

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JUNE 9, 2015**

**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, June 9, 2015 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. Jeffrey H. Batton, Interim Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 37 attendees, including 18 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Reports

Manager

- Noted that under Other Business Council will discuss NAC enhancements, review the July Village Council meeting calendar, and discuss the legislative update on HB36/SB25 and SB 369.

Council

- Councilmember Campbell explained he is proud of the residents of Moore County regarding the Board of Education situation over the last week.
- Councilmember Strickland suggested for the Village of Pinehurst to go on record to be in opposition on both of these bills that Jeff Batton mentioned.
- Mayor Fiorillo noted last week she and Councilmember Cashion met with LTG Steven Townsend.

3. Recognition of Pinehurst Fire Department staff for CPR Saves.

Fire Chief Carlton Cole explained through an established agreement to assist Moore County Emergency Medical Services (EMS) the Pinehurst Fire Department was involved with two incidents over the past year that resulted in successfully reviving patients through Cardio-Pulmonary Resuscitation (CPR). Chief Cole explained that Moore County monitors patient information and recognizes responders annually. Chief Cole recognized the following staff members for their efforts in successfully reviving patients during an incident and awarded them with the PFD Life Saving ribbon: April "Dee" Johnson, Eric Nall, Josh Womack, Rick Tufts, and Seth Dawkins.

4. Recognition of Pinehurst Fire Department staff for receipt of scholarship award.

Fire Chief Carlton Cole explained as a member agency of the NC State Firemen's Association, Pinehurst Firefighters are eligible to apply annually for scholarships and only 45 scholarships were awarded statewide this year. Chief Cole recognized April "Dee" Johnson and Josh Womack for receiving a \$2000 NCSFA scholarship for outstanding academic achievement, character development, and leadership ability to assist with their post-secondary education.

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5. Consider an ordinance adopting the Budget for FY 2016.

John Frye explained Council has a budget ordinance in front of them to consider adoption of the FY 2016 Budget which is reflective of the changes made prior to the public hearing on May 26. Mr. Frye noted the staff has received estimates from Moore County that the Pinehurst tax revaluation has been revised as \$35 million less from the estimate received in March. Mr. Frye explained that after running the numbers, staff feels the Village can keep the \$0.29 tax rate for this year with a one cent increase scheduled on the five year plan in FY 2018. Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council unanimously approved Ordinance 15-11 adopting the Fiscal Year 2016 budget for the Village of Pinehurst by a vote of 5-0. (The ordinance can be found in the Ordinance Book.)

6. Presentation of the Harness Track BIRDIE recommendation.

Mark Wagner, Director of Parks and Recreation, presented the BIRDIE process improvement report on the financial sustainability of the Pinehurst Harness Track. The team identified three main areas where the percentage of operating losses could be reduced. The first was to adjust the fees and charges schedule, the second is to reduce operating expenditures, and the third is on cost allocation corrections. The team also noted two Capital Expenditures included in the report were the purchase of a larger tractor and conditioner for the tracks and replacing the existing propane gas heating systems in the barns with an electric heating system. Council held a discussion about the recommendations and formed a consensus to move forward with changes in the fee schedule and a budget amendment for replacing existing propane gas heating systems in the barns with an electronic heating system.

7. Consider adoption of the Bicycle and Pedestrian Master Plan.

Mike Apke, with McGill Associates, and Mark Wagner, Parks and Recreation Director, presented the updated Bicycle and Pedestrian Master Plans to the Village Council and they noted that the NCDOT has reviewed the Bicycle Master Plan and given the Village its approval for final adoption. Mr. Wagner explained that an appointed committee by Council would form to review the plans upon adoption to identify phases of the plans to present for Council approval for the next fiscal year. Council held a discussion about the plans. Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council unanimously approved Resolution 15-22 adopting the Bicycle Master Plan for the Village of Pinehurst by a vote of 5-0. (A copy of the resolution can be found in the Resolution Book.) Upon a motion by Councilmember Cashion, seconded by Councilmember Strickland, Council unanimously approved Resolution 15-23 adopting the Pedestrian Master Plan for the Village of Pinehurst by a vote of 5-0. (A copy of the resolution can be found in the Resolution Book.)

8. Consider a contract for Legal Services for FY 2016.

Jeff Batton, Interim Village Manager, presented the proposed contract for legal services with Van Camp, Meacham, & Newman, PLLC for the Fiscal Year 2016. Mr. Batton noted the contract includes at 2% cost increase, bringing the monthly rate to \$4,304 and the hourly rate remains at \$350 per hour for Michael Newman. Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council unanimously approved that the Mayor or her designee be authorized to execute the contract with Van Camp, Meacham & Newman, PLLC for FY 2016 legal services by a vote of 5-0.

9. Consider renewal of Pinewild Solid Waste Services Contract.

Jeff Batton explained the need for Council to consider the renewal of the Pinewild Solid Waste Services contract with Waste Management. The Pinewild Homeowners Association is satisfied with the services received and is in favor of renewal with Waste Management. Upon a motion by Councilmember Cashion, seconded by Councilmember Phillips, Council unanimously approved that the Mayor or her designee be authorized to execute the contract with Waste Management for solid waste services for Pinewild of Pinehurst subdivision by a vote of 5-0. Audience member Doug Middaugh asked if the Village has considered what it would cost for the Village to service Pinewild rather than using Waste Management. Audience member Jack Farrell noted Pinewild is wrestling with the issue regarding cart storage and they are trying to address this. A cart storage area should be taken

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into account for plans and perhaps look into the PDO to see how it may be prohibitive to build these cart storage areas or have a moratorium on fees for these storage area.

10. Consider renewal of McGill Associates Contract for Engineering Services.

Jeff Batton noted McGill Associates has been our contractor for on-call engineering services since 2009 and the Village is seeking a renewal of their contract to continue this work. Mr. Batton noted there are no fee increases for FY 2016. Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council unanimously approved that the Mayor or her designee be authorized to execute the contract with McGill Associates for on-call engineering services for FY 2016 by a vote of 5-0.

11. Discussion regarding the Pinehurst Development Ordinance and the regulations on above-ground swimming pools.

Kevin Reed noted a request to discuss the current regulations in the Pinehurst Development Ordinance as they pertain to above ground swimming pools. Mr. Reed gave history about this topic and explained what the current PDO regulates on above-ground swimming pools. Councilmember Campbell shared he received an inquiry about this topic from a citizen and he is trying to figure out what Council has taken away from these families who are not able to belong to a resort and who have had their own swimming pools previously. Audience member, Jason Kashmer, 55 Gun Club Road, explained he has lived here for 4 years and over the past 3 years have put up a pool, without a filtration system, for 3 months out of the year. Mr. Kashmer was told upon the change of the PDO to remove the pool because it is no longer allowed. Upon discussion on the regulations on above-ground swimming pools, Council asked for staff to research this further to present recommendations and to hold the pending code enforcement ticket for Mr. Kashmer until this was resolved.

12. Other Business

- Mayor Fiorillo noted Council has decided to table the proposal by DFI on the development of Village Place until after the new Village Manager has assumed his role.
- Lauren Craig, Village Clerk, presented the Village Council with an idea to make enhancements to the Neighborhood Advisory Committee and Council formed a consensus to move forward with this project.
- Council noted that the US Kids parade is scheduled for July 28, so Council formed a consensus to cancel the July 28 meeting.
- Council discussed the legislative bills, HB36/SB25 and SB369. Kevin Reed gave a summary of the aesthetic changes that the Village would be losing with this proposed bill (HB36/SB25). Council held a discussion and a majority of Council formed a consensus to take no action at this time. Council held a discussion regarding the sales tax reallocation bill (SB369) and determined to send a message to our Senator and Representative that there be no change.

13. Comments from attendees.

- Audience members, Dick Bisbe, noted that every 1.5 years the Village entertains concepts on the Village Place/Nucor property. Mr. Bisbe suggested drawing the picture for this area to figure out what it should look like for the future of Pinehurst.

14. Motion to go into Closed Session 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 litigation between the Estate of Ronald H. Armstrong, plaintiff v. The Village of Pinehurst.

Upon a motion by Councilmember Phillips, seconded by Councilmember Cashion, Council unanimously approved to go into Closed Session 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

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the Village Council. Specifically, the Council will discuss the litigation between the Estate of Ronald H. Armstrong, plaintiff v. The Village of Pinehurst by a vote of 5-0.

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

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

16. Motion to Adjourn.

Councilmember Strickland moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Phillips and carried unanimously. The Regular Meeting adjourned at 6:36 p.m.

Respectfully Submitted,



Lauren Craig,
Village Clerk