

**VILLAGE OF PINEHURST
VILLAGE COUNCIL
CLOSED SESSION –July 24, 2012
395 MAGNOLIA ROAD
CONFERENCE ROOM
PINEHURST, NORTH CAROLINA
9:00 A.M**

MINUTES

During the Work Session of the Pinehurst Village Council held at 9:00 a.m., Tuesday, July 24, 2012 in the Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, 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 Lapins and carried unanimously. The following people were present:

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
Mr. Michael J. Newman, Village Attorney
Mrs. Andrea Correll, Planning Director
Mrs. Robin Currin, Attorney

MAYOR NANCY ROY FIORILLO CALLED THE MEETING TO ORDER.

The Council, the Village Manager, the Village Attorney, Attorney Robin Currin and the Director of Planning and Inspections discussed the status of the litigation between Mr. Mike McCrann and the Village of Pinehurst, and the potential appeal by the Village Council of the decision of the Historic Preservation Commission in the matter of the Village Center Enhancements.

Mr. Newman reported that the plaintiff's brief for the NC Court of Appeals in the McCrann matter had been received on Monday, July 23, 2012, and it was being reviewed at this time.

Mr. Newman and Mrs. Currin discussed with the Council the mechanics of an appeal of the HPC decision in the matter of the Village Center Enhancements, and the merits of such an appeal. Mrs. Currin stated that the Board of Adjustment will sit as an appellate body in this instance. She further stated that she did not feel that the HPC went far enough in deciding that the proposed enhancements are incongruous. She also stated that she felt that the most likely decisions of the Board of Adjustment in this matter were either an affirmation or reversal; she did not expect them to remand the matter.

The Council decided by a 4-1 margin, with Councilmember Strickland dissenting, to direct the Village Attorney to file an appeal of the decision of the Historic Preservation Commission of June 29, 2012. The Council further decided, again by a 4-1 margin with Councilmember Strickland dissenting, for the matter to be heard by the Board of Adjustment as soon as reasonably possible.

The Planning Director was directed to inform the members of the HPC and the BOA of this decision. The Village Manager was directed to prepare a press release on the Council's decision.

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ADJOURNMENT.**

Upon the conclusion of the Closed Session, Councilmember Strickland moved to adjourn the Closed Session and re-enter the Special Meeting. The motion was seconded by Councilmember Lapins and carried unanimously.

The Closed Session adjourned at approximately 12:40 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk