MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JANUARY 13, 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, January 13, 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 19 staff and 1 press.

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

2. **Presentation of resolutions honoring Caroline Miller for service on the Village Center Enhancement Committee, Peter Helgesen on the Community Appearance Commission, and Byrd Gwinn for service on the Planning and Zoning and Board of Adjustment.**

Councilmember Cashion presented the resolution to Peter Helgesen and Councilmember Strickland presented the resolution to Byrd Gwinn. Caroline Miller was unable to attend but will be honored at an upcoming meeting.

3. **Reports**

Manager

- The Interim manager noted the upcoming office closure for the Martin Luther King, Jr. Holiday on Monday, January 19.

Council

- Mayor Fiorillo invited anyone in the public to attend a Historic Preservation Commission meeting.

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 a resolution to update bank representatives.

End of Consent Agenda.

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

5. **Consider a resolution for the naming of the Wicker Park tennis courts.**
Interim Village Manager Jeff Batton explained Council has concurred with the naming of the tennis courts in Wicker Park after Andy Wilkison for his 26 years of service to the Village of Pinehurst but a resolution needs to be adopted formally naming the tennis courts. Councilmember Cashion suggested that the Mayor make the motion on behalf of the Village of Pinehurst. Upon a motion by Mayor Fiorillo, seconded by Councilmember Campbell, Council unanimously approved Resolution 15-02, honoring retired Village Manager Andy Wilkison for his 26 years of dedication and professional service to the citizens of the Village of Pinehurst by officially designating the tennis courts in Wicker Park as the "Andrew M. Wilkison Tennis Courts" by a vote of 5-0. (A copy of the resolution can be found in the Resolution Book.) Mayor Fiorillo presented Andy Wilkison with a framed copy of the resolution of appreciation.

6. **Discussion and action on the Deer Management Task Force report.**
Mayor Fiorillo introduced the need for Council to continue discussion on the Deer Management Task Force report noting the six recommendations to consider along with any other suggestions or ideas. Councilmember Strickland gave his framework for the discussion which included: the purpose for appointing the task force, its frequency of meeting, its mission, the task force report, and the recommendation with respect to culling of the deer herd based on input from the NC Wildlife Commission. He noted although the Council may not wish to implement a culling program at this time, it would be important to continue to investigate if and how a culling program would work in Pinehurst.

Council first held a discussion about the recommendation of deer culling in the Village of Pinehurst. Upon a motion by Councilmember Cashion, seconded by Councilmember Campbell, Council approved to not cull deer in the Village of Pinehurst by a vote of 4-1 with Councilmember Strickland dissenting. Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council approved recommendation numbers 1, 2, 3 and 4 from the Deer Management Task Force Report for implementation to help manage deer populations in the Village of Pinehurst by a vote of 5-0. Mayor Fiorillo suggested using the Master Gardener program and other groups rather than Village staff to implement these recommendations.

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

8. **Public Hearing No. 1**
To consider an exception to the fence regulations in accordance with Section 9.13 (8) of the Pinehurst Development Ordinance for the property addressed as 100 Rattlesnake Trail.

Kevin Reed, Director of Planning and Inspections, explained the request for Council to evaluate and consider an exception to the fence regulations in accordance with the Pinehurst Development Ordinance for 100 Rattlesnake Trail. He explained the applicant is Quality Built Advantage, Inc., and the property owner is DGH Management, LLC. Mr. Reed noted the applicant is requesting an exception to the PDO which requires a 10-foot setback on corner lots for fences greater than 4-feet in height when the fence is located along the side street property line and the proposal is a 6-foot shadowbox style fence. Mr. Reed noted if Council approves the exception, the applicant will need to seek a Certificate of Appropriateness for the proposed fence from the Historic Preservation Commission next.

Audience member John Hoffman commented that he reviewed the request and believes that the applicant should apply for a variance. He quoted purpose and scope of variances.

Audience member Alan Hoy said he remembered this exception was for fencing styles, heights, safety, or shielding an un-kept property. He does not think this application shows the appropriate reasons for an exception and suggested this would open up questions for a lot of corner lots going forward.

Mayor Fiorillo explained that Council is trying to keep things flexible. Councilmember Strickland explained that the fence type will be handled by the Historic Preservation Commission.

Audience member Debbie Barr said she agrees that there is a process to go through and feels that Council is laying open for all fence exceptions.

Audience member Bart O'Connor asked if staff was recommending this and if it had already gone to the Historic Preservation Commission and staff clarified that it was not a staff recommendation and it had not gone to the commission yet. Jeff Batton noted that HPC cannot hear this unless the Council grants the waiver and the Board of Adjustment would be the appeal location of the HPC decision.

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

Council held a discussion on the public hearing and decided to take action on the public hearing item for 100 Rattlesnake Trail. Upon a motion by Councilmember Phillips, seconded by Councilmember Cashion, Council approved that in accordance with section 9.13 (8) of the PDO that this fence exception be granted to Quality Built Homes for the property located at 100 Rattlesnake Trail as submitted by a vote of 3-1, with Councilmember Strickland dissenting and with Councilmember Campbell abstaining.

10. **Interview and consider a resolution appointing a member to the Historic Preservation Commission (Davis).**
Council interviewed Judy Davis for a seat on the Historic Preservation Commission. Jim Lewis, Chairman of the Historic Preservation Commission explained the process that he and staff completed interviewing several candidates and he shared that Judy Davis was the best candidate for this open seat. Upon a motion by Councilmember Cashion, seconded by Councilmember Campbell , Council unanimously approved Resolution 15-06 appointing Judy Davis to a 2 year term on the Pinehurst Historic Preservation Commission by a vote of 5-0. (A copy of the resolutions can be found in the Resolution Book.)

11. **Presentation from the Community Appearance Commission for updated proposal of Village-owned property across from Village Hall.**
Alan Hoy from the Community Appearance Commission presented an updated proposal to the Village Council for the Village-owned property on Magnolia Road across from Village Hall which included updated pricing on cleaning up the property and planting trees and wildflowers. Council thanked Mr. Hoy and the Community Appearance Commission for their work on this suggestion and determined to evaluate this further at the work session scheduled for Tuesday, January 20 at 4:30pm. Audience member Bart O'Connor raised questions about fees for design, cost of products, and labor costs and noted concern about this.

12. **Review and discuss the Community Road streetscape concept plan.**
Interim Village Manager Jeff Batton introduced the streetscape enhancement project on Community Road and LKC Engineering who created this concept plan. Mr. Batton noted this would incrementally expand downtown to Community Road with the same look and feel as downtown. Lou Sadler of LKC Engineering shared the project proposal with Council noting areas with new sidewalks, crosswalks, lighting, and parking/street enhancements on north side of Community Road. He shared there is a future parking area on Orange Street that could be added if desired and a future expansion of the walkway going towards the current public services department. Council determined to evaluate this further at the work sessions scheduled for Tuesday, January 20 at 4:30pm. Audience member Tom Campbell asked about the sidewalk and any other future project with the road in that area. Audience member Jim Lewis asked if this plan would be shared with any of the property owners.

13. **Consider proposed downtown street lamp expansion.**
Interim Village Manager Jeff Batton explained that according to the Village's right-of-way policy, Council is required to review and approve any significant changes in the right-of-way. Mr. Batton explained that staff has been working on an initiative to improve lighting in downtown by increasing the number of street lamps in specific areas and he presented Council with a proposal to add four new street lamps in downtown. Councilmember Strickland asked staff to find out an estimate of these costs and evaluate this further at the work sessions scheduled for Tuesday, January 20 at 4:30pm. Audience member Jack Farrell supported this plan and he asked Mr. Batton to look into a tree issue in front of the old post office building that he suggested needs to be removed.

14. **Consider a resolution for changing the speed limit on a portion of Linden Road.**
Interim Village Manager Jeff Batton reminded Council of a request to the NCDOT for two speed limit changes for Linden Road and Highway 211. He noted that the NCDOT agreed with the need to lower the speed limit on Linden Road from Clarendon Gardens to a location just west of Elliot's on Linden. Upon a motion by Councilmember Strickland, seconded by Councilmember Phillips, Council unanimously approved Resolution 15-04 concurring with the North Carolina Department of Transportation to establish a speed limit of 35pmh on the defined portion of Linden Road by a vote of 5-0. (A copy of the resolutions can be found in the Resolution Book.)

15. **Consider change order for the Phase III Jackson Hamlet CDBG Project.**
Interim Village Manager Jeff Batton explained that the Jackson Hamlet Phase III Sewer Project has been completed as far as installation of all sewer lines and taps and there are adequate funds available to pave Arnette Street which sustained the most street cuts and patching during the project. This would require a change order for the paving project of $69,600 which is eligible for a CDBG reimbursement and it is estimated that after this paving project, approximately $96,755 will be returned to the Department of Commerce as unspent funds. Upon a motion by Councilmember Strickland, seconded by Councilmember Campbell, Council unanimously approved that the Mayor or designee, be authorized to execute Change Order #3 with Sandhills Contractors, Inc. for $69,600 to pave Arnette Street as part of the CDBG Jackson Hamlet Phase 3 Sewer System Improvement project by a vote of 5-0.

16. **Consider a resolution designating the new location of Marshall Park.**
Interim Village Manager Jeff Batton explained now that the George C. Marshall Park monument has a new permanent home, it would be appropriate for Council to consider formally designating the location as Marshall Park. He noted that staff has discussed this with Tom Pashley, President of Pinehurst, LLC and he suggests the new location of the monument be designated as the new Marshall Park relinquishing that designation from Pinehurst, LLC property. It was noted that at this time, no additional signage would be added beyond the monument. Upon a motion by Councilmember Cashion, seconded by Councilmember Strickland, Council unanimously approved Resolution 15-03 designating a certain parcel of Village property, specifically that which is bounded by Carolina Vista Drive, Shaw Road SE, Azalea Road and Cherokee Road, as the George C. Marshall Park by a vote of 5-0. (A copy of the resolutions can be found in the Resolution Book.)

17. **Consider a resolution formally establishing the Risk Management Committee.**
Lauren Craig, Village Clerk reminded Council that at the October 14, 2014 Village Council meeting, Council determined to formally establish the Risk Management Committee. The Village Clerk and Interim Manager have created a resolution for Council to consider. Upon a motion by Councilmember Phillips, seconded by Councilmember Cashion, Council unanimously approved Resolution 15-01 formally establishing the Risk Management Committee for the Village of Pinehurst by a vote of 5-0. (A copy of the resolutions can be found in the Resolution Book.)

18. **Consider the purchase of service revolver for retiring police officer.**
Interim Village Manager Jeff Batton shared that staff has received a request from Lt. Jerry McDonald to purchase his service revolver upon his retirement and accordingly to NCGS 20-187.2 and the Village's Retirement and Recognition Gifts Policy, the Council is authorized to award this for an

officer with more than 20 years of service at $1. Upon a motion by Councilmember Cashion, seconded by Councilmember Campbell, Council unanimously approved that the Village of Pinehurst sell the service revolver of retiring Pinehurst Police Officer Lt. Jerry McDonald 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.

19. **Other Business**
    - None.

20. **Comments from attendees.**
    - Tom Campbell noted that at the Neighborhood Association meeting yesterday, a discussion was held regarding the issue of speed limits on Highway 211. Councilmember Strickland explained that several people have noted an issue with the speed limit being too fast and Council will discuss steps with the NCDOT.
    - Frank Pacifico noted the new signage on Highway 211 and believes they need to be placed on the overhang due to the issue of not seeing them from trucks or larger vehicles that could block them in their current location.

21. **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 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.

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

23. **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 6:35 p.m.

Respectfully Submitted,
Lauren M. Craig
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Village Clerk