

**VILLAGE OF PINEHURST
VILLAGE COUNCIL
WORK SESSION
January 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, January 8, 2013, in the Assembly Hall at 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. Natalie Dean, Asst. Village Manager
Mr. Jeff Batton, Asst. Village Manager
Ms. Tammy W. Kirkley, Village Clerk
And approximately 40 attendees and seven staff members

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 Council, the Village Manager, Assistant Village Manager Jeff Batton and the Village Attorney discussed a potential claim against the Village of Pinehurst, and the status of the litigation between Mr. Mike McCrann and 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. Assembly Hall)

Mayor Nancy Roy Fiorillo called the meeting to order.

5. Reports:

– **Manager** - No report was given.

– **Council** - No reports were given.

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Presentation by National Weather Service.

The Village of Pinehurst was recognized by Nick Petro of the National Weather Service for becoming a Storm Ready Community. The Village was presented with a plaque in observance of the recognition.

6. Motion to Recess the Work Session to enter into a Public Hearing on a Requested Major Site Plan for various changes to the sand parking lot and the Village Green.

Councilmember Cashion moved that Village Council recess the work session and enter into a public hearing. Councilmember Parson seconded the motion and the vote passed unanimously with a 5-0 vote.

7. Public Hearing: Major Site Plan for changes to sand parking lot and Village Green.

Asst. Village Manager Jeff Batton provided an overview of the project by way of a slideshow for visual purposes. Mr. Bob Koontz with Hobbs, Upchurch and Associates gave a summary of the park portion of the project. Mr. Mike Apke with McGill & Associates then gave a summary of the parking lot portion of the project.

Comments:

- **Mr. Doug Middaugh** indicated the plan does not meet the Pinehurst Development Ordinance for impervious surface coverage in a Public Conservation (PC) area. He spoke of non-compliance concerns. Mr. Middaugh discussed interpretations of the zoning as well as the State Building Code and the definition of a government building.
- **Mrs. Andrea Correll** gave explanations of the different interpretations.
- **Mr. John Root** spoke on the impact on the historic landmark status that this project will have. Mr. Root talked about the professional opinion that was given to Pinehurst stating that this project will negatively impact the community's landmark status designation by the NPS. He spoke on the materials that are to be used on the parking lot. Mr. Root suggested to leave the area as-is and put down the material that is on the walking trails.
- **Mr. Jack Farrell** said he is not requesting a change to the plan. He rather talked about the parking spaces and the three handicap spots on Village Green West. Mr. Farrell recommended construction of the twenty parking spaces located on Village Green West be postponed until the project is complete and it can be determined if they are necessary.
- **Mr. Dick Weinberg** spoke briefly on the concerns with the National Park Service. He noted there is a pending lawsuit currently on an unrelated but similar matter, that the Council should take note of. Mr. Weinberg suggested the Village be careful in putting down pavement before knowing how the Court of Appeals is going to decide the referenced litigation.
- **Mr. Robert Hayter** commended the thoroughness of Jack Farrell's plan for this project. He stated that he doesn't feel the Village of Pinehurst is putting the character at risk by moving forward with this project.
- **Mr. Jeff Batton** replied to Robert Hayter's comments and noted that the portion of parking that Jack Farrell referred to could be delayed.

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8. Motion to close the public hearing and re-enter the work session.

Councilmember Cashion moved that the Village Council close the public hearing and re-enter the work session. Councilmember Parson seconded the motion and the vote passed 5-0 in favor of the motion.

9. Consideration of Approval of a Major Site Plan for changes to the sand parking lot and the Village Green.

The manager explained the need to consider the motion. Council Member Parson moved that Village Council approve the Major Site Plan for the Village Green sand parking lot and the Tufts Memorial Park conditioned on approval of the full construction plans by the Technical Review Committee and the issuance of a Special Non-Residential Intensity Allocation by the Village Council. The second to the motion on the floor was made by Councilmember Cashion.

Councilmember Strickland reminded Council that he has been opposed to the size of this project. He spoke on Task 2 of the project and urged caution and compromise due to the National Park issues. Mr. Strickland discussed the fact that this opens the Village up to criticism. He noted that it is a decent concept; however, the plan is too broad and the scale is too large.

Councilmember Lapins expressed concerns with the utilization of parking spaces. He suggested coming up with a policy for parking or the public will end up with an underused parking lot. Councilmember Lapins also noted the potential issues with curbside parking. He is okay with the park but explained he feels it is too big.

Councilmember Mark Parson discussed the parking needs downtown. He explained the material that is planned for the parking lot is all natural and it doesn't go vertical.

With the motion on the floor, Mayor Fiorillo called for a vote, which passed 3-2. Councilmembers Strickland and Lapins voted in opposition.

10. Motion to issue a Special Non-Residential Intensity Allocation for changes to the sand parking lot and the Village Green.

The manager explained the need for the motion. Councilmember Cashion moved that Village Council approve a Special Non-residential Intensity Allocation for the Village Green Enhancements located at 1 Village Green West as depicted in the staff report dated December 28, 2012, with the allocation becoming void and returned to the pool for future allocation should development approval expire. Councilmember Lapins seconded the motion. The vote passed 4-1 with Councilmember Strickland opposing.

11. Motion to award a construction contract for changes to the sand parking lot and the Village Green.

Mike Apke reviewed the bids received for construction of the project.

Councilmember Lapins moved that the Mayor or her designee be authorized to enter into a contract with D.S. Simmons, Inc. of Goldsboro, NC for the Downtown Enhancement Project for a base contract amount of \$776,799.17 and that the Village Manager be authorized to execute change orders up to \$5,000 each, such change orders not to exceed \$20,000 in sum total. The second to the motion was made by Councilmember Cashion. Mr. Farrell questioned if the streetscape projects were included in the project and it was confirmed by staff that they are bundled into the project.

Doug Middaugh questioned the contract, which the mayor answered. The vote passed with a 4-1 vote, with Councilmember Strickland voting in opposition.

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- 12. Presentation by the Pinehurst Community Trust to Relocate the Marshall Park Monument.** Mr. Charles Clack and Mr. Gus Leader with Pinehurst Community Trust presented a recommendation to the Village Council to move the Marshall Park Monument from its current site to a more visible location.

After a general discussion, it was the consensus of council to allow the group to relocate the Marshall Park Monument as presented in the plans.

- 13. Resolution 13-01: Resolution regarding recommended changes to Fees and Charges Schedule.**

Director of Financial Services John Frye reported there are no changes to the policy but there are changes to the fee schedule. Mr. Frye reported this is an annual review and will become effective July 1, 2013.

The Manager explained the need for Resolution 13-01. Councilmember Strickland moved to approve the recommended changes to the Fees and Charges Schedule and asked staff to be sensitive to the customers and adjust accordingly. Upon the motion of Councilmember Strickland, seconded by Councilmember Lapins, Resolution 13-01 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

- 14. Resolution 13-03: Resolution Regarding an exemption to the Qualification Based Selection criteria (NCGS 143-64.31 and 32) for engineering and architectural services. (Cannon Park Field House).**

The Manager explained the need for Resolution 13-03. Upon the motion of Councilmember Parson, seconded by Councilmember Strickland, Resolution 13-01 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

- 15. Discussion: Village Center Marketing.**

Mr. Lapins recounted the discussions during a recent meeting of the subcommittee formed to determine how to fund the St. Germain's request for marketing funding. Mr. Strickland expressed the Village is being well served by the marketing program. The subcommittee recommended funding their request at \$12,000 for the remainder of this fiscal year from within the current budget in-place and council will take a look at next year's budget.

There was agreement of council, and staff was directed to move forward and contact the St. Germain's concerning the approval of the \$12,000 funding.

- 16. Discussion: Options with regard to Historic Preservation Commission.**

Village Manager Andy Wilkison and Sr. Planner Molly Goodman gave an overview of the Historic Preservation Commission's roles and how the Village may make changes to their role.

After considerable discussion and several comments from the audience, the Council decided not to make any changes to the Historic Preservation Commission at this time. Council agreed to discuss the matter further at their next work session.

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17. Discussion: Recommended Steering Committee for Village Place Study.

Sr. Planner Bruce Gould reported that he has been in discussions with Ian Colgan about the formation of a steering committee for the Village Place Study. He talked about the need for a staff committee to provide information and documentation to be used for guidance. Mr. Gould reviewed the recommended list of members and suggested the Council approve the committee member list during the January 22 meeting.

Council agreed to consider the list and come to a general consensus during the January 22, 2013 meeting.

18. Resolution 13-02: Resolution Honoring the Service of Joyce B. Franke. (Historic Preservation Commission)

The Manager explained the need for Resolution 13-02. Upon the motion of Councilmember Parson, seconded by Councilmember Lapins, Resolution 13-02 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

19. Motion to appoint Councilmember John Cashion as the Village of Pinehurst representative to the Partners in Progress Board of Directors.

The manager explained the need for the motion. Councilmember Parson moved that John Cashion replace Councilmember Doug Lapins as the Village of Pinehurst representative to the Partners in Progress Board of Directors. Councilmember Strickland made the second the motion. The vote passed with a unanimous vote of 5-0.

Mr. Strickland suggested considering rotating positions in the future.

20. Motion authorizing the Village Manager to enter into a Lease Agreement between the Village of Pinehurst and the Sandhills Woman's Exchange.

The manager explained the need for the motion. Councilmember Cashion moved that the Village Manager be authorized to execute a lease agreement between the Village of Pinehurst and the Sandhills Woman's Exchange. Councilmember Lapins seconded the motion, which carried unanimously by a vote of 5-0.

21. Motion approving appointments to the Local Firemen's Relief Fund Board of Trustees.

The manager explained the need for the motion. Councilmember Strickland moved that Robert S. Viall be appointed to a two year term, expiring January 31, 2015, and Virginia F. Fallon be appointed to a one year term, expiring January 31, 2014, on the Local Firemen's Relief Fund Board of Trustees. Councilmember Parson seconded the motion, which carried unanimously by a vote of 5-0.

22. Preview of Regular Meeting Agenda.

Council elected not to review the Regular Meeting Agenda for January 22, 2013, due to the late hour.

23. Other Business.

- Village Manager Andy Wilkison referred to a memo regarding potential options in fulfilling the pledge to the Library Board in accordance with the Local Fiscal Act.
- Council agreed to discuss the library pledge during the January 22 meeting.

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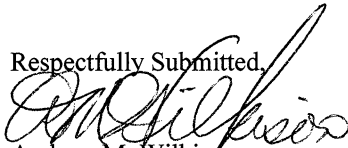
24. Comments from Attendees.

- **Mr. Brian Deaton** asked council to consider drafting a parking policy and to take Councilmember Lapins' recommendation into consideration.

25. Adjournment.

Councilmember Strickland moved to adjourn the Work Session. The motion was seconded by Councilmember Parson and carried unanimously. The meeting adjourned at 8:40 p.m.

Respectfully Submitted,



Andrew M. Wilkison,
Village Clerk