

**PINEHURST VILLAGE COUNCIL  
AGENDA FOR REGULAR MEETING OF APRIL 28, 2009  
395 MAGNOLIA ROAD  
ASSEMBLY HALL  
PINEHURST, NORTH CAROLINA  
1:00 P.M.**

1. Call to Order.
2. Presentations.
3. 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 March 10 and 24, 2009  
Regular Meeting of March 24, 2009  
Closed Sessions of March 10 and 24, 2009
  - B. Public Safety Reports:  
Police Department  
Fire Department
  - C. Scheduling of Regular Meeting for Tuesday, May 26, 2009 at 1:00 p.m.**End of Consent Agenda.**
4. Budget Amendments Report to Council.
5. Recess Regular Meeting and Enter Into a Public Hearing.
6. Public Hearing # 1: Request for Major Site Plan approval in order to construct the Pinehurst Medical Clinic at 15 Regional Drive.
7. Public Hearing #2: Request for a Road Name Change- Lamplighter Village Circle.
8. Public Hearing #3: Amending the Municipal Code of the Village of Pinehurst With Regard to Establishing Regulations Governing Peddling and Soliciting on Private Property in the Village Of Pinehurst.
9. Adjourn Public Hearing and Re-enter Regular Meeting.
10. Memo- Director of Planning and Inspections Andrea Correll- dated March 24, 2009- Ordinance #09-12 Is Consistent With the 2003 Comprehensive Long-Range Plan.
11. Ordinance #09-12: An Ordinance Amending The Pinehurst Development Ordinance As It Pertains To Section 7.3 Protest Petitions.
12. Other Business.
13. Comments from Attendees.
14. Adjournment.

**MINUTES OF  
VILLAGE COUNCIL REGULAR MEETING  
APRIL 28, 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, April 28, 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. PRESENTATIONS.**

Mayor Pro-Tem Tweed presented a Resolution and a paperweight bearing the emblem of the Pinehurst Centennial to Mr. Bartley C. Reuter honoring his service as a member of the Board of Adjustment. (Copy of Resolution #09-11 is in the 2009 Resolution Book.)

Councilmember Fallon presented a Resolution and a paperweight bearing the emblem of the Pinehurst Centennial to Mr. Brad Kocher honoring his service as a member of the Historic Preservation Commission. (Copy of Resolution #09-12 is in the 2009 Resolution Book.)

**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 Session of March 10 and 24, 2009
  - Regular Meeting of March 24, 2009
  - Closed Sessions of March 10 and 24, 2009
- B. Public Safety Reports- Police and Fire Departments.
- C. Scheduling of Regular Meeting for Tuesday, May 26, 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 Tweed and the Consent Agenda was unanimously approved.

**4. BUDGET AMENDMENTS REPORT TO COUNCIL.**

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Council noted that there were no budget amendments processed for the period March 15, 2009- April 15, 2009, and thus there is no Budget Amendment Report.

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

Councilmember Dawson 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.

**6. PUBLIC HEARING #1: REQUEST FOR MAJOR SITE PLAN APPROVAL IN ORDER TO CONSTRUCT THE PINEHURST MEDICAL CLINIC AT 15 REGIONAL DRIVE.**

Comments:

**Director of Planning and Inspections Andrea Correll** introduced the Public Hearing referencing the Revised Staff Report. (Copy of the Revised Staff Report dated April 24, 2009 is in the Minute File.)

**Perry Harrison**, landscape architect for the project from the Hayter Firm, gave an overview of the project.

The use is in keeping with local ordinances- 175 parking spaces are required, the project has 217 spaces, 22 are handicapped spaces, 27 are "compact" spaces designed for staff use. The retention pond will receive above ground water and water from underground pipes. A fence completely encircles the pond and the pond is not intended to contain standing water. On the west side of the property, which is the Greenway Trail side, there are additional shrubs and trees to code attempting to retain the natural look.

A meeting with adjacent property owners resulted in some concessions in an attempt to be a better neighbor. Dumpsters were moved to a different location away from the west side. Lights were purchased which will allow them to be turned off around 9 pm when the cleaning crew departs. Shrubs were added to make a hedge to block car lights. The shrubs to be planted will be larger specimens which will grow higher sooner to provide screening. A four foot fence will be installed behind the shrubs to restrict foot traffic. Decorative planters will be installed in some parking spaces. The plan is not to use all of the parking spaces until the second floor of the building is occupied. A construction fence will be installed to cut down on noise and dust during site work. On Saturdays, opening time will be delayed.

**Roger Roper, Pinehurst Medical Clinic Chief Operating Officer**, stated that the purpose of the building is to increase the number of endoscopy units available. The bottom floor will contain endoscopy units, exam rooms, and doctor's offices. State approval has been granted identifying the need for these uses. The top floor will not be utilized yet but will be available for future use.

**Peitra Moore**, 40 Rutledge Lane, stated that she understood that this building will be built, but she wanted to go on record that she did not like it. She does not welcome the cars, noise and pollution.

**7. PUBLIC HEARING #2: REQUEST FOR A ROAD NAME CHANGE- LAMPLIGHTER VILLAGE CIRCLE.**

Comments:

Pinehurst Planner Molly Russell introduced the Public Hearing referencing her memo dated April 7, 2009. She emphasized that the changes have the support of both the Pinehurst Police Department and the Pinehurst Fire Department. (Copy of the memo dated April 24, 2009 is in the Minute File.)

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8. **PUBLIC HEARING #3: AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF PINEHURST WITH REGARD TO ESTABLISHING REGULATIONS GOVERNING PEDDLING AND SOLICITING ON PRIVATE PROPERTY IN THE VILLAGE OF PINEHURST.**

Comments:

**Village Manager Andy Wilkison** introduced the Public Hearing noting an increase in peddlers during the early part of 2009. The increased activity made staff realize that present regulations are not what our citizens want. Staff researched regulations in municipalities in and out of North Carolina before preparing a draft ordinance. This draft was discussed at our last work session, and our attorney recommended a public hearing. The proposed ordinance will require much more information to be supplied on the application, will give reasons why a permit can be denied, will explain the appeal process, and will detail how a permit can be revoked. The ordinance also references a decal that citizens may display forbidding peddlers.

**Donna Minkler** of Clarendon Gardens in Pinehurst stated that she and others in her neighborhood had peddlers arrive at 8 pm, which was after dark. They had the proper credentials and there was no problem, but she does not want peddlers allowed to come to her door after dark. She stated that the limitation on hours listed in the proposed ordinance is good.

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

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

10. **MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- DATED MARCH 24, 2009- ORDINANCE #09-12 IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Tweed moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated March 24, 2009 as the Council statement that draft ordinance #09-12 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Fallon 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 #09-12: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 7.3 PROTEST PETITIONS.**

The Planning Director explained the need for the Ordinance #09-12. Upon the motion of Councilmember Thurman, seconded by Councilmember Tweed, Ordinance #09-12 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.**

➤ **Major Site Plan for Pinehurst Medical Facility.**

Councilmember Dawson moved to approve the Major Site Plan for the Pinehurst Medical Facility at 15 Regional Drive including the revised conditions as detailed in the Revised Staff Memo dated April 24, 2009. Councilmember Fallon seconded the motion which carried unanimously by a vote of 5-0. (Copy of Revised Staff Memo dated April 24, 2009 is in the Minute File.)

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➤ **Special Non-Residential Intensity Allocation for Pinehurst Medical Facility.**

Councilmember Dawson moved that Council conditionally approve the proposed Special Non-Residential Intensity Allocation as written for the proposed new Medical Office Building located at 15 Regional Drive and being constructed by the Pinehurst Medical Group. This SNIA is outlined in the request and paperwork prepared and submitted by the Pinehurst Planning and Inspections Department dated April 28, 2009.

**Condition Attached:** Applicant must obtain final approval from the Village Technical Review Committee for the project prior to the acreage being allocated. If the project is not completed and the site plan approval for the project expires, the approval of this intensity allocation becomes null and void and any acreage allocated for this project is rescinded.

Councilmember Tweed seconded the motion which carried unanimously by a vote of 5-0. (Copy of the request for Special Non-Residential Intensity Allocation and paperwork prepared and submitted by the Pinehurst Planning and Inspections Department dated April 28, 2009 is in the Minute File.)

➤ **Resolution #09-16: A Resolution Regarding a Road Name Change in the Village of Pinehurst. (Lamplighter Village Circle to Lamplighter Village Drive)**

The Manager explained the need for Resolution #09-16. Upon the motion of Councilmember Fallon, seconded by Councilmember Dawson, Resolution # 09-16 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)


**13. COMMENTS FROM ATTENDEES.**

There were none.

**14. ADJOURNMENT.**

Councilmember Dawson moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Tweed and carried unanimously. The Regular Meeting adjourned at 1:30 p.m.

Respectfully Submitted,

  
Linda S. Brown, CMC  
Village Clerk