

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF FEBRUARY 24, 2009
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Approval of 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 January 13 and 27, 2009
Regular Meeting of January 27, 2009
Closed Sessions of January 13 and 27, 2009

B. Public Safety Reports:

Police Department
Fire Department

C. Scheduling of Regular Meeting for Tuesday, March 24, 2009 at 1:00 p.m.

End of Consent Agenda.

3. Budget Amendments Report to Council.
4. Recess Regular Meeting and Enter Into a Public Hearing.
5. Public Hearing #1: Official Text Amendment to the Pinehurst Development Ordinance Section 10.2.1.3, SR-18 (j) (7) Fences and Walls. This amendment would regulate the placement of fences, walls and retaining walls within public or private rights of way. Applicant is the Village of Pinehurst.
6. Public Hearing #2: Official Text Amendment to the Pinehurst Development Ordinance Table 10.2.1 Table of Permitted and Special Uses and Section 10.2.1.3 SR-28 (2). This amendment will require Public Utility Facilities to be permitted as Major Special Uses. Public Utility Facilities are currently permitted as Minor Special Uses. The applicant is the Village of Pinehurst.
7. Adjourn Public Hearing and Enter Into a Quasi-Judicial Hearing. (All testimony shall be given under oath.)

8. Quasi-Judicial Hearing: To Receive Testimony on a Request for a Major Special Use Permit by Church of the Open Door in order to occupy the American Legion Building located at 5 American Legion Lane for church purposes. This property is in the NC (Neighborhood Commercial) Zoning District, further identified by Moore County Tax Reference as LRK # 46170.
9. Adjourn Quasi-Judicial Hearing and Re-Enter Regular Meeting.
10. Memo- Director of Planning and Inspections Andrea Correll- dated January 27, 2009- Ordinance #09-04 Is Consistent With the 2003 Comprehensive Long-Range Plan.
11. Ordinance #09-04: An Ordinance Amending The Pinehurst Development Ordinance As It Pertains To Section 10.2.2.2(a) Note 6 Impervious Surface Requirements.
12. Other Business.
13. Comments from Attendees.
14. Adjournment.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
FEBRUARY 24, 2009**

**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, February 24, 2009, 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 Lorraine A. Tweed, Mayor Pro-Tem
The Honorable Jeffrey P. Dawson
The Honorable Virginia F. Fallon
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. 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 Sessions of January 13 and 27, 2009
 - Regular Meeting of January 27, 2009
 - Closed Sessions of January 13 and 27, 2009
- B. Public Safety Reports- Police and Fire Departments.
- C. Scheduling of Regular Meeting for Tuesday, March 24, 2009 at 1:00 p.m.

End of Consent Agenda.

Councilmember Thurman moved to approve all the items listed and considered routine on the Consent Agenda. The motion was seconded by Councilmember Fallon and the Consent Agenda was unanimously approved.

3. BUDGET AMENDMENTS REPORT TO COUNCIL.

Councilmember Fallon moved to receive the Budget Amendments Report to Council for the period January 15, 2009 to February 15, 2009. The motion was seconded by Councilmember Thurman and carried unanimously.

4. RECESS REGULAR MEETING AND ENTER INTO A PUBLIC HEARING.

Councilmember Tweed moved to recess the Regular Meeting and enter into a Public Hearing on Planning and Zoning and Other Matters. The motion was seconded by Councilmember Fallon and carried unanimously.

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5. **PUBLIC HEARING #1: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE SECTION 10.2.1.3, SR-18 (j) (7) FENCES AND WALLS. THIS AMENDMENT WOULD REGULATE THE PLACEMENT OF FENCES, WALLS AND RETAINING WALLS WITHIN PUBLIC OR PRIVATE RIGHTS OF WAY. 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 February 24, 2009 is in the Minute File.)

6. **PUBLIC HEARING #2: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE TABLE 10.2.1 TABLE OF PERMITTED AND SPECIAL USES AND SECTION 10.2.1.3 SR-28 (2). THIS AMENDMENT WILL REQUIRE PUBLIC UTILITY FACILITIES TO BE PERMITTED AS MAJOR SPECIAL USES. PUBLIC UTILITY FACILITIES ARE CURRENTLY PERMITTED AS MINOR SPECIAL USES. 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 February 24, 2009 is in the Minute File.)

7. **ADJOURN PUBLIC HEARING AND ENTER INTO A QUASI-JUDICIAL HEARING.**

Councilmember Dawson moved to adjourn the Public Hearing and enter into a Quasi-Judicial Hearing. The motion was seconded by Councilmember Tweed and carried unanimously.

8. **QUASI-JUDICIAL HEARING: TO RECEIVE TESTIMONY ON A REQUEST FOR A MAJOR SPECIAL USE PERMIT BY CHURCH OF THE OPEN DOOR IN ORDER TO OCCUPY THE AMERICAN LEGION BUILDING LOCATED AT 5 AMERICAN LEGION LANE FOR CHURCH PURPOSES. THIS PROPERTY IS IN THE NC (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT, FURTHER IDENTIFIED BY MOORE COUNTY TAX REFERENCE AS LRK # 46170.**

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

9. **ADJOURN QUASI-JUDICIAL HEARING AND RE-ENTER REGULAR MEETING.**

There being no further testimony, Councilmember Thurman moved to adjourn the Quasi-Judicial Hearing and re-enter the Regular Meeting. Councilmember Tweed seconded the motion, and it carried unanimously.

➤ **Deliberations:**

Since there was no opposition testimony given, Council had no testimony to discuss. The applicant's Findings of Fact had proved that the application meets the Standards of Review presented in section 5.13.6 of the Pinehurst Development Ordinance.

➤ **Motion Regarding Major Special Use Permit.**

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Councilmember Fallon moved to approve, without restrictions, the Major Special Use Permit as requested by Church of the Open Door in order to occupy the American Legion Building located at 5 American Legion Lane for church purposes. The Village Council has accepted the applicant's Findings of Fact and incorporated them into the record as the Council's Findings of Fact and clearly find that each of the standards of review has been met by the applicant. Councilmember Dawson seconded the motion which carried unanimously by a vote of 5-0. (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.)

10. MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL DATED JANUARY 27, 2009- ORDINANCE #09-04 IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.

Councilmember Fallon moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated January 27, 2009 as the Council statement that draft ordinance #09-04 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Dawson seconded the motion, which was unanimously approved by a vote of 5-0. (Copy of the memo is found in the Minute File.)

11. ORDINANCE #09-04: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.2.2(a) NOTE 6 IMPERVIOUS SURFACE REQUIREMENTS.

The Planning Director explained the need for the Ordinance #09-04. Upon the motion of Councilmember Tweed, seconded by Councilmember Fallon, Ordinance #09-04 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

12. OTHER BUSINESS.

There was none.

13. COMMENTS FROM ATTENDEES.

There were none.

14. ADJOURNMENT.

Councilmember Dawson moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Fallon and carried unanimously. The Regular Meeting adjourned at 1:25 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk