

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF FEBRUARY 28, 2012
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. **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 January 10 and 24, 2012
Regular Meeting of January 24, 2012
Special Meetings of January 04 and 25, 2012 (9 am & 5 pm)
Closed Sessions of January 10 and 24, 2012
 - B. Public Safety Reports:
Police Department
Fire Department
 - C. Scheduling of Regular Meeting for Tuesday, March 27, 2012 at 1:00 p.m.**End of Consent Agenda.**
4. **Action:** Motion to Receive Budget Amendments Report to Council for the Period January 16, 2012 to February 15, 2012.
5. **Action:** Motion to Recess Regular Meeting and Enter Into a Public Hearing.
6. **Public Hearing #1:** Official Zoning Map Amendment. This map amendment would rezone one parcel of land consisting of approximately 7.32 acres addressed as 107 Linden Trail and currently zoned R-10 (Residential). The proposed map amendment would change the zoning of the property to Conditional Use R-210 (Low Density Residential and Agricultural/Min. Lot Size of 5 acres). The applicant and owner of the property is Julia Latham. The owner/ applicant has proposed the following condition be attached to this request: Livestock production activities such as poultry, swine and cattle will not be permitted. This property is further defined as being Moore County LRK #'s 14471, 14472, 14473, 16104, 16257, 16929, 20295, 21619, 21662, 28229, 29692, 29883, and 20110056.
7. **Public Hearing #2:** Official text amendment to the Pinehurst Development Ordinance Section 13.1.1.4 Signage in the Village Mixed Use District (VMU). The purpose of this amendment is to allow for exceptions to sign types and sign sizes within the VMU district if the signage is approved as part of a major special use permit. The applicant is the Village of Pinehurst.
8. **Public Hearing #3:** Official text amendment to the Pinehurst Development Ordinance Section 13.1.1.6 a) & the addition of Section 13.1.1.6 c) Off Street Parking, Loading and Unloading areas in the Village Mixed Use District (VMU). This proposed amendment will not require the minimum parking requirement to apply for development proposals that consist of at least one of the historic structures listed in the NewCore Plan if it is shown that there is adequate public on or off street parking available to support the uses as part of the major special use process. The applicant is the Village of Pinehurst.
9. **Action:** Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
10. Other Business.
11. Comments from Attendees.
12. **Action:** Motion to Adjourn.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
FEBRUARY 28, 2012**

**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 28, 2012, 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 Nancy Roy Fiorillo, Mayor
The Honorable John R. Cashion, Councilmember
The Honorable Mark W. Parson, Councilmember
The Honorable John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 15 persons in the audience.

Excused absence- The Honorable Douglas A. Lapins, Mayor Pro-Tem

1. CALL TO ORDER.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

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

3. 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 10 and 24, 2012
 - Regular Meeting of January 24, 2012
 - Special Meetings of January 04 and 25, 2012 (9 am & 5 pm)
 - Closed Sessions of January 10 and 24, 2012
- B. Public Safety Reports- Police and Fire Departments.
- C. Scheduling of Regular Meeting for Tuesday, March 27, 2012 at 1:00 p.m.

End of Consent Agenda.

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

4. BUDGET AMENDMENTS REPORT TO COUNCIL.

Councilmember Parson moved to receive the Budget Amendments Report to Council for the period January 16, 2012 to February 15, 2012. The motion was seconded by Councilmember Strickland and carried unanimously.

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

Councilmember Cashion 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 Parson and carried unanimously.

- 6. PUBLIC HEARING #1: Official Zoning Map Amendment.** This map amendment would rezone one parcel of land consisting of approximately 7.32 acres addressed as 107 Linden Trail and currently zoned R-10 (Residential). The proposed map amendment would change the zoning of the property to Conditional Use R-210 (Low Density Residential and Agricultural/Min. Lot Size of 5 acres). The applicant and owner of the property is Julia Latham. The owner/ applicant has proposed the following condition be attached to this request: Livestock production activities such as poultry, swine and cattle will not be permitted. This property is further defined as being Moore County LRK #'s 14471, 14472, 14473, 16104, 16257, 16929, 20295, 21619, 21662, 28229, 29692, 29883, and 20110056.

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendment to the Pinehurst Development Ordinance is consistent with the 2011 Comprehensive Long-Range Village Plan amended October 11, 2011. (Copy of the Comprehensive Plan Consistency Statement dated February 28, 2012 is in the Minute File.)

Mark Epstein, 108 Linden Trail, was available to answer any questions from the Council. There were none.

- 7. PUBLIC HEARING #2: Official text amendment to the Pinehurst Development Ordinance Section 13.1.1.4 Signage in the Village Mixed Use District (VMU).** The purpose of this amendment is allow for exceptions to sign types and sign sizes within the VMU district if the signage is approved as part of a major special use permit. 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 amendment to the Pinehurst Development Ordinance is consistent with the 2011 Comprehensive Long-Range Village Plan amended October 11, 2011. (Copy of the Comprehensive Plan Consistency Statement dated February 28, 2012 is in the Minute File.)

John Root, 180 Pine Vista, noted that the applicant is the village of Pinehurst and asked why the Village is doing this.

Mayor Fiorillo explained that we are doing this to accommodate development that was not anticipated.

Village Manager Andy Wilkison added that a business is interested in locating in the area known as NewCore. This would allow signage that is not presently allowed.

Mayor Fiorillo stated that Council has been asked to maintain confidentiality regarding the business name. The business would apply for a Special Use Permit and the signage would be part of that application.

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Mr. Root asked why the change was being applied for now. Why not let the business apply for the Special Use Permit and then make the change?

Director of Planning and Inspections Andrea Correll explained that the Special Use Permit must be decided according to regulations in place at the time of the application.

Mr. Root expressed his dismay that a business would be allowed to not provide parking while across the street is the Traditions project which will provide a parking problem.

Director of Planning and Inspections Andrea Correll replied that if adequate public parking is available, we cannot require off-street parking as part of a Special Use Permit.

8. **Public Hearing #3:** Official text amendment to the Pinehurst Development Ordinance Section 13.1.1.4 Signage in the Village Mixed Use District (VMU). The purpose of this amendment is to allow for exceptions to sign types and sign sizes within the VMU district if the signage is approved as part of a major special use permit. 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 amendment to the Pinehurst Development Ordinance is consistent with the 2011 Comprehensive Long-Range Village Plan amended October 11, 2011. (Copy of the Comprehensive Plan Consistency Statement dated February 28, 2012 is in the Minute File.)

Doug Middaugh, 400 Pine Vista, provided written comments and read them to the Council. (Copy of comments from Mr. Middaugh dated February 28, 2012 is in the Minute File.)

9. **ADJOURN PUBLIC HEARING AND RE-ENTER REGULAR MEETING.**

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

10. **OTHER BUSINESS.**

➤ **COMPREHENSIVE PLAN STATEMENT.**

Councilmember Strickland moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll and dated February 28, 2012 as the Council statement that draft ordinance # 12-07 is consistent with the Village of Pinehurst's 2010 Comprehensive Long-range Plan amended October 11, 2011. Councilmember Parson seconded the motion which carried unanimously by a vote of 4-0.

➤ **ORDINANCE 12-07: AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED AT 107 LINDEN TRAIL- LATHAM PROPERTY.**

Councilmember Strickland moved to approve Ordinance 12-07: An Ordinance Amending the Official Pinehurst Zoning Map As It Pertains to the Rezoning of Certain Land Located at 107 Linden Trail- Latham Property. Councilmember Parson seconded the motion which carried unanimously by a vote of 4-0.

➤ **COMPREHENSIVE PLAN STATEMENT.**

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Councilmember Cashion moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll and dated February 28, 2012 as the Council statement that draft ordinance # 12-08 is consistent with the Village of Pinehurst's 2010 Comprehensive Long-range Plan amended October 11, 2011. Councilmember Strickland seconded the motion which carried unanimously by a vote of 4-0.

➤ **ORDINANCE 12-08: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO 13.1.1.4 SIGNAGE IN THE VILLAGE MIXED USE DISTRICT AND SECTION 13.1.1.6 OFF-STREET PARKING, LOADING AND UNLOADING AREAS IN THE VILLAGE MIXED USE DISTRICT.**

Councilmember Parson moved to approve Ordinance 12-08: An Ordinance Amending The Pinehurst Development Ordinance As It Pertains To 13.1.1.4 Signage in the Village Mixed Use District and Section 13.1.1.6 Off-Street Parking, Loading and Unloading Areas in the Village Mixed Use District. Councilmember Cashion seconded the motion which carried unanimously by a vote of 4-0.

11. COMMENTS FROM ATTENDEES.

Mr. Middaugh, Ms. Jeanne Casinella and Mr. Root expressed their concern that there was not any discussion among the Council concerning the Public Hearing items before a vote was taken.


Mayor Fiorillo explained that the Council is new to the economic development process. Confidentiality is important especially since a grant is involved.

Brian Deaton noted that an opportunity had been given for citizens to offer information to the Council regarding the Public Hearing items. Obviously their information did not override the preponderance of information that the Council had, thus the vote was taken today to expedite the process.

12. ADJOURNMENT.

Councilmember Cashion moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Parson and carried unanimously. The Regular Meeting adjourned at 1:45 p.m.

Respectfully Submitted,


Linda S. Brown, CMC