



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF SEPTEMBER 13, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a work session at 7:09 p.m., Tuesday, September 13, 2022, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance:

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

And approximately 13 attendees, including 6 staff and 1 press.

1. Call to Order.

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

2. Recommendation of Architectural Firm Finalists for the Memorial Library & Tufts Archives Renovation.

Doug Willardson, Assistant Village Manager, presented Village Council with an update on recommendations for potential Architectural Firms for the Given Memorial Library and Tufts Archives renovation design. He reported the Village received seven proposals, all of which are from firms located in or have offices located in North Carolina.

Mr. Willardson stated an evaluation committee made up of the Assistant Village Manager of Operations, himself, the Library Director, Assistant Library Director, and the Planning Supervisor, reviewed each of the proposals. He noted the evaluation committee recommends CPL Team, Clearscapes, and Oakely Collier Architects as finalists to the Council. He stated these firms stand out as having the qualifications and experience to provide the Village with a great product, including experience designing distinguished libraries and work with historical buildings. He noted each have completed high-quality projects in the Village previously.

Council will interview each of the finalists and announce the decision at a future Village Council meeting.

3. Discuss Peddling and Soliciting Municipal Code.

Jeff Sanborn, Village Manager, and Kelly Chance, Village Clerk, addressed Council on the need for changes to the current Municipal Code, Chapter 110: Peddling and Soliciting on Private Property. Mr. Sanborn reported the Village of Pinehurst Police Department can no longer run a background check for non-criminal purposes and Village Staff can not run a background check on individuals not seeking employment with the Village. Staff recommended that Council consider eliminating for-profit solicitation in the Village of Pinehurst.

Mayor Strickland and Council concurred that their wishes were to rework the Municipal Code to eliminate for-profit solicitation and Staff will present the proposed changes for discussion and consideration at a future Council regular meeting.

4. Status Update of Stormwater Management and Master Plan.

Mike Apke, Public Services Director, presented Council with an overview of the Stormwater Management and Master plan initial findings and recommendations, to seek Council guidance. He reported the Project Oversight Group members are Jeff Batton, Asst. Village Manager, himself, Darryn Burich, Planning & Inspection Director, Megan Skjellerup, Asst. Public Services Director, Michael Hanson, P.E. with McGill, and David Honeycutt, P.E. with McGill.

Mr. Apke reported the Village of Pinehurst has engaged McGill Associates to assist with the preparation of a Stormwater Management and Master Plan in response to the VOP's 2019 Comprehensive Plan identification of the expansion and enhancement of stormwater management efforts as a "Strategic Opportunity." He defined stormwater as water that naturally accumulates because of rain or snow. He noted property owners are ultimately responsible for managing stormwater across their land, including residential lots, and stated as a property owner, the Village is subject to the same rules and regulations as private property owners. He further noted that pipes and ditches within the public right-of-way along Village maintained streets are the responsibility of the Village and stated the Village Council allocated \$385,000 in FY23 for small drainage projects.

Mr. Apke stated in 1977, the NC Supreme Court adopted the "Rule of Reasonable Use" which is based on the premise that water naturally flows downhill. He stated private landowners have the legal right to make reasonable use of their land and the person on the lower estate must receive and pass water from the higher estate. He noted disputes between private landowner can be resolved in civil court actions. Mr. Apke reported on a couple of project successes in the Village, such as the Village Green Parking Lot which was designed using an underground Chamber Storage and infiltration. He stated another success was at the Cannon Park Parking Lot, which utilized the process of dry detention. He noted other projects included Pinehurst Coins and Royal Oak Townhomes.

Mr. Apke stated the primary purposes of the Plan, which has been divided into two (2) phases, are to identify effective strategies, evaluate funding mechanisms, and guide the future of stormwater management in Pinehurst. He noted Phase 1 will include reviewing existing VOP policies, ordinances, regulations, and work order tickets to note trends and issues in Pinehurst. He stated they will also review Design Storm and Return Frequency during this phase. He noted they will review options, seek public engagement, and then provide recommendations for implementing standards for post-construction maintenance.

Mr. Apke stated Phase 2 will assist with solutions in "problem areas" identified in the public input phase and a determination on funding needs completed. He noted at this phase they will analyze whether the creation of a stormwater utility is feasible and/or desirable for the Village, while also evaluating advantages, disadvantages, and feasibility of establishing a delegated erosion control program in lieu of using NCDEQ for these services.

Mr. Apke reported the preliminary recommendations from McGill were to not recommend adding water quality criteria at this time, no buffer changes, do implement specific SCM Maintenance inspection guidelines, and do create a Stormwater Development Manual. He noted staff will complete work on the project and present Council with the full document by the end of December 2022 to allow inclusion of staffing or funding changes in FY24 budget requests.

5. Discuss Proposed Nuisance Lighting Regulations

Jeff Sanborn, Village Manager, stated there has been a substantial number of complaints about a lighted display on a private property parcel that is impacting some of the neighbors. He noted he looked at the current municipal code in chapter 92, under the pollutants and noise control section, to pull from the framework that exists, to take a stab at a way to address the concern. He noted he tried to work through the enforceability part, which is challenging, and he will continue to work on the proposed changes and present them at a future meeting.

6. Discuss Moratorium Extension for Small Area Plan Areas.

Darryn Burich reported that the current moratorium extension is due to expire on October 6 and he is seeking guidance from Council on whether they want to extend it for another 120 days or end it. Council discussed the legal risk if it was continued and requested that Darryn research further the legalities. They noted if plausible they would like to extend the moratorium for an additional 120 days.

7. Discuss and Review Planning & Zoning Board Recommendations on STRs.

Darryn Burich provided a follow-up on the Planning & Zoning Board recommendations on short-term rentals. Council concurred that the next step will be to hold a public hearing on September 27th, with an opportunity to discuss any legal concern with the Village Attorney, and then work toward having a final decision within the next couple of Council meetings.

8. Other Work Session Business

No other work session business was discussed.

9. Potential Future Agenda Items

Councilmember Boesch requested to have the traffic circle discussion placed on a near future work session agenda.

10. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved to adjourn the work session, by a vote 5-0, at 9:39 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