MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
MAY 27, 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, May 27, 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 27 attendees, including 9 staff and 2 press.

1. **Call to Order.**
Mayor Nancy Roy Fiorillo called the meeting to order.

2. **Invocation and Pledge of Allegiance**
Andrew M. Wilkison, Village Manager offered the invocation and led everyone in the Pledge of Allegiance.

3. **Reports**
Mayor Fiorillo introduced Mary Robinson and Lindsey Robinson and Terry Kilarski early on the agenda to discuss the intersection at Hwy5 and McCaskill Road, Barrett Road, and McKenzie Road. Over the past year, residents have heard the crash of 20 accidents and would like a solution for this safety hazard. Ms. Robinson proposed that McKenzie Rd West could become a one-way. The Robinsons and several neighbors support changes to be made before something tragic happens. Council will discuss with staff options for a permanent solution for these intersections in July.

Manager
- The Cotswold Annexation bill has been filed and referred to the government committee.
- Staff executed contract today with the Momentum Group in partnership with the Village to put on the U.S. Open Experience.
- The modifications to the roundabout were completed last week.

Council
- Councilmember Strickland enjoyed the Memorial Day service this weekend.
- Councilmember Cashion noted he could see tracks on the roundabout concrete already.

4. **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. Approval of Draft Village Council Meeting Minutes
April 2 Special Meeting
April 8 Regular Meeting
April 9 Special Meeting

April 10 Special Meeting
April 16 Special Meeting
April 22 Regular Meeting
April 23 Special Meeting
April 30 Special Meeting

B. Budget Amendments Report to Council for the Period April 16 - May 15, 2014.
C. Budget Amendment for Moore County Emergency Responders Memorial
D. Budget Amendment-Vehicle Insurance Proceeds
E. Resolution reappointing members to the Village Center Enhancement Committee (Barry, Boxell, Miller)
F. Resolution reappointing a member of the Beautification Committee (Blackwell)
G. Resolutions honoring members on the Historic Preservation Commission (Smith and Thigpen)

End of Consent Agenda.

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

5. **Request from Community Presbyterian Church for approval of a parking concession**
The Manager introduced Pastor Rod Stone of Community Presbyterian Church who requested Council approve the church operating a parking concession during the 2014 U.S. Open week similar to the request of the Village Chapel. Council formed a consensus to allow this during the week of the men's tournament as requested.

6. **Motion to Recess the Regular Meeting and Enter into a Public Hearing for the Village of Pinehurst**
Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council recessed the Regular Meeting to enter into a Public Hearing by a vote of 5-0.

7. **Public Hearing No. 1**
The purpose of the public hearing is to consider a voluntary annexation petition from the Citadel Development Group, LLC, for ±3.2 acres located along Midland Rd. The properties to be annexed are also defined as being Moore County LRK #'s 20090101 and 00035897 and are a part of the Walker Station Subdivision.
Bruce Gould, Senior Planner introduced the need for Council to consider the public hearing regarding a voluntary annexation petition from the Citadel Development Group, LLC. He noted this is a contiguous annexation and it is a necessary annexation for the services of the Walker Station Subdivision. The effective date would be June 30, 2014 for tax purposes.

There were no audience comments.

8. **Public Hearing No. 2**
The purpose of the public hearing is to discuss the proposed 2014-2015 Fiscal Year Strategic Operating Plan and Budget for the Village of Pinehurst.
The Manager explained the FY 2015 balanced budget has been submitted to Council along with the strategic operating plan (SOP). The Manager gave a brief presentation on the process staff and Council has taken to develop this document. Andy Wilkison noted the Council's key initiatives included in the FY 2015 SOP and explained there are 55 strategic initiatives at $1.6 million. The Manager covered a summary of the General Fund and the FY 2015-2019 Capital Improvement Program.

Audience member Tom Campbell inquired about the prediction of a lower tax rate in the future.

9. **Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.**
Upon a motion by Councilmember Cashion, seconded by Councilmember Campbell, Council adjourned the Public Hearing and Re-entered the Regular Meeting by a vote of 5-0.

10. **Resolution Adopting a Policy on Village Construction**
Jeff Batton introduced the need for Council to consider a policy on vertical construction initiated by the Village of Pinehurst, similar to the right of way policy. This would require that all items as defined would be brought to Council first. Upon a motion by Councilmember Strickland, seconded by Councilmember Campbell, Council unanimously adopted Resolution 14-29 establishing a policy for construction to be reviewed by the Village Council that may occur on Village owned property or non-Village owned property if being done for Village use by a vote of 5-0. (A copy of this resolution can be found in the Resolution Book.)

11. **Budget Amendment - Garbage Truck**
Jeff Batton introduced a budget amendment appropriating $175,000 to expedite the order of the automated garbage truck that is scheduled for the FY 2015 budget. This would allow the delivery of the truck to be January 2015 as was scheduled during the yard debris study. Upon a motion by Councilmember Cashion, seconded by Councilmember Campbell, Council unanimously approved Ordinance 14-21 amending the budget for the automated arm solid waste vehicle by a vote of 5-0. (A copy of this ordinance can be found in the Ordinance Book.)

12. **Municipal Code Amendment to Prohibit Mobile Vendors**
Bruce Gould, Senior Planner introduced the agenda item to consider a text amendment to the municipal code to prohibit mobile vendors within the Village of Pinehurst. This will allow for additional enforcement authority than is currently provided within the development ordinance. He noted these provisions will only apply within the Village limits. Natalie Dean, Assistant Village Manager, reminded Council that the USGA has decided not to sell beer or wine on Tufts Park and that local permitted establishments have requested fulfilling this need for the two weeks. It was clarified that merchants could sell beer or wine in closed containers from inside their establishments that can then be consumed off the premises but within the area where the Council has authorized open containers.

Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council unanimously approved Ordinance 14-24 amending the Pinehurst Municipal Code adding Chapter 120 to prohibit mobile vendors within the Village of Pinehurst by a vote of 5-0. (A copy of this ordinance can be found in the Ordinance Book.)

13. **Municipal Code Amendment regarding Unmanned Aircraft Systems**
The Manager introduced the agenda item regarding concerns over the possible use of unmanned aircraft systems (commonly called drones) in an unsafe or criminal manner during the upcoming U.S. Opens. Due to the inability of the state to regulate this quickly, they have encouraged the Village of Pinehurst to pass a local ordinance to enforce this for the two weeks of the U.S. Open Championships. Chief Earl Phipps said the district attorney is in favor of enforcing this ordinance and a protocol is in place. Upon a motion by Councilmember Cashion, seconded by Councilmember Campbell, Council unanimously approved Ordinance 14-22 amending section 130 of the Pinehurst Municipal Code as it pertains to unmanned aircraft systems by a vote of 5-0. (A copy of this ordinance can be found in the Ordinance Book.)

14. **Discussion regarding the deer population in Pinehurst and possible options to consider.**
Councilmember Strickland introduced the conversation regarding the deer population options and noted that Rock Creek Park had a culling program in Washington D.C. to help control the deer population. Councilmember Strickland suggests a task force be formed after the U.S. Opens along with state authorities, our police department, and interested citizens. The Council agreed with the idea of continuing to look into this issue.

15. Other Business

A. Ordinance 14-23 An Ordinance to Extend the Corporate Limits of the Village of Pinehurst, North Carolina (A Portion of Walker Station)

Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council approved Ordinance 14-23 extending the corporate limits of the Village of Pinehurst for the portion of Walker Station Subdivision owned by the Citadel Development Group, LLC as of June 30, 2014 by a vote of 4-0. Councilmember Campbell abstained from voting due to his professional conflict of interest. (A copy of this ordinance can be found in the Ordinance Book.)

B. Ordinance 14-25 Budget Ordinance FY2015

Upon a motion by Councilmember Phillips, seconded by Councilmember Cashion, Council unanimously approved Ordinance 14-25 appropriating funds for Operations of the Village of Pinehurst for fiscal year 2015 and adopting the 2015-2019 Capital Improvement Plan by a vote of 5-0. (A copy of this ordinance can be found in the Ordinance Book.)

16. Comments from attendees.

- No comments.

17. 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 Village Attorney will discuss depositions taken regarding the litigation between the Estate of Ronald H. Armstrong, plaintiff v. The Village of Pinehurst; et al., defendants (Case No. 1:13 CV 407) and a settlement agreement and release of claims with Align Development LLC, Julie Sutton, Lizzie Covington, and Marian Baker.

Upon a motion by Councilmember Strickland, 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 the Village Council to discuss depositions taken regarding the litigation between the Estate of Ronald H. Armstrong, plaintiff v. The Village of Pinehurst; et al., defendants and a settlement agreement and release of claims with Align Development LLC, Julie Sutton, Lizzie Covington, and Marian Baker by a vote of 5-0.

18. 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.

19. 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 6:00 p.m.

Respectfully Submitted,

Lauren M. Craig

Lauren M. Craig
Village Clerk