

**PINEHURST**  
**VILLAGE COUNCIL**  
**WORK SESSION AGENDA**  
**SEPTEMBER 13, 2011**  
**4:30 P.M.**  
**CONFERENCE ROOM**  
**VILLAGE HALL**  
**PINEHURST, NORTH CAROLINA**

1. Call to Order.
2. 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.
3. Motion to adjourn the Closed Session and re-enter the Work Session.
4. Call to Order of Work Session (5:30 pm.).
5. Reports –
  - Manager
  - Council
6. **Presentation:** North Carolina Downtown Development Association Final Report.
7. **Presentation:** Quarterly Financial Report.
8. **Presentation:** North Carolina Awards for Excellence (NCAfE).
9. **Action:** Review of updated Municipal Code and Adoption of Ordinance #11-25 Enacting a Code of Ordinances for the Village of Pinehurst, North Carolina.
10. **Action:** Ordinance #11-26: An Ordinance Amending Section 130 of the Pinehurst Municipal Code as it pertains to the discharge of firearms within the corporate limits. (Annie Oakley Boom Days), and consideration of co-sponsorship request.
11. **Action:** Resolution #11-27: A Resolution Exempting a contract for engineering services from G.S. 143-64.31 and 32. (HUA Tufts Garden).
12. **Action:** Motion to authorize execution of a contract for solid waste services (Pinewild).
13. **Action:** Motion to amend the Fees and Charges Policy. (Fuel sales)
14. **Discussion:** Disposal of old Fire Station 91.
15. Preview of Regular Meeting Agenda.
16. Other Business.
17. Comments from attendees.
18. Adjournment.

**VILLAGE OF PINEHURST  
VILLAGE COUNCIL  
WORK SESSION  
September 13, 2011**

**395 MAGNOLIA ROAD  
CONFERENCE ROOM  
PINEHURST, NORTH CAROLINA  
4:30 P.M.**

The Pinehurst Village Council held a Work Session at 4:30 Tuesday, September 13, 2011 in the Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Virginia F. Fallon, Mayor  
Ms. Joan M. Thurman, Mayor Pro-Tem  
Ms. Nancy Roy Fiorillo, Councilmember  
Mr. Douglas A. Lapins, Councilmember  
Mr. Mark W. Parson, Councilmember  
Mr. Andrew M. Wilkison, Village Manager  
Ms. Linda S. Brown, Village Clerk  
And approximately 40 attendees, including 4 staff and 1 press.

**1. Call to Order (4:30 p.m.).**

Mayor Virginia F. Fallon called the meeting to order.

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

Councilmember Thurman 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 Parson and carried unanimously.

**GENERAL ACCOUNT**

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

**3. Motion to adjourn the Closed Session and Reconvene in Open Session at 5:30 p.m.**

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

**4. Call to Order of Work Session (5:30 p.m.)**

Mayor Virginia F. Fallon called the meeting to order.

**5. Reports:**

– Manager

**VILLAGE OF PINEHURST  
VILLAGE COUNCIL  
WORK SESSION  
September 13, 2011**

The Manager reported that the sewer rehabilitation project in Old Town and around Lake Pinehurst is going forward. There is a link from the Village website that will allow citizens to follow the project as it progresses.

**- Council**

- **Mayor Pro-Tem Thurman** reported that she had attended the Moore County Transportation meeting along with Councilmember Fiorillo and Director of Planning and Inspections Andrea Correll. The group has divided into two smaller focus groups depending on the area of most interest. The Western Connector focus group will make a presentation to the entire group at their meeting at noon on September 21, 2011 at the Agriculture Building in Carthage. This group includes Foxfire Village, Southern Pines, Aberdeen, Pinehurst and Moore County. The U.S. 15-501 focus group will make a presentation to the entire group at their meeting at 10 a.m. on September 28, 2011 at the Senior Center.

**6. Presentation North Carolina Downtown Development Association Final Report.**

NC Downtown Development Association team members Mr. Lew Holloway and Mr. Rodney Swink presented their Final Report from their site visit on August 15-17, 2011. (Copy of the NCDDA Final Report is in the Minute File.)

Note: Councilmember Parson left the meeting at the conclusion of this presentation at 6:55 p.m.. His absence from the remainder of the meeting was excused.

**7. Presentation of Quarterly Financial Report.**

Assistant Manager Natalie Dean presented the Financial Statements for the Twelve Months Ended June 30, 2011 and the Quarterly Investment Report for the Quarter Ended June 30, 2011. (Copies of these reports and a memo prepared by Assistant Manager Natalie Dean dated September 1, 2011 are in the Minute File.)

**8. North Carolina Awards for Excellence (NCAfE).**

Assistant Manager Natalie Dean presented information concerning the North Carolina Awards for Excellence program. Consensus of Council was to support participation in Level 1 of the NCAfE Program. (Copies of the PowerPoint presentation entitled "Performance Excellence Journey Proposal" and a letter from Ms. Kami Baggett, Regional Manager, N.C. State University Industrial Extension Service dated August 11, 2011 regarding a proposed Statement of Work and Service Agreement from that group to provide a Level 1 Collaborative Assessment is in the Minute File.)

**9. Review of updated Municipal Code and Adoption of Ordinance #11-25: An Ordinance Enacting a Code of Ordinances for the Village of Pinehurst, North Carolina Revising, Amending, Restating, Codifying and Compiling Certain Existing General Ordinances of the Village of Pinehurst Dealing with Subjects Embraced in Such Code of Ordinances.**

Assistant Manager Natalie Dean explained the need for the Ordinance #11-25. Upon the motion of Councilmember Lapins, seconded by Councilmember Thurman, Ordinance #11-25 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File. Copy of a memo from Assistant Manager Natalie Dean dated September 1, 2011 is in the Minute File.)

**10. Ordinance 11-26: An Ordinance Amending Section 130 of the Pinehurst Municipal Code As It Pertains to the Discharge of Firearms Within the Corporate Limits of the Village of Pinehurst.**

**VILLAGE OF PINEHURST  
VILLAGE COUNCIL  
WORK SESSION  
September 13, 2011**

The Manager explained the need for Ordinance #11-26. Upon the motion of Councilmember Thurman, seconded by Councilmember Lapins, Ordinance #11-26 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File. Copy of a memo from Assistant Manager Natalie Dean dated September 8, 2011 is in the Minute File.)

Tim and Carla St. Germain addressed the Council regarding the Annie Oakley Boom Days event scheduled for October 8, 2011 at the 1-mile track at the Harness Track. They stated that they want the event to become an annual one and have a home each year at the Harness Track. They requested a co-sponsorship with the Village as typically done for other events. Council instructed Director of Parks and Recreation Mark Wagner to meet with Tim and Carla St. Germain to work out the Letter of Agreement that is typically done for co-sponsorship of an event.

**11. Resolution #11-27: A Resolution to Exempt Procurement of Professional Engineering and Surveying Services from the Model Code for Procurement for Architectural, Engineering, and Surveying Services (NCGS 143-64.31 & 32).**

The Manager explained the need for Resolution #11-27. Upon the motion of Councilmember Fiorillo, seconded by Councilmember Lapins, Resolution # 11-27 was unanimously approved by a vote of 4-0. (Copy of the resolution is found in the Resolution Book and in the Minute File. Copy of a memo from Assistant Manager Jeff Batton dated August 24, 2011 is found in the Minute File.)

**12. Motion to authorize execution of a contract for solid waste services (Pinewild).**

The Manager explained the need for Council action to execute a First Amendment to the Solid Waste Contract between Waste Management of the Carolinas and the Village. Councilmember Lapins moved to authorize the Mayor or her designee to execute the First Amendment to the Solid Waste Contract between Waste Management of the Carolinas and the Village of Pinehurst thereby extending the solid waste contract for serving the Pinewild Country Club neighborhood until June 30, 2013. Councilmember Fiorillo seconded the motion which carried unanimously by a vote of 4-0. (Copies of the contract and a memo from Assistant Manager Jeff Batton dated August 12, 2011 are in the Minute File.)

**13. Motion to authorize execution of a contract for fuel sales to Moore County and to amend the Fees and Charges Schedule.**

The Manager explained the need for the contract and the amendment to the Fees and Charges Schedule. Councilmember Thurman moved that the Village Manager be authorized to execute the fuel sale contract with Moore County as presented and that the fuel surcharge be removed from the Administration Section of the Village of Pinehurst Fees and Charges Schedule. Councilmember Lapins seconded the motion which carried unanimously by a vote of 4-0. (Copy of the contract is in the Minute File.)

**14. Discussion of Disposal of Old Fire Station 91.**

The Manager updated the Council about a meeting he had with Mr. David Wolff last week. Since the Environmental Study reported the presence of asbestos in the building and the possible existence of an underground storage tank behind the building, Mr. Wolff's group has stated that they prefer a long-term lease agreement instead of a contract to purchase the building. Once the property is leased, the group will propose a plan for both parties to share in the expense of improvements to the building. Alan Stagaard is examining the building now and will submit to the Council an estimate for the cost of the improvements. Consensus of Council was to go forward with the lease plan.

**VILLAGE OF PINEHURST  
VILLAGE COUNCIL  
WORK SESSION  
September 13, 2011**

**15. Preview of Regular Meeting Agenda.**

The Council previewed the Regular Meeting Agenda for September 27, 2011 and made no changes.

**16. Other Business.**

➤ **PDO Re-write Committee.**

Councilmember Fiorillo reported that the PDO Re-write Committee has met five times and has reached the point that they need some guidance from the Council. She suggested that this item be placed on the agenda for discussion at the September 27, 2011 Work Session. Consensus of Council was to do so.

**17. Comments from Attendees.**

**Doug Middaugh-**

- asked why residents were not warned about the tornado last week via the reverse 911 telephone software. Answer- there was not time to do so.
- asked if the prohibition for feeding wildlife made it into the new Municipal Code. Answer- the Municipal Code just adopted did not include any significant changes. Some proposed changes will be considered at a later date.
- asked if the Engineering plans for the sandlot are complete. Answer- they are ongoing.
- noted that the National Park Service will probably have input concerning changes to old Fire Station 91. Answer- they cannot comment on changes made inside buildings.

**John Marcum-**

- reported on the progress of his appeal to the closing of the Post Office.
- noted that the curbside mail boxes being erected by citizens are different colors and asked if Council could request that the Historic Commission issue guidelines to make them more uniform. Answer- staff can oversee only mailboxes in the business district. Mr. Marcum replied that he meant the NC Historic Commission, not the Pinehurst Commission.
- reported that the Wall Street Journal had contacted him concerning the disproportionate number of Post Office closings in historical districts and told him that the Pinehurst Post Office is the only one slated to be closed that is in a National Landmark District. He invited Councilmembers to contact him if they would like to join in the appeal of the closure.
- noted that the preparations are going forward for making streetscape and Village Green changes despite a letter from the National Park Service concerning our National Landmark Status. Have we done the study requested by the NPS? He proposed that the Council stop going forward with changes and fund the study requested by the NPS. Answer- the study will cost \$100,000 and will not provide any protection to us concerning the Landmark Status.

**Councilmember Fiorillo-**

- noted that she too would have loved to have the Pinehurst Post Office located in Old Town forever, but you cannot keep spending money we do not have. Council felt an appeal was not warranted.
- reported that she has read and studied the Federal Regulations regarding the National Landmark status and feels the proposals we are making are minor and will not jeopardize our Landmark Status.

**18. Adjournment.**

**VILLAGE OF PINEHURST  
VILLAGE COUNCIL  
WORK SESSION  
September 13, 2011**

Councilmember Fiorillo moved to adjourn the Work Session. The motion was seconded by Councilmember Lapins and carried unanimously. The meeting adjourned at 8:30 p.m.

Respectfully Submitted,

*Linda S. Brown*  
Linda S. Brown, CMC  
Village Clerk