

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF OCTOBER 28, 2009
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Presentation.
4. 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 8 and 22, 2009
 - Regular Meeting of September 22, 2009
 - Closed Sessions of September 8 and 22, 2009
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, November 17, 2009 at 1:00 p.m.

End of Consent Agenda.

5. Budget Amendments Report to Council.
6. Recess Regular Meeting and Enter Into a Public Hearing.
7. **Public Hearing #1:** Request for major site plan approval in order to construct a Hospice Facility at 251 Campground Rd. This property is in the R-20 (Single Family Residential) Zoning District, further identified by Moore County Tax Reference as LRK # 19168.
8. **Public Hearing #2:** Official text amendment to the Pinehurst Development Ordinance. This Amendment will add text to Section 12.2 which is currently a reserved section. The Purpose of this amendment is to create a new zoning district to be called the Pinehurst South Business Overlay District.
9. **Public Hearing #3:** Official Zoning Map Amendment. This request is to rezone ± 13 developed acres consisting of multiple properties located in the Pinehurst South Business Area. This area is bounded by NC Hwy 5, Blake Blvd and Monticello Rd. These properties are currently zoned NC (Neighborhood Commercial). The proposed map amendment would also zone these properties to the new Pinehurst South Business Overlay District.

10. **Public Hearing #4:** Official text amendment to the Pinehurst Development Ordinance. This Amendment will amend Section 10.2.4.4(a) Landscape Screens. The purpose of this amendment is to add an exception for screening the display of outdoor merchandise within the Historic Preservation Overlay District from sidewalks, streets and adjacent properties.
11. **Public Hearing #5:** Official text amendment to the Pinehurst Development Ordinance. This Amendment will amend Section 2.2 Definitions by adding a definition for A-Frame Signs, Wallboard signs, and pedestal signs; amend section 10.2.5.3 (h) & (m), amend section 10.2.5.9 and add section 10.2.5.9 (K). The Purpose of this amendment is to allow businesses within the Historic Preservation Overlay District to display A-Frame signs, wall board signs, and pedestal signs during business hours
12. Adjourn Public Hearing and re-enter Regular Meeting.
13. Memo- Director of Planning and Inspections Andrea Correll- dated September 22, 2009- Ordinance #09-37 Is Consistent With the 2003 Comprehensive Long-Range Plan.
14. Ordinance #09-37: An Ordinance Amending The Pinehurst Development Ordinance As It Pertains To Sections 10.2.5.3 and 10.2.5.6 Sign Regulations.
15. Presentation by Mr. Bill Wetmore on behalf of the Village Green Commission.
16. Other Business.
17. Comments from Attendees.
18. 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 Pinehurst held a Regular Meeting on Wednesday, October 28, 2009, 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 George P. Lane, Mayor
The Honorable Lorraine A. Tweed, Mayor Pro-Tem
The Honorable Jeffrey P. Dawson
The Honorable Virginia F. Fallon
The Honorable Joan M. Thurman
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 60 persons in the audience.

1. CALL TO ORDER.

Mayor George P. Lane called the meeting to order.

2. PLEDGE OF ALLEGIANCE AND INVOCATION.

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

3. PRESENTATION.

Councilmember Fallon presented a Resolution and a paperweight bearing the emblem of the Pinehurst Centennial to Mrs. Jane Deaton honoring her service as a member of the Planning and Zoning Board. (Copy of Resolution #09-24 is in the 2009 Resolution Book.)

4. 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 8 and 22, 2009

Regular Meeting of September 22, 2009

Closed Sessions of September 8 and 22, 2009

B. Public Safety Reports- Police and Fire Departments.

C. Scheduling of Regular Meeting for Tuesday, November 17, 2009 at 1:00 p.m.

End of Consent Agenda.

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

5. BUDGET AMENDMENTS REPORT TO COUNCIL.

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Council noted that there were no budget amendments processed for the period September 15, 2009- October 15, 2009, and thus there is no Budget Amendment Report.

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

Councilmember Thurman 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.

7. PUBLIC HEARING # 1: Request for major site plan approval in order to construct a Hospice Facility at 251 Campground Rd. This property is in the R-20 (Single Family Residential) Zoning District, further identified by Moore County Tax Reference as LRK # 19168.

Comments:

Mr. John Ramsey, design architect for the project, gave an overview of what is proposed using a PowerPoint presentation. (Disc copy of the PowerPoint presentation and the staff report regarding the request for Major Site Plan approval is in the Minute File.)

John Marcum- signed up by mistake.

Tripp Register passed.

Charlotte Peterson passed.

Mike McCrann- signed up by mistake.

Lou Saddler- signed up by mistake.

Joan Parkinson- signed up by mistake.

8. PUBLIC HEARING #2: Official text amendment to the Pinehurst Development Ordinance. This Amendment will add text to Section 12.2 which is currently a reserved section. The Purpose of this amendment is to create a new zoning district to be called the Pinehurst South Business Overlay District.

Comments:

Senior Planner Bruce Gould introduced the Public Hearing by reading and entering into the record a statement that the proposed text amendment is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated October 28, 2009 is in the Minute File.)

Charlene Rudd, 70 Live Oak Lane and a business owner on Parker Lane, stated that she had spoken at the Public Hearing at the Planning and Zoning Board to oppose this change. She requests that the Council restrict parking to streets that are not thru streets. No parking on Parker Lane and Blake Boulevard.

Councilmember Fallon noted that the Fire Station is on Parker Lane. She would like to hear from the Fire Department on this.

Senior Planner Bruce Gould explained that the Village owns the right-of-way on both Parker Lane and Blake Boulevard; we can easily restrict parking on these two streets.

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Councilmember Dawson asked what would be the preferred method to restrict parking, use this amendment or utilize another method.

Senior Planner Bruce Gould replied that if we do it in this amendment we will prohibit parking on any new thru street added later. It might be better to do it on a street by street basis.

Councilmember Dawson replied that he would like to discuss this further in a work session.

Robert Thrush, Pinehurst resident, stated that he agrees with Ms. Rudd.

9. **PUBLIC HEARING # 3: Official Zoning Map Amendment. This request is to rezone ± 13 developed acres consisting of multiple properties located in the Pinehurst South Business Area. This area is bounded by NC Hwy 5, Blake Blvd and Monticello Rd. These properties are currently zoned NC (Neighborhood Commercial). The proposed map amendment would also zone these properties to the new Pinehurst South Business Overlay District.**

Comments:

Senior Planner Bruce Gould introduced the Public Hearing by reading and entering into the record a statement that the proposed text amendment is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated October 28, 2009 is in the Minute File.)

10. **PUBLIC HEARING # 4: Official text amendment to the Pinehurst Development Ordinance. This Amendment will amend Section 10.2.4.4(a) Landscape Screens. The purpose of this amendment is to add an exception for screening the display of outdoor merchandise within the Historic Preservation Overlay District from sidewalks, streets and adjacent properties.**

Comments:

Senior Planner Bruce Gould introduced the Public Hearing by reading and entering into the record a statement that the proposed text amendment is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated October 28, 2009 is in the Minute File.)

Mary Stewart Regensburg, Pinehurst resident, asked if this would allow sandwich boards and allow merchants to display merchandise on the sidewalk.

Senior Planner Bruce Gould replied that this amendment would regulate the practice.

Ms. Regensburg asked if this amendment would allow real estate folks to put out pictures of houses.

Mr. Gould replied that only items sold by the merchant could be displayed.

Unknown audience member shouted that real estate folks sign paperwork in their office and thus "sell" these items.

Robert Thrush, Pinehurst resident, stated that he was familiar with the practice downtown. Question is will we restrict the size of signs?

Mr. Gould explained that this amendment would only address removal of screenings of merchandise.

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John Root, Pinehurst resident, asked if this amendment means that a shoe store could place shoes out on the sidewalk.

Answer- yes.

Mr. Root noted that this opens the door for interesting displays of merchandise.

11. **PUBLIC HEARING # 5: Official text amendment to the Pinehurst Development Ordinance. This Amendment will amend Section 2.2 Definitions by adding a definition for A-Frame Signs, Wallboard signs, and pedestal signs; amend section 10.2.5.3 (h) & (m), amend section 10.2.5.9 and add section 10.2.5.9 (K). The Purpose of this amendment is to allow businesses within the Historic Preservation Overlay District to display A-Frame signs, wall board signs, and pedestal signs during business hours**

Comments:

Senior Planner Bruce Gould introduced the Public Hearing by reading and entering into the record a statement that the proposed text amendment is consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated October 28, 2009 is in the Minute File.)

Councilmember Fallon asked if there will be oversight of what signs look like.

Mr. Gould replied that "beauty is in the eye of the beholder."

John Strickland, Pinehurst resident, asked how these signs would add to the ambience of the Village and warned that the Village should be careful how you implement this.

Robert Thrush, Pinehurst resident, stated that he agrees with Mr. Strickland. He feels oversight should be done by the Historic Preservation Commission.

12. **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 Thurman seconded the motion and it carried unanimously.

13. **MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL-DATED SEPTEMBER 22, 2009- ORDINANCE #09-37 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 September 22, 2009 as the Council statement that draft Ordinance # 09-37 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 5-0. (Copy of the memo is found in the Minute File.)

14. **ORDINANCE #09-37: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTIONS 10.2.5.3 AND 10.2.5.6 SIGN REGULATIONS.**

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The Manager explained the need for the Ordinance #09-37. Upon the motion of Councilmember Dawson, seconded by Councilmember Fallon, Ordinance #09-37 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

15. PRESENTATION BY MR. BILL WETMORE ON BEHALF OF THE VILLAGE GREEN COMMISSION.

Mr. Bill Wetmore, Chairman of the Village Green Commission, thanked the members of the Village Green Commission for their hard work and presented the final report with the committee's recommendations to the Council. (Copy of the report dated October 28, 2009 is in the Minute File.)

16. OTHER BUSINESS.

➤ **Major Site Plan for Hospice Campus.**

Councilmember Tweed moved to approve the Major Site Plan for the Hospice Campus located at 251 Campground Road with one condition: that all documentation requested by Kenneth Ashe, P.E., CFM, Assistant Director of the Geospatial and Technology Management Office (GTMO) National Flood Insurance Program (NFIP) in a letter dated September 30, 2009 be provided. Councilmember Fallon seconded the motion which carried unanimously by a vote of 5-0. (Copy of the Ashe letter is in the Minute File.)

9. COMMENTS FROM ATTENDEES.

John Marcum, regarding the Village Green Report, feels that history is what it is, not what it could have been. (Copy of prepared statement dated October 28, 2009 is in the Minute File.)

Mike McCrann, regarding the Village Green Report, stated that he filed for Village Council only to get the word out concerning proposed changes to the Village Green. He hopes Council will listen to concerns and consider all options.

Jim Spoonhour, regarding the Village Green Report, has a problem with the commission stating what Olmsted "might have done." He pointed out that the Deed of Gift for the property lists restrictions- no buildings, public access, unpaved parking and natural landscaping. Moving the parking lot only benefits the Village Chapel, not downtown businesses. He approves of only adding benches, updating the paths, and adding flowering trees and shrubs.

John Root, regarding the Village Green Report, feels commission did not address one issue- how would the park be used? What restrictions would be placed on activities?

Mary Stewart Regensburg, regarding the Village Green Report, stated that she had sent letters to the Council and to the Conservation Commission. Restrictions on the deed may be why other venues, such as the arboretum, have been introduced to support other activities. We do not need duplication. Vacancies in downtown businesses are due to the economy and landlords.

Charlotte Hall, regarding the Village Green Report, favored keeping the parking lot where it is and covering some exposed roots in the pathways. She would like to know what was proposed by Mandel and Idea8 and how funds would be raised. She noted that the plan to do something else in 1950 was abandoned due to lack of water, and that situation has not changed.

Mike McCrann, regarding the Village Green Report, stated that the rumor that some trees are diseased is not true.

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Robert Thrush, regarding the Village Green Report, raised the issue of heavy trucks using Village streets and noted again the lack of an adequate supply of water in Pinehurst.

Mayor Lane thanked all who spoke and stated that Council will look at the report and the comments made before making a decision. He then introduced Christine Arato, Senior Historian for the National Park Service, and asked if she would like to make a few comments.

Christine Arato explained that once the National Landmark Designation is given it is monitored by the National Park Service. The Village has stated that it will submit the plans for any changes to the Village Green to the National Park Service for our review and recommendation. We will work with the Village on the project.

Mayor Pro- Tem Tweed asked if Ms. Arato could comment on where we might go astray.

Ms. Arato answered that the National Park Service would be happy to give a written recommendation. Before you commit any money or let any contract, let us look it over.

Councilmember Fallon asked if Ms. Arato if she had heard anything here today that would elicit "be careful, don't go there"?

Ms Arato replied that she would prepare a written memo after we forward to her any proposals we are considering.

Councilmember Dawson asked if there was anything we could do that would cause you to remove our status.

Ms. Arato replied that it would be inappropriate to comment now.

Jeanne Casinella asked if the Village has violated the authority of our Historic Preservation Commission by not allowing citizen input in the roundabout project.


Ms. Arato replied that it would be inappropriate to get involved in Village relations.

Mr. John Root announced that copies of the National Landmark Study are available in the archives online.

10. ADJOURNMENT.

Councilmember Thurman moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Fallon and carried unanimously. The Regular Meeting adjourned at 2:55 p.m.

Respectfully Submitted,


Linda S. Brown, CMC
Village Clerk