



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF MAY 22, 2018
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Reports:
 - Manager
 - Council

Council

4. Recognition of Village of Pinehurst Firefighters who have been awarded the department's Certificate of Commendation and Life Saving Ribbon.
5. 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. Budget Amendments Report
- B. Approval of Draft Village Council Meeting Minutes.
 - April 24 Regular Meeting
 - April 24 Work Session
 - May 8 Regular Meeting
 - May 8 Work Session
- C. Public Safety Reports.
 - Police Department
 - Fire Department

End of Consent Agenda.

6. Consider a request for project support from the Village Heritage Foundation.
7. NC DOT presentation on proposed improvements at the Pinehurst Traffic Circle.
8. Motion to Recess Regular Meeting and Enter Into a Public Hearing.
9. Public Hearing No. 1

The purpose of this public hearing is to discuss the proposed Fiscal Year 2019 Budget for the Village of Pinehurst.

10. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
11. Discuss and consider an ordinance to repeal the speed limit on Midland Road from 45mph to 35mph.
12. Consider a contract for Legal Services for FY 2019.
13. Other Business.
14. Comments from Attendees.
15. Motion to Adjourn.

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement.



**COUNCIL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

 Council Report



Council Member to Report	Partners & Collaborators
Nancy Fiorillo	Triangle J. COG
	Neighborhood Advisory Committee
John Cashion	Moore County Schools
	Partners in Progress
John Bouldry	NCDOT/MCTC/TARPO
	Beautification Committee
Judy Davis	Pinehurst Business Partners
	Given Memorial Library
Kevin Drum	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
	Bicycle and Pedestrian Advisory Committee



**RECOGNITION OF VILLAGE OF PINEHURST FIREFIGHTERS WHO
HAVE BEEN AWARDED THE DEPARTMENT'S CERTIFICATE OF
COMMENDATION AND LIFE SAVING RIBBON.
ADDITIONAL AGENDA DETAILS:**

FROM:

Carlton Cole, Fire Chief

CC:

Jeff Sanborn

DATE OF MEMO:

5/17/2018

MEMO DETAILS:

Over the past 12 months Pinehurst Fire Department was involved with four incidents that resulted in reviving patients through Cardio-Pulmonary Resuscitation (CPR) and one (1) incident that resulted in two victims being rescued from the second floor of a burning home through a coordinated effort with Aberdeen Fire Department. Our staff is being awarded the department's Certificate of Commendation and Life Saving Ribbon for their efforts.

Recognizing that cardiac arrests and structure fires are of the most trying, difficult, and exhausting calls faced by Firefighter/EMTs – it is the intent of our agency to recognize those employees involved. Following the standard established by the EMS System Medical Director, a CPR save stipulates that a cardiac arrest patient who has been revived with CPR must be released from the hospital, as verified by EMS through discharge records. Our department standard identifies the criteria for recognizing staff for a fire save as being involved in the initial scene setup that resulted in the save.

Call for Service 17-66088 on September 2, 2017: Captain Chris King, Master Firefighter John Warren, Master Firefighter Johnny Yarborough

Call for Service 17-84293 on November 6, 2017: Captain Chris King, Master Firefighter John Warren, Master Firefighter Jay Kramer

Call for Service 18-24885 on March 31, 2018: Captain Chris King, Master Firefighter John Warren, Master Firefighter Johnny Yarborough

Call for Service 18-25207 on April 2, 2018: Firefighter Matt English, Senior Firefighter J.R. McLaughlin, Master Firefighter Michael Waschsen

Our engine crew being recognized for their involvement with rescuing two victims of a fire from second floor of a burning home was the first due engine crew at an automatic aid call. Through a coordinated and joint effort with Aberdeen Fire Department, two lives were saved.

Call for Service 18-17203 on March 3, 2018: Captain Jonathan Luck, Master Firefighter Chuck Presley, Master Firefighter Josh Womack

I am requesting to be included on the Village Council agenda for May 22 to recognize team members involved with each incident and present them with a certificate of commendation.



**BUDGET AMENDMENTS REPORT
ADDITIONAL AGENDA DETAILS:**

FROM:

John Frye

CC:

Jeff Sanborn & Natalie Hawkins

DATE OF MEMO:

5/16/2018

MEMO DETAILS:

Attached is the report of budget amendments approved by the Budget Officer as required for the current period.

ATTACHMENTS:

Description

- Budget Amendments Report - FY 2018

**VILLAGE OF PINEHURST
BUDGET AMENDMENTS APPROVED BY BUDGET OFFICER
FOR THE PERIOD APRIL 18 - MAY 15, 2018**

Under Village of Pinehurst Ordinance #17-07, the Village Council grants the Budget Officer, or Village Manager, the ability to transfer appropriations under specific conditions. These conditions allow transfers of up to \$10,000 between departments (including contingency) of the same fund for the FY 2018 Budget. The Budget Officer may not transfer monies between funds at any time.

According to Section 159-15 of The Local Government Budget and Fiscal Control Act, "any such transfers shall be reported to the governing board at its next regular meeting and shall be entered in the minutes". Listed below are the amendments authorized by the Budget Officer for the period specified above.

Note: Since appropriations are made at the department level, line item adjustments within the same department may be made without limit and do not require a report since they do not actually amend the adopted budget ordinance.

	<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>APPROVED DATE</u>
1	10-20-420-5300	Streets & Grounds-Contracted Services	\$ 6,438		4/20/2018
	10-20-420-7700	Streets & Grounds-Capital Outlay: Infrastructure <i>(Transferred unused small drainage funding for additional street patching)</i>		\$ 6,438	
2	10-00-220-7420	Administration-Capital Outlay: B&G Equipment Charges	\$ 3,000		04/30/18
	10-10-310-7420	Police-Capital Outlay: B&G Equipment Charges <i>(Transferred funds allocated for HVAC repairs at the Police Department to fund replacement of an HVAC air handler unit in the Village Hall)</i>		\$ 3,000	
3	10-00-220-7420	Administration-Capital Outlay: B&G Equipment Charges	\$ 6,400		05/01/18
	10-10-310-7420	Police-Capital Outlay: B&G Equipment Charges <i>(Transferred funds allocated for HVAC repairs at the Police Department to fund replacement of a mini-split HVAC unit in the IT server room)</i>		\$ 6,400	



**APPROVAL OF DRAFT VILLAGE COUNCIL MEETING MINUTES.
ADDITIONAL AGENDA DETAILS:**

April 24 Regular Meeting
April 24 Work Session
May 8 Regular Meeting
May 8 Work Session

FROM:

Lauren Craig

CC:

Jeff Sanborn

DATE OF MEMO:

5/16/2018

MEMO DETAILS:

See attachments for draft minutes.

ATTACHMENTS:

Description

- ☐ 04-24 Regular Meeting
- ☐ 04-24 Work Session
- ☐ 05-08 Regular Meeting
- ☐ 05-08 Work Session



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF APRIL 24, 2018
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, April 24, 2018 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro Tem
Mr. John Bouldry, Treasurer
Ms. Judy Davis, Councilmember
Mr. Kevin Drum, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Jill Lazusky, Acting Village Clerk

And approximately 27 attendees, including 12 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Invocation and Pledge of Allegiance

Pastor David Beam of Pinehurst United Methodist gave the invocation and Mayor Fiorillo led everyone in the Pledge of Allegiance.

3. Reports:

Manager

- Jeff Sanborn announced that Brooke Hunter will be the new Financial Services Director upon John Frye's retirement in June.
- Jeff Sanborn, Councilmember Drum, Councilmember Davis, and John Frye, Financial Services Director, are part of the working group for the Givens Memorial Library/Tufts Archives and recently met with Tom Pashley to discuss possible ways for Pinehurst Resort to provide long term support of the Archives. Also discussed additional funding from library from the Village. No consensus yet.
- Next council meeting and work session will be in Council Conference Room because of Board of Elections using Assembly Hall for the May 8 election.

Council

- Mayor Fiorillo announced that Tom Campbell won the Volunteer Champions award which was presented at the annual Volunteer Appreciation Luncheon last week. Tom Campbell said a few words of thanks and appreciation for the honor.
- Celebration for the Military Child was held this past weekend at The Arboretum. The Mayor and Councilmember Cashion were in attendance. In addition, there were two other events including a meeting at Village Hall and the Garden Club Plant Sale at the Fire Department during that time.
- Councilmember Davis, as part of the Beautification Committee, announced there will be a litter pickup on Saturday at 8:30 and all are welcome to participate.

4. 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. Consider a resolution reappointing Doug Tuxbury as Chairman of Pinehurst Community Watch.
- B. Approval of Draft Village Council Meeting Minutes.

- April 10 Regular Meeting
- April 10 Work Session
- C. Public Safety Reports.
 - Police Department
 - Fire Department
- D. Budget Amendments Report

End of Consent Agenda.

Upon a motion by Councilmember Bouldry, seconded by Councilmember Drum, Council unanimously approved the Consent Agenda by a vote of 5-0.

5. Presentation of Permitting & Inspections BIRDIE Team Recommendations

Ms. Natalie Hawkins, Assistant Village Manager, presented the recommendations of the Permitting & Inspections (P&I) BIRDIE team. She shared the cross-functional team that developed these recommendations included representation from multiple departments, the Village Council, the residential building community, and the non-residential building community and the team set out to identify ways to improve both the efficiency and effectiveness of two key Village processes: permit issuance and building inspections. Ms. Hawkins shared the eight key actions the team is recommending:

1. Acquire and implement new permit and inspection software
2. Improve accessibility and usability of permit forms and applications
3. Create permit guides that clearly describe the permit process
4. Implement performance standards on turnaround times
5. Consider implementing single point of contacts for residents and builders, to the extent possible
6. Increase and enhance training efforts
7. Organize permit and inspection files
8. Amend the Pinehurst Development Ordinance for any process changes implemented.

Jason Whitaker, IT Director, discussed the proposed implementation of the recommended new P&I software, Accela Land Management Software. He explained the process of review which determined the recommendation. He explained some of the key benefits which include:

- User friendly
- Electronic submissions of plans
- Mobile capabilities for inspectors
- Integration with GIS
- Ability to integrate code violations
- Quick search and retrieval functions
- Easier to locate forms
- Reduce number of calls and walk-ins as it would divert permit traffic to online

The financial impact of implementing the software will be approximately \$77,390 for the first year and approximately \$31,600 a year thereafter. A conservative estimate of cost savings, once the software is implemented, is approximately \$42,500 in staff time annually.

Council discussed the efficiency, the financial benefits, and the ongoing fees associated with the new software. Jason Whitaker, IT Director, responded to the cost concerns explaining about it being a cloud-based system and the associated licensing fees. Council discussed review times of permits, the possibility of the need of hiring a new inspector in the future, and the training that will be required for staff, builders, and contractors on the new software once implemented. Council formed a consensus to approve the BIRDIE team's recommendations.

6. Consider a resolution waiving special assessment acceleration.

John Frye, Financial Services Director, explained billings for this year's Municipal Service District (MSD) and Cotswold special assessment installments were mailed in January and were due February 9, 2018. North Carolina General Statute 160A-233(b) states that if any installment of these assessments is not paid by the due date, all of the installments remaining unpaid become due and payable, unless the Council waives this acceleration. He explained as of the due date, three property owners did not pay this year's installment but all of the delinquent assessments have now been paid due to subsequent collection efforts.

Upon a motion by Councilmember Bouldry, seconded by Councilmember Drum, Council unanimously approved Resolution 18-10 waiving acceleration of special assessment installments for the Village of Pinehurst by a vote of 5-0.

7. Presentation of Quarterly Financial Statements for the Quarter Ended March 31, 2018.

John Frye, Financial Services Director, presented the quarterly financial statements for the quarter ended March 31, 2018. Mr. Frye noted the Village's financial condition looks good. He noted the revenue forecast for the first three quarters is right on target. In

addition, operating expenditures are running below expected levels and the Village's capital outlays are within budget. He noted these results should position the Village well to carry out the objectives outlined in the FY 2018 Strategic Operating Plan.

Council held a discussion. Councilmember Bouldry is still concerned about Harness Track and whether there could be additional uses of it and the Fair Barn to increase revenues. Perhaps more marketing to get higher occupancy of stalls.

8. Consider the request from a retiring officer to purchase service revolver and badge.

Manager Jeff Sanborn explained staff has received a request from MPO Penny Lucas to purchase her service revolver and be awarded her badge upon her retirement. NCGS 20-187.2 authorizes the Village Council to award, upon request, a retiring law enforcement officer their service revolver and badge at a price determined by the governing body. In previous years, the price for the revolver and badge for an officer with more than 10 years of service has been \$1.

Upon a motion by Councilmember Davis, seconded by Councilmember Drum, Council unanimously approved the request for retiring police officer, MPO Penny Lucas, to purchase her service revolver and be awarded her badge upon retirement by a vote of 5-0.

9. Discuss potential extension of Pinehurst Extraterritorial Jurisdiction (ETJ).

Jeff Sanborn, Village Manager gave a brief introduction to this topic. Ms. Natalie Hawkins, Assistant Village Manager, explained the need for Council to discuss a request to the Moore County Board of Commissioners to extend the Village's extraterritorial jurisdiction (ETJ), as allowed under NCGS 160A-130, and to discuss a draft letter to the Board of Commissioners. The need for this is to preserve the Village character in the growth areas. Council formed a consensus to send a letter of interest to the Moore County Board of Commissioners to pursue this possibility.

10. Other Business.

- Councilmember Davis has heard from residents about the anemic nature of the landscaping at the Greens at the Arboretum and complaints about the meters that are visible from McCaskill Road and can the Village please ask for more plant screening.

11. Comments from Attendees.

- Bob Bramwell, Pinewild resident, is interested in extending ETJ but feels there are so many unknowns about development and particularly about the developer's application that is under consideration right now for property on 211. He is concerned about a May 1 meeting by the county seeking approval of that application and that it will be too late after that date to do anything about it.
- Jane, a resident of Pinewild, distributed handouts about the general statute addressing ETJs to council members. She thinks our efforts to extend our ETJ out 211 is important to oversee future planning and enforcement. She discussed the Pinebluff lawsuit regarding their municipality seeking to extend their ETJ. There was some discussion as to the zoning use available currently for the area on 211 and hopes that the Village will support future smart land use of the 211 corridor. Jeff Sanborn, Village Manager and Councilmember Bouldry addressed some of the concerns. Councilmember Drum commended the letter Pinewild sent to the county regarding this issue.

12. Motion to Adjourn.

Upon a motion by Councilmember Bouldry, seconded by Councilmember Cashion, Council approved to adjourn the Regular Meeting by a vote of 5-0 at 6:30 pm.

Respectfully Submitted,

Jill Lazusky,
Acting Village Clerk

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**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF APRIL 24, 2018
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING REGULAR MEETING

The Pinehurst Village Council held a Work Session at 6:38 p.m., Tuesday, April 24, 2018 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro Tem
Mr. John Bouldry, Treasurer
Ms. Judy Davis, Councilmember
Mr. Kevin Drum, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Jill Lazusky, Acting Village Clerk

And approximately 9 attendees, including 5 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Community Center update and operating expenses discussion.

Mark Wagner, Parks and Recreation Director, presented Council with the projected operating expenses and revenues with the Community Center and how those estimates were developed. Further Mr. Wagner explained Parks & Rec most recent revenues and expenses for our programs to give an overall perspective on the Community Center finances and potential changes. He also indicated the site plans would be forthcoming in May.

Council held a discussion regarding specific aspects of the projections. Councilmember Davis would like to see another traffic study done on the location of the Community Center. Councilmember Drum asked about using the future Community Center as an emergency shelter. It will be outfitted with the requirements for that purpose. Council also discussed possible interruptions in outdoor programs when Pinehurst Elementary locates its temporary quarters in Rassie Wicker Park.

3. Discuss Think Tank Composition and Selection Process for Long-Range Comprehensive Plan

Assistant Village Manager Natalie Hawkins explained the need for Council to discuss the Think Tank that Council will appoint to assist with the Long-Range Comprehensive Plan development. Ms. Hawkins went through the draft handbook that they want to use to seek applications for participation. Council discussed participation when consultants would come and would include Council interviews about each member's expectations. Jeff Sanborn, Village Manager, encouraged Council to adopt this format for going forward.

Council discussed the size and make-up of the panel of the Think Tank. Some Council members feel that Council should be represented on the panel and others understood why the consultants recommended they not be on the panel. Jeff Sanborn suggests that all Council attend and listen to the dialogue of the Think Tank members. At the conclusion of each session, Council could be given an opportunity to comment.

Ms. Hawkins asked when to hold the Community Kick Off Meeting, Council agreed to the evening of June 27, 2018, and use Council Meeting to promote it the night before at their regular meeting.

4. Work Session Business.

- No other work session business.

5. Motion to Adjourn.

Upon a motion by Councilmember Davis, seconded by Councilmember Drum, Council approved to adjourn the Work Session by a vote of 5-0 at 7:50 pm.

Respectfully Submitted,

Jill Lazusky,
Acting Village Clerk

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**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF MAY 8, 2018
COUNCIL CONFERENCE ROOM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, May 8, 2018 in the Council Conference Room of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Mayor Pro Tem
Mr. John Bouldry, Treasurer
Ms. Judy Davis, Councilmember
Mr. Kevin Drum, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 38 attendees, including 11 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Reports:

Manager

- Jeff Sanborn explained the Village has been searching for the new Performance Management Director position and the Village has extended the offer to Lauren Craig, currently the Village Clerk. She will begin in this new position on July 2. The Village Clerk position will be posted by the end of the week.
- Randy Gould, Moore County Public Works Director, presented information about the cross connection control. He discussed the regulations and the NCDEQ guidelines. He explained the types of devices that are used to prevent backflow for domestic service, moderate hazards, and severe hazards. He shared the requirements according to the plumbing code. He made the suggestion to winterize the RP connections. He noted all systems in NC require RPs to be installed above ground. He explained letters have been sent to anyone that has an irrigation system to have their backflow device tested. The county has an approved testers list available on the county website and the test results will be sent to BSI. Scott Thomas explained what new construction homes are required to install in order to comply. The Council received audience comments and questions on this requirement.

Council

- Councilmember Drum said the new green awnings at the Razooks Building look great. He also reminded the public about Live after 5 this Friday.
- Councilmember Bouldry explained the Beautification Committee met and there is an effort to designate Midland Road as a scenic byway. The application is due in August and it would take a year to hear about the approval. Gene Walker is working with the group for writing this application and they are seeking volunteers to help with this application.
- Councilmember Cashion shared that Partners in Progress is asking for a \$1,000 increase from the Village of Pinehurst annual contribution.
- Mayor Fiorillo shared she attended a dedication of the Xeriscape Garden for Dolores Gregory
- Councilmember Davis said she met with the Pinehurst Business Partners and they are working for better ways to support businesses.

3. 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. Consider a resolution reappointing Jim McChesney and Molly Gwinn to the Historic Preservation Commission.
- B. Approval of Draft Village Council Meeting Minutes.
 - April 10 Regular Meeting
 - April 10 Work Session

End of Consent Agenda.

Upon a motion by Councilmember Bouldry, seconded by Councilmember Cashion, Council unanimously approved the Consent Agenda by a vote of 5-0.

4. Q3 Update on the Status of the FY 2018 Strategic Operating Plan Implementation.

Ms. Natalie Hawkins, Assistant Village Manager, presented an update on the status of implementing the FY 2018 Strategic Operating Plan including the implementation of this year's Initiative Action Plans (IAPs) through the end of March 31, 2018. Ms. Hawkins shared the status of completing each of the IAPs and the metrics projected through 3/31/18. She noted there are 6 IAPs that are on schedule, 1 IAP has been completed, and 3 are in progress but not on schedule. Staff is proposing to delete the Incentive Reward IAP from the list and this will be pursued as a project next year. Council thanked Ms. Hawkins for the update.

5. Presentation of the FY 2019 Strategic Operating Plan.

Manager Jeff Sanborn presented an overview of the Recommended FY 2019 Budget and Strategic Operating Plan. Mr. Sanborn explained the efforts taken to prepare this recommended document. He explained staff has worked on developing a plan that would realize the goals and objectives set by the Council. He reminded the Council and public of the two budget work sessions scheduled in the Council Conference Room to discuss the budget in more detail on May 14 and May 16 at 2:00pm and the public hearing is scheduled for May 22 at 4:30pm. Mr. Sanborn discussed the Strategic Priorities section of the document and what is included. He shared the key components of the SOP. Mr. Sanborn shared the FY 2019 general fund budget overview noting a \$22.5 million budget with a consistent property tax rate of \$0.295. Mr. Sanborn explained the general fund revenues and assumptions. He also shared an overview of the FY 2019 general fund expenditures. He shared the significant FY 2019 capital projects which total \$1.1 million and the capital project fund which includes a \$4,068,000 transfer for the Community Center construction. Mr. Sanborn highlighted the five-year financial forecast. Mr. Sanborn shared the list of Initiative Action Plans and projected costs associated with each over the five year period. He shared based on employee, volunteer, and Council input, the Village has identified 104 different Opportunities for Innovation and Improvement that are scheduled for FY 2019-2023. Out of this list, he shared staff plans to conduct 15 evaluations (3 BIRIDIES and 12 ACEs) to identify ways to improve processes and service delivery. Mr. Sanborn explained the next steps of the budget work sessions, public hearing, and plan to adopt the budget by June 12. Council discussed posting an Open Village Hall topic and updates will be provided before each work session.

6. Community Center Update and Discussion.

Parks and Recreation Director Mark Wagner, Oakley Collier Architects, and McGill Associates presented an update on the design of the Community Center including a revised rendering of the building since the public input meeting held in March. They also reviewed the conceptual site plan showing available parking for the facility, entrance and exit to the site, and discussion about trip generation calculations that were completed. Mr. Wagner explained staff's need for Council's direction on these design concepts in order to proceed to the next steps to the Technical Review Committee, Planning and Zoning Board, and Village Council. Ann Collier gave an overview of the community input session on March 22. Mike Apke reviewed details on the conceptual site plan for the Community Center and the trip generation calculations. Jeff Batton explained staff completed traffic counts on Rattlesnake in March and NC DOT ran a model and concluded if this were a NC DOT road, there would be no road improvements or a traffic impact analysis needed. Mr. Wagner noted Neal Smith Engineering will be the Village's engineering representative on the project and will be reviewing this information as well. Council held a discussion about the parking, traffic, lighting, and interior plan. Council formed a consensus to move forward.

7. Discuss and consider a budget amendment for vehicle insurance proceeds.

John Frye, Financial Services Director, explained this fiscal year there have been several Police and Fire vehicles damaged in accidents. The Village's insurance provider is expected to cover approximately \$13,000 in damages related to these incidents and these funds must now be added to the General Fund Budget in order to cover the cost of the repairs to these vehicles. Upon a motion by Councilmember Davis, seconded by Councilmember Bouldry, Council unanimously approved Ordinance 18-06 amending the budget for the Village of Pinehurst for insurance proceeds by a vote of 4-0. Councilmember Cashion was excused to leave the meeting early prior to this vote.

8. Discuss and consider a budget amendment for the St. Andrews Drive Railway Crossing.

John Frye, Financial Services Director, explained the North Carolina Department of Transportation (NCDOT) recently notified the Village of an opportunity to partner to receive federal funding for a highway-rail grade crossing at the intersection of St. Andrews Drive and the Aberdeen Carolina & Western Railroad to greatly enhance safety at this intersection. The project is estimated to cost \$283,300 and after applying the federal funds, the Village's estimated share would be \$28,330 plus an annual maintenance cost of \$1,214. He explained the Village must respond in writing by June 25 indicating interest to pursue this project. Upon a motion by

Councilmember Davis, seconded by Councilmember Drum, Council unanimously approved Ordinance 18-05 amending the budget for the Village of Pinehurst for the St. Andrews Drive railway crossing by a vote of 4-0.

9. Other Business.

- Councilmember Bouldry asked what is expected for the May 22 Regular Meeting agenda and the Manager noted the Budget Public Hearing and the presentation for the traffic circle proposed design changes by NC DOT.

10. Comments from Attendees.

- Jack Farrell said relative to the budget presentation he would ask the Council to consider that the Village has had a surplus and we have a substantial fund balance. He suggests reducing the Village tax to \$0.28 for this coming year and relative to the number for FTEs to think seriously about more full time employees in police and fire due to a growing and changing population.
- Lynn Goldhammer asked about the LED lighting at the Community Center and about school buses coming and going from the Community Center. She also asked if the Community Center was only serving Pinehurst residents. She asked about the expenses vs. revenues of the Community Center. She also asked about the impacts this could have on small businesses. She also asked about the design of the Community Center.

11. Motion to Adjourn.

Upon a motion by Councilmember Bouldry, seconded by Councilmember Davis, Council approved to adjourn the Regular Meeting by a vote of 4-0 at 7:50 pm.

Respectfully Submitted,

Lauren M. Craig,
Village Clerk

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**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF MAY 8, 2018
COUNCIL CONFERENCE ROOM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING REGULAR MEETING

The Pinehurst Village Council held a Work Session at 7:50 p.m., Tuesday, May 8, 2018 in the Council Conference Room of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John Bouldry, Treasurer
Ms. Judy Davis, Councilmember
Mr. Kevin Drum, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Lauren M. Craig, Village Clerk

Excused absence: Mr. John R. Cashion, Mayor Pro Tem

And approximately 15 attendees, including 6 staff and 1 press.

1. **Call to Order.**
Mayor Nancy Roy Fiorillo called the meeting to order.
2. **Discuss status and update on the Historic Preservation Commission Guidelines and district split evaluation.**
Molly Gwinn, a member of the Historic Preservation Commission (HPC), shared with the Council that the HPC feels they have a good document in the proposed Historic District Standards and Guidelines and they are ready to move forward with it. She noted the suggestion to split the district has become a bit more complicated but the guidelines could proceed before the split is determined. She explained the process taken to reorganize and make the guidelines more accessible and easier to use for the homeowner and builder. Ms. Gwinn explained there will need to be some rewrite if the splitting of districts is tabled for now. She said the HPC wishes to table the splitting of the districts in order to get the guidelines done. The Council discussed this and formed a consensus to proceed with this recommendation.
3. **Discuss Highway 211 extraterritorial jurisdiction (ETJ) extension and coordination with Moore County.**
Debra Ensminger, Moore County Planning Director, said in order to extend the Village's ETJ, the Village would need to submit an application to the Moore County Planning Department and include the boundary and approval from the municipality. She said it would go through the county's Planning Board and the County Commissioners with the appropriate public hearing notices. Council held a discussion about the request to extend the ETJ, the boundary, and the ultimate reason to consider this. Council suggested to look at a map and study the existing conditions around the area being considered for extension.
4. **Work Session Business.**
 - Assistant Village Manager Natalie Hawkins explained the need for Council to consider the Long Range Comprehensive Plan Think Tank information, application, and timeline. Ms. Hawkins explained a recommendation would be given to Council on June 12 for consideration of appointments before the community kickoff meeting on June 28. She explained the Think Tank would consist of 12 members. Council held a discussion about this.
5. **Motion to Adjourn.**
Upon a motion by Councilmember Davis, seconded by Councilmember Drum, Council approved to adjourn the Work Session by a vote of 5-0 at 8:23 pm.

Respectfully Submitted,

Lauren M. Craig,
Village Clerk

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement



**PUBLIC SAFETY REPORTS.
ADDITIONAL AGENDA DETAILS:**

Police Department
Fire Department

FROM:

Lauren Craig

DATE OF MEMO:

5/4/2018

MEMO DETAILS:

The monthly public safety reports are attached.

ATTACHMENTS:

Description

- ☐ April 2018 PD Report
- ☐ April 2018 FD Report

Incident IBR Reported Offenses Month To Month Comparison

Pinehurst Police Department

April 2018 - April 2017

Part I Offenses	April 2017	April 2018	+/-	Percent Changed	Year-To-Date 2017	2018	+/-	Percent Changed
Murder	0	0	0	0%	0	0	0	0%
Rape	0	0	0	0%	0	0	0	0%
Robbery	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Individual	0	0	0	0%	0	0	0	0%
Assault	0	0	0	0%	0	0	0	0%
Violent Total:	0	0	0	0%	0	0	0	0%
Burglary	0	2	2	-	1	3	2	200%
Residential	0	2	2	-	1	3	2	200%
Non-Residential	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Other	0	0	0	0%	0	0	0	0%
Larceny	4	6	2	50%	25	28	3	12%
Auto Theft	1	0	-1	-100%	1	0	-1	-100%
Arson	0	0	0	0%	0	0	0	0%
Property Total:	5	8	3	60%	27	31	4	15%
Part I Total:	5	8	3	60%	27	31	4	15%

Part II Offenses	April 2017	April 2018	+/-	Percent Changed	Year-To-Date 2017	2018	+/-	Percent Changed
Drug	35	19	-16	-46%	60	79	19	32%
Assault Simple	2	1	-1	-50%	3	3	0	0%
Forgery/Counterfeit	0	0	0	0%	0	1	1	-
Fraud	1	1	0	0%	8	7	-1	-13%
Embezzlement	0	0	0	0%	0	0	0	0%
Stolen Property	1	0	-1	-100%	3	0	-3	-100%
Vandalism	1	3	2	200%	4	8	4	100%
Weapons	3	1	-2	-67%	6	2	-4	-67%
Prostitution	0	0	0	0%	0	0	0	0%
All Other Sex Offenses	0	0	0	0%	0	3	3	-
Gambling	0	0	0	0%	0	0	0	0%
Offenses Against Family/Children	0	1	1	-	0	1	1	-
D.W.I.	1	6	5	500%	2	26	24	1200%
Liquor Law Violation	0	0	0	0%	0	1	1	-
Disorderly Conduct	0	0	0	0%	1	1	0	0%
Obscenity	0	1	1	-	0	1	1	-
Kidnap	0	0	0	0%	0	1	1	-
All Other Offenses	18	32	14	78%	37	116	79	214%
Part II Total:	62	65	3	5%	124	250	126	102%
Incident Total:	67	73	6	9%	151	281	130	86%

Arrest IBR Reported Offenses Month To Month Comparison

Pinehurst Police Department

April 2018 - April 2017

Part I Offenses	April 2017	April 2018	+/-	Percent Changed	Year-To-Date 2017	Year-To-Date 2018	+/-	Percent Changed
Murder	0	0	0	0%	0	0	0	0%
Rape	0	0	0	0%	0	0	0	0%
Robbery	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Individual	0	0	0	0%	0	0	0	0%
Assault	0	0	0	0%	1	0	-1	-100%
Violent Total:	0	0	0	0%	1	0	-1	-100%
Burglary	0	0	0	0%	1	1	0	0%
Residential	0	0	0	0%	0	0	0	0%
Non-Residential	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Other	0	0	0	0%	0	0	0	0%
Larceny	2	1	-1	-50%	11	5	-6	-55%
Auto Theft	1	0	-1	-100%	1	0	-1	-100%
Arson	0	0	0	0%	0	0	0	0%
Property Total:	3	1	-2	-67%	13	6	-7	-54%
Part I Total:	3	1	-2	-67%	14	6	-8	-57%

Part II Offenses	April 2017	April 2018	+/-	Percent Changed	Year-To-Date 2017	Year-To-Date 2018	+/-	Percent Changed
Drug	25	14	-11	-44%	84	64	-20	-24%
Assault Simple	1	0	-1	-100%	3	1	-2	-67%
Forgery/Counterfeit	0	0	0	0%	0	0	0	0%
Fraud	0	1	1	-	2	1	-1	-50%
Embezzlement	0	0	0	0%	0	0	0	0%
Stolen Property	2	1	-1	-50%	4	2	-2	-50%
Vandalism	0	0	0	0%	1	4	3	300%
Weapons	2	0	-2	-100%	7	1	-6	-86%
Prostitution	0	0	0	0%	0	0	0	0%
All Other Sex Offenses	0	0	0	0%	0	0	0	0%
Gambling	0	0	0	0%	0	0	0	0%
Offenses Against Family/Children	2	1	-1	-50%	2	1	-1	-50%
D.W.I.	13	4	-9	-69%	25	25	0	0%
Liquor Law Violation	1	0	-1	-100%	3	0	-3	-100%
Disorderly Conduct	0	0	0	0%	3	2	-1	-33%
Obscenity	0	0	0	0%	0	0	0	0%
Kidnap	0	0	0	0%	0	0	0	0%
All Other Offenses	37	16	-21	-57%	107	78	-29	-27%
Part II Total:	83	37	-46	-55%	241	179	-62	-26%
Arrest Total:	86	38	-48	-56%	255	185	-70	-27%



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

SUMMARY FOR THE MONTH OF APRIL 2018

SUMMARY OF INCIDENT CALLS

TYPE OF INCIDENT	NUMBER THIS MONTH	NUMBER YTD	NUMBER THIS MONTH LAST YEAR	NUMBER YTD LAST YEAR	PERCENTAGE YTD
Fire	12	26	6	25	4%
Overpressure Rupture, Explosion, Overheat - no fire	0	4	1	2	100%
Rescue & EMS Incidents	41	190	34	159	19%
Hazardous Conditions - no fire	7	55	20	52	6%
Service Call	23	93	25	102	-9%
Good Intent Call	27	111	35	99	12%
False Alarm & False Call	21	83	15	84	-1%
Severe Weather & Natural Disaster	3	5	2	7	-29%
Special Incident Type	0	0	0	0	0%
TOTAL INCIDENTS	134	567	138	530	7%

SUMMARY OF INSPECTION

TYPE OF INSPECTIONS	NUMBER THIS MONTH	NUMBER YTD	NUMBER THIS MONTH LAST YEAR	NUMBER YTD LAST YEAR	PERCENTAGE YTD
Residential	4	26	11	39	-33%
Residential New Systems	0	0	0	0	0%
Residential Fire Sprinkler	0	0	0	0	0%
Commercial	24	49	4	40	23%
Plan Review/Site Inspections	15	17	1	5	240%
Reinspection	15	37	5	33	12%
Occupancy Certificates	0	0	0	0	0%
TOTAL INSPECTIONS	58	129	21	117	10%
Violations Found:	49	116	10	51	127%
YTD Violations to be Corrected:		67		86	
YTD Violations Corrected:		54		49	
Correction Percentage:		81%		57%	

May 2, 2018

J. Carlton Cole, Fire Chief

FIRE DEPARTMENT

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-5575 • Fax (910) 295-4861 • www.vopnc.org



**CONSIDER A REQUEST FOR PROJECT SUPPORT FROM THE VILLAGE
HERITAGE FOUNDATION.
ADDITIONAL AGENDA DETAILS:**

FROM:

Mark Wagner

CC:

Jeff Sanborn, Jeff Batton

DATE OF MEMO:

5/10/2018

MEMO DETAILS:

The Village Heritage Foundation will be presenting information on a new proposed project they would like to add to the Village Arboretum in Rassie Wicker Park. Beth Stevens, President of the Village Heritage Foundation, will be at the meeting to discuss the Pollinator Garden they would like to plant in the area between the brick sidewalk and the creek adjacent to Magnolia Road.

The Foundation is seeking support from the Village to assist with costs associated with a 300' walkway, Turf removal and some irrigation enhancements to the site. Staff has estimated that the irrigation enhancements may be able to be absorbed in the current fiscal year allocation as we are doing some additions to the existing system on the Arboretum lawn in the coming weeks. For FY 2018-19, it is estimated that the walkway would cost \$10,000 to install and turf removal for the site would be an additional \$9,000 in unbudgeted expenses.

I will be available at the meeting to answer any questions as necessary.

Thank you.

ATTACHMENTS:

Description

☐ Pollinator Garden Power Point

Pollinator Garden at the Village Arboretum



Project of
The Village Heritage Foundation
Presented to Village Council May 22, 2018
By Beth Stevens, President, Village Heritage Foundation

Special Thanks

- Village of Pinehurst
 - Jeff Batton
 - Mark Wagner
- Landscape Designers
 - Lynda Acker
 - Larry Best
- Village Heritage Foundation Board of Directors
 - Ned Franke
 - Terry Brown
 - Steve Leggett
 - Stuart Mills
 - John Strickland

Village Heritage Foundation

Mission:

To promote the preservation, restoration, enhancement and maintenance of the special character of the historic Village of Pinehurst

Projects:

Fair Barn

Village Arboretum

Historic Plaque Program

Why a Pollinator Garden?

- **Promotes the natural heritage of the Village of Pinehurst**
 - Preserves and restores landscapes that were once more widespread in Pinehurst
- **Fulfills the mission of the Arboretum to provide a place for educational and recreational activities amidst a beautiful natural setting**
 - Creates an educational space for families
 - Builds out part of the original plan created by landscape architect Larry Best
- **Attracts and conserves pollinators**

Creating Pollinator & Native Plant Gardens: The Little Things Run the World

Every time you walk into your garden to enjoy a beautiful flower or pick a fruit, you might thank a bee, butterfly or hummingbird. These and other kinds of animals are pollinators – they move pollen from one flower to another flower of the same species, helping plants to produce fertile seeds.

Eighty percent of the world's crop species and most native plants rely on animals for pollination. However, biologists fear several butterfly and bumble bee species have disappeared from parts of their range because of habitat loss, introduced diseases, pollution and pesticide poisoning.

How can you help pollinators?

- Grow native plants in your garden.
- Plant a diversity of flowering species.
- Don't use pesticides or herbicides.
- Provide sunny, bare soil areas for ground-nesting bees.

See if you can spot these pollinators in this garden.



Ruby-throated Hummingbird feeding on trumpet vine flower



Honey Bee



Pollinator



White-lined Sphinx moth feeding on yellow flower

Butterfly: Eastern Blue, Gulf Coast and Western Blue

Half-black bumble bee on purple coneflower

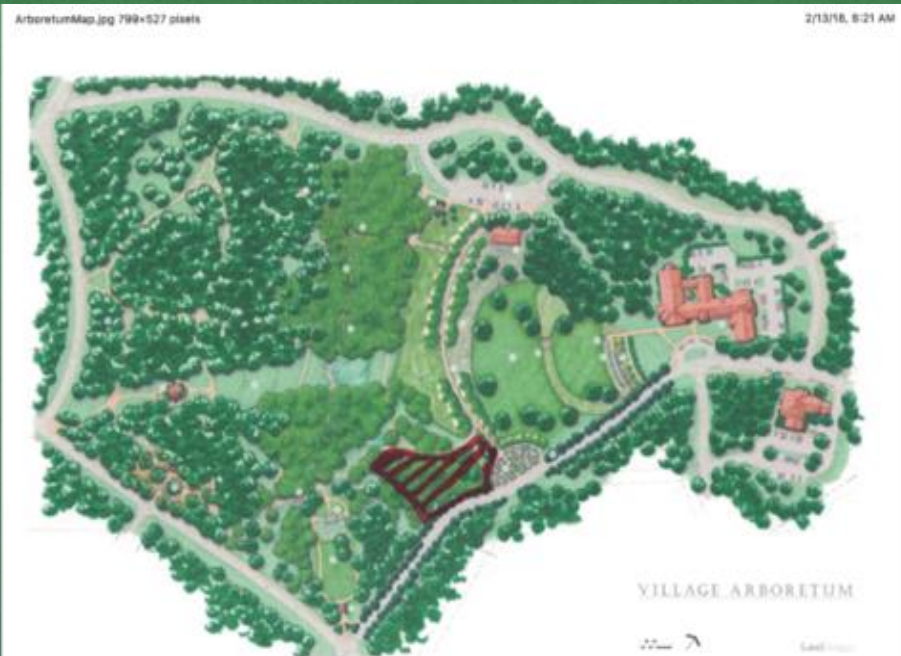
Common Eastern Bumble Bee on Black-eyed Susan

Western Bumble Bee on purple coneflower

Green-eyed Bee on Black-eyed Susan



Location



Partnership:

Village Heritage Foundation & Village of Pinehurst

Village Heritage Foundation

- Raise funds
- Develop and install the garden

Village of Pinehurst

- Take over care of the garden, once established
 - No pesticides!
 - No fertilizer!
 - No irrigation!
 - Leave alone during winter!

VHF + Village

- Gain accreditation for the garden
 - NABA Certified Monarch Garden
 - NWF Certified Wildlife Habitat
 - Monarch Watch
- Create an annual Monarch Festival

Estimated Costs

Proposed support from Village of Pinehurst

Walkway \$10,000

Turf removal \$9,000

Irrigation enhancements

In-Kind support from Pinehurst Resort

Greenhouse for growing plants

Pots, watering and care

Estimated Funds to raise: \$91,000

Soil Enhancements

Plants

Installation

Benches/Covered seating

Signage

Timeline

- 2018 – Raise Funds
- Spring 2019 – Plant Pollinator Garden



**NC DOT PRESENTATION ON PROPOSED IMPROVEMENTS AT THE
PINEHURST TRAFFIC CIRCLE.
ADDITIONAL AGENDA DETAILS:**

FROM:

Lauren Craig

CC:

Jeff Sanborn

DATE OF MEMO:

5/16/2018

MEMO DETAILS:

Representatives from NC Department of Transportation will present concepts for improvements at the traffic circle for consideration.



PUBLIC HEARING NO. 1
ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to discuss the proposed Fiscal Year 2019 Budget for the Village of Pinehurst.

FROM:

Jeff Sanborn

DATE OF MEMO:

5/17/2018

MEMO DETAILS:

This agenda item is for the statutorily required Annual Budget Public Hearing. During this hearing, any person wishing to speak about the recommended FY 2019 Budget may do so. Attached is a short PowerPoint presentation that staff will present at the beginning of the Public Hearing to provide a brief overview of the budget. The budget in its entirety may be viewed online at www.vopnc.org/sop or at Village Hall.

In addition, public feedback on the FY 2019 Budget and Strategic Operating Plan may be viewed online at www.vopnc.org/openvillagehall.

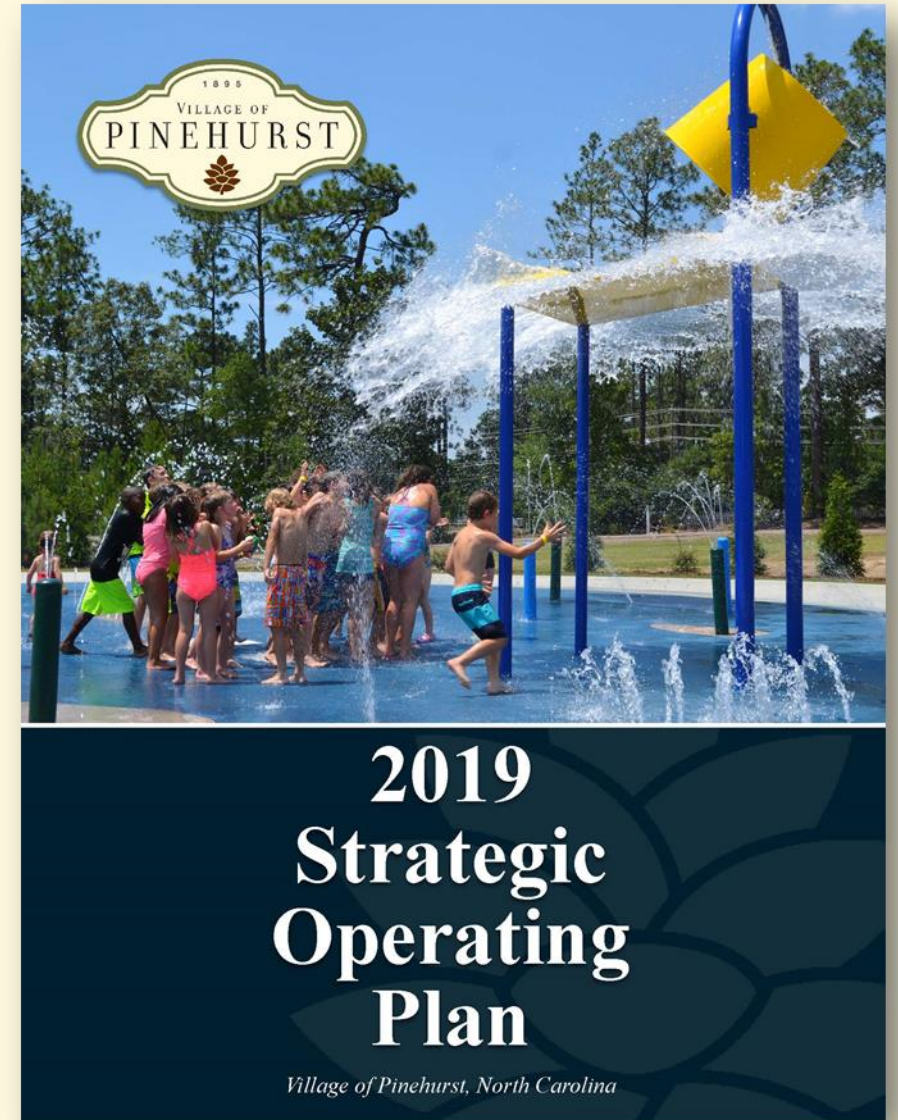
ATTACHMENTS:

Description

- FY 2019 Budget Public Hearing Presentation

FY 2019 Budget Public Hearing

May 22, 2018



FY 2019 Budget



FY 2019 Strategic Operating Plan (SOP) was developed:

- To achieve the Council's vision, mission, goals, & objectives
- To address strategic challenges & opportunities facing the community
- To comply with the Distinguished Budget Presentation Award requirements

 <p>VALUES</p> <p>Service Initiative Teamwork Improvement</p>	<p>VISION</p> <hr/> <p>The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.</p> <p>MISSION</p> <hr/> <p>Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.</p>
--	---

FY 2019 Budget



Four Areas of Focus:

1. Ensure quality residential development
 2. Ensure quality business development
 3. Maintain high quality streets
 4. Provide recreation programs and events for all ages
- Includes 8 Initiative Action Plans (IAPs) at a cost of \$4.6 million



FY 2019 Budget



Significant Items Included in FY 2019 Budget:

- Consistent property tax rate of \$0.295
- \$22.5 million budget, 12% higher than the amended FY 2018 Budget
- Uses \$4.2 million of appropriated fund balance (savings) – \$4 million is to construct the Community Center so no financing is needed
- Ending fund balance of 32.3% of expenditures
- Eight (8) Initiative Action Plans (IAPs) at a cost of \$4.6 million
- Addition of 2 full-time positions:
 - 1 Maintenance Technician to maintain aging and expanding Village facilities
 - 1 Performance Management Director to advance organization-wide improvement efforts to deliver high quality services

FY 2019 Budget



Significant FY 2019 Capital (\$1.1 million):

- \$160,000 – Storm drainage projects
- \$121,000 – Sewer jet and vacuum trailer
- \$105,000 – 3 Police vehicles
- \$100,000 – Paving of Cannon Park parking lot
- \$95,000 – Wicker Park playground equipment
- \$72,900 – Skid-steer loader and mower



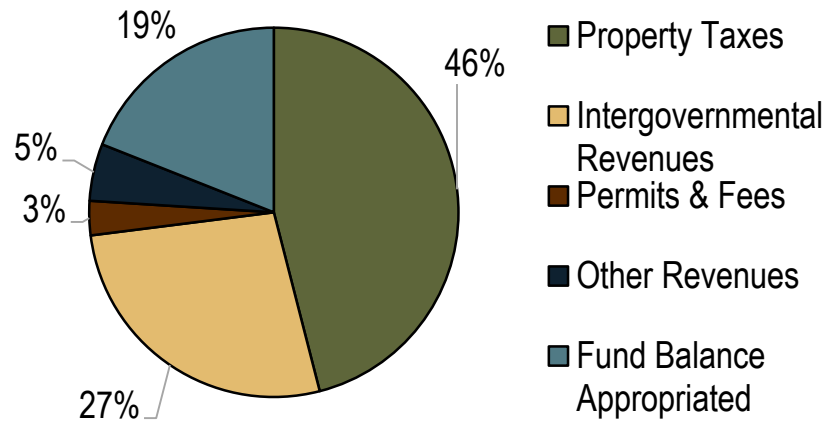
Capital Project Fund

- \$4,068,000 transfer for Community Center construction

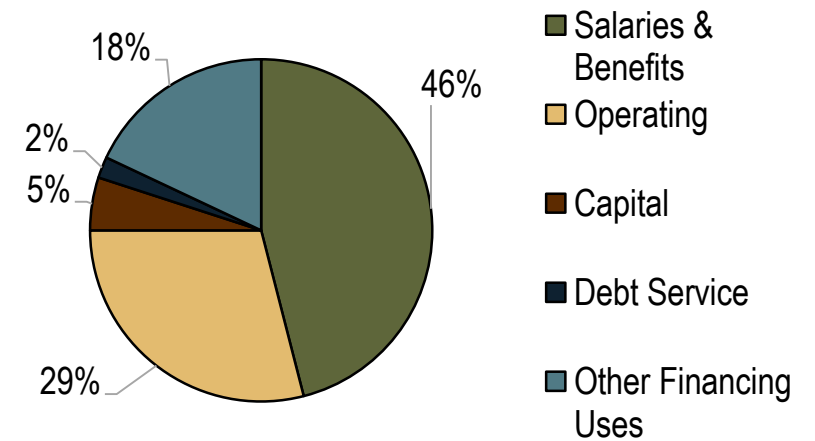
FY 2019 Budget



FY 2019 Budgeted Revenues



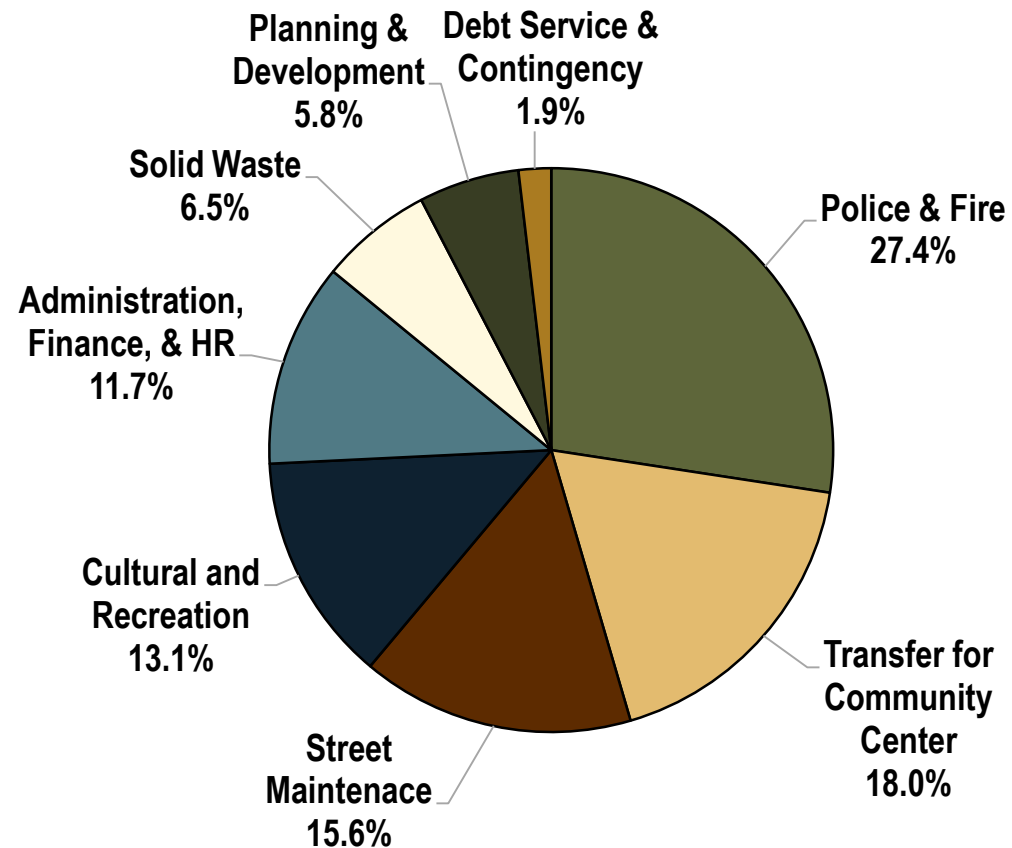
FY 2019 Budgeted Expenditures



FY 2019 Budget



% of Tax Dollar Allocated to Village Services



Open Village Hall Public Input and Questions



**DISCUSS AND CONSIDER AN ORDINANCE TO REPEAL THE SPEED
LIMIT ON MIDLAND ROAD FROM 45MPH TO 35MPH.**

ADDITIONAL AGENDA DETAILS:

FROM:

Lauren Craig

CC:

Jeff Sanborn

DATE OF MEMO:

5/17/2018

MEMO DETAILS:

In order to proceed with the recommendation from the Midland Road Corridor Study to reduce the speed limit on Midland Road (NC 2) from 45mph to 35mph, North Carolina Department of Transportation (NC DOT) needs the Village Council to submit a form to repeal the existing speed limit. Once the speed limit is repealed and NC DOT concurs, the speed limit will go to the statutory 35mph speed limit and they will post it accordingly. Attached is an ordinance to consider taking action on this request to repeal the speed limit.

ATTACHMENTS:

Description

- Ordinance 18-07 Speed Limit Repeal for Midland Road

ORDINANCE #18-07:

AN ORDINANCE REQUESTING NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REPEAL THE SPEED LIMIT ON MIDLAND ROAD (NC 2).

THAT WHEREAS, the Pinehurst Village Council adopted a resolution supporting the Midland Road Corridor Study at their meeting on March 27, 2018; and

WHEREAS, the final report represents a collaborative effort to determine the safety, mobility, and access issues that contribute to the need for improvement along one of the most iconic and historic roadways in North Carolina; and

WHEREAS, one of the recommendations from the Midland Road Corridor Study was to reduce the speed limit on Midland Road (NC 2) from 45mph to 35mph; and

WHEREAS, the Village of Pinehurst must submit a Certification of Municipal Declaration to repeal speed limits and request for concurrence from the North Carolina Department of Transportation in order to formally request the speed limit be repealed, reducing it to the statutory 35mph on Midland Road (NC 2).

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, a regular meeting assembled this 22nd day of May, 2018, as follows:

SECTION 1. The Village Council of the Village of Pinehurst, pursuant to the authority granted by G.S. 20-141(f), determines upon the basis of an engineering and traffic investigation to repeal the speed limits as set forth on the designated portion of the State Highway System for Midland Road (NC 2) from a point approximately 0.45 mile east of SR 1843 (Airport Road), eastward to a point approximately 1.01 miles east of SR 1843 (Airport Road), at the Village of Pinehurst Corporate Limit reducing it from 45mph to the statutory 35mph speed limit.

SECTION 2. Copies of this ordinance shall be furnished to the North Carolina Department of Transportation along with the Certification of Municipal Declaration to Repeal Speed Limits and Request for Concurrence.

THIS ORDINANCE passed and adopted this 22nd day of May, 2018.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren M. Craig, Village Clerk

Michael J. Newman, Village Attorney



**CONSIDER A CONTRACT FOR LEGAL SERVICES FOR FY 2019.
ADDITIONAL AGENDA DETAILS:**

FROM:

John Frye

CC:

Jeff Sanborn & Natalie Hawkins

DATE OF MEMO:

5/9/2018

MEMO DETAILS:

The proposed contract for legal services with Van Camp, Meacham, & Newman, PLLC for FY 2019 is attached for your review and consideration. The only functional terms of the contract that are changed from the previous year were to add legal representation for the Historic Preservation Commission and to remove a reference to the Community Appearance Commission, which no longer exists.

The contract calls for a 2% cost increase, bringing the monthly rate to \$4,568. The hourly rate for Michael Newman remains at \$350 per hour, the same rate as the previous year.

The contract may be approved by a motion authorizing the Mayor or her designee to execute the contract.

ATTACHMENTS:

Description

- ☐ Agreement for Legal Services FY 2019

NORTH CAROLINA
COUNTY OF MOORE

AGREEMENT FOR LEGAL SERVICES

THIS CONTRACT is entered into between VAN CAMP, MEACHAM, & NEWMAN, PLLC (Firm) TIN #-56-2228538, and the VILLAGE OF PINEHURST (Village) TIN #56-1211319, for the provision of general legal representation. The contract period is July 1, 2018 to June 30, 2019. Michael J. Newman (Attorney), a partner in the Firm, will be the primary attorney assigned to this contract by the Firm. If Mr. Newman is not available, the Firm may assign another qualified attorney as an alternate upon the request of the Village Manager.

SECTION I: SCOPE

Attorney will provide general legal representation to the Village in the following areas of law as they pertain to municipalities, said list not to be all-inclusive:

Land Use Regulation
General Police (Ordinance making) powers
Employer-Employee relations, labor law
Environmental law
Police and Public Safety law
Financial law

In advising the Village in the aforementioned areas, Attorney will prepare for and be available to attend all regular meetings, special meetings, and work sessions of the Village Council upon request of the Village Manager. Also, when necessary and if requested and approved through the office of the Village Manager, Attorney will attend work sessions and regular meetings of the Planning and Zoning Board, Board of Adjustment, and Historic Preservation Commission. Attorney will attend, either with or on behalf of the Mayor, Village Council Members, or the Village Manager, any State or County administrative or regulatory body deliberating upon issues or matters of concern to the Village of Pinchurst when requested through the Village Manager's office. Michael J. Newman will be the primary attorney assigned to this contract. If Mr. Newman is not able to attend any of the above-mentioned meetings due to illness, personal vacation, etc., the Firm shall send a qualified attorney as an alternate upon request of the Village Manager. These arrangements for an alternate attorney shall be agreed upon in advance by the Attorney and the Village Manager whenever possible.

The Attorney will also participate, when requested by the Village Council or Village Manager, in dispute resolution or settlement discussions. Attorney will review ordinances and resolutions prior to adoption, recommending changes when appropriate, and will draft ordinances, resolutions and other documents when requested through the office of the Village Manager.

The Attorney may, with the prior approval of the Village Manager, subcontract with other firms or individuals to have certain services performed for the Village, such as title searches, but the Attorney shall remain responsible to the Village for the quality and timeliness of these services. Not included within the scope of services between the Village and Attorney, nor among those services that Attorney may contract with others, are those services customarily performed by outside bond counsel.

Should outside counsel be necessary for proper representation of the Village, Attorney shall recommend at least two firms for the Village Council to choose from for such additional representation. Attorney is responsible to the Village Council for coordinating Village representation with outside counsel, and

reporting on a regular basis to the Village Council the status of that particular issue and the outside legal representation.

SECTION II: RELATIONSHIP

The Attorney is not eligible for any fringe benefits or covered by the Village's Personnel Policy. The Attorney is free to act as the legal representative for any other person or entity when doing so will not create a conflict of interest with the interests of the Village of Pinehurst.

The primary contact for the Village regarding legal matters will be the Village Manager. Providing instructions and requests for service to the Attorney shall be the responsibility of the Village Manager. All correspondence of the Village Attorney to the Village Council shall be either directed to or through the Village Manager. All direction from the Village Council to the Village Attorney shall be either directed to or through the Village Manager. No investigations or claims shall be initiated by the office of the Village Attorney without prior approval of the Village Manager. The office of the Village Attorney may initiate responses to inquiries, demands or claims made against the Village, without prior approval of the Village Manager, however, the Village Manager shall be advised promptly of such claims and the responses made. It is understood by both parties that it is the desire of the Village Council that the Attorney practice law on behalf of the Village in a manner designed to be preventive in nature.

There shall be an annual review of the status of this agreement, and the desirability of the legal services being provided herein.

SECTION III; TERM

The term of this agreement shall be from July 1, 2018 to June 30, 2019. Should either party wish to terminate this agreement for any reason they may do so by giving ninety days written notice of their intention to terminate this agreement. Failure of the Village of Pinehurst to give such notice to the Firm shall entitle the Firm to one-fourth of the then applicable annual amount of compensation for the services of Attorney. Failure of the Firm to give appropriate notice to the Village as specified above shall cause the Village not to be obligated to pay any amounts due for legal or related services from and after the date of the resignation of Attorney.

SECTION IV; COMPENSATION

For the provision of legal representation, including the associated paralegal and administrative support services normally associated with legal representation, and other legal services, including the required attendance at Council and other meetings, to the Village of Pinehurst, the Firm shall be compensated in a monthly amount of \$4,568.00. It is the intention of the Village and the Firm that the annual compensation amount shall cover attendance at meetings of the Village Council and various Village boards and commissions as described in SECTION I above, and for such additional meetings and consultations as may be required, estimated to be approximately thirty (30) hours per month. A detailed report of the services provided under this agreement, including the hours of service by category or project, shall be submitted to the Village Manager by the 15th of the month following the month of service. It is recognized that demands upon Attorney's time and skills are unpredictable, hence it is agreed that either party may call for a mutual review of the adequacy and reasonableness of the compensation at any time upon ten days written notice, and that in any event there shall be a full annual review of the services which have been performed and are anticipated with the full Village Council.

For additional services provided to the Village in cases of litigation, beyond the initial thirty (30) hours per month, as authorized through the office of the Village Manager, the Village agrees to pay the Firm the Attorney's the hourly rates described on the attached letter for such services, upon presentation to the Village of an invoice describing the services provided, the provider, the applicable hourly rate, and the amount of time spent by the provider on each particular task.

Payment for subcontracted services, WestLaw Research, Municipal Attorney's Association membership expenses, and continuing education expenses related to municipal law shall be made by the Attorney and shall be charged to the Village on the Attorney's monthly invoice.

It is understood that extraordinary services which may be required of Attorney shall be discussed if and as the occasion arises, and agreement sought on a reasonable basis of additional compensation to be paid, in light of the nature of the situation, the time to be foreseeably consumed or the unusual demand to be placed upon Attorney.

It is further understood that litigation may not be unusually demanding, or reasonably require extra or special compensation; at the same time, other situations can develop that do fall in the unusual category, e.g. possibly an extensive revision of the zoning and subdivision ordinances, labor negotiation, financing, etc.. These will be discussed and agreed upon at the time they arise.

For the Village of Pinehurst

By: _____
Nancy Roy Fiorillo, Mayor

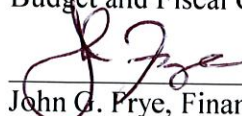
Attest:

Lauren Craig, Village Clerk

Van Camp, Meacham, & Newman, PLLC:

By: 
Michael J. Newman

This instrument has been preaudited in the
Manner required by the Local Government
Budget and Fiscal Control Act


John G. Prye, Finance Officer

5/10/18
Date

John G. Frye

From: Michael Newman <michaeln@vancamplaw.com>
Sent: Monday, May 7, 2018 3:04 PM
To: John G. Frye
Cc: Jeff Sanborn
Subject: RE:

Contract is fine with me. My hourly rate is \$350. Let me know if you need anything further, and I will sign when it final is ready. Thanks.

Michael J. Newman
VanCamp, Meacham & Newman, PLLC
Two Regional Circle
P. O. Box 1389
Pinehurst, NC 28370
Fax : 910-235-0233
Main : 910-295-2525
michaeln@vancamplaw.com

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From: John G. Frye [<mailto:jfrye@vopnc.org>]
Sent: Monday, May 7, 2018 1:36 PM
To: 'Michael Newman'
Cc: Jeff Sanborn
Subject:

Hi Mike,

I am working on our contract for legal services with you for the upcoming fiscal year. The attached draft proposes a 2% increase in the monthly contract amount. This is the same amount of increase as last year and seems to be in line with inflation. The only other change in the contract was to remove a reference to the Community Appearance Commission which no longer exists.

If after you look this over you have any questions, please feel free to give me a call. Once we have the terms worked out, I will need your current hourly rate letter to complete the contract package. If we can get this wrapped up by early next week, I will put it on the Council's agenda for May 22.

Thanks,

John

John G. Frye, Financial Services Director



ESSENTIAL COMMUNICATIONS FOR KEY SUPPLIERS

Village of Pinehurst Mission, Vision, and Values

To achieve the vision of the Village to be a “charming, vibrant community that reflects our rich history and traditions,” the mission of Village employees is to “Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.” Village employees strive to achieve this mission by adhering to a set of core values that are reflected in Village employees’ interactions with customers.

Contractors are an extension of the Village workforce by either providing direct services to Village customers or partnering with Village employees. To ensure residents, businesses, and visitors receive the highest levels of service, the Village expects its contractors to reflect the Village’s core values while performing services under the terms of the contract. The Village of Pinehurst’s Core Values are as follows:

Initiative – the desire and will to identify what needs to be fixed, fix what needs to be fixed, and take leadership when leadership is needed.

Teamwork – the desire and will to selflessly function as part of a high performing whole and to collaboratively work in ways that take full advantage of input from all members of the team.

Service – the desire and will to selflessly meet the needs of those around you: customers, fellow employees, employers, and the community as a whole.

Improvement – the desire and will to learn and grow professionally and to enhance team processes in ways that improve performance, efficiency, or both.

Ethical Standards

As a contractor working on behalf of the Village of Pinehurst, contractors are expected to reflect our ethical standards. The foundation of government depends on public trust and confidence. While performing the terms of the contract, the Village expects contractors to foster public trust by providing quality service and fair dealings that are respectful, impartial, and accountable. Contractors must also avoid any conflicts of interest or appearance of conflicts of interest or use their position or resources for personal gain.

Village employees or their families may not request or accept any kickback, rebate, cash, or anything of value from a Village contractor. These practices are not only unethical, but are in most cases illegal.

Village employees have the right to be free from harassment on the job because of their race, color, sex, religion, gender, national origin, sexual orientation, age, disability, veteran’s status, or other protected class. Harassment of any employee by management, supervisor, or contractor in any form is prohibited. All contractors are expected to abide by these ethical standards of conduct while performing services under contract for the Village of Pinehurst.

Contract Performance Evaluation

At least annually, Village staff will evaluate contractor performance under the terms of this contract. This evaluation will assess how well the contractor performed during the contract period in meeting Village contract requirements of: 1) Fair price, 2) Quality of goods and services, and 3) Timely delivery of goods and services.

As a requirement of this contract, contractors are required to periodically meet with Village staff to assess and communicate contractor performance under the terms of the contract, including the aforementioned terms. These meetings may be in person or by telephone and will allow for open two-way communication between the contractor and the Village representative. These meetings are not an opportunity to renegotiate the terms of the contract, but will be focused on the quality and timeliness of the services provided under the contract. These meetings will also provide an opportunity to share innovative ideas for service delivery that may be incorporated into future process improvements at the Village.

Your Village representative will review key contract service delivery performance measures with you during your meetings. If, for any reason, service delivery is below the contracted performance requirements, or if there are other shortcomings related to demonstration of the Village's values or ethical standards, Village staff will discuss it with you at that time. These meetings will offer both parties an open opportunity to discuss any concerns and to ensure adequate service delivery and identify opportunities for service delivery improvements.

The performance evaluation meeting schedule for this contract is as follows:

Meeting Frequency (Select one): ☐ Quarterly ☐ Semi-Annually ☒ Annually

	Village Representative	Contractor Representative
Name	Jeff Sanborn	Michael Newman
Contact Information	910-295-8641	910-295-2525

The Village values the services provided under the terms of this contract, values the contractor-Village partnership, and looks forward to working collaboratively throughout the contract period to serve Pinehurst residents, businesses, and visitors.

Acknowledgment of Receipt

I hereby acknowledge that I have read, understand, and agree to abide by these contract terms provided above while performing the contract with the Village of Pinehurst.

VAN CAMP, MEECHAN + NEWMAN, PLLC

Company Name

[Signature]

Name of Signer

VILLAGE ATTORNEY

Title

5/8/17

Date