



**Village Council
Minutes for the Regular Meeting of October 22, 2024
Assembly Hall
395 Magnolia Road
Pinehurst, North Carolina
4:30 p.m.**

The Pinehurst Village Council held a Regular Meeting at 04:30 p.m., Tuesday, October 22, 2024, in the Assembly Hall of Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

Mr. Patrick Pizzella, Mayor
Dr. Jeff Morgan, Councilmember
Ms. Barb Ficklin, Councilmember
Mr. John Taylor, Mayor Pro Tem
Mr. Jack Farrell, Councilmember
Mr. Doug Willardson, Village Manager
Mr. Paul Conners, IT Systems Specialist
Ms. JoEllen Richter, IT Technician

And approximately 10 attendees in addition to 8 staff and 1 press.

1. Call to Order.

Mayor Pizzella called the Village Council meeting to order at 04:33 p.m.

2. Invocation by Mr. Jason Whitaker, Chief Information Officer, and Pledge of Allegiance by Kaleb Cameron.

3. Reports:

Village Manager

- Mr. Doug Willardson reported on the launch of the Community Connect program in partnership with Moore County; on the October 26, 2024, Kinderfest and Oktoberfest events and Social District; on the November 07, 2024, CPR and AED training class openings; and on the need for Advisory Board / Committee volunteers to fill vacancies.

Village Council

- Mayor Pizzella expressed his condolences on the recent passing of Mr. George Little and noted the impact Mr. Little had on Moore County, and reported on the October 12, 2024, Homes for Our Troops Community Kickoff for Sergeant First Class Jacob Green; on the October 17, 2024, First Capital Bank formal opening; on the October 19, 2024, Holly Arts and Crafts Festival; on the October 21, 2024, Neighborhood Advisory Committee meeting and the need to fill some neighborhood vacancies; and on the posting of the 2024 Community Survey results to the Village's website.
- Councilmember Morgan reported on the October 23, 2024, Central Pines Regional Council meeting and on the October 26, 2024, Festival D'Avion at the Moore County

Airport.

- Mayor Pro Tem Taylor reported on the October 16, 2024, Sandhills Metropolitan Planning Organization (SMPO) meeting and on the recent hiring of Mr. Scott Walston as the SMPO Director; on the October 18, 2024, 18th Airborne Corps quarterly meeting for elected officials; and on the October 19, 2024, Holly Arts and Crafts Festival.
- Councilmember Ficklin reported on the October 22, 2024, Pinehurst Garden Club pansy and snapdragon planting event throughout the Village.
- Councilmember Farrell reported on the launch of the Community Connect program in partnership with Moore County; on the October 19, 2024, Holly Arts and Crafts Festival; and on the October 15, 2024, Moore County Board of Commissioners Special Meeting.

4. Motion to Approve Consent Agenda.

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

A. Approval of Village Council Meeting Minutes

- October 08, 2024, Regular Meeting Minutes
- October 08, 2024, Work Session Minutes
- October 08, 2024, Closed Session Minutes
- October 14, 2024, Special Meeting Minutes

End of Consent Agenda.

Mayor Pro Tem Taylor asked that approval of the October 08, 2024, Closed Session minutes be removed from this meeting's Consent Agenda due to the Staff Report / Memo preceding the minutes for approval in the agenda packet not listing the permissible purpose for the Closed Session. Mr. Willardson stated, prior to the next Council meeting, he would verify with the Village Clerk whether the permissible purpose for the Closed Session is required in the Staff Report / Memo preceding the minutes for approval in the agenda packet.

Upon a motion by Councilmember Ficklin, seconded by Mayor Pro Tem Taylor, Council unanimously approved the Consent Agenda with the exception of the October 08, 2024, Closed Session Minutes by a vote of 5-0.

5. Public Comments.

Mr. Jeff Heintz, Village of Pinehurst resident, provided feedback on proposed Ordinance 24-18 amending Chapter 92, Sections 92.16 (Sound Levels) and 92.18 (Light Pollution) of the Pinehurst Municipal Code.

Mr. Greg Linville, Village of Pinehurst resident, expressed concern over a violation of the noise ordinance within his neighborhood on October 20, 2024.

Ms. Cara Mathis, Village of Pinehurst resident, provided feedback on proposed Ordinance 24-18 amending Chapter 92, Sections 92.16 (Sound Levels) and 92.18 (Light Pollution) of the Pinehurst Municipal Code.

Mr. Mike Green, Village of Pinehurst resident, expressed concern over repeated violations of the noise and nuisance animal ordinances within his neighborhood.

Mr. Bill Colmer, Village of Pinehurst resident, extended an invitation to Council and all Village of Pinehurst community members to attend the November 11, 2024, Veterans' Day service at

Community Presbyterian Church.

6. Resolutions.

A. Resolution 24-33 Appointing Mr. Matt Jones as Chairperson for the Planning & Zoning Board

Mr. Willardson provided background on Mr. Matt Jones' proposed appointment to the position of Chairperson of the Planning & Zoning Board.

Mr. Jones spoke about his personal and career experience and expressed excitement at the opportunity to serve the community as the Chairperson of the Planning & Zoning Board.

Upon a motion by Councilmember Farrell, seconded by Councilmember Morgan, Council unanimously approved Resolution 24-33 Appointing Mr. Matt Jones as Chairperson for the Planning & Zoning Board effective November 01st, 2024, until October 31st, 2026, by a vote of 5-0.

RESOLUTION #24-33:

A RESOLUTION APPOINTING A CHAIRPERSON FOR THE VILLAGE OF PINEHURST PLANNING & ZONING BOARD.

THAT WHEREAS, the Village of Pinehurst has established a Planning and Zoning Board and a Board of Adjustment as required by its Development Ordinance and authorized by North Carolina General Statutes 160D-301 and 160D-302; and

WHEREAS, on the 13th day of March 2012, the Pinehurst Village Council adopted Ordinance #12-10 to amend Chapter 31 of the Pinehurst Municipal Code to combine the Planning and Zoning Board and the Board of Adjustment; and

WHEREAS, the Chairperson seat for the Planning & Zoning Board needs to be filled as the previous Chairperson's term expires on October 31, 2024; and

WHEREAS, the Village Council of the Village of Pinehurst is desirous of making an appointment to fill the vacant seat of Chairperson of the Planning & Zoning Board.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a Regular Meeting assembled this 22nd day of October 2024, as follows:

Mr. Matt Jones shall be appointed as Chairperson of the Planning & Zoning Board, effective November 01, 2024, to serve at the pleasure of the Council until the end of his Chairperson term on October 31, 2026.

THIS RESOLUTION passed and adopted this 22nd day of October 2024.

B. Resolution 24-35 Appointing Ms. Sara Hilliard to the Bicycle and Pedestrian Advisory Committee

Mr. Willardson provided background on Ms. Sara Hilliard's proposed appointment to the Bicycle and Pedestrian Advisory Committee.

Ms. Hilliard spoke about her personal experience and desire to contribute to the Village of Pinehurst community.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Taylor, Council unanimously approved Resolution 24-35 Appointing Ms. Sara Hilliard to the Bicycle and

Pedestrian Advisory Committee effective October 22nd, 2024, until October 31st, 2027, by a vote of 5-0.

RESOLUTION #24-35:

A RESOLUTION REGARDING AN APPOINTMENT TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE.

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

WHEREAS, there is a need to fill a vacancy on the Bicycle and Pedestrian Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a Regular Meeting assembled this 22nd day of October 2024 that the following appointment is hereby made to the Bicycle and Pedestrian Advisory Committee for the term indicated:

Ms. Sara Hilliard is appointed as a member of the Bicycle and Pedestrian Advisory Committee, effective October 22, 2024, said term to expire October 31, 2027.

THIS RESOLUTION passed and adopted this 22nd day of October 2024.

7. Ordinances.

A. Ordinance 24-18 An ordinance amending Chapter 92 of the Village of Pinehurst municipal code regarding the regulation of sound levels and light pollution in residential neighborhoods

Mr. Willardson reviewed a draft copy of proposed Ordinance 24-18 amending Chapter 92, Sections 92.16 (Sound Levels) and 92.18 (Light Pollution) of the Pinehurst Municipal Code and discussed decibel levels, penalties for violations, property owner notifications, sustained versus one-time violations, and the importance of allowing for discretion of the responding officer with Council.

Upon a motion by Mayor Pro Tem Taylor, seconded by Councilmember Ficklin, Council approved Ordinance 24-18 amending Chapter 92, Sections 92.16 (Sound Levels) and 92.18 (Light Pollution) of the Pinehurst Municipal Code subject to the submitted amendments and with the limitations for sustained noise levels of 75 DB during the day and 60 DB after 10:00 PM by a vote of 4-1, with Councilmember Morgan dissenting.

A true copy of Ordinance 24-18 is attached to this meeting's minutes (Attachment A).

8. Regular Business.

A. Consider a Special Intensity Allocation for 4 Clark Court (Office Building Development)

Mr. Alex Cameron, Planning & Inspections Director, reviewed a PowerPoint presentation on the proposed Special Intensity Allocation for 4 Clark Court.

Mr. Kevin Lindsay, Civil Engineer with Crawford Design, discussed soil tests and infiltration rates for the proposed infiltration basins with Council.

Upon a motion by Councilmember Farrell, seconded by Councilmember Morgan, Council unanimously approved a Special Intensity Allocation for the 1.01-acre parcel identified as 4 Clark Court within the Trotter Hills Office Park and located within the WS II Drowning Creek – Lumber River Balance of Watershed Protection District by a vote of 5-0.

B. Consider Bids for FY25 Road Resurfacing Project

Mr. Mike Apke, Public Services Director, reviewed tables outlining the three bids received for the Fiscal Year 2025 Road Resurfacing Project and the Fiscal Year 2025 Annual Street Resurfacing Improvement Project – Street Listing, displayed a map highlighting the locations of each of the streets listed, and provided background on the process used to determine which streets should be added to the project list. Mr. Apke further discussed in detail each of the three bids received and the scope of work included in the bids.

Upon a motion by Councilmember Ficklin, seconded by Councilmember Morgan, Council unanimously approved the Fiscal Year 2025 Road Resurfacing Project contract with Turner Asphalt for the base bid amount of \$1,327,700 and authorize the Village Manager to execute change orders and add additional quantities at the original unit pricing with the overall amount not to exceed \$1.5 million (FY25 Powell Bill Fund budget) by a vote of 5-0.

C. Presentation of the FY 2024 Annual Comprehensive Financial Report

Ms. Dana Van Nostrand, Financial Services Director, and Mr. Chad Cook, Managing Director of Forvis Mazars, reviewed the Forvis Mazars Annual Comprehensive Financial Report to the Village Council and Management and answered questions from Council on the Local Government Commission (LGC) audit approval process, tax and other sources of revenues, property values, demographic data, and Village liabilities.

D. Receive Risk Management Committee Annual Report and Consider Employee Health Benefit Recommendations for 2025

Mr. Carlton Cole, Assistant Village Manager, reviewed a PowerPoint presentation on the Risk Management Committee Annual Report and asked Council to consider the Risk Management Committee's 2025 employee benefits recommendations.

Upon a motion by Mayor Pro Tem Taylor, seconded by Councilmember Morgan, Council unanimously approved the 2025 Medical and Dental Insurance contracts and authorize the mayor or the Village Manager to execute the contracts by a vote of 5-0.

9. Other Business

Mayor Pro Tem Taylor discussed sharing a summation of the 2024 Community Survey results with Council via email.

Councilmember Ficklin proposed Council adopt a "Sister City" in Western North Carolina to assist with recovery efforts from the Hurricane Helene disaster. Mayor Pizzella stated the North Carolina General Assembly is planning to enact legislation that would facilitate municipalities sharing resources with Western North Carolina for use in their recovery efforts.

Council discussed holding a joint meeting with the Planning & Zoning Board dealing with topics such as the Pinehurst Development Ordinance (PDO) update and Extra-Territorial Jurisdiction (ETJ) issues and agreed to try to coordinate a joint meeting after the start of the new year. Council further discussed potential ways updates to the PDO or modifications to the Historic Preservation Commission's Standards could assist those Advisory Boards with their decision-making process.

Mayor Pizzella stated composing a joint letter to the North Carolina General Assembly and to the County Commissioners expressing the desire of the municipalities to preserve their ETJ authority was proposed at the last meeting of Municipal Mayors and Managers. Mayor Pizzella asked Council to provide feedback on a draft letter that has been circulated before adding his support to the letter.

Mr. Willardson provided an update on the timeline for Council consideration of Downtown parking solutions, the new library project, the PDO update, and a possible annual report from the Village Attorney.

10. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Taylor, seconded by Councilmember Farrell, Council unanimously approved to adjourn the Regular Meeting by a vote of 5-0 at 06:54 p.m.

Respectfully Submitted,



Shannon Konstantinou
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

ORDINANCE #24-18:

AN ORDINANCE AMENDING CHAPTER 92 OF THE VILLAGE OF PINEHURST MUNICIPAL CODE REGARDING THE REGULATION OF SOUND LEVELS AND LIGHT POLLUTION IN RESIDENTIAL NEIGHBORHOODS.

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

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

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

WHEREAS, the Village of Pinehurst is committed to preserving the quality of life for its residents by managing and mitigating excessive noise that disrupts the peace and tranquility of the community. It is necessary to establish specific noise regulations to prevent disturbances and ensure a harmonious living environment; and

WHEREAS, the Village of Pinehurst aims to enhance the quality of life for its residents by managing residential lighting to prevent excessive glare and light pollution. It is necessary to set specific limits on residential lighting to protect the tranquility of our community and the enjoyment of private properties; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to amend Chapter 92, Sections 92.16 and 92.18 in the Pinehurst Municipal Code to further promote and protect quality of life in Pinehurst's various residential neighborhoods.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in Regular Meeting assembled this 22nd day of October 2024 as follows:

SECTION 1. That the following amendment be made to Chapter 92. Chapter 92.16 be eliminated in its entirety and replaced with the following:

§ 92.16 REGULATING UNREASONABLY LOUD, DISTURBING SOUND LEVELS.

A. Definitions:

1. **Noise:** Any sound that is loud or disruptive enough to interfere with the normal activities of residents or to cause a disturbance.
2. **Nuisance Noise:** Noise that exceeds permissible levels as defined in this ordinance and that creates a disturbance or annoyance to neighboring properties.
3. **Decibel (dB):** A unit used to measure the intensity of sound.

B. General Noise Standards:

1. Permissible Noise Levels:

- a. Sustained noise levels exceeding 75 decibels (dB) during the hours of 7:00 AM to 10:00 PM and exceeding 60 decibels (dB) between 10:00 PM and 7:00 AM, as measured from any nearby residential property are subject to violation. Sustained is defined as a continuous measurement over the threshold for at least ten seconds, or at least 15 instances of measurements over the threshold in a 60-second period.
- b. Construction or maintenance activities are permissible between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, excluding holidays. This restriction shall not pertain to the following:
 - i. On Sundays and holidays, home maintenance and improvement tasks may be performed by home occupants with or without unpaid/uncontracted assistance, between the hours of 10:00 a.m. and 7:00 p.m. using power and hand tools that are generally available for retail sale from home improvement and hardware stores as long as said work does not produce noise that a reasonably prudent person would recognize as likely to unreasonably disturb persons on adjacent property or in the vicinity.
 - ii. Upon receipt of prior written approval from the Village Planning and Inspections Department, any construction, demolition, alteration or repair not otherwise allowed by this restriction may be performed. This provision is intended to accommodate work that is in the best interests of the village as a whole, as well as work contracted or paid for by a home occupant that must be done on a Sunday or holiday for valid reasons.
- c. For the use of any automobile, motorcycle or other vehicle, permissible sustained noise levels exceeding 80 decibels (dB) at 25 feet from the vehicle, or in a manner as to create unreasonably loud, disturbing sounds are subject to violation.

C. Exceptions:

1. Emergency Exceptions:

- a. Noise resulting from emergency activities, including but not limited to police, fire, and medical emergency operations, is exempt from the provisions of this ordinance.
- b. Stand-by power generators in operation during periods of utility power outages and test periods.
- c. Emergency repairs to dwellings or structures that are needed to protect health or property.

2. **Permits for Special Events:** Public or private events requiring noise levels above the permitted limits must obtain a special event permit from the Village. The application must include a detailed noise management plan and a schedule of the event. Permits may be issued with specific conditions to mitigate potential disturbances.

3. **Other Exceptions:** Property owners may request an exception from the noise level limits by submitting a written request to the Village Manager. The application must include a detailed explanation for the variance and any proposed measures to mitigate potential nuisance impacts.

D. Enforcement and Compliance:

1. **Inspection and Complaint Process:** Anyone wishing to file a noise complaint should call the Police Department's Non-Emergency Dispatch, which will assess and document the issue.
2. **Penalties:** Please see § 92.99 for penalties.

SECTION 2. That the following additional amendment be made to Chapter 92. Chapter 92.18 be eliminated in its entirety and replaced with the following:

§ 92.18 REGULATING LIGHT POLLUTION IN RESIDENTIAL NEIGHBORHOODS

A. Definitions:

1. **Residential Lighting:** Any lighting installed for single-family residential purposes, including security lights, landscape lighting, decorative lights, and outdoor fixtures.
2. **Foot-Candles:** A measure of light intensity falling on a surface area.
3. **Nuisance Lighting:** Lighting that creates excessive glare or light trespass, interfering with the quality of life of neighboring properties.
4. **Light Trespass:** Light that spills over from one property to another, creating discomfort or interference with the use and enjoyment of the neighboring property.
5. **Glare:** Excessive brightness that causes visual discomfort or impairs vision.

B. Lighting Standards:

1. **Foot-Candle Measurements:** The intensity of lighting onto an adjacent single family residential property shall not exceed 2.0 foot-candles above ambient lighting. This measurement shall be taken on the property line, not at the source of the lighting. Ambient lighting levels shall be assessed by eliminating any light spillage from the potential violating light source or by shielding the measuring instrument from the spillage light to obtain the most accurate ambient light reading possible.
2. **Exceptions:**
 - a. **Security Lighting.** Security lighting must be motion-activated by a motion sensor and aimed or shielded in such a manner as to prevent glare and light trespass. The light shall only go on when activated and go off within five minutes of activation. Motion sensor activated lighting shall not be triggered by any movement or activity located off the property on which the light is located.
 - b. Property owners may apply for an exception by submitting a request to the Village Manager. The request must include reasons for the exception and proposed measures to mitigate potential nuisance effects.

C. Compliance and Enforcement:

- 1. Inspection and Complaints:** Anyone wishing to file a residential lighting complaint should call the Police Department's Non-Emergency Dispatch, which will assess and document the issue.
- 2. Notice of Violation:** Property owners found in violation of this ordinance will receive a written notice detailing the nature of the violation and a specified deadline for compliance. The property owner must remedy the violation within the timeframe given.
- 3. Penalties:** Please refer to § 92.99 which states violators are subject to penalty under § 10.99.

SECTION 3. That the following additional amendment be made to Chapter 92. Chapter 92.99 be amended as follows:

§ 92.99 PENALTY.

(A) All provisions of § 92.16 will be enforced by the Chief of Police and the Police Department's assigned officers.

(B) Any person, or business entity (business entity includes but is not limited to a sole proprietorship, limited partnership, limited liability company, and corporation) violating any of the provisions of § 92.16(B) or failing or neglecting or refusing to comply with the same, shall be issued a notice of civil infraction subject to a maximum penalty of \$500 and/or shall be guilty of a Class 3 misdemeanor and subject to a fine of \$100 or imprisonment not to exceed 30 days. Civil penalties will start at \$100 for the first infraction within a 24-month period, and will escalate by \$100 for each subsequent infraction within a 24-month period up to the maximum of \$500. For penalty purposes each violation recorded and subsequently abated on any distinct enforcement officer visit shall constitute a separate offense (See G.S. § 14-4(a) and § 160A-175).

(C) In cases where violations of § 92.16(B) are committed by a person or persons under contract (rental or otherwise) with the legal owner of the property on which the violation occurs and the legal owner of the property is not present during the offense, the owner is subject to civil penalty under § 92.99(B). This provision does not prevent additional penalty enforcement against the person or persons under contract or other code violators on the property (See G.S. § 14-4(a) and § 160A-175).

(D) In all other cases under Chapter 92, violators are subject to penalty, under § 10.99.

SECTION 4. If any provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

SECTION 5. This ordinance shall take effect on upon adoption and all residential lighting must comply with its provisions within 90 days.

SECTION 6. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

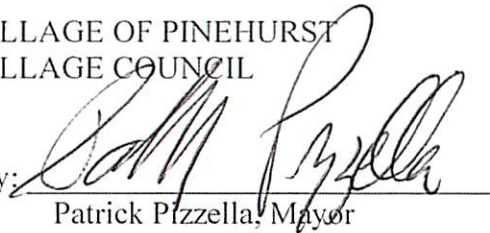
SECTION 7. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 22nd day of October 2024.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

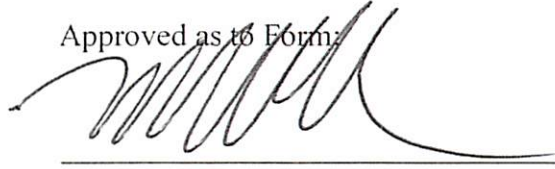
By:


Patrick Pizzella, Mayor

Attest:


Shannon Konstantinou, Village Clerk

Approved as to Form:


Michael J. Newman, Village Attorney

I, Shannon Konstantinou do hereby affirm that attached is a true copy of
Ordinance 24-18 and that this copy contains no alterations from the original.



 Principal's signature