

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF APRIL 24, 2007
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:

Special Work Session of March 13, 2007
Work Sessions of March 13 and 27, 2007
Regular Meeting of March 27, 2007
Closed Sessions of March 13 (#1 and #2) and 27 (#1 and #2), 2007

B. Public Safety Reports:

Police Department
Fire Department

C. Scheduling of Regular Meeting for Tuesday, May 22, 2007 at 1:00 p.m.

End of Consent Agenda.

3. Budget Amendments Report to Council.
4. Other Business.
5. Comments from Attendees.
6. Adjournment.

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April 24, 2007**

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

1:00 P.M.

The Village Council of the Village of Pinchurst held a Regular Meeting on Tuesday, April 24, 2007, at 1:00 p.m. in the Assembly Hall of the Pinchurst Village Hall, 395 Magnolia Road, Pinchurst, North Carolina with the following in attendance:

The Honorable Steven J. Smith, Mayor
The Honorable George E. Hillier, Mayor Pro-Tem
The Honorable Virginia F. Fallon
The Honorable Douglas A. Lapins
The Honorable Lorraine A. Tweed
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 50 persons in the audience.

1. CALL TO ORDER.

Mayor Steven J. Smith 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:

Special Work Session of March 13, 2007

Work Sessions of March 13 and 27, 2007

Regular Meeting of March 27, 2007

Closed Sessions of March 13 (#1 and #2) and 27 (#1 and #2), 2007

B. Public Safety Reports- Police and Fire Departments.

C. Scheduling of Regular Meeting for Tuesday, May 22, 2007 at 1:00 p.m.

End of Consent Agenda.

Councilmember Lapins 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 March 15, 2007 to April 15, 2007. The motion was seconded by Councilmember Hillier and carried unanimously.

4. OTHER BUSINESS.

There was none.

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5. COMMENTS FROM ATTENDEES.

Tom Campbell noted that he has attended Council meetings for the last 2½ -3 years and there have been 3-5 occasions on which the roundabout has been discussed. This action should not be a surprise. He encouraged citizens to attend meetings or at least read about them in the newspaper.

Mr. Campbell reported that he had a phone call yesterday reminding him of the lunch in Marshall Park today. He asked the caller how her group got his name. She replied that her information came from the signatures on the petition. The problem with that is that he did NOT sign the petition. He questioned how reliable the signatures on the petition might be.

Linda Williams asked about public meetings. She feels over 1,000 Pinchurst residents were surprised by the roundabout since so many signed the petition asking for a Public Hearing. Why were other alternatives not discussed? What is the traffic plan during construction?

Marian Gaida stated that she is a member of the Pinchurst Country Club and she does have difficulty at the intersection coming out of the Country Club. She stated that her husband signed the petition, but he did not mean to do so. He understood that signing the petition only meant that you want a Public Hearing on the issue, not that you do not want a roundabout.

Trudy Rock noted that she walks her dog every day and has not seen any accidents at this intersection. She has no trouble crossing at this intersection. She feels that the problem is at the traffic light at NC 2 and NC 5. She also feels that spending money on this project is wrong; we should be preserving the open spaces.

John Marcum spoke on behalf of the Concerned Citizens of Pinchurst, a group dedicated to sound governance and preserving old Pinchurst. He reported that the group had about 60 more signatures on their petition this morning. The group will not present the petition to Council this morning but will instead present it to the NC Historic Preservation Commission in Raleigh at their meeting with this group on May 24, 2007. They hope to have 1,000 signatures by then.

Mr. Marcum presented some background on the committee, mentioning that they had been active on other issues including Midland Green, the lighting of the traffic circle, the parking garage in NewCore, and now, the roundabout. He stated that the committee is engaging an attorney to force a Public Hearing.

Mr. Marcum noted that the roundabout issue was the first issue to arise since the establishment of the Pinchurst Historic Commission. He stated that the Council has taken steps to prevent a Public Hearing and not allow the Historic Commission to issue a Certificate of Appropriateness (COA).

Mr. Marcum acknowledged that mitigation measures have been agreed upon by the Village and the NC Historic Preservation Commission, but that citizens do not agree with this agreement. The Village filed a brief that a Certificate of Appropriateness is not required, but they did not realize that Carolina Vista is not a public street. He feels a COA is required.

Mr. Marcum stated that the Village told the NC Department of Transportation (NCDOT) that it did not need to come to the Pinchurst Historic Preservation Commission for a COA. He said he met yesterday with Mr. G. R. Kindley regarding the need of a COA. Mr. Marcum reported that Mr. Kindley stated that the NCDOT did not have the roundabout project on their schedule, but since they will have their equipment at NC 5 for the project at that intersection, the Village

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requested that both projects be done at the same time. Mr. Marcum also reported that Mr. Kindley said he could delay or stop the roundabout project altogether.

Mr. Marcum requested that the Council instruct the DOT to apply for a COA, hold a Public Hearing and evaluate alternatives for this roundabout.

(Copy of document # 1 submitted by Mr. Marcum is in the Minute File.)

Bob Tufts reported that he had just come from the site and looked at the taped route of the new road. He was shocked at the number of pine trees to be taken. He asked that the Council look at alternatives. It is a shame to change the Olmsted design.

Bart O'Connor pointed out that Pinehurst, LLC has more to lose than anyone, yet they do not oppose the roundabout. He stated that many do not see how great the roundabout will be. The circle at the hotel is 210 feet; this one is less than 25% of that. Doesn't it seem appropriate to go from the hotel around a circle and continue down Carolina Vista to another circle? He also noted that many of the trees can be moved- even the larger ones.

Gene Maples feels the project is a catastrophe for the trees. He feels a roundabout is out of character in the historic area where it is proposed.

Mayor Smith asked Mr. Maples to detail some of the "alternatives" that keep being mentioned.

Gene Maples suggested putting a "no left turn" sign at the intersection, installing a traffic light, or moving the exit from the club to the area near the 18th green of # 3 course, bringing the club traffic directly out onto NC 5 at the top of the hill, although there is a railroad crossing there.

Paul Dunn complained that the permit their group received for their gathering was changed after they received it. He felt the group should have been allowed to use a bullhorn. He submitted a letter that he wrote to Dr. Jerry Cashion at the NC Historical Commission detailing why he feels the roundabout should not be built.

(Copy of document # 2 submitted by Mr. Dunn is in the Minute File.)

Solita Hawes stated that she supports what Mr. Dunn said. Acknowledged the Civic Group held a meeting on September 6, 2007 in which the roundabout was discussed, but no Public Hearing has been held. She stated that many citizens thought the location was at the NC 2 and NC 5 intersection. She requested that NCDOT try lowering the hill and installing 4 stop signs before spending all this money.

John Root suggested doing the project in two phases. Do the NC 2 and NC 5 intersection and see how that works. If it does not, then consider something else. He also noted that exiting the club one can not see for the flowers. Take them out!

Gordon Ray stated that he feels it is a mistake to put this in the middle of the historic district. He noted the traffic circle had 405 accidents in the past year, but this intersection had only 6.

Doug Middaugh noted that the length of the construction was estimated to be 18 months with the NC 2 and NC 5 intersection to be closed 60 days. The US Women's Open and the Kid's World is coming. Having this going on during those events will affect the Village of Pinehurst's "image."

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Larry Kusek asked who will be paying for the roundabout. If the hotel and country club will be the beneficiaries, shouldn't they be the ones to pay for it?

Bert Gwyn asked why we can't all listen to each other, start over, and work out the best plan for all.

Jeanne Casinella stated that she agrees with Mr. Gwyn, though she does realize Council cannot please everyone. She chided Council that they have encouraged citizen participation, but now want to cut off discussion on this. She noted a recent Public Hearing on a street name change but no Public Hearing on this issue. She asked Council to go the extra mile, sit down and talk with us.

Mayor Smith stated that he wanted to answer one subject. He stated that the disagreement does not bother him, but taking something out of context does.

"Public Hearing" has a definition in North Carolina. In the past Council nearly lost the real estate sign litigation because we did not follow requirements. The law is clear on what issues require a Public Hearing, like the street name change. Having a Public Hearing anyway opens Pandora's Box; citizens will want one on every issue. We have had Public Informational Meetings and Public Forums to try to get the information out. Council has 3 meetings per month, and every meeting gives citizens time to speak. It really grates when people now say, "we haven't had an opportunity for input." The opportunities have been there.

John Marcum asked how the roundabout became such an urgent need. The 2005 Village Traffic Study listed 14 high profile intersections that need attention, and this one is not on the list.

Amy Ewing stated that she does not want a roundabout. Many who signed the petition could not be here today. Please remember that Council's constituents are even more than those who signed the petition. She asked for Mayor Smith to clarify, would Council not set a Public Hearing on any issue not required by the state of NC?

Councilmember Hillier stated that the Long Range Plan was completed 4 years ago, and this project is consistent with that plan. Andy Wilkison has held many media sessions on the issue; the Village placed a 2-page ad in The Pilot that says it all. There were 4 options: do nothing, install a traffic light, assign a policeman to direct traffic 24/7, or build a roundabout. After research and deliberation, we felt the roundabout was the best option. We also felt it was best to do this project at the same time as the NC 2 and NC 5 intersection. We felt this location would fit the location and improve traffic flow. It is also pedestrian friendly.

Mr. Hillier stated that he has visited other roundabouts and made a video which was available to citizens. He has also observed roundabouts in Europe.

He summarized by saying we have seen the evolution of Pinehurst. Change is inevitable. Our job is to manage that change to get a desirable result. Doing nothing is not an option. We have done our homework.

I appreciate today's comments, but I have not heard anything that would change my mind.

Bert Gwyn noted that no one has a monopoly on good ideas, and Council needs to listen to alternatives. The only alternative left is legal action.

Mayor Smith responded that this group should not confuse failure to listen with not agreeing with your position.

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John Marcum addressed the two-page ad in The Pilot by noting that it did not meet truth in advertising. He stated the he felt it was inappropriate to use taxpayer money for the ad. It would have been easier to hold a Public Hearing. He invited Council to run the ad again, so the size of his group would double.

Mr. Marcum stated that it was not a question of law to require a Public Hearing; if citizens want one, one should be held.

Mayor Smith replied that no one believes anyone here is lying, but Mr. Marcum said we were lying in the ad.

Councilmember Hillier stated that he does not usually read things at length. He invited the group to think about what he said, not what they think he said.

Jeanne Casinella asked if the Village Long-Range Comprehensive Plan is a contract that must be completed or is it a map of where we are going.

Mayor Smith replied that the plan is a map. We are at about 85% completion.

Jeanne Casinella noted that many who attended the meetings concerning the comp plan did not know what it meant.

Ms. Casinella stated that she had met with the chief designer of roundabouts in Raleigh. The truth is that trucks have a difficult time negotiating roundabouts. They do not go through smoothly and sometimes get hung up.

Councilmember Fallon added that Council was concerned about the right turn from the country club. If folks turn right, then they will have to turn left, then turn left again- they would end up making a very large roundabout with all the left turns. The plan now is to put this on property owned by Resorts. If we install a traffic light, there will be more noise and more pollution from stops and starts. Some of the concerns you have raised have already been considered.

Mayor Smith stated that he had heard only one suggestion that he had not already thought about- the main exit from the club to be at the 18th green from # 3 course.

Joanne Ashton asked Council just to be considerate of these options.

Linda Williams pointed out that she had voted for all of the Council. She feels many of the folks who signed the petition did so because they have lost faith in the Council.

Councilmember Tweed responded that Council does not run Village government by petition. She questioned how many of the signers of the petition knew what they were signing. Some signed requesting a Public Hearing, others to have PHC issue a COA, some to stop the roundabout.

John Marcum replied that every signature was collected to ask for a Public Hearing. Folks may have other issues, but the signers signed for the stated request.

Councilmember Tweed retorted that there have been many stories told of why people signed.

Amy Ewing objected to the accusation.

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Emily Hewson reminded the Council that the group is at the point of hiring an attorney. She feels today's event is an absolute disgrace. We need a Public Hearing.

Councilmember Lapins stated that he agrees with Ms. Hewson's comment. He asked that the group not paint him with the same brush regarding the parking garage. The referenced report was a draft report.

Mr. Lapins reported that he had served on a transportation commission while in Walnut, California. He learned a great deal serving on that commission. One thing he learned is that if you do not let people go where they want, they will find a way to get there. You end up with a mess. An example is the cut through at Dalrymple.

Mr. Lapins spoke to the comment that Council is destroying the Olmsted design. When Olmsted designed Pinchurst, there were no cars. Now, with cars, we are trying to do the best we can. If we wait and do nothing, eventually DOT will mandate that we do something. They may mandate a traffic light, which is definitely not in keeping with Olmsted's plan.

Marian Gaida feels the problem is not Carolina Vista; the problem is NC 2 and NC 5.

Linda Compton said she thought the roundabout was a good idea until she heard about the number of trees to be affected.

Jerry Hatch, who is from New Jersey, noted that New Jersey has gotten rid of nearly all their roundabouts. Growth will continue; this roundabout will be obsolete in 10 years. He feels NC 2 and NC 5 should be addressed first.

Mr. Hatch asked how the roundabout jumped to the front of the list of intersections in need of attention.

Mayor Smith answered that the Pinehurst Long-Range Plan gives details about roundabouts, detailing one at the six-way intersection where NC 5, Barrett, and McCaskill all intersect. Look at the alternatives or one day we will be traffic light city. Roundabouts look more like what we want the Village of Pinehurst to look like. Roundabouts are traffic calming devices; traffic from all directions must slow down.

Mayor Smith noted that a roundabout at NC 2 and NC 5 is impossible. The railroad overpass prevents it, as does the fact that all the affected land is private property that would need to be purchased. Council decided that while DOT was working on the NC 2 and NC 5 intersection we would ask them to do the roundabout at the same time. A secondary reason was that we could get the changes done in the window between the 2005 US Open and the expected soon return of the US Open.

John Marcum interrupted by exclaiming that now his group knows who is responsible for this.

Mayor Smith answered that both the Village and Pinehurst, LLC want this.

John Marcum replied that his group still wants the Village to delay the roundabout.

John Hoffman suggested that Council hold a Public Meeting instead of a Public Hearing. Then all could get their facts together and present them. He stated that he agrees with Mr. Root that the Historic Preservation Commission should have something to say.

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Paul Dunn addressed the NC 2 and NC 5 intersection by noting that the Village report says one of the options would be a roundabout there. It even quotes prices.

Mr. Dunn asked if anyone had considered the Village Green East way out- turn right. Could policeman not be assigned to direct traffic there at peak times?

There are lots of ways to avoid this. There is no reason why we cannot go back to the drawing board. Lots of options have not been considered.

Councilmember Hillier told the group that he surely would have appreciated their support when Council went to Raleigh to try to get a conservation bill passed to address tree cutting on private property.

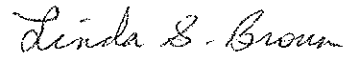
Darlene Hatch noted that some people would rather be right than happy. She feels the groups should meet and get over the animosity.

Corolla Richardson stated that she sees a disconnect between Council and the residents of Pinchurst.

6. ADJOURNMENT.

Councilmember Hillier moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Tweed and carried unanimously. The Regular Meeting adjourned at 3:00 p.m.

Respectfully Submitted,


Linda S. Brown, CMC
Village Clerk