

PINEHURST
VILLAGE COUNCIL
WORK SESSION AGENDA
AUGUST 21, 2012
9:00 A.M.
ASSEMBLY HALL
VILLAGE HALL
PINEHURST, NORTH CAROLINA

1. Call to Order.
2. Reports –
 - Manager
 - Council
3. **Discussion/Action:** General discussion and action on amendment to Municipal Code regarding concealed weapons on greenways, recreational facilities and athletic facilities (Ordinance #12-29).
4. **Discussion/Action:** Motion authorizing the Village Manager to execute a Letter of Agreement between Tarheel Communications Solutions, LLC and the Village of Pinehurst for event coordination, sponsorship and public relations.
5. **Discussion:** Council direction on staff recommendations for sidewalk installations.
6. **Action:** Resolution #12-47: A Resolution Authorizing Village officials to sign requisitions for funds from the CDBG Small Business Entrepreneurial Assistance Grant.
7. **Discussion/Action:** General discussion and action Municipal Service District.
8. **Discussion:** Interview of potential Historic Preservation Consultant (John Milner and Associates. 11:00 am).
9. Preview of Regular Meeting Agenda.
10. Other Business.
11. Comments from attendees.
12. Motion to go into Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with the Village Attorney in order to preserve the attorney-client privilege between the Village Attorney and the Village Council.
13. Motion to adjourn the Closed Session and re-enter the Work Session.
14. Recess until 3:00 pm.
15. **Discussion:** Interview of potential Historic Preservation Consultant (Rich Mandell Landscape Architecture. 3:00 pm).
16. **Adjournment.**

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**395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
9:00 A.M.**

The Pinehurst Village Council held a Work Session at 9:00 a.m., Tuesday, August 21, 2012 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were 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. Linda S. Brown, Village Clerk
And approximately 30 attendees, including 3 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Reports:

- Manager

- Water Line Construction.

The Manager reported that Moore County Public Utilities will soon begin construction of a water line from Memorial Drive to Midland going to Carolina Eye. This construction will cause quite a bit of traffic disruption, especially to Pinehurst Trace.

- Council had no reports.

3. Ordinance # 12-29: An Ordinance Amending the Pinehurst Municipal Code As It Pertains to Carrying Concealed Weapons.

Council discussed the options for this ordinance to amend the Pinehurst Municipal Code. The Manager explained that option #1 would declare Ordinance 12-24 null and void and add language in a new section 94.26 to prohibit carrying of concealed weapons on Pinehurst recreational facilities. "Recreational facilities" would be defined and the locations of the parks would be listed. Option #2 deletes section 94.26 entirely and deletes "and parks" from the sections regarding signage.

Mayor Fiorillo asked for short comments regarding the options.

Councilmember Parson said he would like to repeal the ordinance entirely since it punishes law abiding citizens, and he is not sure how we would enforce the ban. He favors adoption of option #2.

Councilmember Cashion agrees with Mr. Parson. We need to start over and look at our options. We need solid evidence that a ban is needed.

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Mayor Pro-Tem Lapins agrees with Mr. Parson. He is willing to look at it again. We need information contrasting communities with a ban in place with ones without a ban. Does a ban provide a safer community?

Councilmember Strickland questioned why Council addressed the issue in July. Our ordinance has been on the books since 1995; are we attempting to update that according to the General Statutes?

Mayor Fiorillo asked Police Chief Earl Phipps if we have a problem; do we need this ordinance?

Police Chief Earl Phipps replied that our parks are safe. He believes in the right to legally bear arms. Enforcement of concealed weapons in buildings is different than in an open area. Outside we would have to see the weapon. Outside enforcement is easier where people are gathered in one spot, such as a ball field. Enforcement on greenways would be very difficult.

Councilmember Strickland asked if we have information on how other towns in this area handle this.

Director of Parks and Recreation Mark Wagner replied that Southern Pines has not addressed it, Aberdeen is looking to bring it to their board later this year, and Moore County has not addressed it.

Bill Huber informed the Council that there are representatives present today from Grassroots of North Carolina, the gun club and the Tea Party. He had prepared a 12 minute oral presentation but he has decided not to present it, only give highlights. He stated that the Pinehurst Municipal Code does not prohibit guns. The Council should be careful in revisiting the topic since lots of Pinehurst residents have concealed carry permits. Be careful what you do with this and don't shoot yourself in the foot. If it's not broken, don't fix it.

Councilmember Cashion stated that the Council would not come back to this unless there is a demonstrated need.

David Prest stated that the Council is attempting to come into compliance with state law, but they should look at who they are dealing with- responsible citizens. Council needs to pass an ordinance to solve a problem, but this is not a problem. Would the Village try to enforce such a ban?

Ed Dennison asked if we have an ordinance prohibiting firearms in parks.

Steve Edelman noted that open carry is not regulated by the state; they only address how to transport firearms.

Jerry Montgomery agreed that the Village does not need this ordinance. He has a problem with the process that began in July. No information was given to the public. The Pilot only carried letters to the editor. How did this get to the Council and become a slam dunk? Council was not aware that there were any laws in the Municipal Code regarding guns. He does not favor signs in buildings that prohibit concealed weapons since state law says "may" not "shall."

Mayor Fiorillo stated that the Council is not afraid to say that we made a mistake. We have the votes to rescind this. Then we can gather information to revisit this if it is needed.

Gordon Ray reported that the homicide rate is currently the lowest it has been in fifty years, due to gun ownership. He supports the Police Chief's article in The Pilot.

Rick Foster reminded the Council as they revisit this that criminals and the mentally deranged do not follow laws. The parks and greenways have many isolated areas making people vulnerable.

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Councilmember Strickland moved to adopt Ordinance 12-29, Option # 2. Councilmember Cashion seconded the motion which carried unanimously by a vote of 5-0. (Copy of the ordinance is in the Ordinance Book and in the Minute File. Copies of a memo prepared by Director of Parks and Recreation Mark Wagner dated August 13, 2012 and a memo prepared by Village Attorney Michael Newman dated August 16, 2012 are in the Minute File.)

4. Motion regarding a letter of agreement between Tarheel Communications Solutions, LLC and the Village of Pinehurst.

The Manager explained the need for this agreement. Director of Partners in Progress Pat Corso provided a little history of the previous US Opens in Pinehurst. In 1999 we practically barricaded the town; 2005 was neutral. We received little benefit from the event. Now the Village is the host, not the resort. We need to tell our story- this is a great place to live. Telling our story needs management to make sure the event is ours and we have control of it. Tarheel Communication can do that.

Upon the motion of Councilmember Cashion, seconded by Councilmember Parson, the Village Manager was authorized to execute a letter of agreement between Tarheel Communications Solutions, LLC and the Village of Pinehurst for event coordination, sponsorship and public relations. The motion was approved by a vote of 5-0. (Copies of the Letter of Agreement and a memo from the Village Manager dated August 17, 2012 are in the Minute File.)

5. Council direction on staff recommendation for sidewalk installations.

Assistant Manager Jeff Batton discussed with the Council how to expend the \$100,000 in sidewalk funds in the current budget. He proposed two projects- one along Chinquapin Road and another down Barrett Road. Consensus of Council was to move forward with the two proposed projects. (Copy of a memo from Assistant Manager Jeff Batton dated August 8, 2012 is in the Minute File.)

6. Resolution #12-47: A Resolution Authorizing Persons to Sign Contract Documents and Requisitions for Funds from the Community Development Block Grant (CDBG) Small Business Entrepreneurial Assistance (SBEA) Grant. (Grant #11-C-2335)

The Manager explained the need for the Resolution #12-47. Upon the motion of Councilmember Lapins, seconded by Councilmember Cashion, Resolution #12-47 was unanimously approved by a vote of 5-0. (Copy of the resolution is found in the Resolution Book and in the Minute File.)

7. General Discussion and action- Municipal Service District (MSD).

The Manager noted that staff has developed a history of the MSD which was established in 1993. There are two ponds and two dams, both dams have been reconstructed in the last 20 years. Question now is whether the MSD is still needed. It generates \$3,800 annually, and those funds are used for power to move water up to one of the ponds. He has no recommended action at this point.

Councilmember Cashion asked how long should we expect a dam to last?

The Manager replied that is hard to determine since these are earthen dams. He pointed out that if we do away with the MSD, a Village can still assess benefitting property owners for future repairs. The authority to make special assessments comes from the state statutes, not from the MSD.

Mayor Pro-Tem Lapins repeated that we can still assess without a MSD in place?

The Manager replied that this is true.

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Doug Middaugh stated that the MSD language is hanging over the heads of the 25 property owners while the benefit to the Village is very small. Enlarging the MSD would decrease the assessment to the property owners. This is public property; it is time to dissolve the MSD.

John McCarthy felt strongly about the non-disclosure to property owners by realtors and asked why we are discussing this now?

Mayor Fiorillo replied that we want to update the new councilmembers.

Consensus of the Council was to place a discussion on the agenda of an open meeting in September after surrounding property owners are notified.

8. Motion to move meeting location.

Councilmember Strickland moved to relocate the meeting to the Council conference room. Councilmember Cashion seconded the motion which carried unanimously by a vote of 5-0.

9. Call to Order.

Mayor Fiorillo called the meeting back to order.

10. Interview of potential Historic Preservation Consultant (John Milner and Associates).

Ms. Laura Knott and Ms. Jane Jacobs, representatives from John Milner and Associates, delivered a presentation to the Village Council regarding the qualifications of their firm.

11. Preview of Regular Meeting Agenda.

The Council previewed the Regular Meeting Agenda for August 21, 2012 and made no changes.

12. Other Business.

There was none.

13. Comments from Attendees.

There were none.

14. Motion to go into Closed Session.

Councilmember Strickland moved to recess the Work Session and enter a Closed Session pursuant to NCGS 143-318.11 (a) (3): To consult with the Village Attorney in order to preserve the attorney-client privilege between the Village Attorney and the Village Council. The motion was seconded by Councilmember Cashion and carried unanimously.

GENERAL ACCOUNT

The Council, the Village Manager and the Village Attorney discussed the status of pending litigation between Mr. Mike McCrann and the Village of Pinehurst.

15. Motion to adjourn the Closed Session.

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

16. Recess until 3:00 p.m.

Councilmember Strickland moved to recess the Work Session until 3:00 p.m. Councilmember Cashion seconded the motion which was unanimously approved. The meeting recessed at 12:40 p.m.

17. Call to Order.

Mayor Fiorillo called the meeting back to order.

18. Interview of potential Historic Preservation Consultant (Rich Mandell Landscape Architecture).

Mr. Richard Mandell and Ms. Cari Goetcheus, representatives from Rich Mandell Landscape Architecture, delivered a presentation to the Village Council regarding the qualifications of their firm.

19. Discussion/Action on Historic Preservation Consultant.


After Council had discussed the information presented by each firm, Councilmember Strickland moved that the Village of Pinehurst hire John Milner and Associates as our Historic Preservation Consultant. Councilmember Cashion seconded the motion which carried by a vote of 3-2, Mayor Fiorillo and Councilmember Parson casting the dissenting votes.

Council instructed Senior Planner Molly Goodman to notify the firms of the decision and draft a contract. Village Manager Andy Wilkison will negotiate the contract.

20. Adjournment.

Councilmember Strickland moved to adjourn the Work Session. The motion was seconded by Councilmember Parson and carried unanimously. The meeting adjourned at 4:25 p.m.

Respectfully Submitted,


Linda S. Brown, CMC
Village Clerk