

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF SEPTEMBER 25, 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 August 14 and 28, 2007
 - Regular Meeting of August 28, 2007
 - Closed Sessions of August 14 and 28, 2007
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, October 23, 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 Map Amendment to the Pinehurst Zoning Map. The proposed amendment would rezone 7.29 acres on Juniper Creek Blvd. being further identified as LRK # 22047.
6. Public Hearing # 2: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would change the definition for "Farmers' Market" as written in Section 2.2.
7. Public Hearing # 3: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would add definitions to Section 2.2.
8. Public Hearing # 4: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would add Section (i) Geothermal Heating and Cooling Closed Loop Systems and associated regulations to Section 10.2.10.2.
9. Public Hearing # 5: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would add item (f) to Section 10.2.6.4 to allow for and regulate the placement of solar panels.

10. Public Hearing # 6: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would add to Section 10.2.2.1 (a) to allow for and regulate the placement of solar panels within the PC, NC, OP and RMF zoning districts.
11. Adjourn Public Hearing and Re-Enter Regular Meeting.
12. Memo dated August 27, 2007- Director of Planning and Inspections Andrea Correll- Ordinance 07-34 (Concealed Wireless Text Amendments) is consistent with the Comprehensive Long-Range Plan.
13. Ordinance # 07-34: An Ordinance Amending the Pinehurst Development Ordinance As It Pertains to Section 2.2 Definitions, Section 10.2.1.3 SR-18 Accessory Uses and Section 10.2.1.3 SR-24 Telecommunications Towers.
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 Pinchurst held a Regular Meeting on Tuesday, September 25, 2007, at 1:00 p.m. in the Assembly Hall of the Pinchurst Village Hall, 395 Magnolia Road, Pinchurst, North Carolina with the following in attendance:

The Honorable Steven J. Smith, Mayor
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 35 persons in the audience.

Excused Absence- The Honorable George E. Hillier, Mayor Pro-Tem.

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 Draft Minutes:
 - Work Sessions of August 14 and 28, 2007
 - Regular Meeting of August 28, 2007
 - Closed Sessions of August 14 and 28, 2007
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, October 23, 2007 at 1:00 p.m.

End of Consent Agenda.

Councilmember Tweed 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 August 15, 2007 to September 15, 2007. The motion was seconded by Councilmember Lapins and carried unanimously.

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

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Councilmember Lapins 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 Tweed and carried unanimously.

5. PUBLIC HEARING # 1: OFFICIAL MAP AMENDMENT TO THE PINEHURST ZONING MAP. THE PROPOSED AMENDMENT WOULD REZONE 7.29 ACRES ON JUNIPER CREEK BLVD. BEING FURTHER IDENTIFIED AS LRK # 22047.

Comments:

Director of Planning and Inspections Andrea Correll introduced and gave the background for the rezoning request. She read her memo dated September 25, 2007 stating that the rezoning request is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the memo is in the Minute File.)

Louise Valure, 13 Juniper Creek Blvd., Pinehurst, stated that one of the lots proposed for rezoning (near the dam and across the street from Shenecossett Lane) has a sight distance problem for a driveway. For safety reasons, she suggested allowing only one driveway, not three.

Mayor Smith noted that staff had presented this information to Council this morning. Driveway placement is not a Council decision. When the application for a driveway comes to the technical review team for approval, they will consult the Engineering Manual and past history on similar situations. If any kind of condition is placed on the driveway permit, it would be done there.

Sandy Williams, 22 Juniper Creek Blvd., Pinehurst, pointed out that one of the lots comes up near the dam. Who owns the dam? If it fails, who pays? Answer- the resort.

Katherine Stevenson, 1 Scarborough Place, Pinehurst, stated that she opposes this rezoning. There is so little open land left in # 6, and open land is needed for recreational facilities. Each zoning change matters.

Jackie Lundberg, owner of the property who resides at 105 Stoneykirk Drive, Pinehurst, stated that she and her husband purchased the property in 1994 and have paid residential taxes on it since that time. They would not have purchased it if they had known it was zoned recreational. This action is an effort to get the land back to what it was before they bought it.

Mrs. Lundberg pointed out that there are over 100 lots that have driveways on Juniper Creek Blvd., and 40 have double driveways. A cul-de-sac would destroy the lots and harm us financially. 7.29 acres seems like a lot of land, but not all is usable due.

Louise Valure noted that there are three lots being made from one large tract. There are choices available; we need to look closely at the location of driveways.

Regina Ferrante, Glen Abbey Trail, Pinehurst, stated that she is worried about flood damage, erosion and wetlands as these lots are built upon. Not all of the land is usable.

6. PUBLIC HEARING # 2: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE. THE PROPOSED AMENDMENT WOULD CHANGE THE DEFINITION FOR "FARMERS' MARKET" AS WRITTEN IN SECTION 2.2.

Comments:

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Director of Planning and Inspections Andrea Correll introduced and gave the background for the proposed amendment to the Pinehurst Development Ordinance. She read her memo dated September 25, 2007 stating that the Farmer's Market text amendment to the PDO is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the memo is in the Minute File.)

Mayor Smith pointed out that the hospital promotes wellness. This market was approved a year ago; this request is only to add other items to be sold.

Barbara Bennett from FirstHealth added that this is part of their wellness program and they want to add to the list of items to be sold.

Doug Middaugh, 400 Pine Vista Dr., Pinehurst, pointed out that wording "such as" leaves the ordinance open to interpretation.

Director of Planning and Inspections Andrea Correll noted that the Farmers' Market is also intended to aid Moore County farmers in making the transition from raising tobacco.

Senior Planner Bruce Gould added that the listing is for "locally grown agricultural products," so the interpretation is not wide open.

Dr. Darrell Simpkins of FirstHealth, said FirstHealth encourages employees to become more healthy. This market adds to the health of Pinehurst.

7. PUBLIC HEARING # 3: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE. THE PROPOSED AMENDMENT WOULD ADD DEFINITIONS TO SECTION 2.2.

Comments:

Director of Planning and Inspections Andrea Correll introduced and gave the background for the proposed amendment to the Pinehurst Development Ordinance. She read her memo dated September 25, 2007 stating that the geothermal and solar panel text amendment to the PDO is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the memo is in the Minute File.)

Mike Smith, 4 Seasons Heating, 132 West Gate, West End, favors the amendments concerning geothermal heating and cooling. He came to answer any questions citizens might have concerning this heating and cooling method.

Mayor Smith stated that staff had done a good job educating the Council about this heating and cooling method.

8. PUBLIC HEARING # 4: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE. THE PROPOSED AMENDMENT WOULD ADD SECTION (I) GEOTHERMAL HEATING AND COOLING CLOSED LOOP SYSTEMS AND ASSOCIATED REGULATIONS TO SECTION 10.2.10.2.

Comments:

Director of Planning and Inspections Andrea Correll introduced and gave the background for the proposed amendment to the Pinehurst Development Ordinance. She read her memo dated

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September 25, 2007 stating that the geothermal text amendment to the PDO is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the memo is in the Minute File.)

Buster Fipps, 4 Seasons Heating, 132 West Gate, West End, stated that he favors the system. It is the best system for heating and cooling and is environmentally friendly.

Mike Smith did not speak.

9. **PUBLIC HEARING # 5: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE. THE PROPOSED AMENDMENT WOULD ADD ITEM (F) TO SECTION 10.2.6.4 TO ALLOW FOR AND REGULATE THE PLACEMENT OF SOLAR PANELS.**

Comments:

Director of Planning and Inspections Andrea Correll introduced and gave the background for the proposed amendment to the Pinehurst Development Ordinance. She read her memo dated September 25, 2007 stating that the solar panel text amendment to the PDO is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the memo is in the Minute File.)

Mayor Smith asked if this ordinance prohibited roof solar panels on the street and golf course side of houses.

Director of Planning and Inspections Andrea Correll answered that it does. The Planning Department is trying to be proactive on this issue. A new state law goes into effect on October 1, 2007 stating that municipalities cannot prohibit solar panels in single family residential zoning. This amendment would simply regulate them.

10. **PUBLIC HEARING # 6: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE. THE PROPOSED AMENDMENT WOULD ADD TO SECTION 10.2.2.1 (A) TO ALLOW FOR AND REGULATE THE PLACEMENT OF SOLAR PANELS WITHIN THE PC, NC, OP AND RMF ZONING DISTRICTS.**

Comments:

Director of Planning and Inspections Andrea Correll introduced and gave the background for the proposed amendment to the Pinehurst Development Ordinance. She noted that she had already read her memo dated September 25, 2007 stating that the solar panel text amendment to the PDO is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the memo is in the Minute File.)

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

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

12. **MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL - ORDINANCE #07-34 IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Fallon moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated August 27, 2007 as the Council statement that draft

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ordinances #07-34 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Lapins seconded the motion. The memo was unanimously approved by a vote of 4-0. (Copy of the memo is found in the Minute File.)

13. ORDINANCE #07-34: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS SECTION 10.2.1.3 SR-18 ACCESSORY USES AND SECTION 10.2.1.3 SR-24 TELECOMMUNICATIONS TOWERS.

The Mayor explained the need for Ordinance #07-34. Councilmember Lapins moved that ordinance #07-34 be adopted, and Councilmember Fallon seconded the motion. Ordinance #07-34 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

14. OTHER BUSINESS.

The Manager recognized guests from the Moore County Leadership Institute- who have been studying county and municipal government for the past month.

15. COMMENTS FROM ATTENDEES.

There were none.

16. ADJOURNMENT.

Councilmember Fallon moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Lapins and carried unanimously. The Regular Meeting adjourned at 1:45 p.m.

Respectfully Submitted,

Linda S. Brown

Linda S. Brown, CMC
Village Clerk