

**MINUTES
FOXFIRE VILLAGE COUNCIL
PUBLIC HEARINGS / REGULAR MEETING
Village Hall Meeting Room April 11, 2023-4:30 PM**

1. Call to Order: Mayor Boito called the meeting to order at 4:30 PM
2. Members Present: Mayor Pro Temp Janice Gregorich, and Councilmembers Janet Nauman, Don Nelson and Gary Samuels
3. Others Present: Chief Shue, Mary Gilroy-P&Z Chair, and several members of the public
4. Moment of Silence: Mayor Boito requested those present to pause for a moment of silence followed by the Pledge of Allegiance.
5. Public Hearings:

- Public Hearing #1 – *Ordinance Amendment #2023-01*

Sec. 21-6-8 – Table 21-6.1 Building Height, Setback, and Lot Dimensions

Councilmember Samuels made a motion to open Public Hearing #1 and the motion was carried unanimously.

Mayor Boito explained the purpose of the ordinance amendment and its affecting in particular, those properties zoned Rf-200. The ordinance amendment would change the minimum lot size from 20-acres to 10-acres. There were no public comments.

Councilmember Nauman made a motion to close Public Hearing #1 and the motion was carried unanimously. There were no further comments from the Council.

Councilmember Nelson made a motion to adopt Ordinance Amendment #2023-01. The vote was called:

Gregorich - aye

Nauman – aye

Nelson – aye

Samuels – aye

Boito - aye

- Public Hearings #2 – *Ordinance Amendment #2023-02*

Sec. 21-7-7.3 – Preliminary Plat for Major Subdivisions and Sec. 21-7-7.4. – Final Plat for Major Subdivisions

Councilmember Nauman made a motion to open Public Hearing #2 and the motion was carried unanimously.

Mayor Boito explained the purpose of the ordinance amendment is to transfer the authority of approving major subdivision plans from the Planning & Zoning Board to that of the Village Council. P&Z Chair Mary Gilroy elaborated on the changes. There were no further comments from the public.

Councilmember Nelson made a motion to close Public Hearing #2 and the motion was carried unanimously. There were no further comments from the Council.

Councilmember Nelson made a motion to adopt Ordinance Amendment #2023-02. The vote was called:

Gregorich - aye

Nauman – aye

Nelson – aye

Samuels – aye

Boito - aye

6. Approval of the April 11, 2023, Regular Meeting Agenda

Mayor Pro Tem Gregorich added two Budget Amendments to the Consent Agenda. *Budget Amendment #2023-03* totaling \$42,000 to account for foreclosure costs for the Drivett property and

increases to West End Fire and Pool contract. The second, Budget *Amendment #2023-04* totaling \$24,500 for the grant received by the police department.

Councilmember Samuels made a motion to adopt the April, 11 2023 agenda as amended. The motion carried unanimously.

7. Consent Agenda

All items listed below are considered routine and will be enacted by one motion and without discussion

a. Approval of Minutes

- February 23, 2023 Work Session
- March 14, 2023 Regular Meeting
- March 30, 2023 Work Session

b. Budget Amendment #2023-03 General Fund

c. Budget Amendment #2023-04 General Fund

Councilmember Nelson made a motion to approve the consent agenda as amended. The motion carried unanimously.

8. Public Comment Period

Leslie Frusco – 7 Hillside Drive asked if the council calculated the revenue-neutral tax rate, pointing out that Moore County has and is planning to reduce the mil rate by about 38%. Mayor Pro tem Gregorich replied, it had not been calculated yet. The council will meet in a special work session on Friday of this week to finalize numbers in order to calculate the amount. Gregorich elaborated further and there was a brief discussion.

Mary Gilroy- P&Z Chair reported the Windy Ridge \$100,000 Performance Bond was received as well as the final CCR's. Mayor Boito added the final plat was delivered earlier in the afternoon and two issues need addressed before signing. Gilroy will call a special meeting of the P&Z Board to review the issues.

9. Zoning Administrators Report - Lisa Kivett

Lisa Kivett provided the following zoning activity from March 15, 2023 through April 11, 2023

Currently a total of Fifty-four (54) homes are under construction or in the beginning stages of lot clearing. Fifty-three (53) in the Village Corporate Limits and One (1) in the ETJ.

No single-family residence permits were received.

Four (4) Certificate of Occupancy were issued:

130 Vista Ridge

6 Dickinson Ct

829 Tufts Vista

481 Grande Pines Vista

Other Permits Issued:

One (1) Swimming Pool

One (1) Fence

Two (2) Accessory Buildings

10. Council Member Reports:

A. Finance - Janice Gregorich

- Financial Report

Mayor Pro Temp Gregorich reported as of March 31, 2023: The balance in the general fund is \$2,655,517 of which \$983,108 is reserved. The balance on the water fund is \$1,333,589 of which \$361,076 is reserved. Year to date, the interest earned in the Capital Trust account between general and water funds is over \$29,000. No additional money has been put into the Capital Trust until we get into the tax season again.

Gregorich reported that due to selling the Police K9, the donors of the money for the K9 Fund have asked to allocate the remaining funds to guns and ammunition, and safety equipment for the Police Department. She further added that budget prep is progressing, however, council needs to make a decision on what to do with salaries in addition to receiving quotes from contractors. Gregorich asked the council to consider allocating a percentage of sales tax revenue to an employee compensation fund. This will be discussed further.

B. Streets and Park – Janet Nauman

- Playground Equipment Quotes

Councilmember Nauman met with resident Jessica Hale to review several catalogs of playground equipment. One company they recommend can provide a large playground structure for ages 5-12 along with a smaller play structure suitable for children up to five years of age. They will remove and haul away the existing slide, remove and replace the border, and relocate the existing swing set to another area in the playground. Nauman would like to purchase the equipment and service from Elite Play Equipment in the amount of \$59,502. Nauman provided a computer drawing of the proposed equipment and layout. She additionally asked for volunteers to assist with sandblasting and repainting the swing set.

- Landscaping Bids

Five requests for bids were sent out and three were returned. Those who bid were our current landscaper, M&M at \$105,516, Tanglewood Landscaping at \$141,640 with additional costs for some areas, and Bland Landscaping at \$229,000. Nauman recommends continuing with M&M Landscaping. This contract is for two years with a 3% increase in year two.

C. Public Safety – Don Nelson

- Department Updates

Chief Shue provided the following Police Department report:

- The new patrol car was received and currently in use. It will be striped next week.
- A new “Cruise Feature” for patrol cars was implemented. Two steady, low level blue lights will come on in both front and rear of the car. This will allow residents to know it’s a patrol car and also to deter crime. They will be used on side streets. This system will be added to the new patrol car as well.
- The Tahoe was turned over to the water department. Shue reported that State Statutes require that amber lights be installed on the vehicle. Shue offered to assist with installation.
- The snowplow was removed from the yard waste area.
- The remaining clutter is trash and will be removed.
- There is a second vehicle stored in that area. This vehicle was from another large drug stop. Councilman Samuels added he and Chief Shue will meet to discuss other options for storing of vehicles. Shue added as long as officers are working the amount of stops they are, this will become a trend. He suggested the council look at options of creating a designated storage yard for future needs. Officer Judge alone has issued just under 600 traffic citations since January 1st. Brief discussion followed on storage location and possible fees for storage.
- A prisoner transport cage will be purchased for the new vehicle using grant money. Bullet-proof vests will also be purchased using these funds.
- Shue alerted residents of the upcoming *Pinehurst Triathlon* this weekend. There will be a large number of bicycles coming through the Village. Officers will offer traffic control in the Village during this event.

Councilman Nelson reported the bamboo on the fire truck access road would be trimmed back from Hoffman Road to the firehouse. Nelson spoke with Chief Stromberg and requested a copy of his budget. He asked that Stromberg provide him with the dollar amount, not percentage, they are requesting for the upcoming year.

D. Water Department - Gary Samuels

- Department Update

Councilmember Samuels reported that under a routine check of wells, it was discovered a back-flow preventer was stuck causing water to flow in the reverse direction. Wellsite #11 was shut down for repairs. All other wells are operating with minimal uptick. He is still waiting to hear from Underwood Drilling about the Sackman property.

E. Mayor's Report - Don Boito

- Meeting with Legislators

Mayor Boito reported that he and Mayor Pro Tem Gregorich met with Senator McGinnis and Representative Jackson about recently generated Senate and House Bills regarding affordable housing, workforce housing, accessory dwellings and so forth. Senator McGinnis interprets that since Foxfire is in a watershed, there is no public sewer system, and we have limits on impervious surface; we should be okay. The House submitted a companion bill to the Senate Bill with a crossover date of May 4th. If the Senate Bill does not pass, it changes over to the House and dead for this session. According to both McGinnis and Jackson, there has been considerable opposition to these bills. Jackson was very upfront about saying he was not supportive of the action by the State to take away local prerogatives and would not vote for them. Gregorich added that Representative Jackson offered to write a local bill that would state because we are in the watershed and on septic, we would be exempt from certain bills. She still feels that given the right circumstances a legal battle could ensue. Councilman Samuels thanked both Boito and Gregorich for taking the time to meet with McGinnis and Jackson.

11. Old Business

- Sackman Property Offer

Mayor Boito received a return call from the Sackman Representative regarding the property on Hoffman Road. Sackman's asking purchase price was \$240,000 and we came back with an offer of \$180,000 provided the well would produce at least 35 g.p.m. Sackman refused and said the price was \$240,000 and would give the Village Lake Blum. The council briefly discussed, and it was the consensus to not accept the offer which includes acquiring Lake Blum. Boito will contact Sackman to let them know we are not interested in Lake Blum but are still considering the purchase of the property.

12. New Business

Boito reported a bill was submitted that would change the rules on STR (Short-term Rental). If the bill passes, we will need to revise our ordinance.

A second bill was introduced to eliminate the ETJ, affecting the entire state. Senator McGinnis said he would support this bill. If Foxfire loses the ETJ, it will have minimal affect on the Village.

Boito asked the council to submit their slide information for the Council Retreat to Lisa by the end of April. The retreat is scheduled for May 18th at the Moore County Chamber of Commerce and will focus mainly on the LRP.

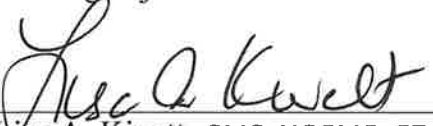
13. Public Comment:

Leslie Frusco asked if a date was scheduled for the Citizen Participation Meetings. Boito replied not as of yet. One meeting will be conducted.

Andy Moody – Bobolink asked why the Police K9 was sold and if it would be replaced. Councilman Nelson replied to the department did not have a handler and in fairness to the dog, he was sold. Gregorich added, if the opportunity comes up in the future, she is sure the funds will be available to start the program once again.

14. Adjournment

Councilmember Nauman made a motion to adjourn. The motion carried unanimously, and the meeting adjourned at 5:20 PM.


Lisa A. Kivett, CMC, NCCMC, CZO
Village Clerk


Don Boito
Mayor