

**PINEHURST VILLAGE COUNCIL
REVISED AGENDA FOR REGULAR MEETING OF AUGUST 28, 2007
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 July 10 and 24, 2007
 - Regular Meeting of July 24, 2007
 - Closed Sessions of July 10 and 24, 2007
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, September 25, 2007 at 1:00 p.m.

End of Consent Agenda.

3. Budget Amendments Report to Council.
4. Recess Regular Meeting and Enter Into a Public Hearing.
5. Public Hearing # 1: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would change the definition of Communications Towers as written in Section 2.2.
6. Public Hearing # 2: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would add a definition for "Concealed Wireless Telecommunications Facility" to Section 2.2.
7. Public Hearing # 3: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would add text to Section 10.2.1.3 Special Requirements (SR) to the Table of Permitted and Special Uses. Specifically the proposed amendment would add SR 18(n) Concealed Wireless Telecommunication Facilities and associated regulations.
8. Public Hearing # 4: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would add items (14) and (15) to Section 10.2.1.3 SR-24 Telecommunication Towers.
9. Public Hearing # 5: Annexation of non-contiguous property- 5.14 acres on the north side of Juniper Lake Road being further identified as LRK # 991824 and 35.89 acres on the north side of Juniper Lake Road being further identified as LRK # 22016, both tracts being about 0.4 mile east of the intersection of Juniper Lake Road with Murdocksville Road.
10. Adjourn Public Hearing and Re-Enter Regular Meeting.
11. Memo dated July 23, 2007- Director of Planning and Inspections Andrea Correll- Ordinance 07-27 is consistent with the Comprehensive Long-Range Plan.
12. Ordinance # 07-27 An Ordinance Amending the Pinehurst Development Ordinance As It Pertains to Section 2.2 Definitions and Chapter 13 Special Village Zoning Districts.

- 12-A. Ordinance 07-29: An Ordinance Amending the Official Pinehurst Zoning Map As It Pertains to the Rezoning of Certain Land Located Within the Vicinity of McCaskill Road, Dundee Road, and Community Road. (Cottage Professional)
- 12-B. Ordinance 07-30: An Ordinance Amending the Official Pinehurst Zoning Map As It Pertains to the Rezoning of Certain Land Located Within the Vicinity of Magnolia Road, McCaskill Road, Rattlesnake Road, Dundee Road, and Community Road.
- 12-C. Ordinance 07-31: An Ordinance Amending the Official Pinehurst Zoning Map As It Pertains to the Rezoning of Certain Land Located Within the Vicinity of Magnolia Road, McCaskill Road and Caddell Road.
13. Ordinance 07-28: An Ordinance to Extend the Corporate Limits of the Village of Pinehurst, North Carolina (Public Services land).
14. Other Business.
15. Comments from Attendees.
16. Adjournment.

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**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, August 28, 2007, 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 20 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 July 10 and 24, 2007
Regular Meeting of July 24, 2007
Closed Sessions of July 10 and 24, 2007

B. Public Safety Reports- Police and Fire Departments.

C. Scheduling of Regular Meeting for Tuesday, September 25, 2007 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 July 1, 2007 to August 15, 2007. The motion was seconded by Councilmember Hillier and carried unanimously.

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

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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 Fallon and carried unanimously.

5. PUBLIC HEARING #1: Official Text Amendment to the Pinchurst Development Ordinance. The proposed amendment would change the definition of Communications Towers as written in Section 2.2.

Comments:

Director of Planning and Inspections Andrea Correll introduced the topics to be considered in the first four Public Hearings and read her memo entitled "Statement of Consistency with the Comprehensive Plan for the Concealed Wireless Facilities Text Amendments," dated August 27, 2007. (Copy of the memo is in the Minute File.)

Mr. Gary Pennington, Esquire of the Pennington Law Firm, 1501 Main Street, Columbia, South Carolina, attorney representing Verizon Wireless, introduced Ms. Betty Johnson and Mr. Jim Hildebrand who work for Verizon in the real estate development department.

Mr. Pennington explained that this amendment is important to Verizon Wireless due to the challenge of deploying the technology for wireless communication and maintaining the aesthetic quality of this community. The Pinchurst ordinance now in place allows towers in only two zoning districts- R-210 and SR, and those placements must be "stealth." There are limited properties available for purchase or lease in this jurisdiction that is zoned in such a manner that would be suitable for a traditional tower, even it were stealth.

Mr. Pennington stated that he supports the proposed amendments to the Pinchurst ordinance that would allow deployment of stealth technology that would be hidden from the public eye but will allow wireless service that citizens and visitors to this area want to utilize. He feels this is a win-win situation and is very forward-thinking.

Mr. Pennington explained that the congregation of Village Chapel has been adequately informed about the particular project where a concealed antennae will be installed inside of the Chapel's steeple, and nearly all endorse it. Verizon brought in an outside engineering expert to address the congregation concerning safety concerns they may have had.

Councilmember Hillier asked Mr. Pennington if the so called "boxes" on the ground will be hidden from view. **Mr. Pennington** replied that every project is different, but he could speak to the Village Chapel application, and the boxes will be hidden. There is a wall surrounding the air conditioning units, and the boxes will be placed on an existing concrete pad at that location. The cable interconnects will be run through the basement of the church. All will be hidden.

Councilmember Fallon asked if there will be any danger of emissions from the ground units. **Mr. Pennington** replied that the ground units do not emit any radiation.

Mayor Smith informed Mr. Pennington that Council would take action on these amendments at one of the September meetings, the earliest being September 11 and the latest being September 25.

Councilmember Tweed reminded Mr. Pennington that his application for the Village Chapel project will have to be reviewed by both the Planning and Zoning Board and the Historic Preservation Commission. She asked Mr. Pennington if the congregation of the Village Chapel has been adequately informed. **Mr. Pennington** replied that all usual methods of communication have been employed-

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their newsletter, the Sunday bulletin, announced from the pulpit, and a public meeting to which all were invited.

6. **PUBLIC HEARING #2: Official Text Amendment to the Pinhurst Development Ordinance. The proposed amendment would add a definition for "Concealed Wireless Telecommunications Facility" to Section 2.2.**

Comments: There were none.

7. **PUBLIC HEARING #3: Official Text Amendment to the Pinhurst Development Ordinance. The proposed amendment would add text to Section 10.2.1.3 Special Requirements (SR) to the Table of Permitted and Special Uses. Specifically the proposed amendment would add SR 18(n) Concealed Wireless Telecommunication Facilities and associated regulations.**

Comments: There were none.

8. **PUBLIC HEARING # 4: Official Text Amendment to the Pinhurst Development Ordinance. The proposed amendment would add items (14) and (15) to Section 10.2.1.3 SR-24 Telecommunication Towers.**

Comments:

Mayor Smith encouraged Verizon to understand the process for approval in the Village of Pinhurst since it is a little more involved than in most municipalities.

9. **PUBLIC HEARING #5: Annexation of non-contiguous property- 5.14 acres on the north side of Juniper Lake Road being further identified as LRK # 991824 and 35.89 acres on the north side of Juniper Lake Road being further identified as LRK # 22016, both tracts being about 0.4 mile east of the intersection of Juniper Lake Road with Murdocksville Road.**

Comments:

Village Manager Andy Wilkison introduced the topic for the Public Hearing. Council adopted a Resolution of Intent to Annex this property on Juniper Lake Road at the August 14, 2007 Work Session. There is a map of the area displayed at the rear of this room, and the owner of the property is the Village of Pinhurst. The legal advertisement for the Public Hearing ran in The Pilot on August 17, 2007. The Village plans to construct a new Public Services Facility on the property.

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

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

11. **MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL - ORDINANCES #07-27, #07-29, #07-30 AND #07-31 ARE CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Hillier moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated July 23, 2007 as the Council statement that draft ordinances #07-27, #07-29, #07-30 and #07-31 are consistent with the Village of Pinhurst's 2003

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Comprehensive Long-Range Plan. Councilmember Fallon seconded the motion. Mayor Smith asked the clerk to poll the Council:

Councilmember Tweed- yes
Councilmember Lapins- yes
Councilmember Fallon- yes
Mayor Pro-Tem Hillier- yes
Mayor Smith- yes

The memo was unanimously approved by a vote of 5-0. (Copy of the memo is found in the Minute File.)

12. ORDINANCE #07-27: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS AND CHAPTER 13 SPECIAL VILLAGE DISTRICTS.

The Planning Director explained the need for Ordinance #07-27. Councilmember Tweed moved that ordinance #07-27 be adopted, and Councilmember Lapins seconded the motion.

Councilmember Lapins read a prepared statement concerning the NewCore vote and his comments made at the August 14, 2007 Work Session. (Copy of statement is in the Minute File.)

Mayor Pro-Tem Hillier stated that he had the same concerns from day one: 1) protect what we have by establishing the correct zoning for the area and 2) allow enough flexibility to be able to negotiate for an acceptable final result. He feels this has done that. He emphasized that final approval on projects will still lie with the Council. Doing nothing was not an option.

Councilmember Tweed offered kudos to the staff.

Mayor Smith stated that his sentiments concerning the 2003 Comprehensive Long-Range Plan and then the NewCore Plan were not different. He wanted the area to be developed creatively to enhance living in Pinhurst, and he wanted mixed use. The result is spot on – exactly what the two plans proposed. The existing zoning could have produced bad things. The moratorium went on for two years, much longer than most usually run, but no land owner complained. He sees what has been done as a step forward, not a step back. Staff did well; they tweaked things and went back many times to revise.

Councilmember Fallon stated that the goal was to design an area compatible to Old Towne and please nearly everyone. We have succeeded.

Mayor Smith asked the clerk to poll the Council:

Councilmember Tweed- yes
Councilmember Lapins- yes
Councilmember Fallon- yes
Mayor Pro-Tem Hillier- yes
Mayor Smith- yes

Ordinance #07-27 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

12-A. ORDINANCE #07-29: AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED

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**WITHIN THE VICINITY OF MCCASKILL RD., DUNDEE RD., AND COMMUNITY RD.
(COTTAGE PROFESSIONAL)**

The Manager explained the need for Ordinance #07-29. Councilmember Fallon moved that Ordinance #07-29 be adopted, and Councilmember Tweed seconded the motion.

Mayor Smith asked the clerk to poll the Council:

Councilmember Tweed- yes
Councilmember Lapins- yes
Councilmember Fallon- yes
Mayor Pro-Tem Hillier- yes
Mayor Smith- yes

Ordinance #07-29 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

12-B. ORDINANCE #07-30: AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED WITHIN THE VICINITY OF MAGNOLIA RD., MCCASKILL RD., RATTLESNAKE RD., DUNDEE RD., AND COMMUNITY RD. (MIXED USE)

The Manager explained the need for Ordinance #07-30. Councilmember Lapins moved that Ordinance #07-30 be adopted, and Councilmember Hillier seconded the motion.

Mayor Smith asked the clerk to poll the Council:

Councilmember Tweed- yes
Councilmember Lapins- yes
Councilmember Fallon- yes
Mayor Pro-Tem Hillier- yes
Mayor Smith- yes

Ordinance #07-30 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

12-C. ORDINANCE #07-31: AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED WITHIN THE VICINITY OF MAGNOLIA RD., MCCASKILL RD., CADDELL RD. (RESIDENTIAL)

The Manager explained the need for Ordinance #07-31. Councilmember Lapins moved that Ordinance #07-31 be adopted, and Councilmember Fallon seconded the motion.

Mayor Smith commented that there had been a lot of input in determining the maximum development density figure for this area. The old zoning allowed approximately 17 units per acre, and the new zoning allows approximately 20 units per acre. The benefit is that leaving the old zoning and allowing single family houses to be constructed would be harmful because there would be more road cuts for driveways and lots would probably have to be clear cut to allow construction.

Mayor Smith asked the clerk to poll the Council:

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Councilmember Tweed- yes
Councilmember Lapins- yes
Councilmember Fallon- yes
Mayor Pro-Tem Hillier- yes
Mayor Smith- yes

Ordinance #07-31 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

13. ORDINANCE #07-28: AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF PINEHURST, NORTH CAROLINA. (PUBLIC SERVICES LAND)

The Manager explained the need for the Ordinance #07-28. Councilmember Fallon moved that Ordinance #07-28 be adopted, and Councilmember Tweed seconded the motion. Mayor Smith asked the clerk to poll the Council:

Councilmember Tweed- yes
Councilmember Lapins- yes
Councilmember Fallon- yes
Mayor Pro-Tem Hillier- yes
Mayor Smith- yes

Ordinance #07-28 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. OTHER BUSINESS.

There was none.


15. COMMENTS FROM ATTENDEES.

There were none.

16. ADJOURNMENT.

Councilmember Hillier moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Fallon and carried unanimously. The Regular Meeting adjourned at 1:40 p.m.

Respectfully Submitted,


Linda S. Brown, CMC
Village Clerk