

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
MAY 26, 2015**

**395 MAGNOLIA ROAD
COUNCIL CONFERENCE ROOM
PINEHURST, NORTH CAROLINA
4:30 P.M.**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, May 26, 2015 in the Council Conference Room 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 28 attendees, including 8 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Invocation and Pledge of Allegiance

Interim Manager, Jeff Batton, offered the invocation and led everyone in the Pledge of Allegiance.

3. Presentation of a resolution honoring the service of Mr. Richard Lemke on Pinehurst Community Watch.

Mayor Fiorillo presented a resolution honoring the service of Mr. Richard "Dick" Lemke on Pinehurst Community Watch and thanked him for his years of service as the Chairman. Mr. Lemke said it has been a great pleasure volunteering with the Community Watch program for the Village and he thanked the Police Chief and Deputy Police Chief for their support.

4. Reports

Manager

- Interim Manager, Jeff Batton, reported one item may be under Other Business regarding removal of landscaping on Donald Ross Drive.
- Reminded the public that on June 2 the Village Council will hold a Work Session at 4:30pm.

Council

- Councilmember Strickland explained he and Councilmember Cashion attended the Midland Road study meeting and public workshops will be coming in June to give input on the look of Midland Road going forward from the traffic circle to Southern Pines.
- Mayor Fiorillo noted she has received many notes about the flags over Memorial Day weekend. The Mayor thanked Walt Morgan for bringing this program to the Village.

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. Consider an ordinance amending the budget for the Cotswold Stormwater Improvements Project.
- B. Approval of Draft Village Council Meeting Minutes

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- April 14 Regular Meeting Minutes
- April 21 Work Session Minutes
- April 28 Regular Meeting Minutes
- C. Public Safety Reports
 - Police Department
 - Fire Department

End of Consent Agenda.

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

6. Interview and consider a resolution appointing Douglas Tuxbury as Chairman of Pinehurst Community Watch.

Interim Manager Jeff Batton explained since Richard Lemke, Chairman of the Pinehurst Community Watch program, has resigned from his appointment due to relocation, Mr. Lemke has recommended Doug Tuxbury to take the Chairman position and Police Chief Earl Phipps also supports this recommendation. Council interviewed Doug Tuxbury and asked his ideas for recruiting more volunteers. Upon a motion by Councilmember Cashion, seconded by Councilmember Phillips, Council unanimously approved Resolution 15-21 appointing Doug Tuxbury as the Chairman of the Pinehurst Community Watch program by a vote of 5-0. (A copy of this resolution can be found in the Resolution Book.)

7. Motion to Recess Regular Meeting and Enter Into a Public Hearing.

Councilmember Cashion moved to recess the regular meeting and enter into a public hearing. The motion was seconded by Councilmember Strickland and passed unanimously with a vote of 5-0.

8. Public Hearing No. 1

The purpose of the public hearing is to discuss the proposed 2015-2016 Fiscal Year Strategic Operating Plan and Budget for the Village of Pinehurst.

Interim Manager Jeff Batton explained this public hearing is the statutorily required Annual Budget Public Hearing. He explained during this hearing, any person wishing to speak about the recommended FY 2016 Budget may do so. Natalie Dean, Assistant Village Manager, gave a brief presentation of the proposed budget and the significant items included in the plan. Ms. Dean noted the changes made to the recommended budget as a result of the Council budget work sessions. Ms. Dean also noted the public comments on Open Village Hall have been printed for each Councilmember to review.

Audience member Doug Middaugh made a comment that the CIP 5 year plan has a tax increase in two years. He also noted on the last page of the CIP regarding Other Capital Additions under Recreation, greenways and sidewalks are lumped together showing 200,000 and believes this should be reflected as 100,000 each. Mr. Middaugh also suggested adding the required master plan for West Pinehurst Park.

Audience member Jack Farrell asked about the fund balance number since the original projection and how the number has changed. John Frye noted that 38% is the correct percent.

Audience member Tom Campbell express that he is grateful to the Council for giving the greenway trail money.

9. Public Hearing No. 2

The purpose of the public hearing is to consider an Official Text Amendment to the Pinehurst Development Ordinance (PDO), specifically Section 10.2, "Definitions" and Table 8.5.1a, "Table of Permitted and Special Uses and Special Requirements". These proposed amendments will add the definition of a "Municipal Public Service Facility" to the PDO and allow Municipal Public

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Service Facilities in the Public Conservation (PC), Village Mixed Use (VMU) and Village Cottage Professional (VCP) Zoning Districts. The applicant is the Village of Pinehurst.

Kevin Reed, Director of Planning and Inspections, explained that the Village of Pinehurst is proposing amendments to Section 10.2, "Definitions" and Table 8.5.1a, "Table of Permitted and Special Uses and Special Requirements", of the Pinehurst Development Ordinance (PDO). Mr. Reed noted the purpose is to define the land use/use type known as a "Municipal Public Service Facility" in Section 1-.2 and list it as a permitted use in some zoning districts. Currently, the PDO does not include a definition for this type of use which is necessary for the Village's public service functions. Mr. Reed noted this would allow flexibility for the property in this area. Mr. Reed noted these amendments are consistent with the goals outlined in the 2010 Comprehensive Long Range Plan and is considered reasonable and in the best interest of the public. He shared that the Planning and Zoning Board conducted its required public hearing and voted unanimously to recommend to the Village Council that the amendments be approved.

There were no audience comments.

10. Motion to Adjourn the Public Hearing and Re-Enter the Regular Meeting.

Councilmember Cashion moved to adjourn the public hearing and re-enter the regular meeting. The motion was seconded by Councilmember Campbell and passed unanimously with a vote of 5-0.

11. Consider Ordinance #15-10 amending the Pinehurst Development Ordinance Section 10.2 and Table 8.5.1a Municipal Public Service Facility.

Interim Manager, Jeff Batton noted that staff prepared an ordinance for Council to act on Public Hearing No. 2 for the Pinehurst Development Ordinance amendment if ready. Upon a motion by Councilmember Campbell, seconded by Councilmember Cashion, Council unanimously approved Ordinance 15-10 amending the Pinehurst Development Ordinance Section 10.2 and Table 8.5.1a Municipal Public Service Facility by a vote of 5-0. (A copy of this ordinance can be found in the Ordinance Book.)

Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council unanimously approved that the proposed amendments to the Pinehurst Development Ordinance are consistent with the goals outlined in the 2010 Comprehensive Long Range Plan and are considered reasonable and in the best interest of the public as referenced in the memorandum dated May 20, 2015 from Kevin Reed, Director of Planning and Inspections by a vote of 5-0.

12. Presentation on the Highway 211 Corridor Study.

Kevin Reed, Director of Planning and Inspections, and Bruce Gould, Principal Planner, made a presentation to the Village Council on the Highway 211 Corridor Study. Staff noted the amendment made to recommendation #2 which pertains to the speed limit along the corridor. Mr. Reed shared the contents of the study noting existing conditions, opportunities and constraints, and the recommendations. Mr. Reed shared the ten recommendations made by the study team. Bruce Gould noted this plan shares opportunities and constraints for the Village Council to consider in the years ahead for this corridor. Council held a discussion about the recommendations. Pat Corso reminded the Council about the corridor overlay district and the 15-501 corridor study and suggested beginning one on Highway 5 next. Jack Farrell asked about the involvement with Moore County and Foxfire. Mr. Farrell also noted disappointment with the promises to Pinewild over the years, which he listed, have not been executed. Upon discussion, Council determined to discuss the next steps of the Highway 211 Corridor Study in an upcoming work session.

13. Consider the Given Memorial Library capital contribution contract revision.

Interim Manager Jeff Batton explained that the Village is currently under contract to contribute \$1,000,000 to the Given Memorial Library's Great Expectations Campaign for capital improvements and the remaining payment of \$300,000 is scheduled for September of 2015. Mr. Batton explained during the development of the FY 2016 Budget, staff negotiated to spread the final installment due

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under the contract over a three-year period. The revised contract calls for payments of \$100,000 in September of 2015, 2016, and 2017 with the reversion date extended by one year to June 30, 2019. Mr. Batton explained the revised term sheet was approved by the Library on May 8, 2015. Council discussed the terms agreement and upon a motion by Councilmember Phillips, seconded by Councilmember Cashion, Council approved that the Mayor, or her designee, be authorized to execute the revised term sheet, as approved by the Library on May 8, 2015, with Given Memorial Library for its Great Expectations Campaign by a vote of 4-1, with Councilmember Campbell dissenting.

14. Consider the purchase of service revolver for retiring police officer.

Interim Manager Jeff Batton explained that staff received a request from Deputy Police Chief Floyd Thomas to purchase his service revolver and badge upon his retirement. Mr. Batton noted the statute giving the Village this authority. Upon a motion by Councilmember Strickland, seconded by Councilmember Cashion, Council unanimously approved that the Village of Pinehurst sell the service revolver and badge of retiring Pinehurst Deputy Police Chief Floyd Thomas to him for the amount of \$1 as stated in the Retirement Recognitions and Gifts policy and authorized in NCGS 20-187.2 by a vote of 5-0.

15. Discussion of sale of Juniper Lake Road Property.

Assistant Village Manager Natalie Dean introduced the need for Council to discuss how to proceed with the disposition of the Juniper Lake Road property. Ms. Dean shared her discussions with a few realtors about the pricing and appropriate zoning for the property and also with the Village's Planning Department staff. Council held a discussion about the desired zoning for the property and if the property should remain within the Village limits or not. Kevin Reed gave his professional opinion on the zoning of the area surrounding the property. Council held a discussion about the Village's options to sell the property and determined to research the next steps for de-annexation through the legislature and have the Planning and Zoning Board review the property.

16. Discussion on Solid Waste Cart Storage Requirements.

Interim Manager Jeff Batton explained that at the Neighborhood Advisory Committee meeting on May 18, it was mentioned for Council to discuss storage requirements for solid waste carts. Mr. Batton explained currently the BIRDIE process improvement team is working on code enforcement issues and cart storage is one of the top priorities for education but if Council should change the regulations for this, the education program would also need to reflect these changes. Audience member Tony Elms commented that he does not believe the Village should require the carts be out of sight. Audience member Debbie Barr suggested sending out a letter to each homeowner to educate on the Village's regulations. Council discussed the issue and decided to collaborate with the BIRDIE process improvement team focusing on code enforcement to better educate citizens on the current regulations.

17. Discuss SB25/HB36 pertaining to Zoning/Design and Aesthetic Controls.

Interim Manager, Jeff Batton explained that SB25/HB36 is a pending bill that would affect certain portions of the PDO related to the regulation of building design elements. Mr. Batton asked if Council had an interest to take action on this to ensure municipalities keep some of these aesthetic controls or design standards or let this bill proceed as it is. Council held a discussion about this pending bill and determined to seek Representative Jamie Boles' opinion on this issue.

18. Other Business

- Walt Morgan and Bart O'Connor discussed changing the right-of-way on Donald Ross Drive near the intersection with Linden Road to take down the junipers and replacing with either grass or pinestraw. Mr. O'Connor said the homeowners association voted today in support of this project. Council formed a consensus regarding the changes proposed by the Donald Ross Homeowners Association to the right-of-way along Donald Ross Drive near the intersection with Linden Road.

19. Comments from attendees.

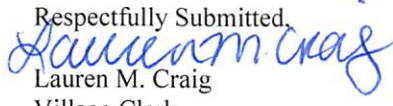
- There were no comments.

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20. Motion to Adjourn.

Councilmember Cashion moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Strickland and carried unanimously. The Regular Meeting adjourned at 6:50 p.m.

Respectfully Submitted,


Lauren M. Craig
Village Clerk