



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF APRIL 12, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a work session at 7:37 p.m., Tuesday, April 12, 2022, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The follow 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 14 attendees, including 5 staff and 1 press.

1. Call to Order.

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

2. NAC Geographic Framework Discussion.

Jeff Sanborn, Village Manager, presented Council with a geographic framework for use for NAC representation. He stated as we work toward crafting a policy aimed at improving the effectiveness of the Neighborhood Advisory Committee, staff has drafted a geographic neighborhood framework for consideration. To do this, we started with the known geographic framework of the various neighborhoods in Pinehurst that have some form of effective organization and communications. Then, we attempted to filled in the remainder of Village with roughly equivalent sized 'neighborhoods'. In some cases, these roughly equivalent sized areas include smaller existing neighborhoods that have some form of HOA/POA organization. In other cases, the proposed framework adds a small grouping of residences within the geographic responsibility of an existing, large, organized neighborhood. An example of this is the inclusion of Spring Lake Hills Condominiums with No. 6.

Mr. Sanborn stated Neighborhood number 21 on the attached map is a suggested alternative approach. Within the proposed East Lake Pinehurst Neighborhood, there are several, organized, condominium developments along Highway 5. Neighborhood number 21 would pull those condominium developments out of East Lake Pinehurst and lump them together as a grouping of residential properties that have a more common set of interests. This approach might also allow for the inclusion of Spring Lake Hills, Fairways Townhomes, LaForet and other small developments that don't necessarily fit well within another neighborhood.

Mr. Sanborn stated pending Council consensus on a geographic framework, we can move forward with the following policy development and implementation actions:

1. Examine how current NAC membership fits this construct.
2. Identify neighborhoods needing a representative.
3. Identify neighborhoods with redundant representation and develop approach to resolving redundancy.
4. Develop approach to phasing in term limits, if adopted

5. Draft and adopt policy document.
6. Advertise for candidates, interview candidates, and pursue Council appointment of new members.
7. On-board members.
8. Develop communications plan for building neighborhood 'membership' distribution lists in the unorganized neighborhoods.
9. Staff and committee members collaborate to build improved neighborhood communications tools and approaches.

Mr. Sanborn noted that one correction was that Windsway Farms listed under Neighborhood 20 is now Abington Square. Mayor Pro Tem Pizzella suggested the removal of the neighborhood addressed as 21. Group of Condo Developments as a stand-alone item. Mr. Sanborn noted a couple of oddities that staff had to determine where the best fit would be to include, but noted staff felt the current framework provided the best option. Councilmember Hogeman suggested she would like to see all the various ETJ areas included. Mayor directed Mr. Sanborn to present this information to the Neighborhood Advisory Committee at their next scheduled meeting for feedback.

3. Discussion on Short-term Rentals

Darryn Burich, Planning & Inspections Director, presented Council with Short term rental regulatory and policy responses as a continuation of the work and discussion on short-term rentals. Mr. Burich reminded Council of the overall Policy objectives and Indicators of Success Council agreed upon:

1. Traditional neighborhoods retain their character and remain predominantly occupied by long-term residents.
2. Short term rental uses do not adversely impact property values in our neighborhoods.
3. Short term rental properties are not used as 'party houses' or for large events. Or short-term rental properties do not create nuisances in the neighborhood by being used frequently for events and parties.
4. Minimize the negative impact of short-term rentals on the quality of life of long-term residents in the Village's neighborhoods.
5. Short term rental properties should not have occupancy numbers that exceed what is appropriate for the size of the house and parking spaces included on the property.
6. Overnight parking for short term rental properties does not significantly congest residential streets.
7. Short-term rental properties are not modified in ways that make them difficult to transition back for use as traditional owner-occupied residential properties.
8. Minimize public nuisance behaviors such as noise and trash that are often associated with short-term rentals without creating significant additional work for police and code enforcement staff.
9. Help to ensure health and safety of the occupants of short-term rental units.
10. To the extent possible, regulation of short-term rentals is accomplished thru standards that apply to the whole Village understanding that some regulations will apply only to short term rental uses.
11. Reduce tensions between short-term rental property owners and their neighbors

Mr. Burich provided Council with a presentation broken down by Objectives and options for each objective, including pros and cons for each option. He did make note that one of the two issues that have been brought up by citizens. He stated one is the provision in our PDO that says that if it's not expressly prohibited, or allowed than it is expressly prohibited, or words to that effect. He noted soon after that our current PTO was adopted, and we learned from the courts that that is not legal. He stated the courts have found that this type of framework for permitted uses is not appropriate and in fact, if something is going to be prohibited, it must be expressly prohibited.

Mr. Burich stated that while our PDO says that is true, but it's something that we cannot enforce, and we have known that for at least the last six or seven years. He stated the second issue is about interpretation of the language and our PDO and there are folks in the community that feel very passionately and strongly that the language says that because this is a commercial use (STRs) it is not allowed in a residential neighborhood. He stated again we get some help from the courts on this one. The courts have made it very clear that in every case where the language of our ordinances is subject to interpretation, we are obligated to interpret our ordinances in the light that is most favorable to the applicant or the property owner who was affected. He stated he would observe that since this ordinance was adopted in 2014, we haven't interpreted it to say that short-term rentals are or are not permitted.

Mr. Burich stated the Wilmington Case states clearly, we cannot do permits or registrations or require anything like that, but we can pursue other avenues. Councilmember Boesch stated that Council should be careful because this case could be appealed, and the decision could be reversed so we should perhaps allow time to see what happens. Mayor Strickland stated he recommends we move forward with the work since, just as easily, the case may not go to appeal. Councilmember Boesch also stated she is not certain that we know what the solution is since we are not even entirely clear on what the true exact problems are we are trying to address. She noted that if a nuisance occurs once, does that make it severe and do we know what kind of resources are going to be required to resolve these problems.

Mr. Burich asked Council members to take a closer look at the options supplied and choose individually which options seem to resonate and staff will continue to work from Council's guidance and suggestions.

4. Other Work Session Business.

- Mayor Pro Tem Pizzella requested some sort of document that would outline potential future agenda items based on recurring agenda items from the past several years. Ms. Chance will work on compiling this document.

5. Potential Future Agenda Items.

- No potential future agenda items were discussed.

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

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved to recess the work session and enter into a 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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, by a vote of 5-0.9:21 pm

7. Closed Session

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

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

9. 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 10:00 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