

PINEHURST
VILLAGE COUNCIL
WORK SESSION AGENDA
JUNE 10, 2008

5:30 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 Pinchurst and regarding Pinewild Project Limited Partnership, *et al*, v. Village of Pinchurst.
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).
5. Reports –
 - Manager
 - Council
6. Motion regarding Major Special Use Permit for Traditions of Old Town.
7. Motion regarding Major Site Plan for Traditions of Old Town.
8. Motion to recess the work session and enter into a Public Hearing on the proposed municipal budget for the Village of Pinehurst for Fiscal Year 2008-2009.
9. Public Hearing on Municipal Budget for Fiscal Year 2008-2009
10. Motion to close the Public Hearing and return to regular work session.
11. Resolution #08-13: A Resolution Amending the Position Classification Plan and Pay Scales for the Village of Pinehurst (Master Patrol Officer).
12. Resolution #08-14: A Resolution Amending the Pay Scales for the Village of Pinehurst.

13. Motion authorizing the execution of a contract for the collection of solid waste, recyclables and yard waste in CCNC. (Lofton)
14. Resolution #08-15: A Resolution Establishing a Steering Committee for the Update of the Village of Pinehurst Comprehensive Plan.
15. Ordinance #08-15: Ordinance Appropriating Funds for Operating Expenses for the Village of Pinehurst.
16. Preview of Regular Meeting Agenda and Public Hearing items.
17. Other business.
18. Comments from attendees.
19. Adjournment.

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**395 MAGNOLIA ROAD
CONFERENCE ROOM
PINEHURST, NORTH CAROLINA
4:30 P.M.**

The Pinchurst Village Council held a Work Session at 4:30 Tuesday, June 10, 2008 in the Conference Room of the Pinchurst Village Hall, 395 Magnolia Road, Pinchurst, North Carolina. The following were in attendance:

Dr. George P. Lane, Mayor
Ms. Lorraine A. Tweed, Mayor Pro-Tem
Mr. Jeffrey P. Dawson, Councilmember
Ms. Virginia F. Fallon, Councilmember
Ms. Joan M. Thurman, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 30 attendees, including 7 staff and 1 press.

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

Mayor George P. Lane called the meeting to order.

2. Motion to go into Closed Session.

Councilmember Fallon moved to recess the Work Session and enter a Closed Session pursuant to NCGS 143-318.11 (a) (3): To discuss reports from the Village Attorney regarding litigation between Lydia Boesch, *et al*, v. Village of Pinchurst and regarding Pinewild Limited Partnership, *et al* v. Village of Pinchurst. The motion was seconded by Councilmember Thurman and carried unanimously.

GENERAL ACCOUNT

The Council and the Village Manager discussed reports from the Village Attorney regarding litigation between Lydia Boesch, *et al*, v. Village of Pinchurst and regarding Pinewild Limited Partnership, *et al* v. Village of Pinchurst.

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

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

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

Mayor George P. Lane called the meeting to order.

5. Reports:

– Manager

- - Community Watch Event.

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The Manager reminded Council of the Pinehurst Community Watch picnic for Block Captains to be held Thursday, June 12, 2008 from 5-7 pm at Cannon Park. Council has been invited to attend.

- **Water Consumption Report.**

The manager reported that water consumption has spiked in the last few days. Pinehurst and Seven Lakes combined used 3.5 million gallons per day which is way too high an amount. Pumps have been running 20 hours or more each day. Do not be surprised if Moore County Public Utilities moves up a stage in their restrictions.

- **Railroad Trestle Update.**

The Manager reported that the work on the railroad trestle is going well. The trestle has been sand blasted and painted, and work has begun on the beams.

- **West McKenzie Drive Utility Work.**

The Manager reported that Moore County Public Utilities should complete the replacement of the sewer main on West McKenzie Drive. The road should be back open tomorrow.

- **Resurfacing of Traffic Circle.**

The Manager reminded Council that the resurfacing of the traffic circle will be done at night and will involve closing of some lanes for a short period of time.

- **Council**

- **Councilmember Thurman** asked what the responses have been concerning the letter sent to the downtown business owners. Answer- only a few responses, all favorable. Councilmember Thurman reported that she and Councilmember Fallon had met with a few business owners today to discuss the parking issue.

- **Mayor Pro-Tem Tweed** reported that the planters in the downtown area were not filled this past Sunday as had been planned because the group did not want to hinder the horse and buggy activities going on at that time. The plan now is to do the planting this Sunday, June 15, 2008.

- **Mayor Lane** praised the Downtown Decoration Committee for their work to get the hanging baskets and planters installed downtown. Mayor Pro-Tem Tweed asked citizens to "adopt a pot" to keep them free of trash and other debris.

6. Motion Regarding Major Special Use Permit for The Tradition of Old Town.

Director of Planning and Inspections Andrea Correll stated that the Council decision was based only on the transcript and the Findings of Fact. Ms. Correll also noted for the record that according to North Carolina General Statutes, the applicant must agree to any and all conditions placed on the approval of a Special Use Permit.

Councilmember Dawson moved to approve the Major Special Use for The Tradition of Old Town based on our Findings of Fact with the following conditions:

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1. The bonus room above the garage will not be utilized as an accessory apartment to be rented out separately from the main living unit.
2. The developer will install all perimeter landscaping, where possible, prior to the beginning of the construction of The Tradition of Old Town. This will only be for landscaping that will not be destroyed during the construction phase or will not hinder the construction.

Councilmember Fallon 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 Village Findings of Fact is in the Minute File.)

7. Motion Regarding Major Site Plan for The Tradition of Old Town.

Councilmember Dawson moved to approve the Major Site Plan for The Tradition of Old Town to include the granting of the exception to the buffer criteria as outlined in Section 13.1.3.9 of the PDO of the Special Village Residential District. This exception will not grant relief to the required setback and apply only along Caddell Road as indicated on sheet L-2 and L-8. Councilmember Thurman 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. Reduced size copy of the approved Site Plan is in the Minute File. A full-sized copy of the approved Site Plan is on file in the Planning Department.)

8. Motion to Recess the Work Session and Enter Into a Public Hearing on the Proposed Municipal Budget for the Village of Pinchurst for Fiscal Year 2008-2009.

Councilmember Tweed moved to recess the Work Session and enter into a Public Hearing on the proposed municipal budget for the Village of Pinchurst for the Fiscal Year 2008-2009. The motion was seconded by Councilmember Fallon and carried unanimously.

9. Public Hearing on Municipal Budget for Fiscal Year 2008-2009.

Comments:

Village Manager Andy Wilkison introduced the Public Hearing and summarized the budgeting process.

John Marcum advised the Council that he had signed the list to speak by mistake and did not desire to offer any comments regarding the budget.

Doug Middaugh, 400 Pine Vista Drive-

-noted page 77 of the budget document reflects a reduction in the fees for legal services and asked if fees for legal services are included in the budget for any other department. **Director of Financial Services John Frye** replied that fees for legal services are not included in the budget for any other department.

-asked for the total allocated for legal fees. **Director of Financial Services John Frye** replied that \$221,000 has been allocated.

-referencing the drainage project for the Pitch Pine area, requested that engineering staff review how proposed improvements will affect current lots in the area.

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Maureen Burke Horansky, 355 Pine Vista Drive, detailed some of the work done by Animal Advocates and asked if the amount allocated in the budget for that organization could be increased. Village Manager Andy Wilkison replied that the amount had been increased from \$2,000 to \$4,000.

10. Motion to Adjourn the Public Hearing and Return to Regular Work Session.

Councilmember Tweed moved to close the Public Hearing and return to the regular Work Session. The motion was seconded by Councilmember Fallon and carried unanimously.

11. Resolution #08-13: A Resolution Amending the Position Classification Plan and the Pay Plan for the Village of Pinchurst. (Master Patrol Officer)

The Manager explained the need for Resolution #08-13. Upon the motion of Councilmember Fallon, seconded by Councilmember Tweed, Resolution # 08-13 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

12. Resolution #08-14: A Resolution Amending the Pay Plan for the Village of Pinchurst.

The Manager explained the need for Resolution #08-14. Upon the motion of Councilmember Fallon, seconded by Councilmember Thurman, Resolution # 08-14 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

13. Motion Authorizing the Execution of a Contract for the Collection of Solid Waste, Recyclables and Yard Waste in CCNC. (Lofton)

Councilmember Fallon moved that the Mayor be authorized to execute a contract between the Village of Pinchurst and Jockquinn Lofton for the collection of solid waste, recyclables and yard waste in the Country Club of North Carolina. The motion was seconded by Councilmember Tweed and carried unanimously by a vote of 5-0. (Copy of the contract is in the Minute File.)

14. Resolution #08-15: A Resolution Appointing a Pinchurst Comprehensive Long-Range Village Plan Review Committee for the Village of Pinchurst.

The Manager explained the need for Resolution #08-15. Upon the motion of Councilmember Fallon, seconded by Councilmember Tweed, Resolution # 08-15 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

15. Ordinance #08-15: An Ordinance Appropriating Funds for Operating Expenses for Pinchurst, North Carolina. (Fiscal Year 2008-2009)

The Manager explained the need for the Ordinance #08-15. Upon the motion of Councilmember Tweed, seconded by Councilmember Fallon, Ordinance #08-15 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

16. Preview of Regular Meeting Agenda and Public Hearing Items.

The Council previewed the Regular Meeting Agenda for June 24, 2008 and made no changes.

17. Other Business.

- **Proposed Ordinance to Amend the Municipal Code Regarding Non-residential Building Maintenance Standards.**

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Director of Planning and Inspections Andrea Correll discussed with Council some proposed language to amend chapter IX of the Pinehurst Municipal Code concerning non-residential building standards. (Copy of proposed language is in Minute File.)

- **Proposed Amendment to the Pinehurst Development Ordinance Regarding Publication Dispensers.**

Village Planner Molly Russell discussed with Council some proposed language to amend the Pinehurst Development Ordinance concerning publication dispensers. Consensus of Council was to have staff amend the proposed language to include maintenance standards for these dispensers and to decrease the number of color options. (Copy of proposed language is in Minute File.)

- **Wellhead Protection Committee Name Change.**

Consensus of Council was to change the name of the Wellhead Protection Committee to the Water Committee. Village Manager Andy Wilkison was charged to meet with Wellhead Protection Committee Co-Chairmen Don VanRoosen and Bill Thurman and make them aware of the name change and enlarged role of this committee.

- **Thank You to Mr. Bart O'Connor.**

Council expressed their thanks to Bart O'Connor for his work in making the addition of hanging baskets and planters in the downtown area happen.

18. Comments from Attendees.

Doug Middaugh stated that he was disappointed that there was no discussion among Council before the votes on The Tradition of Old Town Major Special Use permit and Major Site Plan approval. He asked if discussion concerning the agenda items had been done in private, illegal meetings. Answer- no discussions have taken place. As the motions made reflect, the decisions were based on the evidence presented in the hearings and our Findings of Fact.

John Marcum stated that he was of the opinion that the applicant failed in five of the ten requirements. Two examples of failures were the acceptance by citizens and environmental issues. He questioned waivers for the screenings and asked when Council gave those.

Councilmember Tweed read portions of environmental reports that gave the land a clean bill of health.

Mr. Marcum took exception to the environmental report.

Michael Doninger noted for the record that an environmental study was done for Phase I and Phase II, and the study states that the land is not a reported environmental concern.

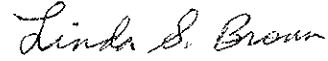
Mr. Marcum stated that the tests were done without the knowledge that the area had once been a part of the town dump site before McCaskill Road bisected the area. He plans to make sure the super fund people look at the area.

13. Adjournment.

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Councilmember Thurman moved to adjourn the Work Session. The motion was seconded by Councilmember Fallon and carried unanimously. The meeting adjourned at 6:25 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk