MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 25, 2017

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, April 25, 2017 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
Ms. Claire L. Berggren, Councilmember
Mr. John Bouldry, Councilmember
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Clark Campbell, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 65 attendees, including 9 staff and 1 press.

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

2. **Invocation and Pledge of Allegiance.**
Pastor John Jacobs of The Village Chapel led the invocation and Mayor Fiorillo led everyone in the Pledge of Allegiance.

3. **Reports.**

Manager

- Jim Lewis and others have worked on the Historic Preservation Commission Guidelines and Jeff Sanborn has met with Mr. Lewis to work through having a product that is legally sustainable and a vast improvement on the previous set of guidelines. This should be ready to bring before Council at the May work session.

Council

- Councilmember Bouldry shared he has met with Audrey Moriarty and Bill Callison regarding Given Memorial Library. He also explained he attended the Moore County Transportation Committee meeting last week and they did not have a quorum present so there was no voting. He also noted the Sustainability Subcommittee of the Pinehurst Appearance Committee has researched well head regulations and they will give a summary about the implications of these.
- Councilmember Cashion said last Wednesday he spent the day at the General Assembly as a guest of Representative Boles which was very interesting.

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. Consider an amendment to the Interlocal Agreement with Moore County for Building Inspection Services.
B. Consider a resolution reappointing the Chairman of the Pinehurst Community Watch program.
C. Budget Amendments Report

D. Approval of Draft Village Council Meeting Minutes.
March 14 Work Session
March 14 Closed Session
March 28 Regular Meeting
E. Public Safety Reports.
Police Department
Fire Department

End of Consent Agenda.

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

5. **Motion to Recess Regular Meeting and Enter Into a Public Hearing.**
Upon a motion by Councilmember Bouldry, seconded by Councilmember Berggren, Council approved to recess the regular meeting and enter into a public hearing by a vote of 5-0.

6. **Public Hearing No. 1**
The purpose of the public hearing is to consider an Official Zoning Map Amendment and approval of a General Concept Plan. This map amendment would rezone three parcels of land consisting of approximately ± 4.25 acres. These properties are addressed as 105, 110 & 125 Everette Rd., as well as 35 Kelly Rd and is the current location of Community Presbyterian Church. The properties are further defined as being a part of Moore County LRK #'s 00024664, 00024264, 00029859, 00017301 & 98000236. The properties are currently zoned R-10 Residential District and R-20 Residential District. The proposed map amendment would change the zoning of the properties to R-10 Residential - Conditional District (R-10-CD) for the purpose of adding three covered entrances to the existing facility, adding new parking areas, modifying existing parking areas, new vehicular entrances and new drop off areas as well as landscape enhancements to the church campus. The applicant and property owner for this rezoning is Community Presbyterian Church.

Kevin Reed explained the purpose of the public hearing is to consider an Official Zoning Map Amendment and approval of a General Concept Plan. This map amendment would rezone three parcels of land consisting of approximately ± 4.25 acres. These properties are addressed as 105, 110 & 125 Everette Rd., as well as 35 Kelly Rd and is the current location of Community Presbyterian Church. The properties are further defined as being a part of Moore County LRK #'s 00024664, 00024264, 00029859, 00017301 & 98000236. The properties are currently zoned R-10 Residential District and R-20 Residential District. The proposed map amendment would change the zoning of the properties to R-10 Residential - Conditional District (R-10-CD) for the purpose of adding three covered entrances to the existing facility, adding new parking areas, modifying existing parking areas, new vehicular entrances and new drop off areas as well as landscape enhancements to the church campus. The applicant and property owner for this rezoning is Community Presbyterian Church. He noted the Planning and Zoning Board voted unanimously to recommend the request be approved and the general concept plan be approved with 8 attached conditions. Mr. Reed explained the proposed conditions.

Pete Bogle, the architect for the project representing Community Presbyterian Church (CPC), explained the goals of the church's 2016 master plan to create a cohesive campus, resolve parking and traffic flow issues, and improve access and circulation of the site. He shared the final master plan that has been submitted and explained it has been reviewed by Village Planning Staff, the Technical Review Committee, Engineering, and the Planning and Zoning Board.

Mayor Fiorillo disclosed that she, along with Councilmember Bouldry, and Councilmember Berggren are members of CPC. The Manager noted that according to the Village Attorney, unless the Councilmembers have a financial interest or participated in the planning for this project, there is no basis of recusal. Council concurred that these Councilmembers do not have either of these restrictions.

Councilmember Berggren asked about the building that would not be removed if the right of way parking was not allowed. Council held further discussion about the project specifically regarding the right of way parking. Pastor Rod Stone explained they did complete the requirement to invite the adjacent property owners to a meeting. Mayor Fiorillo opened the floor for public comments and asked the public to state case in three minutes.

Public Comments:

- Bob Blackwell is a member of CPC for 18 years and serves as an Elder. He said the church wants to be a good neighbor and he supports the plan and thinks this will allow the church to be better stewards of the neighborhood with this proposed plan.
- John Hoffmann, said the presentation reminded him of the Kuester presentation months ago and he lives a half block from CPC. He noted he was not invited to the neighborhood meeting. He suggested an issue with three Councilmembers being members of the church. He said this is a series of assaults since the construction of the fellowship hall and the result was that the neighborhood and ROW have been inundated with unsupervised and unattended parking. He said this is not an issue of faith but a land use issue although a church is a permitted use in all zoning districts.
- Sheila Van Dyke is a member of CPC for 20 years and think it's important for Council to support this. She listed the many uses of the Church and the ways they serve the community. She explained many other ways they serve people and those who need help in the community.
- Jack Binning said the first service was on September 7, 1930 making the church 68 years old. He said it was and continues to be a historical and important part of the community. He said this is a church with services, weddings, funerals, and people need to park their cars for these. He said the Village should not expect the church to gamble on a non-certainty like using the school parking lot.
- Wayne Maples asked if there is a pedestrian walkway included in the plan and he noted this is the second most dangerous intersection, next to the traffic circle.
- Linda Mizell said this church walked with her for 6 years during an illness with her husband. She said the church needs to be improved to continue these program and meet the demands of future generations.
- Ken Schroeder asked about the Nelson property and asked what type of water mitigation would be used. He said there are 3.5 acres of impervious surface and asked how the water would be managed for the paved parking lot. He said he has dealt with this daily on Ft. Bragg and said surging water and pavement is an expense and he doesn't know where in the PDO the Village addresses pervious pavers or pervious pavement. He said they would be creating heat islands. He also said before surfaces, the custodian of the church blows and the gravel parking produces
- Charles McWilliams said he has been a member of CPC for 40 years. He said the church is more than bricks and mortar and is a place his family was raised and where he buried his wife. He said he approves this plan to rejuvenate the church and landscaping.
- Carolyn Shaw asked if the Mayor can help with the speed issue along Midland. She said Council is having a terrible rush to judgment on something more important that what is being heard today. She said they are pushing too hard, too fast and there seems to be a foregoing conclusion that this will be approved. She asked if it has been considered to relocate the church because for 30 years this church has been a problem.
- Bob Tweed commented this will not destroy the neighborhood, it will improve the appearance. He has been a member for over 20 years and wants to see the area improved and wants to provide adequate parking for future church members.
- Joe Koontz said Mr. Bogle eloquently covered the points and he strongly agrees with the plan as proposed. He said the changes are needed for the church and after studying the plan, the neighborhood will be enhanced. He asked the Council to look favorably upon this.

- Roger Simmons said as a Cotswold resident, he wanted to be annexed into the Village of Pinehurst because it is a beautiful place to live. He said he is a member of the church and he believes the church needs help with landscaping and proper driveways to give a unified look.
- John Strickland commented that Mr. Bogle mentioned the pavement decisions have not been fully made yet. He said a key issue is the parking and pavement on the property and how it affects the look and drainage. He is aware of two other churches that have gone to a grass and composite material for parking and he encourages this to be considered.
- Judy Davis commented the notion to have overflow parking at the elementary school is a value added asset. She said her neighbors believe the demolition of a few houses takes too much of the fabric of Pinehurst to add to a parking dimension. She also asked about the phases of this project. She said the intersection at Kelly and Everette is very dangerous and pedestrians have to be very careful. She suggested to eliminate the ROW parking and utilize the school.
- Bart Boudreaux said we are making a lot of changes for four hours a week at this church and disrupting the neighborhood. He said the ROW parking now is not included in the impervious count. He said get rid of the ROW parking, landscape all of that, and use the other areas for parking.
- Mr. Van Dyke said the school parking was a verbal agreement and the church cannot depend on this for the future.
- CPC Pastor Rod Stone responded according to the deed of the property, the area is deeded to be a church. He said the church wants to be in compliance and use the facility the best way they can. He said the church wants to work with the Village regarding appearance, design, and plant material. He said the first phase is tonight's decision, then a fundraising campaign will begin at the church. He said parking is a necessity. He said no one argues the historic elements of the cottage but it is not designed for the church to benefit from this facility and they will work with anyone to help move this house.
- Mr. Bogle said the phases are unknown but the parking lots are to be built with the storm water management and landscaping all at one time. He noted they could consider the grass surface parking areas similar to Brownson in Southern Pines for certain parking areas that would be used on a nonfrequent basis. He said the school lot is over 700 feet away from the church and he said landscaping will be well done.

7. **Motion to Adjourn the Public Hearing and Re-Enter the Regular Meeting.**
   Upon a motion by Councilmember Bouldry, seconded by Councilmember Campbell, Council approved to adjourn the public hearing and re-enter the regular meeting by a vote of 5-0.

8. **Discuss and consider Ordinance 17-05 amending the Official Pinehurst Zoning Map as it pertains to the rezoning of 105 Everette Road, 110 Everette Road, 125 Everette Road, and 35 Kelly Road.**
   Council held a discussion about the public hearing and determined to review material and discuss this further at the next work session. They noted it would be helpful to have the applicant at this meeting to continue the discussion.

9. **Presentation of Quarterly Financial Statements for the Quarter Ended March 31, 2017.**
   John Frye, Financial Services Director, presented the quarterly financial statements for the quarter ended March 31, 2017. Mr. Frye noted the Village's financial condition is favorable. He said revenues exceeded expenditures by a larger margin than anticipated in our forecast for the first three quarters. Mr. Frye also explained in addition, our operating expenditures are under control and our revenue outlook is positive. Mr. Frye gave an overview of the statements and explained the details of the revenue and financial outlook. Councilmember Bouldry suggested looking into the Harness Track performance targets to see other ways to use the space.

10. **Consider approving a contract to sell fuel to Moore County.**
John Frye, Financial Services Director, explained the Village currently sells gasoline and diesel fuel to Moore County for their Solid Waste, Public Works, and Emergency Services divisions. He noted this arrangement provides the County with a convenient southern fueling location, particularly for ambulances visiting the hospital. The current contract expires June 30, 2017 and both County and Village staff wish to continue the arrangement. Upon a motion by Councilmember Bouldry, seconded by Councilmember Campbell, Council unanimously authorized the Mayor or her designee to execute the contract to sell fuel to Moore County by a vote of 5-0.

11. **Consider a resolution waiving special assessment acceleration.**
John Frye, Financial Services Director, explained billings for this year's Municipal Service District (MSD) and Cotswold special assessment installments were mailed in January and were due February 9, 2017. North Carolina General Statute 160A-233(b) states that if any installment of these assessments is not paid by the due date, all of the installments remaining unpaid become due and payable, unless the Council waives this acceleration. Mr. Frye explained as of the due date, eight property owners did not pay this year's installment. Seven of the delinquent assessments have now been paid due to subsequent collection efforts. The one remaining assessment will remain accelerated and we will attempt to collect the entire balance. Upon a motion by Councilmember Campbell, seconded by Councilmember Cashion, Council unanimously approved Resolution 17-13 to waive the acceleration of the remaining assessment installments for the seven properties that have paid their annual installment by a vote of 5-0.

12. **Discuss Pine Ridge Road right-of-way abandonment.**
Assistant Village Manager Jeff Batton explained staff reported at a previous Council meeting that a builder had inquired about the possibility of abandoning a portion of the Pine Ridge Road right-of-way near Lake Pinehurst. At that meeting, Council asked staff to seek input from Jackson Hamlet representatives on the potential closure. Mr. Batton noted after speaking with Mr. O'Neal Russ, a longtime resident and member of the Jackson Hamlet Community Board, as well as the homeowner immediately adjacent to the connection, both indicated they did not support a closure and felt the connection served a purpose for both Pinehurst and Jackson Hamlet residents. Council formed a consensus to leave this as is and not to abandon the right-of-way.

13. **Discuss the Land Use Plan Committee composition.**
Councilmember Bouldry passed out copies of an email that he sent on April 23 regarding the composition of the small group for land use planning and comp planning. He suggests Deb Manzo to facilitate this group in June and he would like Council's idea for who would serve on this committee. He shared a suggestion of the group's makeup to ensure a good mix of Council, staff, and residents on this committee. Council agreed for Councilmember Bouldry and Mayor Fiorillo to be the Council representation on this committee. Council also discussed other potential members such as Fred Engelfried, Leo Santowasso, Kevin Drum, JoAnn Valdez, Kevin Reed, Bruce Gould, and other residents.

14. **Other Business.**
    - Councilmember Bouldry said there is a lot being offered as a donation to the Village on Timuquana in Pinehurst No. 6. Jeff Batton said a resident from Raleigh owns this as a membership lot and no longer has a need for it and has offered to donate this to the Village. Mr. Batton said it is an unbuildable lot and has some drainage that comes on to it and there is a catch basin at the corner property line. Council formed a consensus not to accept this lot donation.
    - Council held a discussion about the location of the May Live After 5. Mayor Fiorillo noted the more exposure we can give our businesses downtown, the better. Mayor Fiorillo asked to hold The Embers concert in Tufts Park. Council held a discussion about this. Mark Wagner noted this was going to be a test run to see how a large event could be handled at the Arboretum rather than downtown. Mark Wagner said it will take more staff time, more police

involvement to direct traffic, and ability to shut down the streets earlier to move part of this event out into the streets. Council determined to keep the May event at Tufts Park.

15. Comments from Attendees.

- Frank Pacifico commented the decibel level from the music at the Arboretum can be heard from his home.
- Jeanne Casinella said we are growing fast and there are many demands on Highway 5. She asked Council to get a group together from Aberdeen and have a serious conversation about how both towns will proceed with the issues being creating along Highway 5 and how to work together. She also commented about the vote about the bypass and she has a problem with how Mr. Cashion handled this and wants an understanding of the process for a representative voting and who they are representing with their vote.
- Judy Davis commented not to move the concert from the Village Green. Ms. Davis also explained the Civic Group sent out four visual representations to show the St. Andrews and Lake Forest area where the sidewalks are being proposed. Ms. Davis shared a sidewalk overlay simulation to show the placement of the sidewalks that cross driveways and intersect with mature trees and landscaping. Council noted they are still receiving input regarding this project. Ms. Davis also thinks whoever comes to a public hearing needs to be heard including John Hoffmann and should not be limited to three minutes.
- Frank Pacifico added that once a sidewalk is installed, you are responsible for the liability and the maintenance of it. He said his tax dollars are going to be going towards putting in sidewalks in an area he does not plan to use. He also discussed the use of Village funds for maintaining state roadways. He also said do not put a sidewalk in front of his house.
- Jeanne Casinella said the drainage and topography will be awful for sidewalks due to flooding in the area.

16. Motion to Adjourn.

Councilmember Cashion moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Berggren and carried unanimously. The Regular Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Lauren M. Craig

Lauren M. Craig
Village Clerk