



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF MARCH 08, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, March 08, 2022 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

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

And approximately 33 attendees, including 5 staff and 1 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Reports:

Village Manager

- Mr. Jeff Sanborn reported the St. Patrick's Day Event will be held Saturday. He stated at the last Council meeting, Council adopted a series of policy objectives that they would like us to pursue as we develop policy approaches for Council consideration. He reported staff will be presenting a combination of policy option in a few weeks that we think strikes an appropriate balance between property owners rights, and preservation of neighborhood character. He noted those policy options will fall into general categories. One would be changes to our municipal code, things like changes to our nuisance ordinances and on-street parking requirements. He noted the second would be general zoning changes and permitting requirements tied to our zoning authority that would pertain exclusively to short-term rental properties.

Village Council

- Mayor Strickland reported Covid seems to be moving away, but we need to continue to protect ourselves and our neighbors as we move forward. He reported we lost two important members of our Pinehurst community, Louis Gregory, County Commissioner, who served timelessly and closer to home is Cyndie Burnett, who had served on the Planning & Zoning Board and Board of Adjustment, where she served as Chairman.

Mayor Strickland reported he, Village Manager Sanborn, and Mayor Pro Tem Pizzella met last week with Louis Gregory's successor who has now been sworn in as the Commissioner for District Two in Moore County. He noted the National Park Service finished their study on the integrity and conditions of the Pinehurst National Historic Landmark district, basically all of Old Town Pinehurst. He stated the report has been reviewed by the Village Council and will be reviewed by our Historic

Preservation Commission and the Planning and Zoning Board.

Mayor Strickland reported the Women of the Pines event, with speaker DiDi Petri brought in nearly 200 people to help celebrate the 200th anniversary of Frederick Law Olmsted, who with his firm designed the Village of Pinehurst at the request of our founders, the Tufts family in 1895. He noted we are also working on the 150th anniversary of the birth of Donald Ross, in November, the golf architect who resided in Pinehurst and designed so many famous golf courses around the world.

- Mayor Pro Tem Pizzella reported he had the opportunity to speak before the North Carolina Society of Surveyors, who had their convention here at the Carolina Hotel. He noted the approximately 200 surveyors who attended were very complimentary of Pinehurst, and they were already planning on when they would have their next convention here. He reported he would be speaking at the Sandhill's Rotary on Wednesday morning and yesterday he and Councilmember Hogeman attended the Beautification Committee, of which he was very impressed with the knowledge of the group. Mayor Pro Tem Pizzella stated he will be touring the Moore Regional Airport on Thursday Morning and invited any of the other Councilmembers or staff that might be interested to join him.
- Councilmember Boesch stated she too feels privileged having worked with Louis Gregory as his campaign treasurer, and he was a dear friend, an amazing leader and he served his community well. She noted the one thing that Mr. Gregory always said was, "I just want to do what the public wants me to do."
- Councilmember Morgan reported it is International Women's Day and the theme is "stopping the bias."
- Councilmember Hogeman stated that in remembrance of Cindy Burnett, she wanted everyone to know she was very interested in the green growth toolbox, and she is really going to miss her. Councilmember Hogeman stated at the Beautification Committee meeting yesterday, one of the things that the committee is going to be looking at is an addition to all of its plantings and so forth and is encouraging unified signage in the village center. She noted they have some grant money that they can parcel out. Councilmember Hogeman stated about a week ago, Friday on the 25th of February, there was a meeting put on organized by Tom McGinnis and Jamie Boles down in Aberdeen to address the bank fraud that's been going on, not just in Pinehurst, but across North Carolina. She reported they had the sheriff or county sheriff there and someone from the FBI. She noted they also had representatives from law enforcement from Pinehurst, Aberdeen, and Southern Pines.

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.

- February 22, 2022, Council Regular Meeting
- February 22, 2022, Council Work Session
- February 22, 2022 Council Closed Session

End of Consent Agenda.

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

4. Discuss and Consider a Budget Amendment to Replace Engine in Firetruck

Brooke Hunter, VOP Finance Director, stated the engine on one of the Village Firetrucks needs replacement. As part of the daily preventative maintenance checks, Fire Department staff occasionally recognized low coolant levels in the truck over the past four years. Fleet Maintenance was notified and referred the truck to two Cummins motor authorized mechanics for diagnosis. Ms. Hunter reported most recently, Cummins identified that coolant was leaking into the cylinder causing deterioration to the cylinder liner. She noted this ultimately caused the need for the repair. Considering the age of the truck (2013), and the remaining life of the vehicle, it is recommended that a remanufactured engine be installed.

Ms. Hunter provided Council with a requested budget amendment, Ordinance #22-03, to transfer funds to the Fleet Maintenance vehicle repair & maintenance (R&M) account to cover the replacement of the engine. She noted the amendment would move \$52,000 from Streets & Grounds infrastructure to the Fleet Maintenance vehicle R&M budget. She further noted it would also allocate the \$52,000 directly to the Fire Department Fleet Maintenance charges account.

Ms. Hunter reported the Streets & Grounds infrastructure account currently has available funds for sidewalk construction this fiscal year and the funding amount was only an estimate and a placeholder, so all funds may not be needed to perform these projects. She stated if we reach the point of bidding the sidewalk projects by June 30, 2022 and need additional funding, we can process a budget amendment at this time.

Mayor Strickland asked if we need to bring funds back to the sand clay paths and sidewalks, it will be available to which Ms. Hunter replied yes.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved Ordinance #22-03, amending the ordinance appropriating funds for operations of the Village of Pinehurst for Fiscal Year 2022, regarding revenues and expenditures of the general fund for the purpose of firetruck engine replacement, by a vote of 5-0.

5. Discuss and Consider Amendment Approval for Given Library Transfer of Assets.

Jeff Sanborn, Village Manager stated this item is for discussion and consideration for approval of an amendment to the Asset and Service Transfer Agreement, dated September 14, 2021, between the Village of Pinehurst and Given Memorial Library Inc. He stated the existing agreement with the Given Tufts Organization was to transfer the library control in April. He noted we are moving forward with this, and we are amending one mutually agreed upon issue, which will allow us to achieve the same outcome, in a different way. Mr. Sanborn reported the original agreement called for us to assume their existing lease on the Post Office Building and this amendment change would instead require them to maintain the lease and we would reimburse them for those expenses. He noted there were a couple other provisions that are intended to create the same outcome that we expected from the original agreement.

Mayor Strickland acknowledged Council did discuss a few weeks ago the proposed amendment changes and reported the document has already been signed by the library. He stated with Council's approval he will amend the asset and service transfer agreement.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to authorize the Mayor to amend the Asset and Service Transfer Agreement among Given Memorial Library Inc., and the Village of Pinehurst as presented, by a vote of 5-0.

6. Other Business.

Councilmember Hogeman reported back on February 10th, she attended a Triangle Area Rural Planning Authority zoom meeting. She noted the Moore County Municipal member seat is vacant. Mayor Strickland reported this position is already being worked on and nominations have been made. Councilmember Hogeman stated there was also discussion around the STIP list and noted the revised shortened list of these projects will be released soon.

7. Comments from Attendees.

- Marcus Lerosé stated he and his wife currently manage over 150 long-term residential properties and 45 short-term rentals through their business of Sandy Hills Rentals and Coldwell Banker Advantage. He stated during the last meeting, Council rolled out a list of goals to accomplish and he stated he wanted to address a few of these goals. He stated he believed neighborhoods will always remain predominantly occupied by long-term residents and most people would not even be able to tell the difference between long and short-term residents. He noted any type of government regulation relating to neighborhoods would be an invasion of personal property rights. He stated short term rentals do not adversely impact property values and neighborhoods and as an owner of one of the largest real estate companies in Moore County, he can assure Council that short-term rentals do not affect property values adversely. Mr. Lerosé stated government does not have the right to tell someone what they can and cannot do with their property if they're meeting current building codes and staff is already addressing trash complaints and other ordinance violations by property owners.
- Michael Patterson, attorney at Charleston South Carolina, stated he uses sandhills rentals for his short-term rental and supports short-term rentals. He reported according to a September 2020 article in the Pilot, visitors to Moore County

provided a \$563 million economic impact in 2019, which was up 8% from 2018. He stated the local travel and tourism industry directly employs more than 6300 people in Moore County and through state sales, excise taxes, taxes on personal and corporate income, tourism generated \$28.4 million in tax revenue for Moore County. He reported his wife and he have taken advantage of short-term rentals in Pinehurst for the last 20 year and in 201 they purchased a condo in Pinehurst. He noted that being able to rent his property as a short-term rental allows him to have the option of moving to Pinehurst later.

- Jeffrey Heintz, 225 Lake Forest Drive, states he believes in individual rights, and he is respectful of them. He states he doesn't understand the rental owners not understanding his property rights and his quality of life. He stated what is relevant is the impact it has on him. He stated the people, the short-term rental operators and the neighbors of short-term rental operators want the Council to take some action with respect to this. He stated it is encouraging to hear the balanced format that appears to be evolving at the staff level and Mr. Sanborn's report this evening, as to balancing of the interests of the short-term rental owners and operators and the short-term rental neighbors.
- Jim Nash, 25 lakeview drive east, from downtown business owners thanked the village on working on the parking work. He stated the sign, park here to dine, shop and visit, makes it sound like this is the only place to park if you're going to shop etc. He stated he believes that if it is going to be designated then it should say reserved. In reference to the letter, he noted if 24 spaces are dedicated to shopping and business owners and workers are supposed to park responsibly and remotely than who are the other 287 spaces for. He stated Council should eliminate the signage and just work on the enforcement end of it. Management and employee parking should get on the front end of this and have a backup plan for changing the irresponsible parking habits. He stated he would suggest downtown businesses require their staff, friends, and themselves to set the example.
- Bob Barnore, neighbor of a short-term rental. He stated he lives at 850 Donald Ross Drive, two doors down from one and earshot of three or four short-term rentals and had had no problems. He stated when there are people there, he sees the people and they are enjoying themselves and wave and say hello. He stated in the three years he has lived at the address; he has never had to call the police and he has a pretty good working knowledge of what the ordinances are. He noted when people violate the law and it bothers him, he knows to get on the phone and call the cops and they will take care of things. He stated he encourages the Pinehurst police and Council to arrange to have our ordinances enforced on all residences and notes that trying to carve out short-term rentals for special treatment is a dangerous road to take.
- Brandon Goodman stated he owns three vacation rentals in the Village center that he manages responsibly. He stated a comment was made at the early February meeting that vacation rentals have been a part of Pinehurst since 1895. He stated that comment was remarkably dismissed, and those rentals were somehow different. He noted the only difference is the democratization of their ownership. He stated two of his houses were purpose built in 1896 by James Tufts for the purpose of use by people on vacation and vacation rentals have in fact been a part of Pinehurst for over 125 years. He stated he reviewed the goals that were adopted and can only assume there is a problem identified to warrant each goal. He stated he heard the issues and believes most are perceived. He stated speaking for himself, he has not experienced any of them and has had thousands of folks stay over the years and vacationed in his homes without issue. Mr. Goodman stated nuisance properties are a problem for everyone and so we need to deal with them by using the general statues already afforded to us. He asked Council when did people on vacation become undesirable and what data supports that. He stated if this is your conclusion that folks on vacation are undesirable, then why would you want them at all.
- John Kinser, 600 linden road property owner, rents through sandhills. We were one of those groups who came and stayed and fell in love with Pinehurst. We bought a lot on Linden Road and have had great people stay there. He stated we are on the side of the historic preservation and character pioneers because that is what we fell in love with. He noted without this short-term rental we could not own this house. He stated we hope to move here one day. He stated if this right is restricted it would be very detrimental to me as a property owner in Pinehurst. He stated we do want to make sure property owners are respected and permanent residents are not subject to any kind of nuisance for our properties we have had. He noted they have had zero complaints about their property, and they ensure their renters know this is not a party district, that there are neighbors close by, and the noise after certain hours is not allowed. He stated he wanted to give the perspective of a property owner and without what he can do now, he would not be able to own his home in Pinehurst.

- Kelly Curren stated she is the broker/owner of Next Home in the Pines and currently manages two properties in Pinehurst and the Shermans at 5 Magnolia have asked her to come and represent them. She stated that listening to everything that is going on here, she must say that her properties do follow all the ordinances of Pinehurst and there have been no complaints that she is aware of through the police department. She stated you have heard from a lot of people about vacation rentals that they are coming here to rent properties and visit the area. She noted her properties have been rented from several people who are now residents for overflow for private wedding and family. She noted they had a holiday party for the kids of the six-to-eight-year-olds with the nannies that were from right next door. She stated there are a lot of uses for vacation rentals and its not always just groups and people from out of town coming here.

8. Motion to Adjourn.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 5:30 p.m.

Respectfully Submitted,



Kelly Chance,
Village Clerk

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

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

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

Values: Service, Initiative, Teamwork, and Improvement