Rd and Hwy 5 & Barrett Rd. and Hwy 5
 - Begin redevelopment of the Public Services complex
 - Mobile stage for community events
 - Splash pad in Rassie Wicker Park
 - Sidewalks/greenway construction
 - Sidewalk in the Arboretum from the Pergola to Timmel Pavillion

Changes Made to Recommended Budget as a Result of Council Budget Work Sessions:

- Changed tax rate from \$0.30 to \$0.29
- Removed funding for Pinehurst Business Partners of \$34,800
- Added construction of a \$30,000 sidewalk from the Pergola to Timmel Pavillion in the Arboretum
- Added \$10,000 to the CAC budget
- Converted the 0.5 Parks Maintenance Technician to an Events Assistant

Questions



PUBLIC HEARING NO. 2
ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to consider an Official Text Amendment to the Pinehurst Development Ordinance (PDO), specifically Section 10.2, "Definitions" and Table 8.5.1a, "Table of Permitted and Special Uses and Special Requirements". These proposed amendments will add the definition of a "Municipal Public Service Facility" to the PDO and allow Municipal Public Service Facilities in the Public Conservation (PC), Village Mixed Use (VMU) and Village Cottage Professional (VCP) Zoning Districts. The applicant is the Village of Pinehurst.

FROM:

Kevin Reed

CC:

Jeff Batton

DATE OF MEMO:

5/21/2015

MEMO DETAILS:

Please see the attached staff report.

ATTACHMENTS:

Description

📎 Planning and Inspection Department Staff Report



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Mayor Fiorillo and Village Council

From: Kevin B. Reed, Director of Planning and Inspections

Cc: Jeff Batton, Interim Village Manager
Lauren Craig, Village Clerk
Bruce Gould, Principal Planner

Date: May 20, 2015

Subject: **Public Hearing and Staff Report for Request by the Village of Pinehurst for Proposed Amendments to Section 10.2, “Definitions”, and Table 8.5.1a, “Table of Permitted and Special Uses and Special Requirements”, of the Pinehurst Development Ordinance (PDO).**

Request

The Village of Pinehurst is proposing amendments to Section 10.2, “Definitions” and Table 8.5.1a, “Table of Permitted and Special Uses and Special Requirements”, of the Pinehurst Development Ordinance (PDO).

Analysis

The purpose of these amendments is to define the land use/use type known as a “Municipal Public Service Facility” in Section 10.2 Definitions of the Pinehurst Development Ordinance (PDO) and list it as a permitted use in some zoning districts. Currently, the PDO does not include a definition for this type of use which is important to the Village and many of its public service functions. Prior to approving an updated version of the PDO late last year, previous versions of the PDO defined this type of land use and included it in the Table of Permitted and Special Uses. Staff believes the omission of this type of use from the current PDO is simply an oversight as “old” and “new” versions of the PDO were combined into the current document that was ultimately adopted by Village Council.

This proposed definition is nearly identical to the previous one found in the PDO with one exception. The one exception is that the wording “police & fire training facilities” has been removed due to the fact that these types of uses are defined in the current PDO and referred to as a “public safety station”. Public safety stations are not only defined in the current PDO but are a permitted use in all zoning districts. In addition to public safety stations, other Village land uses such as parks, recycling

collection stations and utilities are currently listed as permitted uses in all zoning districts. Staff believes that since municipal public service facilities are a key Village function, consideration should be given to adding the definition of the use to the PDO.

The second amendment would be to Table 8.5.1a, “Table of Permitted and Special Uses and Special Requirements”, of the PDO to add the use “Municipal Public Service Facility” to the table and list it as a permitted use in certain zoning districts. Previous versions of the PDO included this use as a permitted use in the Public Conservation (PC) Zoning District. Staff believes it would be appropriate to add this use to the PC District as a permitted use since this is the zoning classification of most Village held properties, including the Juniper Lake Road property. Staff recommends that consideration should also be given to adding this use type as a permitted use in the Village Mixed Use (VMU) and Village Cottage Professional (VCP) Zoning Districts since these two districts encompass the zoning of the current public services facility. By doing so, the existing facility would become a conforming use under the PDO and would allow for the Village to make changes necessary to improve the facility and its amenities without a zoning use conflict. Improvements made to the current site would have to conform to other requirements of the PDO and any applicable Historic Preservation Overlay standards.

The proposed amendments to the PDO, as presented to the Planning & Zoning Board, read as follows:

Section 10.2 Definitions

MUNICIPAL PUBLIC SERVICE FACILITY: Any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor equipment and material storage, under shed vehicle/equipment storage, yard debris piles, fuel tanks & associated pumps, radio antennae, vehicle wash bays, recycling storage, heavy and light vehicle parking, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst.

Table 8.5.1a Table of Permitted and Special Uses and Special Requirements

Civic	PC	VCP	VMU	SR
<u>Municipal Public Service Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>	

Comprehensive Plan Consistency Statement

On page 3 of the 2010 Comprehensive Long Range Plan, it states that the Village intends to address community needs in the most efficient and cost-effective manner. By removing the non-conforming status of the current Public Service Facility, this objective is being met.

The Community Facilities Section of the 2010 Comprehensive Long Range Plan indicates that the Village needs to ensure that adequate foresight is given to physical facilities needed to provide municipal services including public services. This amendment is necessary in order to consider upgrades to the existing public services facility or a replacement facility in order to better serve a growing community.

The proposed text amendments will define a Municipal Public Service Facility and allow these facilities in the PC, VCP and VMU Zoning Districts. These amendments are consistent with the above mentioned goals outlined in the 2010 Comprehensive Long Range Plan. Achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public.

Recommendation

The Planning & Zoning (P&Z) Board conducted its required public hearing on the request at its meeting held on May 14, 2015. Following its discussion of the amendments to the PDO, the P&Z Board voted unanimously to recommend to the Village Council that the amendments be approved.

KBR



**CONSIDER ORDINANCE #15-10 AMENDING THE PINEHURST DEVELOPMENT
ORDINANCE SECTION 10.2 AND TABLE 8.5.1A MUNICIPAL PUBLIC SERVICE
FACILITY
ADDITIONAL AGENDA DETAILS:**

FROM:

Lauren Craig

CC:

Kevin Reed, Jeff Batton

DATE OF MEMO:

5/21/2015

MEMO DETAILS:

Attached is the ordinance for the public hearing amending the Pinehurst Development Ordinance as it pertains to Section 10.2 and Table 8.5.1a pertaining to a Municipal Public Service Facility. A motion has been provided if Council is ready to act on this ordinance upon the closing of the public hearing.

ATTACHMENTS:

Description

📎 Ordinance 15-10 PDO Text Amendment

ORDINANCE #15-10:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2 “DEFINITIONS” AND TABLE 8.5.1A, “TABLE OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS”.

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

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

WHEREAS, a public hearing was held at 4:30 p.m. on May 26, 2015 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed text amendments; and

WHEREAS, the Planning and Zoning Board has recommended the Village Council amend Section 10.2 and Table 8.5.1a of the Pinehurst Development Ordinance; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments to the text of the Pinehurst Development Ordinance, have determined that it is considered reasonable and in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction and that it is consistent with the 2010 Comprehensive Plan that the Pinehurst Development Ordinance be further amended, making the amendments as requested;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 26th day of May, 2015, as follows:

SECTION 1. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by adding the following text amendment to Section 10.2, “Definitions”:

“MUNICIPAL PUBLIC SERVICE FACILITY: Any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor

equipment and material storage, under shed vehicle/equipment storage, yard debris piles, fuel tanks & associated pumps, radio antennae, vehicle wash bays, recycling storage, heavy and light vehicle parking, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst.”

SECTION 2. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by adding the following text amendment to Table 8.5.1a, “Table of Permitted and Special Uses and Special Requirements”:

Civic	PC	VCP	VMU	SR
<u>Municipal Public Service Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>	

SECTION 3. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 4. 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 26th day of May, 2015.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren M. Craig, Village Clerk

Michael J. Newman, Village Attorney



**PRESENTATION ON THE HIGHWAY 211 CORRIDOR STUDY.
ADDITIONAL AGENDA DETAILS:**

FROM:

Kevin B. Reed, Director of Planning and Inspections

CC:

Jeff Batton, Interim Village Manager, Bruce Gould, Principal Planner

DATE OF MEMO:

5/20/2015

MEMO DETAILS:

Planning and Inspection staff will make a presentation To the Village Council on the Highway 211 Corridor Study. Planning and Inspection staff discussed this Study informally with the Village Council at its last work session. Based on comments received from the Council at that time, staff added Recommendation #2 which pertains to the speed limit along the Corridor. Attached to this memorandum is a copy of the latest draft of the Study.

ATTACHMENTS:

Description

- 📎 Highway 211 Corridor Study



2015

Highway 211 Corridor Study



PREPARED BY:

Village of Pinehurst Planning and
Inspections Department

ADOPTED:

Acknowledgements

The Development of the Highway 211 Corridor Study was a collaborative process that involved numerous stakeholders, including the Highway 211 Study Group, the Village of Pinehurst Planning and Zoning Board, the Pinehurst Village Council and the Pinehurst Planning and Inspections Department.

Pinehurst Village Council

Nancy Roy Fiorillo, Mayor

John Cashion, Mayor Pro-Tem

John Strickland, Treasurer

Clark Campbell

Claire Phillips

Highway 211 Corridor Study Group

Leo Santowasso

Myles Larsen

Jay Snyder

Planning and Zoning Board

Fred Engelfried, Chairman

Jay Snyder, Vice-Chair

Richard Ashton

Carol Henry

Myles Larsen

Leo Santowasso

Betty Sapp

Joel Shriberg

Village of Pinehurst Staff

Kevin B. Reed, Director of Planning and Inspections

Bruce Gould, Principal Planner

Chad Hall, Senior Planner

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1. Executive Summary

The completion of the NC Highway 211 widening project has resulted in improved mobility along the corridor. This will have several outcomes including the increased potential for development along the corridor. This study focused on the corridor from the traffic circle westward to just west of the Pinewild gate. The total distance of the study area is slightly less than five miles. The mission established early on in the planning process was to:

Study a section of NC Highway 211 to develop a collaborative and comprehensive approach that addresses mobility, safety and aesthetics along the corridor.

This statement served to guide the team working on the development of the study throughout the planning process. The opportunities and constraints of the study focused on three areas: mobility, safety and constraints which were identified early in the mission statement.

The study resulted in ten recommendations which opportunities and constraints that are addressed by each recommendation. These are:

1. The Village, in concert with NCDOT, should implement regulations to limit access. (mobility, safety and aesthetics)
2. The Village should review the speed limit. (mobility and safety)
3. The Village should review its signage regulations. (safety and aesthetics)
4. The Village should review its landscaping standards for new residential and commercial development along the corridor. (aesthetics)
5. The Village should work with NCDOT to enhance landscaping within the public ROW. (safety and aesthetics)
6. The Village should review its zoning along the corridor. (mobility, safety and aesthetics)
7. The Village should review its lighting standards for new residential and commercial development along the corridor. (mobility, safety and aesthetics)
8. The Village should review its architectural design standards for new development along the corridor. (aesthetics)
9. The Village and NCDOT should review street lighting standards along the corridor to ensure attractive and consistent lighting is erected. (safety and athletics)
10. The Village should review its development regulations to ensure that appropriate pedestrian and bicycle facilities are constructed along the corridor. (mobility and aesthetics)

Several areas of concern and opportunities are reoccurring throughout this study. These include enhancing the long term functionality of the new constructed Superstreet, providing for as safe as possible facility and the need to upgrade the visual attractiveness of the corridor.

2. Mission Statement

Study a section of NC Highway 211 to develop a collaborative and comprehensive approach that addresses mobility, safety and aesthetics along the corridor. The words of this mission statement guided the stakeholders throughout this planning effort.

3. Introduction

The Highway 211 Corridor Study was undertaken by the Village of Pinehurst in an effort to guide future planning and improvements along Hwy. 211 within its jurisdiction.

Pinehurst maintains jurisdiction on both sides (north and south) of Hwy. 211 from the traffic circle at the intersection with Hwy. 15/501 and Hwy. 2 westward to the intersection with Hwy. 5. From this point Pinehurst has jurisdiction on only the south side of Hwy. 211 to the western extent of the study area, approximately .23 miles (1,200 ft.) west of the main (west) Pinewild gate. The total length of the corridor within the Pinehurst jurisdiction is a little less than 5 miles.



Map of the Highway 211 area of Study

Highway 211 is the major vehicular gateway when entering the Village from the west.

Upon the recently completed improvements made by the NC Department of Transportation (NCDOT) to this corridor, Hwy. 211 has been converted to a four-lane divided Superstreet within the entire jurisdiction of Pinehurst.

The Superstreet concept refers to a reconfiguration of a traditional intersection. The primary Superstreet concept functions by redirecting through and left turning traffic from the side street approach to turn right, proceed to the nearby U-turn and then return to its original course. When designed correctly, this is actually a simple and safe solution to the problems caused by congestion. Safety is also improved through the use of a Superstreet by reducing the number of conflict points and side collisions. Another benefit of a Superstreet is reduced wait time at a signalized intersection. Traffic will be redirected to turn right and proceed to the U-turn instead of waiting for the green signal. This improves the flow of traffic.

- The minor cross-street traffic is prohibited from going straight through or left at a divided highway intersection.
- Minor cross street traffic must turn right, but can then access a U-turn to proceed in the desired direction.

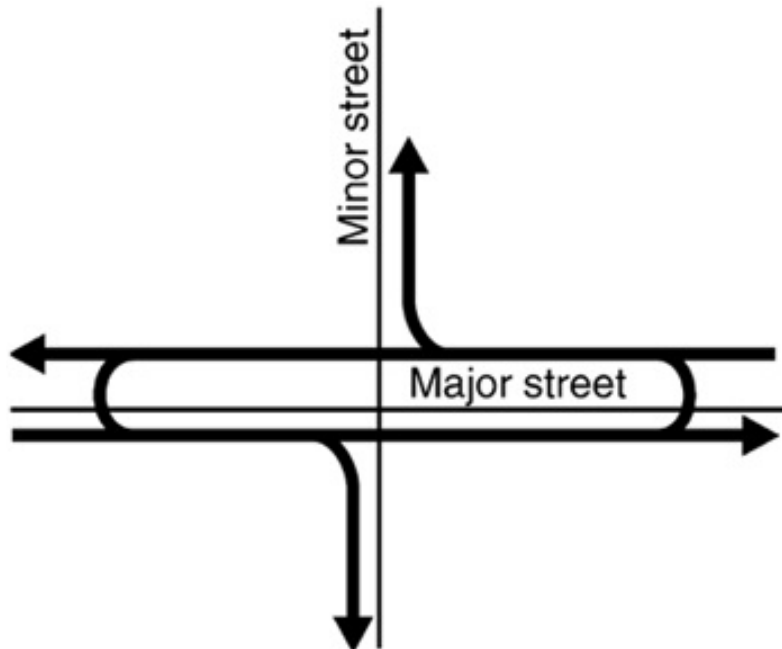


Illustration of a Superstreet intersection

Because of anticipated growth (both now and in the future) along the corridor and the opportunities for Pinehurst to manage development through their planning powers (i.e., implementing access spacing guidelines and landscape standards), this study was prepared to assist the village in guiding local land use, economic development, access management, and right of way improvement decisions that support and complement the long term aesthetics and functionality of the Hwy. 211 corridor.

4. Existing Conditions

This section is intended to give an overview of the existing conditions along the Hwy. 211 corridor within the jurisdiction of Pinehurst as it relates to the natural environment, land uses, zoning, transportation and utilities.

4.1 Natural Environment

This section of Hwy. 211 is relatively flat and straight. However, when the realignment of Hwy. 211 was completed it did raise and lower the grade of the highway in areas creating several steep embankments, both positive and negative, along this stretch of roadway.

Water Bodies

This section of the highway passes over three streams, including Joes Fork, which is the main tributary to Nicks Creek, the public drinking supply for the Town of Carthage. This stream passes under the roadway between the west and east gate to Pinewild. A second creek is an unknown tributary to Nicks Creek and passes under the roadway just to the east of the east Pinewild gate as it exits the spillway of Lake Pinewild. The third stream, known as Board Branch, crosses the corridor just to the east of the intersection with McKenzie Rd. in the vicinity of Village Acres and Rassie Wicker Park.

Wetlands

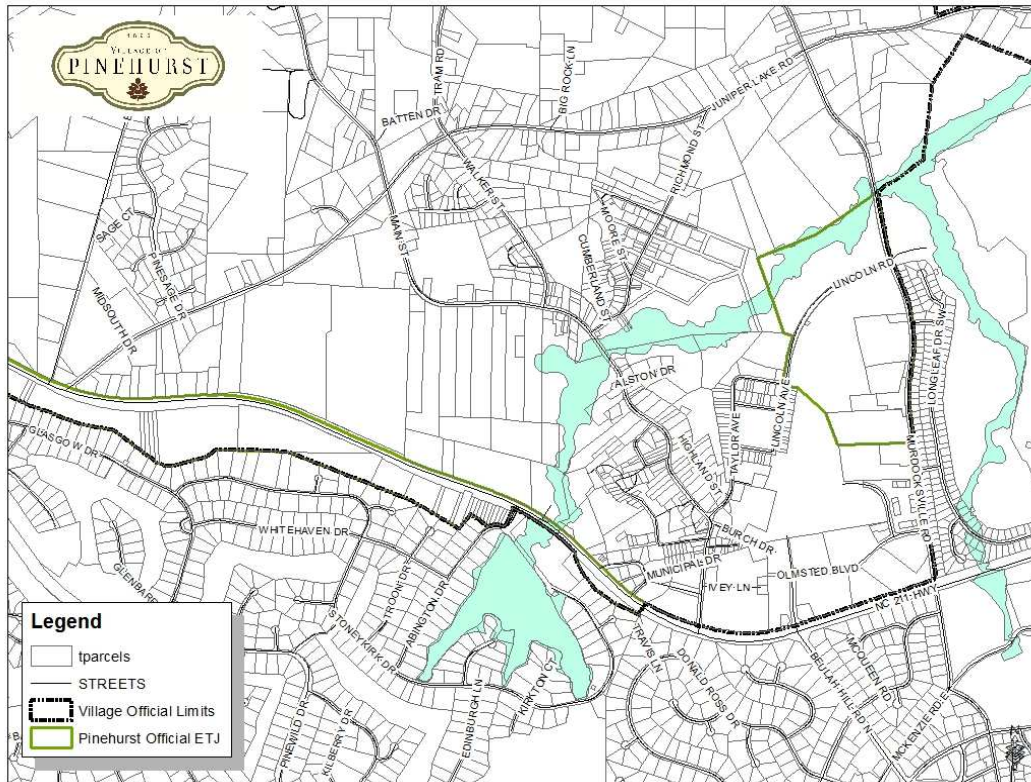
According to the National Wetlands Inventory, a large amount of wetlands exist just to the north of Lake Pinewild (this is in the area of the unknown tributary) that may create some impediments to development in that area. Also, a smaller area of wetlands is identified to the west along Joes Fork. Wetlands also exist along Board Branch. The accuracy of the National Wetlands Inventory should be field verified but it is a good reference for actual field conditions.



Map of wetlands in Pinehurst Jurisdiction/US Fish and Wildlife

Floodplain

The unknown tributary flowing out of Lake Pinewild contains a moderate amount of regulated floodplain, as does Board Branch. The section of Joes Fork does not include mapped floodplain. However, development in this immediate vicinity of this stream or further bridging or piping of this stream for crossings may require a floodplain study to ensure that upstream flooding does not occur.



Map of Floodplain within Pinehurst Jurisdiction

Watershed

All of the properties within the Pinehurst Jurisdiction that have frontage along Hwy. 211 are within the Nick's Creek WS III Watershed Protection area except for the stretch of road between Page Rd. and the traffic circle. This will have some development implications, such as stream buffers, the use of Best Management Practices (BMP's) to handle stormwater and possibly some limitations on the amount of impervious surface that may be allowed on a project by project basis.

It should be noted that the Village currently has approximately 485 acres of Intensity Allocation to give in the WS III watershed. This would allow developments to exceed the 24% impervious surface or one unit per acre restrictions and allow up to 70% impervious surface.

Endangered Species

There are no known endangered species that would be impacted along the corridor except for the Red Cockaded Woodpecker clusters in the vicinity of the Hospital.

Hazardous Materials

There are no known hazardous materials within this area. However, the Aberdeen Carolina and Western Railroad (ACWR) has a rail corridor running parallel to and south of Hwy. 211 and does haul hazardous materials.

4.2 Land Uses

The area on the north side of Hwy. 211 from the traffic circle to Memorial Dr. are used for medical offices, banks, professional offices and the FirstHealth of the Carolinas Moore Regional Hospital Campus. Between Memorial Dr. and Murdocksville Rd., the land usage is single family residential.

On the south side of the roadway between the traffic circle and Dundee Rd., the properties consist of single-family homes. West from Dundee Rd is the Sacred Heart Church, park lands, a nursing home, another church and park lands until you reach McKenzie Rd. The areas to the west of McKenzie Rd. along the south side of Hwy. 211 are used for single-family residential purposes and are part of the Donald Ross area of Pinehurst. Further west are lands owned by Pinewild Properties Association and the Pinewild Developers that are used for open space, the homeowners association maintenance facility and the spillway for Pinewild Lake and the secondary (east) entrance for the Pinewild neighborhood.

West of the secondary entrance drive to Pinewild are vacant properties that are part of the Pinewild Commercial Subdivision. It should be noted that many of these tracts have been recombined over the past 5 or so years from the original layout of deep 50' wide lots and have been placed under sole ownership.

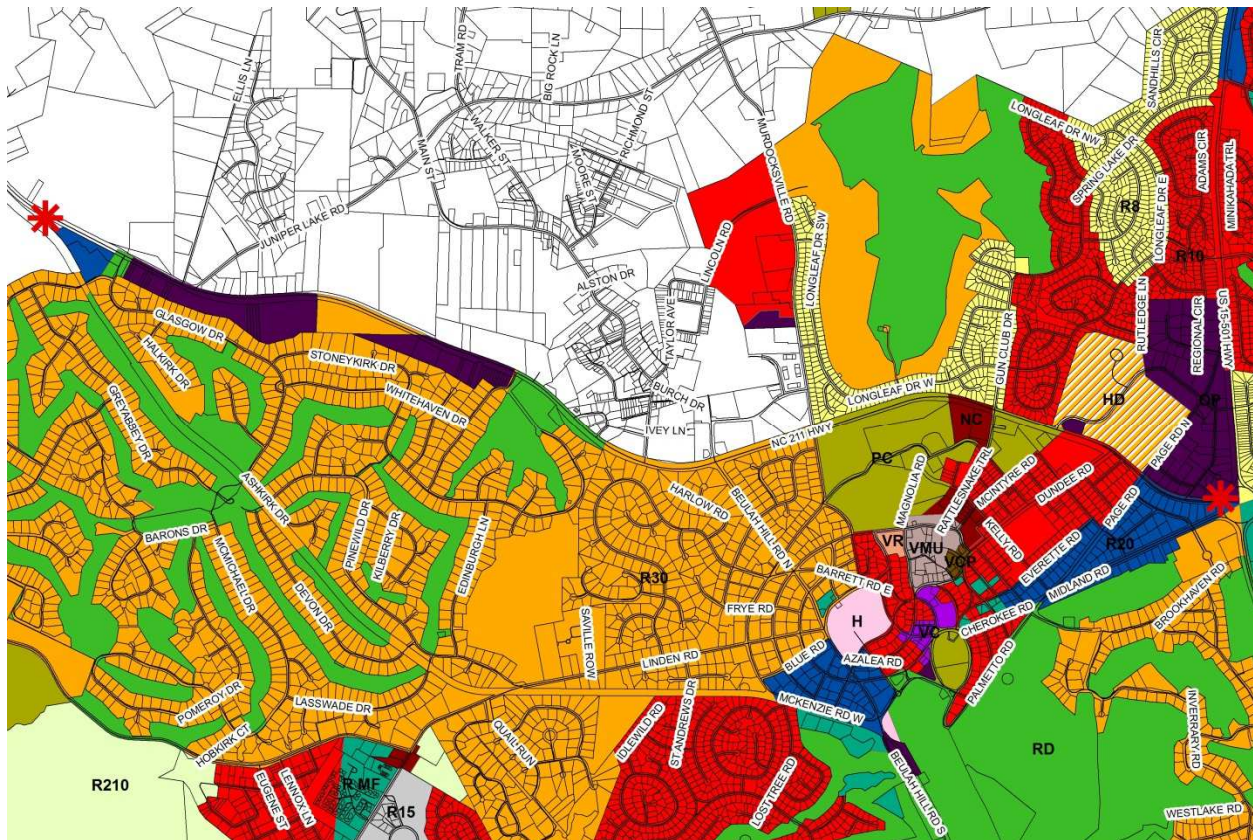
West of the main (west) gate to Pinewild are several tracts owned by the developer of Pinewild that are also vacant.

Progress Energy has a major transmission line running parallel to and south of the highway that could have implications on future aesthetics and development.

4.3 Zoning

Starting at the traffic circle and heading west along Hwy. 211 on the north side of the corridor is zoned Office and Professional (OP) until you get to Page Rd at which time the zoning changes to Hospital Development (HD). After the intersection with Memorial Dr., the zoning changes to R-10 (single-family residential) before again changing to R-8 (single-family residential) just before Gun Club Dr. The zoning on the north side of the roadway remains R-8 until reaching the jurisdictional boundary at Murdocksville Rd.

On the south side of the corridor beginning at the traffic circle and heading west, the properties up until Page Rd. are zoned R-20 (single-family residential). After the intersection with Page Rd. the property changes to R-10 zoning. After the Sacred Heart Catholic Church, the zoning changes to Public Conservation (PC) until reaching Rattlesnake Trail. At that point the zoning changes to Neighborhood Commercial (NC). Upon reaching Rassie Wicker Park, the zoning changes again to PC. After the intersection with McKenzie Rd., the single family lots within the Donald Ross area are zoned R-30 (single-family residential). Further west, the lots owned by the Homeowners Association and the developer of Pinewild are zoned Recreation Development (RD). The Pinewild Commercial lots are zoned Office and Professional (OP) and the parcels to the west of the main gate are zoned R-20 (single-family residential), although the property owner has shown an interest in developing these lots for some sort of convenience retail/service use.



Zoning Map for Pinehurst

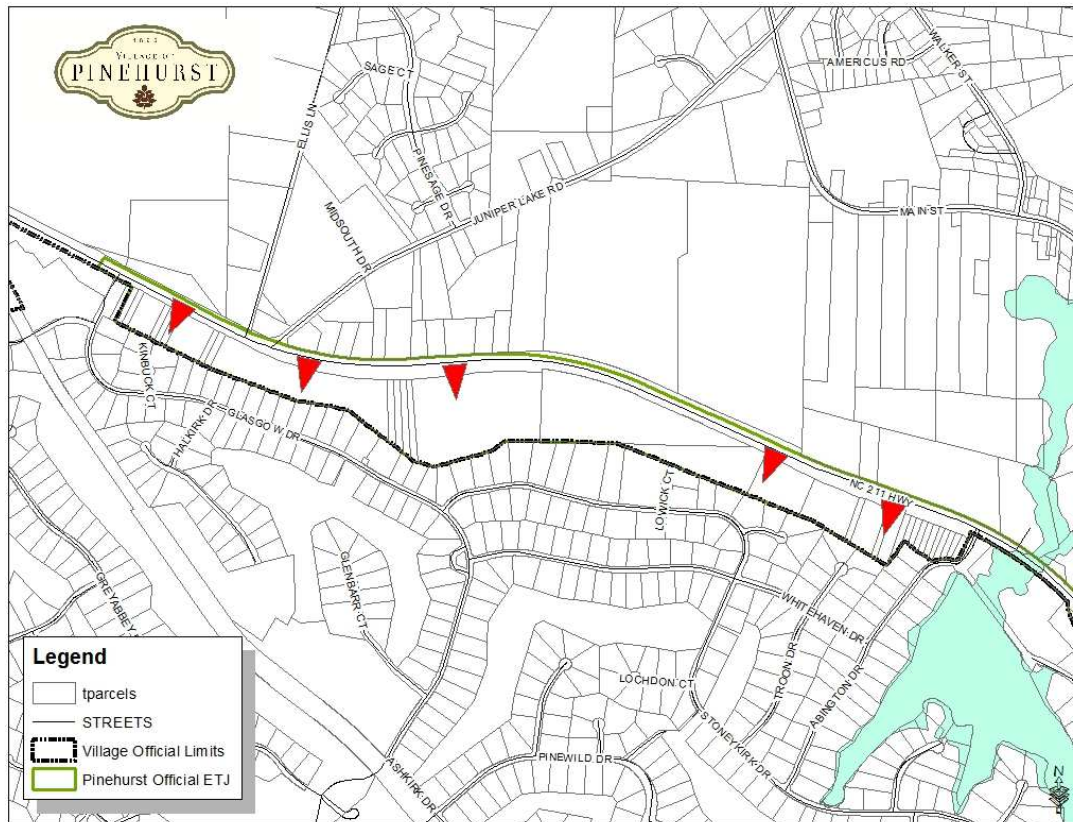
4.4 Transportation

Heading west from the traffic circle is Moore Regional Hospital, the largest employer in the County and several signalized intersections that service the hospital campus and surrounding office areas. These intersections include Page Rd. and Memorial Dr. The next major intersection is Rattlesnake Trail/Gun Club Rd. This intersection is signalized and services the Village Acres area and is also a gateway into the village center. Traveling further west is another signalized intersection for McKenzie Rd/Murdocksville Rd. Further along this corridor is the intersection with Hwy. 5/Central Park Ave. This intersection connects Pinehurst with Aberdeen at US 1 via Hwy. 5 south and also the shopping areas located in Olmsted Village.

Sidewalks exist on both sides of the corridor from Page Rd. to Hwy 5.

After crossing Hwy. 5 there are no intersections or cross streets except for the above mentioned entrances to the Pinewild Development within this area of Hwy. 211, as most of the properties are precluded from having access to Hwy. 211 or are undeveloped.

When the Pinewild commercial lots were subdivided, controlled access points were determined to reduce the number of driveways allowed. These included 3 access points from Hwy. 211 contained within the western pod of lots and 2 access points within the eastern pod. As part of the reconfiguration of Hwy. 211, NCDOT is now saying that only one access point would be allowed for each of the pods.



Map Depicting Access Points to the Pinewild Commercial Lots

4.5 Utilities

Public water is available along Hwy 211 to serve future development along this corridor. Public sewer is also available in the immediate area but appears to require some line extensions and/or easement acquisition west of the Donald Ross area. It has also been problematic in the past to determine if individuals can connect to the sewer lines in Pinewild as Moore County has never taken ownership of these lines. It is important to note that the Village of Pinehurst requires all development within 300' of public water and sewer to connect to that system.

5. Opportunities and Constraints

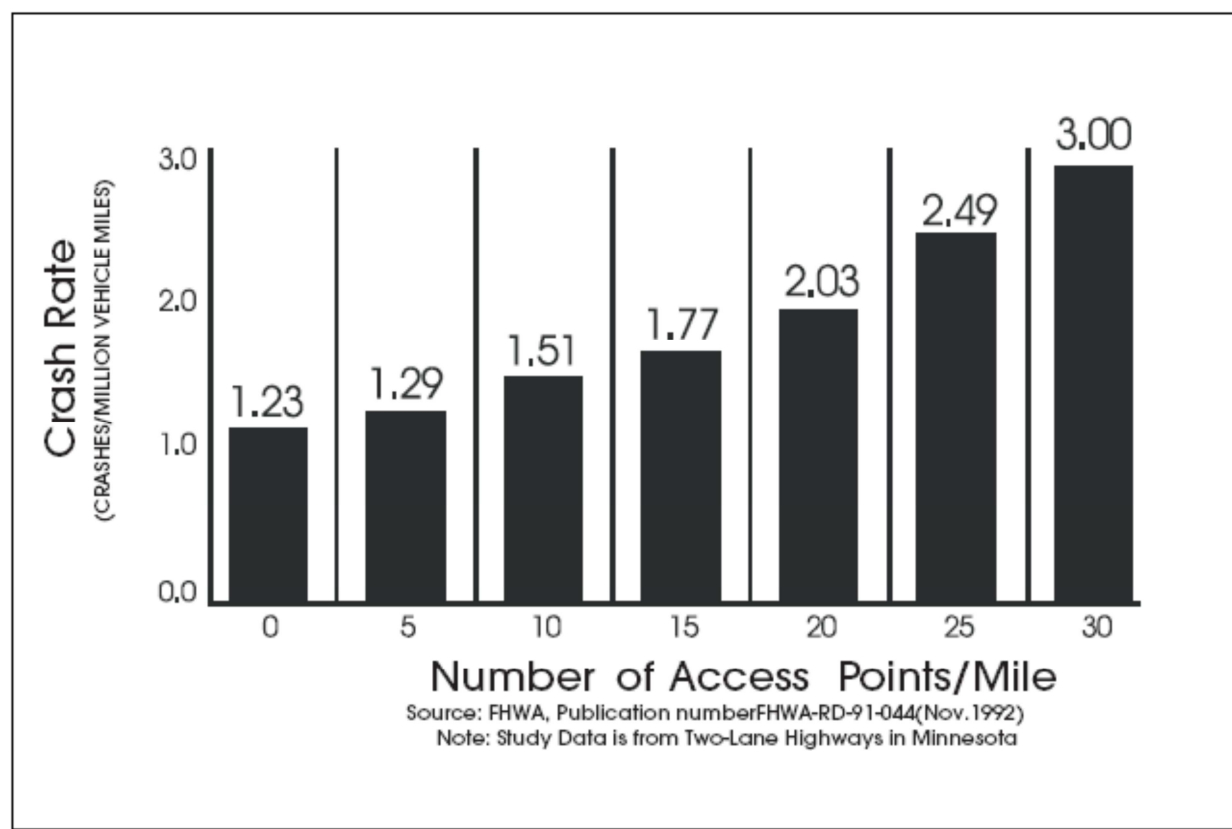
5.1 Mobility

The anticipated growth to the west of Pinehurst will increase demand for upgraded transportation infrastructure. NCDOT just completed the widening of this corridor from the traffic circle to Hwy. 73 at an estimated cost of \$31 million. With the large amount of capital expended by the tax payers of the State of North Carolina on this road improvement project it is paramount that the functionality of this corridor be extended well into the future as it is unlikely that any further improvements will be done to the roadway to create additional capacity.

As urbanization occurs along the corridor, particularly in and to the west of Pinehurst's jurisdiction, Hwy. 211 will need to carry much more traffic. In addition to causing congestion on Hwy. 211, increases in traffic volumes throughout the study area are anticipated to encourage regional traffic to use secondary state roads and local streets, thereby increasing congestion and decreasing safety in other locations. Thus, for a variety of performance and quality of life reasons there is a need to examine improvements on Hwy. 211 that would allow greater volumes of traffic to flow through the area.

5.2 Safety

Public safety is a high priority for all agencies responsible for maintaining and improving public transportation facilities. It is vital that future land use decisions and regulatory requirements try to mitigate any adverse impacts to public safety. This could include but not be limited to the placement of vegetation and structures, signage, minimizing access points and increased connectivity between uses.



5.3 Aesthetics

Due to the fact that Hwy. 211 is the western gateway to the Village of Pinehurst, an emphasis must be given to the aesthetics of the corridor to ensure it respects the context of the area and minimizes the impact to the natural and built environments. An emphasis should be focused on not only how the facility moves traffic but also on the visual appearance of the corridor.

When new development occurs, it should be appropriate for the Village and visually appealing. Items of concern should be landscaping, lighting, intersection treatments and signage.



6. Recommendations

1. *The Village of Pinehurst in concert with NCDOT, should implement regulations to limit access. Poor access management results in inefficient use of the roadway. It directly affects the livability and economic vitality of commercial areas in particular, ultimately*

discouraging potential customers from entering the area and accessing businesses. A corridor with poor access management lengthens commute times, creates unsafe conditions, reduces fuel efficiency, and increases vehicle emissions.

Without access management, the function and character of major roadway corridors can deteriorate rapidly and adjacent properties can suffer from declining property values and high turnover.

Some examples of access management treatments include:

- Improved On-Site Traffic Circulation
- Limiting the number of driveways
- Driveway Placement/Relocation/consolidations
- Cross Access Requirements
- Shared Parking

(mobility, safety and aesthetics)

2. *The Village of Pinehurst should review the speed limit.* As new development occurs and additional vehicle trips impact the corridor, the Village of Pinehurst should consult with NCDOT to make sure that the posted speed limit is appropriate. Additionally, if speeding is determined to be a safety issue, the Village and the NC Highway Patrol should be notified that increased enforcement is needed.

(mobility and safety)

3. *The Village of Pinehurst should review its signage regulations.* NCDOT has indicated that the speed limit along Hwy. 211 will remain 55 mph in the study area. With this being the case, the existing sign regulations may need to be adjusted to make sure development signage is legible at that speed.

(safety and aesthetics)



4. *The Village of Pinehurst should review its landscaping standards for new residential and commercial developments along the corridor.* New development along the corridor will have a visual impact. Having appropriate landscaping standards will mitigate negative visual impacts of the development and also mitigate traffic noise.
(aesthetics)
5. *The Village of Pinehurst should work with NCDOT to enhance landscaping along the public ROW.* Enhancing the landscaping in the right-of-way in an appropriate and safe manner will improve the attractiveness of the ROW and the adjacent properties. In doing so the village should leverage any capital it has to expend on the landscaping versus what NCDOT funds may be available for landscape enhancements.
(safety and aesthetics)
6. *The Village of Pinehurst should review its zoning within the corridor.* The relationship between land usage and transportation are not exclusive of one another because they both need to meet the challenges associated with growth in the area.
(mobility, safety and aesthetics)
7. *The Village of Pinehurst should review its lighting standards for new residential and commercial development along the corridor.* New development along the corridor will have a visual impact. Having appropriate lighting incorporated into new development will help mitigate negative visual impacts of the development.
(mobility, safety and aesthetics)
8. *The Village of Pinehurst should review its architectural design standards for new development along the corridor.* New development along the corridor will have a visual

impact. Having appropriate architecture and design incorporated into new buildings will help mitigate negative visual impacts of the development.
(aesthetics)

9. *The Village of Pinehurst and NCDOT should review street lighting standards along the corridor to ensure attractive and consistent lighting is erected.* As development occurs along the corridor it will be necessary to ensure that facility is appropriately and attractively lit. Since this is a gateway to the Village, any traffic lights should also be compatible with the look of the Village.
(safety and aesthetics)

10. *The Village of Pinehurst should review its development regulations to ensure that appropriate pedestrian and bicycle facilities are constructed along the corridor.* As development occurs along the corridor, pedestrian and bike facilities should be included to allow alternate means of travel and exercise. These would include linking residential areas to commercial nodes and each other.
(mobility and aesthetics)

7. Conclusions

Several areas of concern and opportunities are reoccurring throughout this study. These include enhancing the long term functionality of the new constructed Superstreet, providing for as safe as possible facility and the need to upgrade the visual attractiveness of the corridor. In many scenarios these areas have an impact on one another. So, before any implementation of one or more of these items occur, it needs to be weighed against any negative consequences that may occur to another area of concern. With the newly aligned roadway, this is the optimal time to create the vision for the corridor and implement practices to ensure an attractive and viable facility well into the future. Additionally, this corridor is a major gateway into the Village and future development and the context in which it occurs should respect that.

Pinehurst does not preside in a vacuum and actions by Pinehurst along this corridor will have an impact on the surrounding areas and region. Vice versa, actions that occur outside of Pinehurst have an impact on areas inside Pinehurst. Therefore, the Village should seek collaboration and build partnerships with other area jurisdictions, NCDOT and public utilities when considering public and private development to ensure the long term functionality of the roadway, proper development, encourage economic opportunities and to create an attractive corridor.



**CONSIDER THE GIVEN MEMORIAL LIBRARY CAPITAL CONTRIBUTION
CONTRACT REVISION.**

ADDITIONAL AGENDA DETAILS:

FROM:

John Frye

CC:

Jeff Batton & Natalie Dean

DATE OF MEMO:

5/19/2015

MEMO DETAILS:

The Village is currently under contract to contribute \$1,000,000 to the Given Memorial Library's Great Expectations Campaign for capital improvements. Under the agreement, originally entered into in April of 2013, \$700,000 has been transferred by the Village into an escrow account. The remaining payment of \$300,000 is scheduled for September of 2015.

During the development of the FY 2016 Budget, staff negotiated with the Library to spread the final installment due under the contract over a three-year period. The final terms of the revised agreement call for payments of \$100,000 in September of 2015, 2016, and 2017. The Library also requested to extend the reversion date of the contract by one year, from June 30, 2018 to June 30, 2019.

The revised term sheet, approved by the Library on May 8, 2015, is attached for your review and consideration.

ATTACHMENTS:

Description

- Library Term Sheet Revision-May 2015

Term Sheet
For
Village of Pinehurst –Given Memorial Library
Escrow Agreement

Given Memorial Library ("Given") has announced the commencement of the Great Expectations Campaign (the "Campaign"). The Campaign expects to raise Five Million Dollars for capital improvements to the Given facilities as set forth on Schedule A attached hereto. The Village of Pinehurst (the "Village") has agreed to contribute a total of One Million Dollars (\$1,000,000) to the Campaign under the following terms and conditions:

1. The Village gift of \$1,000,000 will be funded in 46 tranches; \$100,000 prior to July 1, 2013; \$300,000 in first quarter of VOP FY 2013-14 (by end of September 2013); \$300,000 in first quarter of VOP FY 2014-15 (by end of September 2014) ~~and the final \$300,000 in first quarter of VOP FY 2015-16 (by end of September 2015); \$100,000 in first quarter of VOP FY 2015-16 (by end of September 2015); \$100,000 in first quarter of VOP FY 2016-17 (by end of September 2016); and the final \$100,000 in the first quarter of VOP FY 2017-18 (by the end of September 2017)~~ (collectively the "Escrowed Funds").
2. The Escrowed Funds will be placed in an Escrow Account entitled "Village of Pinehurst-Given Memorial Library Escrow Fund" to be held by an entity or individual mutually agreeable to the Village and Given as Escrow Agent (the "Escrow Agent") pursuant to the terms of an Escrow Agreement among the Village, Given and the Escrow Agent in accordance with the provisions of this Term Sheet; Given will be responsible for all costs associated with the Escrow Agreement and Escrow Agent.
3. In order for the Escrowed Funds to be released by the Escrow Agent to Given, no less than \$3,500,000 (excluding the Village gift) must either have been received by the Campaign or committed to the Campaign by way of enforceable, irrevocable written pledge commitments (the "Minimum Funding").
4. The Escrowed Funds may only be used, upon release from escrow, to fund the actual construction of the addition and/or the cost of the architectural fees related thereto. No portion of the Village funds placed in escrow may thereafter be used for fundraising or for operating cost of Given.
5. Given will have until June 30, ~~2018-2019~~ to secure the Minimum Funding.
6. The Escrowed Funds will be invested by the Escrow Agent in securities of the same type and quality as North Carolina Statutes require for Village investments. Earnings on the Escrowed Funds will be retained in the Escrow and available to Given with the drawdown of the Escrowed Funds.
7. In the event the Minimum Funding is not attained within the time period specified herein, the Escrow Agreement will provide that the Escrowed Funds will be returned to the Village together with all sums earned thereon.
8. The general parameters of the expansion of the Given facilities (the "Project Scope") are set forth on Schedule A attached hereto; absent the agreement of the Village, the release of the Escrow Funds is contingent on the work to be done being in conformance with the Project Scope.

During the term of the Escrow Agreement, the Village also agrees to provide space to Given on the back page of the Village's quarterly news letter for articles about the Campaign and Given at no cost to Given. Beginning July 1, 2013 Given agrees to provide the Village quarterly updates on the status of its fundraising efforts.

Village of Pinehurst

By: _____

Its: _____

Date: _____

Given Memorial Library

By: _____

Its: _____

Date: _____

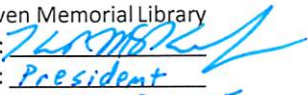
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1. The Village gift of \$1,000,000 will be funded in 6 tranches; \$100,000 prior to July 1, 2013; \$300,000 in first quarter of VOP FY 2013-14 (by end of September 2013); \$300,000 in first quarter of VOP FY 2014-15 (by end of September 2014); \$100,000 in first quarter of VOP FY 2015-16 (by end of September 2015); \$100,000 in first quarter of VOP FY 2016-17 (by end of September 2016); and the final \$100,000 in the first quarter of VOP FY 2017-18 (by the end of September 2017) (collectively the "Escrowed Funds").
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3. In order for the Escrowed Funds to be released by the Escrow Agent to Given, no less than \$3,500,000 (excluding the Village gift) must either have been received by the Campaign or committed to the Campaign by way of enforceable, irrevocable written pledge commitments (the "Minimum Funding").
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Village of Pinehurst
By: _____
Its: _____
Date: _____

Given Memorial Library
By: 
Its: President
Date: May 8, 2015



CONSIDER THE PURCHASE OF SERVICE REVOLVER FOR RETIRING POLICE OFFICER.

ADDITIONAL AGENDA DETAILS:

FROM:

Jeff Batton

DATE OF MEMO:

5/19/2015

MEMO DETAILS:

Staff has received a request from Deputy Chief Floyd Thomas to purchase his service revolver and be awarded his badge upon his retirement.

NCGS 20-187.2 authorizes the Village Council to award, upon request, a retiring law enforcement officer their service revolver and badge at a price determined by the governing body. The Village's Retirement and Recognition Gifts Policy sets the price for the revolver and badge for an officer with more than 20 years of service at \$1.

If Council, approves, the sale would be completed after retirement and upon presentation of proper licenses and permits for such a weapon by Deputy Chief Thomas.

A motion is provided should you choice to authorize the sale to Deputy Chief Thomas.

ATTACHMENTS:

Description

- ☐ Retirement and Gifts Policy
- ☐ Request from Deputy Chief Thomas

	VILLAGE OF PINEHURST STANDARD PROCEDURE	
SUBJECT: Retirement Recognitions and Gifts	Effective Date: 05/08/12	
Department: Human Resources	Policy No.: HR-116	
Prepared by: Human Resources	Revised:	
Approved by: Andrew Wilkison & Village Council	# of Pages: 2	

I. POLICY:

The Village of Pinehurst recognizes the importance of honoring employees who retire from public service. The purpose of this policy is to recognize and celebrate the dedication and hard work of those employees retiring from the Village of Pinehurst.

II. ELIGIBILITY:

Employees must be eligible and apply for retirement benefits under the North Carolina Retirement System and have at least five consecutive years of full-time service with the Village of Pinehurst, not including sick time. Qualifying years of service must be immediately prior to retirement.

III. PROCEDURE:

Department Directors will notify Human Resources of an employee's pending retirement. Human Resources will work with the Department Director and the retiring employee to coordinate an appropriate celebration and the appropriate gift.

Eligible employees will receive a taxable monetary gift according to the following schedule. These amounts have been increased by 30% to cover estimated taxes.

- 5 years but less than 15 years \$650
- 15 years or more \$1300

Eligible employees with at least 10 years of service will also receive a Village-sponsored, celebratory meal at a Village facility coordinated through Human Resources. Village employees, Council and the retiring employee's immediate family will be invited. Additional people may be invited at the discretion of Human Resources.

Eligible employees with 5 years of service, but less than 10 years will receive a Village-sponsored reception coordinated through Human Resources.

Additional celebrations or gifts, departmental or otherwise, cannot be paid for with Village funds.

IV. **PUBLIC SAFETY:**

The Village of Pinehurst recognizes the bravery and dedication of the public safety employees serving in the Pinehurst Police Department and Pinehurst Fire Department. In addition to the retirement gifts listed above, public safety employees may be awarded the gifts listed below.

NCGS 20-187.2 authorizes the Village Council to award, upon request, a retiring law enforcement officer, or a surviving relative of an officer, the service side arm and badge of the officer at a price to be determined by the governing body. This policy sets the price for qualifying awards of side arms to retiring law enforcement officers at one dollar. The law enforcement officer must have at least 20 years of service with the Village of Pinehurst to be eligible for this benefit. If the retiring officer has at least 10 years of service, but less than 20 years, the officer will have the option to purchase the service side arm for \$400. The retiring employee must follow all provisions of the statute and other applicable laws.

NCGS 160A-294.1 authorizes the Village Council to award, upon request, a retiring firefighter or a surviving relative of the firefighter, the fire helmet of the firefighter at a price determined by the governing body. This policy sets the price for qualifying awards of fire helmets to retiring firefighters at one dollar. The firefighter must have at least 10 years of service with the Village of Pinehurst to be eligible for this benefit.

Approved by:



Andrew Wilkison, Village Manager

May 8, 2012

Date

Resolution 12-31

Village Council, Resolution

May 8, 2012

Date



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

14 May 2015

MEMORANDUM

TO: Jeffrey H. Batton, Acting Village Manager

THROUGH: Earl L. Phipps, Chief of Police

FROM Floyd R. Thomas, Deputy Chief of Police

SUBJECT: Awarding of Service Side Arm and Police Badge

Pursuant to the Village of Pinehurst Standard Procedure entitled Retirement Recognitions and Gifts, dated the 8th of May 2012, Section IV, I am requesting the Village Council award my service side arm and police badge upon my retirement on the 26th of June 2015. I meet the ten year service requirement and my one dollar is attached for payment.

I appreciate the opportunity to have served as a member of the Village of Pinehurst Police Department.

Very Respectfully,

Floyd R. Thomas
Deputy Chief of Police
Village of Pinehurst Police Department



DISCUSSION OF SALE OF JUNIPER LAKE ROAD PROPERTY. ADDITIONAL AGENDA DETAILS:

FROM:

Natalie Dean

CC:

Jeff Batton

DATE OF MEMO:

5/18/2015

MEMO DETAILS:

This agenda item is to continue the Council's discussion of how you would like to proceed with the disposition of the Juniper Lake Road Property (see attached survey). At the Council's request, I have had discussions with a few realtors about the property to determine both a minimum asking price and appropriate zoning for the property. I have also discussed zoning with our Planning staff.

As a result of those discussions, staff needs direction on how the Council would like to proceed with the sale prior to advertising the Village is accepting offers. Per our previous discussions:

- Council needs to determine the desired zoning for the property because it is currently zoned PC for Village use.
- Council also needs to determine if you would like for the property to remain within the Village limits or if you prefer to deannex the property.

As a reminder, a well-versed local commercial broker recommended the Village put residential zoning on the property and suggested the Village consider deannexing the property. Some of the reasons for residential zoning are as follows:

1. The property is surrounded by residentially zoned property (see attached map),
2. Residential zoning will likely attract more potential buyers because there are more attractive commercial lots available in southern Moore County and nearby commercial development has languished in recent years,
3. There is no county water or sewer available to the property, and
4. A large portion of the property is designated as wetlands.

Planning staff suggests the Council place Village R-20 zoning on the property prior to offering it for sale. If it were developed for single-family residential, watershed regulations would limit it to 2 units per acre or 24% built upon, with individual septic and wells. It is also possible the property could obtain a Special Intensity Allocation (SIA) to increase the density beyond the 2 units per acre if multi-family development was being contemplated. Planning staff also point out that the Village's Comprehensive Long Range Plan indicates the property as an area of future growth for the Village.

Should Council decide to deannex the property, that will take an act of the NC General Assembly and the Village would need to work together with Moore County, if they are agreeable to the deannexation.

Staff will be available to discuss this further with Council at your work session on Tuesday to determine how the Council would like to proceed.

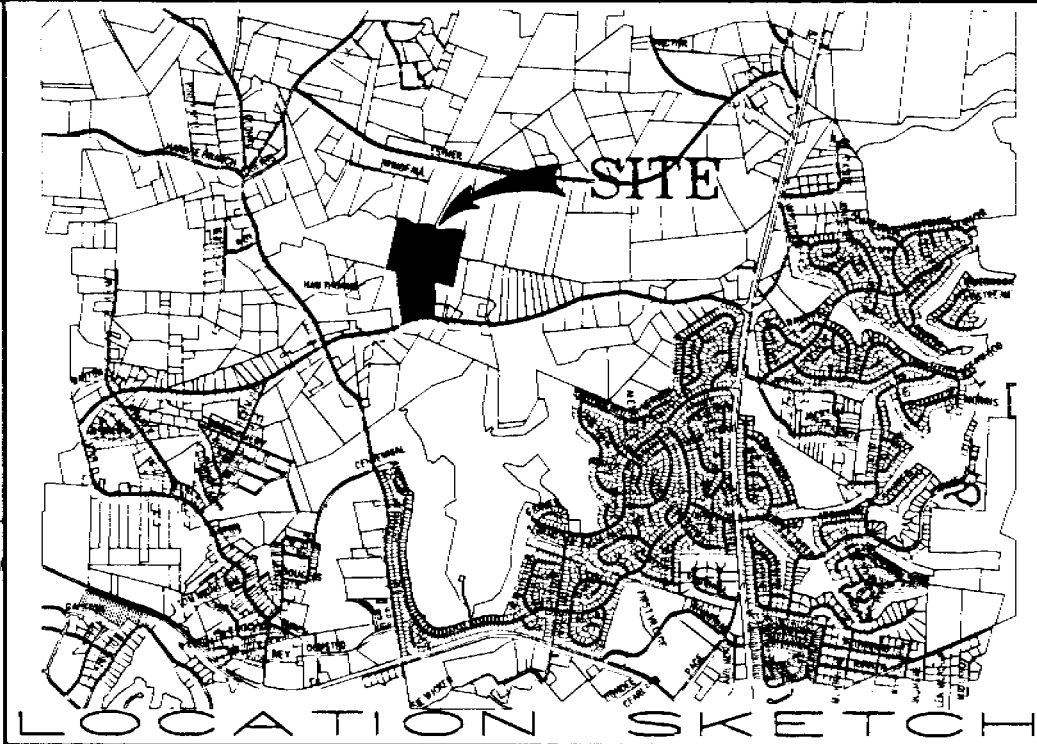
ATTACHMENTS:

Description

- 📄 Survey of Juniper Lake Rd Property
- 📄 Zoning Map of Property Near VOP Juniper Lake Road Tract

PLAT CABINET 14 SLIDE 761 2009 SEP -8 A 11:52

MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTAGE, NORTH CAROLINA 28327



N12°29'18"E
139.86'
ESTER ROAD

ALLEN BROTHERS TIMBER COMPANY
PLAT CAB. 5, SL. 585

FLORENCE BLACK HEIRS
2000E/650

REFERENCE:
PLAT CAB. 5, SL. 29
PLAT CAB. 13, SL. 662
DEED BOOK 3189, PAGE 268
DEED BOOK 3545, PAGE 30
MOORE COUNTY REGISTRY

ACREAGE DETERMINED
BY COORDINATE METHOD.

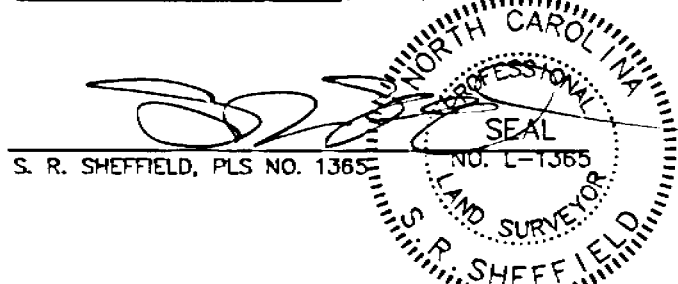
UNLESS OTHERWISE DENOTED,

- =EXISTING IRON STAKE
- =EXISTING CONCRETE MONUMENT
- =SET CONCRETE MONUMENT
- =SET IRON STAKE
- ~=SQUARE FOOTAGE
- ▲=POWER SERVICE STUB
- =SEWER SERVICE STUB
- =TELEPHONE SERVICE STUB
- =CABLE TV SERVICE STUB
- =WATER METER
- =FIRE HYDRANT
- =SANITARY SEWER MANHOLE
- =UTILITY POLE

I, S. R. SHEFFIELD, CERTIFY THAT THIS PLAT WAS
DRAWN UNDER MY SUPERVISION FROM AN ACTUAL
SURVEY MADE UNDER MY SUPERVISION; THAT
THE BOUNDARIES NOT SURVEYED ARE CLEARLY
INDICATED AS DRAWN FROM INFORMATION SHOWN;
THAT THE RATIO OF PRECISION AS CALCULATED
IS 1:10,000±; THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
FURTHER:

THAT THE SURVEY IS A RECOMBINATION OF EXISTING
PARCELS, A COURT ORDERED SURVEY, OR OTHER
EXCEPTION TO THE DEFINITION OF SUBDIVISION.

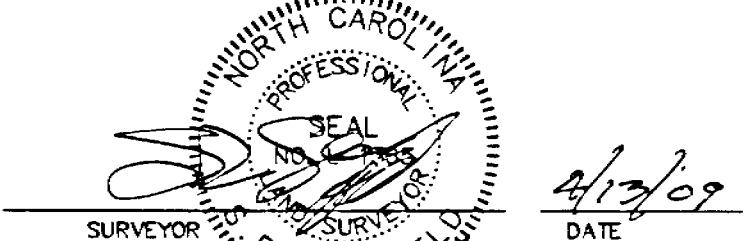
WITNESS MY ORIGINAL SIGNATURE, LICENSURE
NUMBER AND SEAL THIS 13th DAY OF
APRIL, 2009, A.D.



CERTIFICATE OF EXEMPTION FROM SUBDIVISION ORDINANCE

I HEREBY CERTIFY THAT THIS PLAT IS EXEMPT FROM THE SUBDIVISION
ORDINANCE UNDER DEFINITIONS OF SUBDIVISION CONTAINED IN
N.C. GENERAL STATUTE SECTION 376 AND 153A-335 AND SECTION 2.1.4 OF THE
VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE FOR THE FOLLOWING
REASON:

THE COMBINATION OR RECOMBINATION OF PORTIONS OF PREVIOUSLY
SUBDIVIDED AND RECORDED LOTS WHERE THE TOTAL NUMBER OF LOTS
IS NOT INCREASED AND THE RESULTANT LOTS ARE EQUAL TO OR EXCEED
THE STANDARDS SET FORTH IN THE PINEHURST DEVELOPMENT ORDINANCE;



SURVEYOR
DATE 4/13/09
VILLAGE MANAGER
DATE 9-3-09

State of North Carolina

I, Andrew Gardner, Review Officer of
Moore County, North Carolina, certify that the map or plat which this
certification is affixed meets all statutory requirements for recording.

Review Officer
LRK'S: 22018, 991820, 991822
Date 9/18/09

SURVEY FOR VILLAGE OF PINEHURST 52.58 ACRES

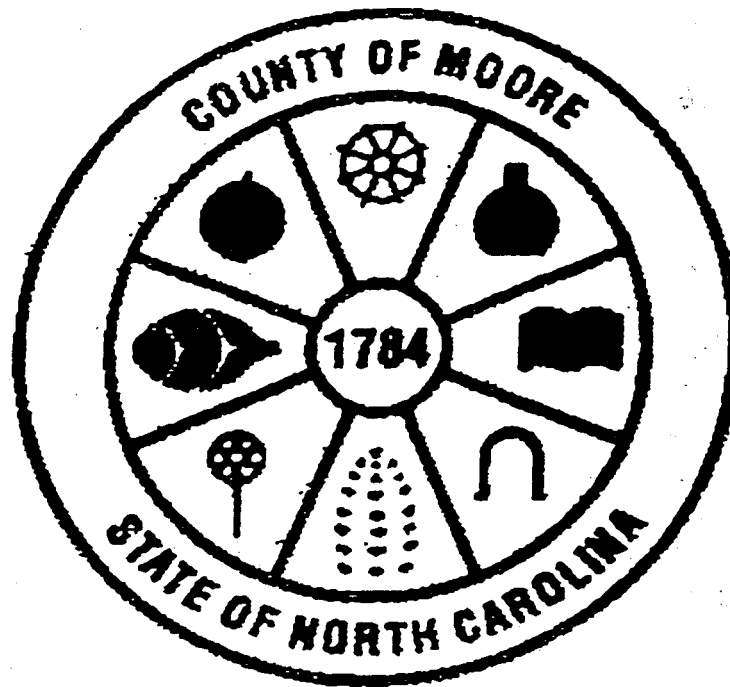
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA
APRIL 13, 2009 -- SCALE 1"=200'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
2233 NORTH PINEHURST STREET
ABERDEEN, NORTH CAROLINA

200' 100' 0' 200' 400'

Plot date: 04/13/09 at 11:05 File name: C:\D13\PINNIC09

SURVEYOR:
STEPHEN R. SHEFFIELD & ASSOCIATES, P. A.
2233 N. PINEHURST STREET
ABERDEEN, N. C. 28315
910-255-0420

OWNER:
VILLAGE OF PINEHURST
395 MAGNOLIA ROAD
PINEHURST, N. C. 28374



Judy D. Martin
Register of Deeds
Moore County, North Carolina

PLAT

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC

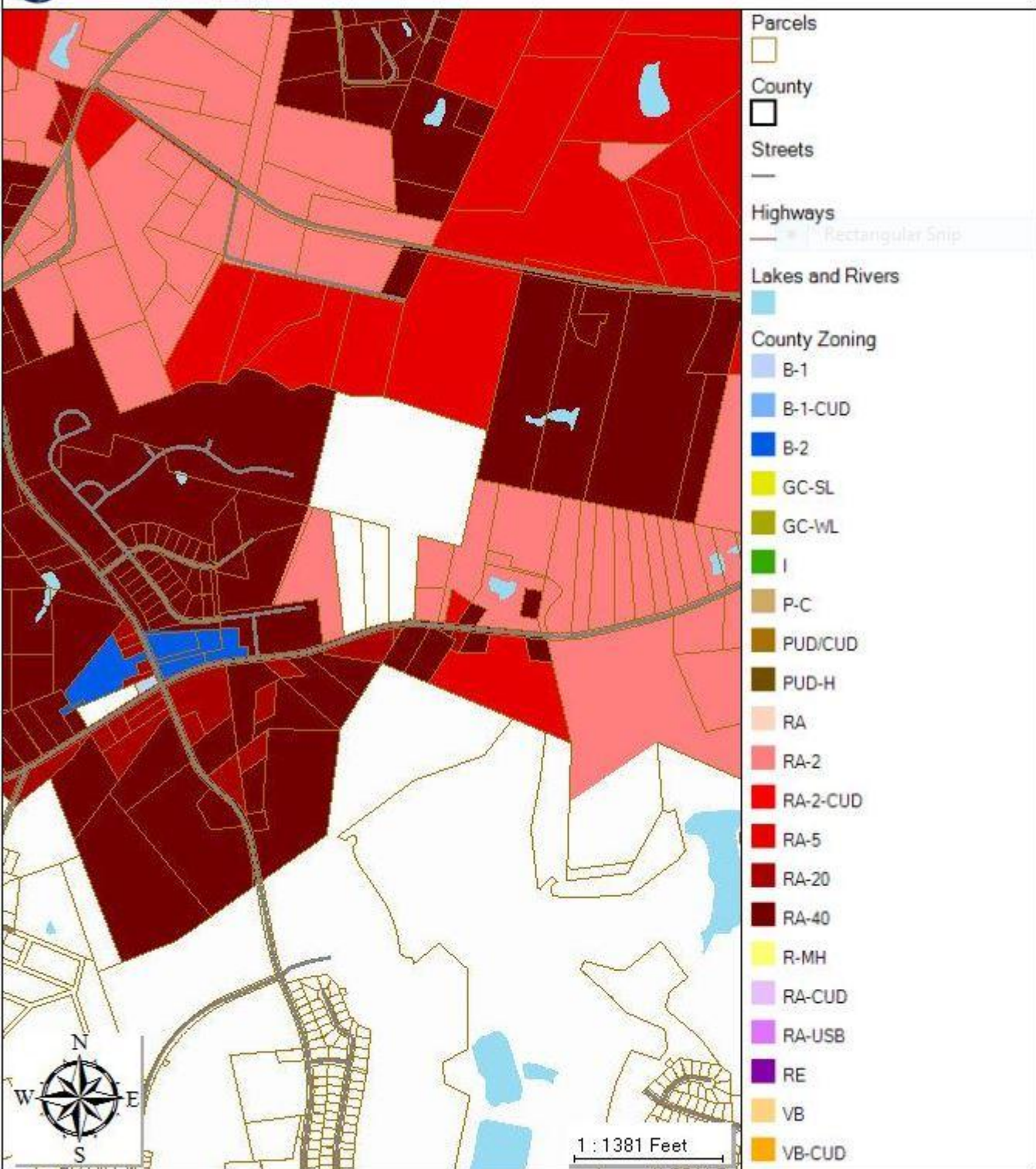
September 08, 2009 11:52:46 AM
Book 14 Page 761-761

FEE: \$21.00

INSTRUMENT # 2009014015



INSTRUMENT # 2009014015



GIS DISCLAIMER All the information contained on this media is prepared for the inventory of real property found within Moore County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. All information contained herein was created for the County's internal use. Moore County, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether express or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



DISCUSSION ON SOILD WASTE CART STORAGE REQUIREMENTS. ADDITIONAL AGENDA DETAILS:

FROM:

Jeff Batton

DATE OF MEMO:

5/20/2015

MEMO DETAILS:

After the NAC meeting on Monday May 18, Councilmember Cashion, suggested we consider having a discussion on trash cart storage. We currently have a BIRDIE going on regarding Code Enforcement and one of the major items of discussion is educating the public on code requirements. Among these, cart storage is one of the top priorities for education.

The BIRDIE team is not considering adding regulations as the survey they conducted indicated that the majority (74%) felt the Village had either too many or the appropriate amount of regulations. That was a generic question and was not specific to any one regulated item.

If Council were to desire a change in the code to require screening of carts, we would need that direction in advance of the BIRDIE team formulating its education program. Obviously, we would not want to expend resources educating the public on current rules and then make changes that necessitated the re-education of the public a short time later.

The current code restricts storage to either be within an enclosed substantial structure or be behind the principal structure's building lines extended for all sides of the structure that face a street and be no more than five feet from the principal structure itself. An exception is provided for those homes served by back alleys.

This means a home with a recessed, or stepped back, garage on a street facing side can store the cart in front of the garage and be compliant.

Requiring carts to be screened from view will be challenging to develop. There are many factors that would go into this. An example of some of the considerations could be:

- At what angle on the street would they have to be non-visible? Carts may be screened from view from a point in front of the house, but may be visible if I look from in front of the neighboring house.
- Does it have to be screened from the next door or rear door neighbor? Does that include being screened from view if the neighbor is in the backyard? What about be visible from the neighbor's second floor window?
- Does the cart have to be 100% out of view? 80% out of view?
- Does screening have to be in the form of fencing,/wall or can it be plants? Do the plants have to screen it from view on day one of planting or can they be a species that will grow and eventually screen the carts?

These are just a few of the considerations however, if Council would like to see an ordinance drafted that may accomplish a certain level of screening, staff can do so.

We'll be seeking Council's consensus and direction on what, if anything, you would like to do relative to screening requirements.

Thanks.



DISCUSS SB25/HB36 PERTAINING TO ZONING/DESIGN AND AESTHETIC CONTROLS.

ADDITIONAL AGENDA DETAILS:

FROM:

Jeff Batton

DATE OF MEMO:

5/21/2015

MEMO DETAILS:

SB 25/HB 36 (attached) is a pending bill that would affect certain portions of the PDO related to the regulation of building design elements. A memorandum is also attached from Kevin Reed that indicates what the specific arts of the PDO would be affected.

Under current law, a local community determines what they want in their community, as it relates to residential design aesthetics. The proposed legislation would eliminate the option for local governments to have a choice.

This agenda item is intended to make Council aware of how it affects the PDO and to determine if Council wishes to take a position or not.

Thanks.

ATTACHMENTS:

Description

- ☐ Memo from Staff on Impacts
- ☐ SB 25



PLANNING AND INSPECTIONS DEPARTMENT

To: Mayor Fiorillo and Village Council

From: Kevin B. Reed, Director of Planning and Inspections

Cc: Jeff Batton, Interim Village Manager

Date: May 21, 2015

Subject: **Potential Impacts of Senate Bill 25/House Bill 36 (Zoning/Design & Aesthetic Controls) on the Pinehurst Development Ordinance (PDO).**

Senate Bill 25 and House Bill 36 represent a third attempt by the General Assembly to pass legislation that would prohibit municipalities from having requirements in their zoning ordinance that applies to and restricts “building design elements”. The bill applies to all structures built under the NC Residential Code for One- and Two-Family Dwellings. The bill defines “building design elements” as:

“exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms.”

The phrase "building design elements" does not include: (i) the height, bulk, orientation, or location of a structure on a lot; (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors; or (iii) regulations adopted pursuant to the North Carolina Residential Code for One- and Two- Family Dwellings.

It is important to note that the bill would not apply to local historic districts established pursuant to State statutes; structures located in an area designated as a historic district on the National Register of Historic Places; and, structures that are individually designated as local, State, or national historic landmarks. It would also not apply to private covenants or contracts among property owners. For example, Pinewild could continue to enforce design standards on residential dwellings. The bill also contains a few other exemptions such as design standards for

manufactured housing adopted in a manner consistent with NC General Statutes and any requirements set forth in the Village's Flood Damage Prevention Ordinance.

The Senate approved SB 25 Zoning/Design & Aesthetic Controls in April. HB 36 has been assigned to the House Committee on Regulatory Reform. According to the NC League of Municipality's website, the League supports compromise language, rejected by the Senate, that would allow new construction of single-family developments to occur with no municipal regulation of home color, type of materials used, roof style, location of windows and doors, and other design elements. In addition, Village staff has contacted the NC Home Builders Association in an attempt to get an understanding of their stance regarding the legislation.

Based on staff's review of the legislation as it is currently worded, there would be an impact on the Pinehurst Development Ordinance (PDO). Section 9.14, "Design Standards for Single Family Dwelling", of the PDO indicates that the purpose of this section is to:

“...assure that single family residential development is compatible with existing development and consistent with its site and surroundings...”

This section of the PDO contains a number of requirements which are “building design elements” as defined in the legislation. These include requirements for building colors, as set forth in the “Village of Pinehurst Color Palette”; exterior materials and finishes; roofing materials; roof design elements; and, other “design elements” set forth in the PDO. The passing of the legislation, and subsequent signing into law, would make many of the building design requirements set forth in Section 9.14 to be unenforceable by the Village.

Staff would be pleased to discuss this legislation further at Council's request. Please let me know if you have any questions or concerns.

KBR

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Feb 3, 2015
S.B. 25
PRINCIPAL CLERK

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D

SENATE DRS45015-MQ-19A (01/29)

Short Title: Zoning/Design & Aesthetic Controls.

(Public)

Sponsors: Senators Gunn, Apodaca, and Tarte (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING
ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-381 is amended by adding new subsections to read:

"(h) Any zoning and development regulation ordinance relating to building design elements adopted under this Part, under Part 2 of this Article, or under any recommendation made under G.S. 160A-452(6)c. may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

- (1) The structures are located in an area designated as a local historic district pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes.
- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160A-383.1 and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district, special use district, conditional use district, or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160A-383 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan. For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot; (ii) the use of buffering or screening to minimize visual impacts, to mitigate the



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1 impacts of light and noise, or to protect the privacy of neighbors; or (iii) regulations adopted
2 pursuant to this Article governing the permitted uses of land or structures subject to the North
3 Carolina Residential Code for One- and Two-Family Dwellings.

4 (i) Nothing in subsection (h) of this section shall affect the validity or enforceability of
5 private covenants or other contractual agreements among property owners relating to building
6 design elements."

7 **SECTION 2.** G.S. 153A-340 is amended by adding new subsections to read:

8 "(l) Any zoning and development regulation ordinance relating to building design
9 elements adopted under this Part, under Part 2 of this Article, or under any recommendation
10 made under G.S. 160A-452(6)c. may not be applied to any structures subject to regulation
11 under the North Carolina Residential Code for One- and Two-Family Dwellings except under
12 one or more of the following circumstances:

13 (1) The structures are located in an area designated as a local historic district
14 pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes.

15 (2) The structures are located in an area designated as a historic district on the
16 National Register of Historic Places.

17 (3) The structures are individually designated as local, State, or national historic
18 landmarks.

19 (4) The regulations are directly and substantially related to the requirements of
20 applicable safety codes adopted under G.S. 143-138.

21 (5) Where the regulations are applied to manufactured housing in a manner
22 consistent with G.S. 153A-341.1 and federal law.

23 (6) Where the regulations are adopted as a condition of participation in the
24 National Flood Insurance Program.

25 Regulations prohibited by this subsection may not be applied, directly or indirectly, in any
26 zoning district, special use district, conditional use district, or conditional district unless
27 voluntarily consented to by the owners of all the property to which those regulations may be
28 applied as part of and in the course of the process of seeking and obtaining a zoning
29 amendment or a zoning, subdivision, or development approval, nor may any such regulations
30 be applied indirectly as part of a review pursuant to G.S. 153A-341 of any proposed zoning
31 amendment for consistency with an adopted comprehensive plan or other applicable officially
32 adopted plan. For the purposes of this subsection, the phrase "building design elements" means
33 exterior building color; type or style of exterior cladding material; style or materials of roof
34 structures or porches; exterior nonstructural architectural ornamentation; location or
35 architectural styling of windows and doors, including garage doors; the number and types of
36 rooms; and the interior layout of rooms. The phrase "building design elements" does not
37 include any of the following: (i) the height, bulk, orientation, or location of a structure on a
38 zoning lot; (ii) the use of buffering or screening to minimize visual impacts, to mitigate the
39 impacts of light and noise, or to protect the privacy of neighbors; or (iii) regulations adopted
40 pursuant to this Article governing the permitted uses of land or structures subject to the North
41 Carolina Residential Code for One- and Two-Family Dwellings.

42 (m) Nothing in subsection (l) of this section shall affect the validity or enforceability of
43 private covenants or other contractual agreements among property owners relating to building
44 design elements."

45 **SECTION 3.** This act is effective when it becomes law. The act clarifies and
46 restates the intent of existing law and applies to ordinances adopted before, on, and after the
47 effective date.