

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF July 25, 2006
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:

Work Sessions of June 13 and 27, 2006
Special Work Session of June 6 and 13, 2006
Regular Meeting of June 27, 2006
Closed Sessions of June 6, 13 and June 27, 2006

B. Public Safety Reports:

Police Department
Fire Department

C. Scheduling of Regular Meeting for Tuesday, August 22, 2006 at 1:00 p.m.

End of Consent Agenda.

3. Budget Amendments Report to Council.
4. Recess Regular Meeting and Enter Into Public Hearing.
5. Public Hearing #1: Official Zoning Map Amendment for the creation of a Local Historic District Overlay District.
6. Public Hearing #2: Official PDO Text Amendment to Section 12.2 Old Village Center Overlay District of the Pinehurst Development Ordinance.
7. Public Hearing #3: Official PDO Text Amendment to Section 10.2.5.6 (c) Signs Permitted in Residential Districts of the Pinehurst Development Ordinance.
8. Public Hearing #4: Official PDO Text Amendment to Appendix D Old Village Center Design Criteria and Standards of the Pinehurst Development Ordinance.
9. Public Hearing #5: Official PDO Text Amendment to Section 10.2.6.4 (a) Exterior Building Materials and Colors of the Pinehurst Development Ordinance.

10. Public Hearing #6: Official PDO Text Amendment to Section 10.2.6.4 (b) Exterior Building Materials and Colors of the Pinehurst Development Ordinance.
11. Public Hearing #7: Official PDO Text Amendment to Section 10.2.5.5 (a) (3) Signs Permitted in All Zoning Districts of the Pinehurst Development Ordinance.
12. Adjourn Public Hearing and Re-Enter Regular Meeting.
13. Other Business.
14. Comments from Attendees.
15. Adjournment.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JULY 25, 2006**

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

1:00 P.M.

The Village Council of the Village of Pinhurst held a Regular Meeting on Tuesday, July 25, 2006, at 1:00 p.m. in the Assembly Hall of the Pinhurst Village Hall, 395 Magnolia Road, Pinhurst, 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 35 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:

Work Sessions of June 13 and 27, 2006
Special Work Session of June 6 and 13, 2006
Regular Meeting of June 27, 2006
Closed Sessions of June 6, 13 and June 27, 2006

B. Public Safety Reports- Police and Fire Departments.

C. Scheduling of Regular Meeting for Tuesday, August 22, 2006 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 June 15, 2006 to July 15, 2006. The motion was seconded by Councilmember Tweed and carried unanimously.

4. RECESS REGULAR MEETING AND ENTER INTO PUBLIC HEARINGS.

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Councilmember Tweed 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 Hillier and carried unanimously.

5. Public Hearing #1: Official Zoning Map Amendment for the creation of a Local Historic District Overlay District.

Comments:

Mayor Smith stated that this public hearing is to set the map boundaries for the Local Historic District Overlay. This is the first of three public hearings which will be held on this map. The two other public hearings will take place at the Council Regular Meetings in August and September.

Doug Middaugh, Pinehurst, read a prepared statement and requested that the statement be distributed to Council after the meeting. (See Document #1 which is hereby incorporated by reference and made a part of these minutes.)

April Montgomery, consultant on the project from Circa, Inc., Raleigh, explained that some areas had been included in the National Landmark Status Designation controlled by state and federal guidelines. These were included in the Local Historic District and contribute to the "islands" mentioned by Mr. Middaugh.

The boundary appears ragged because we wanted to include all properties that contribute. There is a pocket of new development on Linden Road of new development where many properties burned or destroyed and rebuilt. The new construction is not included.

Bob Hawkins, Pinehurst, lives on Village Lane in a cul-de-sac which is not included in the Historic District but is in the Old Town area. He asked why his property was not included.

April Montgomery explained that the architecture and landscaping that was there earlier is gone.

Mr. Hawkins noted that there is a lot of history in that area. It is the last road constructed in Old Town and is the site of a former elementary school.

Mayor Smith explained that the emphasis is architecture, not land.

Jane Deaton, Pinehurst, is a member of the Planning and Zoning Board and voted against the proposed boundary map when it was proposed to that body. She noted that there are six lots abutting her lot on McCaskill which were included while her lot was not. Homes built there are in the architecture of the included period but were not constructed during that period.

John Skvarla, Pinehurst, who serves as the chairman of the Historic Preservation Commission, applauded the work of the commission as well as the consultants.

Gordon White, Pinehurst, asked two questions: 1) what control will certain bodies have over the included areas, and 2) will the people included have to appear before this body to make changes to their property?

He noted that his property is not included but the golf course that abuts his property is included. How much power will this body have over the golf course? Will there be a battle if they want to change a bunker?

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Mayor Smith suggested that Mr. White talk to April Montgomery after the meeting since the public hearing is about the boundaries, not guidelines. He noted that Pinehurst, Inc. is not in the dark about this topic.

Burt Gwyn, Pinehurst, asked if the boundaries of Old Town are being extended or if a new district is being created. Who are the certifying agencies?

April Montgomery, explained that we are establishing a new Local Historic District. The N. C. Historic Preservation Agency in Raleigh is the certifying agency.

Councilmember Hillier assured Mr. Gwyn that we only went forward with this when we were assured that we would have control of it.

Charles Mattern, Pinehurst, stated that his property is in Old Town but is not included in the Historic District. He asked if the existing zoning in Old Town would change if it were in the Historic District.

Mayor Smith replied that the Historic District would have more stringent standards. The existing zoning for the remainder of Old Town that does not end up in the Historic District will remain the same. In the public input for the Comprehensive Long Range Plan it became obvious that citizens wanted to preserve the historic district.

Peggy Sue Hawkins, Pinehurst, stated that she is not in the district and asked if she would have to apply to the Village to make changes to her house.

Mayor Smith explained that if property is not in the district, nothing changes with regard to zoning approval from the Village. The same process stays in place to apply for applicable permits when making changes to property.

Peggy Sue Hawkins asked why a house built ten years ago at the corner of Beulah Hill and McCaskill is included.

April Montgomery replied that it was part of the National Historic Landmark boundary. Her firm began with that already established boundary when proposing the boundary for the Historic District.

Jane Deaton asked why the NewCore area is included. If the boundary is extended to protect areas, then other areas should be included also.

Gordon White noted that some homes were built to fit in with the surrounding homes, built with a certain period in mind. Why not include these homes also?

6. Public Hearing #2: Official PDO Text Amendment to Section 12.2 Old Village Center Overlay District of the Pinehurst Development Ordinance.

Comments:

Mayor Smith explained that the rest of the scheduled public hearings, except number 3, deal with amendments to the Pinehurst Development Ordinance that will need to be made after the boundary is established. All the amendments deal with the Old Village Center Overlay District. No action will be taken by Council on these until after the boundary is set.

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Doug Middaugh, Pinehurst, read a prepared statement and requested that the statement be distributed to Council after the meeting. (See Document #2 which is hereby incorporated by reference and made a part of these minutes.)

7. **Public Hearing #3: Official PDO Text Amendment to Section 10.2.5.6 (c) Signs Permitted in Residential Districts of the Pinehurst Development Ordinance.**

Comments: none.

8. **Public Hearing #4: Official PDO Text Amendment to Appendix D Old Village Center Design Criteria and Standards of the Pinehurst Development Ordinance.**

Comments:

Doug Middaugh, Pinehurst, read a prepared statement and requested that the statement be distributed to Council after the meeting. (See Document #3 which is hereby incorporated by reference and made a part of these minutes.)

9. **Public Hearing #5: Official PDO Text Amendment to Section 10.2.6.4 (a) Exterior Building Materials and Colors of the Pinehurst Development Ordinance.**

Comments:

Doug Middaugh, Pinehurst, read a prepared statement and requested that the statement be distributed to Council after the meeting. (See Document #4 which is hereby incorporated by reference and made a part of these minutes.)

10. **Public Hearing #6: Official PDO Text Amendment to Section 10.2.6.4 (b) Exterior Building Materials and Colors of the Pinehurst Development Ordinance.**

Comments:

Doug Middaugh, Pinehurst, read a prepared statement and requested that the statement be distributed to Council after the meeting. (See Document #5 which is hereby incorporated by reference and made a part of these minutes.)

11. **Public Hearing #7: Official PDO Text Amendment to Section 10.2.5.5 (a) (3) Signs Permitted in All Zoning Districts of the Pinehurst Development Ordinance.**

Comments:

Doug Middaugh, Pinehurst, read a prepared statement and requested that the statement be distributed to Council after the meeting. (See Document #6 which is hereby incorporated by reference and made a part of these minutes.)

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

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

13. OTHER BUSINESS.

➤ **MEMO- BRUCE GOULD, PLANNER- ORDINANCE #06-18 IS CONSISTENT WITH THE COMPREHENSIVE LONG RANGE PLAN.**

Councilmember Lapins moved to adopt the memo prepared by Village Planner Bruce Gould and dated July 25, 2006 as the Council statement that draft ordinance #06-18 is consistent with the Village of Pinehurst's 2003 Comprehensive Long Range Plan. Councilmember Fallon seconded the motion which carried unanimously by a vote of 5-0. (Copy of memo is in the Minute File.)

➤ **ORDINANCE #06-18: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO CHAPTER 10, SECTION 10.2.5.6 (c) SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.**

The Manager explained the need for the Ordinance #06-18. Upon the motion of Councilmember Fallon, seconded by Councilmember Lapins, Ordinance #06-18 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

14. COMMENTS FROM ATTENDEES.

There were none.

15. ADJOURNMENT.

Councilmember Fallon moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Tweed and carried unanimously. The Regular Meeting adjourned at 2:00 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk

July 25, 2006

Mr. Andrew M. Wilkison
Village Manager
The Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: Village Council Public Hearing #1 – Zoning Map

Dear Andy:

I am providing the following comments for the referenced Public Hearing.

#1. The defined map area has numerous “islands” of property within its boundary that are not included in the proposed Historic District. The given reason for these exclusions is that the respective property was developed after the period of significance of 1895 - 1970. Unfortunately, this reasoning was not uniformly used in the map boundary as numerous new properties are included within the boundary especially on Linden Road. The criteria for property inclusion within the boundary should be uniformly followed and not selectively as now done.

#2. The map boundary is extremely ragged in some areas apparently for the purpose of excluding homes not within the age period yet especially along Linden Road this criterion seems to have been forgotten. It seems appropriate that the map boundary be redrawn to address this issue even if the net effect is the inclusion of more non-contributing homes to the overall district area.

I trust that these comments will be appropriately distributed to council and made part of the official meeting record.

Best regards,



Doug Middaugh
400 Pine Vista Drive
Pinehurst, NC 28374-9212

July 25, 2006

Mr. Andrew M. Wilkison
Village Manager
The Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: Village Council Public Hearing #2 – Section 12.2 Deletion

Dear Andy:

I am providing the following comments for the referenced Public Hearing.

#1. It is proposed that Pinehurst Development Ordinance (PDO) Section 12.2 be deleted in its entirety and be instead regulated by Section 12.3. Unfortunately, no text is planned for the deleted section location explaining to the reader why the deletion took place and the purpose of the planned historic district. A one or two line explanation would present a much better overall document to the reader and should be considered.

#2. No mention is made at Section 12.2 of the proposed “Village of Pinehurst Historic District Standards and Guidelines” document which incorrectly might cause one to be unaware of its requirements as it is not referenced in Section 12.3. Section 12.3 needs to be edited such that “by reference”, the standards and guidelines document is a legitimate part of the PDO.

#3. It was stated in a prior council meeting that a public hearing on the proposed “Village of Pinehurst Historic District Standards and Guidelines” was not required nor at this time, has such a meeting been scheduled. The logic of this is difficult to understand given that three public hearings are being held on the deleted language yet not one hearing is planned for the replacement language. Although NC Statute requirements indicate that a hearing is not required common sense should prevail and at least one public hearing should be held on the proposed standards and guidelines.

I trust that these comments will be appropriately distributed to council and made part of the official meeting record.

Best regards,



Doug Middaugh
400 Pine Vista Drive
Pinehurst, NC 28374-9212

July 25, 2006

Mr. Andrew M. Wilkison
Village Manager
The Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: Village Council Public Hearing #4 – Appendix D

Dear Andy:

I am providing the following comments for the referenced Public Hearing.

#1. It is proposed that Pinehurst Development Ordinance (PDO) Appendix D be deleted in its entirety and be instead regulated by the proposed Village of Pinehurst Historic District Standards and Guidelines document. Unfortunately, no text is planned for the deleted section location explaining to the reader why the deletion took place and the purpose of the planned document. A one or two line explanation would present a much better overall document to the reader and should be considered.

#2. The proposed “Village of Pinehurst Historic District Standards and Guidelines” document is not referenced properly in Section 12.3. Section 12.3 needs to be edited such that “by reference”, the standards and guidelines document is a legitimate part of the PDO.

#3. It was stated in a prior council meeting that a public hearing on the proposed “Village of Pinehurst Historic District Standards and Guidelines” was not required nor at this time, has such a meeting been scheduled. The logic of this is difficult to understand given that three public hearings are being held on the deleted language yet not one hearing is planned for the replacement language. Although NC Statute requirements indicate that a hearing is not required common sense should prevail and at least one public hearing should be held on the proposed standards and guidelines.

I trust that these comments will be appropriately distributed to council and made part of the official meeting record.

Best regards,



Doug Middaugh
400 Pine Vista Drive
Pinehurst, NC 28374-9212

July 25, 2006

Mr. Andrew M. Wilkison
Village Manager
The Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: Village Council Public Hearing #5 – Section 10.2.6.4 (a) Deletion

Dear Andy:

I am providing the following comments for the referenced Public Hearing.

#1. It is proposed that Pinehurst Development Ordinance (PDO) Section 10.2.6.4 (a) be deleted in its entirety and be instead regulated by Section 12.3. Unfortunately, no text is planned for the deleted section location explaining to the reader why the deletion took place and the purpose of the planned historic district. A one or two line explanation would present a much better overall document to the reader and should be considered.

#2. No mention is made at Section 10.2.6.4 (a) of the proposed “Village of Pinehurst Historic District Standards and Guidelines” document which incorrectly might cause one to be unaware of its requirements as it is not referenced in Section 12.3. Section 12.3 needs to be edited such that “by reference”, the standards and guidelines document is a legitimate part of the PDO.

#3. It was stated in a prior council meeting that a public hearing on the proposed “Village of Pinehurst Historic District Standards and Guidelines” was not required nor at this time, has such a meeting been scheduled. The logic of this is difficult to understand given that three public hearings are being held on the deleted language yet not one hearing is planned for the replacement language. Although NC Statute requirements indicate that a hearing is not required common sense should prevail and at least one public hearing should be held on the proposed standards and guidelines.

I trust that these comments will be appropriately distributed to council and made part of the official meeting record.

Best regards,



Doug Middaugh
400 Pine Vista Drive
Pinehurst, NC 28374-9212

July 25, 2006

Mr. Andrew M. Wilkison
Village Manager
The Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: Village Council Public Hearing #6 – Section 10.2.6.4 (b) Deletion

Dear Andy:

I am providing the following comments for the referenced Public Hearing.

#1. It is proposed that Pinehurst Development Ordinance (PDO) Section 10.2.6.4 (b) be deleted in its entirety and be instead regulated by Section 12.3. Unfortunately, no text is planned for the deleted section location explaining to the reader why the deletion took place and the purpose of the planned historic district. A one or two line explanation would present a much better overall document to the reader and should be considered.

#2. No mention is made at Section 10.2.6.4 (b) of the proposed “Village of Pinehurst Historic District Standards and Guidelines” document which incorrectly might cause one to be unaware of its requirements as it is not referenced in Section 12.3. Section 12.3 needs to be edited such that “by reference”, the standards and guidelines document is a legitimate part of the PDO.

#3. It was stated in a prior council meeting that a public hearing on the proposed “Village of Pinehurst Historic District Standards and Guidelines” was not required nor at this time, has such a meeting been scheduled. The logic of this is difficult to understand given that three public hearings are being held on the deleted language yet not one hearing is planned for the replacement language. Although NC Statute requirements indicate that a hearing is not required common sense should prevail and at least one public hearing should be held on the proposed standards and guidelines.

I trust that these comments will be appropriately distributed to council and made part of the official meeting record.

Best regards,



Doug Middaugh
400 Pine Vista Drive
Pinehurst, NC 28374-9212

July 25, 2006

Mr. Andrew M. Wilkison
Village Manager
The Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: Village Council Public Hearing #7 – Section 10.2.5.5 (a) Deletion

Dear Andy:

I am providing the following comments for the referenced Public Hearing.

#1. It is proposed that Pinehurst Development Ordinance (PDO) Section 10.2.5.5 (a) be deleted in its entirety and be instead regulated by Section 12.3. Unfortunately, no text is planned for the deleted section location explaining to the reader why the deletion took place and the purpose of the planned historic district. A one or two line explanation would present a much better overall document to the reader and should be considered.

#2. No mention is made at Section 10.2.5.5 (a) of the proposed “Village of Pinehurst Historic District Standards and Guidelines” document which incorrectly might cause one to be unaware of its requirements as it is not referenced in Section 12.3. Section 12.3 needs to be edited such that “by reference”, the standards and guidelines document is a legitimate part of the PDO.

#3. It was stated in a prior council meeting that a public hearing on the proposed “Village of Pinehurst Historic District Standards and Guidelines” was not required nor at this time, has such a meeting been scheduled. The logic of this is difficult to understand given that three public hearings are being held on the deleted language yet not one hearing is planned for the replacement language. Although NC Statute requirements indicate that a hearing is not required common sense should prevail and at least one public hearing should be held on the proposed standards and guidelines.

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