

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF OCTOBER 23, 2007
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Presentation
3. 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 September 11 and 25, 2007
 - Regular Meeting of September 25, 2007
 - Closed Sessions of September 11 and 25, 2007
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, November 27, 2007 at 1:00 p.m.

End of Consent Agenda.

4. Budget Amendments Report to Council.
5. Recess Regular Meeting and Enter Into a Public Hearing.
6. Public Hearing # 1: Official Map Amendment to the Pinehurst Zoning Map. The proposed amendment would rezone ± 41 acres on Juniper Lake Road being further identified as LRK # 2016.
7. Public Hearing # 2: Official Text Amendment to the Pinehurst Development Ordinance. The proposed amendment would add Section 10.2.3.3 (j) to allow on-street parking for passive recreation uses.
8. Public Hearing # 3: To consider a temporary moratorium on the issuance of irrigation well development permits issued pursuant to Section 10.2.10.2 of the Pinehurst Development Ordinance within the zoning jurisdiction of the Village of Pinehurst.
9. Adjourn Public Hearing and Re-Enter Regular Meeting.
10. Memo dated September 25, 2007- Director of Planning and Inspections Andrea Correll- Ordinance 07-40 (Farmers' Market) is consistent with the Comprehensive Long-Range Plan.

11. Ordinance # 07-40: An Ordinance Amending the Pinehurst Development Ordinance As It Pertains to Section 2.2 Definitions. (Farmers' Market)
12. Memo dated October 4, 2007- Director of Planning and Inspections Andrea Correll- Ordinance 07-41 (Solar) is consistent with the Comprehensive Long-Range Plan.
13. Ordinance # 07-41: An Ordinance Amending the Pinehurst Development Ordinance As It Pertains to Section 2.2 Definitions, to Section 10.2.2.1 (a), and Section 10.2.6.4 Exterior Building Materials and Colors. (Solar)
14. Memo dated October 4, 2007- Director of Planning and Inspections Andrea Correll- Ordinance 07-42 (Geothermal) is consistent with the Comprehensive Long-Range Plan.
15. Ordinance # 07-42: An Ordinance Amending the Pinehurst Development Ordinance As It Pertains to Section 2.2 Definitions and to Section 10.2.10.2 Well Field Protection Regulations. (Geothermal)
16. Memo dated September 25, 2007- Director of Planning and Inspections Andrea Correll- Ordinance 07-43 (Zoning) is consistent with the Comprehensive Long-Range Plan.
17. Ordinance # 07-43: An Ordinance to Rezone 7.29 Acres of Property Located on Juniper Creek Road from RD to Conditional Use R-30.
18. Resolution 07-35: A Resolution Awarding a Contract for the Purchase of an Automated Solid Waste Vehicle for the Village of Pinehurst, North Carolina.
19. Ordinance # 07-39: An Ordinance of the Village of Pinehurst Establishing a Moratorium on the Drilling and/or Establishment of New Irrigation Wells in the Village of Pinehurst Zoning Jurisdiction.
20. Other Business.
21. Comments from Attendees.
22. Adjournment.

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OCTOBER 23, 2007**

**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, October 23, 2007, 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 Steven J. Smith, Mayor
The Honorable George E. Hillier, Mayor Pro-Tem
The Honorable Virginia F. Fallon
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. PRESENTATION.

Mayor Smith presented a Resolution and a paperweight bearing the emblem of the Pinehurst Centennial to Mrs. Betty Hurst honoring her service as a member of the Community Appearance Commission. (Copy of Resolution #07-34 is in the 2007 Resolution Book.)

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:

Work Sessions of September 11 and 25, 2007

Regular Meeting of September 25, 2007

Closed Sessions of September 11 and 25, 2007

B. Public Safety Reports- Police and Fire Departments.

C. Scheduling of Regular Meeting for Tuesday, November 27, 2007 at 1:00 p.m.

End of Consent Agenda.

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

4. BUDGET AMENDMENTS REPORT TO COUNCIL.

Councilmember Tweed moved to receive the Budget Amendments Report to Council for the period September 15, 2007 to October 15, 2007. The motion was seconded by Councilmember Hillier and carried unanimously.

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

Councilmember Hillier 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.

6. PUBLIC HEARING #1: Official Map Amendment to the Pinchurst Zoning Map. The proposed amendment would rezone ± 41 acres on Juniper Lake Road being further identified as LRK # 2016. The owner is the Village of Pinchurst.

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and submitted her memo dated October 23, 2007 stating that the proposed rezoning is consistent with the Pinchurst 2003 Comprehensive Long-Range Plan. (Copy of the memo is in the Minute File.)

7. PUBLIC HEARING #2: Official Text Amendment to the Pinchurst Development Ordinance. The Proposed amendment would add Section 10.2.3.3 (j) to allow on-street parking for passive recreation uses.

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and submitted her memo dated October 23, 2007 stating that the proposed rezoning is consistent with the Pinchurst 2003 Comprehensive Long-Range Plan. (Copy of the memo is in the Minute File.)

8. PUBLIC HEARING #3: To consider a temporary moratorium on the issuance of irrigation well development permits issued pursuant to Section 10.2.10.2 of the Pinchurst Development Ordinance within the zoning jurisdiction of the Village of Pinchurst.

Comments:

Village Manager Andy Wilkison stated that the idea of a moratorium was brought forward two weeks ago at the Council Work Session. The Public Hearing has been advertised in The Pilot according to the specifications listed in the North Carolina General Statutes. The Village has received a letter from Moore County Public Utilities stating their support of a moratorium. (Copy of the letter is in the Minute file.)

Sharon Behning of American Environmental Drilling expressed concern about the duration of the moratorium. If Pinchurst receives substantial rain before the six months is up, what happens?

Mayor Smith noted that substantial rain would not affect the aquifer.

Andy Wilkison stated that Moore County would need about a foot of rain before the draught would be over and noted that the ordinance includes language that permits Council to terminate the moratorium earlier if conditions change for the better.

Councilmember Fallon suggested that Moore County officials send a letter to all irrigation well owners to limit or suspend use of the wells.

Bill Thurman, Pinchurst, spoke in favor of passage of the moratorium ordinance. When it was working, the Well Field Protection Committee found that there are about 300-500 wells in Moore

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County and there is no control over their use. The committee had other concerns, including wells not conforming to state requirements, contamination of some wells, location of some wells within the 2,000 foot perimeter around production wells, and the fact that the estimate of the level of the aquifer is made in a well that is not in use. He feels it is prudent to stop drilling, and before drilling is again allowed state standards should be met.

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

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

10. MEMO DATED SEPTEMBER 25, 2007- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL - ORDINANCE #07-40 (FARMERS' MARKET) IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.

Councilmember Tweed moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated September 25, 2007 as the Council statement that draft ordinance 07-40 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Fallon seconded the motion, which was unanimously approved by a vote of 4-0. (Copy of the memo is found in the Minute File.)

11. ORDINANCE #07-40: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS. (FARMERS' MARKET)

The Planning Director explained the need for the Ordinance #07-40. Upon the motion of Councilmember Hillier, seconded by Councilmember Fallon, Ordinance #07-40 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

12. MEMO DATED OCTOBER 4, 2007- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- ORDINANCE #07-41 (SOLAR) 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 October 4, 2007 as the Council statement that draft ordinance 07-41 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Tweed seconded the motion, which was unanimously approved by a vote of 4-0. (Copy of the memo is found in the Minute File.)

13. ORDINANCE #07-41: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS, TO SECTION 10.2.2.1 (a) EXTERIOR BUILDING MATERIALS, AND TO SECTION 10.2.6.4 EXTERIOR BUILDING MATERIALS AND COLORS. (SOLAR)

The Planning Director explained the need for the Ordinance #07-41. Upon the motion of Councilmember Tweed, seconded by Councilmember Hillier, Ordinance #07-41 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

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14. **MEMO- DATED OCTOBER 4, 2007 BY DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- ORDINANCE #07-42 (GEOTHERMAL) IS 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 October 4, 2007 as the Council statement that draft ordinance 07-42 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Tweed seconded the motion, which was unanimously approved by a vote of 4-0. (Copy of the memo is found in the Minute File.)

15. **ORDINANCE #07-42: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS AND TO SECTION 10.2.10.2 WELL FIELD PROTECTION REGULATIONS. (GEOTHERMAL)**

The Planning Director explained the need for the Ordinance #07-42. Upon the motion of Councilmember Fallon, seconded by Councilmember Hillier, Ordinance #07-42 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

16. **MEMO- DATED SEPTEMBER 25, 2007- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- ORDINANCE #07-43 (ZONING) IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Tweed moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated September 25, 2007 as the Council statement that draft ordinance 07-43 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Fallon seconded the motion, which was unanimously approved by a vote of 4-0. (Copy of the memo is found in the Minute File.)

17. **ORDINANCE #07-43: AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED WITHIN THE VICINITY OF JUNIPER CREEK BOULEVARD AND SHENECOSSETT LANE IN THE GOLF COURSE # 6 COMMUNITY.**

The Planning Director explained the need for the Ordinance #07-43. Upon the motion of Councilmember Hillier, seconded by Councilmember Tweed, Ordinance #07-43 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

18. **RESOLUTION #07-35: A RESOLUTION AWARDED A CONTRACT FOR THE PURCHASE OF AN AUTOMATED SOLID WASTE VEHICLE FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA.**

The Manager explained the need for Resolution #07-35. Upon the motion of Councilmember Fallon, seconded by Councilmember Tweed, Resolution # 07-35 was unanimously approved by a vote of 4-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

19. **ORDINANCE #07-39: AN ORDINANCE OF THE VILLAGE OF PINEHURST ESTABLISHING A MORATORIUM ON THE DRILLING AND/OR ESTABLISHMENT**

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OF NEW IRRIGATION WELLS IN THE VILLAGE OF PINEHURST ZONING JURISDICTION.

The Manager explained the need for the Ordinance #07-39. Upon the motion of Councilmember Tweed, seconded by Councilmember Hillier, Ordinance #07-39 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

20. OTHER BUSINESS.

There was none.

21. COMMENTS FROM ATTENDEES.

Judy Borden asked for clarification of something said at today's Work Session concerning ETJ annexation.

Village Manager Andy Wilkison replied that he had alerted the Council that in the next 30 days they should expect some resolutions of consideration of areas to be considered for future annexation. A resolution of consideration is the first step toward annexation, and actual annexation would be years later. The annexation of Pinewild is a good example. That area was under consideration since 1987. Each resolution of consideration is valid for only two years and must be renewed.


Dick White asked for clarification of something said in today's Work Session also. If available, would the bond money's use to improve the water system in Pinehurst be a non-revenue producing project since no water bill money would come to Pinehurst?

Mayor Smith stated that this is a moot question since we do not have any bond money, and if we did, we would not be allowed to use it on something we do not own. It cannot be done.

22. ADJOURNMENT.

Councilmember Fallon moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Hillier and carried unanimously. The Regular Meeting adjourned at 1:35 p.m.

Respectfully Submitted,


Linda S. Brown, CMC
Village Clerk