

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
OCTOBER 14, 2014**

**395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
4:30 P.M.**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, October 14, 2014 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. Clark H. Campbell, Councilmember
Mr. John R. Cashion, Mayor Pro-Tem
Ms. Claire L. Phillips, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 26 attendees, including 7 staff and 2 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Reports

Manager

- The Manager noted the Deer Management Task Force meets tomorrow at 11:00 am in the Council Conference Room and the Village Council's next quarterly work session will be held next Tuesday, October 21 at 3:00 pm in the Council Conference Room. Both meetings are open to the public.

Council

- Mayor Fiorillo noted that she just returned from the NC League of Municipalities Conference and Village Clerk Lauren Craig was recognized in the program for being the 2014 recipient of the George C. Franklin Award.

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. Resolution of appreciation for service on the Community Appearance Commission (Lazusky, Helgesen, McChesney).
- B. Public Safety Reports
 - Fire Department
 - Police Department

End of Consent Agenda.

Councilmember Cashion moved to approve the Consent Agenda. The motion was seconded by Councilmember Campbell and passed unanimously with a vote of 5-0.

4. Discuss with CAC Chairperson a proposal for grading and planting of the Village owned property directly across from Village Hall.

Bo Bozarth, Chairman of the Pinehurst Community Appearance Commission presented possible enhancements to the Village owned land across from Village Hall. He suggested enhancements

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including grading and taking out roots, tilling and planting groupings of blue sapphire trees and also wildflowers. The estimate for this project is approximately \$12,500. CAC is seeking permission to move forward with the concept. CAC is asking Council for the funds to support this project. Councilmember Strickland suggested viewing a plan for the area before agreeing to move forward. Council noted that the property being discussed could be used for future development but nothing is planned at this time. Mayor Fiorillo suggested Council look at the development proposal and the exact area that CAC is considering to make sure there is no future conflict and get back with the CAC on this item before proceeding.

Audience member Jack Farrell asked about the prospective development that the Mayor mentioned and if it would be used for a residential development and the Mayor noted that nothing has been formally submitted.

5. Discuss and consider an agreement with AC Sandhills for use of the West Pinehurst Park.

Assistant Village Manager Jeff Batton introduced the need for Council to consider an agreement with AC Sandhills following the last Council meeting discussion held with Todd Abbey, Executive Director of AC Sandhills and Mark Wagner. This was in regards to the proposal for field space for AC Sandhills to use the open space at the West Pinehurst Community Park. He noted an exit clause of 30 days by either party. The parking requirement for the park is a separate item and can be discussed further at another time. Councilmember Strickland inquired about who would maintain the new parking spaces and restrooms. Council formed a consensus to move forward on this agreement.

Audience member Doug Middaugh noted a sentence should be added that the Village will not provide water for irrigation purposes and he said item 8 regarding termination should have a line that the Village will not reimburse AC for any expenses for any expenses AC incurs upon termination.

6. Discuss the Concours d' Elegance sponsorship request.

Assistant Village Manager Natalie Dean shared an alternative to the original request from Jay Howard regarding the Concours d'Elegance and also shared research completed on any public funds contributed for the Pebble Beach and Amelia Island Concours.

Mayor Fiorillo noted a consensus to donate the facilities in kind which is approximately valued at \$14,500. Council and staff held a discussion about sponsoring an event during the Concours. Mayor Fiorillo noted the opportunity for a free military orchestra but the Village would need to pay for a stage and infrastructure. Upon discussion, Council requested that staff bring the event concept back to a future meeting with cost and research for further consideration. Audience member Jack Farrell asked if this is an appropriate use of tax payers' money and the precedent this sets for other groups in the future. Audience member Tom Reedy suggested getting the Blues Brothers cars and holding a Blues Brothers concert.

7. Discuss the HPC Chairman's proposal to increase the membership of the Historic Preservation Commission.

The Manager introduced the request from HPC Chairman Jim Lewis' request to increase the membership of the HPC. It was reduced from 7 to 5 members in the spring and the Chairman feels there have been several instances that decisions have been made with only 3 members. Councilmember Cashion noted that he spoke with Mr. Lewis about this and the possibility to recruit the two members of the HDDC that was recently dissolved. Upon discussion by Council, a general consensus was formed to go back to 7 members. The Manager noted an ordinance would be available for a vote under Other Business at the end of the agenda.

8. Discuss short-term rentals.

The Manager introduced the agenda item on short term rentals in the Lake Pinehurst Area due to several issues with short-term rental homes. The Manager explained that a proposed amendment to the Municipal Code was submitted by the Lake Pinehurst Association in July with the intent to restrict the rental or lease of a home in the applicable area around Lake Pinehurst for terms of less than six

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months. Village Attorney, Mike Newman has submitted a recommendation "that the Council should not adopt the proposed ordinance currently under consideration." The Mayor explained there are four problem properties and the Police Chief is very aware of these properties and encourages anyone who notes disruptive behavior to report it to the police department.

Audience member Mary Bryson who lives on Torrey Pines Lane noted the reason people don't call the police department is because they are afraid. She noted men who rent homes on her street that wander the streets, leave out garbage cans, and cause added noise.

Audience member Doug Middaugh noted he is against the proposed amendment. Mr. Middaugh said it is a fact the golf industry is suffering and more courses are closing than opening. He said it is clear that if adopted this would cast a shadow on Pinehurst and this Council should not negatively impact the Resort's business.

Audience member Alan Hall lives in Doral Woods owns a rental property on Highway 5 and would hate to see a good, thriving rental property be negatively affected by a restriction such as this.

Audience member Jack Farrell noted that the Village could be allowing transient occupancy in buildings that are not up to code and to have someone check on this.

Audience member Rosemary Clare 665 Diamondhead shared she is totally opposed to short term rentals noting many commercial homes can be rented and she does not think Pinehurst needs private homes to support the resort's business. She does not feel a private home is a commercial enterprise and should not be treated as one.

Audience member Mr. Jlyson is a recent resident and has spent time looking for a home in this area. He is asking that this meeting be a first step in engaging in the issue of the definition of short-term. He noted a memo written by the Asheville Planning Director that he would like Council to also consider.

Audience member Tom Reedy noted an issue of unmanaged growth of the deer population and the unmanaged growth of short-term rental properties. He noted the different sides of both issues and his concerns about the process taken on this issue. He asks for Council to create an ad hoc task force on this issue.

Mayor Fiorillo noted the need for neighbors to report issues to the police department. Councilmember Strickland shared a statement regarding the issue and stated it is a quality of life issue. Councilmember Strickland noted property rights and explained there should be a balanced approach. He said those opposed to short term rentals have shown flexibility while seeking solutions to the problem. Councilmember Strickland made a motion to undertake a task force association with the issues of short term rentals for the Village of Pinehurst. The motion died for lack of a second. Councilmember Strickland made a motion to entertain the resolution and undertake a study. The motion died for lack of a second.

Due to lack of a second to any motion to the contrary, the Mayor noted a majority of Council accepts the advice of the Village Attorney and Police Chief. Mayor Fiorillo explained that the Village has laws to follow and can handle the problem properties appropriately.

9. Consider a budget amendment to close the Land Dedication Fund.

The Manager explained the need for Council to consider a budget amendment to close the Land Dedication Fund. Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council unanimously approved Ordinance 14-36 closing the land dedication fund and transferring remaining funds to the general fund for the Village of Pinehurst by a vote of 5-0. (A copy of the ordinance can be found in the Ordinance Book.)

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10. Discuss yard debris cart size.

Assistant Village Manager Jeff Batton explained the need for Council to consider the yard debris cart size following a discussion held at a Council meeting last month. Mr. Batton asked Council if two cart sizes should be made available for yard debris. Staff's recommendation was to wait 12 months before offering a second size. The Council formed a consensus to use the 95 gallon Schaffer brand carts.

Audience member Doug Middaugh disagreed and said the 64 gallon size would be reasonable. Audience member Jack Farrell said he agreed with starting with one size at this time.

11. Discuss Village-wide LED street lighting recommendation.

Assistant Village Manager Jeff Batton discussed the recommendation for Village-wide LED street lighting. After running the analysis, the Village would incur additional costs of less than \$3,000 up front and the payback will be greater than that over 12 months. Mr. Batton shared a map of existing street lights and the suggested wattage differences noted by color on the map for 75W lights and 50W lights. Council formed a consensus to move forward with this plan.

12. Discuss the Village's volunteer program and committee appointments.

Village Clerk, Lauren Craig, discussed with Council a FY15 strategic initiative to develop a policy on volunteer and committee appointments. Ms. Craig asked Council to review the current state of Village volunteer committees and boards in regards to their size requirements, term length, and term limits. Upon discussion, Council determined to disband the Village Center Enhancement Committee effective 10/31/2014 and let the Business Guild take over promotion of the Village Center at this time. Council also suggested creating a more formal structure for the Risk Management Committee. Ms. Craig also had Council review the charge or purpose given to each committee/board. The 2005 Volunteer Program Policy was shared with Council and upon discussion Council determined to be flexible with the 2 year residency requirement going forward. Ms. Craig noted a revised policy will be taken to Council in a future meeting to consider implementing. Lastly, Ms. Craig discussed streamlining the volunteer recruitment and appointment process and Council determined to keep all terms as they are currently.

13. Other Business

- Upon a motion by Councilmember Cashion, seconded by Councilmember Strickland, Council unanimously approved Ordinance 14-37 amending Chapter 31 of the Pinehurst Municipal Code changing the number of members of the Historic Preservation Commission from 5 to 7 members by a vote of 5-0.

14. Comments from attendees.

- None.

15. Motion to go into Closed Session pursuant to NCGS §143-318.11(a) (6) to consider the qualifications, competence, performance, character, fitness and conditions of appointment of an individual public employee. Also pursuant to NCGS 143-318.11 (a) (3) to consult with the Village Attorney in order to preserve the attorney-client privilege between the Village Attorney and the Village Council.

Specifically, the Council will discuss the applicants for the Village Manager position and the litigation between the Estate of Ronald H. Armstrong, plaintiff v. The Village of Pinehurst.

Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council unanimously approved to go into Closed Session pursuant to NCGS §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness and conditions of appointment of an individual public employee. Also pursuant to NCGS 143-318.11 (a) (3) to consult with the Village Attorney in order to preserve the attorney-client privilege between the Village Attorney and the Village Council. Specifically, the Council will discuss the applicants for the Village Manager position and the

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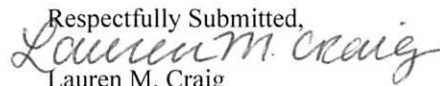
16. Motion to adjourn the Closed Session and re-enter the Regular Meeting.

Upon a motion by Councilmember Cashion seconded by Councilmember Strickland, Council unanimously approved to adjourn the Closed Session and re-enter the Regular Meeting by a vote of 5-0.

17. Motion to Adjourn.

Councilmember Campbell moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Phillips and carried unanimously. The Regular Meeting adjourned at 7:55 p.m.

Respectfully Submitted,


Lauren M. Craig
Village Clerk