



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF FEBRUARY 9, 2021
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, February 9, 2021 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina and via the electronic meeting platform ZOOM. The meeting was streamed in real time on the Village's website.

The following were in remote attendance:

Mr. John C. Strickland, Mayor
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember

The following were in attendance in Assembly Hall:

Ms. Beth Dunn, Village Clerk

And approximately 6 attendees, including 4 staff and 1 press.

1. Call to Order.

Mayor Strickland, called the Village Council meeting to order.

2. Reports:

Village Manager

- Reported that the FY 2021 resurfacing project is almost complete. Monticello, which is in progress now, is the last road to be resurfaced. In this contract, 4.2 miles of resurfacing will be completed. We do expect to have small funds left over, which can be rolled into next year's funds since it is not a significant amount.
- Next Thursday we will hold virtual public workshops for the Small Area Plans. Currently there are 180 participants signed up for the workshop. More information on the workshop and to sign up please visit the Village website at www.vopnc.org.

Village Council

- Mayor Strickland stated vaccination operations at the Fair Barn are going well. Hopefully the County will receive more vaccines soon. He also noted he attended the Partners in Progress meeting today and Pat Corso, Executive Director, announced he will be retiring in May. The NCDOT gave a presentation at the meeting. The NC First Commission has some recommendations for raising revenues for NCDOT. They reported funding still remains a concern for the NC Moves 2050 program. NCDOT reported that the Page Road and Highway 15-501 project is on the work schedule for FY 2022. Improvements at Highway 211 and Gun Club are a couple years out, however, NCDOT recognizes the issues there. Several projects related to the widening and installing turning lanes on Highway 15-501 are still on the schedule over the next couple of years. NCDOT is mindful that these projects will have to work around the upcoming U.S. Opens in 2024 and 2029

- Mayor Pro Tem Davis stated that Byrd Gwinn passed away from complications of COVID-19. He was a long time member of the Planning and Zoning Board.
- Councilmember Drum stated the NCDOT is starting to think dynamic and be innovated with their plans for funding, as they see gas tax revues declining with the increased use of electric cars.
- Councilmember Hogeman stated Beautification Committee is working on their budget and project planning for FY 2022. New landscaping projects at intersections along Highway 5, such as Monticello, Blake Blvd., and Lake Forest Drive. Also, they are looking at improvements from McDonald to Highway 211, which the BPAC is also looking at installing sidewalks along that stretch of highway.
- Councilmember Boesch stated she is pleased with the National Park Service (NPS) study and the community involvement in the public meetings last week. It was good for the public to have a positive experience with the NPS.

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.

- Approval of Village Council Meeting Minutes.
 - January 19, 2021 Special Meeting
 - January 19, 2021 Closed Session
 - January 26, 2021 Special Meeting
 - January 26, 2021 Closed Session
 - January 26, 2021 Regular Meeting
 - January 26, 2021 Work Session

End of Consent Agenda.

Upon a motion by Councilmember Drum, seconded by Councilmember Boesch, Council unanimously approved the Consent agenda by a vote of 5-0.

4. **Motion to Recess Regular Meeting and Enter into a Public Hearing.**

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to recess the regular meeting and enter into a public hearing, by a vote of 5-0.

5. **Public Hearing No. 1.**

Darryn Burich, Planning and Inspections Director stated this public hearing is to receive public comments on a proposed moratorium on real estate development activities in two specific geographic areas within the Village of Pinehurst. The areas are identified as the Village Place/Rattlesnake Trail Corridor area and the Pinehurst South/ NC Highway 5 Commercial Area (Focus Area 4 and 2 of the 2019 Comprehensive Plan). The length of the proposed moratorium is 9 months, which coincides with the Small Area Plans schedule. Moratoriums are permitted under NCGS 160D-107. Public Hearing notices were published twice, as required, in The Pilot on January 27, 2021 and February 3, 2021. Mr. Burich stated they also created a page on the Village's website on the proposed moratorium to be as transparent as possible.

Mr. Burich reviewed the two Focus Areas and the existing zoning of each area. Mr. Burich explained the purpose for the moratorium is to implement recommendations of the 2019 Comprehensive Plan, as existing conditions are not congruent with the plan and also allow Small Area Plans to be developed with form based codes. The need for the moratorium is from increasing development pressure in both the Focus Areas, incompatible zoning and land use, and incompatible development occurring. Mr. Burich noted that alternatives to a moratorium were considered, such as proactive zoning changes, formulating new zoning regulations, and doing nothing. Mr. Burich explained that the proposed moratorium will not prohibit all development activity. Mr. Burich explained there are 5 statutory exclusions and 6 additional exceptions that will allow development:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,

5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes.
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance.
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.
11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Council discussed the language in the proposed ordinance for the duration and provision for extension, if necessary. Mr. Burich explained the Small Area Plan adoption phase is scheduled to start in June and a 9 month moratorium should cover the adoption phase.

Public Comments:

No public comments were heard or received.

6. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved to adjourn the public hearing and re-enter the regular meeting, by a vote of 5-0.

7. Discuss and Consider an Ordinance for a Moratorium for the Village Place/Rattlesnake Trail Corridor and the Pinehurst South/NC Highway 5 Commercial Area (Focus Area 4 and 2 of the 2019 Comprehensive Plan).

Mayor Strickland stated that today's regular meeting would be recessed until tomorrow, February 10, 2021, at 6:00 p.m. to allow a 24 hour public comment period on the proposed moratorium.

8. Presentation of Financial Statements for the Quarter Ended December 31, 2020.

Brooke Hunter, Financial Services Director, stated that the Village remains in a good financial position through the first half of the fiscal year, despite the economic impacts of the COVID-19 pandemic. Revenues exceeded expenditures by a larger margin than anticipated in the forecast for the first two quarters. In addition, operating expenditures are below expected levels and revenue outlook is on target. The Village's General Fund is showing \$5.6 million in income for the first six months of the year, which is lower than the \$7.3 million the prior year. As a reminder, last year contained the return of \$1 million previously contributed to the Given Memorial Library capital expansion campaign. Ms. Hunter noted that for this quarter, the Village made an early debt payoff for its last remaining installment financing debt obligation and as of December 31, 2020, the Village has no installment financing debt.

Ms. Hunter explained that for local option sales taxes, the adopted budget forecast was a 5% decrease over the previous year for the first quarter and no change in collections over the previous year for the remaining quarters, due to the known impacts of COVID-19. So far, the actual local option sales tax collections for the first four months of the year are running 8.9% ahead of the previous year's collections. Ms. Hunter explained a few minor revenue sources decreased as a result of COVID-19 restrictions and facility closures. These include Fair Barn revenue, recreation fees, athletic fees, and event sponsorship revenue. Ms. Hunter noted that in some cases, these decreased revenues were offset with fewer expenditures. General fund operating expenditures were \$1,336,000, or 14%, below the quarterly budget. This variance is above the expected expenditure variance of 5%; however, differences of this nature are typical at this point in the year.

Ms. Hunter stated that the Village issued 71 single-family residential building permits valued at \$18,051,000 during the first two quarters compared to 89 the previous year. The average value of these homes decreased from \$292,000 to \$254,000, or 13%, when compared to the previous fiscal year. The Village expects to exceed the forecasted number of 100 homes constructed by year-end.

Ms. Hunter explained that Fair Barn rentals were directly affected by the pandemic with state-mandated facility closures. Staff worked with the Health Department to classify the Fair Barn as a convention center, which allowed us to begin hosting events with a maximum of 100 guests. A total of six paid events were held during the second quarter. Due to the extensive restrictions, as of December 31, the Fair Barn covered only 12% of operating expenditures with operating revenues compared to the 75% coverage achieved at this point last year. The Harness Track covered 61% of its operating expenditures compared to 77% the previous year, primarily due to five trainers who did not return and a couple of trainers who brought fewer horses. Canadian travel restrictions, related to COVID-19, played a role in the lower revenue this season. Ms. Hunter noted that fortunately, soccer and lacrosse practices occurring at the track has brought in some additional revenue for the track.

Mayor Strickland asked if there is guidance on sales tax revenues from the estate. Ms. Hunter stated that the League of Municipalities issues a revenue bulletin each year, which should come out the end of March. Mayor Pro Tem Davis asked about the estimated construction costs on residential permits. Jeff Sanborn, Village Manager, stated that the construction cost listed is what is listed at the time of construction permit and the real number isn't until the assessed value is added to the tax rolls, after construction of the home.

9. Discuss and Consider Resolution Amending the Village's Fund Balance Policy.

Brooke Hunter, Financial Services Director, explained this agenda item is to discuss and consider a resolution amending the Village's Fund Balance Policy. Council discussed staff's recommended changes to the Fund Balance Policy at their work session on January 26th. The changes being proposed to the Fund Balance Policy are to modify from "in the range of 30% - 40%" to a "minimum of 30%" and to add a section to include a provision to commit a percentage of fund balance for future capital needs, if fund balance at year end exceeds 40% of actual General Fund expenditures.

Ms. Hunter stated that after Council's previous work session, staff consulted with the UNC School of Government about the necessary steps to meet Governmental Accounting Standards Board (GASB) reporting requirements to commit fund balance. They recommended approving a separate resolution each year, since policies themselves are not legally binding. This step also ensures a clear trail of Council's intent to commit the funds for future capital annually.

Ms. Hunter explained if Council approves the recommended amendment to the Village's Fund Balance, Village staff would bring forth a resolution to commit fund balance for capital needs to the Council each June, along with the subsequent year's budget ordinance. This would allow the Council to take deliberate action about the amount of fund balance it wants to commit for future capital needs each year. The calculation of fund balance committed for capital would occur after fiscal year end and would be reported in the Comprehensive Annual Financial Report (CAFR) and in the Quarterly Financial Statements presented to the Council each quarter.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approve resolution 21-03 amending the Village of Pinehurst Fund Balance Policy as revised, by a vote of 5-0.

10. Other Business.

- No other business was discussed.

11. Comments from Attendees.

- Collett Kolinski, Queens Court, stated that she has some documents related to Protecting and Retaining Trees in North Carolina, in which she shared copies with Council.
- Timothy L. Kempf, 1290 Burning Tree Road, submitted the following comments by email: As a citizen of the Village of Pinehurst and Moore County, I wish to express my deep concern and strong disagreement over the government's harmful and unreasonable violation of my God given rights to Life, Liberty, and the Pursuit of Happiness by the State and Federal Government. The following is a list of grievances that the above "elected" officials have levied against "We the People":
 1. Forced to wear a mask without choice. A gross violation of our God given rights.
 2. Slander and libel by labeling any individual that does not support the tyrannical government as "Domestic Terrorists", "Nazis", and "Extremist Organizations" causing people to be fired from jobs, ridiculed by leftist supporters, and threatened

with violence. A gross violation of our God given rights.

3. Violations of privacy by listening and recording private conversations through the use of technology such as computers, cell phones, and smart devices. A gross violation of the Fourth Amendment of the Constitution.

4. Censoring speech. A gross violation of the First Amendment of the United States Constitution.

5. Passing and/or attempting to pass laws to prevent ownership of arms. A gross violation of the Second Amendment of the United States Constitution.

6. Writing executive orders to bypass the legislative process and the spirit of the law. Gross violation of every article in the United States and North Carolina Constitutions.

First, I would like to recommend the Village of Pinehurst and Moore County put a law into place that allows for a vote by county elected officials to determine whether or not a federal and/or executive order violates the constitutional rights of the people of Moore County. If so, Moore County reserves the right to declare itself a "Sanctuary County" free of the executive order that violates constitutional rights.

Second, I would like to recommend the formation of a well-regulated volunteer reserve deputy force that can be trained and supervised under the direction and control of the Moore County Sheriff that can be deputized in order to protect and defend the county's "Sanctuary" status if needed.

12. Motion to Recess the Regular Meeting.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to recess the regular meeting until February 10, 2021 at 6:00 p.m., by a vote of 5-0 at 6:07 p.m.

13. Motion to Reconvene the Regular Meeting.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Hogeman, Council unanimously approved to reconvene the regular meeting at 6:00 p.m. on February 10, 2021, by a vote of 5-0.

14. Discuss and Consider an Ordinance for a Moratorium for the Village Place/Rattlesnake Trail Corridor and the Pinehurst South/NC Highway 5 Commercial Area (Focus Area 4 and 2 of the 2019 Comprehensive Plan).

Village Clerk, Beth Dunn, read 1 public comment submitted in regards to the Public Hearing held on February 9, 2021.

- Kaye Pierson, Pinehurst Resident, submitted the following comment by email: I wish to give my full support of the proposed temporary moratorium for development in the two identified focus areas of the present Long Range Comprehensive Plan and applaud your efforts going forward.

Councilmember Hogeman asked if the proposed 9 month period for the moratorium would allow enough time for the required notice period to hold the public hearings to amend the Comprehensive Plan, should those recommendations come from the Small Area Plans. Mr. Sanborn stated we think it's enough time and can certainly be extend if we need to with the statutory provision that allow us to.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved ordinance 21-03 adopting a moratorium on real estate development activity in specific geographic areas within the Village of Pinehurst and the Village of Pinehurst Extraterritorial Jurisdiction, by a vote of 5-0.

15. Motion to Adjourn the Regular Meeting.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved to adjourn the regular meeting, by a vote of 5-0 at 6:08 p.m.

Respectfully Submitted,



Beth Dunn,
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