



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF APRIL 11, 2023
ASSEMBLY HALL
395 MAGNOLIA RD. PINEHURST, NC 28374
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.

2. Reports:

Manager

Council

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

March 28, 2023, Council Regular Meeting Minutes

March 28, 2023, Council Work Session Minutes

End of Consent Agenda.

4. Discuss and Consider Ordinance #23-08 - PDO Amendments Creating Planned Community Neighborhoods and Neighborhood Lodging Accommodations

5. Discuss and Consider Resolution #23-11 Updates to the Public Facility and Naming Policy

6. Discuss and Consider Resolution #23-12 Updates to the Streetlight Policy

7. Discuss and Consider Resolution 23-13 Supporting Roadway Safety Enhancements on Midland Road

8. Discuss and Consider Resolution #23-14 Neighborhood Advisory Committee Policy (NAC)

9. Other Business.

10. Comments from Attendees.

11. Motion to Adjourn.

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.



**COUNCIL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- ▣ 2023 Key Partners and Collaborators



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



APPROVAL OF VILLAGE COUNCIL MEETING MINUTES
ADDITIONAL AGENDA DETAILS:

March 28, 2023, Council Regular Meeting Minutes

March 28, 2023, Council Work Session Minutes

FROM:

Kelly Chance

CC:

Jeff Sanborn and Village Council

DATE OF MEMO:

4/3/2023

MEMO DETAILS:

The minutes for the March 28th Council Regular and Work Session are attached for Council review and proposed approval.

ATTACHMENTS:

Description

- ☐ March 28, 2023, Council Regular Meeting Minutes
- ☐ March 28, 2023, Council Work Session Minutes



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF MARCH 28, 2023
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 March 28, 2023, 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 102 attendees, including 20 staff and 1 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Reports:

Village Manager

- Mr. Jeff Sanborn, Village Manager, reported that the revaluations were received by Village residents. He noted the average increase in the Village was right about 50%. He stated the Village is currently in the budget planning process and as they look at this year, staff anticipates the tax rate will come in at 23 1/2 or 24 which means a slightly larger tax bill. He noted there is a 1/2 penny increase built in last year for state mandated employee pension withholding. He reported staff is still looking at the outlying years.

Village Council

- Mayor Strickland reported the Downtown Amenity Core Plan has begun in the core Village to aid in enhancing the Village. He stated Council and Staff has been meeting with the Architects this week to determine options for the Given Library project. He reported he attended the grand opening of the new front porch of the Carolina Hotel. He stated the Cancer Center opened yesterday and this Saturday is the Matinee Races starting at 1 p.m.
- Councilmember Morgan introduced the new Ms. Senior America and the previous Ms. Senior America, Laura Morgan. He stated he attended the Triangle J Council of Government met and announced he will be

running for Village Mayor this fall.

- Councilmember Hogeman stated the register of deeds at the county office has an anti-fraud support system which enables residents to type in their name, and if any document gets filed in their name, they will send you an email to make you aware of it. She noted this is a free service. She reports the County will be updating its long-range land use plan this year and stated she attended the Pinehurst Business Partners meeting.
- Councilmember Boesch reported she attended the Convention and Visitors Bureau meeting and announced she will be running for re-election for her current council seat this fall.
- Mayor Pro Tem Pizzella stated he attended a Tri-Cities gathering with Councilmember Hogeman and stated he and Mayor Strickland went to Chick-fil-a and presented a certificate to Vivian Cunningham's in celebration of her 100th birthday.

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
- March 14, 2023, Council Regular Meeting
 - March 14, 2023, Council Work Session

End of Consent Agenda.

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

4. Presentation of Resolution Honoring Terry Lurtz (HPC).

Mayor Strickland read and presented Resolution #23-10 to Mr. Terry Lurtz in appreciation of his time served on the Historic Preservation Commission.

5. The Sandhills Sons of American Revolution Awards Presentation.

Sandhills Sons of American Revolution President Bruce Fensley, member Mike Sulnier, and member Mark Townsend, presented Fire Department Battalion Chief, Jennifer Black, with the Fire Safety Medal and Certificate, and Cpt. John Warren, Lt. Josh Womack, and Sr. Firefighter Aaron Byrd, with the EMT Medal & Certificate.

6. Motion to Recess the Regular Meeting and enter into Public Hearing #1.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved to recess the regular meeting and enter Public Hearing No. 1.

7. Public Hearing No. 1 – Consider Text Amendments to the PDO Creating Planned Community Neighborhoods and Neighborhood Lodging Accommodations.

Alex Cameron, Planning and Inspections Director, reported based on Council direction, staff has worked over the past few months to draft amendments to the PDO which would create a new short-term lodging land use, "neighborhood Lodging Accommodation" (NLA), within a "Planned Community Neighborhood" (PCN). He stated other definitions are included to the proposed amendments which would set forth the requirements, management, and ruling documentation to carry out the proposed new use within the PCNs.

Mr. Cameron stated this topic came about during the discussions over the recently passed regulations (Ordinance #22-15) for Short-Term Rentals (STRs). He noted comments made during the months of discussion brought forth a potentially different type of short-term lodging use. He stated these lodging accommodations are limited to the residential community which owners/residents of the community buy into the neighborhood with knowledge of this type of lodging accommodation along with additional rules, restrictions, benefits, etc.

Mr. Cameron reported Governance of a PCN is typically handled by "Declarations" which are a recorded and on file with the Register of Deeds. He stated these are disclosed upon purchasing property within a PCN, so owners are made aware of and have knowledge of the creation of the PCN and rules governing such. He noted declarations may be amended but would require a super majority vote of 67% of the lot owners. He reported further, the Declarations provide that the management of specific rules are delegated to a governing body ("Masters Association"). He stated this allows for a form of self-governance within the community from its peers and can lead to a significant decrease in adverse effects within neighborhoods which have been attributed to STRs which have no formal regulation within the 2 community. He noted therefore, distinctions can be made between short-term rental of dwellings within planned communities and those within other residential neighborhoods.

Mr. Cameron reported the North Carolina Planned Community Act (PCA), NCGS Chapter 47F, governs the creation, operation, and destruction of planned communities within the state. He stated these amendments were drafted in large based on the statute. He noted although the PCA applies to planned communities established after its adoption (1999), the proposed definition for PCN includes language which would allow for communities to meet this criterion as also mentioned in the statute.

Mr. Cameron reported, in summary, these amendments would:

- Create new definitions establishing Planned Community Neighborhoods, Declarations, Neighborhood Lodging Accommodations and Master's Association.
- Create a new land use in Table 8.5.1a under Lodging for Neighborhood Lodging Accommodations.
- Allow Neighborhood Lodging Accommodations to be permitted by right within all the residential zoning districts with Special Requirements (SR-10).
- Create SR-10 to apply to all Neighborhood Lodging Accommodations after the effective date of the ordinance. These requirements would require:
 - Owners to obtain a development permit.
 - Compliance with SR-9 1). a-k (minimum housing code standards)
 - Submission of documentation that the Neighborhood Lodging Accommodation is within a Planned Community Neighborhood.
 - Submission of documentation that the Neighborhood Lodging Accommodation has been authorized by the Declaration.
 - A landscape screen along the property line of an adjacent residential use not part of the Planned Community Neighborhood.
 - This would also cause the relocation of the existing SR-10 for Dry-cleaning and Laundry Services to SR-23.

Mr. Cameron reported the Planning and Zoning Board held a public hearing during their regular meeting on March 2, 2023, where members of the board expressed concern over allowing a land use within planned communities but no other residential communities. He noted after discussion, the Planning and Zoning Board unanimously recommended Village Council does not adopt the proposed amendments, finding they are not consistent with the 2019 Comprehensive Plan. He stated staff feels the proposed PDO amendments are consistent with the 2019 Comprehensive Plan by continuing to address the lodging type use of single-family homes within the community.

During the Public Hearing Comment Period, Mr. Don Hunter, representative of CCNC as the Chief Operating Officer. He stated his organization is a benefit, not a burden to this community and they contribute 13% of the Village's budget via taxes. He stated their organization has their own governing system and their short-term rental program works and thus, they support the proposal being set forth.

Isabel Maddox, representative of CCNC also spoke in support of the proposed text amendment.

David Nordlow, CCNC resident addressed council in support of the proposed text amendment, noting they covenants, and restrictions allow CCNC residents the comfort of knowing that all development in the community is of their specific guidelines and strict standards.

8. Motion to Adjourn Public Hearing #1 and Re-enter the Regular Meeting.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved to adjourn Public Hearing #1 and re-enter the Regular Meeting, by a vote of 5-0.

Mayor Pro Tem Pizzella stated he attended the P&Z Board meeting on March 2nd where he felt the proposed text amendments presented were fair and equitable. He stated the Board concentrated their findings and recommendations on two items, which they referred back to the council. He noted they concluded the text amendments are not consistent with the 2019 Comprehensive Plan, which he countered stated he believes they are, and secondly that they do not address regulations of short-term rentals as the 2019 Comprehensive Plan requires. Mayor Pro Tem Pizzella countered this argument as well and stated he is ready to vote on these amendments whenever his colleagues are.

Councilmember Morgan stated in the medical world there is a saying, "first do no harm" and he feels the Village ban on strs in our community did just this. He stated CCNC should never have lost their ability to lose their rights, nor should any of the rest of our residents to own and operate short-term rentals. He noted that this text amendment creates an equity issue for certain, but he will vote in support of it because he does not feel the Council should not take away more property rights from individuals and in essence, do more harm.

Councilmember Boesch stated she is not in support of the text amendments as they infringe on property rights and noted that since the last meeting when Council voted on the STR ordinance, the composition of the North Carolina Supreme Court has changed significantly. She stated there is a notable support for property rights and constitutional experts, which may have some bearing if Council looks at litigation risk. She stated she must represent the entire Community, not just CCNC, and as elected officials, that is what is required.

Councilmember Hogeman stated the purpose of land use regulation is not to pit local government against the developer or the landowner wants to do something with the property. She stated the purpose is to create a balance between one person seeking to use their property and the folks around them who are already there. She stated she will stand by the short-term rental ordinance Council passed in the fall.

Mayor Strickland stated Council will continue to work on the text amendments with the intention of bringing it back at a future meeting.

9. Recognition of the Pinehurst 12U Girls State Basketball Tournament Champions.

Mark Wagner, Parks and Recreation Director, recognized the Statewide Athletic Committee (SWAC) Girls 12U State Championship team, coached by Mike Apke and Nicole Benbow, Village staff, who were coaches during the regular season. He stated the tournament was hosted at the Cannon Park Community Center, and the team was undefeated during the Sectional Tournament, held March 10-12, and then again during the State Championship tournament held March 18-19, to claim the title.

Mr. Wagner stated players on the team were Joelle Cole, Shelby Fruth, Caroline Antil, Virginia Grey Sutton, Sarah Grantham, Sofie Itegie, Tessa Hage, Pearl Hage, Brooklyn Riggan, Kate Noble, Emily Tuttle, and Lily Rembetsy. He also congratulated and recognized Village Recreation Superintendent Dave White, for hosting two excellent tournaments, along with his staff who contributed so much to the quality of the tournaments.

10. Motion to Recess the Regular Meeting and Enter Public Hearing #2.

Upon a motion by, seconded by, Council unanimously approved to recess the Regular Meeting and enter Public Hearing #2, by a vote of 5-0.

11. Public Hearing No. 2 – Text Amendments to the PDO Regulating Retaining Walls.

Alex Cameron, Planning and Inspections Director, reported Village Staff has identified a few areas of the existing regulations for retaining walls where clarification can be made. He stated clarity is needed in the areas relating to height and location of setbacks. He stated these amendments will help staff better administer the regulations in the PDO and better provide guidance to owners, designers, architects, engineers, contractors, etc., when determining what rules shall apply for retaining walls.

Mr. Cameron stated the Planning and Zoning Board held a public hearing during their regular meeting on March 2, 2023, with no member of the public coming forward to speak. He stated members of the Planning and Zoning Board were favorable to the proposed amendments and unanimously recommended that Village Council adopt the amendments as drafted. He noted the Board found the amendments to be consistent with Strategic Opportunity 4 of the 2019 Comprehensive Plan.

Mr. Cameron stated the intent of Section 9.13 Fences, Walls and Columns is to allow architecturally compatible fences and walls while still providing some flexibility and staff feels the proposed amendments are consistent with both the intent of Section 9.13 and the 2019 Comprehensive Plan. He stated staff recommends the Village Council adopt the proposed amendments as drafted and comment on the consistency with the 2019 Comprehensive Plan.

During the Public Hearing comment portion, Mr. Alex Founders, Pinehurst resident, addressed Council about his property fencing issue

12. Motion to Adjourn Public Hearing #2 and Re-enter the Regular Meeting.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn Public Hearing #2 and re-enter the Regular Meeting, by a vote of 5-0.

13. Discuss and Consider Ordinance #23-09 – Text Amendment for regulating retaining walls.

Alex Cameron, Planning and Inspections Director, stated Ordinance #23-09 is presented for consideration by Village Council with amendments as presented during the Public Hearing.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved Ordinance #23-09, text amendment for regulating retaining walls as proposed and find the amendments are consistent with the 2019 Comprehensive Plan, by a vote of 5-0.

14. Motion to Recess the Regular Meeting and Enter Public Hearing #3.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to recess the Regular Meeting and enter Public Hearing #3, by a vote of 5-0.

15. Public Hearing No. 3 – Consider Text Amendments to the PDO for Temporary Rental of RVs in the PC Zoning District.

Alex Cameron, Planning and Inspections Director, reported the purpose of this Public Hearing is to discuss text amendments to address the use of land for temporary rental only, upon which recreational vehicles (RV) are

allowed in the Public Conservation (PC) district. He stated these proposed amendments would affect the following sections of the PDO: Section 8.5 Table of Permitted and Special Uses and Special Requirements, and Section 10.2 Definitions.

Mr. Cameron stated staff has received requests from the Pinehurst Driving & Training Club as well as other prospective clients at the Harness Track wanting to bring their recreation vehicle on site for the training season which is held from October 15th to May 1st annually. He stated recreation vehicles have been allowed to stay at the facility with a 7-day maximum since at least 2002. He noted there is a Council adopted fee for this use with the aforementioned 7-day maximum stay allowed. He reported staff is requesting an amendment to the PDO that would allow Recreation Vehicles to stay on the property and hook up to Village facilities from October to May effective on October 15th, 2023. He noted this would only be allowed for individuals leasing stalls for the training season or leasing stalls as part of an equestrian event that has rented the facility.

Mr. Cameron stated the proposed amendments would affect the following sections of the PDO:

- Section 8.5 Table of Permitted and Special Uses and Special Requirement
 - Amendments to this section would allow Recreational Vehicle Parks as a permitted use within the Public Conservation (PC) zoning district, with a 2 “X” added within Table 8.5.1a denoting that it would be “Permitted by Right” within this zoning district.
- Section 10.2 Definitions
 - This would amend the definition of “Recreational Vehicle Park” within the PDO and provide for regulating the land uses as part of Chapter 8 Zoning

Mr. Cameron stated at the Planning & Zoning Board Regular Meeting, held on March 2, 2023, the Board reviewed the proposed text amendments and recommended adoption of staff’s proposed amendments with a slight change to the Definition of Recreational Vehicle Parks to make the language more permissive, not mandatory. He noted staff recommends approval of the proposed text amendments and recommends Council adopt the statement of consistency with the Comprehensive Plan provided.

16. Motion to Adjourn Public Hearing #3 and Re-enter the Regular Meeting.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved to adjourn Public Hearing #3 and re-enter the Regular Meeting, by a vote of 5-0.

17. Discuss and Consider Ordinance #23-10 – Text Amendment for Temporary Rental of RVs in the PC Zoning District.

Alex Cameron, Planning and Inspections Director, stated Ordinance #23-10 is presented for consideration by Village Council with amendments as presented during the Public Hearing.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved Ordinance #23-10, text amendment for temporary rental of RVs in the PC Zoning District as proposed and find the amendments are consistent with the 2019 Comprehensive Plan, by a vote of 5-0.

18. Audit Contract for Fiscal Year 2023 Audit

Dana Von Nostrand, Financial Services Director, reported each year at this time we award the Village’s audit contract to an independent auditor in accordance with North Carolina General Statutes. She stated based upon the professional service we have received from our current auditors, staff recommends the Village continue its relationship with the firm Forvis, LLP, formerly Dixon Hughes Goodman.

Ms. Von Nostrand reported the proposed fee for this year’s audit, inclusive of the State Single Audit of the Powell Bill funding and the alternative examination engagement for the ARPA funds, is \$41,000. She stated the one-time alternative examination engagement for the ARPA funds is estimated to be \$3,000 of the \$41,000,

therefore the comparable total fee to prior years is \$38,000. She noted this is only \$600, or 1.6%, higher than the \$37,400 paid the previous year (\$32,300 financial statement audit fee + \$5,100 Single Audit fee). She stated with the consumer price index at about 6% for the past year (February 2022-February 2023), this proposed increase is less than inflation.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to authorize that the mayor or his designee enter into an audit contract with Forvis LLP in the amount of \$41,000 for the financial statement audit, State Single Audit, and ARPA alternative compliance examination, by a vote of 5-0.

19. Discuss and Consider Ordinance #23-04 Amending Chapter 31 of the Pinehurst Municipal Code.

Jeff Sanborn, Village Manager, reported members of the Village Council recently asked staff to draft an update to Chapter 31 of the Pinehurst Municipal Code modifying language related to residency requirements for Planning and Zoning Board/Board of Adjustment members. He stated specifically, it was desired that, like the requirements for Historic Preservation Commission members, members must retain residency in the Village or extraterritorial jurisdiction in order to maintain board membership. He noted while drafting these updates, staff recognized the opportunity to update various other provisions of chapter 31 that clarify previously identified points of confusion and comport with the way that Pinehurst's advisory boards currently are staffed and operate.

Mr. Sanborn stated following the guidance offered by Village Council at the previous regular meeting, staff has revised the Ordinance and are presenting those changes to Council for consideration and approval.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved Ordinance #23-04, amending Chapter 31 of the Pinehurst Municipal Code as proposed, by a vote of 5-0.

20. Other Business

No other business was discussed.

21. Comments from Attendees

No public comments from attendees were provided.

22. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 6:45 p.m.

Respectfully Submitted,

Kelly Chance,
Village Clerk

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

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

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**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF MARCH 28, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Work Session Meeting at 6:46 p.m., Tuesday, March 28, 2023, 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 6 attendees, including 6 staff and 0 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Discuss MPO Formation.

Jeff Sanborn, Village Manager, provided an update on moving forward with working with surrounding municipalities and Moore County in forming a Metropolitan Planning Organization. Council discussed the process and steps required to form the MPO. Council agreed that the Village of Pinehurst would like to be considered for the lead Transportation Planner position and host organization for the organization. Mr. Sanborn provided information on specific requirements in law about what must be within the MPO geographic boundary. Work will continue and more information will be forthcoming at future Council meetings.

3. Other Work Session Business.

No other work session business was discussed.

4. Potential Future Agenda Items.

Mayor Pro Tem Pizzella stated he would like to see the Neighborhood Advisory Policy completed soon and presented for approval.

5. Adjournment.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the work session at 7:13 p.m., by a vote of 5-0.

Respectfully Submitted,

Kelly Chance,
Village Clerk

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

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DRAFT



**DISCUSS AND CONSIDER ORDINANCE #23-08 - PDO AMENDMENTS
CREATING PLANNED COMMUNITY NEIGHBORHOODS AND
NEIGHBORHOOD LODGING ACCOMMODATIONS
ADDITIONAL AGENDA DETAILS:**

FROM:

Alex Cameron

CC:

Jeff Sanborn

DATE OF MEMO:

4/6/2023

MEMO DETAILS:

For Council's consideration, attached is Ordinance #23-08 which would amend the Pinehurst Development Ordinance (PDO) creating or defining Planned Community Neighborhoods and Neighborhood Lodging Accommodations and establishing regulations for such.

The draft Ordinance contains language which represents feedback and direction from Village Council. A few minor revisions have been included with the latest draft which are highlighted in the attached document labeled "Proposed Amendments".

For additional information and material related to this agenda item, please see the Public Hearing agenda item from the March 28, 2023 meeting [here](#).

ATTACHMENTS:

Description

- ☐ Ordinance #23-08
- ☐ Proposed Amendments

ORDINANCE #23-08

AN ORDINANCE AMENDING THE VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE TO ADDRESS SHORT TERM RENTALS, HOMESTAYS AND PERMIT REVOCATION

WHEREAS, Article 8 Section 160A-174 of the North Carolina General Statutes empowers local government to, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to health, safety or welfare of its citizens and the peace and dignity of community, and may define and abate nuisances; and

WHEREAS, Article 7 Section 160D-701 of the North Carolina General Statutes provides: “Zoning regulation shall be made [by local governments] in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction; and

WHEREAS, Article 9 Section 160D-901 of the North Carolina General Statutes provides: “A local government may regulate the uses and areas set forth in this Article in zoning regulations pursuant to Article 7 of this Chapter, a unified development ordinance, or in separate development regulations adopted under this Article. This shall not be deemed to expand, diminish, or alter the scope of authority granted pursuant to those Articles. In all instances, the substance of the local government regulation shall be consistent with the provisions in this Article. The provisions of this Chapter apply to any regulation adopted pursuant to this Article that substantially affects land use and development.”

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

WHEREAS, Section 1.2 of the PDO states that the regulations contained in the PDO have been adopted in order to accomplish the following goals as related to this proposed Ordinance:

- a) Preserve and enhance Pinehurst’s residential neighborhoods while addressing the housing needs of current and future residents; and
- b) Promote the health, wellness, and safety of Pinehurst’s residents; and

WHEREAS, on October 22, 2019, the Village Council adopted the 2019 Comprehensive Plan that included seven (7) guiding principles to help preserve and enhance the high quality of life in the Village; and

WHEREAS, Implementation Strategy 3.9 of the 2019 Comprehensive Plan states that the Village should “continue to monitor the legislative authority of the Village to regulate short term rentals and evaluate options to address the impacts of short term rentals on single-family neighborhoods.”; and

WHEREAS, after extensive deliberation over several months Village Council adopted Ordinance #22-15 on October 26, 2022, which defines and regulates “short term rentals” in the planning jurisdiction of the Village; and

WHEREAS, the regulations within Ordinance #22-15 defines a short term rental as a land use and prohibits the establishment of new short term rentals in residential districts; and

WHEREAS, during said deliberations and public hearings members of the public spoke and brought forth to the attention of Village Council another temporary rental use within single family neighborhoods within planned communities; and

WHEREAS, said temporary rental occurs solely within a planned community, allowed or not prohibited by, declarations and managed and regulated by rules and bylaws and overseen by an association of peers within the community; and

WHEREAS, any and all purchasers of property within a planned community are made aware of the planned community’s governance documents; and

WHEREAS, anyone purchasing property within a planned community then consent to such declarations, rules and regulations; and

WHEREAS, a distinction is made from the lodging uses in non-planned communities than planned communities by way of the self-governance by a peer association and the ability to adopt rules and regulations within a planned community which can be outside the legislative authority of local governments significantly reduces the negative impacts on quality of life attributed to short term rentals; and

WHEREAS, Chapter 47F of the North Carolina General Statutes, the North Carolina Planned Community Act, governs the creation, operation and destruction of planned communities; and

WHEREAS, on March 2, 2023 the Pinehurst Planning and Zoning Board held a public hearing and received public comments on the proposed amendments; and

WHEREAS, the Pinehurst Planning and Zoning Board recommended the Village Council not adopt the proposed amendments; and

WHEREAS, the Pinehurst Planning and Zoning Board adopted a statement that the proposed amendments are not consistent with the 2019 Comprehensive Plan; and

WHEREAS, Village Council held a public hearing on March 28, 2023, in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance and the recommendation made by the advisory Pinehurst Planning and Zoning Board, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to the contents of any proposed text amendments to be made by the Village Council; and

WHEREAS, Section 6 of the PDO and Article 6 of North Carolina General Statute Chapter 160D, state that zoning ordinances or development regulations may be adopted, amended or repealed. The purpose of initiating changes to the text of the zoning ordinances are to make adjustments to development regulations that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village and are in furtherance of Section 1.2 of the PDO; and

WHEREAS, the use of properties for temporary rentals of residences located in planned communities do not present the situations detrimental to neighborhood quality of life that can be found in the rental of residences in single family neighborhoods that are not within a planned community and have rules and regulations governing such, and therefore make it necessary for the Village Council to amend the PDO to regulate short term rental use of land within the Village and its extraterritorial jurisdiction; and

WHEREAS, based on these extensive deliberations, the Pinehurst Village Council has determined that it is reasonable and is in the best interest of the Village of Pinehurst and its extraterritorial jurisdiction, and that it is consistent with the 2019 Comprehensive Plan, and that the Pinehurst Development Ordinance be further amended, making the amendments set forth in this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 11th day of April, 2023, make the following amendments to the Pinehurst Development Ordinance:

SECTION 1. The Village of Pinehurst Development Ordinance Chapters and Sections is amended as follows.

Chapter 10 Village of Pinehurst Ordinance Definitions

Section 10.2 Definitions

Planned Community Neighborhood (PCN) is a contiguous area containing at least twenty (20) acres, or twenty (20) dwelling units as included within a platted subdivision or condominium development for which any person or corporation, by virtue of ownership of a lot

or Dwelling Unit within the PCN, is by Declaration governed by a Master Association with powers to enforce and adopt and amend, the bylaws, rules, and regulations and which property owners within the PCN are obligated to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or common areas or other real estate described in the Declaration. This definition also applies to planned communities created prior to January 1, 1999, that elect to make NCGS Chapter 47F applicable to the planned community by an affirmative vote or written agreement signed by lot owners of lots, or unit owners of units, to which at least sixty-seven percent (67%) of the votes in the association are allocated.

Declaration: any instruments, however denominated, that create a Planned Community Neighborhood and any amendments to those instruments.

Neighborhood Lodging Accommodation (NLA): is the lodging use of a Dwelling Unit within a Planned Community Neighborhood where the Dwelling Unit is leased, offered or made available by short term lease or other financial consideration for a time period or lease term of less than 30 consecutive days which use is permitted or not prohibited through Declaration or other governing documents and is authorized and managed through the Master Association of the Planned Community Neighborhood.

Master Association: a nonprofit organization established pursuant to NCGS 47F-3- 101, or 47C-3-101, by Declaration, or its common law equivalent, or other nonprofit organization formed prior to the NC Planned Community Act and referenced in a Declaration with powers to enforce, adopt and amend the bylaws, rules, and regulations pursuant to NCGS 47F-3-102 or 47C- 3-102, or and by Declaration, or other governing documents, is responsible to maintain or provide for maintenance of ALL common property AND management of ALL Neighborhood Lodging Accommodations within the Planned Community Neighborhood.

265 **8.5.1a Table of Permitted and Special Uses and Special Requirements**

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LODGING	PC	RD	R- 210	R- 30	R- 20	R- 15	R- 10	R- 8	R- 5	R- MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
<u>Neighborhood Lodging Accommodation</u>			<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>						<u>X, SR</u>			<u>10*</u>
<u>OFFICE/SERVICE</u>	PC	RD	R- 210	R- 30	R- 20	R- 15	R- 10	R- 8	R- 5	R- MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Dry Cleaning & Laundry Services										X				X	X, SR		X, SR	X, SR	10 <u>23</u>

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Section 8.6 Special Requirements to the Table of Permitted and Special Uses and Special Requirements

Principal Uses

SR-10 Neighborhood Lodging Accommodation (NLA)

- 1) After the effective date of this Ordinance, all Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's, whether lawful nonconforming uses or newly established after the effective date of this Ordinance, shall comply with following standards:
 - a. Compliance with SR9 Standards 1) a-k.
 - b. Submission of documentation that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in Section 10.2 of this Ordinance.
 - c. Submission of documentation that the Neighborhood Lodging Accommodation has been authorized or is not prohibited by the Declaration.
 - d. Submission of documentation that the Neighborhood Lodging Accommodation is authorized and managed by a Master Association.
 - e. Installation of a Landscape Screen per Section 9.5.2.4 (A)(2) of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

SR-23 Reserved Drycleaning and Laundry Services

- (1) Coin operated laundries are not allowed in VCP, VMU or VC districts.

SECTION 2. 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 3. Severability: Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall affect the validity of any ordinance as a whole or any part thereof which is not specifically declared to be invalid. If any court of competent jurisdiction invalidates the application of any provision of this ordinance, then such judgement shall not affect the remaining portions not specifically included in that judgment.

SECTION 4. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

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

Chapter 10 Village of Pinehurst Ordinance Definitions

Section 10.2 Definitions

Planned Community Neighborhood (PCN) is a contiguous area containing at least twenty (20) acres, or twenty (20) dwelling units as included within a platted subdivision or condominium development for which any person or corporation, by virtue of ownership of a lot or Dwelling Unit within the PCN, is by Declaration governed by a Master Association with powers to enforce and adopt and amend, the bylaws, rules, and regulations and which property owners within the PCN are obligated to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or common areas or other real estate described in the Declaration. This definition also applies to planned communities created prior to January 1, 1999, that elect to make NCGS Chapter 47F applicable to the planned community by an affirmative vote or written agreement signed by lot owners of lots, or unit owners of units, to which at least sixty-seven percent (67%) of the votes in the association are allocated.

Declaration: any instruments, however denominated, that create a Planned Community Neighborhood and any amendments to those instruments.

Neighborhood Lodging Accommodation (NLA): is the lodging use of a Dwelling Unit within a Planned Community Neighborhood where the Dwelling Unit is leased, offered or made available by short term lease or other financial consideration for a time period or lease term of less than 30 consecutive days which use is permitted or not prohibited through Declaration or other governing documents and is authorized and managed through the Master Association of the Planned Community Neighborhood.

Master Association: a nonprofit organization established pursuant to NCGS 47F-3- 101, or 47C-3-101, by Declaration, or its common law equivalent, or other nonprofit organization formed prior to the NC Planned Community Act and referenced in a Declaration with powers to enforce, adopt and amend the bylaws, rules, and regulations pursuant to NCGS 47F-3-102 or 47C- 3-102, or and by Declaration, or other governing documents, is responsible to maintain or provide for maintenance of ALL common property AND management of ALL Neighborhood Lodging Accommodations within the Planned Community Neighborhood.

8.5.1a Table of Permitted and Special Uses and Special Requirements

LODGING	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Bed and Breakfast Homes			X, SR									X, SR			X, SR	X, SR	X, SR		7
Boarding or Rooming House																			
Dormitory																			
Hotel												X	X				X, SR	X, SR	8
Recreational Vehicle Park																			
Short Term Rental												X					X		9
<u>Neighborhood Lodging Accommodation</u>			<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>						<u>X, SR</u>			<u>10*</u>
<u>OFFICE/SERVICE</u>	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Dry Cleaning & Laundry Services										X				X	X, SR		X, SR	X, SR	10 <u>23</u>

Adding SR 10 will require relocation of existing SR-10 which is proposed to relocate to SR-23

X Permitted by Right

SU Special Use Permit

SR Special Requirement

Section 8.6 Special Requirements to the Table of Permitted and Special Uses and Special Requirements

The Table of Permitted and Special Uses and Special Requirements contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table has a number in the SR column opposite the use, that use must comply with the additional Special Requirements contained in this Section corresponding to the Special Requirements number. The Special Requirements may affect the development of the use in all zoning districts in which the use is allowed or only in certain districts, as may be set forth in this Section.

Principal Uses

SR-10 Neighborhood Lodging Accommodation (NLA)

- 1) After the effective date of this Ordinance, all Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's, whether lawful nonconforming uses or newly established after the effective date of this Ordinance, shall comply with following standards:
 - a. Compliance with SR9 Standards 1) a-k.
 - b. Submission of documentation that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in Section 10.2 of this Ordinance.
 - c. Submission of documentation that the Neighborhood Lodging Accommodation has been authorized or is not prohibited by the Declaration.
 - d. Submission of documentation that the Neighborhood Lodging Accommodation is authorized and managed by a Master Association.
 - e. Installation of a Landscape Screen per Section 9.5.2.4 (A)(2) of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

SR-23 ~~Reserved~~ Drycleaning and Laundry Services

- (1) Coin operated laundries are not allowed in VCP, VMU or VC districts.



**DISCUSS AND CONSIDER RESOLUTION #23-11 UPDATES TO THE
PUBLIC FACILITY AND NAMING POLICY
ADDITIONAL AGENDA DETAILS:**

FROM:

Doug Willardson

DATE OF MEMO:

4/4/2023

MEMO DETAILS:

Staff has reviewed the existing "Recognition and Public Facility Naming Policy." After our review, we suggest adding section nine. This section deals with the duration and modification of the names of public facilities. As the policy currently stands, there is no guidance for renaming or ending the name of a public facility. Section nine would provide direction to future councils that may need or want to rename a public facility.

ATTACHMENTS:

Description

- ☐ Resolution 23-11 Public Facilities Policy Update
- ☐ Naming of Public Facilities Policy (Attachment A)
- ☐ Naming of Public Facilities Policy (red-lined version)

RESOLUTION #23-11:

**A RESOLUTION AMENDING THE VILLAGE COUNCIL A RECOGNITION AND
PUBLIC FACILITY NAMING POLICY.**

THAT WHEREAS, On April 11, 2006 the Village Council adopted “A Recognition and Public Facility Naming Policy” to provide uniform application in the recognizing of contributors and for the naming of public facilities; and

WHEREAS, the Village Council has the responsibility to approve the naming of any public facility owned by the Village and when doing so it must be done for major contributions made to the Village of Pinehurst, whether through philanthropic means, extraordinary volunteer efforts for community good or for making major financial or other contributions to the benefit and wellbeing of the citizens of the Village of Pinehurst; and

WHEREAS, Village staff and Council have reviewed the existing policy and have modifications to said policy regarding the duration and modification of namings of public facilities;

NOW, THEREFORE, BE IT RESOLVED, by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 11th day of April, 2023, as follows:

SECTION 1. That the Recognition and Public Facility Naming Policy is hereby adopted as amended; said policy attached hereto as Attachment A and made a part hereof; the same as if included verbatim.

SECTION 2. This resolution shall be and the same is hereby effective from and after the date of its adoption.

THIS RESOLUTION passed and adopted this 11th day of April, 2023.

(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



VILLAGE OF PINEHURST
STANDARD PROCEDURE

SUBJECT: Recognition and Public Facility Naming Policy	Effective Date: 4/11/2006
Department: Village Council	Policy No.: 23
Prepared by: Doug Willardson	Revised: 4/11/2023
Approved by: Village Council	# of Pages: 5

PURPOSE: The following standards and procedures are intended to provide uniform application in the recognizing of contributors and for the naming of public facilities, or a portion thereof, owned by the Village of Pinehurst. It shall ultimately be the responsibility of the Village Council to approve the naming of any public facility owned by the Village. When naming a public facility, or portion thereof, for an individual, group or non-profit entity it must be done for major contributions made to the Village of Pinehurst, whether through philanthropic means, extraordinary volunteer efforts for community good or for making major financial or other contributions to the benefit and wellbeing of the citizens of the Village of Pinehurst.

POLICY:

1. Any Public Facility in Whole or, in Part, may be named:

- a) For location, such as the name of an adjacent street or subdivision.
- b) For a geologic, historical, botanical, horticultural or scientific feature inherent to the area.
- c) As a reference to health, fitness, fun, playability, functionality, etc.
- d) To honor a person, persons, group or non-profit entity which has made substantial contributions in time, talents or by financial means to the Village of Pinehurst or to the specific public facility being named.
- e) To show gratitude to a person who, over a long period of time, has devoted outstanding amounts of time, talent and effort to the advancement of the Village of Pinehurst.

2. Procedures for Naming Public Facilities in Whole or for a Portion Thereof:

- a) Requests or proposals for naming a public facility, or a portion thereof, shall be submitted to the staff in written form describing in detail the

proposed name of the public facility, or portion thereof, and the reason(s) for the request. The request may also include documentation of the individuals or organizations contributions to the Village of Pinehurst.

- b) Staff will evaluate the request, and then make a recommendation to the Village Council, which has the ultimate authority for naming public facilities, or a portion thereof. Absent proposals from others, staff may propose a name to the Village Council.
- c) Implicit to the naming process is the intent of permanent recognition. Therefore, the process shall be careful and deliberate and, as much as possible, involve the evaluation criteria listed below if being named.

3. Criteria for Naming Public Facilities in Whole or for a Portion Thereof:

- a) Among the criteria that should be considered regarding a candidate name:
 - i) Fine moral character.
 - ii) Demonstrated leadership qualities.
 - iii) Community Reputation.
 - iv) Nature of the contributions or support of the mission of the Village of Pinehurst.
 - v) Substantial contribution, whether consisting of volunteer service, the provision of land or monetary donation.
 - vi) Initiative and/or involvement relating to a specific program or project of exceptional merit which has extensively and directly benefited the public.

4. Rules for Naming Public Facilities in Whole or for a Portion Thereof:

- a) Naming a public facility in memory of a deceased person cannot be considered until at least 3 months after the date of the person's death. Naming a public facility in honor of a living person is typically not permitted.
- b) Proposed names commemorating a deceased person(s) shall be considered only if the living next of kin have approved the request.
- c) The naming of a public facility for a for-profit entity shall not be permitted.

5. Recognition for Naming Public Facilities in Whole or for a Portion Thereof:

- a) Recognition for a group of individual donors to a public facility shall be, whenever possible, in the form of a single bronze engraved plaque, displayed in an appropriate location as determined by staff. The Policy recognizes that there may be occasions where multiple plaques may be required as well as the use of a different recognition material within the same facility due to the nature of the contributions or decor within the facility.

These, however, should be limited to extraordinary situations. Naming of a portion of a facility, such as meeting room, should be honored with a small bronze plaque adjacent or above the door jam or other similar location.

- b) Recognition for park facilities may also be in the form of site signage. The decision concerning type, design and size of site signage shall rest with the Director of Parks and Recreation and must blend with and compliment the park environment as well as adhere to all Village of Pinehurst sign standards as found in the applicable Pinehurst Development Ordinance. The cost of naming the facility will be the responsibility of the Parks and Recreation Department, the applicant, or both by mutual consent.

6. Appeals for Rejecting Suggested Naming of Public Facilities in Whole, for a Portion Thereof, or for Disagreement Regarding Appropriate Recognition:

Any person or organization whose application is denied by the staff may appeal the decision in writing to the Village Council. The Village Council decision shall be binding.

7. Other Naming Alternatives

Public facilities that are donated to the Village can be named by deed restriction by the donor. The naming and acceptance of real property is always subject to the approval of the Village Council.

8. Process for Considering the Naming of Public Facilities in Whole or for a Portion Thereof for Major Donors:

- a) Staff shall first evaluate the prospective donor and make a recommendation to the Village Council to accept or reject the proposal. Rejection of a proposal is subject to the "Appeals Process" in Section "F" above. If the recommendation is to accept, the staff shall provide the Village Council a report that highlights the nature of the donation and a draft agreement that includes items found in "c." below.
- b) The Village Council will then consider the agreement and reserves the right to accept or reject the agreement based on the terms of the agreement and/or based on the suitability of the proposed donor. The Village Council ultimately reserves the right to accept or reject any proposal as it deems fit. The Village Council's decision shall be binding.
- c) All agreements of this nature shall be in the form of a signed letter of agreement and shall contain the minimum following criteria:
 - i) Amount of contribution to be in cash and/or in kind service.
 - ii) A date by which the contribution must be received.

- iii) A starting date and ending date as to when the naming rights begin and end.
- iv) A first right of refusal to renew the agreement by the contributor should be included with a clause that the determination whether to extend the first right of refusal offer is exclusively reserved by the Village at the conclusion of the naming rights agreement.
- v) Provision for cancellation of naming rights in the event the entity ceases business operations or becomes involved in an activity that is deemed unsuitable by the Village. The Village shall retain all contributions in this provision.

9. Duration and Modification of Namings of Public Facilities

- a) In order to respect the tradition and community values which previous councils bestowed on these resources, renaming officially named parks or facilities shall be infrequent and deference given to maintaining the designated name. However, the duration of a benefactor's or honoree's name on any facility ordinarily continues for as long as the facility or unit is used in the same manner or for the same purpose for which the naming occurred. Upon demolition, replacement, substantial renovation, redesignation of purpose, or similar modification of a named facility or unit, the Village may deem that the naming period has concluded.
 - i) The appropriate Village representative will make all reasonable efforts to inform in advance the original benefactors or honorees or their surviving family members when the naming period is deemed to have concluded.
 - ii) The Village may, but is not required to, provide for the appropriate perpetuation of the previous name. Perpetuation of the original name in an equivalent naming is not required. Appropriate perpetuation of previous names may include, for instance, a plaque in or adjacent to new and renovated facilities.
 - iii) In the event of an organization naming of a facility, if the organization name changes, the Village may deem that the naming period has concluded.
- b) **Renaming.** When the benefactor's or honoree's naming period has concluded, the facility or unit may be renamed, with the original name removed, in recognition of new gifts, subject to any specific terms and conditions set forth in the original naming agreement and subject to the guidelines above.
- c) **Joint or Hyphenated Naming.** In exceptional circumstances, additional names may be added to a facility or unit in recognition of an additional gift even if the prior benefactor's or honoree's naming period has not concluded, subject to any specific terms and conditions set forth in the original naming agreement. Hyphenation is one method for jointly naming a facility or unit.

- d) **Benefactor or Honoree Name Changes.** If a benefactor or honoree requests a change to the name of a facility or unit, the Village will consider the request. If approved, all replacement signage and other related costs shall be at the donor's or honoree's expense.
- e) **Revocation of naming approval or conferral.** In certain circumstances, the Village reserves the right, on reasonable grounds, to revoke and terminate its obligations regarding a naming, with no financial responsibility for returning any received contributions to the benefactor. These actions, and the circumstances that prompt them, may apply to an approved naming that has not yet been acted upon or to a conferred naming.
 - i) If the benefactor's or honoree's reputation changes substantially so that the continued use of that name may compromise the public trust, dishonor the Village's standards, or otherwise be contrary to the best interests of the Village, the naming may be revoked. However, caution must be taken when, with the passage of time, the standards and achievements deemed to justify a naming action may change and observers of a later age may deem those who conferred a naming honor at an earlier age to have erred. Namings should not be altered simply because later observers would have made different judgments.
 - ii) If the benefactor fails to maintain payments on a pledge upon which the naming was bestowed, the naming may be revoked.
 - iii) If a planned gift upon which the naming was bestowed does not result in the value agreed upon, the naming may be revoked.

UPDATING POLICY: This policy shall be reviewed as Village Council deems necessary.

Approved by:

Jeff Sanborn, Village Manager

Date



VILLAGE OF PINEHURST
STANDARD PROCEDURE

SUBJECT: Recognition and Public Facility Naming Policy	Effective Date: 4/11/2006
Department: Village Council	Policy No.: 23
Prepared by: Doug Willardson	Revised: <u>4/11/2023</u>
Approved by: Village Council	# of Pages: 5

PURPOSE: The following standards and procedures are intended to provide uniform application in the recognizing of contributors and for the naming of public facilities, or a portion thereof, owned by the Village of Pinehurst. It shall ultimately be the responsibility of the Village Council to approve the naming of any public facility owned by the Village. When naming a public facility, or portion thereof, for an individual, group or non-profit entity it must be done for major contributions made to the Village of Pinehurst, whether through philanthropic means, extraordinary volunteer efforts for community good or for making major financial or other contributions to the benefit and wellbeing of the citizens of the Village of Pinehurst.

POLICY:

1. Any Public Facility in Whole or, in Part, may be named:

- a) For location, such as the name of an adjacent street or subdivision.
- b) For a geologic, historical, botanical, horticultural or scientific feature inherent to the area.
- c) As a reference to health, fitness, fun, playability, functionality, etc.
- d) To honor a person, persons, group or non-profit entity which has made substantial contributions in time, talents or by financial means to the Village of Pinehurst or to the specific public facility being named.
- e) To show gratitude to a person who, over a long period of time, has devoted outstanding amounts of time, talent and effort to the advancement of the Village of Pinehurst.

2. Procedures for Naming Public Facilities in Whole or for a Portion Thereof:

- a) Requests or proposals for naming a public facility, or a portion thereof, shall be submitted to the staff in written form describing in detail the

proposed name of the public facility, or portion thereof, and the reason(s) for the request. The request may also include documentation of the individuals or organizations contributions to the Village of Pinehurst.

- b) Staff will evaluate the request, and then make a recommendation to the Village Council, which has the ultimate authority for naming public facilities, or a portion thereof. Absent proposals from others, staff may propose a name to the Village Council.
- c) Implicit to the naming process is the intent of permanent recognition. Therefore, the process shall be careful and deliberate and, as much as possible, involve the evaluation criteria listed below if being named.

3. Criteria for Naming Public Facilities in Whole or for a Portion Thereof:

- a) Among the criteria that should be considered regarding a candidate name:
 - i) Fine moral character.
 - ii) Demonstrated leadership qualities.
 - iii) Community Reputation.
 - iv) Nature of the contributions or support of the mission of the Village of Pinehurst.
 - v) Substantial contribution, whether consisting of volunteer service, the provision of land or monetary donation.
 - vi) Initiative and/or involvement relating to a specific program or project of exceptional merit which has extensively and directly benefited the public.

4. Rules for Naming Public Facilities in Whole or for a Portion Thereof:

- a) Naming a public facility in memory of a deceased person cannot be considered until at least 3 months after the date of the person's death. Naming a public facility in honor of a living person is typically not permitted.
- b) Proposed names commemorating a deceased person(s) shall be considered only if the living next of kin have approved the request.
- c) The naming of a public facility for a for-profit entity shall not be permitted.
- d) ~~In order to respect the historical tradition and community values which previous generations bestowed on these resources, no officially named park or park facility shall be renamed unless concrete evidence exists that is contrary to the criteria noted above.~~

5. Recognition for Naming Public Facilities in Whole or for a Portion Thereof:

- a) Recognition for a group of individual donors to a public facility shall be, whenever possible, in the form of a single bronze engraved plaque, displayed in an appropriate location as determined by staff. The Policy recognizes that there may be occasions where multiple plaques may be required as well as the use of a different recognition material within the same facility due to the nature of the contributions or decor within the facility. These, however, should be limited to extraordinary situations. Naming of a portion of a facility, such as meeting room, should be honored with a small bronze plaque adjacent or above the door jam or other similar location.
- b) Recognition for park facilities may also be in the form of site signage. The decision concerning type, design and size of site signage shall rest with the Director of Parks and Recreation and must blend with and compliment the park environment as well as adhere to all Village of Pinehurst sign standards as found in the applicable Pinehurst Development Ordinance. The cost of naming the facility will be the responsibility of the Parks and Recreation Department, the applicant, or both by mutual consent.

6. Appeals for Rejecting Suggested Naming of Public Facilities in Whole, for a Portion Thereof, or for Disagreement Regarding Appropriate Recognition:

Any person or organization whose application is denied by the staff may appeal the decision in writing to the Village Council. The Village Council decision shall be binding.

7. Other Naming Alternatives

Public facilities that are donated to the Village can be named by deed restriction by the donor. The naming and acceptance of real property is always subject to the approval of the Village Council.

8. Process for Considering the Naming of Public Facilities in Whole or for a Portion Thereof for Major Donors:

- a) Staff shall first evaluate the prospective donor and make a recommendation to the Village Council to accept or reject the proposal. Rejection of a proposal is subject to the "Appeals Process" in Section "F" above. If the recommendation is to accept, the staff shall provide the Village Council a report that highlights the nature of the donation and a draft agreement that includes items found in "c." below.
- b) The Village Council will then consider the agreement and reserves the right to accept or reject the agreement based on the terms of the agreement and/or based on the suitability of the proposed donor. The Village Council ultimately reserves the right to accept or reject any proposal as it deems fit. The Village Council's decision shall be binding.

- c) All agreements of this nature shall be in the form of a signed letter of agreement and shall contain the minimum following criteria:
 - i) Amount of contribution to be in cash and/or in kind service.
 - ii) A date by which the contribution must be received.
 - iii) A starting date and ending date as to when the naming rights begin and end.
 - iv) A first right of refusal to renew the agreement by the contributor should be included with a clause that the determination whether to extend the first right of refusal offer is exclusively reserved by the Village at the conclusion of the naming rights agreement.
 - v) Provision for cancellation of naming rights in the event the entity ceases business operations or becomes involved in an activity that is deemed unsuitable by the Village. The Village shall retain all contributions in this provision.

9. Duration and Modification of Namings of Public Facilities

- a) In order to respect the tradition and community values which previous councils bestowed on these resources, renaming officially named parks or facilities shall be infrequent and deference given to maintaining the designated name. However, the duration of a benefactor's or honoree's name on any facility ordinarily continues for as long as the facility or unit is used in the same manner or for the same purpose for which the naming occurred. Upon demolition, replacement, substantial renovation, redesignation of purpose, or similar modification of a named facility or unit, the Village may deem that the naming period has concluded.
 - i) The appropriate Village representative will make all reasonable efforts to inform in advance the original benefactors or honorees or their surviving family members when the naming period is deemed to have concluded.
 - ii) The Village may, but is not required to, provide for the appropriate perpetuation of the previous name. Perpetuation of the original name in an equivalent naming is not required. Appropriate perpetuation of previous names may include, for instance, a plaque in or adjacent to new and renovated facilities.
 - iii) In the event of an organization naming of a facility, if the organization name changes, the Village may deem that the naming period has concluded.
- b) **Renaming.** When the benefactor's or honoree's naming period has concluded, the facility or unit may be renamed, with the original name removed, in recognition of new gifts, subject to any specific terms and conditions set forth in the original naming agreement and subject to the guidelines above.

- c) **Joint or Hyphenated Naming.** In exceptional circumstances, additional names may be added to a facility or unit in recognition of an additional gift even if the prior benefactor's or honoree's naming period has not concluded, subject to any specific terms and conditions set forth in the original naming agreement. Hyphenation is one method for jointly naming a facility or unit.
- d) **Benefactor or Honoree Name Changes.** If a benefactor or honoree requests a change to the name of a facility or unit, the Village will consider the request. If approved, all replacement signage and other related costs shall be at the donor's or honoree's expense.
- e) **Revocation of naming approval or conferral.** In certain circumstances, the Village reserves the right, on reasonable grounds, to revoke and terminate its obligations regarding a naming, with no financial responsibility for returning any received contributions to the benefactor. These actions, and the circumstances that prompt them, may apply to an approved naming that has not yet been acted upon or to a conferred naming.
- i) If the benefactor's or honoree's reputation changes substantially so that the continued use of that name may compromise the public trust, dishonor the Village's standards, or otherwise be contrary to the best interests of the Village, the naming may be revoked. However, caution must be taken when, with the passage of time, the standards and achievements deemed to justify a naming action may change and observers of a later age may deem those who conferred a naming honor at an earlier age to have erred. Namings should not be altered simply because later observers would have made different judgments.
 - ii) If the benefactor fails to maintain payments on a pledge upon which the naming was bestowed, the naming may be revoked.
 - iii) If a planned gift upon which the naming was bestowed does not result in the value agreed upon, the naming may be revoked.

UPDATING POLICY: This policy shall be reviewed as Village Council deems necessary.

Approved by:

Jeff Sanborn, Village Manager

Date



**DISCUSS AND CONSIDER RESOLUTION #23-12 UPDATES TO THE
STREETLIGHT POLICY
ADDITIONAL AGENDA DETAILS:**

FROM:

Doug Willardson

DATE OF MEMO:

4/4/2023

MEMO DETAILS:

Staff has reviewed the existing Streetlight Policy and has suggested minor changes to simplify the policy. The redlined version is attached as well as the streetlight requirements in the Pinehurst Development Ordinance.

ATTACHMENTS:

Description

- ▢ Streetlight Policy (redlined version)
- ▢ PDO Streetlight Requirements
- ▢ Original Streetlight Policy 1990
- ▢ Resolution 23-12 Streetlight Policy Update
- ▢ Final Streetlight Policy (Attachment A)



VILLAGE OF PINEHURST
STANDARD PROCEDURE

SUBJECT: Streetlight Policy	Effective Date: 11/4/1990
Department: Village Council	Policy No.: 31
Prepared by:	Revised: 10/28/2014
Approved by: Village Council	# of Pages: 3

PURPOSE: Village Council has responsibility to provide safe traffic and pedestrian mobility including providing adequate street lighting. This policy balances the need for streetlights with the desire to maintain the small-town, rural atmosphere of the Village and avoid unnecessary light pollution from excessive streetlights.

POLICY:

SECTION 1. The Village Council will discuss and make the final determination in advance of adding street lighting on existing public roads within the Village. Further, Staff shall recommend any additions or deletions to street lighting on existing public roads and Council will consider recommendations using the following guidelines:

- A. Streetlights shall be minimal in quantity, mounted on wood poles at a height of approximately 25' and should be 50W LED in residential areas and no more than 75W LED on State primary roads unless required by NC DOT to be greater.
- B. Additional Streetlights may be considered for the Village Center business district in a style and wattage consistent with existing decorative lights.
- C. Streetlight placement for residential neighborhoods and State roads shall be limited to no more than one light at intersections of 2-lane collector roads. A second light may be considered for an intersection involving at least one 4-lane road or that has a divided median. Mid-block placement is discouraged but recognized as a potential necessity in some locations, particularly on primary State roads. In such instances, a minimum of 150' separation between streetlights poles is recommended in order to maintain a minimal number of streetlights.
- D. Additional streetlights may be considered in areas that experience higher volumes of periodic traffic such as areas around FirstHealth Moore Regional Hospital.
- E. Lights that are deemed decorative, such as low voltage landscape lighting, up-lighting or down-lighting that are not mounted on a riser pole may be considered on public right-of-way. If installed at a residential entrance or other

residential common areas, the appropriate developer/neighborhood association is financially responsible for power usage and on-going maintenance.

- F. Streetlights at pedestrian, bike or other non-vehicular transportation crossings with primary State roads may be considered.
- G. Streetlights not meeting any of the above criteria but deemed worthy of consideration for significant safety reasons as determined by the Village Engineer or Planning Department may be considered by Village Council.
- H. In instances where a development is within the Village limits and its roads are to be dedicated to the public, the Village may elect to assume financial responsibility for the streetlights that meet the criteria for placement even if the roads have not yet been accepted by the Village. In the event the development proposes/or has decorative streetlights, they may be approved and allowed if the financial responsibility remains with the developer or a legally formed property owner's association. The developer or property owner's association may request reimbursement from the Village for the monthly charge for each decorative streetlight that meets the criteria for placement. However, the Village will not reimburse for any streetlight(s) it deems as excessive and unnecessary. The maximum reimbursement amount for each approved light is capped at a level equivalent to the amount charged the Village by Duke Energy for lease of a standard wood pole with a 50W LED streetlight if the development is residential. If the development is commercial, the amount is capped at a level charged by Duke Energy for a standard wood pole with a 75W LED streetlight. The Village will not accept responsibility, nor reimburse, for privately owned streetlights.

SECTION 2. Streetlights in new residential developments must submit and abide by a lighting plan which shall be submitted with the site plans for review as part of the new sub-division submittal. The lighting plan must abide by the above guidelines and all associated requirements of the Pinehurst Development Ordinance. ~~the following:~~

~~If street lighting is proposed for a new subdivision, a lighting plan shall be submitted with the site plans for review as part of the new sub-division submittal.~~

- ~~A. Proposed streetlights shall be minimal in quantity, mounted on wood poles at a height of approximately 25', and should be 50W LED in residential areas and no more than 75W LED on State primary roads unless required by NC DOT to be greater.~~
- ~~B. Streetlight placement shall be limited to no more than one light at intersections of 2-lane collector roads within the subdivision and at entrance intersections with primary State roads or existing Village collector roads. A second light may be considered for an intersection involving at least one 4-lane road or that has a divided median. Mid-block placement is discouraged but recognized as a potential necessity in some locations. In such instances, a minimum of 150' separation between streetlights poles is recommended in order to maintain a minimal number of streetlights.~~
- ~~C. Lights that are deemed decorative, such as low voltage landscape lighting, up-lighting or down-lighting that are not mounted on a riser pole may be considered~~

~~on public right-of-way. The developer/neighborhood association is financially responsible for power usage and ongoing maintenance.~~

~~D. Streetlights at pedestrian, bike or other non-vehicular transportation crossings with primary State roads may be considered.~~

~~E. Streetlights not meeting any of the above criteria but deemed worthy of consideration for significant safety reasons as determined by the Village Engineer or Planning Department may be considered by Village Council.~~

~~F. In instances where a proposed development is within the Village limits and its roads are to be dedicated to the public, the Village may elect to assume financial responsibility for the streetlights that meet the criteria for placement even if the roads have not yet been accepted by the Village. In the event the new development proposes decorative streetlights, they may be approved and allowed if the financial responsibility remains with the developer or a legally formed property owner's association. The developer or property owner's association may request reimbursement from the Village for the monthly charge for each decorative streetlight that meets the criteria for placement. However, the Village will not reimburse for any streetlight(s) it deems as excessive and unnecessary. The maximum reimbursement amount for each approved light is capped at a level equivalent to the amount charged the Village by Duke Energy for lease of a standard wood pole with a 50W LED streetlight if the development is residential. If the proposed development is commercial, the amount is capped at a level charged by Duke Energy for a standard wood pole with a 75W LED streetlight. The Village will not accept responsibility, nor reimburse, for privately owned streetlights.~~

UPDATING POLICY: This policy shall be reviewed as Village Council deems necessary.

Approved by:

Jeff Sanborn, Village Manager

Date

Resolution #

Village Council, Resolution

Date

long sections of straight street lines. Roundabouts shall be provided where traffic conditions would warrant in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual;

(C) The names of the streets and the addresses of the individual lots in the subdivision shall be reviewed and approved as part of the preliminary plat. The names of new streets shall not duplicate or be similar to the names of existing streets anywhere in Moore County. Where a new street extends or continues an existing street, the name of the existing street shall be used for the new street;

(D) Thoroughfares shall be constructed and dedicated to the Village when the tract to be subdivided embraces any part of a thoroughfare designated on the official Map of Thoroughfare Plan to which the subdivision shall have right of access. Right-of-way to which the subdivision would not have right of access shall be reserved;

(E) If the adjacent property is undeveloped and the street must be a dead end street temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided for all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutters whenever the street is continued;

(F) Street Trees Required: For all new one three (3) inch caliper, large hardwood or pine tree per forty (40) lineal feet of street frontage minus driveways shall be planted in the road right of way on both sides of the road. These street trees shall be approved by the Village Engineer as being acceptable street trees. These trees shall be planted outside of site triangles and not conflict with any utilities. Alternate type and size trees may be approved by the village engineer based on existing site conditions and constraints.

9.17.1.16 Monuments and Markers

The subdivider shall install such subdivision and property monuments and markers as are required by NCGSs and the standards of practice for land surveying in North Carolina.

9.17.1.17 Street Lighting

Street lighting shall be installed by the developer with underground wiring, but only at the following road junctions and crossroads that:

- (A) Periodically experience high volumes of traffic after darkness (e.g. hospital shift changes);
- (B) Are part of an intersection with a primary State Highway;
- (C) Will facilitate pedestrian traffic in the Village Commercial District.

9.17.1.18 Storm Drainage

(A) The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Village Engineer in accordance with Village of Pinehurst Engineering Standards and Specifications Manual.

(B) No surface water shall be channeled or directed into a sanitary sewer;

(C) Where feasible, the subdivider shall connect to an existing storm drainage system. In the absence of an existing storm drainage system, the developer shall be required to channel all storm water drainage to an existing watercourse where practicable;

A POLICY REGARDING STREET LIGHTS IN THE VILLAGE OF PINEHURST

The OBJECTIVE is to ensure that the appearance of Pinehurst remains that of a retirement\resort community vis-a-vis commercial suburban town that is found throughout the United States or specifically in parts of Moore County.

Consistent with safety and security requirements, Street Lights should be minimal. Therefore erection of Street Lights will be limited to selected road junctions and cross roads:

- (1) That experience high volumes of periodic traffic after darkness. e.g. Hospital shift changes.
- (2) That are part of an intersection with a primary State Highway.
- (3) That are approved as decorative by the Appearance Commission.
- (4) That will facilitate pedestrian traffic in the Village Commercial District.

Adopted as policy by Village Council on

September 4, 1990.

Andrew M. Wilkison
Village Manager

RESOLUTION #23-12:

A RESOLUTION AMENDING THE VILLAGE COUNCIL STREETLIGHT POLICY.

THAT WHEREAS, On September 4, 1990 the Village Council adopted “A Policy Regarding Streetlights” in the Village of Pinehurst; and

WHEREAS, the Village Council has deemed it in the best interests of the community to minimize the number of streetlights excepting the following: (a) areas in which there are high volumes of traffic after darkness, (b) at intersections with a primary State Highways, (c) streetlighting that will facilitate pedestrian traffic in the Village Commercial District; and

WHEREAS, Village staff and Council have reviewed the existing policy and have minor modifications to said policy;

NOW, THEREFORE, BE IT RESOLVED, by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 11th day of April, 2023, as follows:

SECTION 1. That the Streetlight Policy is hereby adopted as amended; said policy attached hereto as Attachment A and made a part hereof; the same as if included verbatim.

SECTION 2. This resolution shall be and the same is hereby effective from and after the date of its adoption.

THIS RESOLUTION passed and adopted this 11th day of April, 2023.

(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



VILLAGE OF PINEHURST
STANDARD PROCEDURE

SUBJECT: Streetlight Policy	Effective Date: 11/4/1990
Department: Village Council	Policy No.: 31
Prepared by:	Revised: 4/11/2023
Approved by: Village Council	# of Pages: 3

PURPOSE: Village Council has responsibility to provide safe traffic and pedestrian mobility including providing adequate street lighting. This policy balances the need for streetlights with the desire to maintain the small-town, rural atmosphere of the Village and avoid unnecessary light pollution from excessive streetlights.

POLICY:

SECTION 1. The Village Council will discuss and make the final determination in advance of adding street lighting on existing public roads within the Village. Further, Staff shall recommend any additions or deletions to street lighting on existing public roads and Council will consider recommendations using the following guidelines:

- A. Streetlights shall be minimal in quantity, mounted on wood poles at a height of approximately 25' and should be 50W LED in residential areas and no more than 75W LED on State primary roads unless required by NC DOT to be greater.
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- F. Streetlights at pedestrian, bike or other non-vehicular transportation crossings with primary State roads may be considered.
- G. Streetlights not meeting any of the above criteria but deemed worthy of consideration for significant safety reasons as determined by the Village Engineer or Planning Department may be considered by Village Council.
- H. In instances where a development is within the Village limits and its roads are to be dedicated to the public, the Village may elect to assume financial responsibility for the streetlights that meet the criteria for placement even if the roads have not yet been accepted by the Village. In the event the development proposes/or has decorative streetlights, they may be approved and allowed if the financial responsibility remains with the developer or a legally formed property owner's association. The developer or property owner's association may request reimbursement from the Village for the monthly charge for each decorative streetlight that meets the criteria for placement. However, the Village will not reimburse for any streetlight(s) it deems as excessive and unnecessary. The maximum reimbursement amount for each approved light is capped at a level equivalent to the amount charged the Village by Duke Energy for lease of a standard wood pole with a 50W LED streetlight if the development is residential. If the development is commercial, the amount is capped at a level charged by Duke Energy for a standard wood pole with a 75W LED streetlight. The Village will not accept responsibility, nor reimburse, for privately owned streetlights.

SECTION 2. Streetlights in new residential developments must submit and abide by a lighting plan which shall be submitted with the site plans for review as part of the new sub-division submittal. The lighting plan must abide by the above guidelines and all associated requirements of the Pinehurst Development Ordinance.

UPDATING POLICY: This policy shall be reviewed as Village Council deems necessary.

Approved by:

Jeff Sanborn, Village Manager

Date

Resolution #

Village Council, Resolution

Date



**DISCUSS AND CONSIDER RESOLUTION 23-13 SUPPORTING ROADWAY
SAFETY ENHANCEMENTS ON MIDLAND ROAD
ADDITIONAL AGENDA DETAILS:**

FROM:

Jeff Batton

DATE OF MEMO:

4/3/2023

MEMO DETAILS:

This resolution of support is being brought forth at the request of the N.C. Dept. of Transportation.

They are initiating the first action from the 2017 Midland Road Corridor Plan by creating full movement intersections at Pinehurst Area Realty and Carolina Eye. These changes will facilitate removal of several of the informal crossovers between these intersections and instead create safer U-turns at the intersections to access locations on each side of the median.

The resolution of support is attached for your consideration.

Thanks.

ATTACHMENTS:

Description

- ☐ Resolution 23-13
- ☐ Map Attachment

RESOLUTION #23-13:

A RESOLUTION OF SUPPORT FOR THE ADDITION OF ROADWAY SAFETY ENHANCEMENTS FOR A SECTION OF MIDLAND ROAD

THAT WHEREAS, the Midland Road Corridor Plan completed in 2017 has various recommendations for roadway safety enhancements within the Village of Pinehurst, NC; and

WHEREAS, the North Carolina Department of Transportation wishes to begin implementation of the Plan by installing new full movement intersections at Carolina Eye and Pinehurst Area Realty as well as reduce the number of informal crossovers in between these intersections in order to enhance overall safety; and

WHEREAS, the Department of Transportation seeks a resolution of support for the project from the Village of Pinehurst Council; and

WHEREAS, the Village of Pinehurst Council has considered the above-described request and is in support of the installation of these safety enhancements at the Carolina Eye crossover and the Pinehurst Realty crossover; and

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in regular meeting assembled this 11th day of April 2023, that it expresses its support of the above-described project recommended by the North Carolina Department of Transportation and request the project proceed as scheduled by the North Carolina Department of Transportation.

THIS RESOLUTION passed and adopted this 11th day of April 2023.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

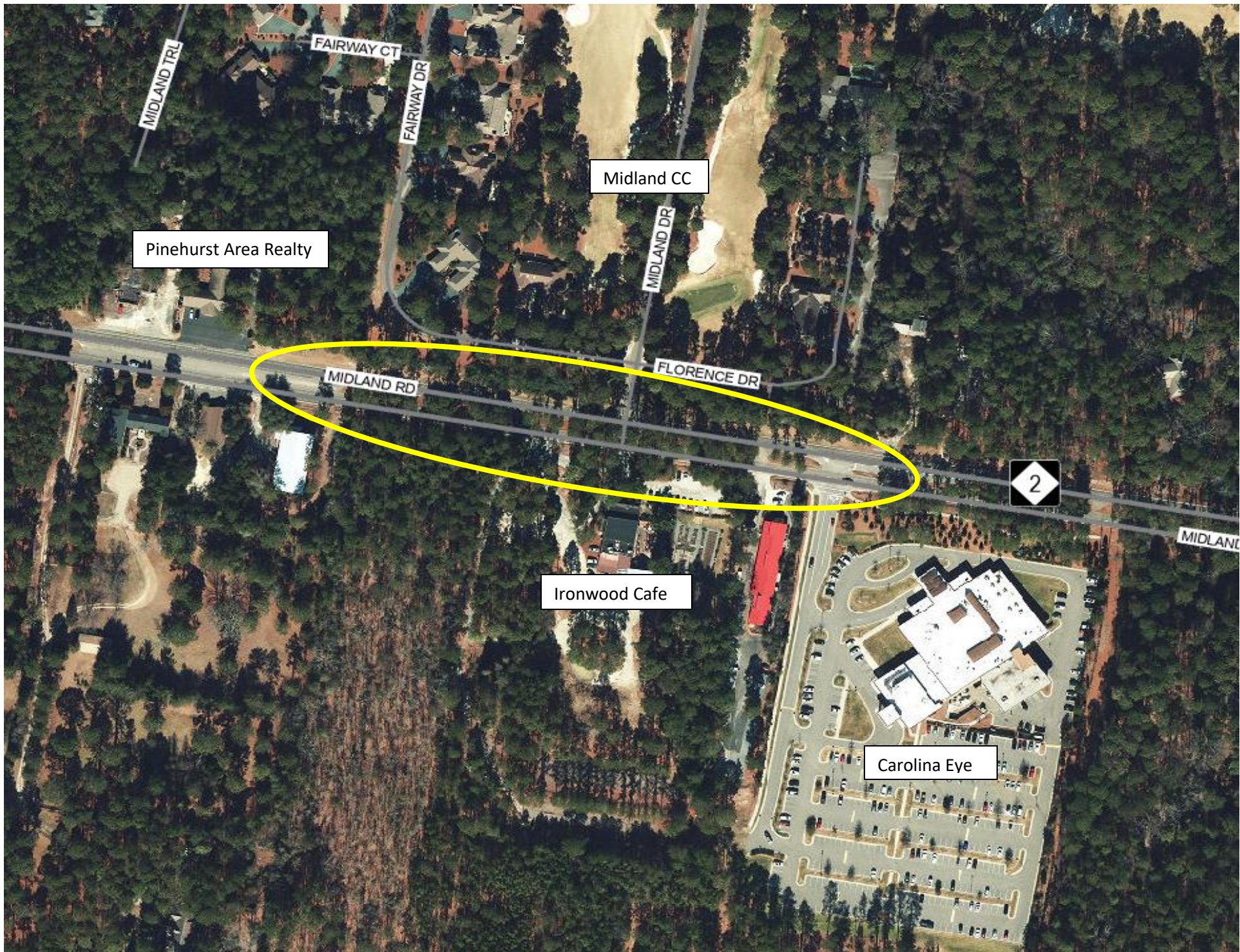
By: _____
John C. Strickland, Mayor

Attest:

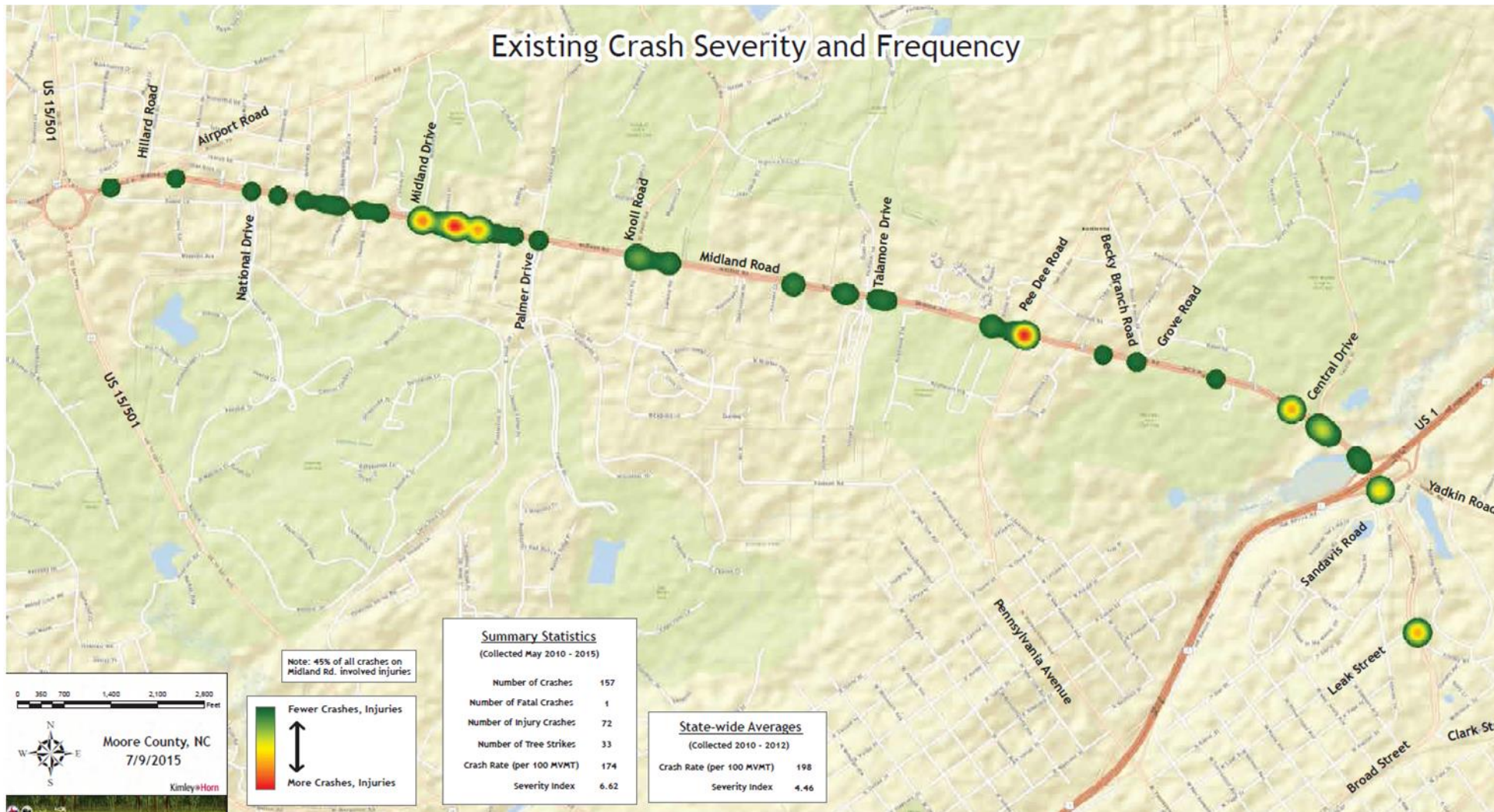
Approved as to Form:

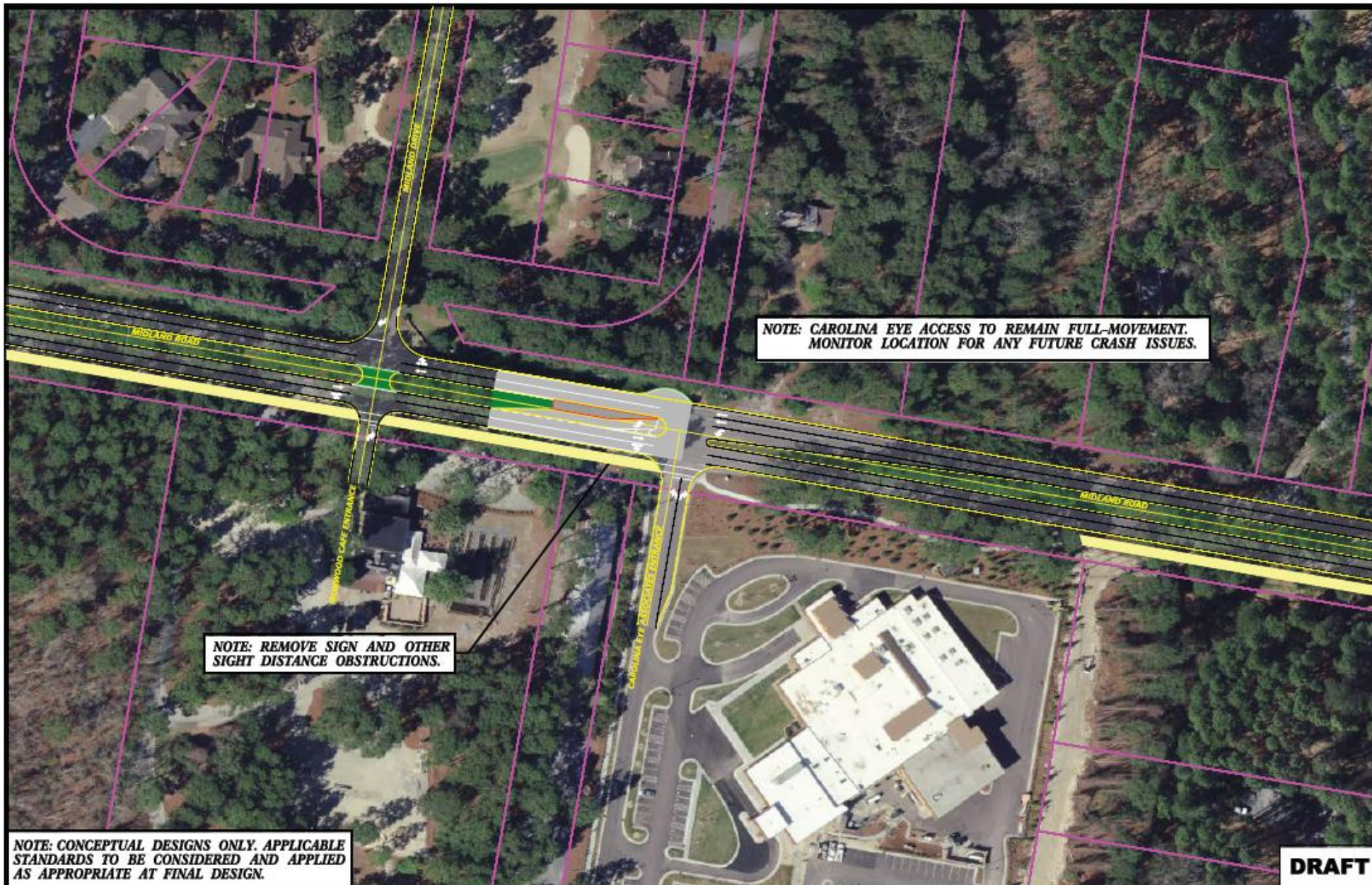
Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney



Existing Crash Severity and Frequency





NOTE: CONCEPTUAL DESIGNS ONLY. APPLICABLE STANDARDS TO BE CONSIDERED AND APPLIED AS APPROPRIATE AT FINAL DESIGN.

PREPARED BY: THE OFFICE OF Kimley»Horn INC. LICENSE #10101 PA-0001-0001 KIMLEY-HORN, NORTH CAROLINA 27603 PHONE 919-571-0000		INTERSECTION DESIGN CONCEPTS MIDLAND DRIVE AND CAROLINA EYE ASSOC.		PRELIMINARY PLAN DO NOT BE USED FOR CONSTRUCTION		PROJECT: MIDLAND ROAD CORRIDOR STUDY	
This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and consent by Kimley-Horn and Associates, Inc. shall be deemed liability to Kimley-Horn and Associates, Inc. Copyright Kimley-Horn and Associates, Inc., 2015.		DATE: 08/08/15 DRAWN BY: [blank] CHECKED BY: [blank]		25 0 50 		SHEET NUMBER: 011036287 3	



**DISCUSS AND CONSIDER RESOLUTION #23-14 NEIGHBORHOOD
ADVISORY COMMITTEE POLICY (NAC)
ADDITIONAL AGENDA DETAILS:**

FROM:

Jeff Sanborn

CC:

Council

DATE OF MEMO:

4/4/2023

MEMO DETAILS:

Since the spring of 2022, Council and Staff have been considering and discussing improvements to the existing Neighborhood Advisory Committee program focused on developing better two-way communications with residents across the Village.

The attached draft policy and policy exhibits represent the latest thinking on how best to achieve desired results.

ATTACHMENTS:

Description

- ☐ Resolution 23-14 Neighborhood Advisory Committee
- ☐ NAC Neighborhood Advisory Policy - Exhibit A
- ☐ NAC Neighborhood Map Recommendation - Exhibit B
- ☐ NAC Phased Term Ending Recommendation - Exhibit C

RESOLUTION #23-14:

**A RESOLUTION UPDATING THE NEIGHBORHOOD ADVISORY COMMITTEE
FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA.**

THAT, WHEREAS, the Village of Pinehurst has benefitted from communications fostered by its Neighborhood Advisor Committee (NAC) since 2008, and

WHEREAS, the Pinehurst Village Council recognizes the opportunity to strengthen the Neighborhood Advisory Committee by adopting a geographic neighborhood framework that ensures all residents have the opportunity to enjoy two-way communications with Village leaders thru an appointed committee member, and

WHEREAS, the Pinehurst Village Council also recognizes the opportunity to strengthen the Neighborhood Advisory Committee by implementing a defined and recognized approach to recruitment and on-boarding of committee members, and

WHEREAS, the Pinehurst Village Council also recognizes the opportunity to strengthen the Neighborhood Advisory Committee by implementing a structure for terms and term limits that ensure new members with new ideas and approaches are regularly incorporated into the committee

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 11th day of April 2023, as follows:

SECTION 1. The Neighborhood Advisory Committee (NAC) shall be officially organized under the leadership of the Village Council of the Village of Pinehurst in accordance with the policy as attached “Exhibit A”, the NAC Neighborhood Map as attached “Exhibit B” and the plan for phasing in of terms and term limits as attached “Exhibit C”.

SECTION 2. That this Resolution shall be in full force and effect from and after its date of adoption.

THIS RESOLUTION passed and adopted this 11th day of April 2023.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly L. Chance, Village Clerk

Michael J. Newman, Village Attorney



VILLAGE OF PINEHURST
STANDARD PROCEDURE

SUBJECT: Neighborhood Advisory Committee Policy		Effective Date: 04/2023
Department: Administration		Policy No.: 53
Prepared by: Jeff Sanborn		Revised:
Approved by: Village Council		# of Pages: 4

PURPOSE: The purpose of this policy is to: Define the purpose, membership, membership requirements, member expectations and Village support to members of the Neighborhood Advisory Committee.

POLICY: It is the policy of the Village of Pinehurst Council maintain a Neighborhood Advisory Committee (NAC) to foster and enhance effective two-way communications between Village Government and Village residents aimed at building and protecting quality of life for residents, businesses, and visitors.

COMMITTEE GOALS:

- Collaboratively build effective communications means between all committee members and the neighborhoods they represent.
- Use effective neighborhood communications means to distribute notes from presentations and discussions that take place at monthly NAC meetings.
- Use those effective neighborhood communications means to collect input and feedback from residents.
- Communicate and discuss trends and common themes related to resident perceptions that can help Village Government better achieve its quality-of-life mission.
- Comply with North Carolina public records and open meetings law requirements.

MEMBERSHIP: Membership of the NAC will be made up of one representative from each of the geographically defined neighborhoods included in the NAC Neighborhood Map (attached). Members must be permanent residents of the neighborhood they represent. Appointed members may identify an alternate member who can represent the neighborhood when the appointed member is not available. The NAC Neighborhood Map may be adjusted as needed by vote of the Village Council. Members will be individually appointed by the Village Council

subsequent to a recommendation by a committee made up of the Village Manager, Village Assistant Managers, and Village Clerk. The recommendation will give appropriate deference to candidates recommended by homeowner's associations or other neighborhood organizing bodies. The degree of that deference will correspond to the degree to which said organizing body represents all residents within the Village's defined neighborhood.

RECRUITMENT: The Village Clerk will notify each NAC member when their term is nearing completion. If eligible for another term and the member desires to continue to serve, that member will normally be nominated to the Village Council for reappointment. When considering reappointment, the Village Council will consider the members contributed value the NAC process, attendance, and compliance with other expectations at a minimum. In cases where the incumbent member cannot serve an additional term or desires not to, the Village Clerk will advertise the vacancy to solicit new volunteers. In cases where a member of the NAC does not desire to complete their term, the Village Clerk will similarly advertise to solicit new volunteers.

NEW MEMBER ORIENTATION, TERMS, TERM LIMITS AND TERMINATIONS: Upon appointment, all new members will participate in a brief on-boarding process that is similar to onboarding requirements for other appointed volunteers board and committee members. Completion of on-boarding and signature of a volunteer agreement will be accomplished prior to participation on the NAC. Members will be appointed to two-year terms. Each member may be reappointed to a maximum of three consecutive terms, for a total of six years. Members having expired their limit of terms or otherwise having left the NAC must wait a minimum of four years until being reappointed to the NAC. Member terms will all expire after the June meeting of the calendar year the term is designated to end, regardless of what date said term began on.

ALTERNATE MEMBERS: Members may have an alternate neighborhood resident attend NAC meetings in their place on those rare occasions when the appointed member cannot be present. Alternate members will not be required to brief a neighborhood report at meetings they attend but will take part in other discussions and take notes on presentations for the primary member.

PHASING IN OF MEMBERSHIP AND TERM LIMITS CONCURRENT TO ENACTMENT OF THIS POLICY: Prior to this policy implementation, no term limits existed. Numerous current members have already exceeded the six-year term limit or are nearing that point. Meanwhile, several new neighborhoods are recognized by the geographical neighborhood framework that this policy puts in place. Finally, four current NAC members share neighborhoods (two neighborhoods with two representatives each). Recognizing these facts, a phased approach to implementing term limits will be used. That phased approach will be in accordance with the attached exhibit. Unknown future membership changes caused by members not fulfilling their

full term limits will alter the implementation of this plan in ways that cannot be projected, especially in the later years.

VILLAGE SUPPORT TO NAC MEMBERS: All NAC members will be eligible for a neighborhood specific email account to be used for correspondence related to NAC duties. These neighborhood specific email accounts will be passed along to subsequent neighborhood NAC representatives. NAC members will also receive staff support in building and maintaining neighborhood distribution lists. Finally, Village staff will endeavor to provide any briefing product, policy document or other program descriptive document that can help NAC members communicate important information to residents within their neighborhoods.

PUBLIC RECORDS LAW REQUIREMENTS: NAC members are public officials. As such, all NAC member communications are subject to North Carolina public records law. Use of Village provided email for all NAC related business will make compliance with public records law relatively simple and is highly recommended. Use of other communications means does not eliminate or modify requirements to comply with public records law. In accordance with state law, any documents or archived communications related to NAC business may not be deleted or thrown away until allowable under the North Carolina Records Retention Schedule. NAC members will comply with any request made by the Village Clerk or other requestors pursuant to ensuring Village compliance with public record laws as a condition of appointment.

NAC MEETING PROCEDURES:

- NAC meetings will generally be held monthly, in accordance with an adopted schedule that may be modified by the Mayor as needs arise.
- NAC meetings will be chaired by the Mayor, or the Mayor's designated other Council Member.
- Any Council Member may join any NAC meeting as a participating member.
- NAC meetings are meeting of a public body and are subject to all North Carolina open meeting requirements.
- Each NAC meeting shall have an agenda, published by the Village Clerk or other designated staff member.
- Appointed NAC members should be prepared to make a report to the committee at each meeting. Member reports should summarize sentiments, issues, concerns and positive feedback that they are hearing from neighborhood residents.
- Committee members must be courteous to other members of the Committee, elected officials and staff.
- Members are encouraged to participate in discussion, while trying to refrain from dominating the conversation.

- The Village Manager will ensure a staff member is present to take notes and prepare minutes.
- The Village Manager, in consultation with the Mayor is responsible for scheduling briefing by staff or other parties concerning topics that are important to residents as a whole, so that NAC members can communicate key points to members of their neighborhood.

POLICY UPDATE

This policy shall be reviewed in accordance with the Village's overall policy update schedule and framework as determined by the Village Manager or directed by Village Council.

Approved by:

Jeff Sanborn, Village Manager

Date

Resolution # 23-14 _____

Village Council, Resolution

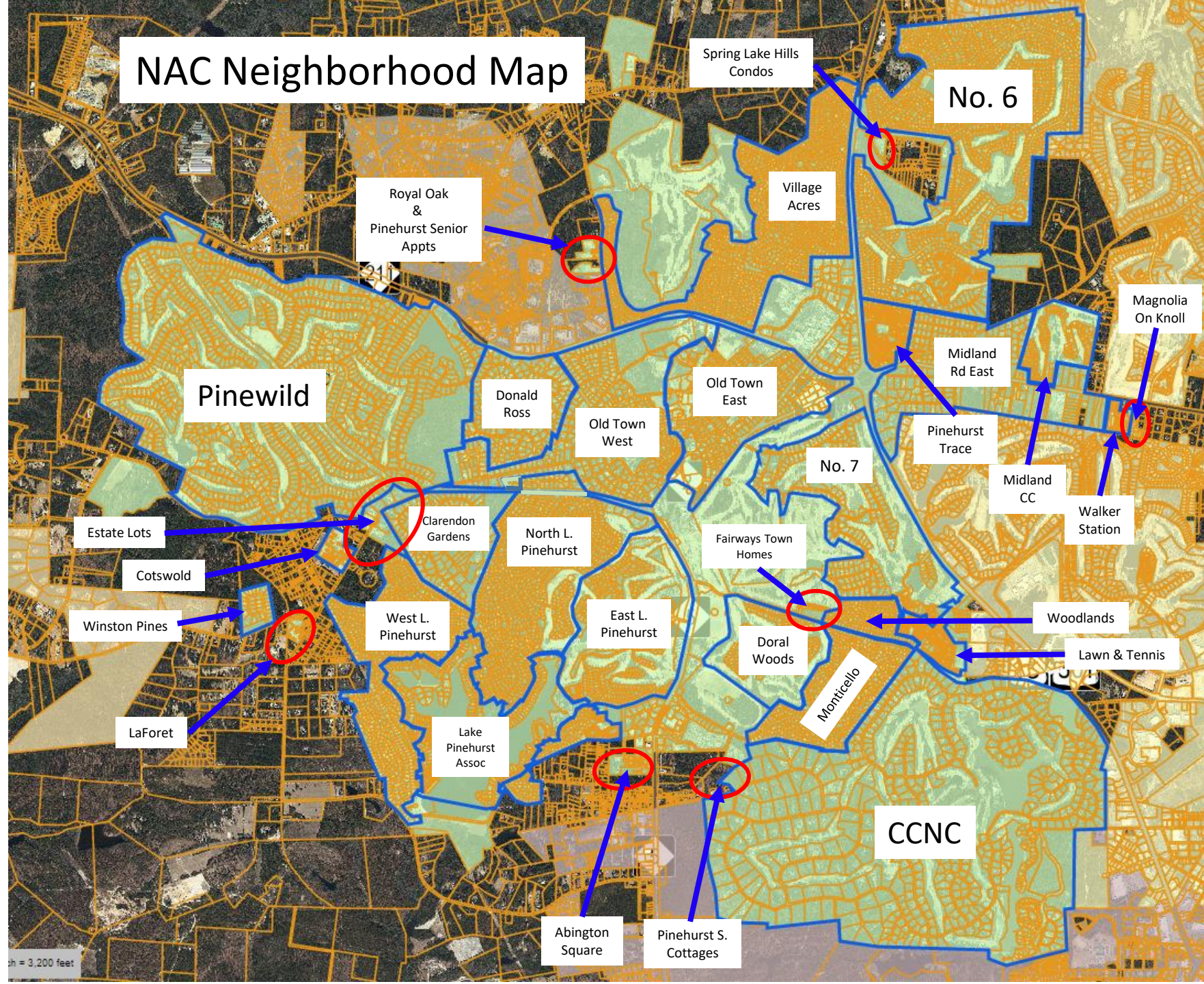
Date

Exhibit 1. Neighborhood Advisory Committee Map of Neighborhoods

Exhibit 2. Neighborhood Advisory Committee Phased Term Limit

NAC Membership 'Neighborhoods' Map

1. Pinewild
2. No. 6 (+ Spring Lake Hills)
3. CCNC
4. No. 7
5. Village Acres (+ Royal Oak & Sen Appts)
6. Lake Pinehurst Association
7. Donald Ross
8. Pinehurst Trace
9. Doral Woods
10. Clarendon Gardens
11. Monticello
12. Old Town East
13. Old Town West
14. West Lake Pinehurst
15. North Lake Pinehurst
16. East Lake Pinehurst
17. Linden Rd West
 - a. Cotswold
 - b. Winston Pines
 - c. Estate Lots
 - d. LaForet
18. East Midland Rd
 - a. Midland Rd East
 - b. Walker Station
 - c. Midland CC
 - d. Magnolia on Knoll
19. North Morganton Rd
 - a. Lawn & Tennis
 - b. Woodlands
 - c. Fairways Town Homes
20. Pinehurst South (Evolving)
 - a. Abington Square
 - b. Pinehurst S. Cottages
 - c. Future Development in Pinehurst South



Neighborhood Advisory Committee Phased Term Limit Recommendation

	2023 New Neighborhood Designation	Current Representative Residing In	Term Began	6 year exp of current member	Phased Term Limit Expiration Recommendation						
					2023	2024	2025	2026	2027	2028	2029
1	Pinewild	Larry Rotondo	2020	2026				X			
2	Pinehurst No.6/Spring Lake Hills	Kevin Fitzpatrick	2023	2029							X
3	CCNC	Barbara Reining	2022	2028						X	
4	Pinehurst No. 7				X						X
5	Village Acres/Royal Oak/Pinehurst Senior Appartments	Kevin McKinney	2023	2029							X
6	Donald Ross	Tony Elms	2016	2022		X					
7	Pinehurst Trace	Ed Balkovic	2018	2024			X				
8	Doral Woods	Bert Higgins	2016	2022		X					
9	Clarendon Gardens	Lee Thomas	2018	2024			X				
10	Monticello	Tom Campbell	2016	2022		X					
11	Old Town East				X						X
12	Old Town West	Debbie Lalor	2016	2022	XX	X					
		Charlie Collini	2018	2024			X				
13	Lake Pinehurst Association	Jeff Heintz	2021	2027					X		
14	West Lake Pinehurst				X						X
15	North Lake Pinehurst				X						X
16	East Lake Pinehurst				X						X
17	Linden Rd West/Cotswold/Winston Pines/Linden Estate Lots/LaForet	Paul Spurgeon	2023	2029							X
18	East Midland Rd/Walker Station/Midland CC/Magnolia on Knoll	Beverly Braunschiedel	2015	2021		X					
19	North Morganton Rd/Lawn & Tennis/Woodlands/ Fairways Town Homes	Lee Smith	2019	2025	XX						
		Greg Linville	2022	2028						X	
20	Pinehurst South/Abington Square/Pinehurst S. Cottages				X						X

- No current member available, must immediately recruit
- XX Current redundancy of members, recommended timing of redundancy elimination
- X Recommended phased ending of term limits on current members
- X New Recruit Effort