

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
AUGUST 20, 2013**

**395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, August 20, 2013, 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:

Ms. Nancy Roy Fiorillo, Mayor
Mr. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Lauren M. Craig, Village Clerk
And approximately 17 attendees, including 4 staff and 2 press

1. CALL TO ORDER.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

Village Manager Andy Wilkison offered the invocation and led everyone in the Pledge of Allegiance.

3. MOTION TO APPROVE 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 Session of July 9, 2013
 - Closed Session of July 9, 2013
 - Work Session of July 23, 2013
 - Closed Session of July 23, 2013
 - Regular Meeting of July 23, 2013
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, September 24, 2013 at 1:00 p.m.

End of Consent Agenda.

Councilmember Cashion moved to approve the Consent Agenda. The motion was seconded by Councilmember Lapins and passed unanimously with a vote of 5-0.

4. BUDGET AMENDMENTS REPORT TO COUNCIL FOR THE PERIOD JULY 16, 2013 TO AUGUST 15, 2013.

Councilmember Lapins moved to approve the Budget Amendments Report as presented. The motion was seconded by Councilmember Parson and passed unanimously with a vote of 5-0.

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

Councilmember Cashion moved that the Village Council recess the Regular Meeting and enter into a Public Hearing. The motion was seconded by Councilmember Lapins and passed unanimously with a vote of 5-0.

- 6. PUBLIC HEARING # 1.** Official Zoning Map Amendment to rezone one property consisting of ±.36 acres. This property is addressed as 105 Magnolia Rd. This property is further defined as being Moore County LRK # 23821. This property is currently zoned VC (Village Commercial). The proposed map amendment would change the zoning of the property to R-10 (Single Family Residential). The applicant and owner for this rezoning is Richard Moore.

Director of Planning and Inspections, Andrea Correll, provided an overview of the public hearing item to rezone 105 Magnolia Road from VC to R-10.

Audience Comments:

- **Bonnie McPeake** explained her involvement in this area and noted her experience in the tourism industry and presently owns and operates three hotels and inns in the area. Ms. McPeake complimented the Mayor and Council on the direction that they have taken the Village. Ms. McPeake commented that this rezoning does not fit in the long range plan of the Village and that as a newcomer in the area, Mr. Moore views this as an investment but this change in rezoning will impact all of us. She explained that she has spoken to almost all of the business owners in the Village Center and they are not in favor of this. She explained that Magnolia Place is almost full and the Mystic Cottage was on the market for so long due to the listing price. She explained that this is one of the best locations for retail in the Village and the Council needs to send the message that you support the other retailers in the Village by not giving up retail space. Ms. McPeake noted to draw more people to the Village you need more shops and restaurants and there are many other houses for sale and no need to take this retail space from the commercial district. She commented that even staff has recommended denial and they are the experts. She said the rezoning of the Mystic Cottage would take us backwards.
- **Janice Dixon**, from Synergy Commercial Properties, explained she has a business located in the Village of Pinehurst. She noted the demand for retail space in the Village through the phone calls from people who want to move their business to the Village and there is not enough space to meet the demand. She shared that the vacancy rates are the lowest since 2010 and that because of the high demand and low supply it would be a detriment of the Village to change this from commercial to residential. Councilmember Lapins requested a copy of the vacancy numbers that she ran.
- **Wayne Haddock**, owner of Pinehurst Homes, noted that Richard Moore contacted him to look at Mystic Cottage to restore it completely. He commented that it's an important home in Pinehurst built in 1899, designed by the same firm that designed the Carolina Hotel the following year. It is the only home on the block currently zoned for Commercial on the lower and residential on the 2nd floor. Mr. Moore has shown full intent to restore the home completely. Mr. Moore looked into insurance costs for commercial on lower level and the prices were very high. Councilmember Strickland confirmed that Wayne Haddock is speaking for Mr. Moore upon his absence at this meeting. There was discussion around the need to build a firewall and block the stairway internally if retail remained on the first floor with residential above. Andrea Correll, Director of Planning and Inspections commented that when the cottage was sold, she had to complete a development permit explaining that the first floor had to remain retail as it was zoned now.
- Mayor Fiorillo said to take away a retail space is not what we want to do but she commented on the time that the property sat on the market and we now have someone who is willing to restore it, add value to the Village, and it is adjacent to residential properties. The Mayor noted that we have the opportunity to have a beautifully restored home back to its original use.
- **Bonnie McPeake** commented that she believes this is in the core of the Village not sitting adjacent to it. Councilmember Parson said he has to deal with the cards that have been dealt. Councilmember Lapins said if we allow this to happen, we are leading the Village down a slippery slope. Councilmember Lapins said

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reducing the footprint of retail in this Village is the wrong decision and he thinks it would be a huge mistake of this Council to rezone it to residential. Mr. Haddock commented that Mr. Moore's intent from the beginning was to restore the cottage and be fully residential noting that he has already performed repairs and is moving forward to hopefully restore the residential home.

6. **PUBLIC HEARING # 2.** Official Text Amendments to the Pinehurst Development Ordinance in regards to the local historic district. The applicant is the Village of Pinehurst.
- a. To add Section 4.6.1 Historic District Design Committee. This amendment will add a new section setting the duties and responsibilities of a Historic District Design Committee.
 - b. To amend to Section 12.3.4 (c) Certificate of Appropriateness Procedure. This amendment will add a language referring to the category of works within the Local Historic District Standards and Guidelines that may be approved on a staff level and may go to a Historic District Design Committee for recommendation and comment.
 - c. To amend Section 12.3.4 (d) Certificate of Appropriateness Procedure. This amendment clarifies that the Historic Commission conducts a public hearing for major work projects.
 - d. To amend Section 12.3.5 (a) and Section 12.3.5 (b) Review Criteria. This amendment will add "Village Planner" to the text clarifying that the Village Planner be held to the same requirements as the Historic Commission when reviewing staff level applications in the Historic Preservation Overlay district.
 - e. To make amendments to Section 10.2.6.1 (b) Purpose and Scope [of Community Appearance Standards]. This amendment will add language excluding the Community Appearance Committee review of single-family development within the Historic Preservation Overlay district.

Director of Planning and Inspections, Andrea Correll, provided an overview of the public hearing items to amend the Pinehurst Development Ordinance. Andrea Correll explained that staff finds this consistent with the Village's comprehensive plan and the Planning and Zoning board recommended these changes unanimously.

There were no speakers for this public hearing item.

11. ADJOURN PUBLIC HEARING AND RE-ENTER THE REGULAR MEETING.

Councilmember Cashion moved that the Village Council close the Public Hearing and re-enter the Regular Meeting. The motion was seconded by Councilmember Lapins and passed unanimously with a vote of 5-0.

12. OTHER BUSINESS.

- The Council considered Ordinance #13-41 amending the Pinehurst Development Ordinance and to adopt the memorandum dated August 15, 2013 stating that this amendment is consistent with the 2010 Comprehensive Plan. Upon the motion of Councilmember Cashion, seconded by Councilmember Strickland, Ordinance #13-41 was unanimously approved by a vote of 4-1 Councilmember Lapins casting the dissenting vote. (A copy of the ordinance is found in the Ordinance Book.)
- The Council considered Ordinance #13-40 amending the official Pinehurst Zoning Map and to adopt the memorandum dated August 15, 2013 stating that this amendment is consistent with the 2010 Comprehensive Plan. Upon the motion of Councilmember Cashion to amend the zoning map and adopt the memorandum dated August 15, 2013, the motion died due to lack of a second and will be taken up at the September 10 work session.

13. COMMENTS FROM ATTENDEES.

- There were no audience comments.

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14. MOTION TO ADJOURN.

At approximately 1:52 p.m. Councilmember Parson moved to adjourn the meeting. The motion was seconded by Councilmember Lapins and passed unanimously with a vote of 5-0.

Respectfully submitted,



Lauren M. Craig
Village Clerk