



**VILLAGE COUNCIL  
AGENDA FOR REGULAR MEETING OF FEBRUARY 27, 2018  
ASSEMBLY HALL  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA  
4:30 PM**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Reports:
  - Manager
  - Council
4. Presentation of resolution honoring Jim Lewis for his service on the Historic Preservation Commission.
5. 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. Budget Amendments Report
- B. Public Safety Reports.
  - Police Department
  - Fire Department
- C. Approval of Draft Village Council Meeting Minutes.
  - January 30 Special Meeting
  - February 7 Special Meeting
  - February 13 Regular Meeting
  - February 13 Work Session

End of Consent Agenda.

6. Consider a request for event sponsorship for The Festival D'Avion.
7. Presentation and update on the Community Center design project.
8. Motion to Recess the Regular Meeting and Enter into a Public Hearing.
9. Public Hearing No. 1

The purpose of the public hearing is to consider Official Text Amendments to the Pinehurst Development Ordinance. Specifically, Section 10.2 to define Small/Micro Wireless Facility, Table 8.5.1a to permit Small/Micro Wireless Facilities by right with Special Requirements in all zoning districts, and adding Section 8.6 SR-30 to specify the Special Requirements associated with Small/Micro Wireless Facilities. The applicant is the Village of Pinehurst.

10. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
11. Discuss and consider an ordinance amending the Pinehurst Development Ordinance Table 8.5.1a "Table of Permitted and Special Uses and Special Requirements", Section 8.6 "Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements and Section 10.2 "Definitions"
12. Other Business.
13. Comments from Attendees.
14. 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.*



**BUDGET AMENDMENTS REPORT  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

John Frye

**CC:**

Jeff Sanborn & Natalie Hawkins

**DATE OF MEMO:**

2/19/2018

**MEMO DETAILS:**

Attached is the report of budget amendments approved by the Budget Officer as required for the current period.

**ATTACHMENTS:**

Description

□ Budget Amendments Report

**VILLAGE OF PINEHURST  
BUDGET AMENDMENTS APPROVED BY BUDGET OFFICER  
FOR THE PERIOD JANUARY 17 - FEBRUARY 15, 2018**

Under Village of Pinehurst Ordinance #17-07, the Village Council grants the Budget Officer, or Village Manager, the ability to transfer appropriations under specific conditions. These conditions allow transfers of up to \$10,000 between departments (including contingency) of the same fund for the FY 2018 Budget. The Budget Officer may not transfer monies between funds at any time.

According to Section 159-15 of The Local Government Budget and Fiscal Control Act, "any such transfers shall be reported to the governing board at its next regular meeting and shall be entered in the minutes". Listed below are the amendments authorized by the Budget Officer for the period specified above.

Note: Since appropriations are made at the department level, line item adjustments within the same department may be made without limit and do not require a report since they do not actually amend the adopted budget ordinance.

	<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>APPROVED DATE</u>
<b>1</b>	10-00-970-7100	Buildings & Grounds-Capital Outlay: Land	\$ 10,000		1/29/2018
	10-00-970-9999	Buildings & Grounds-Contingency		\$ 10,000	
	10-80-610-7120	Parks & Recreation-Capital Outlay: B&G Land Charges	\$ 10,000		
	10-80-610-5904	Parks & Recreation-B&G Maintenance ISF Charges <i>(Amendment to cover additional costs associated with demolition of the pool at Cannon Park that were higher than the original estimates.)</i>		\$ 10,000	
<b>2</b>	10-20-420-7410	Streets & Grounds-Capital Outlay: Fleet Equipment Charges	\$ 10,000		2/12/2018
	10-30-510-5300	Solid Waste-Contracted Services		\$(10,000)	
	10-00-960-7400	Fleet-Capital Outlay: Equipment	\$ 10,000		
	10-00-960-3560	Charges to Other Departments <i>(Amendment to move funds from Solid Waste-Contracted Services to Streets &amp; Grounds-Capital Outlay to purchase an additional snow plow and salt spreader to increase snow removal capacity.)</i>		\$ 10,000	





**PUBLIC SAFETY REPORTS.  
ADDITIONAL AGENDA DETAILS:**

Police Department  
Fire Department

**FROM:**

Lauren Craig

**DATE OF MEMO:**

2/21/2018

**MEMO DETAILS:**

The monthly public safety reports are attached.

**ATTACHMENTS:**

Description

- ☐ Police Department Report
- ☐ Fire Department Report

# Incident IBR Reported Offenses Month To Month Comparison

## Pinehurst Police Department

January 2018 - January 2017

Part I Offenses	January 2017	January 2018	+/-	Percent Changed	Year-To-Date 2017	Year-To-Date 2018	+/-	Percent Changed
Murder	0	0	0	0%	0	0	0	0%
Rape	0	0	0	0%	0	0	0	0%
Robbery	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Individual	0	0	0	0%	0	0	0	0%
Assault	0	0	0	0%	0	0	0	0%
<b>Violent Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
Burglary	1	0	-1	-100%	1	0	-1	-100%
Residential	1	0	-1	-100%	1	0	-1	-100%
Non-Residential	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Other	0	0	0	0%	0	0	0	0%
Larceny	8	7	-1	-13%	8	7	-1	-13%
Auto Theft	0	0	0	0%	0	0	0	0%
Arson	0	0	0	0%	0	0	0	0%
<b>Property Total:</b>	<b>9</b>	<b>7</b>	<b>-2</b>	<b>-22%</b>	<b>9</b>	<b>7</b>	<b>-2</b>	<b>-22%</b>
<b>Part I Total:</b>	<b>9</b>	<b>7</b>	<b>-2</b>	<b>-22%</b>	<b>9</b>	<b>7</b>	<b>-2</b>	<b>-22%</b>

Part II Offenses	January 2017	January 2018	+/-	Percent Changed	Year-To-Date 2017	Year-To-Date 2018	+/-	Percent Changed
Drug	17	29	12	71%	17	29	12	71%
Assault Simple	1	0	-1	-100%	1	0	-1	-100%
Forgery/Counterfeit	0	0	0	0%	0	0	0	0%
Fraud	2	4	2	100%	2	4	2	100%
Embezzlement	0	0	0	0%	0	0	0	0%
Stolen Property	2	0	-2	-100%	2	0	-2	-100%
Vandalism	1	0	-1	-100%	1	0	-1	-100%
Weapons	3	0	-3	-100%	3	0	-3	-100%
Prostitution	0	0	0	0%	0	0	0	0%
All Other Sex Offenses	0	0	0	0%	0	0	0	0%
Gambling	0	0	0	0%	0	0	0	0%
Offenses Against Family/Children	0	0	0	0%	0	0	0	0%
D.W.I.	0	6	6	-	0	6	6	-
Liquor Law Violation	0	0	0	0%	0	0	0	0%
Disorderly Conduct	0	1	1	-	0	1	1	-
Obscenity	0	0	0	0%	0	0	0	0%
Kidnap	0	0	0	0%	0	0	0	0%
All Other Offenses	11	28	17	155%	11	28	17	155%
<b>Part II Total:</b>	<b>37</b>	<b>68</b>	<b>31</b>	<b>84%</b>	<b>37</b>	<b>68</b>	<b>31</b>	<b>84%</b>
<b>Incident Total:</b>	<b>46</b>	<b>75</b>	<b>29</b>	<b>63%</b>	<b>46</b>	<b>75</b>	<b>29</b>	<b>63%</b>

# Arrest IBR Reported Offenses Month To Month Comparison

## Pinehurst Police Department

January 2018 - January 2017

Part I Offenses	January 2017	January 2018	+/-	Percent Changed	Year-To-Date 2017	Year-To-Date 2018	+/-	Percent Changed
Murder	0	0	0	0%	0	0	0	0%
Rape	0	0	0	0%	0	0	0	0%
Robbery	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Individual	0	0	0	0%	0	0	0	0%
Assault	0	0	0	0%	0	0	0	0%
<b>Violent Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
Burglary	0	1	1	-	0	1	1	-
Residential	0	0	0	0%	0	0	0	0%
Non-Residential	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Other	0	0	0	0%	0	0	0	0%
Larceny	2	2	0	0%	2	2	0	0%
Auto Theft	0	0	0	0%	0	0	0	0%
Arson	0	0	0	0%	0	0	0	0%
<b>Property Total:</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>50%</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>50%</b>
<b>Part I Total:</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>50%</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>50%</b>

Part II Offenses	January 2017	January 2018	+/-	Percent Changed	Year-To-Date 2017	Year-To-Date 2018	+/-	Percent Changed
Drug	28	22	-6	-21%	28	22	-6	-21%
Assault Simple	1	0	-1	-100%	1	0	-1	-100%
Forgery/Counterfeit	0	0	0	0%	0	0	0	0%
Fraud	0	0	0	0%	0	0	0	0%
Embezzlement	0	0	0	0%	0	0	0	0%
Stolen Property	0	1	1	-	0	1	1	-
Vandalism	0	2	2	-	0	2	2	-
Weapons	3	0	-3	-100%	3	0	-3	-100%
Prostitution	0	0	0	0%	0	0	0	0%
All Other Sex Offenses	0	0	0	0%	0	0	0	0%
Gambling	0	0	0	0%	0	0	0	0%
Offenses Against Family/Children	0	0	0	0%	0	0	0	0%
D.W.I.	2	6	4	200%	2	6	4	200%
Liquor Law Violation	0	0	0	0%	0	0	0	0%
Disorderly Conduct	0	1	1	-	0	1	1	-
Obscenity	0	0	0	0%	0	0	0	0%
Kidnap	0	0	0	0%	0	0	0	0%
All Other Offenses	26	23	-3	-12%	26	23	-3	-12%
<b>Part II Total:</b>	<b>60</b>	<b>55</b>	<b>-5</b>	<b>-8%</b>	<b>60</b>	<b>55</b>	<b>-5</b>	<b>-8%</b>
<b>Arrest Total:</b>	<b>62</b>	<b>58</b>	<b>-4</b>	<b>-6%</b>	<b>62</b>	<b>58</b>	<b>-4</b>	<b>-6%</b>



HISTORY, CHARM, AND SOUTHERN HOSPITALITY\_\_\_\_\_

## SUMMARY FOR THE MONTH OF JANUARY 2018

### SUMMARY OF INCIDENT CALLS

	<i>NUMBER THIS MONTH</i>	<i>NUMBER YTD</i>	<i>NUMBER THIS MONTH LAST YEAR</i>	<i>NUMBER YTD LAST YEAR</i>	<i>PERCENTAGE YTD</i>
<b>TYPE OF INCIDENT</b>					
Fire	2	2	3	3	-33%
Overpressure Rupture, Explosion, Overheat - no fire	3	3	0	0	300%
Rescue & EMS Incidents	57	57	44	44	30%
Hazardous Conditions - no fire	15	15	14	14	7%
Service Call	37	37	38	38	-3%
Good Intent Call	42	42	24	24	75%
False Alarm & False Call	32	32	34	34	-6%
Severe Weather & Natural Disaster	2	2	0	0	200%
Special Incident Type	0	0	0	0	0%
<b>TOTAL INCIDENTS</b>	<b>190</b>	<b>190</b>	<b>157</b>	<b>157</b>	<b>21%</b>

### SUMMARY OF INSPECTION

	<i>NUMBER THIS MONTH</i>	<i>NUMBER YTD</i>	<i>NUMBER THIS MONTH LAST YEAR</i>	<i>NUMBER YTD LAST YEAR</i>	<i>PERCENTAGE YTD</i>
<b>TYPE OF INSPECTIONS</b>					
Residential	8	8	11	11	-27%
Residential New Systems	0	0	0	0	0%
Residential Fire Sprinkler	0	0	0	0	0%
Commercial	11	11	20	20	-45%
Plan Review/Site Inspections	0	0	4	4	-100%
Reinspection	0	0	15	15	-100%
Occupancy Certificates	0	0	0	0	0%
<b>TOTAL INSPECTIONS</b>	<b>19</b>	<b>19</b>	<b>50</b>	<b>50</b>	<b>-62%</b>
Violations Found:	16	16	41	41	-61%
YTD Violations to be Corrected:		0		0	
YTD Violations Corrected:		0		0	
Correction Percentage:		0%		0%	

February 1, 2018

\_\_\_\_\_  
J. Carlton Cole, Fire Chief

FIRE DEPARTMENT

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-5575 • Fax (910) 295-4861 • [www.vopnc.org](http://www.vopnc.org)



**APPROVAL OF DRAFT VILLAGE COUNCIL MEETING MINUTES.  
ADDITIONAL AGENDA DETAILS:**

January 30 Special Meeting  
February 7 Special Meeting  
February 13 Regular Meeting  
February 13 Work Session

**FROM:**

Lauren Craig

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

2/21/2018

**MEMO DETAILS:**

See attachments for draft minutes.

**ATTACHMENTS:**

Description

- ☐ January 30 Special Meeting
- ☐ February 7 Special Meeting
- ☐ February 13 Regular Meeting
- ☐ February 13 Work Session



**VILLAGE COUNCIL  
AGENDA FOR SPECIAL MEETING OF JANUARY 30, 2018  
COUNCIL CONFERENCE ROOM  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA**

**Interviews for Comprehensive Plan Consultants:**

Tuesday, January 30 at 12:00pm  
Wednesday, January 31 at 9:00am  
Wednesday, January 31 at 12:00pm  
Monday, February 5 at 1:30pm

The Pinehurst Village Council held a Special Meeting at 12:00 p.m., Tuesday, January 30, 2018 in the Council Conference Room of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor  
Mr. John Bouldry, Treasurer  
Mr. John R. Cashion, Mayor Pro Tem  
Ms. Judy Davis, Councilmember  
Mr. Kevin Drum, Councilmember  
Mr. Jeffrey M. Sanborn, Village Manager  
Ms. Natalie Hawkins, Assistant Village Manager

And approximately 3 attendees, including 3 staff and 0 press.

**1. Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order.

**2. Interviews for the Long Range Comprehensive Plan Consultant Candidates.**

The Village Council conducted the first interview with Rhodeside & Harwell, Inc. on January 30 at 12:00pm. The candidate presented their proposal to conduct the Village of Pinehurst Long Range Comprehensive Plan and the Village Council asked questions about their proposal and services. Upon a motion by Councilmember Bouldry, seconded by Councilmember Cashion, Council approved to continue the meeting until Wednesday, January 31 at 9:00am by a vote of 5-0 at 2:15pm.

Mayor Fiorillo reconvened the Special Meeting on January 31, 2018 at 9:00am. And approximately 3 attendees, including 3 staff and 0 press were in attendance. The Village Council conducted the second interview with Clarion Associates, LLC. The candidate presented their proposal to conduct the Village of Pinehurst Long Range Comprehensive Plan and the Village Council asked questions about their proposal and services. Council recessed the meeting for lunch at 11:30am.

Mayor Fiorillo reconvened the Special Meeting on January 31, 2018 at 12:00pm. And approximately 2 attendees, including 2 staff and 0 press were in attendance. The Village Council conducted the third interview with Orion Planning + Design. The candidate presented their proposal to conduct the Village of Pinehurst Long Range Comprehensive Plan and the Village Council asked questions about their proposal and services. Upon a motion by Councilmember Drum, seconded by Councilmember Davis, Council approved to continue the meeting until Wednesday, January 31 at 9:00am by a vote of 5-0 at 3:15pm.

Mayor Fiorillo reconvened the Special Meeting on February 5, 2018 at 1:30pm. And approximately 2 attendees, including 2 staff and 0 press were in attendance. The Village Council conducted the fourth interview with Town Planning & Urban Design. The candidate presented their proposal to conduct the Village of Pinehurst Long Range Comprehensive Plan and the Village Council asked questions about their proposal and services.

**3. Motion to Adjourn.**

Upon a motion by Councilmember Drum, seconded by Councilmember Davis, Council approved to adjourn the Special Meeting by a vote of 5-0 at 4:34pm.

Respectfully Submitted,

Natalie Hawkins  
Assistant Village Manager

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**VILLAGE COUNCIL  
AGENDA FOR SPECIAL MEETING OF FEBRUARY 7, 2018  
COUNCIL CONFERENCE ROOM  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA  
12:30 P.M.**

The Pinehurst Village Council held a Special Meeting at 12:30 p.m., Tuesday, February 7, 2018 in the Council Conference Room of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor  
Mr. John Bouldry, Treasurer  
Mr. John R. Cashion, Mayor Pro Tem  
Ms. Judy Davis, Councilmember  
Mr. Kevin Drum, Councilmember  
Mr. Jeffrey M. Sanborn, Village Manager  
Ms. Natalie Hawkins, Assistant Village Manager  
Ms. Lauren Craig, Village Clerk

And approximately 3 attendees, including 0 staff and 1 press.

**1. Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order.

**2. Discuss and consider selecting a consultant for the Long Range Comprehensive Plan.**

Assistant Village Manager, Natalie Hawkins explained the Council's scoring system and process to completing this for each of the four consultants who were interviewed. She explained the Council had previously determined the factors for the evaluation and the weights for each. The Village Council discussed each of their scoring selections. Upon reviewing the scores from each Councilmember, Ms. Hawkins noted all had ranked Town Planning & Urban Design Collaborative with the highest score individually. Council held a discussion about the innovative qualities, success factors, and team structure/members of Town Planning & Urban Design Collaborative and what impressed them the most about this consultant.

Council formed a unanimous consensus to select Town Planning & Urban Design Collaborative as the consultant for the Long Range Comprehensive Plan. The group discussed putting together a list of best practices from each of the consultants.

Ms. Hawkins explained she will call the companies to communicate the selection decision and staff will begin working on the terms of the agreement. Ms. Hawkins explained she will also clarify several questions with Town Planning & Urban Design Collaborative such as the point of contact, small area plans, branding, and logistics. She explained the contract, once ready for consideration, would require Council's approval at a future Council meeting tentatively slated for March.

**3. Motion to Adjourn.**

Upon a motion by Councilmember Davis, seconded by Councilmember Bouldry, Council approved to adjourn the Special Meeting by a vote of 5-0 at 1:25pm.

Respectfully Submitted,

Lauren M. Craig  
Village Clerk



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**VILLAGE COUNCIL  
AGENDA FOR REGULAR MEETING OF FEBRUARY 13, 2018  
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 13, 2018 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor  
Mr. John Bouldry, Treasurer  
Mr. John R. Cashion, Mayor Pro Tem  
Ms. Judy Davis, Councilmember  
Mr. Kevin Drum, Councilmember  
Mr. Jeffrey M. Sanborn, Village Manager  
Ms. Lauren M. Craig, Village Clerk

And approximately 34 attendees, including 4 staff and 1 press.

**1. Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order.

**2. Reports:**

**Manager**

- Jeff Sanborn gave a report on the temporary school location for Pinehurst Elementary School while it undergoes construction for a new school in the same location. He reported Moore County Schools and the Village has reached a preliminary agreement for the temporary school location to be at Rassie Wicker Park. He explained several details of the preliminary agreement.
- He reported on conversations with the Given Memorial Library through the working group noting they met last week to determine a way forward with this group with hopes for a recommendation next Fall.
- He also reported on the Village's ability to regulate clear cutting. He said staff has been reviewing this for a few weeks and found a way that we might be able to beef this up to help regulate trees and other vegetation for screening and buffering. This has been referred to Planning and Zoning to look into recommendations for this.
- He noted discussion in the community regarding crime stats and if we have an emerging problem with crime in our community and if our police force is right sized. He explained he will present some preliminary data to the Council at the work session this evening.

**Council**

- Mayor Fiorillo said she understood one of the modular buildings proposed for the temporary school site will hold approximately 8 classrooms. She explained this will be a temporary situation and the best situation to keep our community school in the Village.
- Mayor Fiorillo reported she went to the open house for the Welcome Center for the partnership with the CVB.
- Mayor Fiorillo also reported she and Councilmember Cashion attended the Triangle J COG board meeting and she learned of several opportunities that the Village could benefit from, especially if the county joins the Triangle J COG.
- Councilmember Drum appreciated the work to make it low impact and for the negotiations that went along with this. He also said he appreciated the Manager's update on the Library conversation.
- Mayor Fiorillo said the school plans are dependent on the bond referendum passing.
- Councilmember Bouldry said he and Councilmember Cashion attended a transportation meeting and he explained

the process that will be forthcoming with the Moore County Transportation Plan. He explained a delivery of this plan will be delivered in March/April timeframe. He also explained on March 13, the Midland Road Corridor Study will be presented to the Village Council and he encouraged the public to attend this to hear the presentation. He said we can participate in the program called Watch For Me North Carolina for bike and pedestrian safety, education, and enforcement and staff is looking into this program. He also reported he and Molly Rowell will be meeting with the New Leaf Society in Burlington.

- Councilmember Davis said the Library had a good kickoff meeting. She also said they went to the Essentials of Municipal Government training course.

### **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. Consider a resolution honoring Jim Lewis for his service on the Historic Preservation Commission for the Village of Pinehurst.
- B. Approval of Draft Village Council Meeting Minutes.  
01-23 Regular Meeting  
01-23 Work Session

### **End of Consent Agenda.**

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

### **4. Council discussion regarding the request for a recall election provision.**

Manager Jeff Sanborn explained the Village Council received a letter and petition several members in the community earlier this year asking the Village Council to contact Representative Jamie Boles in collaboration with Senator Tillman to initiate the step in the legislative process to allow the Village to amend the Municipal Code to incorporate a Recall Provision. He explained the Council has discussed this a few times and last determined to talk about this topic when the new Councilmembers took their seats on the Council. Village Attorney Mike Newman explained he provided Councilmember Davis and Drum the same packet of information on this matter that the previous Council has received. He explained his position on this topic has not changed. He provided his opinion on the letter that Council received from Deb Wimberly in July 2017. He said there is no reason to make this change. He said everyone here today has in their toolbox the right to vote if they are over the age of 18 and that is their insurance policy.

Audience member John Strickland said Deb Wimberly is away and not able to be at this meeting but he said during the four years for the term of a Councilmember, certain things may happen that would warrant a way to remove certain elected officials from office. He said the standard of these recalls are set very high and he does not have a concern with making this change.

Council held a discussion about the request and determined not to proceed with this request.

### **5. Q2 Update on the Status of the FY 2018 Strategic Operating Plan Implementation.**

Assistant Village Manager Natalie Hawkins presented the Q2 update on the status of the implementation of the FY 2018 Strategic Operating Plan (SOP) Initiative Action Plans (IAPs). She noted 9 were in progress and on schedule and 2 were in progress and not on schedule. Ms. Hawkins also noted 10 out of 11 IAPs achieved the projected performance results in Q2 FY 2018. Council discussed the suggestion to eliminate two IAPs that were discussed during the retreat: Pedestrian Connectivity and Street Lighting. Council also discussed staff's recommendation to eliminate the Employee Engagement Index KPI from the VOP Balanced Scorecard due to the change of how engagement levels are calculated now. Council concurred with staff's recommendations.

### **6. Presentation of Quarterly Financial Statements for the Quarter Ended December 31, 2017.**

Financial Services Director John Frye presented the quarterly financial statements for the quarter ended December 31, 2017. He explained the Village remains in a very good financial position through the first half of the fiscal year. He noted revenues exceeded expenditures by a larger margin than anticipated in our forecast for the first two quarters and our operating expenditures are below expected levels which will allow us to carry out the objectives outlined in the FY 2018 Strategic Operating Plan. Mr. Frye reviewed the detailed report with Council. Council discussed the purpose of the Community Center Capital Project Fund. The Council also discussed the Harness Track and adding this to a work session discussion to make sure we get appropriate feedback from the seasonal people here at the Harness Track. They also discussed local option sales taxes.

### **7. Presentation of Mid-Year Financial Projections and Budget Amendment.**

Financial Services Director John Frye presented the mid-year financial projections. Mr. Frye shared based upon his review, he estimates that the Village's expenditures will exceed its revenues at year-end by approximately \$170,000. He reminded Council although this is a loss, the plan was to use \$295,000 of fund balance in FY 2018 when the budget was adopted. He estimates fund

balance will be approximately 52% of expenditures which is above the policy range. Mr. Frye also explained the need to consider a mid-year budget amendment. Council held a discussion about these projections. Council also discussed the Community Center project and the status. Upon a motion by Councilmember Drum, seconded by Councilmember Davis, Council unanimously approved Ordinance 18-02 amending the budget for the Village of Pinehurst by a vote of 5-0.

**8. Other Business.**

None

**9. Comments from Attendees.**

- Patrick Pizella asked Mr. Frye about the first quarter vs. first quarter last year of income.
- Greg Z. from Southern Pines said he read an article recently about a new Performance Management Director position and he asked what are the Village Managers, Assistant Village Managers, and other staff members doing. He said it is their job to evaluate the performance and the Village Council's job to manage this. He also said nowhere else has a building like Village Hall. He said the Community Center will be more than \$4 million once it is done. He said the list that the Village has are all lists of wants, not needs. He also commented on the results of the election. The Council and Manager responded to these comments.
- MJ said she agrees with Greg Z. and she has not heard about the Community Center and she has been getting information from Judy Davis and she thinks there is duplication of services in this community.
- Rick Beerden said he knows about the Community Center because you read the paper, check internet, and talk to the Council and others in town.

**10. Motion to Adjourn.**

Upon a motion by Councilmember Bouldry, seconded by Councilmember Drum, Council approved to adjourn the Regular Meeting by a vote of 5-0 at 6:13pm.

Respectfully Submitted,

Lauren M. Craig  
Village Clerk

*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*



**VILLAGE COUNCIL  
AGENDA FOR WORK SESSION OF FEBRUARY 13, 2018  
ASSEMBLY HALL  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA**

**IMMEDIATELY FOLLOWING REGULAR MEETING**

The Pinehurst Village Council held a Work Session at 6:25 p.m., Tuesday, February 13, 2018 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor  
Mr. John Bouldry, Treasurer  
Mr. John R. Cashion, Mayor Pro Tem  
Ms. Judy Davis, Councilmember  
Mr. Kevin Drum, Councilmember  
Mr. Jeffrey M. Sanborn, Village Manager  
Ms. Lauren M. Craig, Village Clerk

And approximately 17 attendees, including 4 staff and 1 press.

**1. Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order.

**2. Discuss the request from the Sandhills Woman's Exchange.**

Councilmember John Bouldry thanked the Sandhills Woman's Exchange for their work. He explained he has shared the list of items requested from the Woman's Exchange and what is needed with the Council and staff. He would like to discuss ways the Village can support the Woman's Exchange. Cav Peterson from the Woman's Exchange explained they have been in existence since 1922 and she explained the progress made by the newest board. Ms. Peterson shared the list of items needed. Council held a discussion about these items and suggested they partner with NC DOT regarding signage. Molly Rowell shared a few suggestions for the Woman's Exchange from her experience with the Beautification Committee. Jeff Sanborn suggested he could meet with the representatives separately to provide them with other resources.

**3. Discuss a potential lot donation to the Village of Pinehurst.**

Council formed a consensus to table the remainder of items for the work session discussion to a future meeting in order to adjourn the meeting in a timely manner.

**4. Other Work Session Business.**

- None.

**5. Motion to Adjourn.**

Upon a motion by Councilmember Bouldry, seconded by Councilmember Cashion, Council approved to adjourn the Work Session by a vote of 5-0 at 6:47pm.

Respectfully Submitted,

Lauren M. Craig  
Village Clerk

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**CONSIDER A REQUEST FOR EVENT SPONSORSHIP FOR THE FESTIVAL  
D'AVION.**

**ADDITIONAL AGENDA DETAILS:**

**FROM:**

Mark Wagner

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

2/6/2018

**MEMO DETAILS:**

Staff was contacted by Peter Stillwell with Tarheel Communications regarding a new event, The Festival D'Avion, which is planned for April 27-29, 2018 at the Moore County Airport. The two and a half day event will be similar to the Pinehurst Concours, but with aircraft including displays, exhibits, entertainment, jump teams, helicopter tours and a concert on Saturday evening.

They are reaching out to local businesses, organizations and municipalities to be involved and have asked the Village to be an in-kind sponsor by providing use of our mobile stage for the event. The request is for the stage to be set up by Village staff on Friday, April 27th and be removed on Monday, April 30th. In return for use of the stage and staff, they would make sure the Village receives sponsorship status during the entire event, be recognized on sponsor materials, press release and be provided speaking opportunities.

This request falls under Category B of the Village's Policy regarding Event Sponsorship in which the Village Council may approve of public events coordinated by a commercial entity for at least the partial purpose of earning profit. A copy of the Resolution which adopted this policy is attached.

Peter Stillwell will be in attendance at the meeting to provide additional details and answer any questions that staff or Council may have regarding the event or this request.

Thank you.

**ATTACHMENTS:**

Description

- ☐ Email Request
- ☐ Media Release
- ☐ Sponsorship Policy

**From:** Peter Stilwell [mailto:peterstilwell@tarheelcommunications.com]

**Sent:** Saturday, January 13, 2018 5:29 PM

**To:** Mark Wagner <mwagner@vopnc.org>; Nancy R. Fiorillo <nfiorillo@vopnc.org>; Jeff Sanborn <jsanborn@vopnc.org>; 'Nancy Roy' <nancyroy1@earthlink.net>

**Subject:** Festival D'Avion

Good Afternoon All,

I hope your year is off to a great start.

I am excited to announce that we have launched a new event for the community that will be held on April 27-29, 2018. The event, The Festival D'Avion, will be held at the Moore County Airport and it will be a celebration of freedom and flight. This two and a half day event will be similar to the Pinehurst Concours, but with aircraft. It will include all branches of the military with static displays and it will be one of many events this year that will commemorate the 100<sup>th</sup> anniversary of Fort Bragg. The Festival will have aircraft displays and exhibits, daily entertainment, precision jump teams, helicopter tours, and a celebration concert on Saturday evening. We will announce next week that we will have the Premier Chicago cover band as our concert act. We will also have a NC BBQ Cookoff on Sunday with several NC Pit Masters in attendance. The event will benefit several local charities and we will be contributing to the new Professional Pilot program at Sandhills Community College. Tickets are on sale and we are offering tickets for active duty military at a special family package of 4 tickets for \$10.00.

As this is the inaugural Festival D'Avion and our team is working diligently to assure that the event will be financially sound we are reaching out to local community businesses, organization and municipalities to be involved with this unique event. We realize that the event is not within the boundaries of the Village of Pinehurst, but its affiliation with the Moore County Airport, which is certainly a "gateway" to Pinehurst and the surrounding communities, and its honor towards the men & women of the military makes this a worthy event for support. I am hopeful recognizing the 100<sup>th</sup> anniversary of Fort Bragg would be of interest to the Village as well.

What we are looking for from the Village of Pinehurst is the in-kind sponsorship of the concert stage for our celebration concert. We would need the Village stage set-up on Friday April 27<sup>th</sup> and removed on Sunday April 29<sup>th</sup>. We are working on additional sponsors to cover the costs associated with the required sound and lighting for the stage. In return for the use of the stage we will make sure the Village of Pinehurst receives sponsorship status through the entire event. Recognition on sponsor materials, event tickets and hospitality, public relations releases and speaking opportunities will also be included. We will be approaching each community municipality for similar in-kind support for this event.

Please let me how best to present this in-kind request for Village Council consideration if this is required. I hope we can count on the support of the Village of Pinehurst as we celebrate freedom and flight during the Festival D'Avion in April.

I have attached the media release for the event.



Peter Ross Stilwell, Tarheel Communications Solutions

1 Collett Lane, Pinehurst, NC 28374

(910) 215-0861 o (910) 528-7101 c

[peterstilwell@tarheelcommunications.com](mailto:peterstilwell@tarheelcommunications.com)







**For Immediate Release**

**Contact:** Dave Droschak, Droschak Communications (919) 630-6656

## **Moore County Airport to Host Festival D'Avion Vintage Aircraft Celebration in April 2018**

**CARTHAGE, N.C. (Jan. 13, 2018)** – The inaugural Festival D'Avion, a celebration of classic aircraft and military might, will be staged at the Moore County Airport in late April 2018, officials announced.

The three-day, first-of-its-kind festival on April 27-29 will feature vintage World War II collector planes and military aircraft displays, along with a Saturday evening concert and Sunday BBQ Cook Off on the tarmac of the regional airport located in the heart of the Sandhills.

The Moore County Airport Authority gave final approval for the unique celebration in mid December. Tickets to the festival are \$30 and include entry each day and the live concert, with an act to be announced in early 2018.

“We are very excited that an event of this caliber is coming to our airport,” said Moore County Airport manager Greg Hudson. “This festival has been in the planning stage for several months and everyone involved is focusing on making it a huge success. This event proves once again what a vital part the Moore County Airport is to our county and the communities it serves.”

Moore County Airport Authority Chairman Bob Zschoche says the Festival D'Avion will be larger than any event previously held event at the airport.

“We look forward to hosting this aviation-themed festival that we know will appeal to all members of the community,” he said.

A special **buy one get one free** introductory ticket offer will begin Jan. 14 at the Country Bookshop in downtown Southern Pines, the Old Sport Gallery in the Village of Pinehurst and the Pinehurst Resort Members Club for Pinehurst Members only. Online ticket sales, which include a limited number of front row concert seats, can also be purchased at [www.festivaldavion.com](http://www.festivaldavion.com).

All five branches of the military – Air Force, Army, Coast Guard, Marines and Navy – have been invited to participate and are expected to provide unique aircraft displays with hands-on tours and information services. The Festival D'Avion also coincides with the 100<sup>th</sup> anniversary of Fort Bragg, the

largest Army base in the United States. A military family of four will be able to purchase tickets – online only -- for a special price of \$10.

“Aircraft have always held a fascination for both adults and kids alike. To see some of the nation’s most unique vintage and military aircraft is a one-of-a-kind opportunity for patrons of this event,” said Festival D’Avion co-founder Dave Droschak. “And of course with the Wright Brothers first flights on the Outer Banks and such a strong military presence across our region this celebration will hold a special place in the hearts of many North Carolinians.”

The Festival D’Avion begins Friday, April 27 with a VIP hanger party, which will include a Southern BBQ feast as sponsors and guests have an opportunity to witness vintage planes flying in to the Moore County Airport to be staged for the static two-day judging.

Planes on display will include warbirds, cubs, clippers, stinsons, staggerwings, ultra-light and homemade aircraft.

Various entertainment will be provided all day Saturday and Sunday to include precision military skydiving, helicopter tours, and local groups and solo artists.

Gates open at 10 a.m. each day, with the main concert to be staged at 5 p.m. Saturday, April 28.

The BBQ Cook-Off on Sunday, April 29 begins at 11 a.m. and will feature sampling from some of the state’s top pitmasters.

Concessions will be served each day, along with local craft beers and wines from across the state of North Carolina. In addition, aircraft themed merchandise and souvenirs will be available from various vendors.

Parking will be staged at Sandhills Community College, less than a minute shuttle ride to the 2018 Festival D’Avion airport location.

For additional information contact: Dave Droschak, Droschak Communications, 919-630-6656, [ddroschak@earthlink.net](mailto:ddroschak@earthlink.net) or Peter Stilwell, Tarheel Communications, 910-215-0861, [peterstilwell@tarheelcommunications.com](mailto:peterstilwell@tarheelcommunications.com)

**RESOLUTION #15-38:**

**A RESOLUTION ADOPTING A POLICY REGARDING STANDARDIZED  
PROCESSING OF REQUESTS FOR VILLAGE SPONSORSHIP OF EVENTS  
COORDINATED BY OTHER ENTITIES.**

**THAT WHEREAS,** many events occur in the Village of Pinehurst for which the event coordinator(s) request Village Sponsorship each year; and

**WHEREAS,** sponsorship may be in cash or in kind whereby the Village extends the use of Village facilities or staff for free or at a reduced rate; and

**WHEREAS,** it is important that the Village only extend sponsorship to the extent that it promotes the welfare, well-being and quality of life for our residents; and

**WHEREAS,** it is also important that sponsorship resources do not inappropriately augment the income or fund-raising of event coordinators;

**NOW, THEREFORE, BE IT RESOLVED** by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled on the 22<sup>nd</sup> day of September, 2015, as follows:

**SECTION 1.** It shall be the Policy of the Village of Pinehurst that sponsorship requests be handled in accordance with the following criteria:

- a. For events coordinated by a non-profit for the apparent sole purpose of benefitting the community, sponsorship can be approved by the Village Manager after a careful review of the event, the event coordinator's status and all potential beneficiaries of the event.
- b. For events coordinated by a commercial entity for at least the partial purpose of earning profit, sponsorship for the first event of its type (subsequent to the passage of this resolution) may be approved in public by the Village Council. Sponsorship for subsequent similar events coordinated by the same entity may be approved in public by the Village Council after a review by the Village's Director of Financial Services of a full, financial accounting of the previous event.
- c. For events coordinated by either a commercial entity who has no clear financial gain at stake or by a non-profit that is attempting to raise funds, sponsorship may be approved by the Council in public for the first event of its type. For subsequent events, staff acts on Council approval of previous events unless/until the staff or the Council thinks something has changed that warrants re-consideration by the Council.

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

Adopted this 22<sup>nd</sup> day of September, 2015.



Attest:

Lauren M. Craig  
Lauren M. Craig, Village Clerk

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: Nancy Roy Fiorillo  
Nancy Roy Fiorillo, Mayor

Approved as to Form:

Michael J. Newman  
Michael J. Newman, Village Attorney



## **PRESENTATION AND UPDATE ON THE COMMUNITY CENTER DESIGN PROJECT.**

### **ADDITIONAL AGENDA DETAILS:**

**FROM:**

Mark Wagner

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

2/19/2018

**MEMO DETAILS:**

Staff along with Oakley Collier Architects will provide an update on the progress to date for design of the Cannon Park Community Center. This will include a review of potential floor plans for the facility, as well as renderings showing multiple architectural designs for the exterior of the facility.

Council will be requested to provide feedback and input to the design team regarding the size of the Community Center and preference regarding the exterior elements as presented in the renderings provided. The floor plan being presented which the renderings are based on is for a 19,555sf facility. There is also a floor plan available to view which is 18,010 sf that is more in line with our original projections for the facility. Both layouts include a Gymnasium, Community Room, Kitchen, Arts & Crafts Room, Program Room, Wellness Room, Offices, Restrooms, Storage, Lobby, an Outdoor Patio and are designed for future expansion to include a second gymnasium and future program space if necessary.

The 19,555sf proposed layout is based on space needs determined by Oakley Collier's assessment of our current and projected programming. The initial programming analysis actually determined that the Community Center should be 21,730sf. This was a result of reviewing the previous studies that were completed, historical participation reports, and taking into consideration new programs and projected growth in participation. Staff on our design team has worked closely with Oakley Collier to size each room appropriately for the activities that will take place within. The team feels the proposed 19,555sf layout is the appropriate size to meet the current and future needs of the community, and this is the recommendation of the design team.

In regards to the Cannon Park site itself, I do want to make you aware of an issue that has arisen regarding the old Village Hall location. Due to the fact that the foundation and basement of the Village Hall were left in place after it burned, we may have some additional expenses related to site work. We may need to remove the foundation walls and basement and backfill the site to be certain there are no issues from a structural engineering standpoint for the new building. Once we have our site survey and geotechnical boring completed for soil testing we will have a better idea of what will need to be done to remedy this situation. It could be that Village staff could remove the old foundation and basement and backfill at a substantial savings versus contracting it out.

I thought it would be appropriate to provide you with a breakdown of our budget projections for the

Community Center at this time. The original budget anticipated \$180/SF for construction costs so using that same figure with 19,555sf, the projected cost would be:

19,555 x \$180sf	\$3,519,900
Site work	\$ 200,000
Contingency 5%	\$ 185,995
Design	\$ 293,000
FFE	<u>\$ 163,000</u>
Total Cost	\$4,361,895

Please note that fluctuations in construction costs or the previously mentioned site work costs could impact this total projected cost. However, Oakley Collier is focused on designing the facility in a manner that strives to keep the project at our desired price point.

Staff and the Architects with Oakley Collier are happy to answer any questions from the Village Council or the public at the meeting regarding the floor plans or renderings. We would also be very interested in taking suggestions in regards to the type of programs and activities the public would like to see offered in the Community Center. Thank you.

**ATTACHMENTS:**

Description

- ☐ Brick Elevation Rendering
- ☐ Siding Elevation Bronze Roof
- ☐ Siding Elevation Green Roof
- ☐ Schematic Floor Plan - 19,555 SF
- ☐ Schematic Floor Plan - 18,010 SF











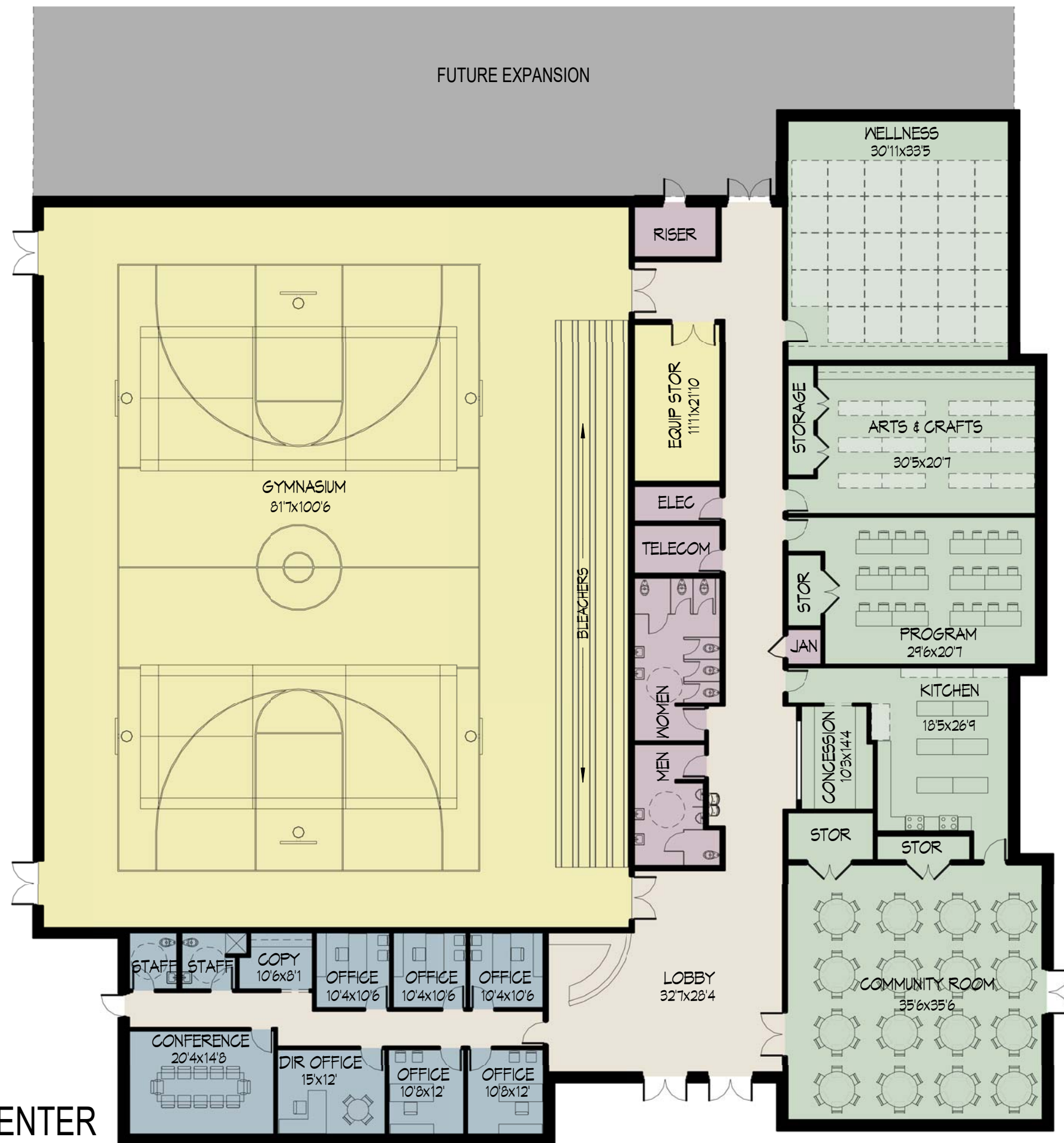






- Legend
- Circulation
  - Core
  - Gymnasium
  - Office
  - Program Space

PINEHURST COMMUNITY CENTER  
SCHEMATIC FLOOR PLAN - 19,555 SF  
SCALE 1/16" = 1'-0" DATE: 2-20-18



## Legend

- Circulation
- Core
- Gymnasium
- Office
- Program Space

# PINEHURST RECREATION CENTER SCHEMATIC FLOOR PLAN - 18,010 SF

SCALE 1/16" = 1'-0" DATE: 2-1-18



## **PUBLIC HEARING NO. 1**

### **ADDITIONAL AGENDA DETAILS:**

The purpose of the public hearing is to consider Official Text Amendments to the Pinehurst Development Ordinance. Specifically, Section 10.2 to define Small/Micro Wireless Facility, Table 8.5.1a to permit Small/Micro Wireless Facilities by right with Special Requirements in all zoning districts, and adding Section 8.6 SR-30 to specify the Special Requirements associated with Small/Micro Wireless Facilities. The applicant is the Village of Pinehurst.

#### **FROM:**

Alex Cameron

#### **DATE OF MEMO:**

2/22/2018

#### **MEMO DETAILS:**

Small/Micro Wireless Facilities are equipment including antenna, poles (new or existing), fiber, power supply and other miscellaneous equipment used to transmit wireless data. The wireless carriers have lobbied for legislation to allow the addition of these facilities within rights-of-way and on existing utility poles with an expedited and favorable permitting process. The proposed amendment will allow these facilities by right in all zoning districts with a special requirement. The special requirement (SR 30) will include specific restrictions for these facilities in Pinehurst's jurisdiction.

The Planning and Zoning Board appointed a subcommittee made up of P&Z members, an HPC representative and staff to discuss possible regulations. The subcommittee presented their findings at the February 1, 2018 meeting and held a public hearing. After discussion, the board decided to make small grammatical changes to the draft amendment and voted unanimously to recommend Village Council approve the proposed amendments to the PDO. The only public comment was an inquiry to how many of these such facilities could possibly be added in our jurisdiction. The information staff provided was a speculative count of one per every 100 feet per carrier based on data provided by the NC League of Municipalities.

#### **ATTACHMENTS:**

##### Description

- ☐ Staff Report
- ☐ House Bill 310
- ☐ Draft Ordinance Language
- ☐ Example Photos



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## PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

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**To:** Mayor Fiorillo and Village Council

**From:** Alex Cameron, Planner

**Cc:** Jeff Sanborn, Village Manager  
Lauren Craig, Village Clerk

**Date:** February 21, 2018

**Subject:** **Public hearing, staff report and statement of text amendment consistency with the 2010 Comprehensive Long-Range Village Plan. Small/Micro Wireless Facilities Regulations.**

### **TABLE 8.5.1a, SECTION 8.6 SR-30 and SECTION 10.2**

The Village of Pinehurst is proposing this text amendment to the Pinehurst Development Ordinance (PDO). This amendment will define Small/Micro Wireless Facilities and permit them in all zoning districts with Special Requirements to be added as SR-30.

The NC General Assembly recently passed legislation mandating that cities allow small/micro wireless facilities within their public rights of way. In this legislation there are some, although limited, provisions to allow for the regulation of these facilities. These proposed amendments are intended to regulate, to the extent possible, these facilities within the Village's Right of Way and in the State of North Carolina (NCDOT) owned rights of ways within the historic district. The purpose of these regulations are to mitigate to the best of our ability any adverse impacts these facilities will have on the appearance of the community and neighborhoods. This adopted state legislation is contained in House Bill 310 (attached).

The Planning & Zoning Board appointed a subcommittee that included staff, P&Z members and a representative of the HPC to discuss and draft possible regulations for these facilities. The

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subcommittee meet on several occasions and presented their results at the February 1, 2018 meeting when a public hearing was conducted on the proposed amendments. At that time the board voted unanimously to recommend to the Village Council that the proposed amendments be approved.

Page 33 of the 2010 Village of Pinehurst Comprehensive Plan indicates that a goal of the village is to preserve and enhance the unique character and ambience of the entire community, especially the historic Village Center.

One of the major strategies on page 18 of the Comprehensive Plan is to maintain strong design controls within the different areas of the community.

Page 59 of the Comprehensive plan states Pinehurst's residential neighborhoods are the backbone of the community. Encouraging the preservation and enhancement of these areas is a continuing strategy for the Village and we must continue efforts (development review, code enforcement, etc.) to protect the integrity of residential neighborhoods and enhance the quality of life.

This amendment is consistent with the above mentioned goals detailed in the Comprehensive Plan. However, the existing regulations are in conflict with state law and therefore this amendment is considered reasonable and in the best interest of the public.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**SESSION LAW 2017-159  
HOUSE BILL 310**

**AN ACT TO REFORM COLLOCATION OF SMALL WIRELESS COMMUNICATIONS  
INFRASTRUCTURE TO AID IN DEPLOYMENT OF NEW TECHNOLOGIES.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The General Assembly finds the following:

- (1) The design, engineering, permitting, construction, modification, maintenance, and operation of wireless facilities are instrumental to the provision of emergency services and to increasing access to advanced technology and information for the citizens of North Carolina.
- (2) Cities and counties play a key role in facilitating the use of the public rights-of-way.
- (3) Wireless services providers and wireless infrastructure providers must have access to the public rights-of-way and the ability to attach to poles and structures in the public rights-of-way to densify their networks and provide next generation services.
- (4) Small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, often may be deployed most effectively in the public rights-of-way.
- (5) Expeditious processes and reasonable and nondiscriminatory rates, fees, and terms related to such deployments are essential to the construction and maintenance of wireless facilities.
- (6) Wireless facilities help ensure the State remain competitive in the global economy.
- (7) The timely design, engineering, permitting, construction, modification, maintenance, and operation of wireless facilities are matters of statewide concern and interest.

**SECTION 2.(a)** G.S. 160A-400.51(4a) is recodified as G.S. 160A-400.51(4d).

**SECTION 2.(b)** G.S. 160A-400.51(7a) is recodified as G.S. 160A-400.51(7b).

**SECTION 2.(c)** Part 3E of Article 19 of Chapter 160A of the General Statutes, as amended by subsections (a) and (b) of this section, reads as rewritten:

"Part 3E. Wireless Telecommunications Facilities.

**"§ 160A-400.50. Purpose and compliance with federal law.**

...

(c) This Part shall not be construed to authorize a city to require the construction or installation of wireless facilities or to regulate wireless services other than as set forth herein.

**"§ 160A-400.51. Definitions.**

The following definitions apply in this Part.

- (1) Antenna. – Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.



- (1a) Applicable codes. – The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.
- (2) Application. – ~~A formal request submitted to the city to construct or modify a wireless support structure or a wireless facility.~~ A request that is submitted by an applicant to a city for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, city utility pole, or wireless support structure.
- (2a) Base station. – A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.
- (3) Building permit. – An official administrative authorization issued by the city prior to beginning construction consistent with the provisions of G.S. 160A-417.
- (3a) City right-of-way. – A right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.
- (3b) City utility pole. – A pole owned by a city in the city right-of-way that provides lighting, traffic control, or a similar function.
- (4) Collocation. – ~~The placement or installation~~ placement, installation, maintenance, modification, operation, or replacement of wireless facilities ~~on~~ on, under, within, or on the surface of the earth adjacent to existing structures, including ~~electrical transmission towers,~~ utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, city utility poles, or wireless support structures.
- (4a) Communications facility. – The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.
- (4b) Communications service. – Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.
- (4c) Communications service provider. – A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.
- (4d) Eligible facilities request. – A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.
- (5) Equipment compound. – An area surrounding or near the base of a wireless support structure within which a wireless facility is located.
- (5a) Fall zone. – The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.
- (6) Land development regulation. – Any ordinance enacted pursuant to this Part.



- (6a) Micro wireless facility. – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.
- (7) Search ring. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.
- (7a) Small wireless facility. – A wireless facility that meets both of the following qualifications:
  - a. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.
  - b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.
- (7b) Substantial modification. – The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.
  - a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
  - b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
  - c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.
- (8) Utility pole. – A structure that is designed for and used to carry lines, cables, ~~or wires~~ wires, lighting facilities, or small wireless facilities for telephone, cable television, ~~or electricity~~, ~~or to provide lighting~~ lighting, or wireless services.
- (8a) Water tower. – A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.
- (9) Wireless facility. – ~~The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.~~ Equipment at a

fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

- a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
  - b. Wireline backhaul facilities.
  - c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (9a) Wireless infrastructure provider. – Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.
- (9b) Wireless provider. – A wireless infrastructure provider or a wireless services provider.
- (9c) Wireless services. – Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.
- (9d) Wireless services provider. – A person who provides wireless services.
- (10) Wireless support structure. – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a city utility pole is not a wireless support structure.

...

**"§ 160A-400.54. Collocation of small wireless facilities.**

(a) Except as expressly provided in this Part, a city shall not prohibit, regulate, or charge for the collocation of small wireless facilities.

(b) A city may not establish a moratorium on (i) filing, receiving, or processing applications or (ii) issuing permits or any other approvals for the collocation of small wireless facilities.

(c) Small wireless facilities that meet the height requirements of G.S. 160A-400.55(b)(2) shall only be subject to administrative review and approval under subsection (d) of this section if they are collocated (i) in a city right-of-way within any zoning district or (ii) outside of city rights-of-way on property other than single-family residential property.

(d) A city may require an applicant to obtain a permit to collocate a small wireless facility. A city shall receive applications for, process, and issue such permits subject to the following requirements:

- (1) A city may not, directly or indirectly, require an applicant to perform services unrelated to the collocation for which approval is sought. For purposes of this subdivision, "services unrelated to the collocation," includes in-kind contributions to the city such as the reservation of fiber, conduit, or pole space for the city.
- (2) The wireless provider completes an application as specified in form and content by the city. A wireless provider shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers.

- (3) A permit application shall be deemed complete unless the city provides notice otherwise in writing to the applicant within 30 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission if the additional materials cure the deficiencies identified.
- (4) The permit application shall be processed on a nondiscriminatory basis and shall be deemed approved if the city fails to approve or deny the application within 45 days from the time the application is deemed complete or a mutually agreed upon time frame between the city and the applicant.
- (5) A city may deny an application only on the basis that it does not meet any of the following: (i) the city's applicable codes; (ii) local code provisions or regulations that concern public safety, objective design standards for decorative utility poles, city utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment; (iii) public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or (iv) the historic preservation requirements in subsection 160A-400.55(h). The city must (i) document the basis for a denial, including the specific code provisions on which the denial was based and (ii) send the documentation to the applicant on or before the day the city denies an application. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days of the denial without paying an additional application fee. The city shall approve or deny the revised application within 30 days of the date on which the application was resubmitted. Any subsequent review shall be limited to the deficiencies cited in the prior denial.
- (6) An application must include an attestation that the small wireless facilities shall be collocated on the utility pole, city utility pole, or wireless support structure and that the small wireless facilities shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the city and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- (7) An applicant seeking to collocate small wireless facilities at multiple locations within the jurisdiction of a city shall be allowed at the applicant's discretion to file a consolidated application for no more than 25 separate facilities and receive a permit for the collocation of all the small wireless facilities meeting the requirements of this section. A city may remove small wireless facility collocations from a consolidated application and treat separately small wireless facility collocations (i) for which incomplete information has been provided or (ii) that are denied. The city may issue a separate permit for each collocation that is approved.
- (8) The permit may specify that collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the city and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

(e) A city may charge an application fee that shall not exceed the lesser of (i) the actual, direct, and reasonable costs to process and review applications for collocated small wireless facilities; (ii) the amount charged by the city for permitting of any similar activity; or (iii) one

hundred dollars (\$100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars (\$50.00) for each additional small wireless facility addressed in the application. In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection.

(f) A city may impose a technical consulting fee for each application, not to exceed five hundred dollars (\$500.00), to offset the cost of reviewing and processing applications required by this section. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. A city may engage an outside consultant for technical consultation and the review of an application. The fee imposed by a city for the review of the application shall not be used for either of the following:

- (1) Travel expenses incurred in the review of a collocation application by an outside consultant or other third party.
- (2) Direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.

In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection.

(g) A city may require a wireless services provider to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the city may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider. For purposes of this subsection, a wireless facility shall be deemed abandoned at the earlier of the date that the wireless services provider indicates that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to transmit a signal, unless the wireless services provider gives the city reasonable evidence that it is diligently working to place such wireless facility back in service.

(h) A city shall not require an application or permit or charge fees for (i) routine maintenance; (ii) the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or (iii) installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles or city utility poles in compliance with applicable codes by or for a communications service provider authorized to occupy the city rights-of-way and who is remitting taxes under G.S. 105-164.4(a)(4c) or G.S. 105-164.4(a)(6).

(i) Nothing in this section shall prevent a city from requiring a work permit for work that involves excavation, affects traffic patterns, or obstructs vehicular traffic in the city right-of-way.

**"§ 160A-400.55. Use of public right-of-way.**

(a) A city shall not enter into an exclusive arrangement with any person for use of city rights-of-way for the construction, operation, marketing, or maintenance of wireless facilities or wireless support structures or the collocation of small wireless facilities.

(b) Subject to the requirements of G.S. 160A-400.54, a wireless provider may collocate small wireless facilities along, across, upon, or under any city right-of-way. Subject to the requirements of this section, a wireless provider may place, maintain, modify, operate, or replace associated utility poles, city utility poles, conduit, cable, or related appurtenances and facilities along, across, upon, and under any city right-of-way. The placement, maintenance, modification, operation, or replacement of utility poles and city utility poles associated with the collocation of small wireless facilities, along, across, upon, or under any city right-of-way shall be subject only to review or approval under subsection (d) of G.S. 160A-400.54 if the wireless provider meets all the following requirements:

- (1) Each new utility pole and each modified or replacement utility pole or city utility pole installed in the right-of-way shall not exceed 50 feet above ground level.

(2) Each new small wireless facility in the right-of-way shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated.

(c) Nothing in this section shall be construed to prohibit a city from allowing utility poles, city utility poles, or wireless facilities that exceed the limits set forth in subdivision (1) of subsection (b) of this section.

(d) Applicants for use of a city right-of-way shall comply with a city's undergrounding requirements prohibiting the installation of above-ground structures in the city rights-of-way without prior zoning approval, if those requirements (i) are nondiscriminatory with respect to type of utility, (ii) do not prohibit the replacement of structures existing at the time of adoption of the requirements, and (iii) have a waiver process.

(d1) Notwithstanding subsection (d) of this section, in no instance in an area zoned single-family residential where the existing utilities are installed underground may a utility pole, city utility pole, or wireless support structure exceed forty (40) feet above ground level, unless the city grants a waiver or variance approving a taller utility pole, city utility pole, or wireless support structure.

(e) Except as provided in this part, a city may assess a right-of-way charge under this section for use or occupation of the right-of-way by a wireless provider, subject to the restrictions set forth under G.S. 160A-296(a)(6). In addition, charges authorized by this section shall meet all of the following requirements:

(1) The right-of-way charge shall not exceed the direct and actual cost of managing the city rights-of-way and shall not be based on the wireless provider's revenue or customer counts.

(2) The right-of-way charge shall not exceed that imposed on other users of the right-of-way, including publicly, cooperatively, or municipally owned utilities.

(3) The right-of-way charge shall be reasonable and nondiscriminatory.

Nothing in this subsection is intended to establish or otherwise affect rates charged for attachments to utility poles, city utility poles, or wireless support structures. At its discretion, a city may provide free access to city rights-of-way on a nondiscriminatory basis in order to facilitate the public benefits of the deployment of wireless services.

(f) Nothing in this section is intended to authorize a person to place, maintain, modify, operate, or replace a privately owned utility pole or wireless support structure or to collocate small wireless facilities on a privately owned utility pole, a privately owned wireless support structure, or other private property without the consent of the property owner.

(g) A city may require a wireless provider to repair all damage to a city right-of-way directly caused by the activities of the wireless provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures, city utility poles, or utility poles and to return the right-of-way to its functional equivalence before the damage. If the wireless provider fails to make the repairs required by the city within a reasonable time after written notice, the city may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The city may maintain an action to recover the costs of the repairs.

(h) This section shall not be construed to limit local government authority to enforce historic preservation zoning regulations consistent with Part 3C of Article 19 of this Chapter, the preservation of local zoning authority under 47 U.S.C. § 332(c)(7), the requirements for facility modifications under 47 U.S.C. § 1455(a), or the National Historic Preservation Act of 1966, 54 U.S.C. § 300101, et seq., as amended, and the regulations, local acts, and city charter provisions adopted to implement those laws.

(i) A wireless provider may apply to a city to place utility poles in the city rights-of-way, or to replace or modify utility poles or city utility poles in the public rights-of

way, to support the collocation of small wireless facilities. A city shall accept and process the application in accordance with the provisions of G.S. 160A-400.54(d), applicable codes, and other local codes governing the placement of utility poles or city utility poles in the city rights-of-way, including provisions or regulations that concern public safety, objective design standards for decorative utility poles or city utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including those relating to screening or landscaping, or public safety and reasonable spacing requirements. The application may be submitted in conjunction with the associated small wireless facility application.

**"§ 160A-400.56. Access to city utility poles to install small wireless facilities.**

(a) A city may not enter into an exclusive arrangement with any person for the right to collocate small wireless facilities on city utility poles. A city shall allow any wireless provider to collocate small wireless facilities on its city utility poles at just, reasonable, and nondiscriminatory rates, terms, and conditions, but in no instance may the rate exceed fifty dollars (\$50.00) per city utility pole per year. The North Carolina Utilities Commission shall not consider this subsection as evidence in a proceeding initiated pursuant to G.S. 62-350(c).

(b) A request to collocate under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the city to be reimbursed by the wireless provider. In granting a request under this section, a city shall require the requesting entity to comply with applicable safety requirements, including the National Electrical Safety Code and the applicable rules and regulations issued by the Occupational Safety and Health Administration.

(c) If a city that operates a public enterprise as permitted by Article 16 of this Chapter has an existing city utility pole attachment rate, fee, or other term with an entity, then, subject to termination provisions, that attachment rate, fee, or other term shall apply to collocations by that entity or its related entities on city utility poles.

(d) Following receipt of the first request from a wireless provider to collocate on a city utility pole, a city shall, within 60 days, establish the rates, terms, and conditions for the use of or attachment to the city utility poles that it owns or controls. Upon request, a party shall state in writing its objections to any proposed rate, terms, and conditions of the other party.

(e) In any controversy concerning the appropriateness of a rate for a collocation attachment to a city utility pole, the city has the burden of proving that the rates are reasonably related to the actual, direct, and reasonable costs incurred for use of space on the pole for such period.

(f) The city shall provide a good-faith estimate for any make-ready work necessary to enable the city utility pole to support the requested collocation, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant. For purposes of this section, the term "make-ready work" means any modification or replacement of a city utility pole necessary for the city utility pole to support a small wireless facility in compliance with applicable safety requirements, including the National Electrical Safety Code, that is performed in preparation for a collocation installation.

(g) The city shall not require more make-ready work than that required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work and shall not include any consultant fees or expenses.

(h) Nothing in this Part shall be construed to apply to an entity whose poles, ducts, and conduits are subject to regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended, or under G.S. 62-350.

(i) This section shall not apply to an excluded entity. Nothing in this section shall be construed to affect the authority of an excluded entity to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to its utility poles, city utility poles, or wireless support structures by a wireless provider. This section shall not be construed to alter or affect the provisions of G.S. 62-350, and the rates, terms, or conditions for the use of poles, ducts, or conduits by communications service providers, as defined in G.S. 62-350, are governed solely by G.S. 62-350. For purposes of this section, "excluded entity" means (i) a city that owns or operates a public enterprise pursuant to Article 16 of this Chapter consisting of an electric power generation, transmission, or distribution system or (ii) an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits, but which is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151 et seq., as amended.

**"§ 160A-400.57. Applicability.**

(a) A city shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility. This subsection does not apply to a stadium or athletic facility owned or otherwise controlled by the city. This subsection does not prohibit the enforcement of applicable codes.

(b) Nothing contained in this Part shall amend, modify, or otherwise affect any easement between private parties. Any and all rights for the use of a right-of-way are subject to the rights granted pursuant to an easement between private parties.

(c) Except as provided in this Part or otherwise specifically authorized by the General Statutes, a city may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way of State-maintained highways or city rights-of-way by a provider authorized by State law to operate in the rights-of-way of State-maintained highways or city rights-of-way and may not regulate any communications services.

(d) Except as provided in this Part or specifically authorized by the General Statutes, a city may not impose or collect any tax, fee, or charge to provide a communications service over a communications facility in the right-of-way.

(e) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this Part does not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way."

**SECTION 3.(a)** G.S. 136-18 reads as rewritten:

**"§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation is vested with the following powers:

- ...
- (10) To make proper and reasonable rules, regulations and ordinances for the placing or erection of telephone, telegraph, electric and other lines, above or below ground, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, and other similar obstructions that may, in the opinion of the Department of Transportation, contribute to the hazard upon any of the said highways or in any way interfere with the same, and to make reasonable rules and regulations for the proper control thereof. And whenever the order of the said Department of Transportation shall require the removal of, or changes in, the location of telephone, telegraph, electric or

other lines, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, or other similar obstructions, the owners thereof shall at their own expense, except as provided in G.S. 136-19.5(c), move or change the same to conform to the order of said Department of Transportation. Any violation of such rules and regulations or noncompliance with such orders shall constitute a Class 1 misdemeanor. For purposes of this subdivision, "wireless facilities" shall have the definition set forth in G.S. 160A-400.51.

...."

**SECTION 3.(b)** Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-18.3A. Wireless communications infrastructure.**

- (a) The definitions set forth in G.S. 160A-400.51 shall apply to this section.
- (b) The Department of Transportation is authorized to issue permits to wireless providers for the collocation of wireless facilities and the construction, operation, modification, or maintenance of utility poles, wireless support structures, conduit, cable, and related appurtenances and facilities for the provision of wireless services along, across, upon, or under the rights-of-way of State-maintained highways. The permits and included requirements shall be issued and administered in a reasonable and nondiscriminatory manner.
- (c) The Department of Transportation shall take action to approve or deny a permit application for collocation of a small wireless facility under this section within a reasonable period of time of receiving the application from a wireless provider.
- (d) The collocation of small wireless facilities and the construction, operation, modification, or maintenance of utility poles, wireless support structures, conduit, cable, and related appurtenances and facilities for the provision of small wireless facilities along, across, upon, or under the rights-of-way of State-maintained highways shall be subject to all of the following requirements:
  - (1) The structures and facilities shall not obstruct or hinder the usual travel or public safety on any rights-of-way of State-maintained highways or obstruct the legal use of such rights-of-way of State-maintained highways by other utilities.
  - (2) Each new or modified utility pole and wireless support structure installed in the right-of-way of State-maintained highways shall not exceed the greater of (i) 10 feet in height above the height of the tallest existing utility pole, other than a utility pole supporting only wireless facilities, in place as of July 1, 2017, located within 500 feet of the new pole in the same rights-of-way or (ii) 50 feet above ground level.
  - (3) Each new small wireless facility in the right-of-way shall not extend (i) more than 10 feet above an existing utility pole, other than a utility pole supporting only wireless facilities, or wireless support structure in place as of July 1, 2017, or (ii) above the height permitted for a new utility pole or wireless support structure under subdivision (2) of this section."



**SECTION 4.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29<sup>th</sup> day of June,  
2017.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 11:39 a.m. this 21<sup>st</sup> day of July, 2017

## Proposed Amendments to the PDO

8.5.1a Table of Permitted and Special Uses and Special Requirements

Use Types																			
	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>Small/Micro Wireless Facilities</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>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>30</u>

### Section 8.6

#### Principle Uses

##### SR-30 Small/Micro Wireless Facility

- (1) Small/Micro Wireless Facilities shall not be located on residential properties.
- (2) The maximum height for small/micro wireless facilities shall be fifty (50) feet in non-residential areas and forty (40) feet in residential areas or 10 foot taller than existing poles as of July 1, 2017, whichever is greater.
- (3) Where feasible, small/micro wireless facilities shall be located on existing utility poles. Where not feasible to locate on an existing pole, decorative poles shall be installed to match new lighting and stop light installations made by the Village of Pinehurst in the historic district.
- (4) All supporting utilities and infrastructure shall be located underground in a vault or similar structure.
- (5) When located within Village of Pinehurst Right of Way, pedestrian facilities, vehicular facilities (including driveways and sight triangles) and stormwater facilities shall not be negatively impacted.
- (6) When a facility is abandoned or no longer in use the antenna and equipment shall be removed within 180 days.
- (7) When located within Village of Pinehurst Right of Way a Right of Way, a Right of Way Encroachment Agreement is required.

(8) When located outside of NCDOT right of way, a development permit is needed.

(9) A survey, elevations, shop drawings and equipment rendering shall be provided to ensure compliance.

(10) When located in the Historic Preservation Overlay District a Certificate of Appropriateness (COA) is required and shall be constructed in accordance with the Historic District Standards and Guidelines.

## **Section 10.2 Definitions**

Small/Micro Wireless Facility: These facilities shall be defined by North Carolina General Statute 160A-400.51.

## Examples of Small/Micro Wireless Facilities







**DISCUSS AND CONSIDER AN ORDINANCE AMENDING THE PINEHURST  
DEVELOPMENT ORDINANCE TABLE 8.5.1A "TABLE OF PERMITTED  
AND SPECIAL USES AND SPECIAL REQUIREMENTS", SECTION 8.6  
"SPECIAL REQUIREMENTS (SR) TO THE TABLE OF PERMITTED AND  
SPECIAL USES AND SPECIAL REQUIREMENTS AND SECTION 10.2  
"DEFINITIONS"  
ADDITIONAL AGENDA DETAILS:**

**DATE OF MEMO:**

2/21/2018

**MEMO DETAILS:**

Should Council wish to take action on Public Hearing No. 1, an ordinance is attached for consideration.

**ATTACHMENTS:**

Description

- ▣ Ordinance 18-03 PDO Amendment- Small Micro Wireless Facilities



**ORDINANCE #18-03:**

**AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2 TO DEFINE SMALL/MICRO WIRELESS FACILITY, TABLE 8.5.1A AND SECTION 8.6 SR-30 FOR SMALL/MICRO WIRELESS FACILITIES.**

**THAT WHEREAS,** the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 8<sup>th</sup> 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,** said Ordinance may be amended from time to time as circumstances and the best interests of the community have required; and

**WHEREAS,** a public hearing was held at 4:30 p.m. on February 27, 2018, in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance, 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 whether they favored or opposed the proposed text amendments; and

**WHEREAS,** the Planning and Zoning Board has recommended the Village Council amend Section 10.2 and Section 8.6 of the Pinehurst Development Ordinance; and

**WHEREAS,** the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments to the text of the Pinehurst Development Ordinance, have determined that it is considered reasonable and in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction and that it is consistent with the 2010 Comprehensive Plan that the Pinehurst Development Ordinance be further amended, making the amendments as requested.

**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 27th day of February, 2018, as follows:

**SECTION 1.** That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by adding the following text amendments to Table 8.5.1a, Section 8.6, “Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements SR-30” and Section 10.2, “Definitions”:

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

Use Types	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
<b>Small/Micro Wireless Facilities</b>	<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>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>30</u>

Section 8.6, “Special Requirements (SR) to the Table of Permitted and Special Uses and Special Use Requirements

SR-30 Small/Micro Wireless Facility

- (1) Small/Micro Wireless Facilities shall not be located on residential properties.**
- (2) The maximum height for small/micro wireless facilities shall be fifty (50) feet in non-residential areas and forty (40) feet in residential areas or 10 foot taller than existing poles as of July 1, 2017, whichever is greater.**
- (3) Where feasible, small/micro wireless facilities shall be located on existing utility poles. Where not feasible to locate on an existing pole, decorative poles shall be installed to match new lighting and stop light installations made by the Village of Pinehurst in the historic district.**
- (4) All supporting utilities and infrastructure shall be located underground in a vault or similar structure.**
- (5) When located within Village of Pinehurst Right of Way, pedestrian facilities, vehicular facilities (including driveways and sight triangles) and stormwater facilities shall not be negatively impacted.**
- (6) When a facility is abandoned or no longer in use the antenna and equipment shall be removed within 180 days.**
- (7) When located within Village of Pinehurst Right of Way, a Right of Way Encroachment Agreement is required.**
- (8) When located outside of NCDOT right of way, a development permit is needed.**



**(9) A survey, elevations, shop drawings and equipment rendering shall be provided to ensure compliance.**

**(10) When located in the Historic Preservation Overlay District a Certificate of Appropriateness (COA) is required and shall be constructed in accordance with the Historic District Standards and Guidelines.**

**Section 10.2, "Definitions"**

**Small/Micro Wireless Facility: These facilities shall be defined by North Carolina General Statute 160A-400.51.**

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

**THIS ORDINANCE** passed and adopted this 27th day of February, 2018.

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

(Municipal Seal)

By: \_\_\_\_\_  
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Lauren M. Craig, Village Clerk

\_\_\_\_\_  
Michael J. Newman, Village Attorney