

PINEHURST
VILLAGE COUNCIL
WORK SESSION AGENDA
APRIL 13, 2010
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.
 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)
- Reports –
- Manager
 - Council
 - Arbor Day Proclamation.
5. **Action:** Resolution #10-09: A Resolution Appointing Mr. John C. Strickland to the Pinehurst Historic Preservation Commission.
 6. **Action:** Motion to Adopt Memo- Village Council- dated April 13, 2010- Ordinance #10-13 Is Consistent With the 2003 Comprehensive Long-Range Plan.
 7. **Action:** Ordinance #10-13: An Ordinance Amending the Pinehurst Development Ordinance to Increase Maximum Density in Village Residential Zoning District.
 8. **Action:** Ordinance #10-14: An Ordinance Amending the Budget of the Village of Pinehurst (Department of Justice Bulletproof Vest Grant).
 9. **Action:** Ordinance #10-15: An Ordinance Amending the Budget of the Village of Pinehurst (Arboretum Electric Service).
 10. **Action:** Motion to approve audit contract with Dixon Hughes.
 11. **Action:** Motion to relinquish a storm water easement on private property.
 12. **Action:** Motion to approve Special Non-Residential Intensity Allocation.
 13. Preview of Regular Meeting Agenda.
 14. Other business.
 15. Comments from attendees.
 16. 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, April 13, 2010 in the Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Virginia F. Fallon, Mayor
Ms. Nancy Roy Fiorillo, Councilmember
Mr. Douglas A. Lapins, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 10 attendees, including 4 staff and 2 press.

Absent: Ms. Joan M. Thurman, Mayor Pro-Tem

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

Mayor Virginia F. Fallon called the meeting to order.

2. Motion to go into Closed Session.

Councilmember Parson 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. The motion was seconded by Councilmember Lapins 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.

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

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

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

Mayor Virginia F. Fallon called the meeting to order.

Reports:

- Manager

- Neighborhood Advisory Meeting.

The Manager reported that the next Neighborhood Advisory meeting will be held April 19 at 3:30 pm in the Assembly Hall.

- Volunteer Luncheon.

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The Manager reminded Councilmembers that the annual Volunteer Luncheon will be held on Wednesday, April 21, 2010 at 11:30 a.m. at the Fair Barn. 50's attire is optional.

- **Items for the April 27, 2010 Work Session.**

The Manager reported that Council will receive a pre-budget submittal at their April 27, 2010 Work Session to discuss major capital items and make sure the goals of staff match the goals of Council. Also, the Alternate Energy Committee of the Conservation Commission will make a presentation concerning golf cart usage and a green building initiative.

- **Road Resurfacing.**

The Manager explained that the paving company who will do the annual resurfacing has begun preparation work on the roads to be paved.

- **Jackson Hamlet Phase II.**

The Manager announced that the funds for Phase II of the Jackson Hamlet Project have been released, and surveying has begun in the area.

- **Memo from staff regarding duplexes.**

The Manager noted that Council has received a memo from staff regarding existing duplexes in Old Town. One owner of such property has submitted an application for a text amendment concerning duplexes.

- **Aberdeen Annexation Agreement Map.**

The Manager reported that a map of the proposed annexation agreement area is available for Council study.

- **Arbor Day Celebration.**

The Manager reminded the Council that an Arbor Day celebration will be held on Friday, April 23, 201 at 9:00 a.m. in the garden area along Dundee Road at Pinehurst Elementary School.

- **Council**

- **Councilmember Fiorillo** congratulated the Parks and Recreation Department for the Matinee Races saying it was a well-run event.

- **Mayor Fallon** read the 2010 Arbor Day Proclamation. (Copies of the proclamation, a memo and a press release are in the Minute File.)

5. **Resolution #10-09: A Resolution Regarding an Appointment to the Pinehurst Historic Preservation Commission. (John Strickland)**

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The Manager explained the need for Resolution #10-09. Upon the motion of Councilmember Lapins, seconded by Councilmember Fiorillo, Resolution # 10-09 was unanimously approved by a vote of 4-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

- 6. Motion to Adopt Memo- prepared by Village Council- dated April 13, 2010- Ordinance #10-13 is Consistent With the 2003 Comprehensive Long-Range Plan.**

(Copy of the memo is found in the Minute File.)

- 7. Ordinance #10-13: An Ordinance Amending the Pinehurst Development Ordinance As It Pertains to Section 13.1.3.3 Increase Maximum Density In VR (Village Residential) District.**

The Manager introduced Ordinance #10-13. Council discussed the ordinance and the accompanying Comp Plan Consistency Statement. Consensus of Council was to table both agenda items and to schedule a time to discuss the project and density amendment with Michael Doninger, Managing Partner of The Tradition of Old Town, LLC. (Draft copy of the ordinance is found in the Minute File.)

- 8. Ordinance #10-14: 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 (Department of Justice Bulletproof Vest Grant).**

The Manager explained the need for the Ordinance #10-14. Upon the motion of Councilmember Fiorillo, seconded by Councilmember Parson, Ordinance #10-14 was unanimously approved by a vote of 4-0. (Copy of a memo from Assistant Manager Natalie Dean dated April 7, 2010 is found in the Minute File, and the ordinance is found in the Ordinance Book and in the Minute File.)

- 9. Ordinance #10-15: 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 (Arboretum Electrical Service).**

The Manager explained the need for the Ordinance #10-15. Upon the motion of Councilmember Lapins, seconded by Councilmember Parson, Ordinance #10-15 was unanimously approved by a vote of 4-0. (Copy of a memo from Assistant Manager Natalie Dean dated April 8, 2010 is found in the Minute File, and the ordinance is found in the Ordinance Book and in the Minute File.)

- 10. Motion to approve audit contract with Dixon Hughes.**

The Manager explained the need for a contract for the yearly audit of accounts. Councilmember Lapins moved to approve and authorize the Mayor to execute a contract to audit accounts for the Village of Pinehurst to Dixon Hughes, PLLC in the amount of \$27,100 plus the additional work for the application of risk assessment standards at their standard hourly rate of \$130 per hour. Councilmember Parson seconded the motion which carried unanimously by a vote of 4-0. (Copy of the contract is in the Minute File.)

- 11. Motion to relinquish storm water easement on private property.**

The Manager explained the need for relinquishing this storm water easement. Councilmember Fiorillo moved to authorize the Mayor or her designee to execute all necessary documents to relinquish the Village of Pinehurst's rights to any real or implied public storm water easement located along the common side lot line between 1 Monmouth Place, LRK # 17130 and 2 Monmouth Court, LRK # 20267. Councilmember Lapins seconded the motion which carried unanimously by a vote of 4-0. (Copy of the memo dated April 7, 2010 from Assistant Manager Jeff Batton regarding this easement is in the Minute File.)

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12. Motion to approve Special Non-Residential Intensity Allocation.

The Manager explained the need for this Special Non-Residential Intensity Allocation. Councilmember Parson moved that Council approve the proposed Special Non-Intensity Allocation as written for the existing dental office and proposed additional parking located at 12 Regional Drive. This SNIA is outlined in the request and paperwork prepared and submitted by the Pinehurst Planning and Inspections Department dated April 8, 2010.

Councilmember Fiorillo seconded the motion which carried unanimously by a vote of 4-0. (Copy of the request for Special Non-Residential Intensity Allocation and paperwork prepared and submitted by the Pinehurst Planning and Inspections Department dated April 2, 2010 is in the Minute File.)

13. Preview of Regular Meeting Agenda.

The Council previewed the Regular Meeting Agenda for April 27, 2010 and made no changes.

14. Other Business.

There was none.

15. Comments from Attendees.

Doug Middaugh-

-requested that if Mr. Doninger is allowed to speak with Council at a future meeting than the audience should be allowed to speak also.

-requested a summary of the meeting the Mayor and Manager attended on Monday of the Lumber River Council of Governments. **Village Manager Andy Wilkison** replied that there were many participants and discussion centered on encouraging regional participation and finally deciding if the region is going to purchase the assets. If purchase is not going to happen by government entities, purchase by private companies will be sought. Managers will meet again soon to plan a study and examine the cost to all entities involved.

Jeanne Casinella-

- requested that all shoulders on Village roads be done as they are in # 6. She feels other shoulder work has not been done correctly and is dangerous.

-stated that she is disappointed that a traffic study is not included in the Comp Plan study.

Councilmember Fiorillo noted that a transportation plan is different than a traffic study. NC Department of Transportation conducts transportation studies; one is due in the near future for state roads in the Village. The Comp Plan does address transportation issues.

John Marcum-

-noted a letter he had distributed to Council regarding Conflict of Interest. **Mayor Fallon** responded that the Council has discussed this issue with the Village Attorney and that all Councilmembers have received ethics training.

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-stated that he has a problem with the new Comp Plan statement included in the agenda packet for this meeting since it contradicts the one submitted by Director of Planning and Inspections Andrea Correll at the Public Hearing. He requested that the Council Comp Plan statement be rewritten giving the reasons why Council is overriding the recommendation of the Planning and Inspections Department.

-requested that Council re-examine Mr. Doninger's statement at the Public Hearing that Council should look at what he builds since he is a totally inexperienced builder.

Jeanne Casinella stated that she has a jaded view of contractors since her experience is that they will promise anything to gain approval and then not deliver.

Doug Middaugh stated that he has run the numbers and determined that Mr. Doninger can build the units facing Magnolia Road and make his profit from their sale. He could then leave and not build anything facing Caddell.

16. Adjournment.

Councilmember Lapins moved to adjourn the Work Session. The motion was seconded by Councilmember Parson and carried unanimously. The meeting adjourned at 7:00 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk