

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF NOVEMBER 18, 2008
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:

Special Work Sessions of October 7 and 21, 2008
Special Meeting of October 21, 2008
Closed Sessions of October 7 and 21, 2008

B. Public Safety Reports:

Police Department
Fire Department

C. Scheduling of Regular Meeting for Tuesday, December 16, 2008 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 text amendment to the Pinehurst Development Ordinance Section 10.2.1.3, SR-18 (j) Fences and Walls. This amendment would limit the height of columns in the front setback to 3 ½ feet, require a minimum two-inch spacing between the slats of a picket fence, limit the use of vinyl-coated chain link to the RD District and commercial uses in other districts and no longer allow board fences.
6. Public Hearing #2: Official Text Amendment to Section 3.6.2 (e) Nonconforming Uses of the Pinehurst Development Ordinance. This amendment will add text regulating nonconforming office uses and financial institutions within the VC (Village Commercial District). The intent of the text amendment is to disallow a nonconforming office use within the VC District from reopening after it has ceased operation.
7. Public Hearing # 3: Official text amendment to the Pinehurst Development Ordinance Section 10.2.1.3 SR-11. The proposed amendment is to disallow office uses and financial institutions from being permitted on the ground floor of buildings located within the VC (village commercial) District.

8. Adjourn Public Hearing and Re-Enter Regular Meeting.
9. Memo dated October 21, 2008- Director of Planning and Inspections Andrea Correll- Ordinance #08-34 Is Consistent with the 2003 Comprehensive Long-Range Plan.
10. Ordinance #08-34: An Ordinance Amending The Pinehurst Development Ordinance As It Pertains To Section 12.3 Historic Preservation Overlay District and Section 4.1 Notices and Public Hearings.
11. Other Business.
12. Comments from Attendees.
13. 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 Tuesday, November 18, 2008, 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 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 20 persons in the audience.

Excused absence: The Honorable George P. Lane, Mayor

1. CALL TO ORDER.

Mayor Pro-Tem Lorraine A. Tweed 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 Minutes of:

Special Work Sessions of October 7 and 21, 2008
Special Meeting of October 21, 2008
Closed Sessions of October 7 and 21, 2008

B. Public Safety Reports- Police and Fire Departments.

C. Scheduling of Regular Meeting for Tuesday, December 16, 2008 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 Fallon and the Consent Agenda was unanimously approved.

3. BUDGET AMENDMENTS REPORT TO COUNCIL.

Councilmember Dawson moved to receive the Budget Amendments Report to Council for the period October 15, 2008 to November 15, 2008. The motion was seconded by Councilmember Thurman and carried unanimously.

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

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Councilmember Fallon 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.

5. **PUBLIC HEARING #1:** Official text amendment to the Pinehurst Development Ordinance Section 10.2.1.3, SR-18 (j) Fences and Walls. This amendment would limit the height of columns in the front setback to 3 ½ feet, require a minimum two-inch spacing between the slats of a picket fence, limit the use of vinyl-coated chain link to the RD District and commercial uses in other districts and no longer allow board fences.

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated November 18, 2008 is in the Minute File.)

Doug Middaugh, Pinehurst resident, stated that the majority of the solid board fences put up were due to a loophole that allows them. He feels the amendments should address: 1) Item B- post and rail- use of wire is optional. Should add “chain link is not an allowable wire.” 2) Item I- chain link used in “non-residential” uses. Term “non-residential” needs to be defined. 3) Board fences have been eliminated. Term “board fences” needs to be defined.

6. **PUBLIC HEARING #2:** Official Text Amendment to Section 3.6.2 (e) Nonconforming Uses of the Pinehurst Development Ordinance. This amendment will add text regulating nonconforming office uses and financial institutions within the VC (Village Commercial District). The intent of the text amendment is to disallow a nonconforming office use within the VC District from reopening after it has ceased operation.

Comments:

Director of Planning and Inspections Andrea Correll introduced Public Hearings number 2 and 3 and entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated November 18, 2008 is in the Minute File.)

Tom Stewart, Pinehurst business owner, stated that he is speaking for several other building owners who could not attend. He addressed the following points: 1) Language lists a “grave” concern. If you go to the NewCore hearings, the Village Council saw that 88% of respondents did not want the Village center to change at all. Most of the buildings cannot be modified to accommodate retail use. A good example is the Casino building. All of its walls are load bearing walls; to modify it for retail space would result in many very small spaces. Another example is the BB&T building. It was built to be a bank; to modify it for retail would be very difficult. 2) The current building uses in the Village now bring in about 100 people each day. It is hard to imagine that retail would bring a larger number of people in daily. 3) When he purchased his building, he did so under the rules existing then. If he is denied the opportunity to use his building to bring the highest amount of money, who will make up the difference? He feels that limiting his choices is illegal. 4) Most people who moved here years ago have a different attitude than the ones moving here now. The older group just wants to be left alone. Traveling just a few miles for goods and services is fine.

Tim Gold, Pinehurst resident, stated that the Council’s charge is to be custodians of the Village of Pinehurst. There has to be a blend of office and retail downtown. How to achieve that balance is the Council’s job.

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Tom Stewart noted the number of ground floor space in the Village center presently being used for retail and food outlets is 45; only 11 spaces are being used for banking and realtors. Whatever the balance the Council desires can be achieved without penalizing property owners.

Byrd Gwinn, Pinehurst resident, noted that he was appointed to the Planning and Zoning Board on October 31, 2008 and was not on that board when this issue came up. He feels any zoning ordinance is not set in concrete. He suggested that rather than use zoning to achieve a balance, use tax incentives. Zoning could have unintended consequences such as empty spaces and boarded up windows.

7. **PUBLIC HEARING #3:** Official text amendment to the Pinehurst Development Ordinance Section 10.2.1.3 SR-11. The proposed amendment is to disallow office uses and financial institutions from being permitted on the ground floor of buildings located within the VC (village commercial) District.

Comments: There were none.

8. **RE-ENTER REGULAR MEETING.**

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

9. **MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- ORDINANCE #08-34 IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Dawson moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated October 21, 2008 as the Council statement that draft ordinance #08-34 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Thurman seconded the motion, which was unanimously approved by a vote of 4-0. (Copy of the memo is found in the Minute File.)

10. **ORDINANCE #08-34: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 12.3 HISTORIC PRESERVATION OVERLAY DISTRICT AND SECTION 4.1 NOTICES AND PUBLIC HEARINGS.**

The Planning Director explained the need for the Ordinance #08-34. Upon the motion of Councilmember Fallon, seconded by Councilmember Dawson, Ordinance #08-34 was unanimously approved by a vote of 4-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.).

11. **OTHER BUSINESS.**

There was none.

12. **COMMENTS FROM ATTENDEES.**


There were none.

13. **ADJOURNMENT.**

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Councilmember Dawson moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Thurman and carried unanimously. The Regular Meeting adjourned at 1:30 p.m.

Respectfully Submitted,


Linda S. Brown, CMC
Village Clerk