

**PINEHURST**  
**VILLAGE COUNCIL**  
**WORK SESSION AGENDA**  
**FEBRUARY 10, 2009**

**4:30 P.M.**

**CONFERENCE ROOM**  
**VILLAGE HALL**

**PINEHURST, NORTH CAROLINA**

*(Note: The Council will meet in closed session  
With the Village Attorney beginning at 4:30 pm.  
The open session will begin at 5:30 pm)*

1. Call to Order.
2. Motion to go into Closed Session pursuant to NCGS 143-318.11 (a) (3) to discuss with the Village Attorney litigation between Lydia Boesch, *et al*, v. Village of Pinehurst and regarding Pinewild Project Limited Partnership, *et al*, v. Village of Pinehurst.
3. Motion to adjourn Closed Session and reconvene in Open Work Session at 5:30 pm.
4. Call to Order of Work Session (5:30 pm).
5. Call to Order.
6. Reports –
  - Manager
  - Council
7. Discussion with staff regarding proposed changes to the Harness Track Fees and Charges Policy.
8. Resolution #09-09: Regarding Changes to the Harness Track Fees and Charges Policy and Schedule of Fees and Charges.
9. Ordinance #09-03: An Ordinance Amending the budget of the Village of Pinehurst (mid-year budget amendments).

10. Motion authorizing the Mayor and Village Staff to enter into a contract for Storm Drainage Improvements in Pinehurst Trace.
11. Motion authorizing the Mayor and Village Staff to enter into a contract for road resurfacing in the Village of Pinehurst.
12. Preview of Regular Meeting Agenda and Public Hearing items.
13. Other business.
14. Comments from attendees.
15. Adjournment.

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**395 MAGNOLIA ROAD  
CONFERENCE ROOM  
PINEHURST, NORTH CAROLINA  
4:30 P.M.**

The Pinehurst Village Council held a Work Session at 4:30 Tuesday, February 10, 2009 in the Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Dr. George P. Lane, Mayor  
Ms. Lorraine A. Tweed, Mayor Pro-Tem  
Mr. Jeffrey P. Dawson, Councilmember  
Ms. Virginia F. Fallon, Councilmember  
Ms. Joan M. Thurman, Councilmember  
Mr. Andrew M. Wilkison, Village Manager  
Ms. Linda S. Brown, Village Clerk  
And approximately 20 attendees, including 5 staff and 1 press.

**1. Call to Order (4:30 p.m.).**

Mayor George P. Lane called the meeting to order.

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

Councilmember Fallon moved to recess the Work Session and enter a Closed Session pursuant to NCGS 143-318.11 (a) (3): To discuss with the Village Attorney litigation between Lydia Boesch, *et al*, v. Village of Pinehurst and regarding Pinewild Limited Partnership, *et al* v. Village of Pinehurst. The motion was seconded by Councilmember Thurman and carried unanimously.

**GENERAL ACCOUNT**

The Council, the Village Manager, and the Village Attorney discussed the status of Attorney litigation between Lydia Boesch, *et al*, v. Village of Pinehurst and regarding Pinewild Limited Partnership, *et al* v. Village of Pinehurst.

**3. Motion to Adjourn the Closed Session and Reconvene in Open Session at 5:30 p.m.**

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

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

Mayor George P. Lane called the meeting to order.

**5. Reports:**

– **Manager**

- **Pinehurst Community Watch Meeting.**

The Manager reported that the Pinehurst Community Watch held a meeting this afternoon in the Assembly Hall at Village Hall with about 50-60 people attending. Information was

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given concerning steps to secure property, possible measures to get information out to citizens, and signing up for Code Red.

- **Smoke in the Area.**

The Manager reported that, according to Pinehurst Fire Chief Jimmy McCaskill, the excessive smoke in the Pinehurst area today was due to field fires in Hoke County.

- **New Business in Pinehurst.**

The Manager reported that, according to Village Planner Bruce Gould, a new business will be opening in the old Village Market next to the Tater Barn- a new pizza shop- the "How Ya Doing Pizza Café."

- **Council**

- **Mayor Lane**

-stated that the question had been asked in The Pilot if the Village Council violated the North Carolina Open Meetings Law when Pinehurst officials recently met with Robbins officials. He explained that according to the North Carolina General Statutes, a meeting does not take place unless there is a majority of the Council present. There was not a majority present of the Pinehurst Council or the Robbins Board, so no violation of the law took place.

-noted that work has begun on the Razook's building.

- **Councilmember Thurman** asked about a letter that Mayor Lane had sent regarding requests for project proposals for the Economic Recovery Stimulus Bill. Mayor Lane explained that the letter was sent in an effort to qualify for federal money for the Robbins Water Treatment Facility. Robbins sent a letter regarding this project; Pinehurst sent one in an effort to help Robbins. Mayor Lane stated that he was not aware that Moore County had done anything in this regard. (Copy of the letter dated February 2, 2009 is in the Minute File.)

- **Mayor Pro-Tem Tweed**

-stated that she had received a phone call from a lady on Diamondhead requesting the speed limit be reduced to 25 mph. Mrs. Tweed told the lady that we would be discussing speed limits as part of the Comprehensive Plan changes.

-noted that a majority of 5 is 3. Mayor Lane and Councilmember Dawson attended the meeting with officials from Robbins, and the two of them do NOT constitute a majority of the Village Council. If Mr. Kennedy meant in his recent letter to The Pilot that a majority should be calculated of the entire group of officials, he is mistaken. The majority is calculated of each individual board.

-recommended a February 6, 2009 article in The Pilot by J.D. Zumwalt entitled "Shrill Public Accusations Starting to Get Tiresome."

- **Councilmember Dawson**

-stated that he wishes The Pilot would not give the "nuts" a platform.

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-noted his disappointment that the Historic Commission has dropped the finials for street signs project due to lack of funds. He feels we should find money to fund this project.

**6. Discussion with staff regarding proposed changes in the Village of Pinehurst Fees and Charges Schedule to Harness Track and Recreation Fees.**

The Manager and Director of Parks and Recreation Mark Wagner discussed with Council the proposed changes to the Village of Pinehurst Fees and Charges Schedule regarding Harness Track fees and recreation fees. They also noted that the document has been reformatted to make it easier to read and update. (Copy of a memo from Assistant Manager Natalie Dean dated February 6, 2009 regarding the Harness Track and Recreation fees and a copy of the Village of Pinehurst Fees and Charges Schedule detailing the proposed changes are in the Minute File.)

**7. Resolution #09-09: A Resolution Amending the Village of Pinehurst Fees and Charges Schedule.**

The Manager explained the need for Resolution #09-09. Upon the motion of Councilmember Fallon, seconded by Councilmember Tweed, Resolution # 09-09 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

**8. Ordinance #09-03: An Ordinance Amending the Ordinance Appropriating Funds for Operations of the Village of Pinehurst Regarding Revenues and Expenditures of the General Fund for the Village of Pinehurst, North Carolina (Mid-Year Budget Adjustments).**

The Manager explained the need for the Ordinance #09-03. Upon the motion of Councilmember Tweed, seconded by Councilmember Fallon, Ordinance #09-03 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

**9. Motion Authorizing the Mayor and Village Staff to Enter Into a Contract for Storm Drainage Improvements in Pinehurst Trace.**

Councilmember Fallon moved that the Mayor and Village Staff be authorized to execute on behalf of the Village a contract with Atkinson Infrastructure, Inc. in an amount not to exceed \$135,000 for the purpose of storm water drainage improvement purposes in Pinehurst Trace. Councilmember Thurman seconded the motion which carried unanimously by a vote of 5-0.

**10. Motion Authorizing the Mayor and Village Staff to Enter Into a Contract for Road Resurfacing in the Village of Pinehurst.**

Councilmember Tweed moved that the Mayor and Village Staff be authorized to execute on behalf of the Village a contract with Riley Paving of Carthage, NC. in an initial amount of \$575,000 for road resurfacing purposes. Furthermore, Village Staff are authorized to approve additional road resurfacing work with Riley Paving in excess of \$575,000 to the extent additional funds already appropriated for road resurfacing purposes are available. Councilmember Thurman seconded the motion which carried unanimously by a vote of 5-0.

**11. Preview of Regular Meeting Agenda and Public Hearing Items.**

The Council previewed the Regular Meeting Agenda for February 24, 2009 and made no changes. Director of Planning and Inspections Andrea Correll reviewed with Council the procedures set by the courts for conducting a Quasi-Judicial Hearing. (Copy of the information provided to Council is in the Minute File.)

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**12. Other Business.**

- **Motion Authorizing the gift of his service badge to Pinehurst Police Lieutenant James L. Thompson, declaring the sidearm assigned to Lieutenant Thompson as surplus property and authorizing its sale to Sergeant Thompson.**

Councilmember Dawson moved pursuant to G.S. 20-187.2, to give Pinehurst Police Lieutenant James L. Thompson his service badge; pursuant to G.S. 160A-265, to declare the sidearm now assigned to Lieutenant Thompson as surplus property; and pursuant to G.S. 20-187.2, to sell said sidearm to Lieutenant Thompson for the sum of \$1.00 upon his presentation to the Village manager of a permit to carry a handgun as required by G.S. 14-402. Councilmember Fallon seconded the motion which was unanimously approved by a vote of 5-0.

- **Hwy. 211 Construction.**

A citizen group from the Dalrymple Road area consisting of J.P. Roberts, Wes Frazier and Lynn Szalankiewicz addressed the Council concerning an NC Department of Transportation (NCDOT) project to widen NC 211 to four lanes from West End to the traffic circle in Pinehurst. The group said stakes had already been driven in their back yard, and officials from NCDOT stated that they had a fully funded project to widen the highway. The group wanted to know what Pinehurst knew about the project and what we had committed to fund. Council responded that the project was an NCDOT project and the design of the project, management of construction and management of the finished roadway was the responsibility of the NCDOT. We had negotiated to partner with the state for sidewalks from the traffic circle to Pinewild, and, when discussions concerning a pedestrian tunnel at Rattlesnake Trail fell through, NCDOT had agreed to pedestrian crosswalks and a planted median the length of the improved highway within the Pinehurst corporate limits, to assist pedestrians in crossing the highway. The Council will request a meeting with the NCDOT representatives to discuss the concerns of the Dalrymple Road residents.

**13. Comments from Attendees.**

**Doug Middaugh-**

-suggested that the Village could save some money by not partnering with NCDOT to fund sidewalks on NC 211.

-stated that Captain Thomas had told the citizens who attended the Pinehurst Community Watch meeting on Tuesday afternoon that citizens could come by the Police Department to fill out forms for the police to monitor their residence while they are out of town and asked if these forms could be placed on the Village website.

-asked what amount of money had been budgeted for Robbins for due diligence. Answer- none budgeted, none spent.

**14. Adjournment.**

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Councilmember Thurman moved to adjourn the Work Session. The motion was seconded by Councilmember Tweed and carried unanimously. The meeting adjourned at 6:35 p.m.

Respectfully Submitted,



Linda S. Brown, CMC  
Village Clerk