

PINEHURST  
VILLAGE COUNCIL  
WORK SESSION AGENDA  
AUGUST 25, 2009  
9:00 A.M.  
CONFERENCE ROOM  
VILLAGE HALL  
PINEHURST, NORTH CAROLINA

1. Call to Order.
2. Reports –
  - Manager
  - Council
3. Presentation by Senior Planner Molly Russell on addressing project.
4. Discussion of Energy Audit commissioned by the Alternate Energy Committee.
5. Motion authorizing staff to negotiate an agreement for engineering design services for the extension of sewer services to Jackson Hamlet, Phase II.
6. Motion to Authorize Mayor and Clerk to execute a contract with Hunton and Williams to provide bond counsel services to the Village of Pinehurst.
7. Resolution #09-23: Village of Pinehurst, North Carolina Declaration of Official Intent to Reimburse.
8. Quarterly Financial Report.
9. Discussion of funding for Arboretum concert series and motion authorizing Mayor to execute Transfer of Responsibility Document.
10. Consideration of Ordinance #09-30: Budget Amendment appropriating funds for Arboretum Concert Series.
11. Preview of Regular Meeting Agenda and Public Hearing items.
12. Other business.
13. Comments from attendees.
14. 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 Pinehurst and regarding Pinewild Project Limited Partnership, *et al*, v. Village of Pinehurst; and pursuant to NCGS 143-318.11 (a) (5) to instruct the Village's staff concerning the position to be taken by the Village in negotiating the price and other material terms of a proposed contract for the acquisition of real property by purchase.
15. Adjournment.

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**395 MAGNOLIA ROAD  
CONFERENCE ROOM  
PINEHURST, NORTH CAROLINA  
9:00 A.M.**

The Pinehurst Village Council held a Work Session at 9:00 a.m., Tuesday, August 25, 2009 in the Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, 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 20 attendees, including 8 staff.

**1. Call to Order.**

Mayor George P. Lane called the meeting to order.

**2. Reports:**

**– Manager**

**- New Fair Barn Lady.**

The Manager reported that the Village has made a job offer to Ms. Ann Owen to fill Meredith Silhol's position at the Fair Barn. If she accepts our offer, she will begin work on Thursday.

**- Reception for Meredith Silhol.**

The Manager reported that there will be a reception for Meredith in the Assembly Hall of Village Hall Thursday, September 1, 2009 from 3:00 pm – 5:00 pm.

**– Council**

**- Councilmember Thurman**

-asked about a major subdivision planned for Chicken Plant Road. Reply- They have not yet submitted paperwork to apply for a Conditional Use and for rezoning.

-asked for an update on the solar panels to be installed on the roof of one of the barns at the Harness Track. Reply- There is \$425,000 grant money available. The U.S. Department of Energy has posted a Request for Proposal. We have submitted a letter of intent to apply.

**- Mayor Pro-Tem Tweed** reported that she and Mrs. Thurman went into the Razook's and found a round window in a frame sitting on the floor. The construction foreman said they could have it if they wanted it; it was slated to be discarded. Mrs. Tweed asked if the

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Village could get someone to pick it up and find a place to store it until a use for it could be determined.

**3. Presentation by Senior Planner Molly Russell on addressing project.**

Village Planner Molly Russell discussed the Addressing Verification Project with Council. (Copy of a status report on the Addressing Verification Project from Village Senior Planner Molly Russell dated August 18, 2009 is in the Minute File.)

**4. Discussion of Energy Audit commissioned by the Alternate Energy Committee.**

Council discussed the Energy Audit commissioned by the Alternate Energy Committee with Senior Planner Molly Russell, Alternate Energy Committee member Jay Carothers. (Copy of the Energy Assessment of the Village of Pinehurst prepared by Waste Reduction Partners of the Triangle J Council of Governments conducted January 8, 2009 is in the Minute File.)

**5. Motion authorizing staff to negotiate an agreement for engineering design services for the extension of sewer services to Jackson Hamlet, Phase II.**

Director of Engineering Jay Gibson explained the need for this motion. Councilmember Dawson moved to authorize Village staff to negotiate a contract for Engineering services related to the design, permitting, and construction of Phase II of the Jackson Hamlet Sewer Improvements Project. To conform to the requirements of the General Statutes for procurement of engineering services, negotiations will be conducted in accordance with the following rankings: 1) McGill & Associates, 2) Rivers & Associates, and 3) Alley, Williams, Carmen, & King (AWCK). No contract will be awarded until such time as the North Carolina Division of Community Assistance has provided the Village a written "Release of Funds" statement. Councilmember Tweed seconded the motion which carried unanimously by a vote of 5-0. (Copy of memo from Village Engineer Jay Gibson dated August 18, 2009 concerning the engineering services for the Jackson Hamlet project, Phase II is in the Minute File.)

**6. Motion to authorize Mayor and Clerk to execute a contract with Hunton and Williams to provide bond counsel services to the Village of Pinehurst.**

Assistant Manager Natalie Dean explained the need for this motion. Councilmember Dawson moved to authorize the Mayor and the Village Clerk to execute a contract with Hunton and Williams to provide bond counsel services to the Village of Pinehurst. Councilmember Fallon seconded the motion which carried unanimously by a vote of 5-0. (Copy of the Engagement Letter to the Village of Pinehurst for Bond Counsel Services is in the Minute File.)

**7. Resolution #09-23: Village of Pinehurst, North Carolina Declaration of Official Intent to Reimburse.**

The Manager and Assistant Manager Natalie Dean explained the need for Resolution #09-23. Ms. Dean requested that on advice of our bond counsel, the amount of debt to be issued be changed from \$5,700,000 to \$6,000,000. Councilmember Dawson moved for adoption of the resolution as amended. Councilmember Fallon seconded the motion which was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

**8. Fiscal Year Financial Report and Quarterly Investment Report.**

Assistant Manager Natalie Dean and Director of Financial Services John Frye presented the Financial Report for the Fiscal Year ended July 30, 2009 and the Quarterly Investment Report for the Quarter

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ended June 30, 2009. (Copies of these reports and a memo prepared by Assistant Manager Natalie Dean dated August 11, 2009 are in the Minute File.)

**9. Discussion of funding for Arboretum concert series and motion authorizing Mayor to execute Transfer of Responsibility Document.**

The Council discussed funding for a concert series to be sponsored by the Pinehurst Parks and Recreation Department to be held at the Arboretum with the Manager and Parks and Recreation Director Mark Wagner. (Copy of a memo prepared by Director of Parks and Recreation Mark Wagner dated August 20, 2009 regarding the proposed concert series is in the Minute File.)

The Manager explained the proposed agreement between the Village Heritage Foundation and the Village of Pinehurst regarding maintenance responsibilities for the Arboretum. Councilmember Fallon moved that the Council authorize the Mayor to execute the Transfer of Responsibility Document officially transferring maintenance responsibility from the Village Heritage Foundation to the Village of Pinehurst. Councilmember Tweed seconded the motion which carried unanimously by a vote of 5-0.

**10. Ordinance #09-30: An Ordinance Amending the Ordinance Appropriating Funds for Operations of the Village of Pinehurst Regarding Revenues and Expenditures of the General Fund for the Village of Pinehurst, North Carolina (Arboretum Concert Series).**

The Manager explained the need for the Ordinance #09-30. Upon the motion of Councilmember Thurman, seconded by Councilmember Fallon, Ordinance #09-30 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

**11. Preview of Regular Meeting Agenda and Public Hearing Items.**

The Council previewed the Regular Meeting Agenda for August 25, 2009 and made no changes.

**12. Other Business.**

➤ **Letter of Intent.**

Council considered a draft Letter of Intent Regarding Development of Water Supply, Treatment, and Distribution in Southern Moore County. Councilmember Dawson moved to authorize the Mayor to execute this letter of intent. Councilmember Fallon seconded the motion which carried unanimously by a vote of 5-0. (Copy of the Letter of Intent is in the Minute File.)

➤ **October Meeting Date.**

By consensus, Council decided to move their meetings scheduled for Tuesday, October 27, 2009 to Wednesday, October 28, 2009 at the usual times. The change is due to attending the League Conference on October 27, 2009.

**13. Comments from Attendees.**

Prior to the meeting, **Doug Middaugh** submitted a letter detailing his concerns about the Wagram purchase. (Copy of this letter dated August 19, 2009 is in the Minute File.)

**Doug Lapins** asked questions regarding the water system purchase:

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- Is there a public document detailing what is being sold? **Village Manager Andy Wilkison** replied that the engineering report lists the assets- water system, sewer system and intake valve. **Councilmember Dawson** stated that there will be a Public Information Package going out next week.
- Has there been due diligence? Is this quality equipment? **Councilmember Dawson** replied that there is a series of steps that must be followed in the purchase process: letter of intent, contract, then examination of finances and property. **Mayor Pro-Tem Tweed** added that a Public Information Session will be scheduled as soon as we finish some of the steps, perhaps mid-September.
- Is it a myth or truth that surface water and well water cannot be mixed? **Village Manager Andy Wilkison** replied that Mr. Lapins was probably referring to not mixing chlorine treated water and chloramine treated water. Currently we do mix these two types of treated water- Moore County/Pinehurst water is treated with chlorine, and Harnett County water is treated with chloramines.

**14. Motion to go into Closed Session.**

Councilmember Tweed moved to recess the Work Session and enter a 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 Pinehurst and regarding Pinewild Project Limited Partnership, et al, v. Village of Pinehurst; and pursuant to NCGS 143-318.11 (a) (5) to instruct the Village's staff concerning the position to be taken by the Village in negotiating the price and other material terms of a proposed contract for the acquisition of real property by purchase. The motion was seconded by Councilmember Thurman and carried unanimously.

**GENERAL ACCOUNT**

The Council, the Village Manager, and the Village Attorney discussed the status of litigation between Lydia Boesch, et al, v. Village of Pinehurst and regarding Pinewild Project Limited Partnership, et al, v. Village of Pinehurst.

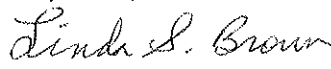
**15. Motion to adjourn the Closed Session.**

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

**16. Adjournment.**

Councilmember Tweed moved to adjourn the Work Session. The motion was seconded by Councilmember Thurman and carried unanimously. The meeting adjourned at 12:30 p.m.

Respectfully Submitted,

  
Linda S. Brown, CMC  
Village Clerk