



**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 ½ 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 100<sup>th</sup> 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 Wornack, 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 2<sup>nd</sup> 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 15<sup>th</sup> to May 1<sup>st</sup> 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 15<sup>th</sup>, 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](http://www.vopnc.org)*

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

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

*Values: Service, Initiative, Teamwork, and Improvement*