# VILLAGE COUNCIL
## AGENDA FOR REGULAR MEETING OF NOVEMBER 12, 2013
## ASSEMBLY HALL
## 395 MAGNOLIA ROAD
## PINEHURST, NORTH CAROLINA
## 1:00 PM

1. Call to Order.

2. Invocation and Pledge of Allegiance.

3. Action: 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. Consent Agenda

      A. Approval of Draft Minutes:
         - Closed Session of October 8, 2013
         - Work Session of October 8, 2013
         - Special Work Session of October 21, 2013
         - Work Session of October 22, 2013
         - Regular Meeting of October 22, 2013
         - Special Work Session of October 22, 2013
         - Special Work Session of October 29, 2013

      B. Public Safety Reports:
         - Fire Department
         - Police Department

      C. Scheduling of Regular Meeting for Tuesday, December 10, 2013 at 1:00 p.m.

   End of Consent Agenda.

4. Resolution 13-51 Authorizing Exchange of Real Property Within the Village of Pinehurst

5. Other Business.

6. Comments from Attendees.

7. Action: Motion to Adjourn.

***History, Charm, & Southern Hospitality.***

## Vision

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions, enhanced by a unique combination of cultural arts and recreational activities.

## Mission

Preserve and enhance the community's character and ambience by guiding growth, managing change, and providing services in a financially responsible manner.

## Values

Competent
Courteous
Professional
Responsive

# CONSENT AGENDA

## ADDITIONAL AGENDA DETAILS:

A.Approval of Draft Minutes:
- -Closed Session of October 8, 2013
- -Work Session of October 8, 2013
- -Special Work Session of October 21, 2013
- -Work Session of October 22, 2013
- -Regular Meeting of October 22, 2013
- -Special Work Session of October 22, 2013
- -Special Work Session of October 29, 2013

B.Public Safety Reports:
- -Fire Department
- -Police Department

C.Scheduling of Regular Meeting for Tuesday, December 10, 2013 at 1:00 p.m.

**FROM:**
Lauren Craig, Village Clerk

**DATE OF MEMO:**
10/18/2013

**ATTACHMENTS:**

Description
- 10-08 Closed Session Minutes
- 10-08 Work Session Minutes
- 10-21 Special Meeting Minutes
- 10-22 Work Session Minutes
- 10-22 Regular Meeting Minutes
- 10-22 Special Meeting Minutes
- 10-29 Special Meeting Minutes
- Fire Department Report
- Police Department Report

**MINUTES OF**
**VILLAGE COUNCIL WORK SESSION**
**OCTOBER 8, 2013**

**395 MAGNOLIA ROAD**
**ASSEMBLY HALL**
**PINEHURST, NORTH CAROLINA**
**4:30 P.M.**

The Pinehurst Village Council held a Work Session at 4:30 p.m. Tuesday, October 8, 2013 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. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Lauren Craig, Village Clerk

Excused absence: Mr. Mark W. Parson, Councilmember

And approximately 20 attendees, including 6 staff and 2 media

1. **Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order.

2. **Motion to go into Closed Session.**

Councilmember Strickland moved to recess the Work Session and enter a 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. The motion was seconded by Councilmember Cashion and carried unanimously.

**GENERAL ACCOUNT**

The Village Attorney briefed the Council on the status of the litigation between the estate of Mr. Ronald Armstrong and the Village of Pinehurst, and the status of his discussions with the attorney representing Aberdeen, Carolina and Western Railway and the mobile communications tower company seeking to locate a tower in the Historic Landmark District of the Village of Pinehurst.

3. **Motion to adjourn the Closed Session and Reconvene in Open Session.**

Councilmember Strickland moved to adjourn the Closed Session and re-enter the Work Session. The motion was seconded by Councilmember Cashion and carried unanimously.

4. **Call to Order of Work Session (5:30 p.m.).**

Mayor Nancy Roy Fiorillo called the meeting to order.

5. **Reports:**

**– Manager**

- Robert Hayter has a role in the agenda for items #8 and #12 but may be late due to another meeting. The agenda items can be adjusted as needed to accommodate this.

**– Council**

- Councilmember Lapins mentioned that citizens keep asking him questions regarding the plans for the US Opens. Mayor Fiorillo hopes to have a report by the next meeting with preliminary plans.

6. **Discussion and Action: Old Fire Station 91 (Resolution 13-43 Authorizing the Upset Bid Process).**
Assistant Village Manager Natalie Dean shared information regarding two bids received for the Old Fire Station 91 prior to September 30, 2013 for $156,000 and $75,000. Natalie Dean noted several options for Council to consider including accepting the high offer and starting the upset bid process or starting the upset bid process again with a new bid minimum amount. Natalie Dean noted that 26 people have expressed an interest in the property. Councilmember Cashion added another option to retrofit the building for Parks and Recreation use. Council concurred to move ahead with upset bid process and asked staff to also perform a cost evaluation for up-fitting the building for the use of Parks and Recreation as another option. Upon the motion by Councilmember Strickland, seconded by Councilmember Cashion, Resolution #13-43 authorizing the upset bid process for the sale of Old Fire Station 91 was unanimously approved by a vote of 4-0 (A copy of the resolutions can be found in the Resolution Book).

7. **Discussion: Lot exchange.**
Council and Assistant Village Manager Jeff Batton discussed a possible lot exchange with Pandich Construction Company for a Village owned lot on Calhoun Lane. After general discussion about using these types of exchanges for improving storm water management, Council gave a consensus to move forward with this exchange.

8. **Discussion: Village Center traffic island landscaping.**
Assistant Village Manager Jeff Batton introduced Robert Hayter from The Hayter Firm to present his findings on the landscaping in downtown. Jeff Batton noted that he met with a Garden Club liaison that was very enthusiastic about these findings and was sharing them with the Garden Club board.

   Robert Hayter presenting the findings which included: a significant need for infill planting and trenching, lack of uniform irrigation coverage in the design areas, selection of plants that reflect Pinehurst and create a tranquil and sophisticated feel, examining of the hardscape component of these areas for function and improvements, tree canopy management needing to be lifted, and minor engineering issues including the turning radius near the Donald Ross' statue.

   Mayor Fiorillo noted that this looks like a wonderful plan and Council gave a general consensus to move forward with the plans. Audience member Jack Farrell inquired if the plan has been shared with the owners of the Magnolia Inn and Mystic Cottage.

9. **Discussion: Roadside Beautification for 2014 US Opens.**
Assistant Village Manager Jeff Batton presented plans for roadside beautification for the US Opens. Jeff Batton explained these recommendations were created by himself, Councilmember Strickland, and Manager Andy Wilkison. Councilmember Strickland noted that they met with the Beautification Committee Monday afternoon and the committee agreed with the plans. Council gave a consensus to move forward with these beautification plans.

10. **Discussion and Action: Road resurfacing.**

Infrastructure Superintendent Ralph Bowen and Assistant Village Manager Jeff Batton reported to Council regarding the solicited bids for the road resurfacing. It was noted that the roads selected were based on the latest inspection completed by USI, who rates the roads. The Village solicited bids for approximately ¾ of the roads and it is structured to add additional roads in if the weather allows additional resurfacing. Three bids were received for the project and the low bid was Riley Paving. Audience member Doug Middaugh inquired about the additional mile to be paved and Ralph Bowen said it would be adding onto Doral Drive, Whippoorwill, and a few other roads. Mr. Middaugh also noted the dangerous sections on McKenzie to Hwy 5 regarding pine trees that need clearing. Upon a motion by Councilmember Cashion, seconded by Councilmember Lapins, it was unanimously approved for the Mayor, or her designee, be authorized to execute a road resurfacing contract with Riley Paving to repair and resurface 3.09 miles of Village roads and that the Village Manager be authorized to increase the number of miles to be paved so long as budgeted funds in the FY 2014 Powell Bill budget remain and so long as the unit pricing remains the same as in this original by a vote of 4-0.

11. **Preview of Regular Meeting Agenda.**
Council did not preview the regular meeting agenda.

12. **Presentation: Proposed Pinehurst Development Ordinance.**
Robert Hayter and Andrea Correll, Director of Planning and Inspections, presented the proposed Pinehurst Development Ordinance (PDO) to Council. Mr. Hayter gave a background on the process of the rewrite of the PDO, explained the diagnosis report of the consultant for the current PDO, and identified the rewrite objectives: reorganize, simplify, format logic, outcome based objectives, delete or streamline processes, and make content as absolute as possible. The new framework was explained for the new PDO organization method. Andrea Correll noted that the dimensional requirements and zonings have not changed in the rewrite and the committee is not seeking Council to adopt a new zoning map. Both presenters mentioned a special thanks to the PDO Rewrite Committee.

Audience member Doug Middaugh suggests for the proposed PDO to be added to the home page of the Village website for the public to review.

After general discussion of the proposed changes, Council determined to schedule a special meeting on this topic with a date to be determined. It was also noted that there is a public hearing scheduled for the proposed Pinehurst Development Ordinance on Tuesday, October 22, 2013 at 1:00pm.

Audience member Al Hoy of Pinehurst #6 noted he would like to read the proposed PDO and will find it on the website. He also asked when public comment would be heard and the Mayor answered at both the special meeting work session and the public hearing.

Audience member Jack Farrell said he was pleased with the changes and the ease of using this during the first part of the presentation but at the end of the presentation it seemed there are actually major changes and he does not think the intent was to change the ordinances on the first go around. He noted that these changes need to be highlighted for the public.

13. **Other Business.**
No other business was addressed.

14. **Comments from Attendees.**
Jeanne Casinella inquired about the process for acquiring a police dog for the police department and Manager Andy Wilkison noted that Chief Phipps and he both felt it was not warranted at this time. Ms. Casinella also asked about the Western Connector and why has the Village not advocated for this over the years? Councilmember Lapins noted his involvement in this over the years and Councilmember Cashion said he sits on the committee for this but there has not been agreement on this plan yet across the county.

15. **Adjournment.**

Councilmember Strickland moved to adjourn the Work Session. The motion was seconded by Councilmember Cashion and carried unanimously. The meeting adjourned at 7:52 p.m.

Respectfully Submitted,

Lauren Craig,
Village Clerk

**MINUTES OF**
**VILLAGE COUNCIL WORK SESSION**
**OCTOBER 21, 2013**

**395 MAGNOLIA ROAD**
**ASSEMBLY HALL**
**PINEHURST, NORTH CAROLINA**
**11:00 A.M.**

The Pinehurst Village Council held a Work Session at 11:00 a.m. Monday, October 21, 2013 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. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Andrea Correll, Director of Planning and Inspections
Mr. Bruce Gould, Senior Planner
Mr. Robert Hayter, Principal, The Hayter Firm
Ms. Lauren Craig, Village Clerk

And approximately 12 attendees, including 2 staff and 0 media

1. **Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order.

2. **Discussion: Proposed Pinehurst Development Ordinance**

The Council began the discussion on the proposed Pinehurst Development Ordinance and noted that they are not eager to rush into a decision and would like to take the appropriate time to evaluate the proposed ordinance. Andrea Correll, Director of Planning and Inspections, Bruce Gould, Senior Planner, and Robert Hayter, Principal of The Hayter Firm led the discussion with Council by walking through the proposed changes.

Items discussed included: removing the engineering standards manual from the PDO, non-conforming uses, exterior signage clarification, development permit terms, special uses requiring variances, tree conservation, special use permit standards, administrative variance for setbacks, conditional districts, highway corridor overlays, special regulations, deposits for residential assurance fund, accessory structures, modifications for docks, propane tanks above ground, boat storage with screening, and fencing requirements.

Audience member, Mary Stewart inquired about how 24 inches was arrived at rather than 12 inches for the administrative variance and Bruce Gould confirmed that this was determined by looking at other existing codes that seem to be working in other communities and commonly used in our peer group. Audience member, Brian Deaton inquired about the wording of this topic and Council and staff determined it needs to be changed to “maximum” rather than “whichever is greater” for better clarification.

Audience member, Mary Stewart noted that the propane tank issue is the reason she attended the meeting and she is very impressed with the conversation. She encouraged Council to consider not requiring buried tanks because it weds buyers to whichever propane company provided the tank that was initially installed, which is a cost of several thousand dollars. Audience member, Al Horton cautions Council to make this change because he would not like to have these above ground.

Audience member, Al Hoy represented members of the CAC and shared a review from the committee saying that CAC agrees with the simplification of this ordinance. He noted though that adding fencing pictures of 45 styles could be toned back. Also has a concern about fences that face streets and there is no enforcement when fences deteriorate and these would now be allowed street side. He noted that fences should be landscaped on the street front.

3. **Adjournment.**

Councilmember Strickland moved to recess the meeting to reconvene following the conclusion of the Regular Meeting public hearings scheduled for Tuesday, October 22 at 1:00pm. The motion was seconded by Councilmember Cashion and carried unanimously. The meeting adjourned at 1:10 p.m.

Respectfully Submitted,

Lauren Craig,
Village Clerk

**MINUTES OF**
**VILLAGE COUNCIL WORK SESSION**
**OCTOBER 22, 2013**

**395 MAGNOLIA ROAD**
**ASSEMBLY HALL**
**PINEHURST, NORTH CAROLINA**
**9:00 A.M.**

The Pinehurst Village Council held a Work Session at 9:00 a.m., Tuesday, October 22, 2013 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. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 23 attendees, including 14 staff and 1 press.

**1. Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order.

**2. Reports-**
**–Village Manager**
- The 15-501 sewer project pre-construction meeting is Thursday and it is a 90 day construction period.
- Continuing work on the Cotswold Annexation project.
- Asked Council to review the map left in their mailboxes regarding the request for the Village to abandon a portion of Village Green and Palmetto Roads.

**– Council**
- Mark Parson would like to discuss fee-in-lieu under Other Business and the letter from the School of Government.
- Mayor Fiorillo would like to discuss the problem with deer in the area under Other Business.

**3. <u>Action:</u> 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. Resolution #13-44: A Resolution regarding a re-appointment to the Village Center Enhancement Committee. (Andrews)*

**End of Consent Agenda.**

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

**4. Presentation: Yard debris management study.**
Councilmember Cashion introduced his involvement with the study on yard debris management and noted how impressed he was with this team and how they handled this study as a team. Councilmember Cashion recognized the team: Walt Morgan, Randy Kuhn, Tom Haughney, Darrell

McKenzie, John Frye, Scott Thomas, Melissa Holt, and Jeff Batton. Jeff Batton introduced the presentation and the team covered the following topics: problems with the current system, solutions considered for the recommended solution, primary perspectives considered, and a suggested implementation plan.

Solutions considered were discussed and the ultimate recommendation was introduced as a single day collection with automated yard debris collection. The plan would divide the Village into four collection zones where all waste types are collected on the same day in each zone. To fully automate the collection, the Village would need to purchase approximately 3,000 carts and require all debris material to fit in the carts, and provide a fee for service for bulk waste collection. The recommendation is to also modify Old Town and condominium collection processes. The team considered the following perspectives: community appearance, customer convenience, cost to taxpayers, efficiency, worker safety, and employee job satisfaction. The proposed implementation plan was shared with dates assigned for each step in the change of processes.

Council provided consensus to the team to proceed with these plans to begin educating the public and a future budget amendment that will be coming to Council.

**5. Presentation/Discussion: Quarterly Financial Report.**

John Frye, Director of Financial Services presented the financial statements for the quarter ended September 30, 2013. John Frye noted that the Village remains in very good financial position with revenues exceeding expenditures by a larger margin than anticipated in the forecast for the first quarter.

**6. Discussion and Action: Lease for the Welcome Center.**

Jeff Batton, Assistant Village Manager discussed the draft lease to occupy approximately 875 square feet of space in the Theater Building for the Welcome Center. The lease is for 3 years at $1,035 per month plus $350 per month in common area maintenance, utilities, taxes, etc. A budget amendment for the rental and renovations would be the next step for this and could be presented at the next Council meeting. Councilmember Cashion noted a change needed on the first page of the lease to correct the term to November 1, 2013 to October 31, 2016. The restrooms will be a separate agreement and there was general discussion about the public availability of these restrooms to consider.

Audience member, Doug Middaugh suggested having the public restroom information located on the information kiosk downtown.

Councilmember Cashion moved to authorize the Mayor or designee to execute a three year lease commencing on November 1, 2013 with The Theater Company, LLC for approximately 875 square feet in the Theater Building for operation of a Village Welcome Center with a renewal of 1-3 years. Seconded by Councilmember Strickland, this motion passed with a vote of 4-1 with Councilmember Lapins casting the dissenting vote.

**7. Discussion: Roadside planting to regulate parking, McLean Road.**

Jeff Batton, Assistant Village Manager presented a map that indicates a location proposed to plant three longleaf pines to discourage cars from parking on the grass. This proposal would eliminate additional signage to keep it more aesthetically pleasing. Council provided a consensus with moving forward with these plans.

**8. Discussion: Downtown Parking.**

Jeff Batton, Assistant Village Manager discussed the concern of the Village Center Enhancement Committee regarding downtown parking for employees. Solutions were evaluated and the concept to begin using parking stickers with enforcement was determined as a possible solution. Jeff Batton noted that if this is the appropriate solution, there would be a need for a part-time position for a Parking Ambassador/Coordinator with a presence downtown who can help enforce these efforts. Chief Phipps commented regarding his experience with this in Greenville, NC and the importance of hiring the right person for this position to work well with the merchants.

Audience member Jeanne Casinella inquired about parking monitoring in front of the library where employees from the Holly Inn have been parking.

Audience member Doug Middaugh would support the sticker concept but believes this person should not be a part-time position.

Audience member Debbie Barr encouraged Council to write in to the newspaper about this ahead of the issue and have the residents support this effort.

Council provided a general consensus for this plan to move forward.

**9. Preview of Regular Meeting Agenda.**

The Council did not preview the Regular Meeting Agenda for October 22, 2013.

**10. Other Business.**

- Council provided Andy Wilkison, Village Manager, a general consensus to move forward with the request to abandon a portion of the roadways and associated right of way of Village Green Road and Palmetto Road, near where they intersect in the "caddie" parking lot at the Members Club.

- Councilmember Parson raised a discussion regarding the issue with the fee-in-lieu of park space. Councilmember Cashion noted that this is a piece of the proposed Pinehurst Development Ordinance and the importance for Council to understand all of the components of this particular section. Councilmember Lapins noted a policy that authorized Council to be responsible for the fee-in-lieu and for years this has been handled by staff. Mayor Fiorillo read from an email from a School of Government law professor who has advised that these fees in her opinion cannot legally be refunded, and at this time, the Village is not required to do so.

- Nancy Fiorillo discussed the issue with the large population of deer in this area. Ways to control the population were discussed.

**11. Comments from attendees.**

- There were no audience comments.

**12. Motion to adjourn the Work Session.**

Councilmember Cashion moved to adjourn the Work Session. The motion was seconded by Councilmember Parson and carried unanimously. The Work Session adjourned at 11:50 a.m.

Respectfully Submitted,

Lauren M. Craig
Village Clerk

**MINUTES OF**
**VILLAGE COUNCIL REGULAR MEETING**
**OCTOBER 22, 2013**

**395 MAGNOLIA ROAD**
**ASSEMBLY HALL**
**PINEHURST, NORTH CAROLINA**
**1:00 P.M.**

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, October 22, 2013, at 1:00 p.m. in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina with the following in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 27 attendees, including 4 staff and 1 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. 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 Minutes:
  - Closed Session of September 10, 2013
  - Work Session of September 10, 2013
  - Work Session of September 24, 2013
  - Closed Session of September 24, 2013
  - Regular Meeting of September 24, 2013

B. Public Safety Reports:
  - Police Department
  - Fire Department

C. Scheduling of Regular Meeting for Tuesday, November 12, 2013 at 1:00 p.m.

**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.

**4. MOTION TO RECESS REGULAR MEETING AND ENTER INTO A PUBLIC HEARING.**
Councilmember Lapins 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.

**5. PUBLIC HEARING NO. 1.** Proposed New Pinehurst Development Ordinance. This document will replace the existing Pinehurst Development Ordinance in its entirety. The Pinehurst Development Ordinance contains all development regulations regarding zoning and subdivision authority applying to all properties within the village limits and extraterritorial jurisdiction (ETJ).

Most of the rezoning and new development will be by the conditional district zoning process, which was explained by Mayor Nancy Fiorillo and which would involve a legislative public hearing.

- Doug Middaugh of 400 Pine Vista Drive:
  - Reference: Section 1.2 in part reads:
    (d) Provide adequate provision of transportation, water, sewage, schools, parks and other public Infrastructure; (e) Ensure that the transportation system supports community structure, enhances community character and operates effectively.
    Question: How can this document do this such as a transportation system we don't have?

  - Reference: Section 1.3 in part reads:
    (b) To secure safety from fire, flood, panic, and other dangers;
    Question: Once again, how can this document do this such as preventing a panic?

  - Reference: Section 1.10 Pending Application reads:
    Any pending, complete applications submitted in good faith may proceed under the regulations in place at the time of submittal, provided the application is approved within one year.
    Question: May an application submitted and approved under the current regulations be considered under the new proposed regulations at the request of the applicant once the proposed regulations are approved? Reason being is that proposed regulations may be less restrictive or more beneficial to the applicant.

  - Reference: 2.3.2 Nonconforming Uses item (c) reads in part:
    Damage or Destruction: If a nonconforming use of land or a structure containing a Non-conforming use is destroyed by any means other than Acts of God,
    Question: Who in the village is going to determine if the cause of destruction was indeed an Act of God using what criteria and what is the time frame for the determination?

  - Reference: SR-3 Dwelling, Multi-Family reads:
    (1) The minimum size for a multi-family dwelling is 800 square feet.
    Question 1: Why was it felt necessary to cut in half the current 1600 square foot requirement thereby potentially doubling allowable MF units?

    Question 2: Also, why was it felt necessary to raise the maximum density for MF considered property from 6 units to 8 units per acre thereby increasing density by 1/3? Further, given the significance of this single item I would not have expected to see it buried in the middle of Table 9.2a on page 110 of a 273 page document.

    Comment: It seems apparent that these changes are being made to specifically facilitate the future development of the "Traditions" property, the "New Core" area and the proposed "Arbor Place" development. Given that the 2 previous criteria items I mentioned were buried on page 110 with no other notice makes me wonder just how sincere the Village is in its claim of transparency and what else is buried.

  - Reference: SR-27 Parking Structure item (2) reads:
    Height Limit for Structures: Parking structures shall be limited to three levels.
    Question: Speaking of significant changes in criteria, why was it necessary on page 88, without other reference, to increase the current limit of 2 parking levels to 3 parking levels? It seems obvious that this change is solely for the benefit of the proposed "Carriage House" parking facility.

- Reference: 9.1.1 Fee in Lieu of Sidewalks
  Question: Why do we propose to continue such an unnecessary expense to developers which borders on extortion? We should have clear and concise criteria as to when and where sidewalks are or are not required that should not require an unjustifiable payment. Is this not the time to end the fee-in-lieu practice once and for all??

- Reference: 9.13.1.1 Fences, Walls and Columns item (j) reads:
  See Appendix G for representative fence styles allowed in the Village of Pinehurst.
  Question: This appendix now includes solid board plus vinyl fence types. My question is why has the village quite literally chosen to throw the baby out with the bath water by including these types of fencing? Absolutely nothing about these 2 fence types makes them functionally or visually compatible with current fencing types in the village which is a claimed objective of the proposed PDO. The restrictions currently in place regarding these two types seem to have worked quite well for the 6 years they have been in place and I see no reason why we need to regress on this matter.

- Reference: 9.16.1.5 Consideration of Major Site Plans item (b):
  Question: Items #1 - #4 in this reference state council action with regard to its approval/denial of a Major Site plan although one important feature of the council approval process used today is excluded. Why did the village feel it necessary to remove a required public hearing for major site plan approval? Further, as previously seen in the document, reference to a public hearing is buried in the middle of the flow chart found on page 171, however, this is further qualified by stating the council "may" hold a hearing. In reality, the approval of a major site plan actually shifts to the Village Planner given the proposed structure of the "General Concept Plan" which the council approves. It is entirely possible that any future major site development could fall to just the will of 3 council members without benefit of any public input which hardily defines a transparent process. At a minimum, there should be at least one mandatory public hearing on any proposed major development. It is apparent that the re-written PDO was done to exclude public participation which is highly questionable.

- Reference: Chapter 10. Village of Pinehurst Development Ordinance Definitions Section 10.1 reads in part:
  1. The latest edition of the State of North Carolina Building Code or, if not defined therein;
  2. The latest edition of Webster's new international dictionary, unabridged, which documents are hereby incorporated by reference as if set forth in their entirety herein.

  Comment: I feel that any document cited in the proposed PDO should be readily available to the public for review including the two "by reference" documents I've just cited. In the proposed PDO, I believe that there are currently 3 documents referenced. The first and most frequent is the Village Engineering Standards Manual which is found on the Village web site. WRT the state building code it is extremely time consuming and difficult to find the state building code on the state web site. As a solution, I propose that a web link to the correct code be included in the PDO. WRT Webster's dictionary, it is not found on the web making this a questionable reference document in my opinion. I realize that the village has at least one copy outside of Bruce's office although I would not term that copy readily accessible to the public. As a solution, I suggest that this copy be moved to the foyer of the P&Z Department.

➢ Lois Eggers of 36 Beryl Circle:
- Raised a question about the sidewalks and allowing Parks and Planning to use others property for parks, the greenway, etc. and there should be a designation for where sidewalks go. She said the new ordinance does not indicate where sidewalks should go but it gives Parks and Recreation the opportunity to put gravel where they desire.

- No one seems to know if Pinehurst can grant variances in right of ways. She noted concern that the Village could come in 18 feet into a yard for a greenway path since the road is 12 feet and she feels that the ordinance does not indicate anything.
- She noted questions are increasing of less space in multi-family units and to put additional families on one acre is absurd.
- Councilmember Strickland commented that if sidewalks are built they are 6-7 feet off the road but they would not be placed 18 feet off the road.

➢ Wayne Haddock of 43 Juniper Creek Blvd and Owner of Pinehurst Homes:

- Noted a situation with owner of a restaurant in the Village of Pinehurst that is he doing work for and the time is limited with the transition between the existing PDO and the new PDO. He said the applicant was delayed last month pending what would happen in the new PDO. He would like to move it forward and try to obtain permit to begin in January so they can reopen in April and be prepared for the US Open. He is hoping that applications submitted during old PDO would be taken all the way through under those regulations and the applications submitted after the new PDO would be taken all the way through under the new regulations.

➢ Jack Farrell of 21 Gray Abbey Drive:

- Noted that a lady at the candidates meeting last Tuesday stood up and said to candidates, "I heard you all talk about the changing in demographics and etc. but hopefully you realize most of us moved here for Pinehurst character so tell me how you are going to maintain and protect the special character of Pinehurst." How does each particular item in the PDO help preserve the special character of Pinehurst?—this should be criteria every step of the way during this process.

➢ Chris Procci of 21 Pinebrook:

- Noted concern as someone who just moved in to a house in regards to the propane tanks going above ground. He said the buried tanks can leak and an affluent area like CCNC allows tanks above ground so Pinehurst should too.

**6. MOTION TO ADJOURN PUBLIC HEARING, RE-ENTER REGULAR MEETING, AJOURN THE REGULAR MEETING, AND RECONVENE THE WORK SESSION FROM OCTOBER 21, 2013.**

Councilmember Lapins moved that the Village Council close the Public Hearing, re-enter the Regular Meeting, adjourn the Regular Meeting, and reconvene the Special Meeting from October 21, 2013. The motion was seconded by Councilmember Parson and passed unanimously with a vote of 5-0.

Respectfully submitted,

Lauren M. Craig
Village Clerk

**MINUTES OF**
**VILLAGE COUNCIL WORK SESSION**
**OCTOBER 21, 2013**

**395 MAGNOLIA ROAD**
**ASSEMBLY HALL**
**PINEHURST, NORTH CAROLINA**
**11:00 A.M.**

The Pinehurst Village Council reconvened the Special Meeting at 1:40p.m. on Tuesday, October 22, 2013 following the Regular Meeting 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. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Andrea Correll, Director of Planning and Inspections
Mr. Bruce Gould, Senior Planner
Mr. Robert Hayter, Principal, The Hayter Firm
Ms. Lauren Craig, Village Clerk

And approximately 27 attendees, including 4 staff and 1 press

**1. Call to Order and Reconvened the Work Session from October 21, 2013.**

Mayor Nancy Roy Fiorillo called the meeting to order and reconvened the Work Session from October 21, 2013.

**2. Discussion: Proposed Pinehurst Development Ordinance.**

Andrea Correll, Director of Planning and Inspections, Bruce Gould, Senior Planner, and Robert Hayter, Principal of The Hayter Firm continued the discussion with Council by walking through the proposed changes.

Items discussed included: removing CAC from the single family home process, modifications to design guidelines for single family homes, landscaping tree preservation requirements, repetition of similar structures, single family site plan requirements, and provisions for a sketch plan. Final as-built surveys were discussed and everyone determined to keep this.

Conversation continued and other items discussed included: multifamily minimum square footage requirement, density regarding the number of units per acre, buffering widths for multifamily property, nonresidential changes. clarification for offices to be considered professional services, requirement for sidewalks, special requirements, special uses, and the proposed highway commercial district.

Audience member Jeanne Casinella does not want to take the chance of a future Council to start using this highway commercial district.

Audience member Brian Deaton asked about the single family square foot requirement and thinks there is a difference to have a residential square foot requirement in single family versus multifamily.

Discussion continued and other items discussed included: the parking garage changes, cellular towers, impervious coverage, the table of dimensional requirements, and sign regulations. Single family residential square footage was discussed and Council formed consensus to keep it at the current minimum.

Audience member Jack Farrell suggested leaving the dimensional requirements as they are currently and if needed in the future, have Council approve them on their own merits.

Subdivision changes were discussed involving sketch plans, provisions for staff approval on certain subdivisions if consistent with plans to avoid developers from having to bring to Council twice, and an open space clustering requirement. Council determined to hold the fee-in-lieu of discussion at another meeting.

**3. Adjournment.**

At approximately 3:48 pm Councilmember Strickland moved to recess the Work Session to Tuesday, October 29, 2013 at 11:00 am in Assembly Hall. The motion was seconded by Councilmember Cashion and passed unanimously with a vote of 5-0.

Respectfully Submitted,

Lauren Craig,
Village Clerk

# MINUTES OF
# VILLAGE COUNCIL WORK SESSION
# OCTOBER 29, 2013

## 395 MAGNOLIA ROAD
## ASSEMBLY HALL
## PINEHURST, NORTH CAROLINA
## 11:00 A.M.

The Pinehurst Village Council reconvened the Special Meeting at 11:00 a.m. on Tuesday, October 29, 2013 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. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Mr. Bruce Gould, Senior Planner
Mr. Robert Hayter, Principal, The Hayter Firm
Ms. Lauren Craig, Village Clerk

Excused absence: Mr. Mark W. Parson, Councilmember

And approximately 9 attendees, including 3 staff and 0 press

**1. Call to Order and Reconvened the Work Session from October 22, 2013.**

Mayor Nancy Roy Fiorillo called the meeting to order and reconvened the Work Session from October 22, 2013.

**2. Discussion: Proposed Pinehurst Development Ordinance.**

Bruce Gould, Senior Planner, and Robert Hayter, Principal of The Hayter Firm continued the discussion with Council by walking through the proposed changes.

Councilmember Cashion noted that he would like for Council to make a list of decisions that are made to keep moving through each of the points. The first issue discussed was propane tanks and the size proposed for above ground storage. Audience members and Council discussed the difficulty with the gas providers and delivery of gas, the high cost of getting a new tank buried, and the suggestion to allow up to 125 gallon tanks to be above ground with 100% opaque screenings and location to be on the side or back of the house.

Councilmember Cashion suggested for the Mayor to appoint two Councilmembers, staff and citizens to study the topic of land dedication for recreation and fee in lieu of and get a legal opinion on what we should do with the retroactive decisions. Councilmember Lapins suggests taking the wording out for now because the current process does not work.

Council discussed sidewalk requirements vs. sidewalk fee-in-lieu of and Senior Planner, Bruce Gould shared information regarding what other municipalities are doing for this. Square footage requirements for single family homes were discussed and Council determined to keep the minimum square foot requirement the same as the current PDO and the only change from the current ordinance was to remove the maximum square foot requirement. Boat storage was discussed and Council determined to table this for further discussion. Proposed modifications for site plans and sketch plans were reviewed for some development and everyone concurred with this change.

**MINUTES OF**
**VILLAGE COUNCIL WORK SESSION**
**OCTOBER 29, 2013**

**3. Recess.**

At approximately 1:50 pm Councilmember Strickland moved to recess the meeting until 2:00 pm on November 4, 2013 in the Conference Room of the Village Hall. The motion was seconded by Councilmember Cashion and passed unanimously with a vote of 4-0.

Respectfully Submitted,

Lauren Craig,
Village Clerk

## SUMMARY FOR THE MONTH OF OCTOBER 2013

### SUMMARY OF INCIDENT CALLS

| TYPE OF INCIDENT | *NUMBER THIS MONTH* | *NUMBER YTD* | *NUMBER THIS MONTH LAST YEAR* | *NUMBER YTD LAST YEAR* | *PERCENTAGE YTD* |
|---|---|---|---|---|---|
| Fire | 8 | 44 | 3 | 21 | 110% |
| Overpressure Rupture, Explosion, Overheat - no fire | 0 | 1 | 2 | 5 | -80% |
| Rescue & EMS Incidents | 8 | 62 | 3 | 37 | 68% |
| Hazardous Conditions - no fire | 13 | 135 | 13 | 90 | 50% |
| Service Call | 16 | 156 | 20 | 143 | 9% |
| Good Intent Call | 28 | 208 | 25 | 172 | 21% |
| False Alarm & False Call | 8 | 160 | 20 | 144 | 11% |
| Severe Weather & Natural Disaster | 0 | 36 | 0 | 15 | 140% |
| Special Incident Type | 0 | 0 | 0 | 0 | 0% |
| **TOTAL INCIDENTS** | **81** | **802** | **86** | **627** | **28%** |

### SUMMARY OF INSPECTION

| TYPE OF INSPECTIONS | *NUMBER THIS MONTH* | *NUMBER YTD* | *NUMBER THIS MONTH LAST YEAR* | *NUMBER YTD LAST YEAR* | *PERCENTAGE YTD* |
|---|---|---|---|---|---|
| Residential | 10 | 79 | 10 | 61 | 30% |
| Residential New Systems | 0 | 0 | 0 | 1 | -100% |
| Residential Fire Sprinkler | 1 | 4 | 0 | 1 | 300% |
| Commercial | 28 | 297 | 42 | 310 | -4% |
| Plan Review/Site Inspections | 0 | 9 | 5 | 94 | -90% |
| Reinspection | 18 | 143 | 6 | 144 | -1% |
| Occupancy Certificates | 0 | 0 | 0 | 3 | -300% |
| **TOTAL INSPECTIONS** | **57** | **532** | **63** | **614** | **-13%** |
| Violations Found: | 94 | 461 | 55 | 550 | -16% |
| YTD Violations to be Corrected: | | 503 | | 495 | |
| YTD Violations Corrected: | | 475 | | 491 | |
| Correction Percentage: | | 94% | | 99% | |

November 4, 2013

J. Carlton Cole, Fire Chief

PINEHURST POLICE DEPARTMENT
OCTOBER 2013

| PART I CRIME | REPORTED (BY GRID) 19 | 20 | 21 | REPORTED (TOTAL) MO. | YTD. | REPORTED LAST YEAR MO. | YTD. | % YTD INCR./(DECR) |
|---|---|---|---|---|---|---|---|---|
| Larceny | 5 | 0 | 9 | 14 | 74 | 8 | 71 | 4.2 |
| Burglary | 0 | 0 | 1 | 1 | 2 | 0 | 3 | (33.3) |
| Veh. Theft | 0 | 0 | 0 | 0 | 1 | 0 | 3 | (66.6) |
| Agg.Assault | 0 | 0 | 1 | 1 | 4 | 0 | 4 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 3 | 0 | 1 | 200.0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Murder | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| B & E | 0 | 0 | 0 | 0 | 15 | 1 | 7 | 114.2 |
| B E & L | 1 | 0 | 1 | 2 | 26 | 0 | 14 | 85.7 |
| BE&L Veh. | 1 | 0 | 3 | 4 | 19 | 0 | 31 | (38.7) |
| Sex Offense | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 100.0 |
| TOTAL | 7 | 0 | 15 | 22 | 146 | 9 | 135 | 8.1 |

*NOTE*: Grid 19: Encompasses area between NC 5 and NC 211/US 15-501S
Grid 20: Encompasses area west of NC 5
Grid 21: Encompasses area east of NC 211/US 15-501S

PART II

| CRIME | 19 | 20 | 21 | MO. | YTD. | MO. | YTD. | %YTD INCR./(DECR) |
|---|---|---|---|---|---|---|---|---|
| Drunk & Disorderly | 1 | 0 | 0 | 1 | 4 | 1 | 2 | 100.0 |
| Embezzle | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 |
| Forgery | 0 | 0 | 1 | 1 | 3 | 0 | 3 | 0 |
| Fraud | 1 | 2 | 3 | 6 | 46 | 4 | 37 | 24.3 |
| Gambling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Narcotics Violation | 1 | 1 | 0 | 2 | 33 | 1 | 6 | 450.0 |
| Simple Assault | 0 | 1 | 2 | 3 | 15 | 1 | 16 | (6.2) |
| Vandal | 1 | 0 | 1 | 2 | 48 | 1 | 43 | 11.6 |
| Worthless Check | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| All Other | 0 | 1 | 1 | 2 | 80 | 4 | 51 | 56.8 |
| TOTAL | 4 | 5 | 8 | 17 | 230 | 12 | 159 | 44.6 |

**PART III (Oct. 2013 cont.)**

| OFFENSE | REPORTED THIS YEAR Month | YTD | REPORTED LAST YEAR Month | YTD | YTD % INCREASE OR (DECREASE) |
|---|---|---|---|---|---|
| DWI | 2 | 54 | 5 | 33 | 63.6 |
| Citations | 92 | 961 | 69 | 774 | 24.1 |
| Warning Tkts. | 9 | 84 | 5 | 72 | 16.6 |
| Accidents | 34 | 329 | 41 | 352 | (6.5) |
| Acc./ Injuries | 3 | 55 | 8 | 58 | (5.1) |
| TOTAL | 140 | 1483 | 128 | 1289 | 15.0 |

**PART IV**

| | | | | | |
|---|---|---|---|---|---|
| Animal Complaints | 28 | 203 | 25 | 207 | (1.9) |
| Littering Complaints | 3 | 13 | 0 | 5 | 160.0 |
| Noise Complaints | 16 | 96 | 8 | 61 | 57.3 |
| Suspicious Persons / Veh. | 69 | 642 | 67 | 684 | (6.1) |
| Render Mut. Aid | 11 | 109 | 5 | 81 | 34.5 |
| Domestic Disturbance | 5 | 44 | 1 | 32 | 37.5 |
| Alarms Checked | 68 | 807 | 92 | 864 | (6.5) |
| Other Calls / Complaints | 890 | 7835 | 662 | 7169 | 9.2 |
| TOTAL | 1090 | 9749 | 860 | 9103 | 7.0 |

# RESOLUTION 13-51 AUTHORIZING EXCHANGE OF REAL PROPERTY WITHIN THE VILLAGE OF PINEHURST

## ADDITIONAL AGENDA DETAILS:

**FROM:**
Jeff Batton

**DATE OF MEMO:**
11/5/2013

**MEMO DETAILS:**
As you will recall, the Village was approached by a local builder interested in exchanging a lot he owned on Catalpa Lane with one we owned in Village Acres in order to construct a home. Council indicated a willingness to make the exchange with the Contractor paying all closing costs plus $200 to make the trade even based on tax value. As part of the process, the Village was required to place a public notice of its intent to exchange real property at least 10 days in advance, which was done and then adopt a resolution in a public meeting.

Attached is the resolution authorizing the exchange. If Council is still inclined to complete the transaction, Council will need to adopt the attached resolution by motion at the November 12 work session.

Thanks.

**ATTACHMENTS:**

| | Description |
|---|---|
| | Resolution 13-51 |

**RESOLUTION #13-51:**

**A RESOLUTION AUTHORIZING EXCHANGE OF REAL PROPERTY WITHIN THE VILLAGE OF PINEHURST, NORTH CAROLINA.**

**THAT WHEREAS,** the Village of Pinehurst, owns real property located on Calhoun Lane, further identified as LRK #00021657, in Pinehurst, Moore County, North Carolina and valued at $21,200.00; and

**WHEREAS**, Pandich Construction Company, owns real property located on Catalpa Lane, further identified as LRK #00021891, in Pinehurst, Moore County, North Carolina, and valued at $21,000.00; and

**WHEREAS,** the Village of Pinehurst and Pandich Construction Company wish to make an even exchange of the two described properties for the tax value plus an additional $200 payable to the Village of Pinehurst; and

**WHEREAS,** North Carolina General Statute §160A-271 authorizes the Village to make such an exchange if authorized by the Village Council by a resolution adopted at a regular meeting of the Council upon at least 10 day's public notice; and

**WHEREAS,** the Village has given the required public notice; and the Council is convened in a regular meeting;

**NOW, THEREFORE,** the Village Council of the Village of Pinehurst, North Carolina resolves that:

**SECTION I.** The exchange of properties described above is authorized.

**SECTION II.** The appropriate Village officials are directed to execute the appropriate instruments necessary to carry out the exchange.

**THIS RESOLUTION** is passed and adopted this 12th day of November, 2013.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By:______________________________
Nancy Roy Fiorillo, Mayor

Attest:

______________________________
Lauren M. Craig, Village Clerk

Approved as to Form:

______________________________
Michael J. Newman, Village Attorney