

**Village of Whispering Pines
Village Council
Regular Meeting Minutes**

Date: July 8, 2009	Called to Order: Mayor Zschoche	Time: 6:00 P.M.	Adjourn: 8:55 P.M.
Council present: Mayor Zschoche, Mayor Pro Tem Boggis, Councilman Gebhardt, Councilman Saunders and Councilman Zamaroni		Staff present: Village Manager Steve DeBolt, Planning and Zoning Director Brian Borchardt, Code Enforcement Mark Rasdall, Fire Chief Bullard, Police Chief Campbell, Village Attorney Mike Brough and Village Clerk Linda Christopher	
Topic:	Discussion:	Action / Follow-up:	
Adoption of the Agenda	Councilman Gebhardt requested the removal of Unfinished Business #9; Consider the recommendation from the Planning and Zoning Board regarding the proposed amendments to Chapter K, Article III, Section 8.2 RA – Residential and Agricultural District.	A motion was made by Councilman Zamaroni, second provided by Councilman Saunders to adopt the agenda as amended. Motion approved. (5-0)	
General Public Comments	<p>Bob Kroll – 64 Pine Lake Drive – offered an explanation of the direction taken by the Planning and Zoning Board regarding the amendments to Chapter K, Article III, Section 8.2 RA – Residential and Agricultural District.</p> <p>Bob Cunningham – 128 Pine Lake Drive – commented that once again he is unable to use his boat due to the low water level of Pine Lake. He has asked several times if he would be allowed to extend the length of his dock and has not received an answer. Mr. Cunningham also asked if the Village would consider a “courtesy ticket” or other alternative to traffic citations.</p>	There being no further comments the Mayor closed General Public Comments.	
Approval of the Minutes:	Mayor Pro Tem Boggis requested that the minutes from the June 24, 2009 Special Meeting be amended to read; Councilman Gebhardt mentioned that he did not wish to discuss the application itself but the process of amendment submissions.	A motion was made by Councilman Zamaroni, second provided by Councilman Gebhardt to approve the minutes of the June 2, 2009 Special Meeting, the June 9, 2009 Special Meeting, the June 10, 2009 Special Meeting, the June 10, 2009 Regular Meeting as submitted and the June 24, 2009 Special	

		Meeting as amended. Motion approved (5-0)
<p>Public Hearing: Hold a Public Hearing to consider amendments to Chapters A and K of the Code of Ordinance pertaining to the operating procedures and powers of committees and boards.</p>	Mayor Zschoche opened the Public Hearing.	There being no comments Mayor Zschoche closed the Public Hearing.
<p>Closed Session</p>		A motion was made by Councilman Gebhardt, second provided by Mayor Pro Tem Boggis to go into closed session in accordance with G.S. 143-318.11(3) attorney / client privilege. Motion approved. (5-0)
<p>Open Session</p>		Open session was reconvened; no action was taken in closed session.
<p>Report from Village Manager:</p>	<p>A written report was submitted. Mr. DeBolt mentioned that the second draft on the LDO is under review by the Planning and Zoning Board and the Village attorney.</p> <p>Councilman Gebhardt asked for an explanation regarding the statement in the report: “I met with Woody Davis from CCWP and he would consider a joint financing option with the Village for an alternative long term pumping station rather than using Pine Lake exclusively.”</p> <p>David Mathias – 156 Pine Lake Drive – stated that there is already a piping system in place for CCWP to irrigate from Spring Valley Lake. He commented the Village should not jump to a quick solve that will create a larger long term problem.</p> <p>Jerry Osborne – 34 Sandpiper Drive – stated there is some confusion regarding the existing pipe size and</p>	<p>Mr. DeBolt responded to Councilman Gebhardt’s request: currently all the water comes out of Pine Lake exclusively. One of the long term options being considered is trying to convert 50% of the water taken to Spring Valley. In order to do that it would require a pump house. There is an existing pump house located behind the Village Hall but the condition of the pump is unknown at this time. It has been estimated that the cost to repair the existing pump, if able to be repaired, would be \$20,000. The cost to replace the pump would be approximately \$70,000. Woody would consider joint financing this as a long term solution.</p>

	location. The Surface Water Working Group has asked the Lakes and Watershed Board to allocate \$1000 to determine the exact location of the pipe.	
Unfinished Business:		
1. Discuss process to review changes to JDH plan and conditions to plan.	Mayor Zschoche provided a brief background regarding the JDH project for all present. There was a brief discussion regarding the changes that have been made to the original plans and the major differences in the plans.	<p>A motion was made by Councilman Gebhardt, second provided by Councilman Zamaroni, that this Council interpret the provisions of our ordinance for the amendment of plans; this deviation is so major as to constitute a new application and that the application be forwarded to the Planning and Zoning Board through the Director of Planning and Zoning as a new application. Motion approved. (5-0)</p> <p>A motion was made by Councilman Gebhardt, second provided by Mayor Pro Tem Boggis that the amendment to the Highway Corridor Overlay District adopted by Council in connection with the JDH and Matthews applications, which was sunsetted, be submitted to the Planning and Zoning Board simultaneously to re-enact that amendment. Motion approved. (5-0)</p>
2. Board approval of payment to Benchmark CMR for additional services retroactive to the 08/09 Fiscal Year.		A motion was made by Mayor Pro Tem Boggis, second provided by Councilman Saunders to approve the payment of \$7500 to Benchmark CMR for additional services retroactive to the 08/09 fiscal year. Motion approved. (5-0)
3. Consider approving amendments to Chapters A and K pertaining to the operating procedures and powers of committees and boards.	<p>Councilman Gebhardt mentioned that he recently attended the CAC meeting to discuss the function of the CAC and the ARB.</p> <p>Councilman Gebhardt requested that in section 7.1.6 “the” be removed.</p>	A motion was made by Councilman Gebhardt, second provided by Mayor Pro Tem Boggis to approve the amendments to Chapters A and K as amended. Motion approved. (5-0)

<p>4. Receive implementation plan from Village Manager regarding recycling program.</p>	<p>Mr. DeBolt stated that he would like to move forward with the village wide recycling program beginning Thursday, August 6th. The village will retain the current pick-up schedules with the addition of recycling pick-up on Thursday until Thursday, January 7, 2010 at which time household waste pick-up will be reduced to once a week. A written agreement has been provided between Wagram Paper Stock and the Village of Whispering Pines. The current contractor, Roberson's Unique Sanitation, has agreed to a one year agreement in addition to his current contract that expires June 2010.</p> <p>Mayor Pro Tem Boggis stated that at the June Council meeting the Council agreed that two months would be sufficient as an adjustment period before going to once a week household waste pick-up. She questioned why it was now 5 months.</p> <p>Councilman Saunders stated that he would prefer to see an all new contract negotiated at this time.</p>	<p>The Council directed the Village manager to negotiate, prepare and submit for approval a new contract with the current contractor and to provide Council with a clear and precise implementation plan at the August 12th meeting.</p>
<p>5. Consider approving the Preliminary Plat for Laurenwood Phase 7.</p>	<p>Councilman Saunders started discussion by asking why the plat before the Council tonight has 29 lots when the only plat for Phase 7 that the Council has looked at had 10 lots.</p> <p>Bob Koontz, Land Planner for Laurenwood Phase 7, explained that Phases 7 and 8 have been combined to create a more comprehensive plan.</p> <p>Discussion continued regarding the review of the plat by the Planning and Zoning Board and emergency personnel, the open/recreation space, and the length of the cul-de-sac.</p>	<p>A motion was made by Councilman Gebhardt, second provided by Councilman Zamaroni to approve the Preliminary Plat for Laurenwood Phase 7 with the following conditions:</p> <ol style="list-style-type: none"> 1. the developer posts a guarantee of performance bond prior to final plat approval 2. prior to any construction the developer have a agreement of maintenance for the parcels proposed for dedication 3. item #11 in the marginal notes be eliminated 4. a finding that there is reasonable expectation that the proposed stub-out would satisfy the Village subdivision ordinance 5. the proffered open space is dedicated to

		the Village or to another entity satisfactory to the Village. Motion approved. (4-1)
6. Receive requested documentation from Code Enforcement regarding the proposed Appearance Ordinance.	<p>Mark Rasdall, Code Enforcement Officer, reported to the Village Council that he receives 15-20 calls per month regarding complaints on unkempt properties. Currently there are 42 homes within the Village that would fall under this proposed ordinance.</p> <p>Councilman Gebhardt stated that he feels the existing nuisance complaint would cover most of the items mentioned. Mr. Rasdall agreed with Councilman Gebhardt that the nuisance complaint would cover some of the items but stated that the problem with the nuisance complaint is the time frame associated with the nuisance complaint.</p> <p>Several council members agreed that the wording of the nuisance complaint should be revised.</p>	Council requested a revised copy of the proposed ordinance and that this item is placed on the agenda for the August meeting.
<p>7. Discuss report from the Surface Water Working Group regarding lake water balancing, and</p> <p>8. Consider amending Chapter J to regulate irrigation from the village lakes during drought conditions.</p>	<p>Councilman Saunders stated that in his opinion the proposal to pump water from Shadow Lake to Pine Lake would be a waste of money. The proposed amendments to Chapter J, regulating irrigation during drought conditions, which was presented at the June Council meeting has been reviewed and approved by the Village Attorney.</p> <p>Councilman Saunders mentioned that he felt it was the consensus of the council to revise the proposed ordinance making the restrictions tighter.</p> <p>Mayor Pro Tem Boggis provided council members with information regarding entities that withdraw in excess of 100k gallon of water per day having to provide monthly reports to the state and the requirement for these entities to have an extensive backup plan in writing for drought conditions.</p>	<p>By consensus the Council directed the Village Manager to allocate \$1,000 from the Lakes and Watershed budget for the location of the existing piping.</p> <p>By consensus the Council agreed that discussions are moving in the right direction. The Village should continue moving forward with a proposed ordinance which would restrict individuals and high volume users during drought severe drought conditions in a more aggressive manner.</p>

Councilman Gebhardt stated that the Village Manager is very close to finding a permanent solution but in the mean time it is unfair to the residents of Pine Lake to not spend a minimal \$10,000 for a short term fix now.

Mayor Pro Tem Boggis stated that in her opinion, this should be a joint project between the residents of Whispering Pines and the Club. We all use the water; we should all work together for a solution.

Carl Lanning, 36 Pine Ridge Drive, stated that the Council should examine closely the information that has been provided. He feels that passing an ordinance that would restrict the club from irrigating from the lakes would end up in court.

Jerry Osborne, 34 Sandpiper Drive, mentioned again that the Surface Water Group has asked the Lakes and Watershed Board to allocate \$1,000 to be used to potentially locate the existing piping that would allow irrigation by the club from Spring Valley Lake.

Mayor Zschoche mentioned that the club could utilize other lakes by mechanical means; this ordinance would give some incentive to do this.

Florence Zschoche, 40 Shadow Lane, commented that during the discussion and comments tonight it had been mentioned several times that passing this ordinance would destroy the club. Florence stated that the club has had its hand in its own predicament and needs to have its hand in a solution. When the lakes were deeded to the Village the club was pumping from two lakes for irrigation. The club has discontinued the use of the pump from Spring Valley which has created this problem. If the Village passes this ordinance restricting irrigation during drought conditions,

	<p>the club has other options.</p> <p>Mayor Zschoche clarified that the proposed amendments would not be an ordinance against the club. It is an ordinance restricting irrigation for all property owners in the village and all lakes.</p>	
New Business:		
1. Consider adopting the Lake Management Plans as recommended by the Village Manager.		A motion was made by Mayor Pro Tem Boggis, second provided by Councilman Saunders to accept, not adopt, the Lake Management Plans as submitted. Motion approved. (5-0)
2. Discuss a date for a council retreat to set council goals and performance goals for Village manager.		Council members were asked to check their calendars for the last week in September. A specific date will be set at the August Council meeting.
3. Set a date for first year evaluation of the Village manger.		Council will set a date for the first week in September at the August Council meeting to prepare for the evaluation. A date for the actual evaluation with the Village Manager will be set later.
4. Authorize Village Manager to execute Change order #1 for Maintenance Building Contract.		A motion was made by Councilman Gebhardt, second provided by Councilman Saunders to authorize the Village Manager to execute Change Order #1 for the Maintenance Building Contract. Motion approved. (5-0)
5. Establish a date to complete the initial review of the LDO.		A Special Meeting was called for Monday, July 13, 2009 at 4:00 P.M. to complete review of the second draft of the Land Development Ordinance.
Informal Discussion and Public Comments	Fire Chief Scott Bullard encouraged all present to read the article that was published in The Pilot this past Sunday	

	highlighting one of the volunteers on the Whispering Pines Fire Department.	
Adjourn		There being no further comments or discussion the meeting was adjourned.

Bob Zschoche, Mayor

Linda M. Christopher, Village Clerk