

NORTH CAROLINA
COUNTY OF MOORE

AGREEMENT FOR LEGAL SERVICES

THIS CONTRACT is entered into between VAN CAMP, MEACHAM, & NEWMAN, PLLC (Firm) TIN #-56-2228538, and the VILLAGE OF PINEHURST (Village) TIN #56-1211319, for the provision of general legal representation. The contract period is July 1, 2022 to June 30, 2023 Michael J. Newman (Attorney), a partner in the Firm, will be the primary attorney assigned to this contract by the Firm. If Mr. Newman is not available, the Firm may assign another qualified attorney as an alternate upon the request of the Village Manager.

SECTION I: SCOPE

Attorney will provide general legal representation to the Village in the following areas of law as they pertain to municipalities, said list not to be all-inclusive:

Land Use Regulation
General Police (Ordinance making) powers
Employer-Employee relations, labor law
Environmental law
Police and Public Safety law
Financial law

In advising the Village in the aforementioned areas, Attorney will prepare for and be available to attend all regular meetings, special meetings, and work sessions of the Village Council upon request of the Village Manager. Also, when necessary and if requested and approved through the office of the Village Manager, Attorney will attend work sessions and regular meetings of the Planning and Zoning Board, Board of Adjustment, and Historic Preservation Commission. Attorney will attend, either with or on behalf of the Mayor, Village Council Members, or the Village Manager, any State or County administrative or regulatory body deliberating upon issues or matters of concern to the Village of Pinehurst when requested through the Village Manager's office. Michael J. Newman will be the primary attorney assigned to this contract. If Mr. Newman is not able to attend any of the above-mentioned meetings due to illness, personal vacation, etc., the Firm shall send a qualified attorney as an alternate upon request of the Village Manager. These arrangements for an alternate attorney shall be agreed upon in advance by the Attorney and the Village Manager whenever possible.

The Attorney will also participate, when requested by the Village Council or Village Manager, in dispute resolution or settlement discussions. Attorney will review ordinances and resolutions prior to adoption, recommending changes when appropriate, and will draft ordinances, resolutions and other documents when requested through the office of the Village Manager.

The Attorney may, with the prior approval of the Village Manager, subcontract with other firms or individuals to have certain services performed for the Village, such as title searches, but the Attorney shall remain responsible to the Village for the quality and timeliness of these services. Not included within the scope of services between the Village and Attorney, nor among those services that Attorney may contract with others, are those services customarily performed by outside bond counsel.

Should outside counsel be necessary for proper representation of the Village, Attorney shall recommend at least two firms for the Village Council to choose from for such additional representation. Attorney is

responsible to the Village Council for coordinating Village representation with outside counsel, and reporting on a regular basis to the Village Council the status of that particular issue and the outside legal representation.

SECTION II: RELATIONSHIP

The Attorney is not eligible for any fringe benefits or covered by the Village's Personnel Policy. The Attorney is free to act as the legal representative for any other person or entity when doing so will not create a conflict of interest with the interests of the Village of Pinehurst.

The primary contact for the Village regarding legal matters will be the Village Manager. Providing instructions and requests for service to the Attorney shall be the responsibility of the Village Manager. All correspondence of the Village Attorney to the Village Council shall be either directed to or through the Village Manager. All direction from the Village Council to the Village Attorney shall be either directed to or through the Village Manager. No investigations or claims shall be initiated by the office of the Village Attorney without prior approval of the Village Manager. The office of the Village Attorney may initiate responses to inquiries, demands or claims made against the Village, without prior approval of the Village Manager, however, the Village Manager shall be advised promptly of such claims and the responses made. It is understood by both parties that it is the desire of the Village Council that the Attorney practice law on behalf of the Village in a manner designed to be preventive in nature.

There shall be an annual review of the status of this agreement, and the desirability of the legal services being provided herein.

SECTION III; TERM

The term of this agreement shall be from July 1, 2022 to June 30, 2023. Should either party wish to terminate this agreement for any reason they may do so by giving ninety days written notice of their intention to terminate this agreement. Failure of the Village of Pinehurst to give such notice to the Firm shall entitle the Firm to one-fourth of the then applicable annual amount of compensation for the services of Attorney. Failure of the Firm to give appropriate notice to the Village as specified above shall cause the Village not to be obligated to pay any amounts due for legal or related services from and after the date of the resignation of Attorney.

SECTION IV; COMPENSATION

For the provision of legal representation, including the associated paralegal and administrative support services normally associated with legal representation, and other legal services, including the required attendance at Council and other meetings, to the Village of Pinehurst, the Firm shall be compensated in a monthly amount of \$4,945.00. It is the intention of the Village and the Firm that the annual compensation amount shall cover attendance at meetings of the Village Council and various Village boards and commissions as described in SECTION I above, and for such additional meetings and consultations as may be required, estimated to be approximately thirty (30) hours per month. A detailed report of the services provided under this agreement, including the hours of service by category or project, shall be submitted to the Village Manager by the 15th of the month following the month of service. It is recognized that demands upon Attorney's time and skills are unpredictable, hence it is agreed that either party may call for a mutual review of the adequacy and reasonableness of the compensation at any time upon ten days written notice,

and that in any event there shall be a full annual review of the services which have been performed and are anticipated with the full Village Council.

For additional services provided to the Village in cases of litigation, beyond the initial thirty (30) hours per month, as authorized through the office of the Village Manager, the Village agrees to pay the Firm the Attorney's the hourly rates described on the attached letter for such services, upon presentation to the Village of an invoice describing the services provided, the provider, the applicable hourly rate, and the amount of time spent by the provider on each particular task.

Payment for subcontracted services, WestLaw Research, Municipal Attorney's Association membership expenses, and continuing education expenses related to municipal law shall be made by the Attorney and shall be charged to the Village on the Attorney's monthly invoice.

It is understood that extraordinary services which may be required of Attorney shall be discussed if and as the occasion arises, and agreement sought on a reasonable basis of additional compensation to be paid, in light of the nature of the situation, the time to be foreseeably consumed or the unusual demand to be placed upon Attorney.

It is further understood that litigation may not be unusually demanding, or reasonably require extra or special compensation; at the same time, other situations can develop that do fall in the unusual category, e.g. possibly an extensive revision of the zoning and subdivision ordinances, labor negotiation, financing, etc.. These will be discussed and agreed upon at the time they arise.

For the Village of Pinehurst

By: _____
John C. Strickland, Mayor

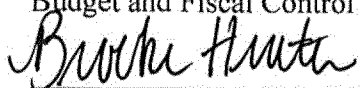
Attest:

Kelly Chance, Village Clerk

Van Camp, Meacham, & Newman, PLLC:

By: 
Michael J. Newman

This instrument has been preaudited in the
Manner required by the Local Government
Budget and Fiscal Control Act



Brooke Hunter, Finance Officer

5/11/2022

Date

Brooke Hunter

From: Susan Ford <susanf@vancamplaw.com>
Sent: Tuesday, May 10, 2022 9:52 AM
To: Brooke Hunter
Cc: Mike Newman
Subject: Legal Services Contract for FY2023
Attachments: 20220510084301.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Ms. Hunter,

Please find attached the Legal Services Contract for FY 2023 and the "Essential Communications for Key Suppliers" signed by Mike. His hourly rate is \$385.00. Please let me know if you have any questions.

Thank you,

Susan E. Ford

Paralegal to Michael J. Newman

VAN CAMP, MEACHAM & NEWMAN, PLLC

2 Regional Circle

P.O. Box 1389

Pinehurst, NC 28370

Telephone: 910-295-2525

Facsimile: 910-235-0233

Email: susanf@vancamplaw.com

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ESSENTIAL COMMUNICATIONS FOR KEY SUPPLIERS

Village of Pinehurst Mission, Vision, and Values

To achieve the vision of the Village to be a “charming, vibrant community that reflects our rich history and traditions,” the mission of Village employees is to “Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.” Village employees strive to achieve this mission by adhering to a set of core values that are reflected in Village employees’ interactions with customers.

Contractors are an extension of the Village workforce by either providing direct services to Village customers or partnering with Village employees. To ensure residents, businesses, and visitors receive the highest levels of service, the Village expects its contractors to reflect the Village’s core values while performing services under the terms of the contract. The Village of Pinehurst’s Core Values are as follows:

Initiative – the desire and will to identify what needs to be fixed, fix what needs to be fixed, and take leadership when leadership is needed.

Teamwork – the desire and will to selflessly function as part of a high performing whole and to collaboratively work in ways that take full advantage of input from all members of the team.

Service – the desire and will to selflessly meet the needs of those around you: customers, fellow employees, employers, and the community as a whole.

Improvement – the desire and will to learn and grow professionally and to enhance team processes in ways that improve performance, efficiency, or both.

Ethical Standards

As a contractor working on behalf of the Village of Pinehurst, contractors are expected to reflect our ethical standards. The foundation of government depends on public trust and confidence. While performing the terms of the contract, the Village expects contractors to foster public trust by providing quality service and fair dealings that are respectful, impartial, and accountable. Contractors must also avoid any conflicts of interest or appearance of conflicts of interest or use their position or resources for personal gain.

Village employees or their families may not request or accept any kickback, rebate, cash, or anything of value from a Village contractor. These practices are not only unethical, but are in most cases illegal.

Village employees have the right to be free from harassment on the job because of their race, color, sex, religion, gender, national origin, sexual orientation, age, disability, veteran’s status, or other protected class. Harassment of any employee by management, supervisor, or contractor in any form is prohibited. All contractors are expected to abide by these ethical standards of conduct while performing services under contract for the Village of Pinehurst.

Contract Performance Evaluation

At least annually, Village staff will evaluate contractor performance under the terms of this contract. This evaluation will assess how well the contractor performed during the contract period in meeting Village contract requirements of: 1) Fair price, 2) Quality of goods and services, and 3) Timely delivery of goods and services.

As a requirement of this contract, contractors are required to periodically meet with Village staff to assess and communicate contractor performance under the terms of the contract, including the aforementioned terms. These meetings may be in person or by telephone and will allow for open two-way communication between the contractor and the Village representative. These meetings are not an opportunity to renegotiate the terms of the contract, but will be focused on the quality and timeliness of the services provided under the contract. These meetings will also provide an opportunity to share innovative ideas for service delivery that may be incorporated into future process improvements at the Village.

Your Village representative will review key contract service delivery performance measures with you during your meetings. If, for any reason, service delivery is below the contracted performance requirements, or if there are other shortcomings related to demonstration of the Village's values or ethical standards, Village staff will discuss it with you at that time. These meetings will offer both parties an open opportunity to discuss any concerns and to ensure adequate service delivery and identify opportunities for service delivery improvements.

The performance evaluation meeting schedule for this contract is as follows:

Meeting Frequency (Select one): ☐ Quarterly ☐ Semi-Annually ☒ Annually

	Village Representative	Contractor Representative
Name	Jeff Sanborn	Michael Newman
Contact Information	910-295-8641	910-295-2525

The Village values the services provided under the terms of this contract, values the contractor-Village partnership, and looks forward to working collaboratively throughout the contract period to serve Pinehurst residents, businesses, and visitors.

Acknowledgment of Receipt

I hereby acknowledge that I have read, understand, and agree to abide by these contract terms provided above while performing the contract with the Village of Pinehurst.

VAN CAMP, MICHAEL NEWMAN,
Company Name *PCC*

[Signature]
Name of Signer

Partner
Title
5/10/22
Date



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

**VILLAGE OF PINEHURST
VILLAGE COUNCIL
CLOSED SESSION-MAY 10, 2022**

**ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

MINUTES

At a work session of the Pinehurst Village Council held at 8:33 p.m., Tuesday, May 10, 2022 in Assembly Hall of Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Councilmember Boesch moved to go into closed session pursuant to NCGS §143-318.11(a)(5)(i) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The motion was seconded by Mayor Pro Tem Pizzella and carried unanimously, by a vote of 5-0.

The following people were in attendance in Assembly Hall:

Mr. John C. Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Jeff Morgan, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeff Sanborn, Village Manager
Mr. Michael Newman, Village Attorney
Mr. Jeff Batton, Assistant Village Manager, Operations
Mr. Doug Willardson, Assistant Village Manager, Administration

MAYOR STRICKLAND CALLED THE MEETING TO ORDER.

Councilmembers discussed the potential acquisition of the Mahaley Tract in Pinehurst South, threatened litigation reference the Mahaley Tract in Pinehurst South, and a lawsuit filed by Kevin Drum and his NC Citizens for Transparent Government organization.

ADJOURNMENT.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the closed session and re-enter the work session, by a vote of 5-0.

Respectfully Submitted,

Kelly Chance
Village Clerk



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF MAY 10, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a work session at 7:01 p.m., Tuesday, May 10, 2022, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance:

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

And approximately 16 attendees, including 4 staff and 0 press.

1. Call to Order.

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

2. Short-term Rental Policy Update.

Darryn Burich, Planning & Inspections Director, stated this item is a continuation of discussion on short-term rentals. Mr. Burich provided council with a matrix document outlining PDO Amendment options related to short-term rentals. He stated the document was produced from combining responses received from Council since the previous council meeting.

Mr. Burich presented council with options using measures such as defining STRs as "whole house" as less than 30 days of consecutive rental and creating an annual 14-day grace period to allow STR uses. He stated the pros for this option is that it establishes land use type which would allow for enforcement and the ability to prohibit and allow in various districts, and the cons would be that of enforceability without a permit requirement.

Mr. Burich stated a second option under land use would be to allow STRs in all zoning districts where single family residential dwelling units are allowed with enhanced standards and regulations (e.g., parking, occupancy limits, etc.). He noted the pro would be this does not single out one residential district over another, but the con is it allows potential concentration of STRs.

Mr. Burich stated a third option under land use would be to prohibit in all residential single-family districts with the pro being that it applies uniformly, but enforceability will likely be an issue without a permit requirement or amortization.

Mr. Burich stated the fourth option under land use would be to allow STRs in all or specified single-family residential districts. He noted this would allow for better management over where new STRs can locate instead of a blanket allowance in all single-family districts. He stated this could allow for concentration in certain districts and would lead to having to determine which single-family residential districts to permit or prohibit.

Mr. Burich stated the last option under land use would be to create floating overlay districts where STRs can locate, which would

allow for better management of where new STRs can locate instead of as in a blanket allowance. He noted this option could be property owner and neighborhood driven. Mr. Burich stated the con would be it would allow for potential concentration areas and could potentially lead to spot zoning concerns. He noted it also brings into play fairness for similar base zoning districts.

Mr. Burich presented options on enforcement of right-of-way (ROW) parking to addressing parking. He stated an option is to blanket prohibition of overnight parking in all zoning districts, which would provide uniformity and enforceability. Mr. Burich stated a second option for enforcement of ROW parking would be to prohibit parking by area, neighborhood, or zoning district, which can target areas of need or concern individually and allow in areas that meet necessary criteria for ROW parking. He noted this option can be subjective however and pit property owners versus property owners and would create additional sign clutter.

Mr. Burich stated an option assisting with enforcement of violations or fines could be to create a tiered and multi-violator code enforcement system that escalates per property for violations within a rolling calendar year and create a policy when to elevate the collection of fines to civil proceedings. He stated this would target problem properties and all types of violations not just STR related. He noted it creates disincentive to continually violate codes and may reduce violations and administrative costs. Mr. Burich stated it may be viewed by some as being too harsh however, and there would be administrative costs incurred. He noted the Village can only retain 10% of collected monies so the costs may exceed collections.

Mr. Burich presented options for other nuisance issues that have been associated with short-term rentals directly. Councilmembers discussed narrowing the list of options down and directed staff to continue to work with Council suggestions. Village Manager, Jeff Sanborn, presented a draft local Bill which could be presented to the General Assembly of North Carolina. He noted this Act would seek to clarify Municipal Zoning Authority with respect to vacation rentals and other transient occupancies. Councilmembers directed Mr. Sanborn to continue to work on the draft and discussion would continue at the May 24th Council session, to submit it by the May 31st deadline.

3. Other Work Session Business.

- No other work session business was discussed

4. Potential Future Agenda Items.

- No potential future agenda items were discussed

5. Motion to Recess the Work Session and Enter Closed Session

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to recess the, by a vote of 5-0, at 8:33 pm

6. Closed Session

7. Motion to adjourn the Closed Session and Re-enter the Work Session.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously to adjourn the closed session and re-enter the work session, by a vote of 5-0.

8. Motion to Adjourn.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the work session, by a vote 5-0, at 09:57 p.m.

Respectfully Submitted,

Kelly Chance,
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org

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

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

Values: Service, Initiative, Teamwork, and Improvement

VILLAGE OF PINEHURST



FINANCIAL STATEMENTS

FOR THE NINE MONTHS ENDED
MARCH 31, 2022

**Village of Pinehurst
Financial Statements
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Village of Pinehurst
Combined Balance Sheet - All Fund Types
March 31, 2022

	Governmental Fund Type		Account Groups			
	General	Special	General	General	Totals	Totals
	Fund	Revenue	Capital	Long - Term	March 31,	March 31,
		Fund	Assets	Debt	2022	2021
ASSETS						
Cash & investments	\$ 17,547,151	\$ 2,648,694	\$ -	\$ -	\$ 20,195,845	\$ 14,411,728
Taxes receivable	36,266	-	-	-	36,266	27,536
Due from other governmental agencies	1,521,016	-	-	-	1,521,016	1,494,181
Other receivables	305,111	-	-	-	305,111	264,421
Prepaid items	12,986	-	-	-	12,986	10,650
Inventory	70,439	-	-	-	70,439	58,970
Capital assets	-	-	53,001,188	-	53,001,188	51,202,629
Amounts to be provided for retirement of general long-term debt	-	-	-	6,236,403	6,236,403	4,853,879
TOTAL ASSETS	\$ 19,492,969	\$ 2,648,694	\$ 53,001,188	\$ 6,236,403	\$ 81,379,254	\$ 72,323,994
LIABILITIES AND FUND EQUITY						
Accounts payable	\$ 75,817	\$ -	\$ -	\$ -	\$ 75,817	\$ 136,220
Withholdings & accrued expenses	217,046	-	-	-	217,046	200,531
Accrued vacation	-	-	-	812,307	812,307	853,661
Total pension liability (LEO)	-	-	-	1,687,722	1,687,722	1,243,898
Net pension liability (LGERS)	-	-	-	3,736,374	3,736,374	2,756,320
Deposits	288,691	-	-	-	288,691	240,552
Unavailable revenues	413,463	-	-	-	413,463	365,567
Total Liabilities	995,017	-	-	6,236,403	7,231,420	5,796,749
EQUITY						
Investment in general capital assets	-	-	53,001,188	-	53,001,188	51,202,629
Fund Balance:						
Nonspendable:						
Inventory	70,439	-	-	-	70,439	58,970
Prepaid items	12,986	-	-	-	12,986	10,650
Restricted:						
Stabilization by state statute	4,006,223	-	-	-	4,006,223	3,175,969
Public safety	34,451	-	-	-	34,451	3,718
Transportation	153,354	-	-	-	153,354	-
Special Revenue - American Rescue Plan	-	2,648,694	-	-	2,648,694	-
Committed:						
Cultural and recreation	-	-	-	-	-	219,422
Library and Archives	1,000,000	-	-	-	1,000,000	-
Future Capital	4,102,691	-	-	-	4,102,691	-
Assigned:						
Designated for expenditures	2,964,727	-	-	-	2,964,727	2,687,290
Unassigned	6,153,081	-	-	-	6,153,081	9,168,597
Total equity	18,497,952	2,648,694	53,001,188	-	74,147,834	66,527,245
TOTAL LIABILITIES & EQUITY	\$ 19,492,969	\$ 2,648,694	\$ 53,001,188	\$ 6,236,403	\$ 81,379,254	\$ 72,323,994

**Village of Pinehurst
General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual
For the Fiscal Period Ended March 31, 2022**

	Annual Budget as of 3/31/2022	Quarterly Budget as of 3/31/2022	YTD as of 3/31/2022	YTD as of 3/31/2021	Current Year Over (Under) Prior Year	% of 2022 Budget Spent / Received YTD
Revenues						
Ad valorem taxes & penalties	\$ 12,241,000	\$ 11,786,360	\$ 12,009,897	\$ 11,271,156	\$ 738,741	98.11%
Assessments	-	-	-	5,179	(5,179)	0.00%
Other taxes and licenses	3,000	2,250	3,510	3,130	380	117.00%
Intergovernmental revenues:						
Unrestricted	7,548,700	5,413,460	5,275,208	4,578,589	696,619	69.88%
Restricted	587,250	582,260	576,498	742,891	(166,393)	98.17%
Permits & fees	894,000	670,500	699,158	719,506	(20,348)	78.21%
Sales & services	676,150	524,825	598,009	315,016	282,993	88.44%
Other revenues	371,180	224,425	262,525	167,059	95,466	70.73%
Investment earnings	1,400	1,110	2,207	2,504	(297)	157.64%
TOTAL REVENUES	22,322,680	19,205,190	19,427,012	17,805,030	1,621,982	87.03%
Operating Expenditures						
Governing Body	150,900	114,550	95,832	88,835	6,997	63.51%
Administration	1,531,210	1,166,484	955,333	1,007,104	(51,771)	62.39%
Financial Services	840,420	679,480	619,444	516,963	102,481	73.71%
Human Resources	528,860	379,448	318,377	333,586	(15,209)	60.20%
Police	3,530,709	2,673,926	2,286,752	2,143,948	142,804	64.77%
Fire	3,436,969	2,622,651	2,153,395	2,008,165	145,230	62.65%
Inspections	359,150	270,014	240,479	230,098	10,381	66.96%
Public Services Administration	766,490	554,647	394,130	396,268	(2,138)	51.42%
Streets & Grounds	1,690,160	1,261,778	942,082	1,032,290	(90,208)	55.74%
Powell Bill Funds	1,200,100	600,100	415,616	997,804	(582,188)	34.63%
Solid Waste	1,984,240	1,495,383	1,328,492	1,144,058	184,434	66.95%
Recreation	2,050,035	1,546,592	1,271,925	1,148,472	123,453	62.04%
Library	348,460	198,697	139,854	163,763	(23,909)	40.13%
Harness Track	588,910	440,889	365,218	322,142	43,076	62.02%
Fair Barn	368,470	273,754	208,341	179,125	29,216	56.54%
Planning	1,255,418	936,165	603,188	593,365	9,823	48.05%
Community Development	147,000	123,534	99,957	107,688	(7,731)	68.00%
Debt Service	-	-	-	144,748	(144,748)	0.00%
Total Operating Expenditures	20,777,501	15,338,092	12,438,415	12,558,422	(120,007)	59.86%
Capital Outlay Expenditures						
Administration	316,272	301,272	142,412	12,834	129,578	45.03%
Financial Services	45	45	-	3,667	(3,667)	0.00%
Human Resources	60	60	-	6,417	(6,417)	0.00%
Police	253,967	243,967	208,840	171,948	36,892	82.23%
Fire	984,932	949,932	622,136	460,178	161,958	63.17%
Inspections	25,030	25,030	-	1,833	(1,833)	0.00%
Public Services Administration	75,761	75,761	-	3,667	(3,667)	0.00%
Streets & Grounds	1,115,925	850,925	523,685	286,968	236,717	46.93%
Solid Waste	220,160	220,160	-	200,518	(200,518)	0.00%
Recreation	434,559	434,559	197,861	188,795	9,066	45.53%
Library	336,123	335,340	50,145	-	50,145	14.92%
Harness Track	190,132	190,132	62,920	917	62,003	33.09%
Fair Barn	135	135	-	36,044	(36,044)	0.00%
Planning	26,805	26,805	-	3,667	(3,667)	0.00%
Community Development	-	-	-	917	(917)	0.00%
Total Capital Outlay Expenditures	3,979,906	3,654,123	1,807,999	1,378,370	429,629	45.43%
TOTAL EXPENDITURES ¹	24,757,407	18,992,215	14,246,414	13,936,792	309,622	57.54%
REVENUES OVER (UNDER) EXPENDITURES	(2,434,727)	212,975	5,180,598	3,868,238	1,312,360	

**Village of Pinehurst
General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual
For the Fiscal Period Ended March 31, 2022**

	Annual Budget as of 3/31/2022	Quarterly Budget as of 3/31/2022	YTD as of 3/31/2022	YTD as of 3/31/2021	Current Year Over (Under) Prior Year	% of 2022 Budget Spent / Received YTD
Other Financing Sources (Uses)						
Operating transfers out	\$ (550,000)	\$ (30,000)	\$ -	\$ -	\$ -	0.00%
Sales of capital assets	20,000	15,000	28,486	7,686	20,800	142.43%
Total Other Fin. Sources (Uses)	<u>(530,000)</u>	<u>(15,000)</u>	<u>28,486</u>	<u>7,686</u>	<u>20,800</u>	<u>-5.37%</u>
REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXP AND OTHER FINANCING USES	(2,964,727)	197,975	5,209,084	3,875,924	1,333,160	
Appropriated Fund Balance	<u>2,964,727</u>	<u>433,777</u>	<u>-</u>	<u>-</u>	<u>-</u>	
NET CHANGE IN FUND BALANCE	<u>\$ -</u>	<u>\$ (235,802)</u>	<u>5,209,084</u>	<u>\$ 3,875,924</u>	<u>\$ 1,333,160</u>	
FUND BALANCE, JULY 1			<u>13,288,868</u>			
FUND BALANCE, JUNE 30			<u>\$ 18,497,952</u>			

	YTD as of 3/31/2022	% of Total Expenditures
¹ Total Expenditures by Type		
Salaries & Benefits	\$ 8,141,340	57%
Operating	4,297,075	30%
Capital	<u>1,807,999</u>	<u>13%</u>
Total Expenditures by Type	<u>\$ 14,246,414</u>	<u>100%</u>

Village of Pinehurst
American Rescue Plan Act Special Revenue Fund
Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual
From Inception and for the Fiscal Period Ended March 31, 2022

	Project Budget	Prior Years	Actual Current Year	Total To Date
Revenues				
Restricted intergovernmental:				
Grant revenue	\$ 4,860,000	\$ -	\$ 2,648,376	\$ 2,648,376
Investment earnings	-	-	318	318
TOTAL REVENUES	4,860,000	-	2,648,694	2,648,694
Expenditures				
American Rescue Plan Act expenditures	4,860,000	-	-	-
TOTAL EXPENDITURES	4,860,000	-	-	-
REVENUES OVER (UNDER) EXPENDITURES	-	-	2,648,694	2,648,694
NET CHANGE IN FUND BALANCE	<u>\$ -</u>	<u>\$ -</u>	2,648,694	<u>\$ 2,648,694</u>
FUND BALANCE, JULY 1			-	
FUND BALANCE, JUNE 30			<u>\$ 2,648,694</u>	

**Village of Pinehurst
Schedule of Interfund Transfers
For the Fiscal Period Ended March 31, 2022**

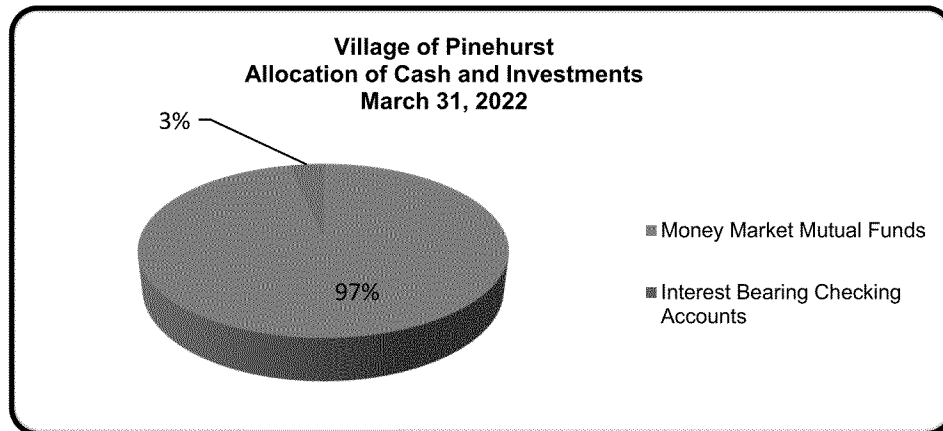
	Budgeted		Actual	
	Transfers In	Transfers Out	Transfers In	Transfers Out
General Fund Transfers:				
Downtown Parking Facility Capital Project Fund	\$ -	\$ 150,000	\$ -	\$ -
Library Expansion Capital Project Fund	-	400,000	-	-
Downtown Parking Facility Capital Project Fund	150,000	-	-	-
Library Expansion Capital Project Fund	400,000	-	-	-
	<u>\$ 550,000</u>	<u>\$ 550,000</u>	<u>\$ -</u>	<u>\$ -</u>

**Village of Pinehurst
Schedule of Cash and Investments
March 31, 2022**

Investment	Bond/Bank Ratings	Purchase Date	Maturity Date	Cost
<i>Money Market Mutual Funds</i>				
North Carolina Capital Management Trust - Government Portfolio	AAA _m (S&P)			\$ 19,502,073
<i>Interest Bearing Checking Accounts</i>				
PNC Bank Operating				692,922
<i>Petty Cash</i>				<u>850</u>
Total Cash and Investments				<u><u>\$ 20,195,845</u></u>
Total Cash and Investments (same quarter previous year)				<u><u>\$ 14,411,728</u></u>

Summary of Cash and Investments

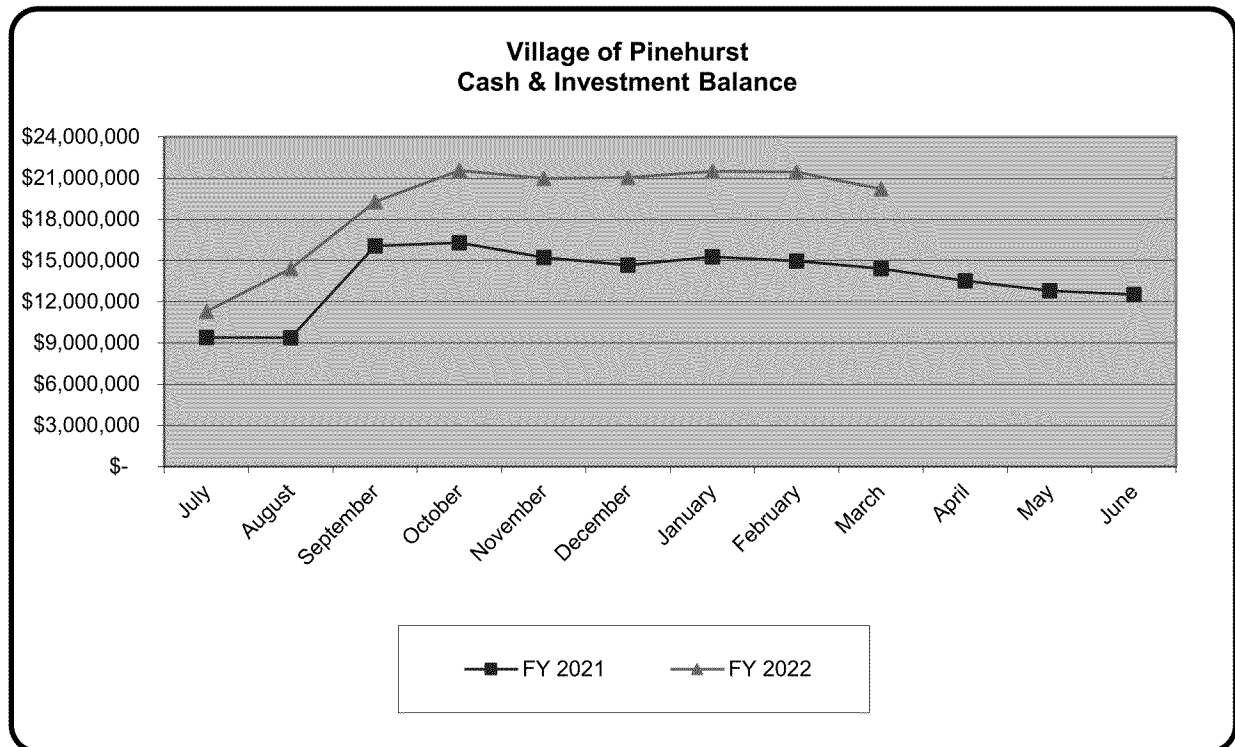
Money Market Mutual Funds	\$ 19,502,073
Interest Bearing Checking Accounts	692,922
Petty Cash	<u>850</u>
	<u><u>\$ 20,195,845</u></u>



Village of Pinehurst Investment Yield Summary

	FY 2021			FY 2022		
	Cash Balance	Investment Earnings	Investment Yield*	Cash Balance	Investment Earnings	Investment Yield*
July	\$ 9,400,575	\$ 1,110	0.14%	\$ 11,280,977	\$ 99	0.01%
August	9,375,289	479	0.06%	14,394,289	107	0.01%
September	16,045,667	228	0.02%	19,266,333	129	0.01%
October	16,288,960	155	0.01%	21,547,532	168	0.01%
November	15,214,360	113	0.01%	20,976,349	172	0.01%
December	14,664,757	126	0.01%	21,049,288	175	0.01%
January	15,254,209	123	0.01%	21,477,552	176	0.01%
February	14,952,403	112	0.01%	21,429,548	162	0.01%
March	14,411,728	122	0.01%	20,195,845	1,337	0.08%
April	13,512,113	112	0.01%			
May	12,783,280	110	0.01%			
June	12,525,504	103	0.01%			
Average	<u>\$ 13,702,404</u>	<u>\$ 2,893</u>	0.02%	<u>\$ 19,068,635</u>	<u>\$ 2,525</u>	0.02%

* Investment yield is presented on an accrual basis.



Village of Pinehurst
Schedule of Fund Balance - General Fund
March 31, 2022

	Fund Balance at 3/31/2022	Fund Balance at 3/31/2021
General Fund		
Nonspendable:		
Inventory	\$ 70,439	\$ 58,970
Prepaid Items	12,986	10,650
Restricted:		
Stabilization by State Statute	4,006,223	3,175,969
Transportation	153,354	-
Public Safety	34,451	3,718
Committed:		
Library and Archives	1,000,000	-
Future Capital	4,102,691	-
Assigned		
Subsequent year's expenditures	2,964,727	2,687,290
Unassigned	6,153,081	9,168,597
	<u>\$ 18,497,952</u>	<u>\$ 15,105,194</u>

Village of Pinehurst
Schedule of Capital Outlay by Function and Activity - General Fund
For the Fiscal Period Ended March 31, 2022

	Annual Budget	YTD Budget	YTD Expenditures	Remaining Balance
<u>Land</u>				
Streets & Grounds	\$ 265,000	\$ 265,000	\$ 208,729	\$ 56,271
Recreation	404,000	404,000	175,611	228,389
Harness Track	91,000	91,000	-	91,000
	<u>760,000</u>	<u>760,000</u>	<u>384,340</u>	<u>375,660</u>
<u>Buildings and Grounds</u>				
Administration	248,300	248,300	102,805	145,495
Police	40,056	40,056	18,420	21,636
Fire	290,000	255,000	6,750	283,250
Public Services Administration	75,000	75,000	-	75,000
Library	275,000	275,000	-	275,000
Recreation	29,700	29,700	22,250	7,450
Harness Track	99,000	99,000	62,920	36,080
	<u>1,057,056</u>	<u>1,022,056</u>	<u>213,145</u>	<u>843,911</u>
<u>Equipment and Furniture</u>				
Administration	67,972	52,972	39,607	28,365
Financial Services	45	45	-	45
Human Resources	60	60	-	60
Police	72,811	62,811	57,815	14,996
Fire	60,432	60,432	-	60,432
Inspections	30	30	-	30
Public Services Administration	761	761	-	761
Streets & Grounds	53,925	53,925	27,327	26,598
Solid Waste	160	160	-	160
Library	61,123	60,340	50,145	10,978
Recreation	859	859	-	859
Harness Track	132	132	-	132
Fair Barn	135	135	-	135
Planning	8,805	8,805	-	8,805
	<u>327,250</u>	<u>301,467</u>	<u>174,894</u>	<u>152,356</u>
<u>Vehicles</u>				
Police	141,100	141,100	132,605	8,495
Fire	634,500	634,500	615,386	19,114
Inspections	25,000	25,000	-	25,000
Streets & Grounds	32,000	32,000	-	32,000
Solid Waste	220,000	220,000	-	220,000
Planning	18,000	18,000	-	18,000
	<u>1,070,600</u>	<u>1,070,600</u>	<u>747,991</u>	<u>322,609</u>
<u>Infrastructure</u>				
Streets & Grounds	765,000	500,000	287,629	477,371
	<u>765,000</u>	<u>500,000</u>	<u>287,629</u>	<u>477,371</u>
Total	<u>\$ 3,979,906</u>	<u>\$ 3,654,123</u>	<u>\$ 1,807,999</u>	<u>\$ 2,171,907</u>

% of Capital Outlay Budget Expended 45.43%

Note: This Schedule includes Fleet Maintenance, Buildings & Grounds and Information Technology Capital Outlay.

**Village of Pinehurst
Schedule of General Long Term Debt
March 31, 2022**

	Balance at 3/31/2022	Balance at 3/31/2021	Increase (Decrease)
Total Pension Liability (LEO) *	\$ 1,687,722	\$ 1,243,898	\$ 443,824
Net Pension Liability (LGERS) *	3,736,374	2,756,320	980,054
Accumulated Vacation	812,307	853,661	(41,354)
	<u>6,236,403</u>	<u>4,853,879</u>	<u>1,382,524</u>
	<u><u>\$ 6,236,403</u></u>	<u><u>\$ 4,853,879</u></u>	<u><u>\$ 1,382,524</u></u>

* Based on an independent annual actuarial valuation

Village of Pinehurst
Schedule of Budget Amendments - General Fund
For the Fiscal Period Ended March 31, 2022

	Original FY 2022 Budget	Amended * Qtr Ended 9/30/2021	Amended Qtr Ended 12/31/2021	Amended Qtr Ended 3/31/2022	Amended Qtr Ended 6/30/2022	Total Amendments	Amended FY 2022 Budget
REVENUES							
Ad valorem taxes	\$ 12,210,000	\$ -	\$ -	\$ 31,000	\$ -	\$ 31,000	\$ 12,241,000
Other taxes and licenses	3,000	-	-	-	-	-	3,000
Unrestricted Intergov't Revenues	6,778,700	-	-	770,000	-	770,000	7,548,700
Restricted Intergov't Revenues	484,250	-	-	103,000	-	103,000	587,250
Permits & Fees	894,000	-	-	-	-	-	894,000
Sales & Services	689,950	-	-	(13,800)	-	(13,800)	676,150
Other Revenues	394,980	-	-	(3,800)	-	(3,800)	391,180
Investment Income	1,400	-	-	-	-	-	1,400
Appropriated Fund Balance	2,530,950	1,420,677	-	(986,900)	-	433,777	2,964,727
TOTAL REVENUES	\$ 23,987,230	\$ 1,420,677	\$ -	\$ (100,500)	\$ -	\$ 1,320,177	\$ 25,307,407
OPERATING EXPENDITURES							
Governing Body	147,400	-	3,500	-	-	3,500	150,900
Administration	1,537,410	-	(6,200)	-	-	(6,200)	1,531,210
Financial Services	840,420	-	-	-	-	-	840,420
Human Resources	572,860	-	6,000	(50,000)	-	(44,000)	528,860
Police	3,485,750	44,959	-	-	-	44,959	3,530,709
Fire	3,333,310	34,909	-	68,750	-	103,659	3,436,969
Inspections	359,150	-	-	-	-	-	359,150
Public Services Administration	759,490	-	7,000	-	-	7,000	766,490
Streets & Grounds	1,669,540	620	-	20,000	-	20,620	1,690,160
Powell Bill	1,200,100	-	-	-	-	-	1,200,100
Solid Waste	1,897,740	-	-	86,500	-	86,500	1,984,240
Planning	1,209,730	41,188	4,000	500	-	45,688	1,255,418
Community Development	134,500	-	6,000	6,500	-	12,500	147,000
Recreation	2,008,590	40,445	-	1,000	-	41,445	2,050,035
Library	539,460	-	(34,000)	(157,000)	-	(191,000)	348,460
Harness Track	578,910	5,000	-	5,000	-	10,000	588,910
Fair Barn	368,470	-	-	-	-	-	368,470
Other Financing Uses	550,000	-	-	-	-	-	550,000
Total Operating Expenditures	21,192,830	167,121	(13,700)	(18,750)	-	134,671	21,327,501
CAPITAL EXPENDITURES							
Administration	299,682	15,590	2,700	(1,700)	-	16,590	316,272
Financial Services	540	(495)	-	-	-	(495)	45
Human Resources	720	(660)	-	-	-	(660)	60
Police	253,911	56	-	-	-	56	253,967
Fire	328,637	666,045	-	(9,750)	-	656,295	984,932
Inspections	25,360	(330)	-	-	-	(330)	25,030
Public Services Administration	76,121	(360)	-	-	-	(360)	75,761
Streets & Grounds	913,750	274,175	-	(72,000)	-	202,175	1,115,925
Solid Waste	220,490	(330)	-	-	-	(330)	220,160
Planning	27,260	(455)	-	-	-	(455)	26,805
Recreation	228,719	180,140	24,000	1,700	-	205,840	434,559
Library	325,783	(660)	11,000	-	-	10,340	336,123
Harness Track	92,962	121,170	(24,000)	-	-	97,170	190,132
Fair Barn	465	(330)	-	-	-	(330)	135
Total Capital Expenditures	\$ 2,794,400	\$ 1,253,556	\$ 13,700	\$ (81,750)	\$ -	\$ 1,185,506	\$ 3,979,906
TOTAL EXPENDITURES	\$ 23,987,230	\$ 1,420,677	\$ -	\$ (100,500)	\$ -	\$ 1,320,177	\$ 25,307,407

Amended Budget as a % of
Original Budget

105.9% 105.9% 105.5%

* Includes \$1,420,677 that was reappropriated from FY 2021.

**Village of Pinehurst
Schedule of Encumbrances
For the Fiscal Period Ended March 31, 2022**

	Annual Budget as of 3/31/2022	YTD as of 3/31/2022	Encumbered Amount	Unencumbered Balance
GENERAL FUND				
Operating Expenditures				
Governing Body	\$ 150,900	\$ 95,832	\$ 14,544	\$ 40,524
Administration	1,531,210	955,333	19,271	556,606
Financial Services	840,420	619,444	6,630	214,346
Human Resources	528,860	318,377	26,531	183,952
Police	3,530,709	2,286,752	49,708	1,194,249
Fire	3,436,969	2,153,395	123,623	1,159,951
Inspections	359,150	240,479	775	117,896
Public Services Administration	766,490	394,130	70,066	302,294
Streets & Grounds	1,690,160	942,082	92,225	655,853
Powell Bill Funds	1,200,100	415,616	700,659	83,825
Solid Waste	1,984,240	1,328,492	277,609	378,139
Recreation	2,050,035	1,271,925	60,952	717,158
Library	348,460	139,854	2,833	205,773
Harness Track	588,910	365,218	33,556	190,136
Fair Barn	368,470	208,341	15,225	144,904
Planning	1,255,418	603,188	17,853	634,377
Community Development	147,000	99,957	9,611	37,432
Fleet Maintenance	898,180	575,286	75,746	247,148
B&G Maintenance	1,389,230	847,038	156,321	385,871
Information Technology	1,349,750	924,483	49,014	376,253
Debt Service	-	-	-	-
Total Operating Expenditures *	24,414,661	14,785,222	1,802,752	7,826,687
Capital Outlay Expenditures				
Administration	316,272	142,412	-	173,860
Financial Services	45	-	-	45
Human Resources	60	-	-	60
Police	253,967	208,840	-	45,127
Fire	984,932	622,136	26,800	335,996
Inspections	25,030	-	-	25,030
Public Services Administration	75,761	-	-	75,761
Streets & Grounds	1,115,925	523,685	93,891	498,349
Solid Waste	220,160	-	-	220,160
Recreation	434,559	197,861	-	236,698
Library	336,123	50,145	-	285,978
Harness Track	190,132	62,920	-	127,212
Fair Barn	135	-	-	135
Planning	26,805	-	-	26,805
Community Development	-	-	-	-
Fleet Maintenance	1,124,760	775,317	263,590	85,853
B&G Maintenance	1,215,476	409,550	390,410	415,516
Information Technology	116,000	72,248	14,301	29,451
Total Capital Outlay Expenditures *	6,436,142	3,065,114	788,992	2,582,036
Transfers to Capital Project Funds	550,000	-	-	550,000
Charges to Other Departments *	(6,093,396)	(3,603,922)	-	(2,489,474)
TOTAL GENERAL FUND EXPENDITURES	\$ 25,307,407	\$ 14,246,414	\$ 2,591,744	\$ 8,469,249
AMERICAN RESCUE PLAN SPECIAL REVENUE FUND				
Expenditures				
American Rescue Plan Act expenditures	\$ 4,860,000	\$ -	\$ -	\$ 4,860,000
Total Expenditures	4,860,000	-	-	4,860,000
TOTAL SPECIAL REVENUE FUND EXPENDITURES	\$ 4,860,000	\$ -	\$ -	\$ 4,860,000

* In this schedule, General Fund operating and capital expenditures are overstated due to internal service allocation budgets appearing in both the internal service departments (Fleet, B&G, & IT) and the department to which the expenditure is eventually allocated. Total expenditures, however, reflect the actual General Fund budget.

Village of Pinehurst
Schedule of Ad Valorem Property Tax Collections
For the Fiscal Period Ended March 31, 2022

Real and Personal

Tax Year	For the Fiscal Period Ended March 31, 2022			For the Fiscal Period Ended March 31, 2021		
	Budgeted Collections	Gross Collections	% Collected Through 3/31/2022	Budgeted Collections	Gross Collections	% Collected Through 3/31/2021
Third Prior Year	\$ -	\$ 734	100.00%	\$ -	\$ 358	100.00%
Second Prior Year	-	1,116	100.00%	-	20	100.00%
First Prior Year	5,000	4,220	84.40%	5,000	4,364	87.28%
Current Year	11,386,000	11,374,638	99.90%	10,679,000	10,665,699	99.88%
	<u>\$ 11,391,000</u>	<u>\$ 11,380,708</u>	<u>99.91%</u>	<u>\$ 10,684,000</u>	<u>\$ 10,670,441</u>	<u>99.87%</u>

Motor Vehicles

Tax Year	For the Fiscal Period Ended March 31, 2022			For the Fiscal Period Ended March 31, 2021		
	Budgeted Collections	Gross Collections	% Collected Through 3/31/2022	Budgeted Collections	Gross Collections	% Collected Through 3/31/2021
Third Prior Year	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%
Second Prior Year	-	-	0.00%	-	-	0.00%
First Prior Year	-	-	0.00%	2,000	-	0.00%
Current Year	850,000	624,410	73.46%	771,000	597,584	77.51%
	<u>\$ 850,000</u>	<u>\$ 624,410</u>	<u>73.46%</u>	<u>\$ 773,000</u>	<u>\$ 597,584</u>	<u>77.31%</u>

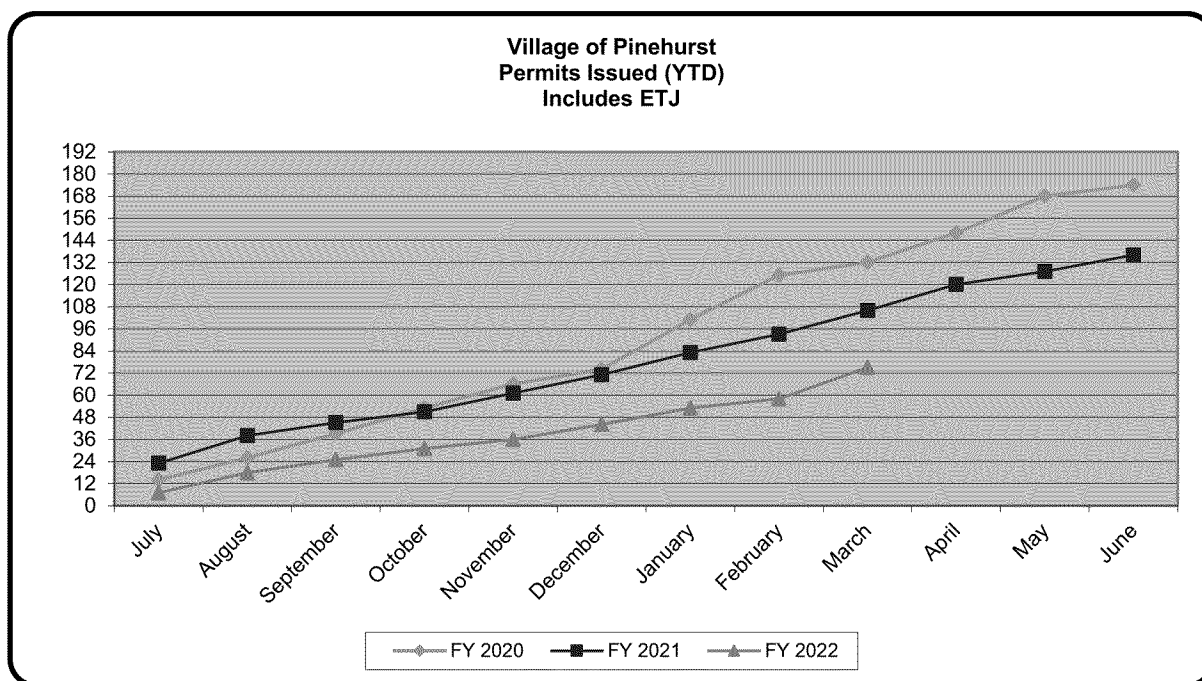
**Village of Pinehurst
Schedule of Ad Valorem Property Tax Levy
For the Fiscal Period Ended March 31, 2022**

Property Valuation				
	For the Fiscal Period Ended March 31, 2022	For the Fiscal Period Ended March 31, 2021	Dollar Increase (Decrease)	Percentage Increase (Decrease)
Real & Personal Motor Vehicles	\$ 3,620,739,711	\$ 3,564,332,874	\$ 56,406,837	1.58%
	200,704,873	199,486,083	1,218,790	0.61%
	<u>\$ 3,821,444,584</u>	<u>\$ 3,763,818,957</u>	<u>\$ 57,625,627</u>	<u>1.53%</u>

Levy				
	For the Fiscal Period Ended March 31, 2022	For the Fiscal Period Ended March 31, 2021	Dollar Increase (Decrease)	Percentage Increase (Decrease)
Real & Personal Motor Vehicles	\$ 11,406,987	\$ 10,695,305	\$ 711,682	6.65%
	623,439	595,866	27,573	4.63%
	<u>\$ 12,030,426</u>	<u>\$ 11,291,171</u>	<u>\$ 739,255</u>	<u>6.55%</u>

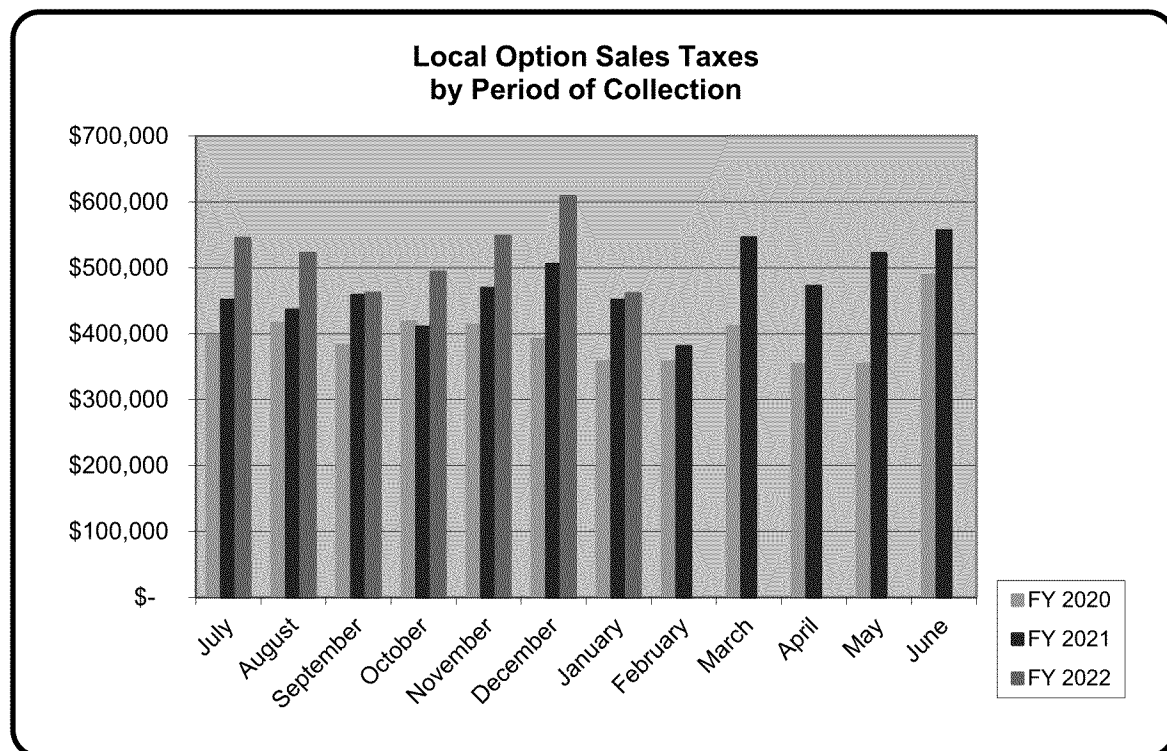
**Village of Pinehurst
Residential Building Permits - Includes ETJ**

	FY 2020		FY 2021		FY 2022		Construction Costs Percentage Change YTD
	# of Permits Issued	Est. Construction Costs	# of Permits Issued	Est. Construction Costs	# of Permits Issued	Est. Construction Costs	
July	14	\$ 2,607,470	23	\$ 5,718,524	7	\$ 2,564,160	-55.16%
August	12	6,686,427	15	3,078,264	11	2,497,720	-42.46%
September	13	1,813,297	7	2,673,000	7	1,735,473	-40.74%
October	14	4,773,000	6	1,307,750	6	4,424,927	-12.17%
November	13	5,366,374	10	1,953,891	5	4,238,749	4.95%
December	22	4,775,079	10	3,319,997	8	4,134,890	8.56%
January	27	4,865,881	12	4,567,500	9	4,291,865	5.61%
February	24	3,997,192	10	4,785,880	5	1,903,000	-5.89%
March	7	4,405,630	13	6,219,340	17	5,049,597	-8.28%
April	16	4,302,080	14	3,723,799	-	-	
May	20	4,533,155	7	4,181,579	-	-	
June	6	4,418,540	9	2,533,541	-	-	
YTD	188	\$ 52,544,125	136	\$ 44,063,065	75	\$ 30,840,381	



**Village of Pinehurst
Local Option Sales Taxes**

	FY 2020	FY 2021	FY 2022	Same Month Change From Prior Year
July	\$ 397,457	\$ 451,006	\$ 544,778	20.79%
August	415,784	436,367	522,224	19.68%
September	381,836	458,347	461,280	0.64%
October	417,586	410,637	493,967	20.29%
November	413,475	469,034	548,338	16.91%
December	391,920	505,555	607,908	20.25%
January	358,058	451,085	460,726	2.14%
February	357,608	380,857	-	
March	410,883	545,977	-	
April	353,585	472,104	-	
May	353,540	522,352	-	
June	489,195	556,832	-	
YTD	<u>\$ 4,740,927</u>	<u>\$ 5,660,153</u>	<u>\$ 3,639,221</u>	

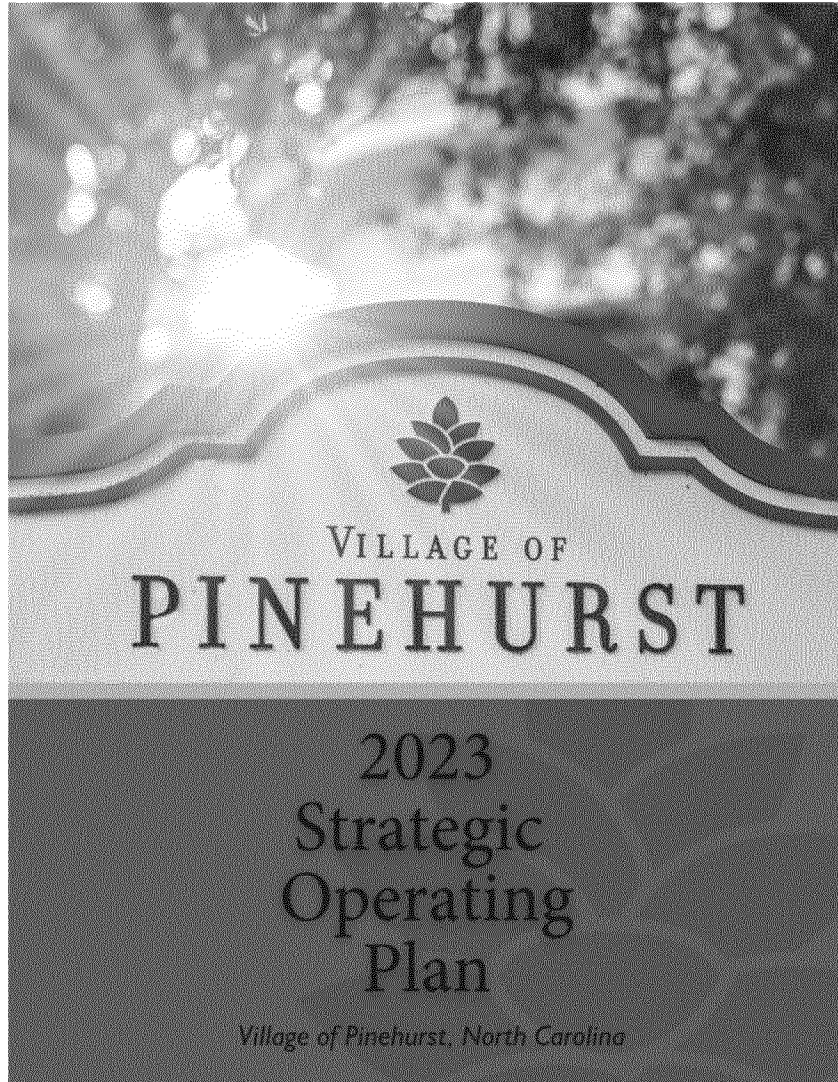


Village of Pinehurst
Schedule of Fair Barn Revenues and Expenditures
For the Fiscal Period Ended March 31, 2022

	Annual Budget as of 3/31/2022	Quarterly Budget as of 3/31/2022	Actual 3/31/2022	YTD as of 3/31/2021	Current Year Over (Under) Prior Year	% of 2022 Budget Spent / Received YTD
<u>Fair Barn</u>						
Revenues	\$ 228,500	\$ 176,000	\$ 231,188	\$ 25,272	\$ 205,916	101.18%
Expenditures						
Operating	368,470	273,754	208,341	179,125	29,216	56.54%
Capital	135	135		36,044	(36,044)	0.00%
Debt Service	-			102,815	(102,815)	0.00%
	<u>368,605</u>	<u>273,889</u>	<u>208,341</u>	<u>317,984</u>	<u>(109,643)</u>	<u>56.52%</u>
Net <u>Before</u> Discounts	<u>(140,105)</u>	<u>(97,889)</u>	<u>22,847</u>	<u>(292,712)</u>	<u>315,559</u>	<u>-16.31%</u>
Event Revenue Discounts			<u>(43,892)</u>	<u>(2,700)</u>	<u>(41,192)</u>	
Net <u>After</u> Discounts	<u>\$ (140,105)</u>	<u>\$ (97,889)</u>	<u>\$ (21,045)</u>	<u>\$ (295,412)</u>	<u>\$ 274,367</u>	<u>15.02%</u>
Operating Revenues as a % of Operating Expenditures - Before Discounts	62%	64%	111%	14%		
Operating Revenues as a % of Operating Expenditures - After Discounts	62%	64%	90%	13%		
Target			95%			

Village of Pinehurst
Schedule of Harness Track Revenues and Expenditures
For the Fiscal Period Ended March 31, 2022

	Annual Budget as of 3/31/2022	Quarterly Budget as of 3/31/2022	Actual 3/31/2022	YTD as of 3/31/2021	Current Year Over (Under) Prior Year	% of 2022 Budget Spent / Received YTD
<u>Harness Track</u>						
Revenues	\$ 185,400	\$ 173,300	\$ 186,161	\$ 156,779	\$ 29,382	100.41%
Expenditures						
Operating	588,910	440,889	365,218	322,142	43,076	62.02%
Capital	<u>190,312</u>	<u>190,132</u>	<u>62,920</u>	<u>917</u>	<u>62,003</u>	<u>33.06%</u>
	<u>779,222</u>	<u>631,021</u>	<u>428,138</u>	<u>323,059</u>	<u>105,079</u>	<u>54.94%</u>
Net <u>Before</u> Discounts	<u>(593,822)</u>	<u>(457,721)</u>	<u>(241,977)</u>	<u>(166,280)</u>	<u>(75,697)</u>	<u>40.75%</u>
Event Revenue Discounts			-	-	-	
Net <u>After</u> Discounts	<u>\$ (593,822)</u>	<u>\$ (457,721)</u>	<u>\$ (241,977)</u>	<u>\$ (166,280)</u>	<u>\$ (75,697)</u>	<u>40.75%</u>
Operating Revenues as a % of Operating Expenditures - Before Discounts	31%	39%	51%	49%		
Operating Revenues as a % of Operating Expenditures - After Discounts	31%	39%	51%	49%		
Target			45%			



FY 2023 Budget Public Hearing

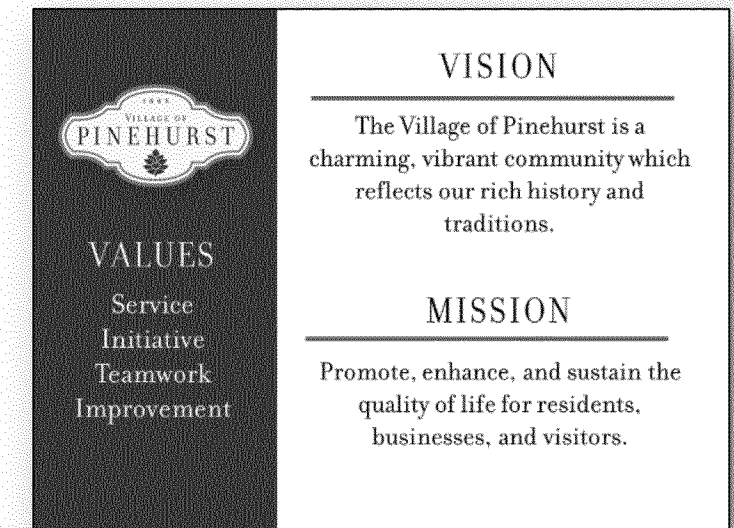
May 24, 2022



FY 2023 Strategic Operating Plan (SOP) was developed:

- To achieve the Council's vision, mission, goals, & objectives
- To address strategic challenges & opportunities facing the community
- To comply with the Distinguished Budget Presentation Award requirements

The Village Council held one Budget Work Session on May 16 to review the SOP in detail.



Three Areas of Focus:

1. Manage development to protect Village character
2. Support the business community
3. Provide a safe and effective multi-modal transportation system



FY 2023 General Fund Budget Overview:

- \$27.1 million budget
 - 6% above the FY 2021 amended General Fund budget as of December 31, 2021
- Property tax rate of \$0.31 (reduction of \$0.005)
- Includes \$0 of appropriated fund balance due to \$4.3M transfer from American Rescue Plan Act fund
- Expect ending fund balance of 54.9% of expenditures
- 2 new full-time equivalents (FTEs):
 - Police Patrol Officers (2)

FY 2023 Strategic Operating Plan



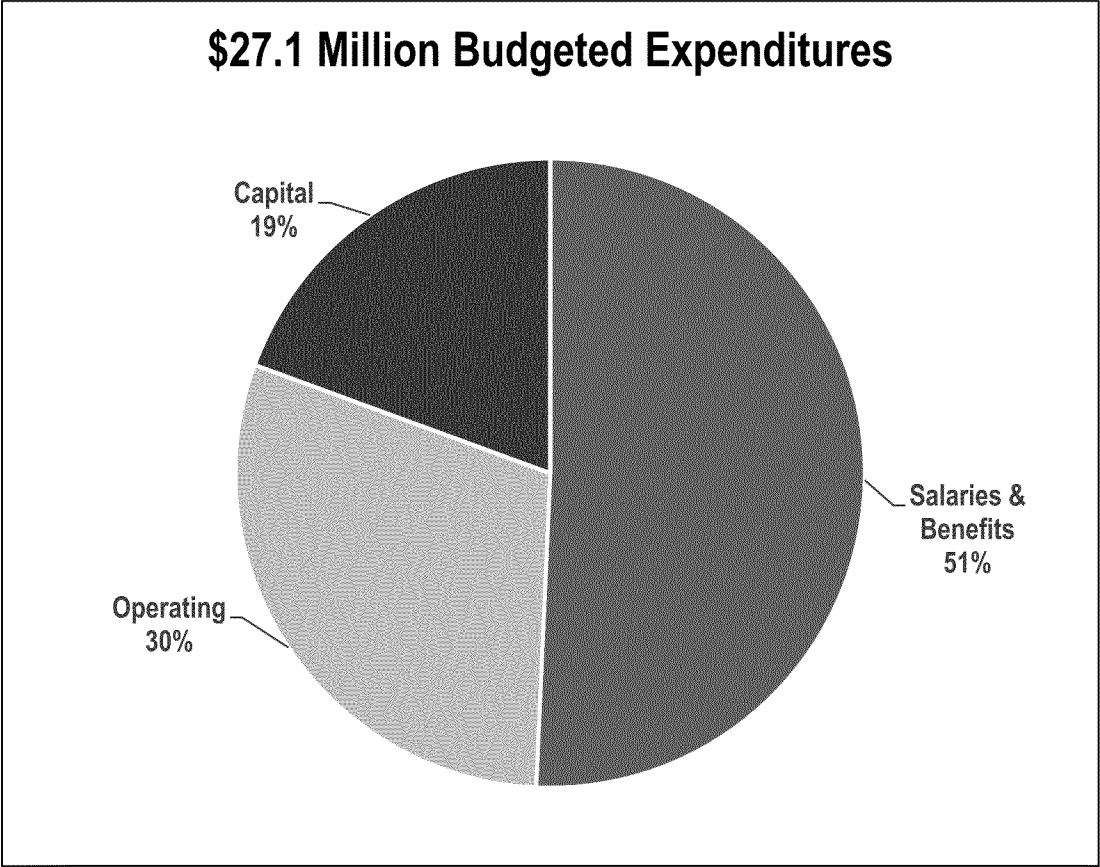
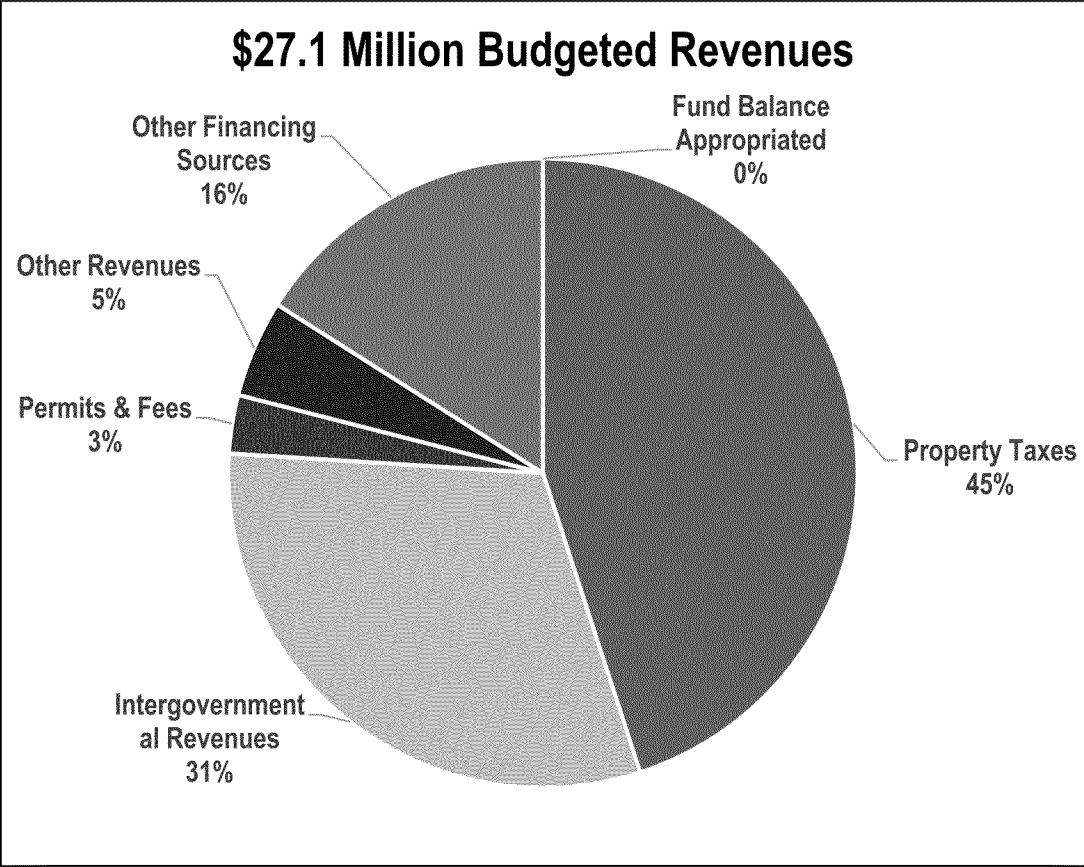
Includes five (5) Initiative Action Plans (IAPs):

Strategic Objective	Initiative Action Plan (IAP) Name	FY 2023
Manage development to protect Village character AOF	Relocation of the Public Services Complex to allow for redevelopment of Village Place (6.5)	\$350,000
	Update the Pinehurst Development Ordinance	\$0
	Small Area Plans for Village Place/Rattlesnake Trail Corridor and Pinehurst South/Hwy5 Commercial Area	\$0
Provide recreation programs and facilities	Retrofit current athletic fields with synthetic turf	\$1,237,000
Provide Library and Archives services	Expand and renovate Given Library/Tufts Archives	\$0
TOTAL NET COST		\$1,587,000

AOF – Addresses Council Areas of Focus

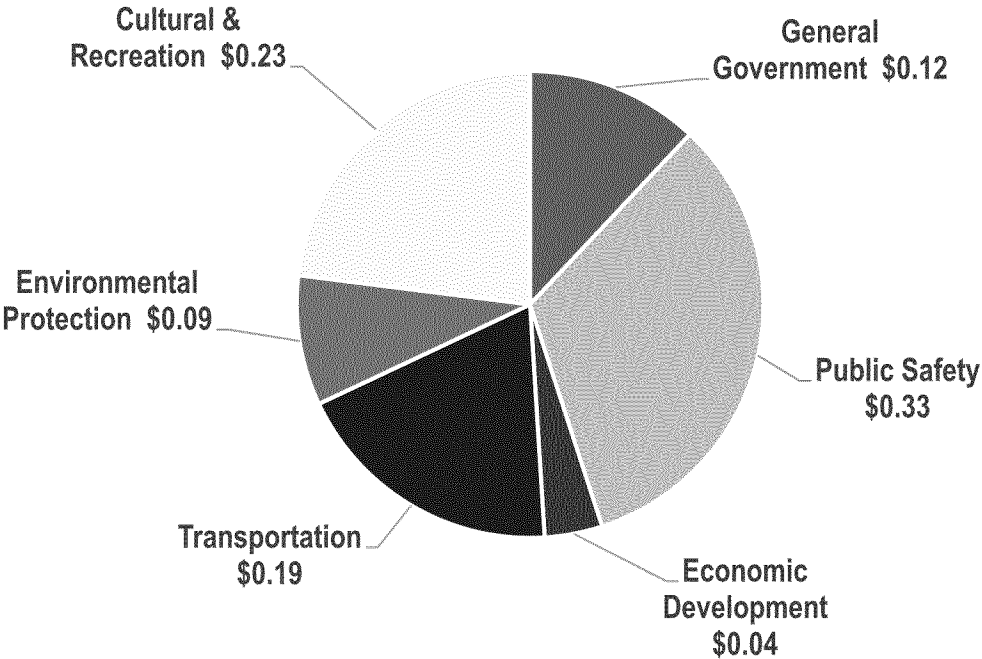
\$0 – Represents IAP tasks to be completed in that year, but no funds budgeted

FY 2023 Strategic Operating Plan



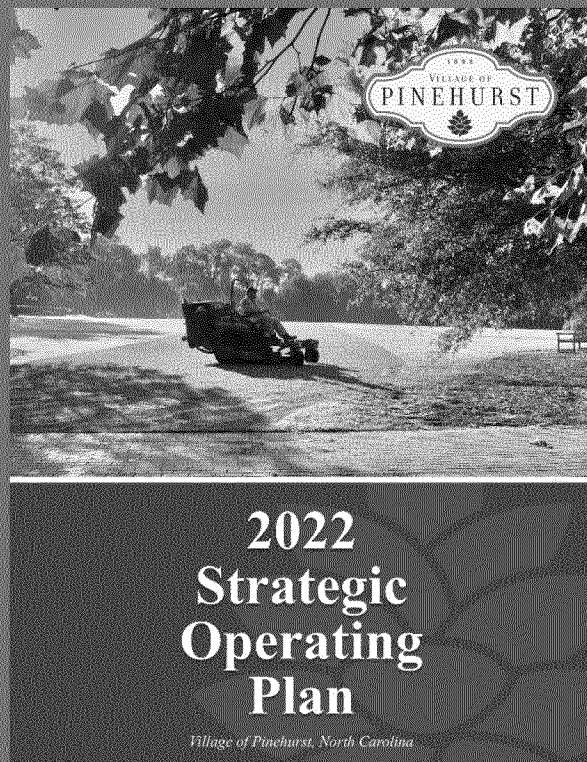


Amount of Tax Dollar Budgeted for FY 2023 by Function (General Fund)



Engage Pinehurst Public Input and Questions

**Village of Pinehurst
Strategic Operating Plan Update
FY 2022 – Q3
January 1, 2022 – March 31, 2022**



VILLAGE OF PINEHURST | www.vopnc.org



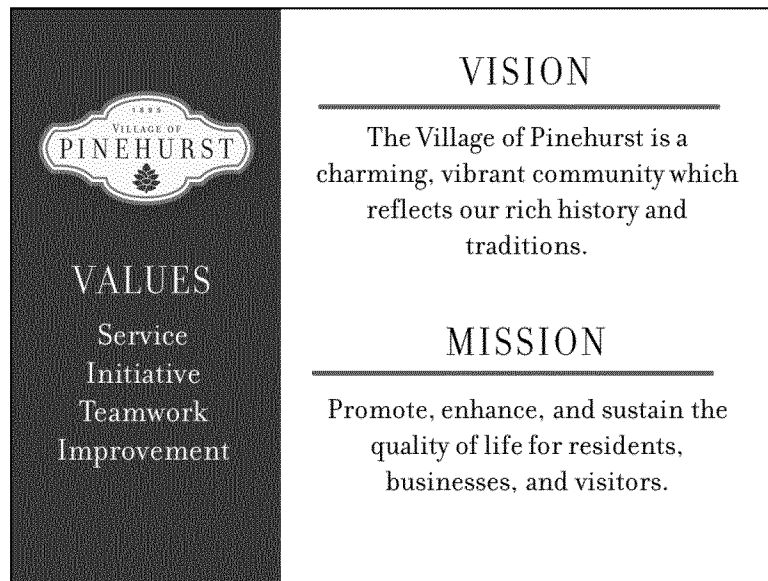
FY 2022 Strategic Operating Plan Overview

Village Council

Each year, the Pinehurst Village Council adopts a Strategic Operating Plan, which indicates the Village's plans to achieve our vision and mission. The Strategic Operating Plan covers the fiscal year that begins on July 1 and includes a five-year financial plan.

Vision, Mission, and Values

The vision is what the Village intends to be, and the mission is what the Village must do to achieve that vision. The Village's core values are the guiding principles and behaviors that embody how Village employees and volunteers are expected to operate as they provide services.



Balanced Scorecard

The Village uses a Balanced Scorecard (BSC) to integrate strategic planning and resource allocation. The BSC contains goals, objectives, and key performance indicators in four perspectives to ensure a balanced approach to evaluating the achievement of organizational strategy:

1. Customer
2. Internal
3. Workforce
4. Financial

FY 2022 Balanced Scorecard

FY 2022 Goals

The FY 2022 Balanced Scorecard contains 9 strategic goals in the four perspectives.



FY 2022 Areas of Focus

Each balanced scorecard goal has one or more strategic objectives. Strategic objectives indicate how we will achieve the Village goals. In FY 2022, the Village Council identified three strategic objectives as Areas of Focus:

1. Manage development and enforce codes and ordinances
2. Support the business community
3. Provide a safe and effective multi-modal transportation system

FY 2022 Initiative Action Plans (IAPs)

Status of FY 2022 Initiative Action Plans on March 31, 2022

The FY 2022 Strategic Operating Plan includes 5 Initiative Action Plans (IAPs).

IAP Status at 9/30/21		# of IAPs	% of IAPs
In progress; on schedule		2	40%
In progress; NOT on schedule		1	20%
Begins in the future		2	40%
TOTAL		5	100%

Status of FY 2022 Initiative Action Plan Metrics on March 31, 2022

The IAPs include metrics to track how effective the Village is at accomplishing targeted results.

Metrics Projections Met at 9/30/21		# of IAPs	% of IAPs
Achieved projected performance		4	80%
Did not achieve targeted results		0	0%
Begins in the future		1	20%
TOTAL		5	100%



	Goal	IAP Name	IAP Description	FY	Q3 FY 2022 IAP Status				
					IAP Status	Q3 Comments	IAP Metrics	YTD Actual	YTD Goal
Customer	Promote high quality development and appearance	Update the Pinehurst Development Ordinance	Update the Pinehurst Development Ordinance to reflect priorities of the 2019 Comprehensive Plan and changes required by 160d legislation.	FY21-FY25		This IAP was updated during budgetary meetings in Q3. The deadline for Task #1 is in Q4 of FY 2022.	# of PDO sections drafted and presented to Village Council	0	10
		Small Area Plan for the Village Place/Rattlesnake Trail Corridor and Pinehurst South/Hwy5 Commercial Area	Engage a consultant and develop small area plans for 2 Focus Areas identified in the 2019 Comp Plan. This represents and update and expansion of the previously adopted 2008 New Core Master Plan and a new plan for the Pinehurst South Focus Area 2.	FY22		The deadline for plan adoption was pushed to 5/31/22 during the FY 2023 Strategic Operating Plan discussion. To reflect this update, Task #7 does not influence the overall completion percentage within Q3. P&Z held two work sessions on the SAPs. Would anticipate adoption during Q4.	# of participants who attended meetings or view information on Engage Pinehurst	1,145	1,145
	Promote a thriving business community	Expand Downtown Parking Facilities	Develop plans and construct a parking facility on Pinehurst, LLC property behind the Holly Inn.	FY22-23		The timelines for this IAP have been adjusted in accordance with the FY 2023 Strategic Operating Plan. The IAP is now slated to begin in July 2024. The FY 2022 version of this IAP is now marked as a future-year IAP for reporting purposes.	# of parking spaces downtown	364	364
	Preserve the environment	Develop a comprehensive stormwater master plan	Develop a plan and strategy to address stormwater issues and concerns within the community.	FY21-FY23		Project is currently in progress and on track to meet its final deadlines.	# of MyVOP stormwater requests	54	113
	Promote active living and cultural opportunities	Expand/Enhance Library Services	Create and implement a plan to expand/enhance library services	FY22-26		Project is currently in progress and on schedule. Regarding the post office location, the Library Board will continue as leasee for the building and continue as lease holder for Roast Office	Assume operations of Given Memorial Library	Yes	Yes
IAPs listed in red are FY 2022 Village Council Areas of Focus.									

Key for IAP Status	
	In progress; NOT on schedule
	In progress; on schedule
	Completed
	Starts in the future
	Removed IAP and metric
Key for Metrics	
	Did not achieve projected performance
	Achieved projected performance
	Starts in the future

FY 2022-2026 Strategic Objectives

We define strategic objectives as prospects for new or changed services or processes. The Village Council prioritizes the list of strategic objectives identified in the annual Strategic Planning Retreat. Below is a list of OFIs addressing strategic objectives included in the five-year financial forecast (FY 2022-2026).

FY 2022 OFIs that address Strat. Opportunities	OFI	Years	Notes
Update the Pinehurst Development Ordinance	IAP	FY22-25	This IAP was updated during budgetary meetings in Q3. The deadline for Task #1 (RFQ/RFP creation) is now scheduled for FY 2022 Q4. The proposed updated timeline for this IAP would extend into FY 2024.
Small Area Plan for the Village Place/Rattlesnake Trail Corridor and Pinehurst South/Hwy5 Commercial Area	IAP	FY22	The deadline for plan adoption was pushed to 5/31/22 during the FY 2023 Strategic Operating Plan discussion. P&Z held two work sessions on the SAPs. We anticipate possible adoption during FY 2022 Q4. The proposed updated timeline for this IAP would extend into FY 2023.
Expand downtown parking facilities	IAP	FY22-26	The timelines for this IAP have been adjusted in accordance with the proposed FY 2023 Strategic Operating Plan. The IAP is now slated to begin in July 2024. The FY 2022 of this IAP is now marked as a future-year IAP for reporting purposes.
Prepare a comprehensive stormwater master plan to identify effective stormwater management strategies	IAP	FY22	The project is currently in progress and on track to meet its final deadlines.
Expand/enhance library services	IAP	FY22-26	The project is currently in progress and on schedule. As proposed in the FY 2023 Strategic Operating Plan, this IAP will transition to a redesigned IAP beginning in FY 2023.
Identify alternative locations for the Public Services Complex	Project	FY22-24	Sites are still being evaluated. This OFI will transition into a larger IAP beginning in FY23.
Update the Comprehensive Parks & Recreation Master Plan while considering neighborhood open spaces and amenities	Project	FY22-23	RFQ was sent out in Q3. Submittals will be reviewed in Q4.
Develop plan for community gardens	Project	FY22	Location was determined at Community Center and boxes were installed. This OFI is complete.
Add lighting to soccer field at Wicker Park and replace lighting at Cannon Park Field 2	Project	FY22-25	This OFI is still in progress. Install for Wicker Park to begin in Q4.
Construct a storage building behind Fire Station 91	Project	FY22	An RFQ has been distributed for this OFI.
Develop an ordinance for stormwater facility maintenance post-construction	Project	FY22-23	Part of the Stormwater Master Plan, which is currently in progress.
Expand capacity of Village Hall to meet the increased service needs and demands of residents	Project	FY22	Construction work began on January 10, 2022.

(continued) FY 2022 OFIs that address Strat. Opportunities	OFI	Years	Notes
Village Place streetscape enhancements	Project	FY22-23	Resurfacing and striping is complete. Marked as in progress due to the FY23 placeholder.
Create a Highway Corridor Overlay ordinance in the PDO to protect critical corridors (2.21)	Project	FY22	This OFI is being incorporated into the PDO update.
Review and update zoning for Focus Area 5 (Hwy 211)	Project	FY22	This item was removed during the FY 2023 budget discussion as it relates to other IAPs.
Consider ways to ensure safe pedestrian crossings on Page Road and Memorial Drive in the Medical District depicted in Focus Area 3. (2.7)	Project	FY22	This OFI was completed.
Create a walkable, connected community (Construct sidewalks, walkways, greenways, and/or bike lanes/paths) (I) (4.7)	Project	FY22-26	Surveys were sent to residents of Pine Vista and McKenzie. The plans for walkways were approved.
Implementation of stormwater improvements	Project	FY22-26	Contingent upon the Stormwater Master Plan.
Pursue public/private development partnerships, issuing Requests for Development Proposals (RFDP), as needed. (2.20)	Evaluation	FY22	Determine if we pursue after Small Area Plans are adopted
Evaluate changing stormwater standards from 10-year storm to 25-year storm and other solutions	Evaluation	FY22-23	Part of Stormwater Master Plan, which is in progress.

Future Year OFIs that address Strat. Opportunities			
Develop a consolidated multi-modal transportation plan	IAP	FY24-25	This IAP was shifted to FY24-25 in the proposed FY 2023 Strategic Operating Plan
Pursue safety awareness grants through the SRTS program at NCDOT (4.11)	Project	FY23	
Historic tourism marketing and mobile app	Project	FY23	Recommended for removal in FY23 OFI list.
Consider enhancements to the pedestrian alleyways in Village Center	Evaluation	FY23	Recommended for moving to FY25 during SOP meetings.
Evaluate the opportunity to manage single lot residential stormwater through PDO amendments	Evaluation	FY23	Evaluate after Stormwater Master Plan is completed.
Fair Barn Utilization/Renovation	Evaluation	FY23	
Preserve/conservate open space in and around Pinehurst and develop a comprehensive conservation plan for ETJ (includes: 2.1, 4.5, 7.9, 7.15, 7.16)	Project	FY24	
Address resident street lighting dissatisfaction	Project	FY24-26	Recommended to extend through FY27 in FY23 SOP
Consider expanding the Village's extra-territorial jurisdiction north of NC Highway 211 and west of US Highway 15-501	Project	FY24	
Partner with Moore Co. to relocate the EMS facility	Project	FY25	
Evaluate CommunityViz Model to evaluate impact of development (includes 2.10, 2.11, 2.12, 7.14)	Evaluation	FY25	Evaluate in FY25 to determine if we use it in F26
Complete a housing study to assess housing market, enhance quality of housing, & incentivize private reinvestment in neighborhoods (includes: 2.18, 2.19, 3.3)	Project	FY26	Recommended for removal during FY23 SOP process.
Evaluate the needs for an additional Police Station or substation to meet the increased service needs and demands of residents	Evaluation	FY26	
Design for Fire Station 93	Project	5+ years	This OFI was moved to 5+ years in accordance with the current FY 2023 proposed Strategic Operating Plan
Develop West Pinehurst Park and identify potential partners	Project	5+ years	
Consider a policy to partner with others to promote private, or public, acquisition of historic properties to hold, manage, preserve, restore, and improve properties to promote historic preservation efforts. (1.4)	Evaluation	5+ years	A program and policy for HPC. This OFI was moved to 5+ years.
Assess whether the community supports an indoor and/or outdoor performing arts venue, and if so, explore options for locations and funding sources	Evaluation	5+ years	
Coordinate efforts between Aberdeen, Southern Pines, and Pinehurst to expand arts and cultural facilities and experiences in the region	Project	5+ years	
Consider public/private partnerships to locate artist studios and galleries in the Village Center and Village Place to enhance the character of the Village and expand the arts	Project	5+ years	

RESOLUTION #22-12:

**A RESOLUTION REGARDING REAPPOINTMENT TO THE PINEHURST
HISTORIC PRESERVATION COMMISSION.**

WHEREAS, the Village of Pinehurst has established an Historic Preservation Commission as authorized by North Carolina General Statutes, Chapter 160A, Article 19; and

WHEREAS, the term of Mr. David Herring expires on May 31, 2022; and

WHEREAS, Mr. Herring and the Village Council of Pinehurst are both desirous of him continuing to serve as a member of the Historic Preservation Commission.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 24th day of May 2022, as follows:

SECTION 1. That the following reappointment is hereby made to the Historic Preservation Commission for the term indicated:

Mr. David Herring is reappointed as a member of the Historic Preservation Commission, effective June 1, 2022, said term to expire May 31, 2024.

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

THIS RESOLUTION passed and adopted this the 24th day of May, 2022.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C Strickland, Mayor

Attest:

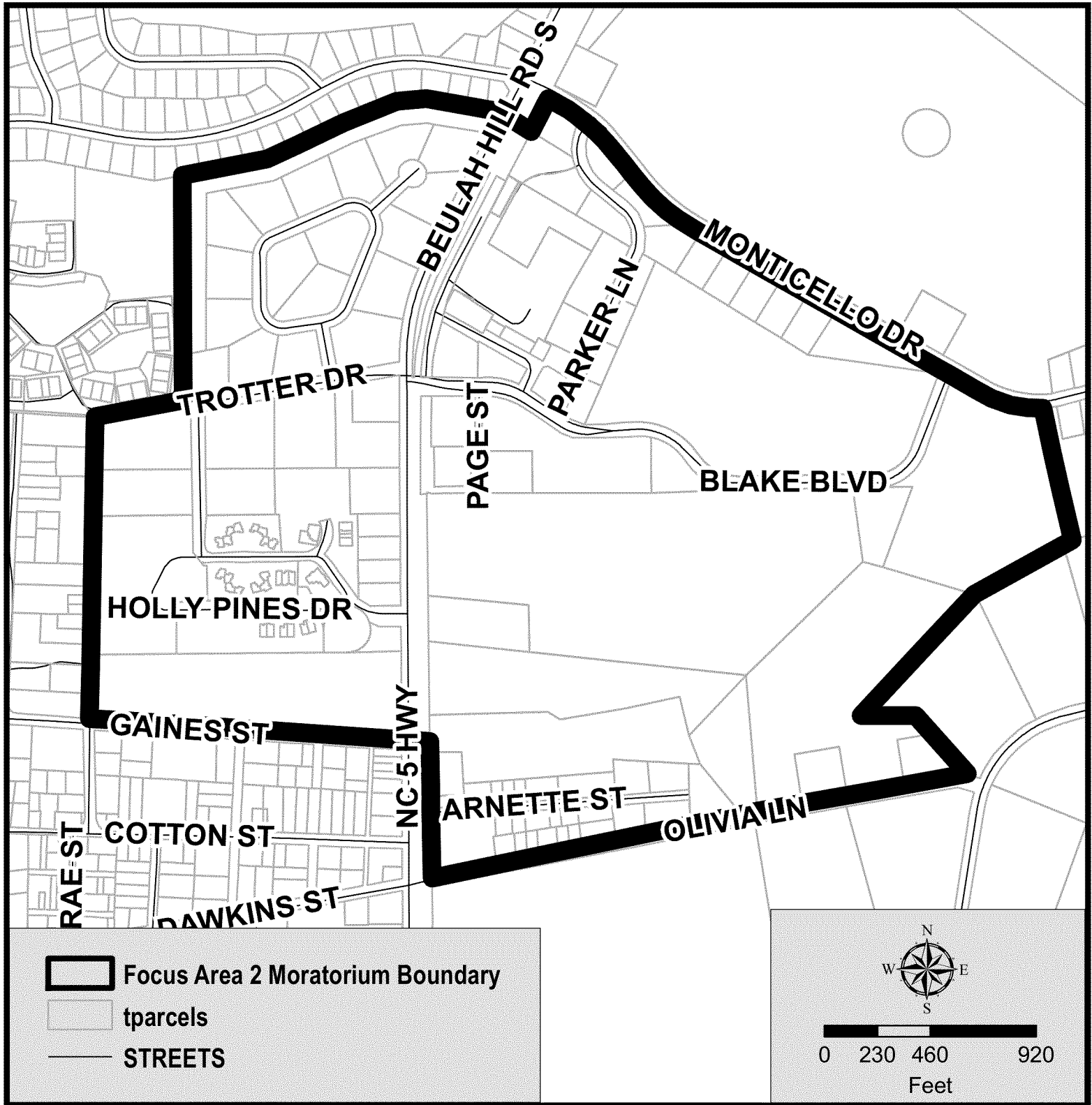
Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

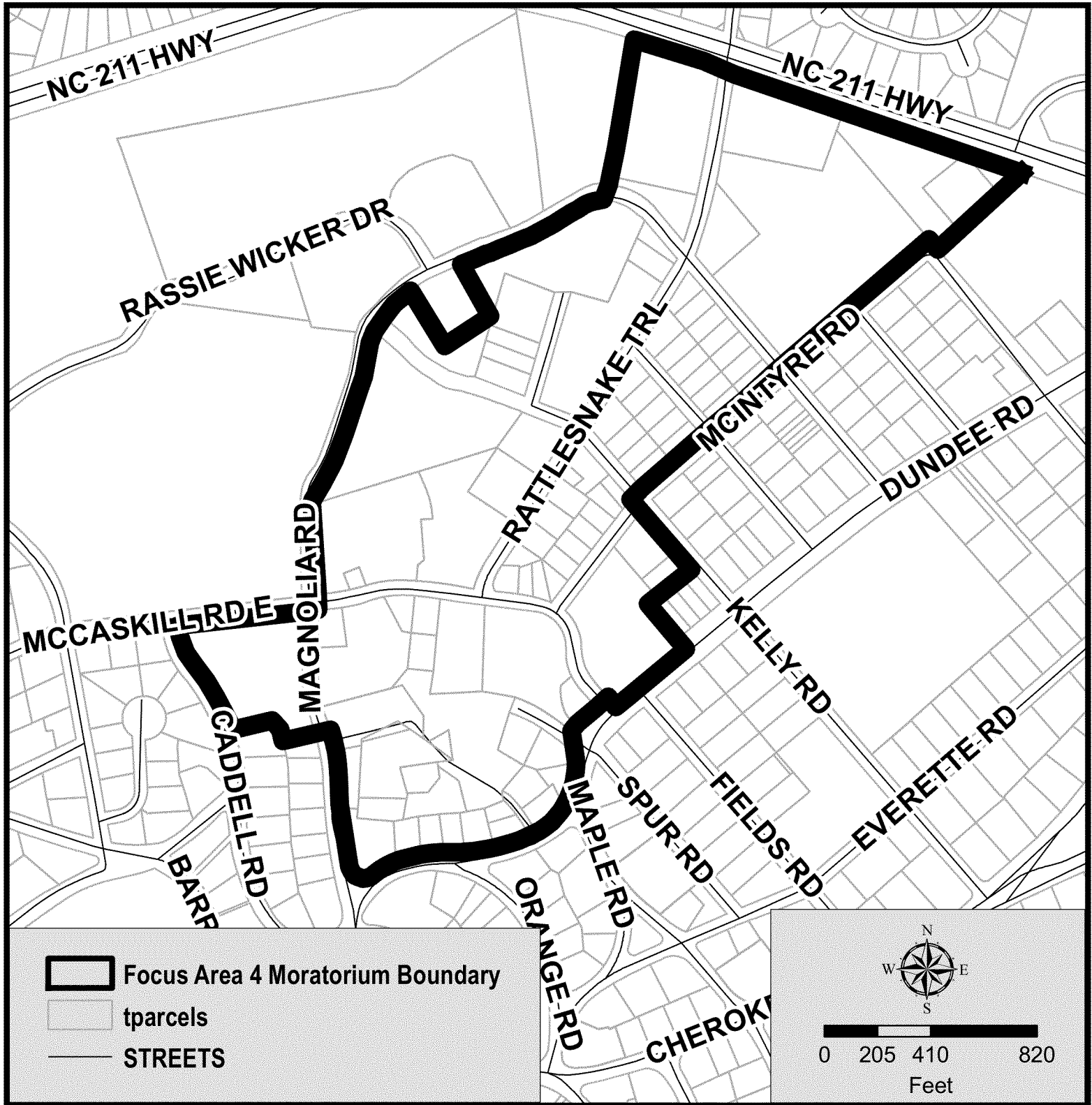


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10.

Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



ORDINANCE #22-04:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless excluded pursuant to Section 6 of #21-03 or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, the Village has extended the moratorium two times through adoption of Ordinances #21-15, and #22-01; and

WHEREAS, moratorium Ordinance #22-01 expires on June 8, 2022; and

WHEREAS, the Village has not completed the small area plans or zoning ordinance amendments for the specified geographic areas; and

WHEREAS, the Village Planning and Zoning Board met on May 5, 2022 to provide a recommendation to the Village Council on the Small Area Plans; and

WHEREAS, extending the moratorium will allow additional time for adoption of said plans and zoning ordinance updates; and

WHEREAS, allowing real estate development activity to reoccur in the said areas may result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan and proposed Small Area Plans; and

WHEREAS, extending the moratorium by an additional 120 days would aid in the accomplishment of the purpose of Ordinance #21-03, #21-15, as described respectively in Exhibits C, D, and E.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 24th day of May, 2022, as follows:

Section 1. That the moratorium imposed by Ordinance #21-03 on February 10, 2021 and extended by Ordinance's #21-15, #22-01 is hereby extended for an additional one-hundred twenty (120) day period from the date of expiration, thus, to expire on October 6, 2022.

Section 2. That all sections of Ordinance #21-03, #21-15, #22-01 attached as Exhibits C, D and E remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 24th day of May, 2022.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

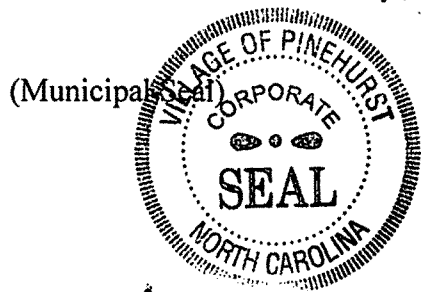
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

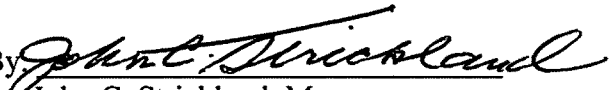
THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By 
John C. Strickland, Mayor

Approved as to Form:

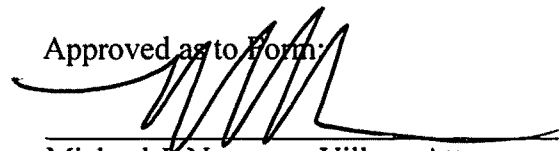
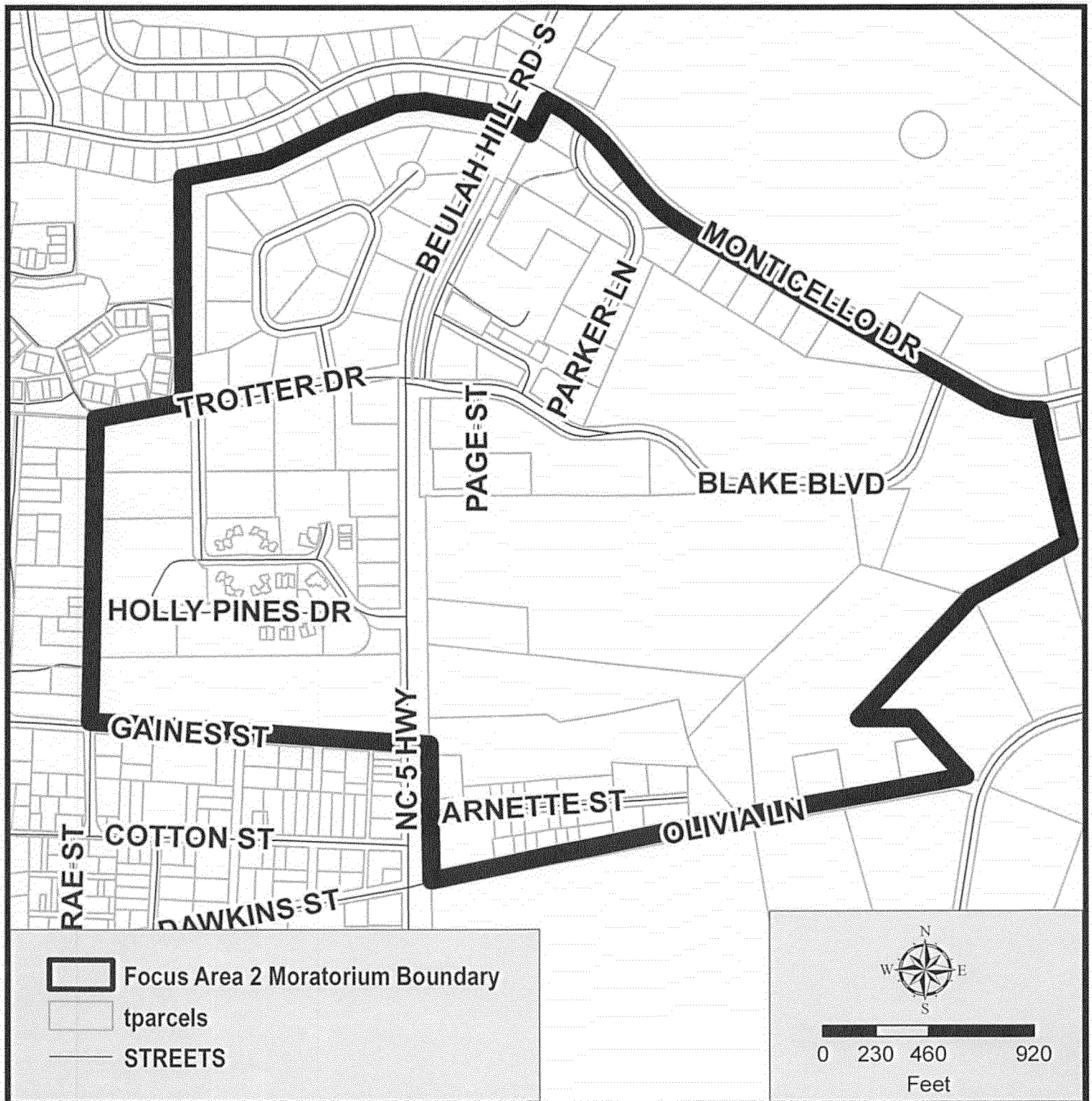

Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

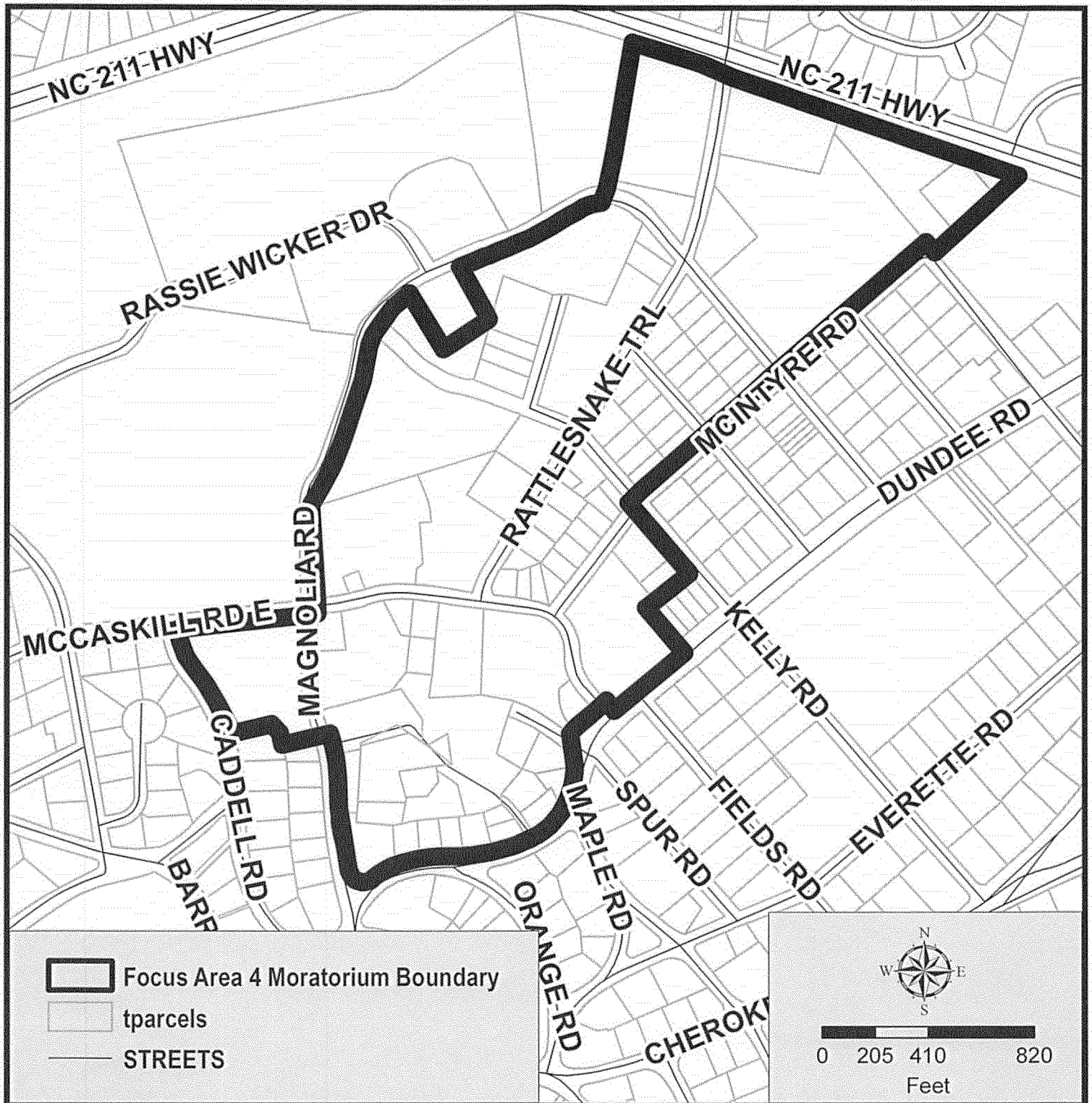


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



ORDINANCE #21-15:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, said moratorium expires on November 10, 2021; and

WHEREAS, the Village has not completed the small area plans and form based codes for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and codes will be presented for adoption by the Village; and

WHEREAS, Ordinance #21-03 will expire before completion of said plans codes; and

WHEREAS, extending the moratorium will allow time for completion of said plans and codes; and

WHEREAS, allowing real estate development activity to reoccur in the said areas will result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 90 days would aid in the accomplishment of the purpose of Ordinance 21-03 as described in Exhibit C.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 26th day of October 2021, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 is hereby extended for an additional ninety-day period from the date of expiration, thus, to expire on February 08, 2022.

Section 2. That all sections of Ordinance 21-03 attached as Exhibit C remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 26th day of October, 2021.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By *John C. Strickland*
John C. Strickland, Mayor

Attest:

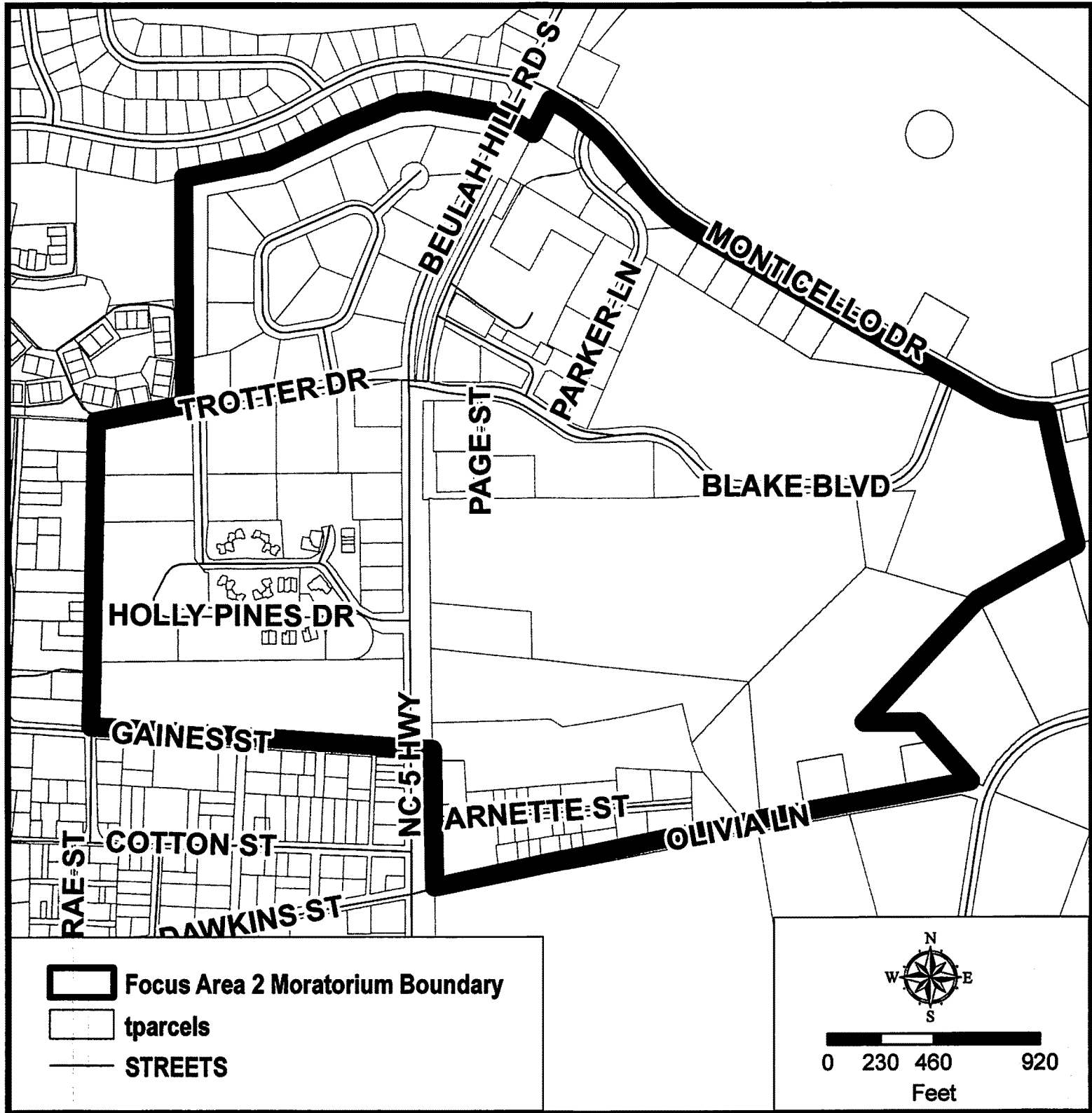
Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

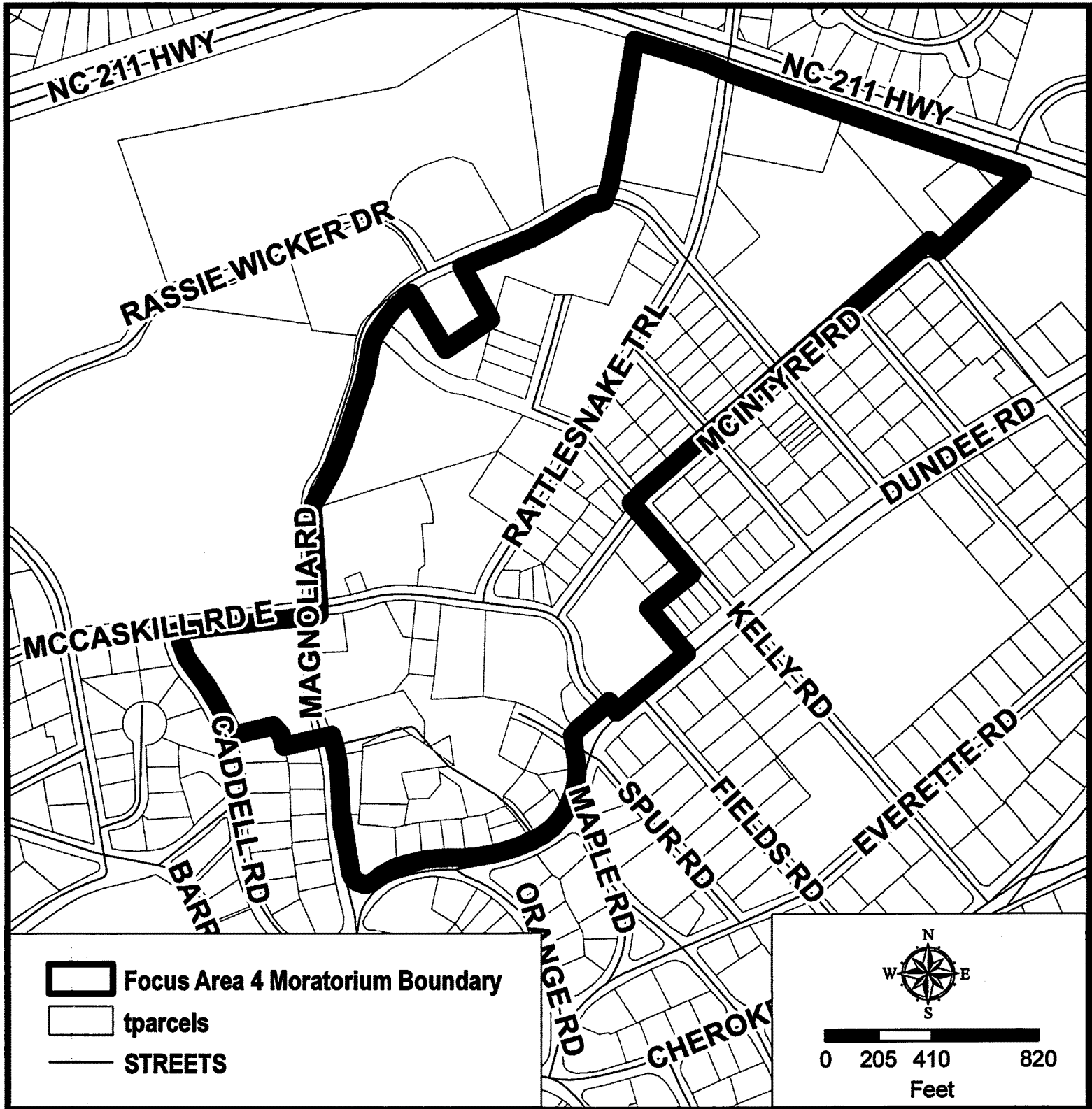


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

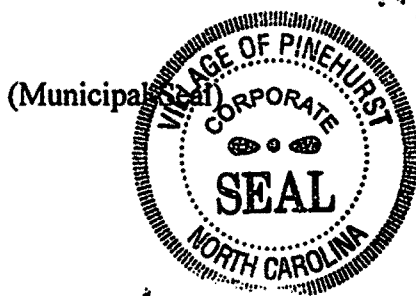
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

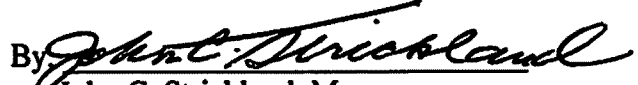
THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

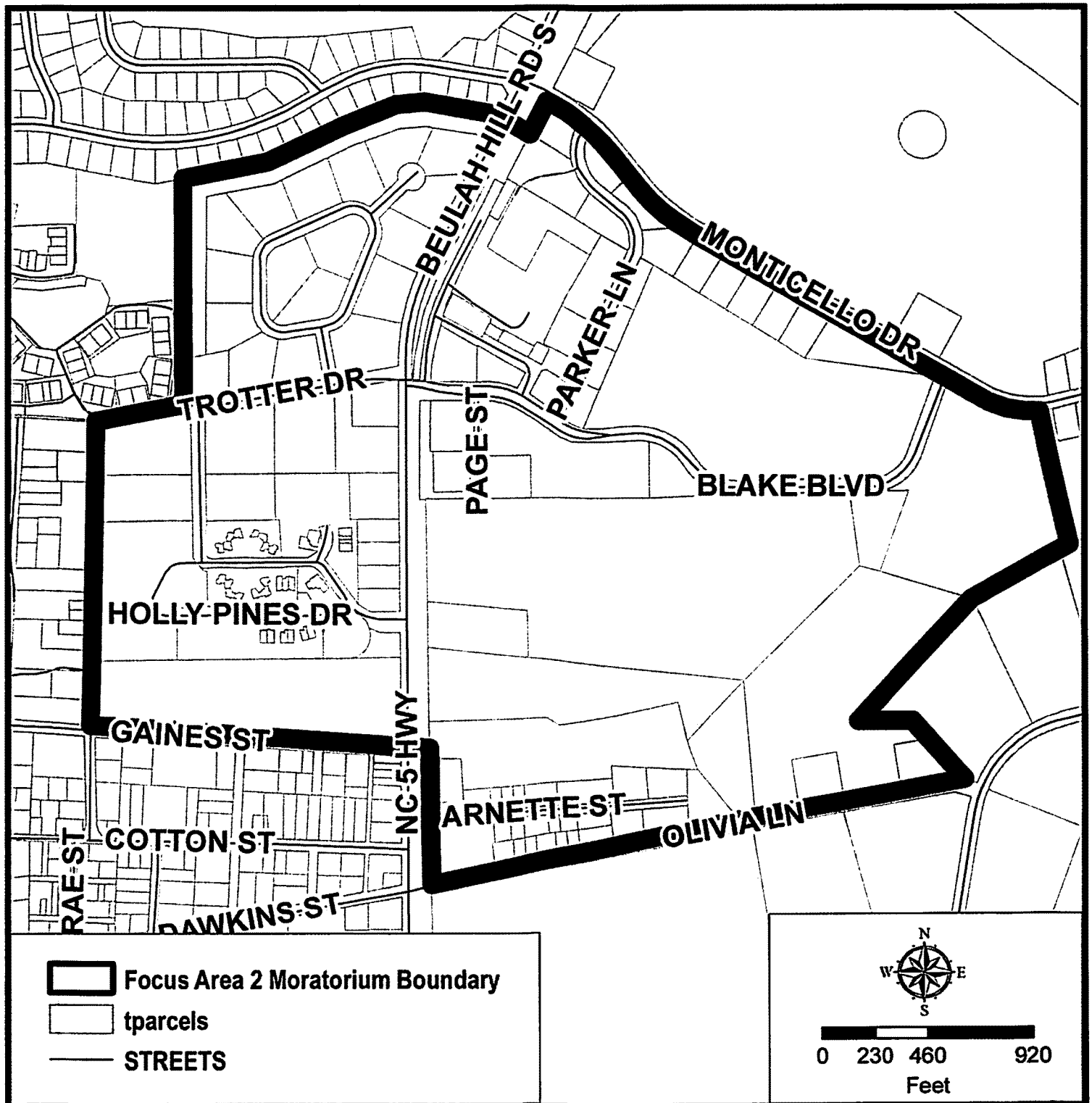
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

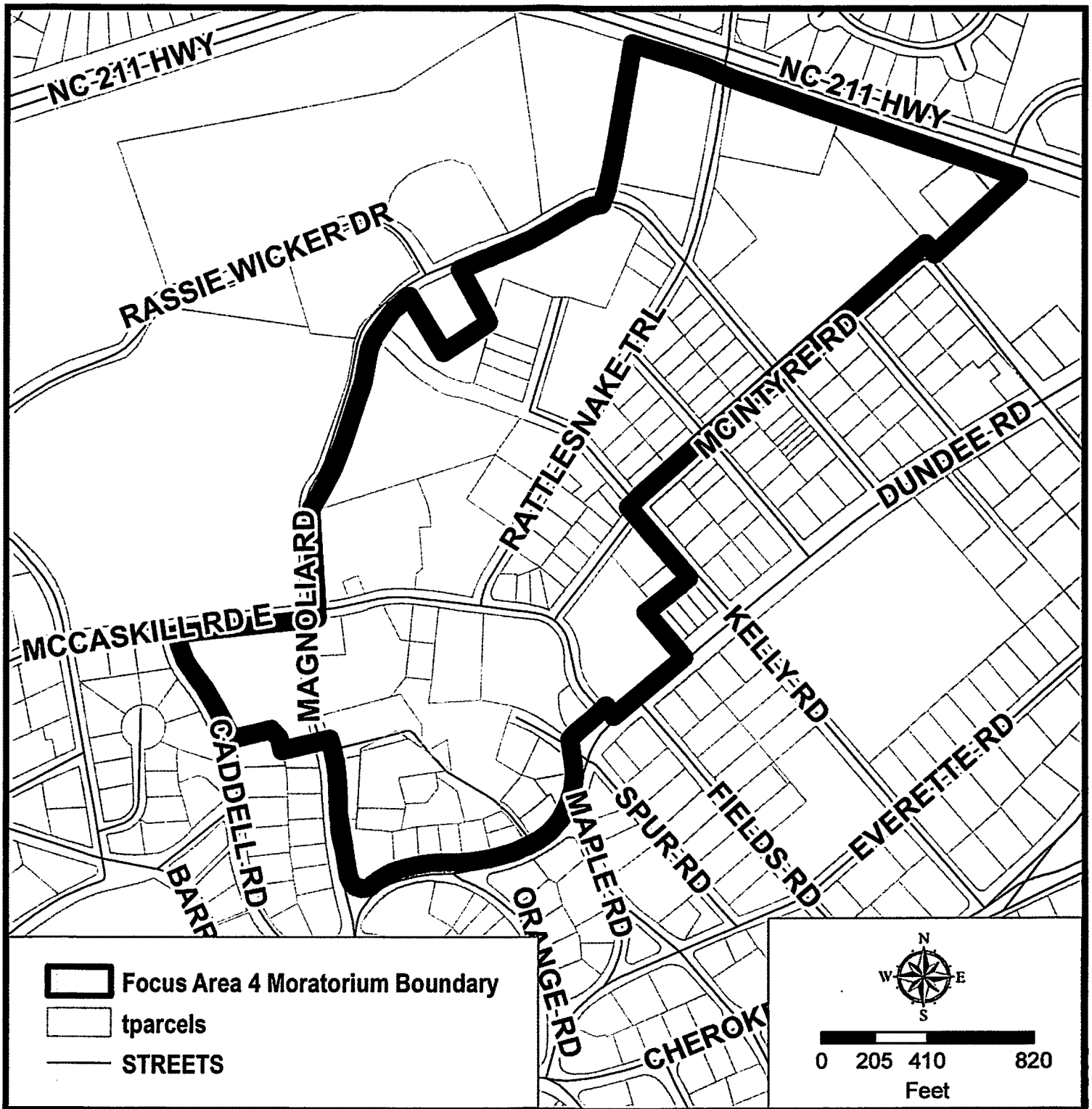


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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MEMORANDUM

To: Mayor Strickland and Village Council
From: Darryn Burich
Date: May 19, 2022
Subject: Moratorium Extension for the Village Place/Rattlesnake Trail Corridor and the Pinehurst South/NC Highway 5 Commercial Area

The proposed moratorium currently in effect in the Small Area Plan areas (Village Place and Pinehurst South) is set to expire June 8, 2022. The Small Area Plans and subsequent ordinance updates will not be adopted by the time the moratorium expires so staff is requesting to extend the moratorium an additional 120 days to allow for plan adoption and any relevant PDO updates.

This would be the third extension of the moratorium that if approved would have the planning areas under moratorium since February 10th, 2021. While there are no statutory limitations on the length of a moratorium, any moratorium length must be justified in the context of moving forward to solve the problems necessitating establishment of the moratorium. The initial reason for requesting the moratorium was to preserve the area from inappropriate development in the context of the 2019 Comprehensive Plan and the soon to be approved Small Area Plans.

At this point in the planning process, we are nearing the end of the plan development phase and readying to move into the zoning ordinance update phase after the plans are approved. Having a general consensus on the Small Area Plans, and in particular some of the land use concerns, need to be addressed prior to moving forward with subsequent Form Based Codes and PDO related updates. Once the Plans are approved, whether “as is” or “with conditions for various modifications” staff feels that we can move forward relatively quickly with the Form Based Code evaluations.

While this process has taken longer than originally anticipated, necessitating the need for the moratorium, the project has continuously moved forward towards the end goal of plan approval and subsequent zone changes. On May 5, 2022 the Planning and Zoning Board discussed and made recommendations to the Council on both plans.

If you have any questions regarding the proposed moratorium extension, please contact me.

ORDINANCE #22-04:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless excluded pursuant to Section 6 of #21-03 or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, the Village has extended the moratorium two times through adoption of Ordinances #21-15, and #22-01; and

WHEREAS, moratorium Ordinance #22-01 expires on June 8, 2022; and

WHEREAS, the Village has not completed the small area plans or zoning ordinance amendments for the specified geographic areas; and

WHEREAS, the Village Planning and Zoning Board met on May 5, 2022 to provide a recommendation to the Village Council on the Small Area Plans; and

WHEREAS, extending the moratorium will allow additional time for adoption of said plans and zoning ordinance updates; and

WHEREAS, allowing real estate development activity to reoccur in the said areas may result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan and proposed Small Area Plans; and

WHEREAS, extending the moratorium by an additional 120 days would aid in the accomplishment of the purpose of Ordinance #21-03, #21-15, as described respectively in Exhibits C, D, and E.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 24th day of May, 2022, as follows:

Section 1. That the moratorium imposed by Ordinance #21-03 on February 10, 2021 and extended by Ordinance's #21-15, #22-01 is hereby extended for an additional one-hundred twenty (120) day period from the date of expiration, thus, to expire on October 6, 2022.

Section 2. That all sections of Ordinance #21-03, #21-15, #22-01 attached as Exhibits C, D and E remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 24th day of May, 2022.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

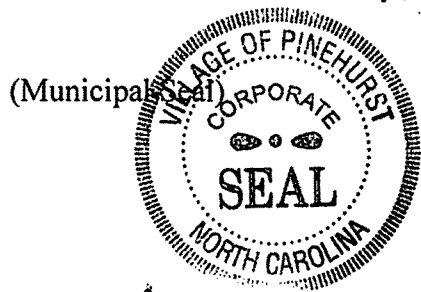
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

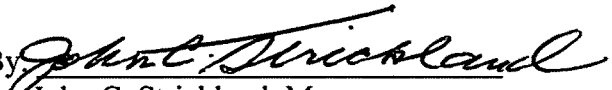
THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By 
John C. Strickland, Mayor

Approved as to Form:

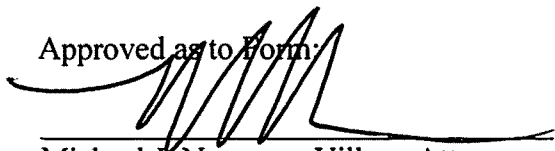
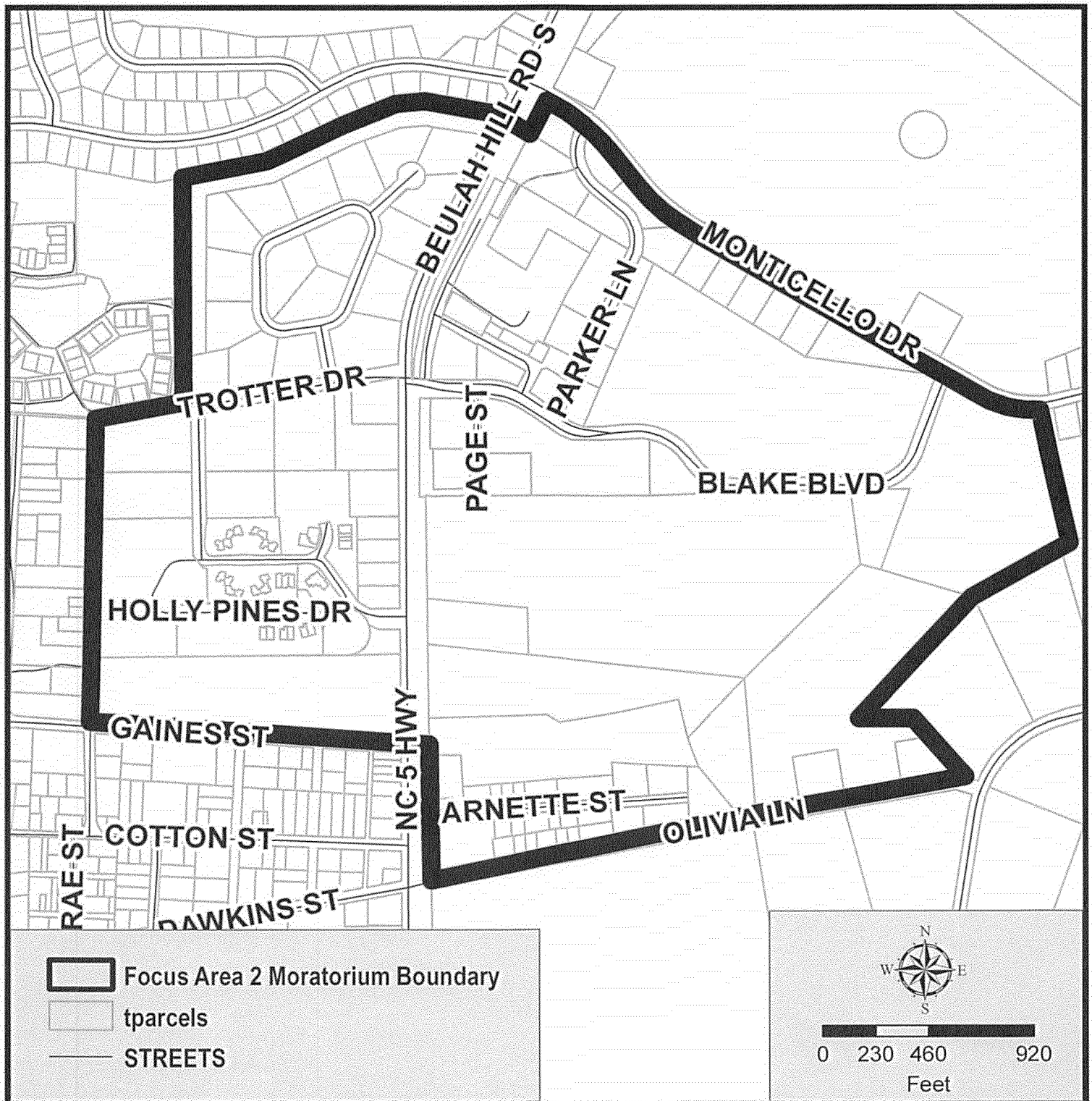

Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

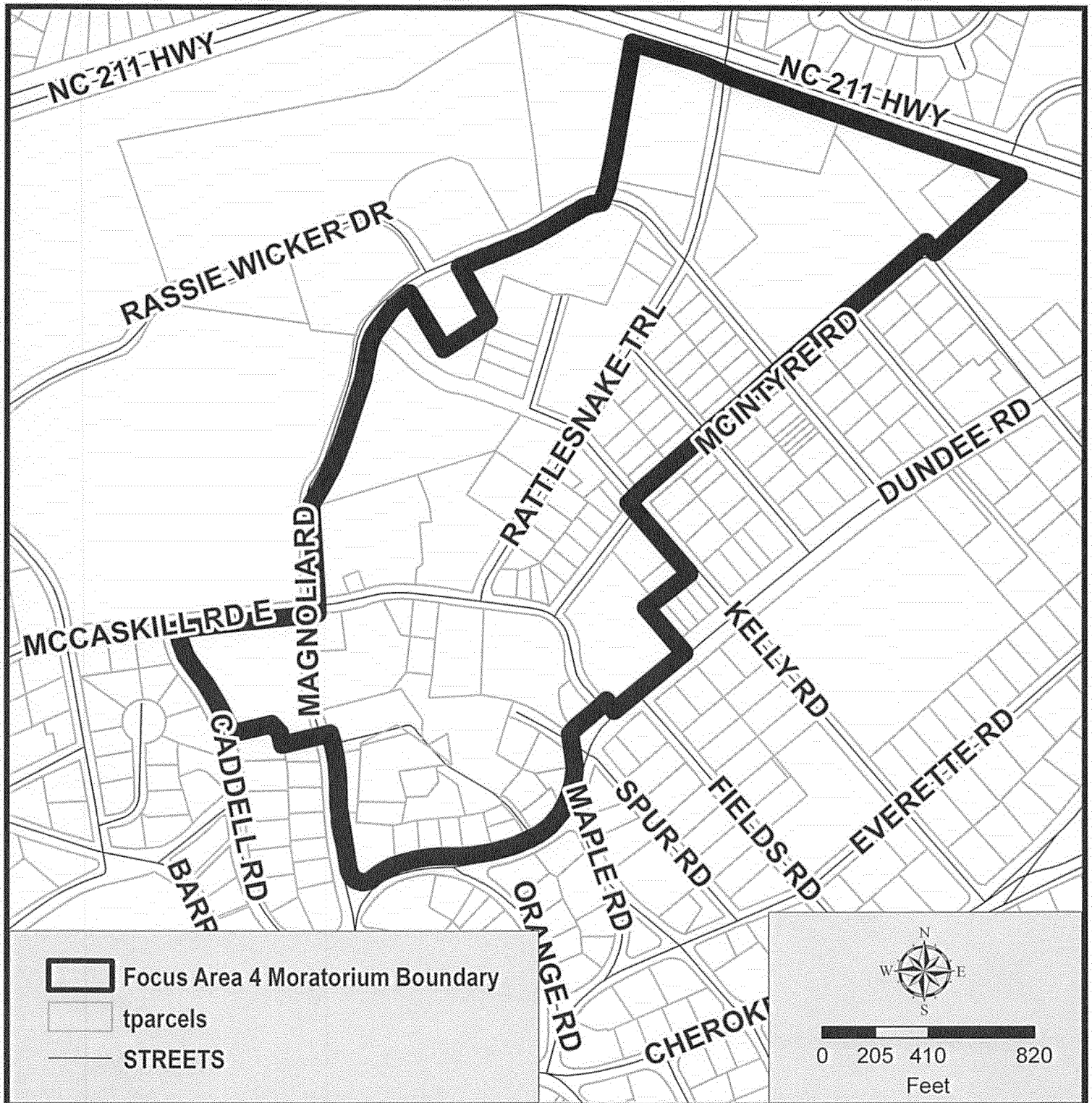


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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ORDINANCE #22-01:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, the moratorium was extended an additional 90 days from its original expiration date of November 10, 2021; and

WHEREAS, the moratorium expires on February 08, 2022; and

WHEREAS, the Village has not completed the small area plans or zoning ordinance amendments for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and zoning ordinance amendments will be evaluated and presented for adoption by the Village; and

WHEREAS, the Village held an open house on February 2, 2022 where draft Small Area Plans were presented; and

WHEREAS, Ordinance #21-15 will expire before completion of said plans and zoning ordinance updates; and

WHEREAS, extending the moratorium will allow time for completion of said plans and zoning ordinance updates; and

WHEREAS, allowing real estate development activity to reoccur in the said areas may result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 120 days would aid in the accomplishment of the purpose of Ordinance #21-03 and #21-15 as described respectively in Exhibits C and D.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 8th day of February 2022, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 and extended by Ordinance #21-15 is hereby extended for an additional one-hundred twenty (120) day period from the date of expiration, thus, to expire on June 8, 2022.

Section 2. That all sections of Ordinance #21-03 and #21-15 attached as Exhibits C and D remain in full effect throughout the extension.

Section 3. That this moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 8th day of February, 2022.



Attest:

Kelly Chance
Kelly Chance, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: John C. Strickland
John C. Strickland, Mayor

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

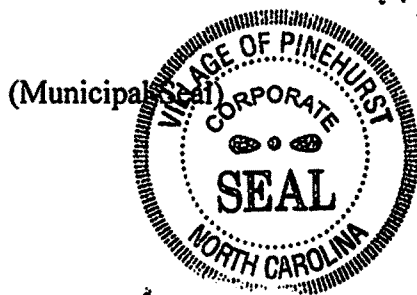
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

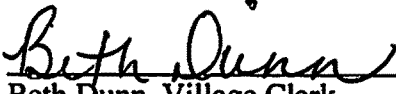
11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

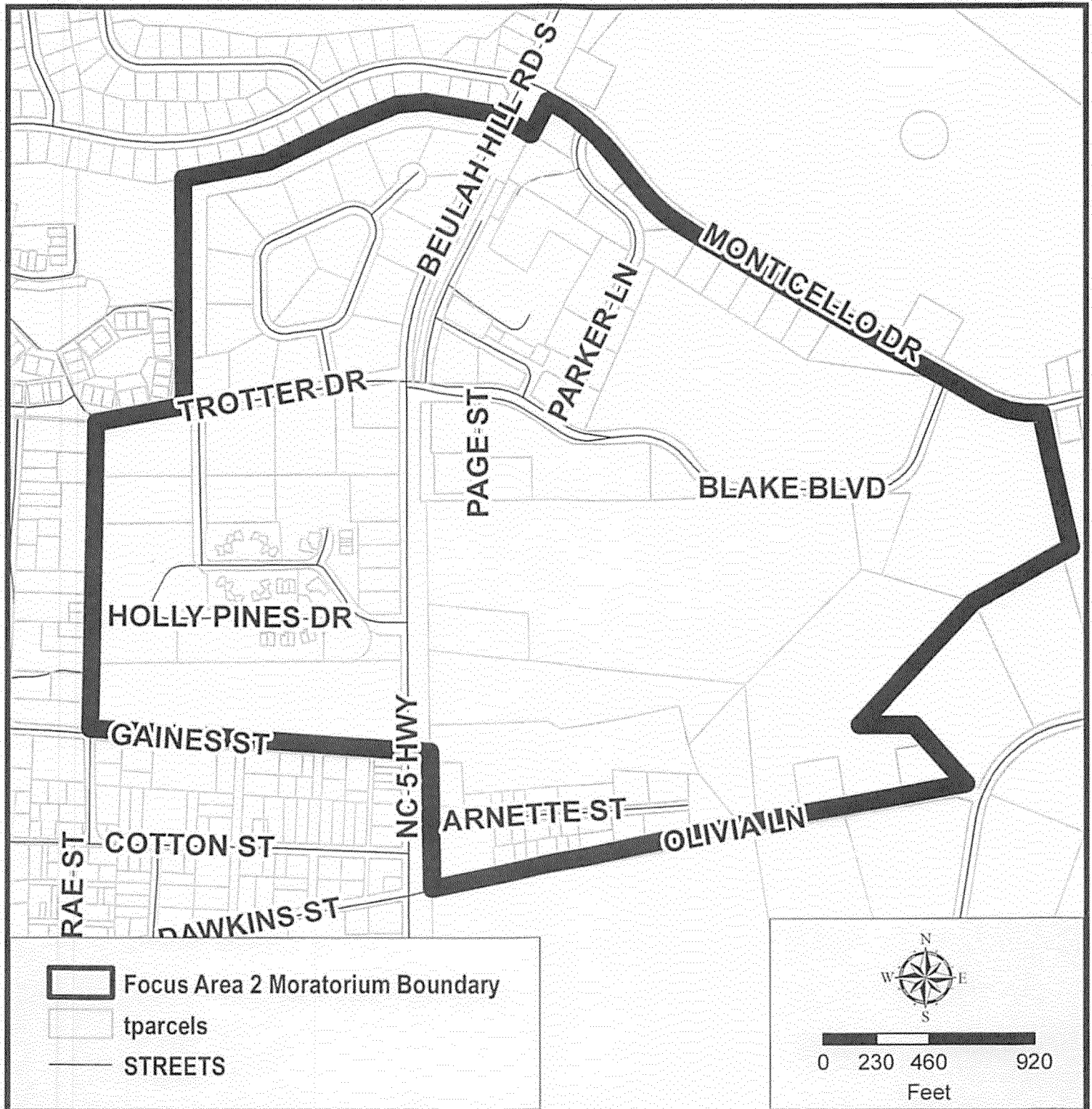
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

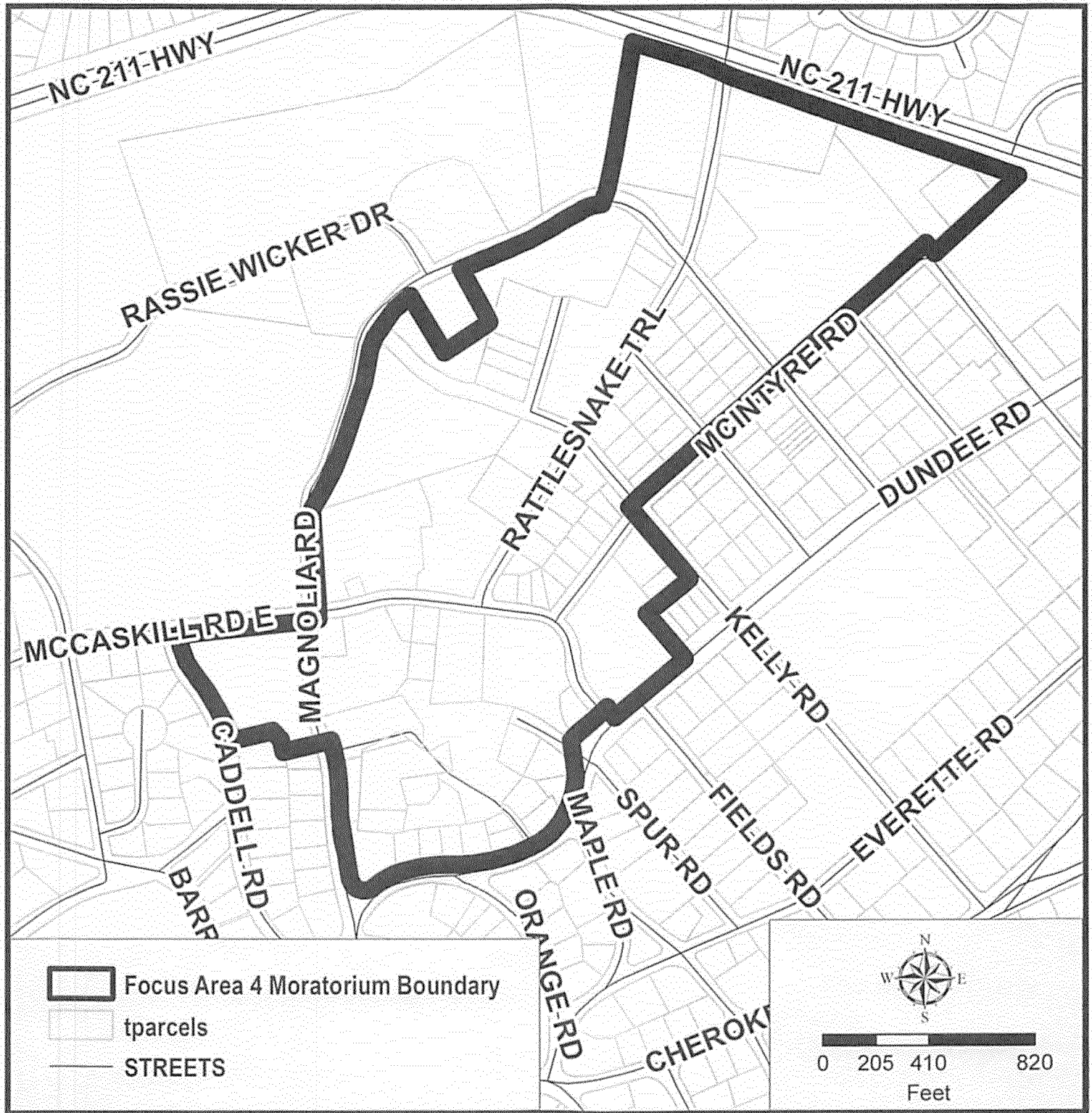


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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EXHIBIT D

ORDINANCE #21-15:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, said moratorium expires on November 10, 2021; and

WHEREAS, the Village has not completed the small area plans and form based codes for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and codes will be presented for adoption by the Village; and

WHEREAS, Ordinance #21-03 will expire before completion of said plans codes; and

WHEREAS, extending the moratorium will allow time for completion of said plans and codes; and

WHEREAS, allowing real estate development activity to reoccur in the said areas will result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 90 days would aid in the accomplishment of the purpose of Ordinance 21-03 as described in Exhibit C.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 26th day of October 2021, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 is hereby extended for an additional ninety-day period from the date of expiration, thus, to expire on February 08, 2022.

Section 2. That all sections of Ordinance 21-03 attached as Exhibit C remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 26th day of October, 2021.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By *John C. Strickland*
John C. Strickland, Mayor

Attest:

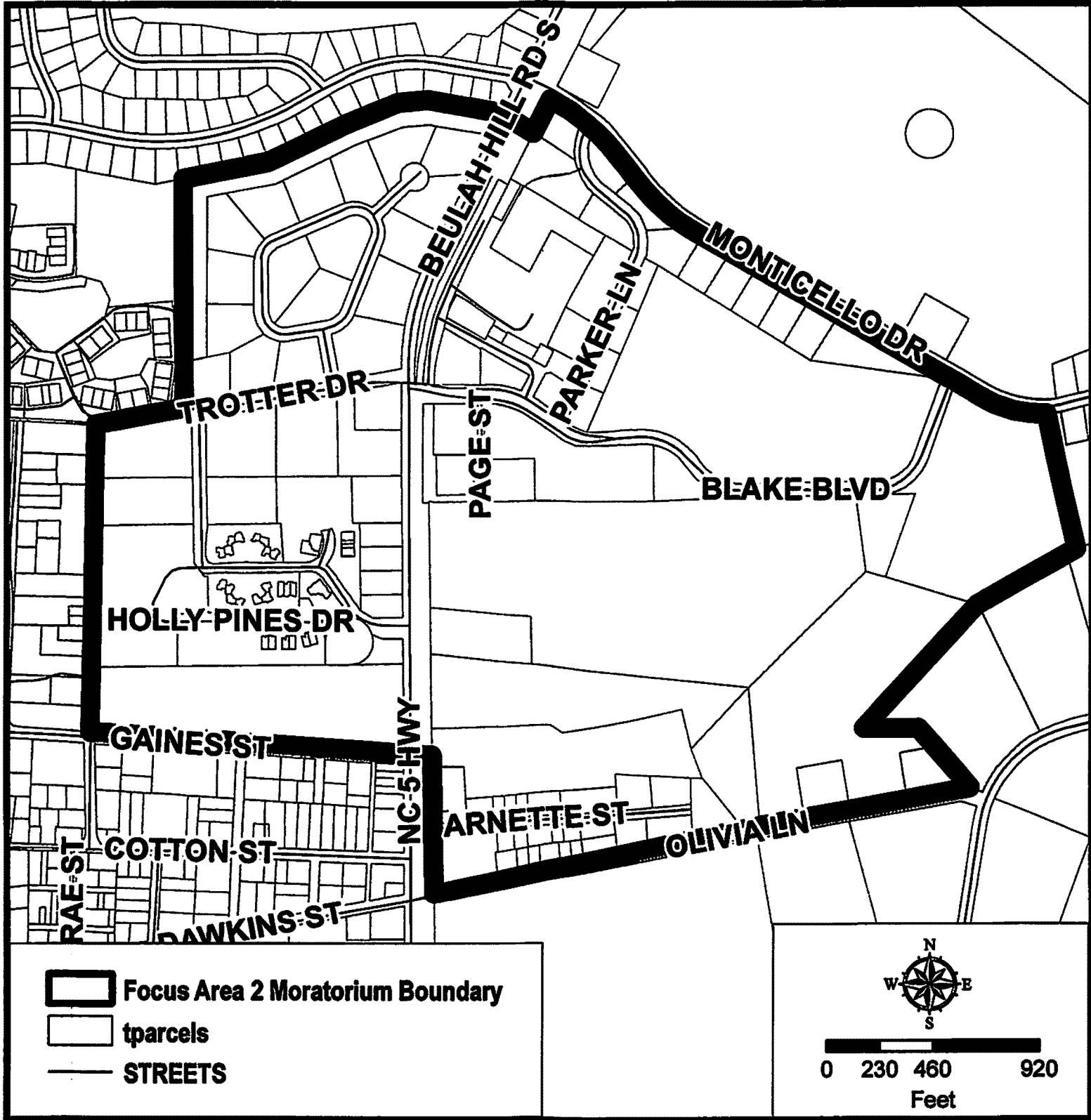
Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

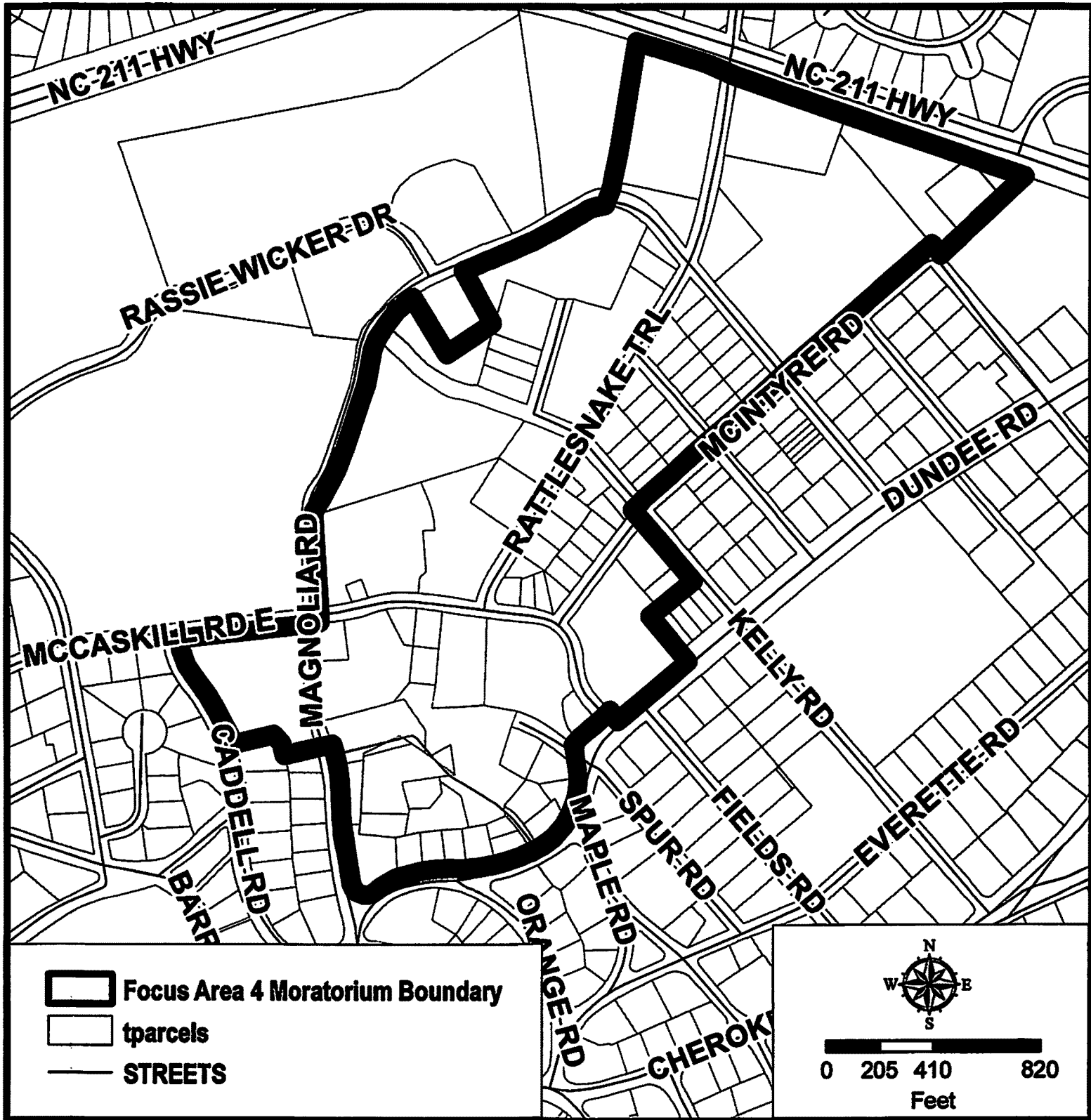


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By

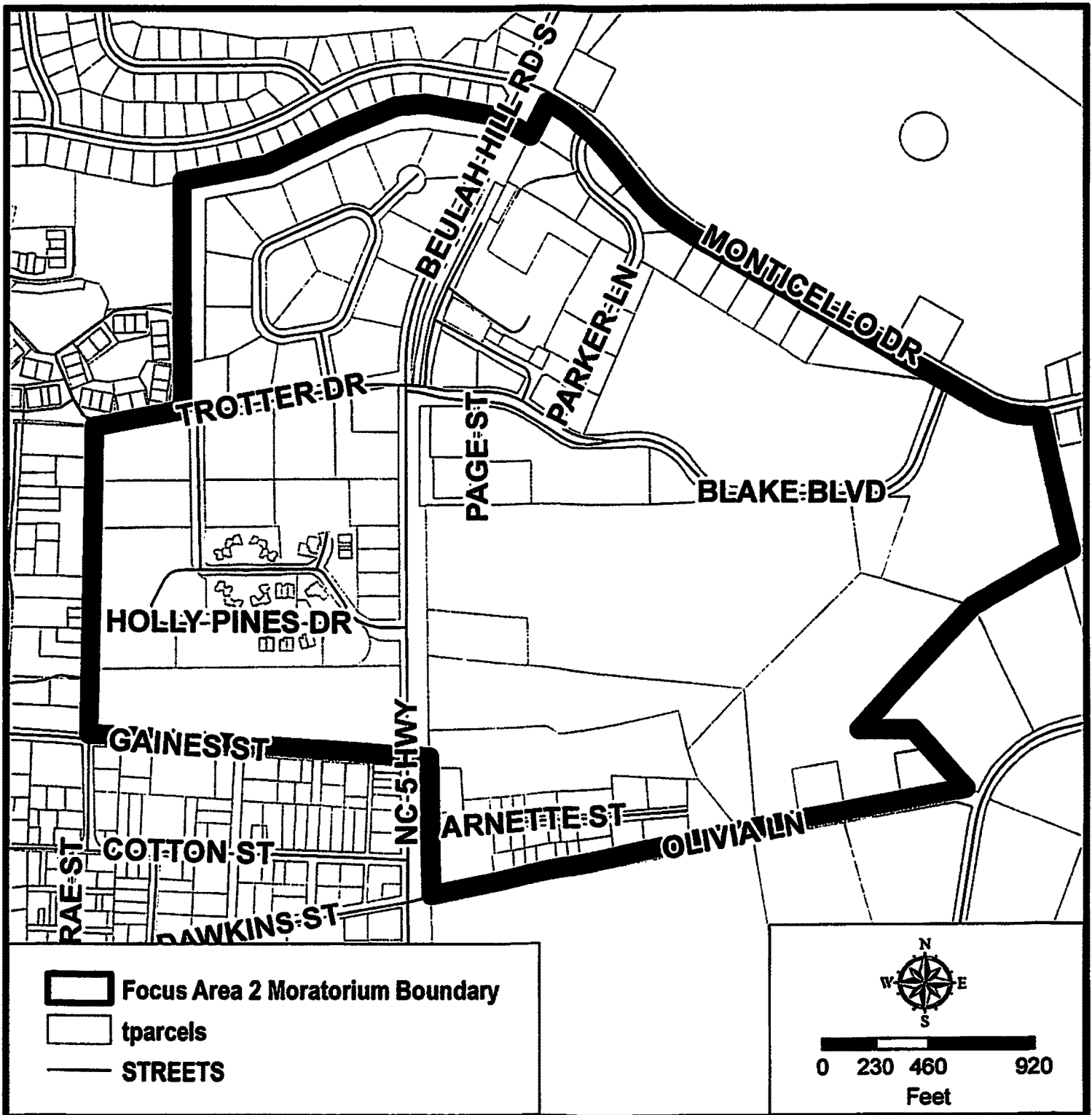

John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

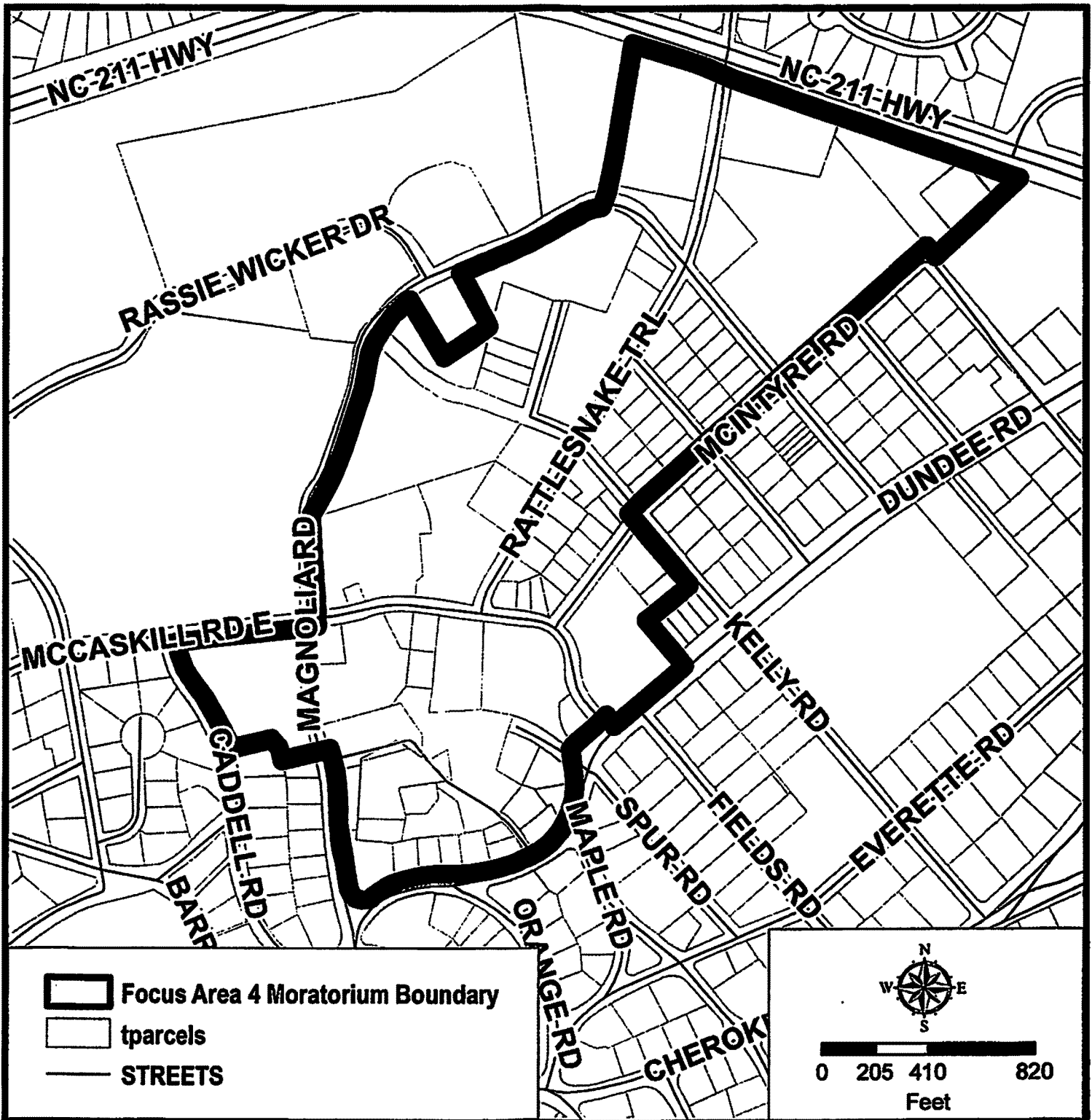


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



ORDINANCE #21-15:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, said moratorium expires on November 10, 2021; and

WHEREAS, the Village has not completed the small area plans and form based codes for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and codes will be presented for adoption by the Village; and

WHEREAS, Ordinance #21-03 will expire before completion of said plans codes; and

WHEREAS, extending the moratorium will allow time for completion of said plans and codes; and

WHEREAS, allowing real estate development activity to reoccur in the said areas will result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 90 days would aid in the accomplishment of the purpose of Ordinance 21-03 as described in Exhibit C.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 26th day of October 2021, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 is hereby extended for an additional ninety-day period from the date of expiration, thus, to expire on February 08, 2022.

Section 2. That all sections of Ordinance 21-03 attached as Exhibit C remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 26th day of October, 2021.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By *John C. Strickland*
John C. Strickland, Mayor

Attest:

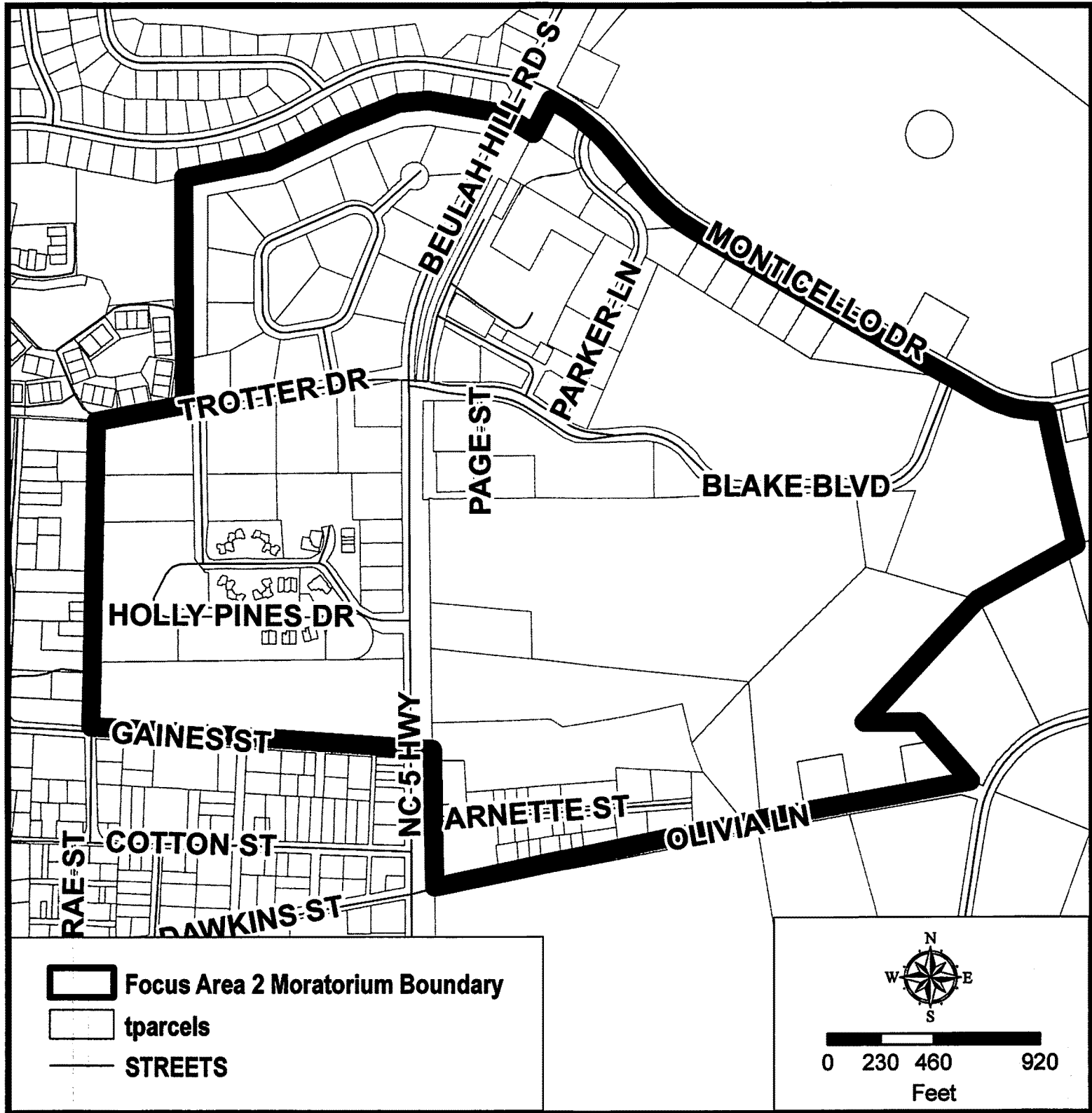
Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

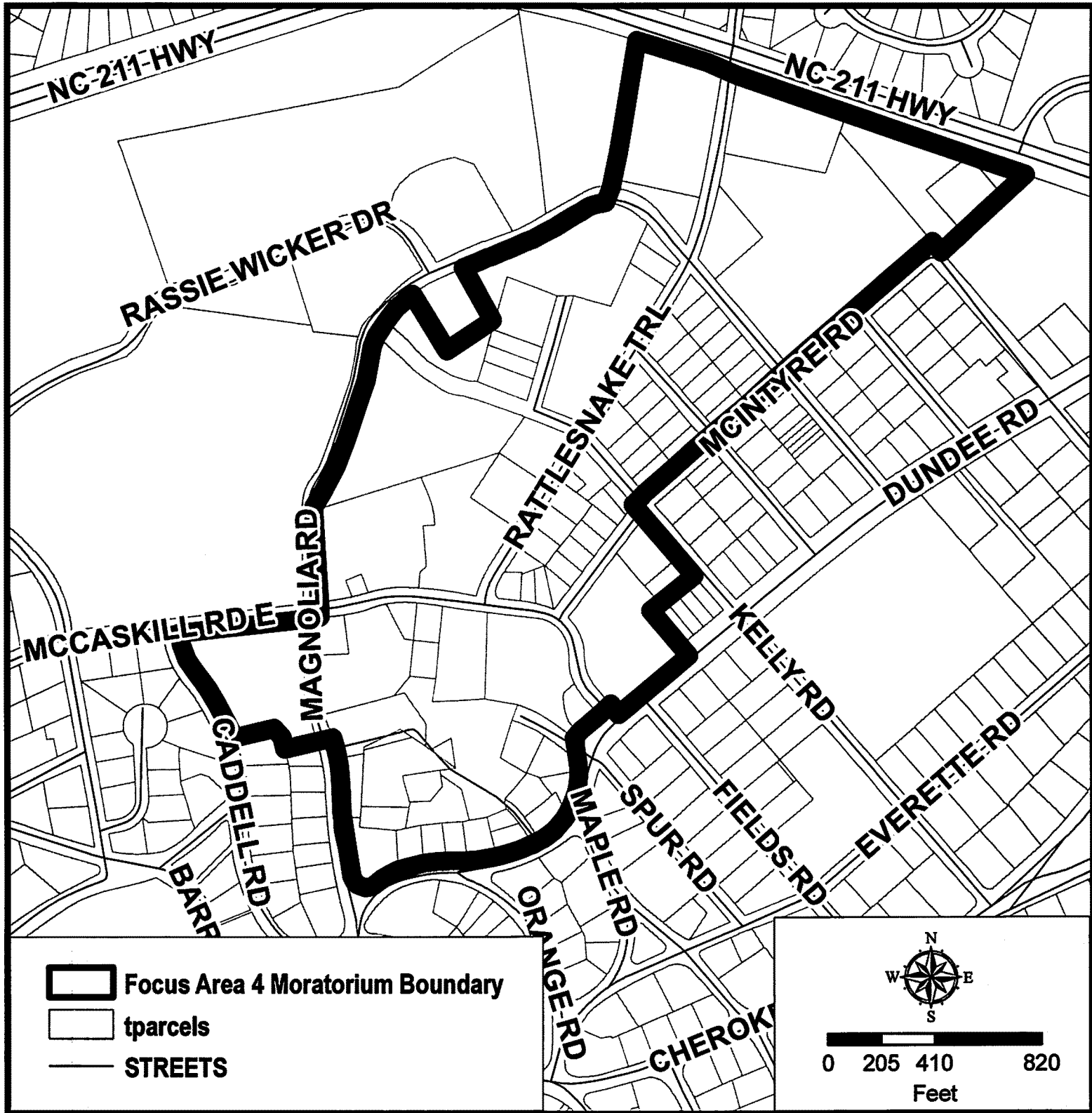


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

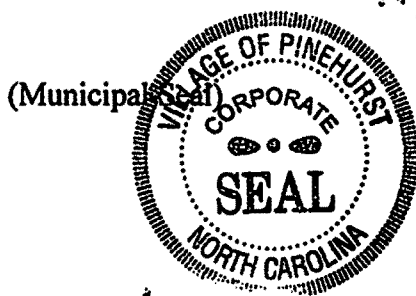
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

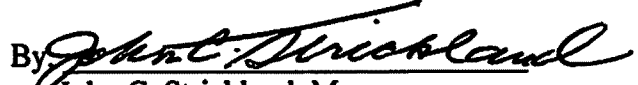
THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

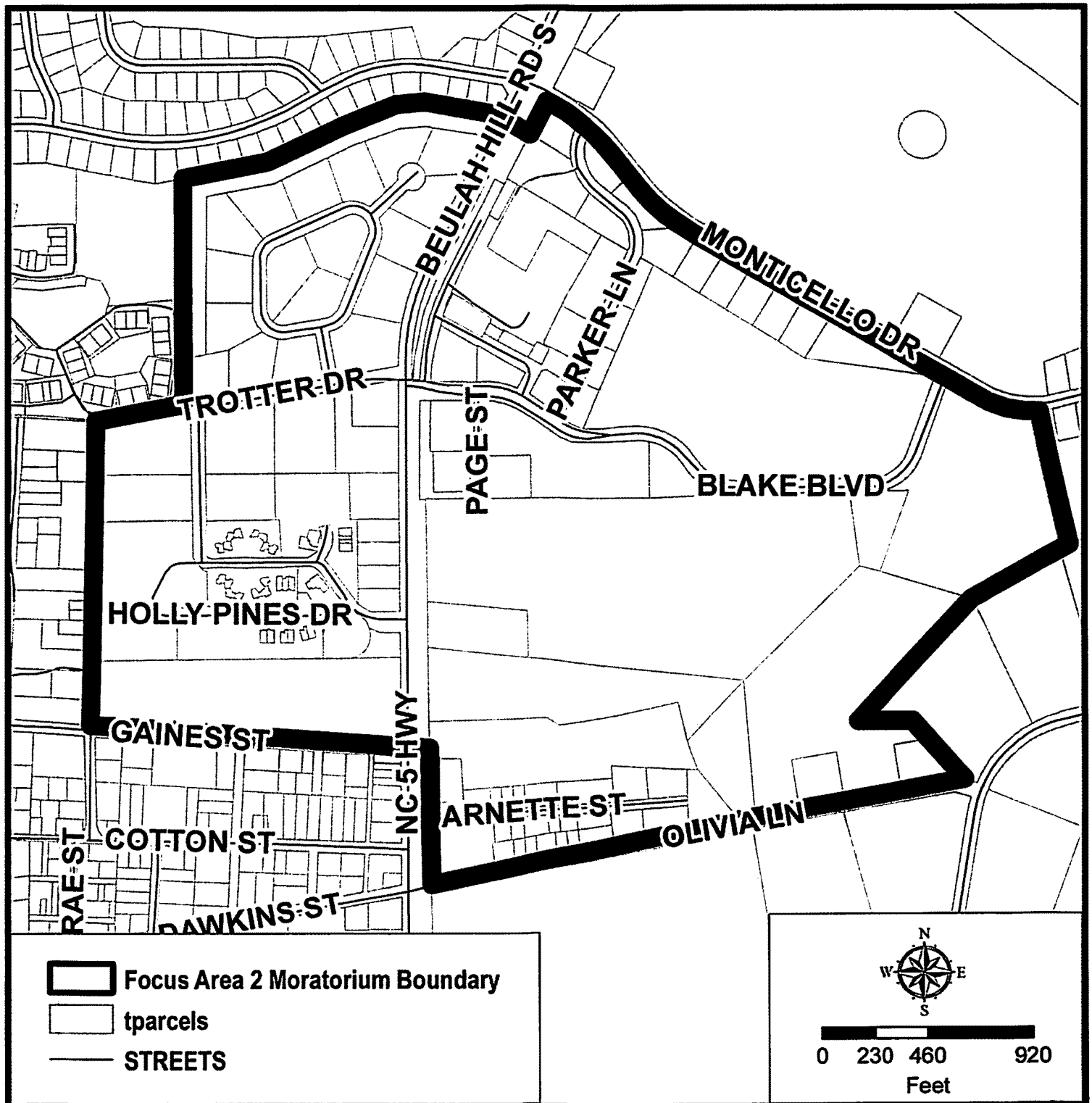
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

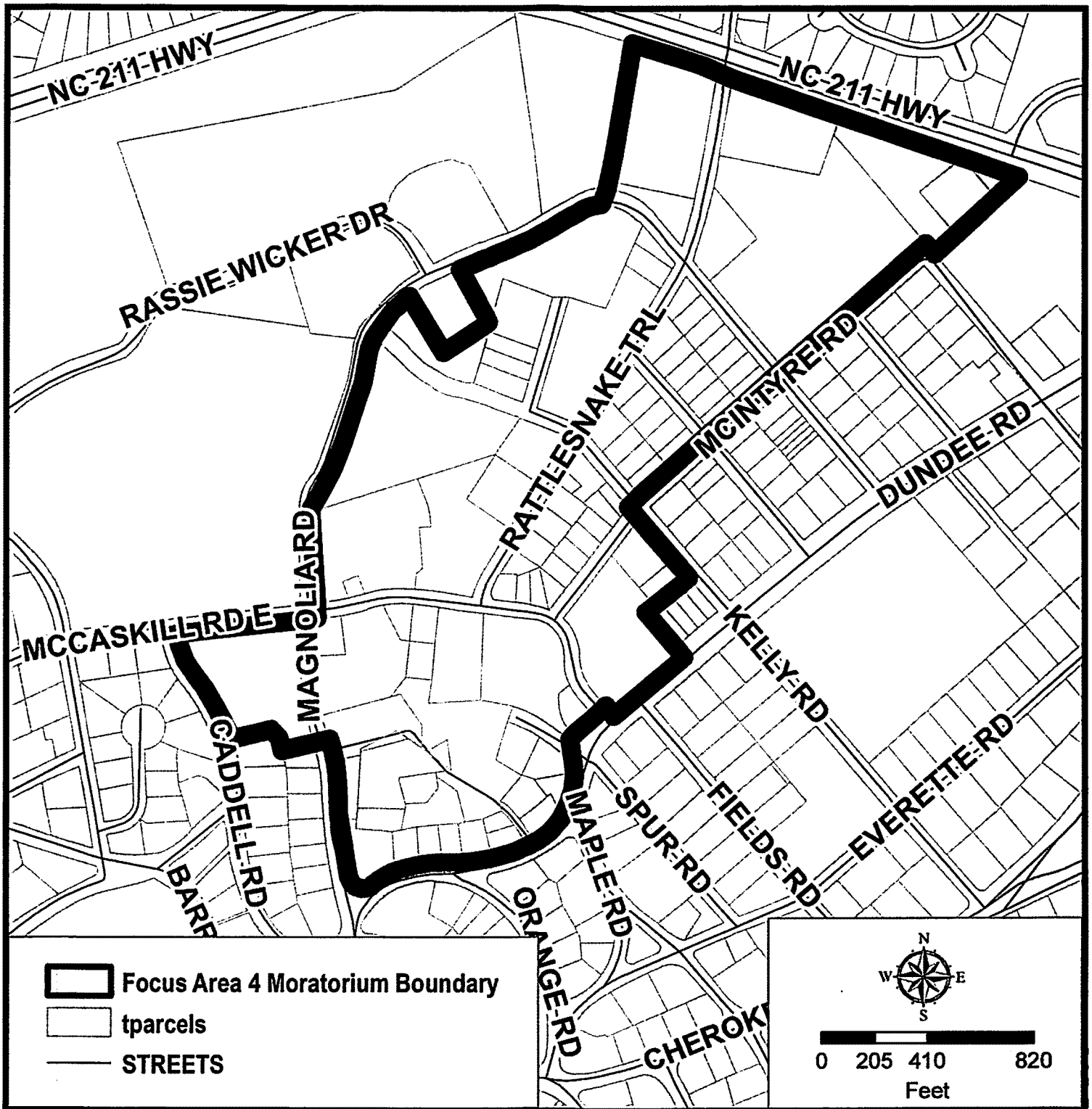


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



ORDINANCE #22-01:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, the moratorium was extended an additional 90 days from its original expiration date of November 10, 2021; and

WHEREAS, the moratorium expires on February 08, 2022; and

WHEREAS, the Village has not completed the small area plans or zoning ordinance amendments for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and zoning ordinance amendments will be evaluated and presented for adoption by the Village; and

WHEREAS, the Village held an open house on February 2, 2022 where draft Small Area Plans were presented; and

WHEREAS, Ordinance #21-15 will expire before completion of said plans and zoning ordinance updates; and

WHEREAS, extending the moratorium will allow time for completion of said plans and zoning ordinance updates; and

WHEREAS, allowing real estate development activity to reoccur in the said areas may result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 120 days would aid in the accomplishment of the purpose of Ordinance #21-03 and #21-15 as described respectively in Exhibits C and D.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 8th day of February 2022, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 and extended by Ordinance #21-15 is hereby extended for an additional one-hundred twenty (120) day period from the date of expiration, thus, to expire on June 8, 2022.

Section 2. That all sections of Ordinance #21-03 and #21-15 attached as Exhibits C and D remain in full effect throughout the extension.

Section 3. That this moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 8th day of February, 2022.



Attest:

Kelly Chance
Kelly Chance, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: John C. Strickland
John C. Strickland, Mayor

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

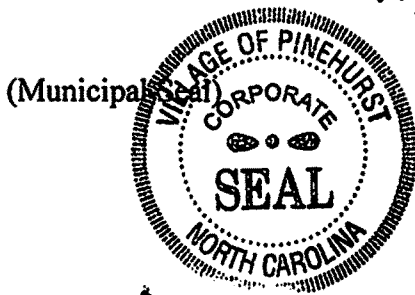
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

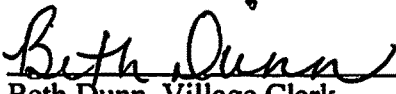
11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

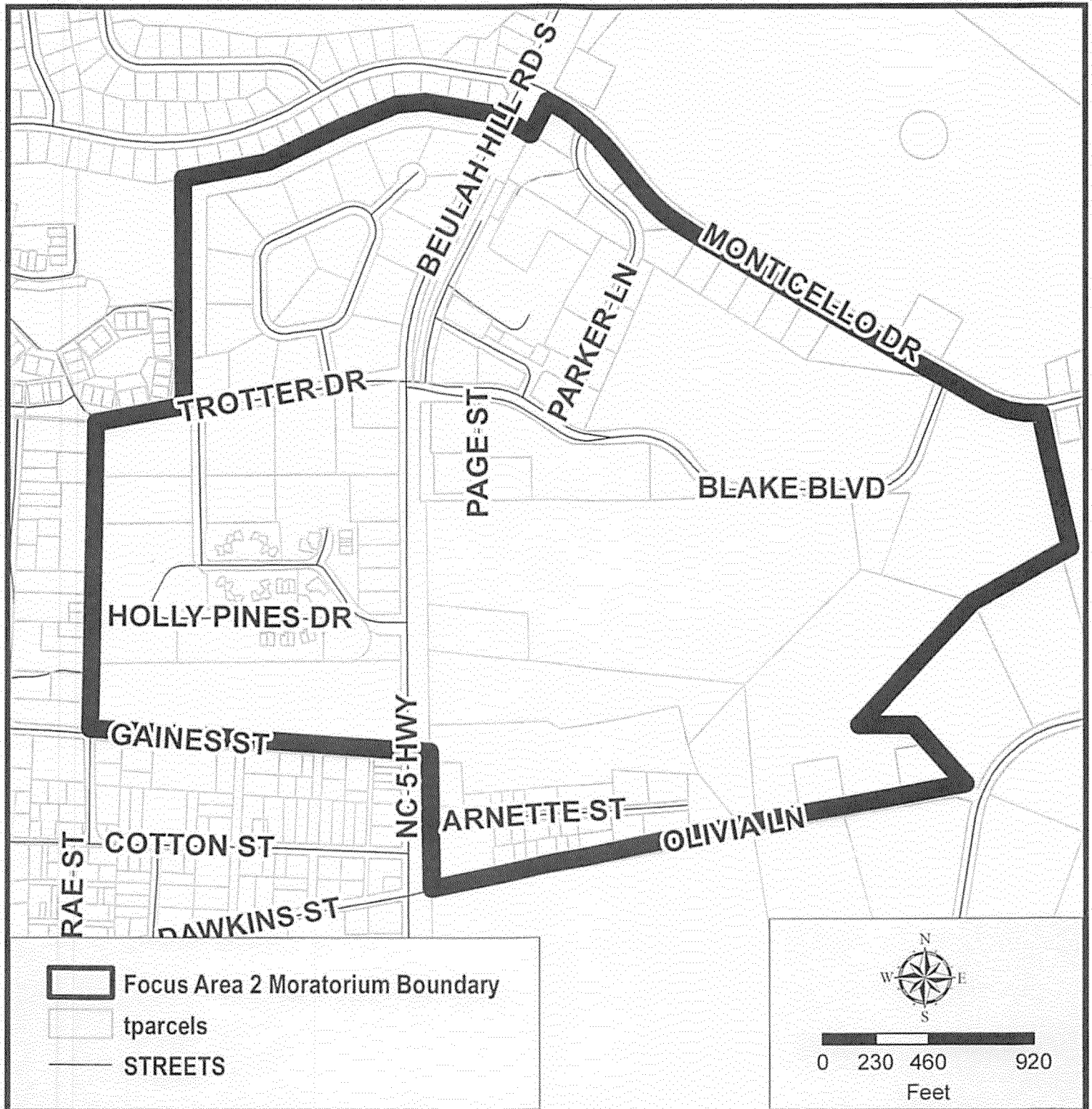
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

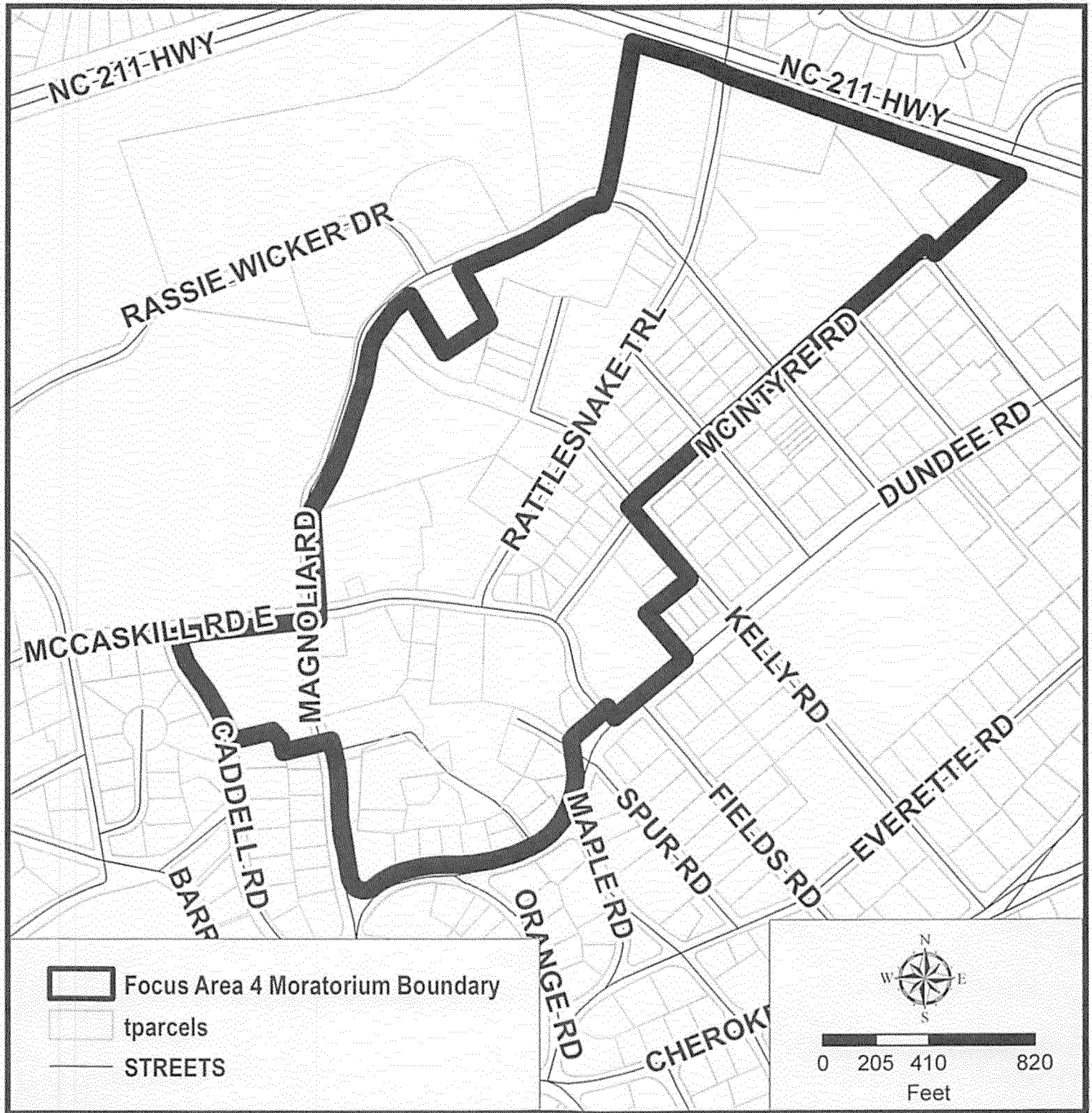


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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EXHIBIT D

ORDINANCE #21-15:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, said moratorium expires on November 10, 2021; and

WHEREAS, the Village has not completed the small area plans and form based codes for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and codes will be presented for adoption by the Village; and

WHEREAS, Ordinance #21-03 will expire before completion of said plans codes; and

WHEREAS, extending the moratorium will allow time for completion of said plans and codes; and

WHEREAS, allowing real estate development activity to reoccur in the said areas will result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 90 days would aid in the accomplishment of the purpose of Ordinance 21-03 as described in Exhibit C.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 26th day of October 2021, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 is hereby extended for an additional ninety-day period from the date of expiration, thus, to expire on February 08, 2022.

Section 2. That all sections of Ordinance 21-03 attached as Exhibit C remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 26th day of October, 2021.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By *John C. Strickland*
John C. Strickland, Mayor

Attest:

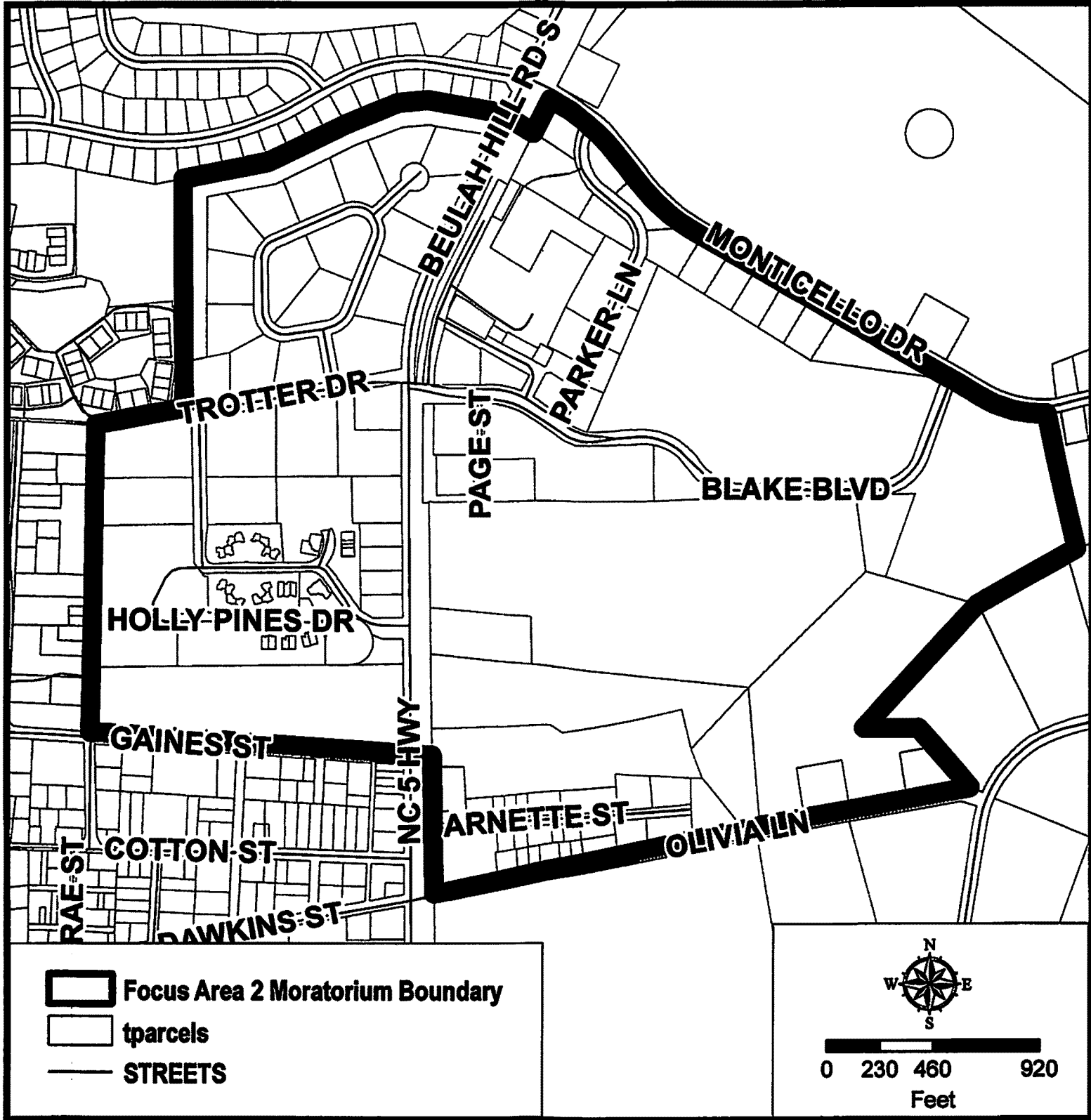
Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

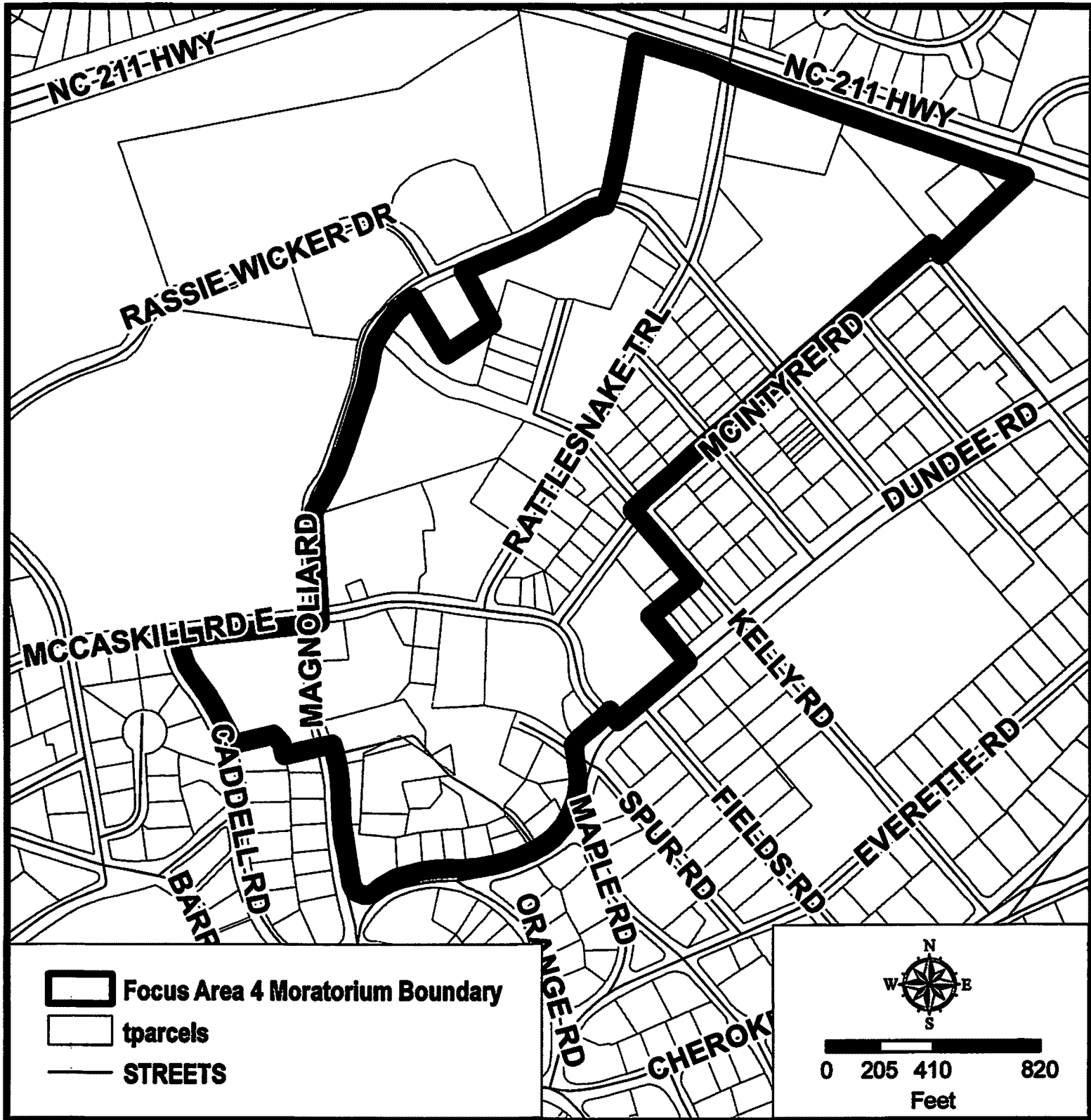


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By

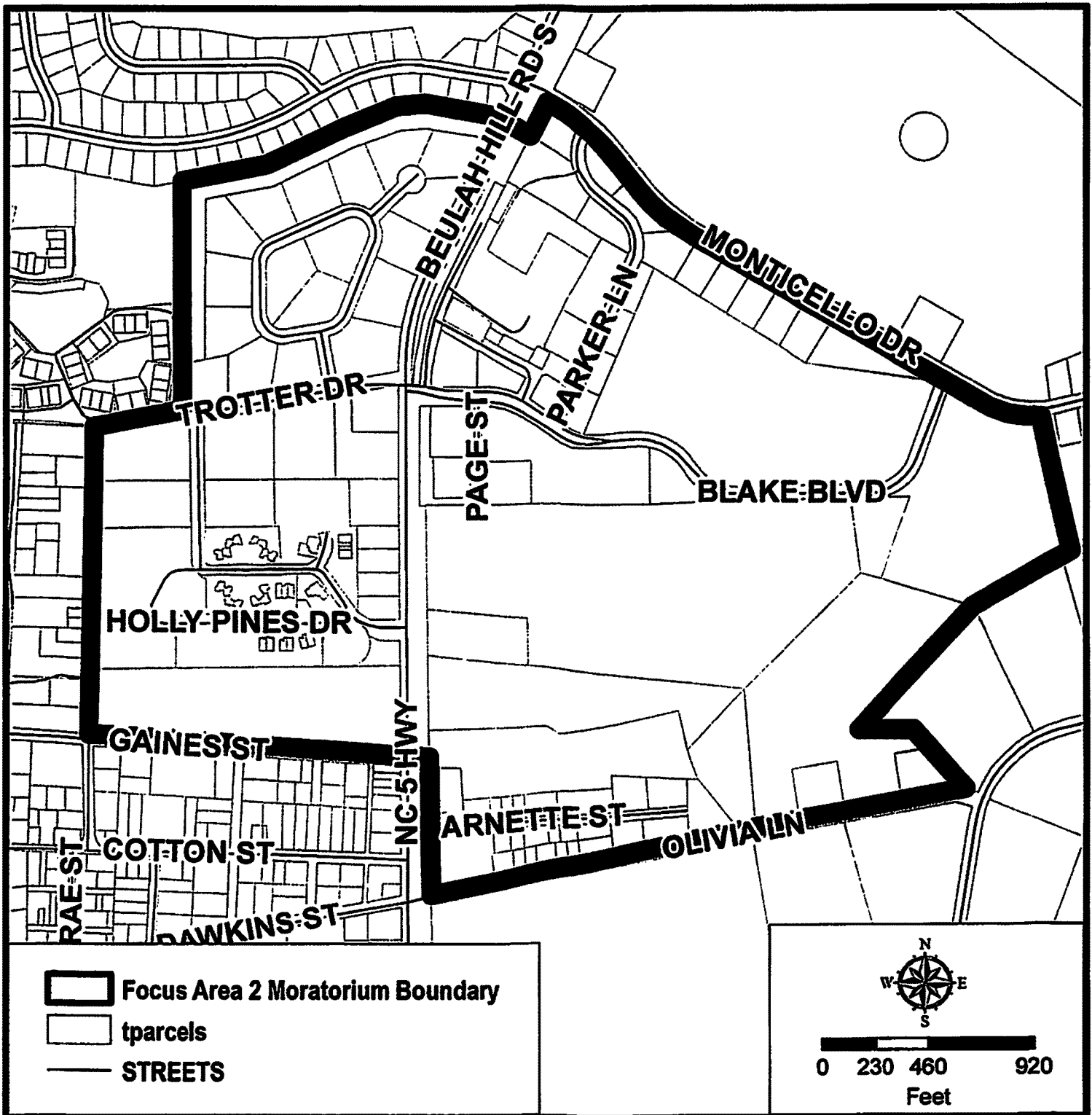

John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

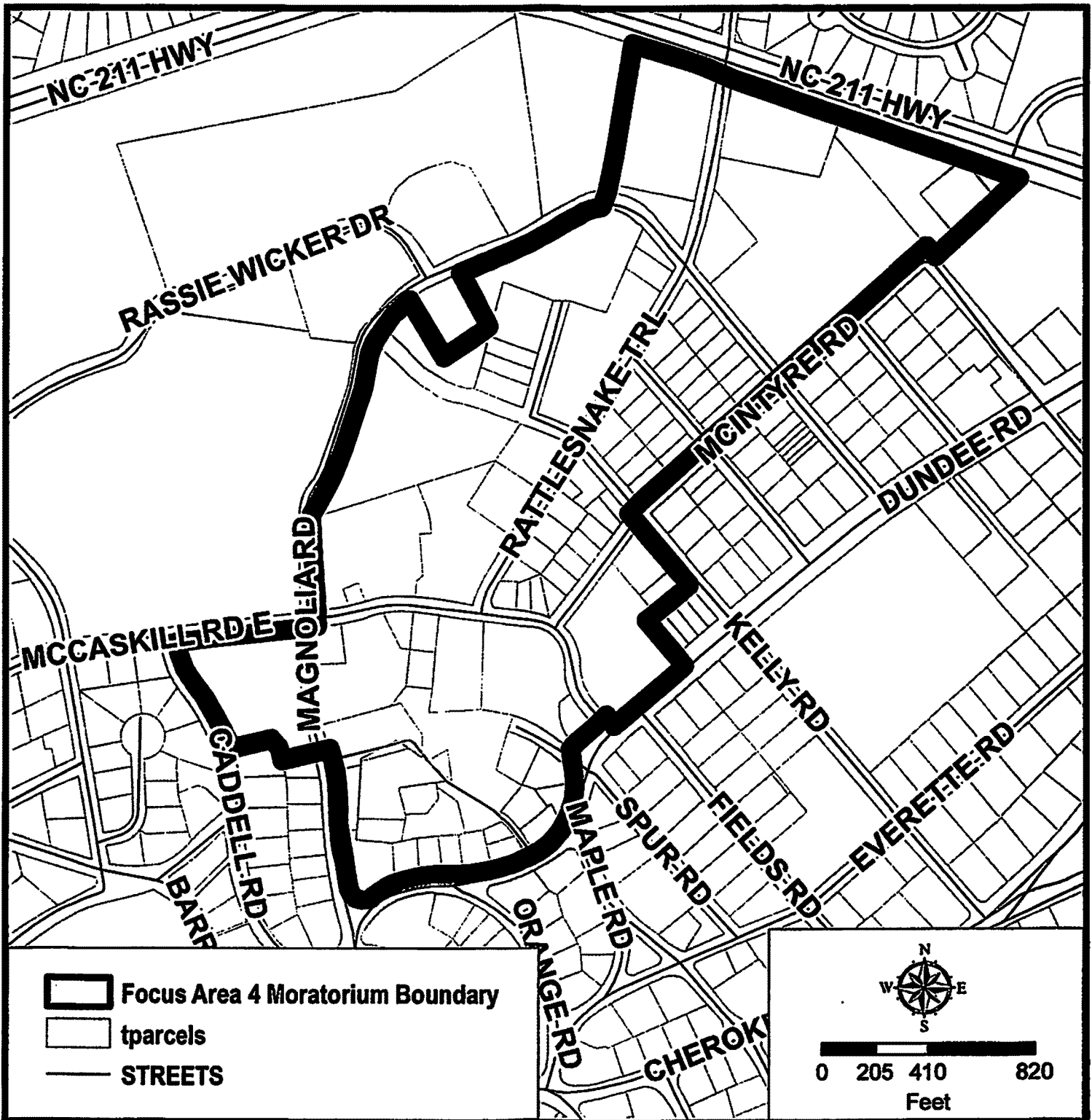


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EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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AN ACT TO CLARIFY MUNICIPAL ZONING AUTHORITY WITH RESPECT TO VACATION RENTALS AND OTHER TRANSIENT OCCUPANCIES

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 160D of the General Statutes is amended by adding a new section to read:

“160D-707. Zoning regulations for residential vacation rental or other transient occupancy.

- (a) Notwithstanding 160D-1207, a city may take any of the actions described in 160D-707 (b) thru (g), below.
- (b) A city may, by ordinance, establish and enforce zoning regulations for residential structures occupied for a vacation rental or other transient occupancy basis. These zoning regulations may include any of the following:
 - (1) Definition(s) of vacation rental or other transient occupancy uses to be regulated.
 - (2) Require zoning permits and proof of compliance with local ordinances and payment of required occupancy and sales taxes to attain and renew permits.
 - (3) Regulate which zones within the municipality’s zoning authority vacation rental or other transient occupancy uses are permitted.
 - (4) Limitations and regulations on occupancy.
 - (5) Regulation of parking.
 - (6) Regulation of signage.
- (c) To the extent that a city’s zoning regulation creates nonconformities for existing vacation rental or other transient occupancies, as of the effective date of this bill, such nonconformities shall be permitted to continue to exist, subject to subsections d and e, through issuance of a zoning permit to establish the use.
- (d) A city may, by ordinance, limit or preclude expansion, enlargement, intensification, or reconstruction of existing legal non-conformities.
- (e) A city may, by ordinance, revoke zoning permits for any vacation rental or transient occupancy existing as a non-conformity in cases of abandonment, destruction, cessation of use, change of use, or upon expiration of an amortization period of not less than eight years since the effective date of the zoning change that created the nonconformity status.
- (f) A city may, by ordinance, revoke zoning permits for any vacation rental or transient occupancy based on four or more validated municipal code or zoning code violations in any 24-month period occurring on premises or in the right-of-way adjacent to premises.
- (g) This list of regulatory authorities in 160D-707, above, does not preclude the use of any other existing zoning authorities not modified by 160D-707 that municipalities have with regard to uses, consistent with Article 7, of this Chapter.
- (h) For the purposes of this section, the phrase “vacation rental or other transient occupancy” means an occupancy intended to be temporary or that is offered or available by short-term lease or otherwise for a time period or lease term of less than 90 days in a residential dwelling unit. An owner of a residential dwelling unit may allow short-term occupancy by another for up to two weeks per calendar year without it being considered a vacation rental or other transient occupancy”

SECTION 2. This act applies to the Village of Pinehurst only.

SECTION 3. This act is effective when it becomes law. Nothing in this act shall be construed to affect or repeal any ordinance that was adopted under a city's general police powers or zoning authority prior to the enactment of this act.

In the General Assembly read three times and ratified this XXth day of XXXX, 2022.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

MEMORANDUM

To: Mayor Strickland and Village Council
From: Darryn Burich
Date: May 19, 2022
Subject: Moratorium Extension for the Village Place/Rattlesnake Trail Corridor and the Pinehurst South/NC Highway 5 Commercial Area

The proposed moratorium currently in effect in the Small Area Plan areas (Village Place and Pinehurst South) is set to expire June 8, 2022. The Small Area Plans and subsequent ordinance updates will not be adopted by the time the moratorium expires so staff is requesting to extend the moratorium an additional 120 days to allow for plan adoption and any relevant PDO updates.

This would be the third extension of the moratorium that if approved would have the planning areas under moratorium since February 10th, 2021. While there are no statutory limitations on the length of a moratorium, any moratorium length must be justified in the context of moving forward to solve the problems necessitating establishment of the moratorium. The initial reason for requesting the moratorium was to preserve the area from inappropriate development in the context of the 2019 Comprehensive Plan and the soon to be approved Small Area Plans.

At this point in the planning process, we are nearing the end of the plan development phase and readying to move into the zoning ordinance update phase after the plans are approved. Having a general consensus on the Small Area Plans, and in particular some of the land use concerns, need to be addressed prior to moving forward with subsequent Form Based Codes and PDO related updates. Once the Plans are approved, whether “as is” or “with conditions for various modifications” staff feels that we can move forward relatively quickly with the Form Based Code evaluations.

While this process has taken longer than originally anticipated, necessitating the need for the moratorium, the project has continuously moved forward towards the end goal of plan approval and subsequent zone changes. On May 5, 2022 the Planning and Zoning Board discussed and made recommendations to the Council on both plans.

If you have any questions regarding the proposed moratorium extension, please contact me.

ADMINISTRATION

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-1900 • Fax (910) 295-4434 • www.vopnc.org

Brooke Hunter, CPA
395 Magnolia Road
Pinehurst, NC 28374
Phone: 910-295-8646
Fax: 910-295-4434
e-mail: bhunter@vopnc.org

Village of Pinehurst

Memo

To: Village Council
From: Brooke Hunter
CC: Jeff Sanborn, Doug Willardson & Senior Leadership
Date: May 17, 2022
Re: Financial Statements for the Nine Months Ended March 31, 2022

As we enter the final quarter of the fiscal year, the Village's financial condition remains strong. Our revenue forecast for the first three quarters is on target. In addition, operating expenditures are running below expected levels and our capital outlays are within budget. These results should position us well to carry out the objectives outlined in the FY 2022 Strategic Operating Plan.

Financial Position:

The Village's General Fund is showing \$5.2 million in income for the first nine months of the year. This is higher than the \$3.9 million in income the prior year. Fund balance in the General Fund is currently 75% of budgeted expenditures, which is higher than the 66% level seen the previous year at March 31.

The Village's total cash and investment balances increased by \$5,784,000, or 40%, compared with the previous year due primarily to the receipt of the American Rescue Plan Act funds. Another reason for this variance is due to capital and operating expenditures that are lower than expected at this point in the fiscal year.

Of the \$20.2 million in cash and investments at March 31, 2022, \$19.5 million was invested in the North Carolina Capital Management Trust Government portfolio. The Village does not have any installment financing debt obligations as of March 31.

Revenues & Expenditures:

General fund revenues were \$222,000, or 1.2%, above the year-to-date budget projections. This increase is the result of several offsetting variances across revenue sources. The largest relates to property tax revenues, which were \$224,000, or 1.9%, above the quarterly revenue estimate. The real and personal property tax collection rate of 99.91% is similar to this time last year. The real and personal base grew by 1.6%, compared to the same period last year, which is in line with our projection. The motor vehicle tax base grew by 0.6%, compared to the prior year.

For local option sales taxes, the adopted budget forecast a 3% increase over the previous year. So far, the actual collections for the first seven months of the year are running 14% ahead of the previous year's collections. Included in the mid-year budget amendment was an increase to local option sales tax and the related hold harmless reimbursement totaling \$770,000, which is reflected in the third quarter budget estimate. Several factors contributed to the increase in local options sales tax receipts: direct federal aid to taxpayers and tax credits placed additional funds into the hands of many people, consumer spending during the pandemic shifted from services to taxable goods, and recent legislation passed in NC called for the collection of sales tax on nearly all online transactions.

General fund operating expenditures were \$2,900,000, or 18.9%, below the quarterly budget. This variance is significantly larger than the expected year-end expenditure variance of 7%. A portion of the operating expenditure variance is due to lapsed salaries and benefits. Employee turnover has increased this year, with some positions remaining vacant for longer than expected. Although the largest variance this year has been in the Planning Department, other departments have also been affected. In addition to salaries and benefits, other operating items have not been expended by departments as originally planned. Examples include the Pinehurst Development Ordinance rewrite project, road resurfacing and patching contracts, the Parks & Recreation Master Plan, and the Stormwater Master Plan. Several of these items were encumbered but not expended by March 31. Staff expects many of these projects to be completed by year-end.

For capital outlay, approximately 49% of the capital outlay budgeted in the first three quarters has been expended. A large component of the variance includes three vehicle replacements that were ordered earlier in the year, but not received by March 31, including \$220,000 budgeted for a garbage truck, \$25,000 for an Inspections truck, and \$32,000 for a Streets & Grounds truck. Due to manufacturing delays, these vehicles may not be received by year-end and would then be included in the reappropriation amendment. Other factors include the timing of walkway construction, stormwater projects, Village Hall office expansion, Wicker Park lighting project, and the Fire Station Storage Building that are all underway. Staff expects some, but not all, of these projects to be completed by year-end.

Financial Outlook:

The Village issued 75 single-family residential building permits valued at \$30,840,000 during the first three quarters compared to 106 the previous year. Up until this point, we have been projecting approximately 150 homes will be constructed in FY 2022, which may not occur based on permits issued so far this year.

Based on our current estimates, we anticipate the Village's fund balance will decrease by \$173,000 by the end of FY 2022. This is significantly better than the estimated loss of \$871,000 when the budget was adopted in June of 2021. As of our mid-year estimate, ending fund balance for the General Fund was projected to be approximately \$13,116,000, 51%, of expenditures, which is above our current policy minimum of 30%. This assumed several projects would be complete by year-end, which as mentioned above, does not appear to be the case due to various manufacturing, staffing, and timing delays. While these projects are still expected to be completed, it is not likely they will all be finalized by June 30. This will result in higher fund balance as of June 30, 2022 and these projects will be incorporated in the reappropriation budget amendment presented to Council in August.

Other Items:

During the first three quarters, the Fair Barn covered 90% of operating expenditures with operating revenues. This is significantly higher than the 13% achieved at this point the previous year due to COVID-related facility closures. This year's results are in line with our balanced scorecard target of 95%. Before discounts were applied, the Fair Barn covered approximately 111% of operating expenditure with operating revenues.

The Harness Track covered 51% of its operating expenditures compared to 49% the previous year. While these results are currently above the annual balanced scorecard target of 45%, the actual percentage will decrease as the year progresses since most seasonal stall revenue has been received for the year and operating expenditures will continue.

Conclusion:

At this point in the fiscal year, I am pleased with the Village's financial condition and position. The Village Council and Village managers are to be commended for meeting or exceeding most of the Village's financial targets. This also positions the Village well for the upcoming adoption of our five-year Strategic Operating Plan.

Should you have any questions about these quarterly statements, please feel free to contact me.



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF MAY 10, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, May 10, 2022 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

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

And approximately 22 attendees, including 6 staff and 1 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Reports:

Village Manager

- Mr. Jeff Sanborn had nothing to report.

Village Council

- Mayor Strickland reported he attended a Partners in Progress meeting today with Mayor Pro Tem Pizzella.
- Mayor Pro Tem Pizzella reported at the Partners in Progress meeting today, the discussion was around the observation that the outlying counties have an increase in building, and we should expect to see some of this spill-over into Moore County. He noted this will present some opportunities and challenges. He stated he attended the Spring Garden party at the arboretum and was impressed with the upcoming projects. Mayor Pro Tem Pizzella attended the Moore County Education Summit and was excited about the wide array choices of education options available in Moore County. He met with Keep Moore County Beautiful representative and is looking forward to learning more about their work. Mayor Pro Tem Pizzella stated he attended the Planning and Zoning Board meeting where discussion was around the Small Area Plan, and he reported we had a record number of viewers watching the last Council meeting. He noted that a resident reported the fee for a permit to fix his roof was \$500 and we may want to review these fees.
- Councilmember Boesch reported she attended the Bicycle and Pedestrian Advisory Committee yesterday and they expressed their gratitude for Council's approval of extending the walkway along Pine Vista and McKenzie. She noted they looked at a list of potential projects and prioritized them for staff to look at and consider feasibility.

- Councilmember Morgan had nothing to report.
- Councilmember Hogeman had nothing to report.

3. **Motion to Approve Consent Agenda.**

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

- A. Approval of Village Council Meeting Minutes.
- April 26, 2022, Council Regular Meeting
 - April 26, 2022, Council Work Session
 - April 26, 2022, Council Closed Session

End of Consent Agenda.

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

4. **Discuss and Consider Partners in Progress Economic Development Agreement.**

Jeff Sanborn, Village Manager, and Natalie Hawkins, Executive Director of Partners in Progress, presented Council with a formal agreement between Partners in Progress to undertake economic services. Ms. Hawkins noted that we have five governments and the county of Moore who participate with Partners in Progress, and they have developed a draft agreement that outlines their services and the fees for these services. She noted the Village has partnered with them and she looks forward to continuing this work.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to authorize the mayor or his designee to execute a one-year agreement, from July 1, 2022 to June 30, 2023, with Partners in Progress, for an appropriation of \$23,100.00, to undertake efforts to promote economic development within the Village and its Extraterritorial Jurisdiction, by a vote of 5-0.

5. **Discuss and Consider Resolution 22-09 Appointment to the Pinehurst Historic Preservation Commission.**

Jeff Sanborn, Village Manager introduced Ms. Cara Mathis as a candidate to fill a vacancy on the Pinehurst Historic Preservation Commission effective June 1, 2022 and expiring on May 31, 2024. He stated the HPC Chair Eric Von Salzen, Planning, and Inspections Staff Alex, and he interviewed Ms. Mathis a few years ago and staff has recommended Council consider her for the vacancy.

Ms. Mathis provided a brief overview of her interest and skillsets as a sketch artist in architecture and noted she loves Pinehurst and is excited about the opportunity to help foster her interest in historic homes in the Village. She stated her background is in linguistics and criminology and had worked for the FBI for 10 years. She stated she also did marketing for the Pines preservation guild and looks forward to helping the community learn more about the processes for making changes to their properties.

Councilmember Boesch thanked her for her willingness to serve and Mayor Pro Tem Pizzella asked her if she is willing to have her name and information included on the Village website to help with transparency. Mayor Pro Tem Pizzella also noted that those on the Advisory committees are under the same rules as the village when it comes to the subject of the Public Records Act. He notes he was not aware of that, and he just wanted others to know that.

Councilmember Hogeman thanked her for her willingness to serve and stated that we have a large section of the Village that is an overlay section deemed the Historic District. She noted this area is under a strict set of guidelines and standards as to the appearance of the buildings. She noted the Commission works very hard to keep up to date with its standards and to make

sure that they're doing the job they're meant to do.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved Resolution 22-09, appointing Cara Mathis to the Historic Preservation Commission for a two-year term, effective June 1, 2022 and expiring on May 31, 2024, by a vote of 5-0.

6. Discuss and Consider Resolution 22-10 QBS Exemption for CMS Engineering

Jeff Sanborn stated every year the Village commissions a study on of the traffic on most of the intersections on the state highways that traverse the Village of Pinehurst. Each year we do half of them and this year it is time to renew that contract. Jeff Batton, Assistant Village Manager of Operations presented a proposal to approve a qualifications-based selection exemption for CMS engineering, who has done this work for the Village in the past.

Mr. Batton noted that CMS Engineering has been our preferred traffic engineering firm to study these intersections and General statutes in North Carolina say that engineers, architects, and surveyors must be selected based on qualifications unless we seek this exemption from Council. He reported CMS has been doing this work since 2005 for the village and has all the background data to be informed and all the analysis associated with how the intersections level of services have changed.

Mayor Pro Tem Pizzella stated that since we have used the same firm for 17 years, he would like to see the Village consider bidding this out next year, not precluding CMS from winning. Mr. Batton stated there are other companies or engineering firms out there that would be qualified to do this work, but we cannot bid this project out, we must select based on qualifications and then negotiate a price.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved Resolution 22-10, granting a qualification-based selection (QBS) exemption to allow staff to contract directly with CMS Engineering to conduct traffic studies at specific intersections within the Village of Pinehurst, by a vote of 5-0.

7. Discussion of and Approval of the Request for Qualifications for Library and Archives Design Services

Doug Willardson, Assistant Village Manager of Administration, reported staff developed a request for qualification (RFQ) in which proposals will come back and be evaluated on the quality of the submittal. He noted then staff will negotiate the best price we can get with them. He stated several edits and amendments were made by Council members and noted there is \$400,000 in the budget as a placeholder for this item. Councilmember expressed an interest in the awardee having a vested interest in North Carolina and perhaps even in this area.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Patrick Pizzella, Council unanimously approved the issuance of the Request for Qualifications for Library and Archives Design Services as presented, by a vote of 5-0.

8. Presentation of the Fiscal Year 2023 Budget and Strategic Operating Plan

Jeff Sanborn, Village Manager, presented the draft Fiscal Year 2023 Budget and Five-year Strategic Operating Plan. He covered the strategic direction the Village is going, the five-year plan, financial forecast, and discussed the next steps. He noted there is a special revenue fund this year that is specifically associated with the American Rescue Plan Act funding that we are receiving about \$5.3 million. He stated the idea is that we must hold that money in a special project in a special revenue fund until we can appropriately move it over into the general fund for the expenditures that are programmed.

Mr. Sanborn reported the 2023 budget is looking at about \$27.1 million, which is 6% above the amended general fund budget that we arrived at as of December 31. He stated the property tax rate for 2023 that staff is recommending is 31 cents, a reduction of one-half cent from what it is currently, and a reduction of one full penny compared to what we were projecting at this time last year for this coming year. He noted this year there is zero dollars of appropriated fund balance built into the budget due to the American Rescue Plan Act funds. Mr. Sanborn stated 4.3 million of the ARPA funds will be incorporated into this year's budget and the remainder into the following year.

Mr. Sanborn reported some of the capital plans for the upcoming year will be the update to the PDO, completion of the Small Area Plans for Village Place and Rattlesnake Trail Corridor, and the Pinehurst Highway Five Commercial area. He noted other items include expanding and renovating the Given Tufts Library, retrofitting current athletic fields with synthetic turf, and relocation of the public services complex by purchasing potential land for its placement.

Mr. Sanborn stated there are two-fulltime equivalents in this year's budget for two new police patrol officers and the cost for the 100% of employee health and dental insurance policy costs. He noted this also factors in an expectation of a 10% increase when we renegotiate in the November-December timeframe.

Mr. Sanborn noted when you look at expenditures by function, as is always the case, public safety is the largest component of our expenditures, coming in at 33%. He noted like past years, cultural and recreational programs come in second, a little bit larger this year because of the incorporation of Library and Archives services. He stated next is transportation at about 19%, including road resurfacing, and patching and repairs to roadways and other minor transportation related things that we would pay for. Mr. Sanborn noted the three significantly smaller components of the pie were environmental protection, economic development in general government, which is your admin functions, or finance functions, or human resources functions, and IT functions not directly allocated to the requirements of the other departments in the village.

Mr. Sanborn stated that in the five-year financial forecast, we will work to meet three primary targets regarding some of these metrics, fund balance, operating margins, and debt service ratios. He stated the next steps are to attend the Special Meeting Work sessions scheduled for May 16th and May 18th to allow Council to make any suggested changes, and then a public hearing will occur on May 24th during the regularly scheduled Council meeting. He noted the budget will then be presented for Council approval during the first regularly scheduled meeting in June.

9. Other Business. No other business was discussed.

10. Comments from Attendees.

- Cliff Sumrall, 12 LaCosta Ln, addressed Council on short-term rentals, reading a quote from an article written by Rebecca Badgett, UNC School of Government, and suggesting Council understand short-term rental is a commercial use that is prohibited in residential use. He wants to see short-term rentals out of residential districts.
- Phillip Sounia, 29 Bedford Circle, addressed Council on short-term rentals about public policy. He noted he has been doing an extensive amount of background research which shows we are approaching an impending recession. Mr. Sounia states he excluded all data supplied that was funded opinion and concentrated on academic works that are accurate. He noted that shows that those who have banned short-term rentals have experienced property value drops. He stated Council needs to see that
- David Byers, 125 McCaskill Rd. W, addressed Council about short-term rentals, stating he has previously spoke on some issues that he had encountered with a neighboring STR. He stated his complaints are real and he shared a recent incident which an inappropriate remark was made from a STR guest. He stated he feels this is a serious issue and is not all about money.
- Jeff Heintz, 225 Lake Forest Dr. SW, addressed Council about short-term rentals, stating we should think about what the previous speaker said.
- Pete Green, 700 Linden Rd, addressed Council about short-term rentals, as a previous condo owner that he rented out, and as a neighbor of two short-term rentals. He described issues with noise, parking, and marijuana usage resulting in smell. He asked Council to do something to regulate these STRs.
- Laura Sumrall, Pinehurst, addressed Council about Short-term rentals, stating it is a zoning issue and she would like to see them not in residential neighborhoods and isolate them in certain neighborhoods.
- Cara Mathis, Pinehurst, addressed Council about Short-term rentals, stating she does acknowledge there are issues, but she also does have an Airbnb.
- Matt Kenney, 60 Barrett Road W, addressed Council about short-term rentals, providing an economic breakdown on what his short-term rental brings to the Village and states he does operate his short-term rental responsibly.

11. Motion to Adjourn.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 6:49 p.m.

Respectfully Submitted,

Kelly Chance,
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org

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

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

Values: Service, Initiative, Teamwork, and Improvement

RESOLUTION #22-13:

A RESOLUTION TO SEEK CLARIFICATION OF THE VILLAGE OF PINEHURST'S MUNICIPAL AUTHORITY TO REGULATE SHORT-TERM RENTALS BY THE GENERAL ASSEMBLY OF NORTH CAROLINA.

WHEREAS, the Village of Pinehurst's Mission is to promote, enhance, and sustain the quality of life for resident's businesses and visitors; and

WHEREAS, the 2019 Comprehensive Plan was adopted by the Pinehurst Village Council on October 22, 2019; and

WHEREAS, the 2019 Comprehensive Plan includes 7 Guiding Principles to help preserve and enhance the quality life in the Village; and

WHEREAS, Guiding Principle 1, Village Character & Authenticity, of the 2019 Comprehensive Plan is to retain the small-town charm, scale, and character of the community to ensure a high quality of life; and

WHEREAS, on page 32 of the 2019 Comprehensive Plan under Guiding Principle 1 states that preserving and enhancing existing residential neighbors could maintain and enhance the quality of life; and

WHEREAS, Guiding Principle 3, Places to Live, of the 2019 Comprehensive Plan is to protect and enhance the quality and character of existing residential neighborhoods; and

WHEREAS, on page 127 of the 2019 Comprehensive Plan under Guiding Principle 3 Implementation Strategy 3.9, suggests in order to address short term rentals the Village continue to monitor the legislative authority to regulate short term rentals and evaluate options to address the impacts on single-family neighborhoods; and

WHEREAS, Guiding Principle 5, Taking Care of Business, of the 2019 Comprehensive Plan is to support the golf, tourism and healthcare industries that make up the economic backbone of the community; and

WHEREAS, on page 180 of the 2019 Comprehensive Plan under Guiding Principle 5 Implementation Strategy 5.15 & 5.16, suggests the Village continue to promote the character and quality of life of Pinehurst as a place to live and work, and continue to reinforce the Village's branding and marketing strategy to promote the Village as a key location in the region for tourism; and

WHEREAS, the Village Council, after considering the facts and circumstances surrounding short term rentals to address quality of life for businesses, visitors, and residents, seek legislation clarifying the Village’s municipal authority to regulate short term rentals.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 24th day of May, 2022 as follows:

SECTION 1. That the Village of Pinehurst feels it is best suited to address the topic of short-term rentals locally as well as preserve the quality of life and character of the Village. Achieving goals consistent with the 2019 Comprehensive Plan are considered reasonable and in the best interest of the public; and

SECTION 2. The Village Manager or the Mayor are authorized to submit the draft request for seeking the Village of Pinehurst’s municipal authority to regulate short term rentals, labeled “Attachment A”, to the General Assembly of North Carolina.

THIS RESOLUTION passed and adopted this 24th day of May, 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

RESOLUTION 22-11:

A RESOLUTION REAPPOINTING A CHAIRMAN TO THE PINEHURST HISTORIC PRESERVATION COMMISSION.

WHEREAS, the Village of Pinehurst has established an Historic Preservation Commission as authorized by North Carolina General Statutes, Chapter 160A, Article 19; and

WHEREAS, the term of Mr. Eric Von Salzen expires on May 31, 2022; and

WHEREAS, Mr. Eric Von Salzen and the Village Council of Pinehurst are desirous of him continuing to serve as the Chair of the Historic Preservation Commission for an extended period of time to end December 31, 2023; and

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 24th day of May, 2022 as follows:

SECTION 1. That the following appointment is hereby made to the Historic Preservation Commission for the term indicated:

Mr. Eric Von Salzen is reappointed as the Chairman of the Historic Preservation Commission, effective June 1, 2022, said term to expire December 31, 2023.

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

THIS RESOLUTION passed and adopted this the 24th day of May, 2022.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney