

PINEHURST
VILLAGE COUNCIL
WORK SESSION AGENDA
OCTOBER 10, 2006
5:30 P.M.
ASSEMBLY HALL
VILLAGE HALL
PINEHURST, NORTH CAROLINA

1. Call to Order.
2. Presentations.
3. Motion to enter Public Hearing.
4. Public Hearing #1: Official Text Amendment to Section 10.2.11 Flood Damage Prevention Standards of the PDO. This amendment is necessitated by new rules of the state and federal government in regard to floodplain protection.
5. Public Hearing #2: A preliminary resolution stating the intent of the Village of Pinehurst to consider assessing storm drainage system improvements associated with the Pond #1 Dam at Queen's Court, in the Village of Pinehurst, North Carolina.
6. Motion to adjourn Public Hearing and recess meeting until reconvened in conference room.
7. Reconvene work session in conference room.
8. Reports – Manager
- Council
9. Presentation from Audrey Moriarty on “A Year of Moore Exploration” (MCAL: Moore County Area Libraries).
10. Resolution #06-25: A Resolution Honoring the Service of Lt. Gen. William E. Thurman, USAF (Ret.) to the Village of Pinehurst Planning and Zoning Board.
11. Resolution #06-26: A Resolution Honoring the work and contributions of the NewCore Master Planning Team to the Village of Pinehurst.
12. Resolution #06-27: A Resolution appointing a Chairman for the Village of Pinehurst Planning and Zoning Board (Mr. Art Chalker).

13. Ordinance #06-27: An Ordinance Amending the Budget of the Village of Pinehurst (Workers' Compensation Expense).
14. Motion adopting the Statement of Village Planner Bruce Gould with regard to the new Flood Damage Prevention Ordinance and the new Flood Insurance Rate Maps for the Village of Pinehurst.
15. Ordinance #06-28: An Ordinance Adopting a Flood Damage Prevention Ordinance and Flood Insurance Rate Maps for the Village of Pinehurst.
16. Ordinance #06-29: An Ordinance Amending the Pinehurst Development Ordinance as it pertains to Section 10.2.11 Flood Damage Prevention Standards.
17. Preview of Public Hearing Items and Regular Meeting Agenda, including discussion of façade materials for residential exterior walls.
18. Other business.
19. Comments from attendees.
20. Closed session pursuant to NCGS 143-318.11.(a) (5). To instruct the Village's staff with regard to the Village's position in negotiating the price and other material terms of a proposed contract for the acquisition of real property.
21. Adjournment.

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**395 MAGNOLIA ROAD
CONFERENCE ROOM
PINEHURST, NORTH CAROLINA
5:30 P.M.**

The Pinehurst Village Council held a Work Session at 5:30 p.m., Tuesday, October 10, 2005 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Mr. Steven J. Smith, Mayor
Mr. George E. Hillier, Mayor Pro-Tem
Ms. Virginia F. Fallon, Councilmember
Mr. Douglas A. Lapins, Councilmember
Ms. Lorraine A. Tweed, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 20 attendees, including 5 staff and 2 press

1. Call to Order.

Mayor Steven J. Smith called the meeting to order.

2. Presentations.

Village Manager Andy Wilkison recognized the extraordinary service to the Village of five individuals for managing the entire process of construction of the new Fire Station. As a token of appreciation, Joe Mills, Robert Southers, Jimmy McCaskill, Natalie Dean and Jeff Batton were presented a framed photograph of the new fire station.

3. Motion to Enter Public Hearing.

Councilmember Fallon moved to recess the Work Session and enter into a Public Hearing on Planning and Zoning and Other Matters. The motion was seconded by Councilmember Tweed and carried unanimously.

4. PUBLIC HEARING #1: Official Test Amendment to Section 10.2.11 Flood Damage Prevention Standards of the PDO. This amendment is necessitated by new rules of the state and federal government in regard to floodplain protection.

Comments:

Village Planner Bruce Gould introduced the topic and gave the background of today's Public Hearing. In August the Village Council held a Public Hearing to receive comment on the new Flood Insurance Rate maps prepared by the Federal Emergency Management Agency. Today we will receive comment on deleting certain references in PDO Section 10.2.11 to Flood Damage Prevention Standards. To replace those references in the PDO, we will adopt a stand-alone ordinance for Flood Damage Prevention. FEMA has provided a model for use to draft this new ordinance.

Councilmember Lapins asked if there had been any negatives presented by anyone with reference to the maps. Answer by Bruce Gould- no.

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Define a "flood plain." Answer by Bruce Gould- "Floodplain" means any land area susceptible to being inundated by water from any source. A Floodplain is the result of an engineering study that determines the volume of water during a 100 year storm.

Can we tell from the maps where these areas are? Answer by Bruce Gould- yes. The blue areas on the maps provided.

Mayor Smith explained that if we do not adopt the maps, citizens may not participate in flood insurance plans.

Doug Middaugh, Pinhurst, read portions of a prepared statement. See document #1 which is hereby incorporated by reference and made a part of these minutes.

5. **PUBLIC HEARING #2: A preliminary resolution stating the intent of the Village of Pinhurst to consider assessing storm drainage system improvements associated with the Pond #1 Dam at Queen's Court, in the Village of Pinhurst, North Carolina.**

Comments:

Assistant Village Manager of Finance and Administration Natalie Dean introduced the topic and gave the background of today's Public Hearing. On September 12 the Village Council adopted Resolution 06-24: A Preliminary Resolution Stating the Intent of the Village of Pinhurst to Consider Assessing Storm Drainage System Improvements Associated with the Pond #1 Dam at Queen's Court in the Village of Pinhurst, North Carolina. Today's Public Hearing is to receive comment on that resolution.

Doug Middaugh, Pinhurst, read portions of a prepared statement. See document #2 which is hereby incorporated by reference and made a part of these minutes.

6. **Motion to adjourn Public Hearing and recess meeting until reconvened in Conference Room.**

There being no further discussion, Councilmember Hillier moved to adjourn the Public Hearing and recess the meeting until reconvened in the Conference Room. Councilmember Lapins seconded the motion and it carried unanimously.

7. **Reconvene Work Session in Conference Room.**

Mayor Smith called the Work Session back to order.

8. **Reports:**

- **Manager**

- **Audrey Moriarty presentation.**

The Manager reported that Audrey Moriarty would make a presentation to Council at tonight's meeting.

- **Planned Power Outage.**

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The Manager reported that the planned power outage conducted by Progress Energy on Sunday and Monday went well. The updates will be good for the Village.

- **October 24, 2006 Work Session Agenda.**

The Manager reported that the Comprehensive Annual Financial Report, the Quarterly Operating Report, the Quarterly Financial Report, a status report on the Western Connector Feasibility Study, and a report on the proposed recreation center are all on the agenda for the October 24, 2006 Work Session agenda.

- **Builders' Seminar.**

The Manager reported that there will be another Builder's Seminar held in the Assembly Hall of Village Hall on Thursday, October 13, 2006 from 3 to 5 p.m. Topics include new architectural standards, landscaping standards and Local Historic District standards. There is also a Planning and Zoning meeting at 4 p.m.

- **Council**

- **Councilmember Lapins** asked for clarification on the method to be used by citizens to request a speed limit change. Answer- the first step is usually a letter requesting the change. Next we ask the Police Department to monitor the street without being obvious about it. The Police Department then makes a recommendation. Every case is evaluated on its own merit, but generally streets that are through streets are not looked upon favorably for a speed limit reduction.

- **Mayor Smith** asked for clarification on the memos concerning amendments to the Pinehurst Development Ordinance that Council receives from Planning and Inspections staff. Answer- Council will routinely receive two memos- one from the Planning and Zoning Board recommending action on an amendment to the PDO and one from Director of Planning and Inspections Andrea Correll which will be the official statement that a proposed change to the Pinehurst Development Ordinance is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Only the memo from Andrea Correll will need Council action.

- **Councilmember Tweed-**

-announced that the Pinehurst Greenway Trail System has been designated a "Certified Wildlife Backyard" by the National Wildlife Federation.

-reported that the Conservation Commission would have a table at the Holly Arts and Crafts Festival on October 21, 2006.

-reported that there will be a preservation lecture at Sandhills Community College on October 26, 2006.

-reported that she will attend the transportation meeting on October 19, 2006.

-reported speaking to Community Appearance Commission Chairman Norm Brown. The CAC will sponsor a cul-de-sac landscaping contest. Information will be distributed in the spring.

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- **Councilmember Fallon** reported that the Greenway Committee has been discussing the need for a brick sidewalk extending from the hotel to the Manor Inn. They are now looking for ways to fund the project.

9. Presentation from Audrey Moriarty on “Year of Moore Exploration” (MCAL: Moore County Area Libraries).

Audrey Moriarty presented information on “2007- The Year of Moore Exploration,” an offshoot of the national literacy program. There will be a book to be read each quarter and activities occurring which relate to the book. (Information concerning the project is in the Minute File.)

10. Resolution #06-25: A Resolution Honoring the Service of Lt. Gen. William E. Thurman, USAF (Ret.) to the Village of Pinchurst Planning and Zoning Board.

The Manager explained the need for Resolution #06-25. Upon the motion of Councilmember Hillier, seconded by Councilmember Tweed, Resolution # 06-25 was unanimously approved as amended by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

11. Resolution #06-26: A Resolution Honoring the Work and Contributions of the NewCore Master Planning Team to the Village of Pinchurst.

The Manager explained the need for Resolution #06-26. Upon the motion of Councilmember Hillier, seconded by Councilmember Tweed, Resolution # 06-26 was unanimously approved by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

12. Resolution #06-27: A Resolution Appointing a Chairman for the Village of Pinchurst Planning and Zoning Board (Mr. Art Chalker).

The Manager explained the need for Resolution #06-27. Upon the motion of Councilmember Tweed, seconded by Councilmember Lapins, Resolution # 06-27 was unanimously approved as amended by a vote of 5-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

13. Ordinance #06-27: An Ordinance Amending the Ordinance Appropriating Funds for Operations of the Village of Pinchurst Regarding Revenues and Expenditures of the General Fund for the Village of Pinchurst, North Carolina (Re-allocate Workers’ Compensation Expenditures).

The Manager explained the need for the Ordinance #06-27. Upon the motion of Councilmember Lapins, seconded by Councilmember Fallon, Ordinance #06-27 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

14. Motion Adopting the Statement of Village Planner Bruce Gould with regard to the new Flood Damage Prevention Ordinance and the new Flood Insurance Rate Maps for the Village of Pinchurst.

Councilmember Lapins moved that the statement of Village Planner Bruce Gould regarding the new Flood Damage Prevention Ordinance and the new Flood Insurance Rate Maps be adopted. Councilmember Hillier seconded the motion which was approved by a vote of 5-0. (Copy of the statement by Village Planner Bruce Gould is in the Minute File.)

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15. Ordinance #06-28: An Ordinance a Flood Damage Prevention Ordinance and Flood Insurance Rate Maps for the Village of Pinehurst.

The Manager explained the need for the Ordinance #06-28. Upon the motion of Councilmember Hillier, seconded by Councilmember Fallon, Ordinance #06-28 was unanimously approved as amended by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.).

16. Ordinance #06-29: An Ordinance Amending the Pinehurst Development Ordinance As It Pertains to Section 10.2.11 Flood Damage Prevention Standards.

The Manager explained the need for the Ordinance #06-29. Upon the motion of Councilmember Lapins, seconded by Councilmember Fallon, Ordinance #06-29 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.).

17. Preview of Public Hearing items and Regular Meeting Agenda, including discussion of façade materials for residential exterior walls.

The Council previewed the Regular Meeting Agenda for October 24, 2006 and made one change. Council requested that the proposed amendment to PDO Section 10.2.6.3.2 (3) be reworded. The new language will be available for inspection in the Planning and Inspections Department before the scheduled Public Hearing.

18. Other Business.

➤ **Color of Roll-out Solid Waste Can.**

Assistant Manager of Operations Jeff Batton recommended to Council use of 65- gallon marbled granite gray cans. By consensus, Council agreed to follow the staff recommendation for size and color of the cans.

19. Comments from Attendees.

Doug Middaugh-

-suggested that in light of the recent fire in Apex, the Village of Pinehurst, Southern Pines and Aberdeen need to inventory chemical storage sites within the towns.

-noted that the outlet pipes to all the dams in the Village are hazards to children. He suggested a grill to cover the mouth of the pipes or at least a sign warning of the danger of playing in the pipe.

-asked Council to consider carefully the comments just made at the Public Hearings.

Art Chalker expressed his appreciation for the vote of confidence in him by his election to the chairmanship of the Planning and Zoning Board.

20. Closed Session.

Councilmember Lapins moved to recess the Work Session and enter a Closed Session pursuant to NCGS 143-318.11 (a) (5): to instruct the Village's staff with regard to the Village's position in negotiating the price and other material terms of a proposed contract for the acquisition of real property. The motion was seconded by Councilmember Hillier and carried unanimously.

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GENERAL ACCOUNT

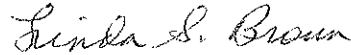
The Council and the Village Manager discussed the position to be taken by the Village Manager and the Assistant Manager for Operations in attempting to acquire land for the Public Services Facility.

Upon the conclusion of the Closed Session, Councilmember Lapins moved to adjourn the Closed Session and re-enter the Work Session. The motion was seconded by Councilmember Hillier and carried unanimously.

11. Adjournment.

Councilmember Lapins moved to adjourn the Work Session. The motion was seconded by Councilmember Hillier and carried unanimously. The meeting adjourned at 8:15 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk

October 10, 2006

Mr. Andrew M. Wilkison
Village Manager
The Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: October 10th, 2006 Village Council Public Hearing on Flood Prevention Standards

Dear Andy:

I am providing the following comments for the referenced Public Hearing and request that they be made part of the public record.

The proposed Pinehurst Development Ordinance (PDO) amendment, while necessary, fails to address specific needs of the Lake Pinehurst "Special Flood Hazard Area" (SFHA) uniquely identified in the new FEMA floodplain maps. It is clear from review of these maps, review of maps shown at www.ncfloodmaps.com and review of the "Village of Pinehurst Flood Study" conducted in November 2000 that numerous properties around Lake Pinehurst (LP) will be significantly impacted by a 1% storm. The 2000 study estimated that upwards of 55+ properties are affected by a 1% storm while the current FEMA maps reflect that virtually all properties around LP are in the SFHA and impacted in some manner. As such, I believe it appropriate that the Village Council take the following steps;

- A. Develop and publish a 1% storm emergency action plan including, but not limited to, a traffic routing plan given that Diamondhead and Sugargum are shown as being covered by storm water, LP level management with Resorts, etc.
- B. Remove traffic barriers on the Lake Pinehurst emergency spillway now impeding water flow.
- C. Develop a database of SFHA impacted LP properties including emergency contact information.
- D. Specifically notify all LP properties of their inclusion in the floodplain especially those 55+ properties that the village allowed to be built at the 412' level which is three feet below the current FEMA recommended level and located in the SFHA..
- E. Provide specific information to all LP properties wrt advantages of securing federally guaranteed flood insurance. Information should also include reference to www.ncfloodmaps.com for additional valuable information on topic.
- F. Establish a specific Village emergency contact recording to allow residents to call in for latest information concerning a pending/in progress emergency.
- G. Establish & publish contact information for Village managers responsible for emergency flood management.

I trust that these comments will be appropriately distributed to council and made part of the official meeting record.

Best regards,



Doug Middaugh
400 Pine Vista Drive
Pinehurst, NC 28374-9212

October 10, 2006

Mr. Andrew M. Wilkison
Village Manager
The Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: October 10, 2006 Village Council Public Hearing on Proposed MSD Special Assessment

Dear Andy:

We are providing the following comments for the referenced Public Hearing and request that they be made part of the public record.

Today's meeting is the latest event in a 14-year old tragedy concerning what is known as the Dams 1 and 2 Municipal Service District (MSD). We say tragedy for the simple reason that none of us would be here today if honesty and fairness were applied to a situation confronting the Village Administration and residents around these ponds 14 years ago and today. Unfortunately, the brokered agreement to resolve the matter was allowed to be breached by the then Village Administration, directly causing the special assessment proposed for the residents living around Ponds 1 and 2 today. There is little doubt that Dam 1 would not have been accepted by the Village in 1994 if the residents' request for the Dam to be "certified" by a professional engineer prior to acceptance had been honored.

We recognize that our prior statements are possibly unpopular; however, the following facts are indisputable:

1. It is a matter of record that the then Ponds 1 and 2 residents' representative requested, during a public meeting, that Dam 1 be certified prior to Village acceptance.
2. The then Village administration mandated an acceptance criterion that in no manner provided for the requested certification but, rather, provided only a superficial examination.
3. The then Village administration knowingly allowed ClubCorp to breach the property transfer terms and conditions, even with the reduced acceptance criterion.
4. Terms breached included failure to remove trees and shrubbery, as noted in NC inspection reports subsequently corrected by the recent Dam 1 restoration.
5. Totally over-looked by the then Village administration in its acceptance was the absolute fact that the then existing Dam 1 spillway was non-compliant to NC Standards, which was subsequently shown to be the major reason for the recent dam restoration.
6. The Village administration -- from the time of Dam 1 acceptance from ClubCorp to the start of the recent restoration -- performed no maintenance on the dam, thereby allowing the condition it allowed ClubCorp to breach to worsen.

7. Village attention to Dam 1 conveniently began one year after the statute of limitations expired.
8. The restoration costs for the project were allowed to significantly grow from approximately \$122K to \$522K.
9. The property comprising Dams 1 and 2 is fully accessible by all residents of Pinehurst and is used daily for walking, dog exercise, etc.
10. The *average* proposed assessment of approximately \$12K to each MSD member will directly cause a severe financial burden to some members to the extent of property foreclosure.
11. It should be recognized that, while the State of North Carolina did order the current restoration of Dam 1, the root cause for the restoration was nothing more than the failure of the 1994 Village Council to properly -- as the MSD residents requested -- have the dam certified prior to acceptance.
12. The end of the useful life of Dam 1 came about due to both prior owner (i.e., ClubCorp) and Village maintenance negligence plus the construction of Queens Court, none of which the current MSD members should be mandated to pay.

Facts are facts and, while quite possibly not liked or accepted by a very small minority of Pinehurst residents, we strongly believe that the majority of Pinehurst residents do support the abolishment of the MSD. We urge the current Pinehurst Village Council to now correct a situation that has existed far too long and end an unfair financial penalty to a very small number of Village residents that should have never occurred. Justification to continue financially penalizing 22 families should not be based on the incorrect application of 32-year old NC statute language or the avoidance of the previously-stated documented facts.

We trust that these comments will be appropriately distributed to the Village Council and made part of the official meeting record.

Best regards,



Judy and Doug Middaugh
400 Pine Vista Drive
Pinehurst, NC 28374-9212