

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF SEPTEMBER 27, 2011
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. **Action:** Motion to Approve 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:
 - Special Meetings of August 15 and 17, 2011
 - Work Session of August 16, 2011
 - Regular Meeting of August 16, 2011
 - Closed Session of August 16, 2011
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, October 25, 2011 at 1:00 p.m.

End of Consent Agenda.

4. **Action:** Motion to Receive Budget Amendments Report to Council for the Period August 16, 2011 to September 15, 2011.
5. **Action:** Motion to Recess Regular Meeting and Enter Into a Public Hearing.
6. **Public Hearing #1:** Official text amendment to the Pinehurst Development Ordinance Section 10.2.1 Table of Permitted and Special Uses. This proposed amendment will allow Libraries and Museums as a use by right within the Public Conservation (PC) Zoning District. These uses are currently permitted as a minor special use. The applicant is the Village of Pinehurst.
7. **Public Hearing #2:** Official text amendment to the Pinehurst Development Ordinance Section 10.2.2.2 (a) Table of Dimensional Requirements. This proposed amendment will exempt Libraries and Museums from having to meet the side and rear setback requirement and reduce the front setback from 50 feet to 40 feet if located within the Public Conservation (PC) Zoning District. The current side and rear setback is 25 feet. This proposed amendment will also increase the allowable impervious surface for properties within the PC Zoning District containing a Library or Museum from 12% to 70%. The applicant is the Village of Pinehurst.
8. **Public Hearing #3:** Official text amendment to the Pinehurst Development Ordinance Section 10.2.4.3 (d) (1) Landscaping and Buffering. This proposed amendment will exempt properties located within the PC Zoning District and containing Libraries and Museums from having to meet the buffering requirements. The applicant is the Village of Pinehurst.
9. **Action:** Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
10. Other Business.
11. Comments from Attendees.
12. **Action:** Motion to Adjourn.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
SEPTEMBER 27, 2011**

**ASSEMBLY HALL – VILLAGE HALL
395 MAGNOLIA ROAD
PINEHURST, N. C.**

1:00 P.M.

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, September 27, 2011, at 1:00 p.m. in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina with the following in attendance:

The Honorable Virginia F. Fallon, Mayor
The Honorable Joan M. Thurman, Mayor Pro-Tem
The Honorable Nancy Roy Fiorillo
The Honorable Douglas A. Lapins
The Honorable Mark W. Parson
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 15 persons in the audience.

1. CALL TO ORDER.

Mayor Virginia F. Fallon called the meeting to order.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

Village Manager Andy Wilkison led in an invocation followed by the Pledge of Allegiance to the American flag led by Mayor Fallon.

3. 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:
 - Special Meetings of August 15 and 17, 2011
 - Work Session of August 16, 2011
 - Regular Meeting of August 16, 2011
 - Closed Session of August 16, 2011
- B. Public Safety Reports- Police and Fire Departments.
- C. Scheduling of Regular Meeting for Tuesday, October 25, 2011 at 1:00 p.m.

End of Consent Agenda.

Councilmember Thurman moved to approve all the items listed and considered routine on the Consent Agenda. The motion was seconded by Councilmember Lapins and the Consent Agenda was unanimously approved.

4. BUDGET AMENDMENTS REPORT TO COUNCIL.

Councilmember Lapins moved to receive the Budget Amendments Report to Council for the period August 16, 2011 to September 15, 2011. The motion was seconded by Councilmember Fiorillo and carried unanimously.

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

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
SEPTEMBER 27, 2011**

Councilmember Fiorillo 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 Thurman and carried unanimously.

6. **PUBLIC HEARING #1: Official Text Amendment To The Pinehurst Development Ordinance Section 10.2.1 Table Of Permitted And Special Uses. This Proposed Amendment Will Allow Libraries And Museums As A Use By Right Within The Public Conservation (PC) Zoning District. These Uses Are Currently Permitted As A Minor Special Use. The Applicant Is The Village Of Pinehurst.**

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendment to the Pinehurst Development Ordinance is consistent with the 2010 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated September 23, 2011 is in the Minute File.)

John Hoffman, Pinehurst resident, explained that his comments would cover all three Public Hearings. He expressed three points:

- Why is the Village bringing forth this change now? It appears to be spot zoning since the Given Library is the only library in town and the Tufts Archive is the only museum.
- Council is on record as saying they will not jeopardize the National Landmark Status. He feels this is circumventing the Board of Adjustment. The library and museum should apply for a variance.
- The November election will elect a mayor and two councilmembers. He feels this decision should be tabled until after the election.

Mayor Fallon stated that the business of the Village should go on; we should not suspend everything until after the election.

Director of Planning and Zoning Andrea Correll pointed out that spot zoning has to do with a zoning map change. This is a text amendment to the Pinehurst Development Ordinance.

7. **PUBLIC HEARING #2: Official Text Amendment To The Pinehurst Development Ordinance Section 10.2.2.2 (A) Table Of Dimensional Requirements. This Proposed Amendment Will Exempt Libraries And Museums From Having To Meet The Side And Rear Setback Requirement And Reduce The Front Setback From 50 Feet To 40 Feet If Located Within The Public Conservation (PC) Zoning District. The Current Side And Rear Setback Is 25 Feet. This Proposed Amendment Will Also Increase The Allowable Impervious Surface For Properties Within The PC Zoning District Containing A Library Or Museum From 12% To 70%. The Applicant Is The Village Of Pinehurst.**

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendment to the Pinehurst Development Ordinance is consistent with the 2010 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated September 23, 2011 is in the Minute File.)

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
SEPTEMBER 27, 2011**

Doug Middaugh, Pinehurst, stated that he understands the need for the building expansion and the changes to the setback requirements, but he feels the sidewalks should be within the building envelope.

8. **PUBLIC HEARING #3: Official Text Amendment To The Pinehurst Development Ordinance Section 10.2.4.3 (d) (1) Landscaping And Buffering. This Proposed Amendment Will Exempt Properties Located Within The PC Zoning District And Containing Libraries And Museums From Having To Meet The Buffering Requirements. The Applicant Is The Village Of Pinehurst.**

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendment to the Pinehurst Development Ordinance is consistent with the 2010 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated September 23, 2011 is in the Minute File.)

Councilmember Fiorillo asked if the Planning and Zoning Board approved all three proposed amendments.

Director of Planning and Inspections Andrea Correll replied that they did.

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

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

10. **OTHER BUSINESS.**

- **MEMO- PREPARED BY DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- ORDINANCE #11-27 IS CONSISTENT WITH THE 2010 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Fiorillo moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated September 23, 2011 as the Council statement that draft ordinance #11-27 is consistent with the Village of Pinehurst's 2010 Comprehensive Long-Range Plan. Councilmember Thurman seconded the motion, which was unanimously approved by a vote of 5-0. (Copy of the memo is found in the Minute File.)

ORDINANCE #11-27: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.1 TABLE OF PERMITTED AND SPECIAL USES- LIBRARIES AND MUSEUMS AS A USE BY RIGHT IN THE PC ZONING DISTRICT.

The Manager explained the need for the Ordinance #11-27. Upon the motion of Councilmember Fiorillo, seconded by Councilmember Thurman, Ordinance #11-27 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

- **MEMO- PREPARED BY DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- ORDINANCE #11-28 IS CONSISTENT WITH THE 2010 COMPREHENSIVE LONG-RANGE PLAN.**

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
SEPTEMBER 27, 2011**

Councilmember Thurman moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated September 23, 2011 as the Council statement that draft ordinance #11-28 is consistent with the Village of Pinehurst's 2010 Comprehensive Long-Range Plan. Councilmember Lapins seconded the motion, which was unanimously approved by a vote of 5-0. (Copy of the memo is found in the Minute File.)

- **ORDINANCE #11-28: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.2.2 (a) TABLE OF DIMENSIONAL REQUIREMENTS- LIBRARIES AND MUSEUMS SETBACKS AND IMPERVIOUS SURFACE REQUIREMENT.**

The Manager explained the need for the Ordinance #11-28. Upon the motion of Councilmember Thurman, seconded by Councilmember Lapins, Ordinance #11-28 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

- **MEMO- PREPARED BY DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- ORDINANCE #11-29 IS CONSISTENT WITH THE 2010 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Lapins moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated September 23, 2011 as the Council statement that draft ordinance #11-29 is consistent with the Village of Pinehurst's 2010 Comprehensive Long-Range Plan. Councilmember Fiorillo seconded the motion, which was unanimously approved by a vote of 5-0. (Copy of the memo is found in the Minute File.)

- **ORDINANCE #11-29: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.4.3 LANDSCAPE AND BUFFERING.**

The Manager explained the need for the Ordinance #11-29. Upon the motion of Councilmember Lapins, seconded by Councilmember Fiorillo, Ordinance #11-29 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

- **COMMENTS REGARDING JUST ADOPTED ORDINANCES.**

- **Councilmember Fiorillo** stated that the Council feels this is the best solution to the problem. The walkways will be on public property and will be able to serve both pedestrians enjoying the Village Green, and patrons of the library, just like walkways and sidewalks serve businesses in the Village Center.
- **Mayor Fallon** stated that she too, based on conversations with Village Attorney Mike Newman, felt that coordinating pedestrian walkways in the Village Green with any access needs of the library was a reasonable plan and beneficial to citizens and library patrons, and that she fully supported the concept.
- **Alan Stagaard** added that it is very difficult to define a walkway as an access rather than just a walkway.
- **Councilmember Lapins** asked that the record show that changing the front setback requirement is only making what is already there match the code. The building will not be moved from its present location.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
SEPTEMBER 27, 2011**

11. COMMENTS FROM ATTENDEES.


Doug Middaugh asked if the five intersections on NC 211 are going to be designated gateways, shouldn't the intersection with Monticello have the same designation.

Councilmember Fiorillo replied that all five intersections on NC 211 are not gateways, only the intersection at NC 211 and NC 5.

12. ADJOURNMENT.

Councilmember Thurman moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Lapins and carried unanimously. The Regular Meeting adjourned at 1:20 p.m.

Respectfully Submitted,


Linda S. Brown, CMC