

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF JANUARY 26, 2010
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Presentations.
4. **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. Approval of Draft Minutes:
Work Sessions of December 15, 2009
Regular Meeting of December 15, 2009
Closed Sessions of December 15, 2009
- B. Receipt of Public Safety Reports:
Police Department
Fire Department
- C. Scheduling of Regular Meeting for Tuesday, February 23, 2010 at 1:00 p.m.

End of Consent Agenda.

5. **Action:** Motion to Receive Budget Amendments Report to Council for the Period December 15, 2009 to January 15, 2010.
6. **Action:** Motion to Recess the Regular Meeting and Enter Into a Quasi-Judicial Hearing.
7. **Quasi-Judicial Hearing #1:** Request for a Major Special Use Permit in order to construct a public water supply well and associated facilities. The proposed development will occur on property identified as Moore County LRK # 25990. This facility is addressed as 10 Muster Branch Rd. and known as Well 9. These property is currently zoned RD (Recreational). The property is owned by Moore County and Moore County Utilities is the applicant.
8. **Quasi-Judicial Hearing #2:** Request for a Major Special Use Permit in order to construct a public water supply well and associated facilities. The proposed development will occur on property identified as Moore County LRK # 25946. This facility is addressed as 5 Muster Branch Rd. and known as Well 5A. These property is currently zoned RD (Recreational). The property is owned by Moore County and Moore County Utilities is the applicant.
9. **Action:** Motion to Adjourn the Quasi-Judicial Hearing and Enter into a Public Hearing.
10. **Public Hearing # 1: Official text amendment to the Pinehurst Development Ordinance** Section 2.2 Definitions by amending the definition of Neighborhood Center and Retail Store. This proposal is also to amend section 10.2.1.3 SR-14 Neighborhood Center and SR-16 Retail Stores in order to parallel the proposed definition changes. The applicant is the Village of Pinehurst.

11. **Public Hearing # 2: Official text amendment to the Pinehurst Development Ordinance** Section 2.2 Definitions. This amendment would define Franchise Architecture. The Applicant is the Village of Pinehurst.
12. **Public Hearing # 3: Official text amendment to the Pinehurst Development Ordinance** Section 10.2.2.1. This amendment would add section 10.2.2.1 (g) Franchise Architecture. The Purpose of this amendment is to prohibit franchise architecture from being utilized as a building form within the Village of Pinehurst Zoning Jurisdiction. The applicant is the Village of Pinehurst.
13. **Action:** Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
14. **Action:** Motion to Adopt Memo- Director of Planning and Inspections Andrea Correll- dated December 15, 2009- Ordinance #10-03 Is Consistent With the 2003 Comprehensive Long-Range Plan.
15. **Action:** Motion to Adopt Ordinance #10-03: An Ordinance Amending The Pinehurst Development Ordinance As It Pertains To Section 10.2.1.3 SR-18(g) Docks on Lakes.
16. **Action:** Motion to Adopt Memo- Director of Planning and Inspections Andrea Correll- dated December 15, 2009- Ordinance #10-04 Is Consistent With the 2003 Comprehensive Long-Range Plan.
17. **Action:** Motion to Adopt Ordinance #10-04: An Ordinance Amending The Pinehurst Development Ordinance As It Pertains To Section 2.2 Definitions and Section 10.2.1 Table of Permitted and Special Uses- Welcome Center.
18. Other Business.
19. Comments from Attendees.
20. **Action:** Motion to Adjourn.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JANUARY 26, 2010**

**ASSEMBLY HALL – VILLAGE HALL
395 MAGNOLIA ROAD
PINEHURST, N. C.**

1:00 P.M.

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, January 26, 2010, 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:

The Honorable George P. Lane, Mayor
The Honorable Virginia F. Fallon, Mayor Pro-Tem
The Honorable Nancy Roy Fiorillo
The Honorable Douglas A. Lapins
The Honorable Joan M. Thurman
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 25 persons in the audience.

1. CALL TO ORDER.

Mayor George P. Lane called the meeting to order.

2. PLEDGE OF ALLEGIANCE AND INVOCATION.

Village Manager Andy Wilkison led in an invocation followed by the Pledge of Allegiance to the American flag.

3. PRESENTATIONS.

Mayor Pro-Tem Fallon presented a Resolution and a paperweight bearing the emblem of the Pinehurst Centennial to Mrs. Lorraine A. Tweed honoring her service as a Councilmember and as Mayor Pro-Tem. (Copy of Resolution #09-29 is in the 2009 Resolution Book.)

Councilmember Fiorillo presented a Resolution and a paperweight bearing the emblem of the Pinehurst Centennial to Mr. James E. Plankar honoring his service as a member of the Community Appearance Commission. (Copy of Resolution #09-28 is in the 2009 Resolution Book.)

4. APPROVAL OF CONSENT AGENDA.

All items listed below were considered routine or had been discussed at length in previous meetings and were enacted by one motion. No separate discussion was held except on request by a member of the Village Council.

- A. Approval of Minutes of:
 - Work Session of December 15, 2009
 - Regular Meeting of December 15, 2009
 - Closed Session of December 15, 2009
- B. Public Safety Reports- Police and Fire Departments.
- C. Scheduling of Regular Meeting for Tuesday, February 23, 2010 at 1:00 p.m.

End of Consent Agenda.

Councilmember Fiorillo moved to approve all the items listed and considered routine on the

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JANUARY 26, 2010**

Consent Agenda. The motion was seconded by Councilmember Thurman and the Consent Agenda was unanimously approved.

5. BUDGET AMENDMENTS REPORT TO COUNCIL.

Council noted that there were no budget amendments processed for the period December 15, 2009- January 15, 2010, and thus there is no Budget Amendment Report.

6. ADJOURN REGULAR MEETING AND ENTER INTO A QUASI-JUDICIAL HEARING.

Councilmember Fallon moved to adjourn the Regular Meeting and enter into a Quasi-Judicial Hearing. The motion was seconded by Councilmember Lapins and carried unanimously.

7. QUASI-JUDICIAL HEARING #1: Request for a Major Special Use Permit in order to construct a public water supply well and associated facilities. The proposed development will occur on property identified as Moore County LRK # 25990. This facility is addressed as 10 Muster Branch Rd. and known as Well 9. These property is currently zoned RD (Recreational). The property is owned by Moore County and Moore County Utilities is the applicant.

Testimony: (Verbatim transcript of Quasi-Judicial Hearing is in the Minute File.)

Documents submitted:

Document # 1- Village of Pinehurst Staff Report
Document #2- Well 9 Boundary Survey

(Copies of submitted documents are in the Minute File)

8. QUASI-JUDICIAL HEARING #2: Request for a Major Special Use Permit in order to construct a public water supply well and associated facilities. The proposed development will occur on property identified as Moore County LRK # 25946. This facility is addressed as 5 Muster Branch Rd. and known as Well 5A. These property is currently zoned RD (Recreational). The property is owned by Moore County and Moore County Utilities is the applicant.

Testimony: (Verbatim transcript of Quasi-Judicial Hearing is in the Minute File.)

Documents submitted:

Document # 1- Village of Pinehurst Staff Report
Document #2: Well 5a Boundary Survey

(Copies of submitted documents are in the Minute File)

9. ADJOURN QUASI-JUDICIAL HEARING AND ENTER INTO A PUBLIC HEARING.

There being no further testimony, Councilmember Lapins moved to adjourn the Quasi-Judicial Hearing and enter into a Public Hearing. Councilmember Fallon seconded the motion, and it carried unanimously.

Councilmember Thurman left the meeting at this point. It was an excused absence.

10. PUBLIC HEARING #1: Official text amendment to the Pinehurst Development Ordinance Section 2.2 Definitions by amending the definition of Neighborhood Center and Retail Store.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JANUARY 26, 2010**

This proposal is also to amend section 10.2.1.3 SR-14 Neighborhood Center and SR-16 Retail Stores in order to parallel the proposed definition changes. The applicant is the Village of Pinehurst.

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated January 26, 2010 is in the Minute File.)

- 11. PUBLIC HEARING #2: Official text amendment to the Pinehurst Development Ordinance Section 2.2 Definitions. This amendment would define Franchise Architecture. The Applicant is the Village of Pinehurst.**

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated January 26, 2010 is in the Minute File.)

- 12. PUBLIC HEARING # 3: Official text amendment to the Pinehurst Development Ordinance Section 10.2.2.1. This amendment would add section 10.2.2.1 (g) Franchise Architecture. The Purpose of this amendment is to prohibit franchise architecture from being utilized as a building form within the Village of Pinehurst Zoning Jurisdiction. The applicant is the Village of Pinehurst.**

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated January 26, 2010 is in the Minute File.)

- 13. RE-ENTER REGULAR MEETING.**

There being no further discussion, Councilmember Lapins moved to adjourn the Public Hearing and re-enter the Regular Meeting. Councilmember Fallon seconded the motion and it carried unanimously.

- 14. MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- DATED DECEMBER 15, 2009- ORDINANCE #10-03 IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Fiorillo moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated December 15, 2009 as the Council statement that draft ordinance #10-03 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Lapins seconded the motion, which was unanimously approved by a vote of 4-0. (Copy of the memo is found in the Minute File.)

- 15. ORDINANCE #10-03: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.1.3 SR-18(G) DOCKS ON LAKES.**

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JANUARY 26, 2010**

The Manager explained the need for the Ordinance #10-03. Upon the motion of Councilmember Fallon, seconded by Councilmember Lapins, Ordinance #10-03 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

16. MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- DATED DECEMBER 15, 2009- ORDINANCE #10-04 IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.

Councilmember Lapins moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated December 15, 2009 as the Council statement that draft ordinance #10-04 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Fiorillo seconded the motion, which was unanimously approved by a vote of 4-0. (Copy of the memo is found in the Minute File.)

17. ORDINANCE #10-04: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS AND SECTION 10.2.1 TABLE OF PERMITTED AND SPECIAL USES- WELCOME CENTER.

The Manager explained the need for the Ordinance #10-04. Upon the motion of Councilmember Fiorillo, seconded by Councilmember Fallon, Ordinance #10-04 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

18. OTHER BUSINESS.

➤ **Motion Regarding Major Special Use Permit- Quasi-Judicial Hearing #1.**

Councilmember Fiorillo moved Council approval of the Application for a Major Special Use Permit for Well 9 and associated facilities referencing the Findings of Fact entered into the record by Andrea Correll, Director of Planning and Inspections with one change for item (b) based on the survey entered into the record at the hearing on behalf of the Village Council. Council finds that the dimensional requirements of the district are met for the proposed use. Councilmember Lapins seconded the motion which carried unanimously by a vote of 4-0. (Verbatim transcript of this portion of the meeting is in the Minute File. Copy of Council's Findings of Fact is in the Minute File.)

➤ **Motion Regarding Major Special Use Permit- Quasi-Judicial Hearing #2.**

Councilmember Fallon moved Council approval of the Application for a Major Special Use Permit for Well 5a and associated facilities referencing the Findings of Fact entered into the record by Andrea Correll, Director of Planning and Inspections with one change for item (b) based on the survey entered into the record at the hearing on behalf of the Village Council. Council finds that the dimensional requirements of the district are met for the proposed use. Councilmember Lapins seconded the motion which carried unanimously by a vote of 4-0. (Verbatim transcript of this portion of the meeting is in the Minute File. Copy of Council's Findings of Fact is in the Minute File.)

19. COMMENTS FROM ATTENDEES.

There were none.

20. ADJOURNMENT.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JANUARY 26, 2010**

Councilmember Lapins moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Fallon and carried unanimously. The Regular Meeting adjourned at 1:35 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk