

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Golf Country Club**

October 10, 2017 – 6:30 PM

- 1. Call to Order:** Mayor McCue called the meeting to order at 6:30 PM.
- 2. Members Present** – Councilman Don Boito, Mayor Pro Tem Leslie Frusco, Councilman Vic Koos, and Councilman Jon Sedlak
- 3. Others Present** – Lisa A. Kivett-Village Clerk, Chief Chad Shue, Officer Daniel Ritter, and residents Bryan and Sue Manley, Ed Howze, Mary Gilroy, and Linda Straczewski
- 4. Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence.
- 5. Additions and Approval of Agenda**

Councilman Boito added *Richmond Road Sign* to his report.

Mayor Pro Tem Frusco made a motion to adopt the October 10, 2017 agenda as amended seconded by Councilman Boito and carried unanimously.

6. Consent Agenda

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

A. Approval of Minutes

- September 12, 2017 Regular Meeting
- September 28, 2017 Work Session

Mayor Pro Tem Frusco made a motion to adopt the consent agenda as written seconded by Councilman Sedlak and carried unanimously.

7. Public Comment Period

None

8. Zoning Administrator's Report – Lisa Kivett

A total of ten (10) homes are currently under construction. All are located in the Village:

Village

Two (2) located in Autumn Acres (Edwards property)
Two (2) located in Pineland Preserve
Two (2) Deer Track
Pine Tree Terrace
Bermuda Circle
Whitman Court
Eagle Drive

The following permits were issued in the month of September:

- Two (2) single family residence (both on Deer Track)
- One (1) fence (N. Shamrock)
- New Town Hall

Ordinance violations addressed

- Trailer (Eagle Drive)
- Yard nuisance (Woodland Circle and Bobolink)

Received a "Report a Concern" regarding too many cars parked in view on personal property.

Police personnel served a citation for a trailer on September 6th and fines have been imposed at \$50 per day. As of October 10, 2017, penalties total \$1,750. The trailer continues to be stored on the property. The Village Attorney advised this be taken to the Moore County Magistrate and file small claims. He is looking into other possible ways the Village can remediate the situation.

Mayor Pro Tem Frusco asked if the violation continued after filing small claims, would a new claim need to be filed for the additional penalties. Ms. Kivett will contact the County Clerk of Courts with this question.

9. "Brunch Bill" – Ordinance #2017-10

A draft of the "Brunch Bill" ordinance was posted on the Village website for review and comments the month prior. No comments were received. This ordinance will allow the Club and the General Store to sell beer and wine on Sunday beginning at 10:00 am instead of noon.

Mayor McCue read aloud the "Brunch Bill" ordinance and asked for a motion to adopt.

Mayor Pro Tem Frusco made a motion to adopt Ordinance #2017-10 seconded by Councilman Boito and carried unanimously.

10. Pinehurst Annexation Agreement

Mayor McCue reported that Foxfire and Pinehurst entered into this agreement in 2010 and it divides the territory between Foxfire's corporate limits and Pinehurst's corporate limits. A map was prepared in accordance with the agreement showing ETJ areas that Foxfire may annex and Pinehurst may not and visa-versa.

He asked that Council take another look at this agreement because of Pinehurst's recent action to rezone a part of their ETJ, which is incorporated by this annexation agreement, with the intention of future annexation by Pinehurst. This rezoning creates a 28-acre parcel where 28 homes may be built in the general area of where the Western Connector might go. Pinehurst is well within the annexation agreement and we have no rights other than to be notified prior to them annexing the property.

There's a five-year written notice required to terminate the agreement. McCue is not suggesting we terminate but possibly amend ^{to 2017} the agreement to require notification of rezoning. This would allow us a better opportunity to approach our neighbors and tell them why we agree or disagree with their decisions. It would also be beneficial to Pinehurst to know of our intentions in the ETJ.

Mayor Pro Tem Frusco said she was not in favor of the agreement when it was passed in 2010. If the agreement with the change came up for a full vote, she again would not be in favor. McCue added it may not be amendable at all. In theory, the one thing the agreement does is protect Foxfire from Pinehurst expanding and swallowing up our ETJ. That's one thing we need to be careful of if we consider terminating the agreement. He will continue to research the idea of adding a notice of requirement for rezoning. Discussion continued on what the agreement permits and prohibits.

11. Village Pool

Mayor Pro Tem Frusco reported on the "pool season" which begins in May and ends in September, spanning 2 budget years. Revenue was slightly down from 2016, possibly due to cutting pool hours. With payroll expenses being down almost 28%, it actually decreased the operating cost by about 71%. Operating costs include things like weekly maintenance, chemicals, uniforms, and things needed to operate the pool daily. She further explained the previous year's operation costs compared to the recent season.

Frusco reported walk-in ticket sales actually increased by \$80 but revenue was down by about \$1,500 in punch card or season passes. The pool should be looked at as a Village amenity which attracts people to the community so there is an intangible not reflected in dollars and cents.

Pool hours were slightly reduced but we were still able to provide pool availability to Village residents and non-residents seven days a week. At the minimum, the pool was open for five hours

a day. We also provided Adult Swim three days a week and depending on availability, could have added a fourth day. Cutting hours did not have a significant impact. Pool opening through July is very busy but drops somewhat in August due to factors like preparing for back-to-school and final summer vacations. Frusco elaborated further on pool expenditures and brief discussion ensued.

Mayor McCue said the recent community survey is largely in favor of keeping the pool. He asked if the council is ready to keep the Village pool for the long term.

Frusco reported yes, unless we get to a point where the State requires us to be A.D.A compliant. At that point, whatever council is seated will need to re-evaluate the costs associated with it. If she continues serving and we are looking at spending that amount of money, we would need to go out on that specific issue to the residents before doing anything. That would then necessitate debt service. So yes, she is in favor of long-term if we continue maintaining it in this fashion.

McCue said he looked at it differently. We will need to spend money if we want to keep the pool for the long term which to him, is 10 or 20 years out. At some point we will need to make the pool A.D.A compliant. Just like planning for a new town hall, we should start making it a priority now.

Sedlak suggested a 10-year plan and putting away money each year. Discussion continued.

Boito commented that the council should not encumber future councils. Frusco replied we might have an ordinance for a long-range capital reserve fund but the funding for that is year to year and we would not be committing anyone.

McCue suggested utilizing a pool management company who would provide lifeguards and complete management of the pool. Looking at last year's quote from Swim Club Management Group, it would cost approximately \$12,500 more than what was spent this year. It's getting increasingly difficult for the Village Clerk to operate the pool so this may be something to talk about and consider. Discussion continued.

Ms. Kivett said the management company's proposal was dated March of 2016. She placed a call to the representative of the company and requested an updated quote. Kivett further reported on the difficulties with staffing and the probable lack of staffing in the coming year. At this point, only one of the current lifeguard staff may be back the next year.

In addition, Danny Jackson who has been the pool CPO for the past several years has commented he is considering getting out of the pool business and he too is having issues with staffing. The pool management company would act as the CPO and maintain the pool during off-season. Frusco suggested asking if they would negotiate if we had the same pool hours as this year. McCue asked that we push Mr. Jackson to make a decision as soon as he can.

12. Courtyard Properties Subdivision Map

Kivett reported that Lynne Williams and Howard Cannon, owner of Courtyard Properties own the parcel of land next to the Village office. This parcel is zoned VBD and contains a home which has been rented by the same individual for several years. The property owners have requested the property to be subdivided as they intend to sell the portion containing the home to the current renter. Planning & Zoning has reviewed this request and recommends the map be approved and the property subdivided. Frusco asked if this was a recommendation to rezone the property. Kivett responded no but a request to rezone the parcel containing the home to RS30 was received. Planning & Zoning will receive the rezoning request information at their November meeting.

Frusco questioned why the Village would approve a subdivision before tackling the zoning issue. If we choose not to rezone the property, then maybe the property owner won't want to subdivide the property. There was brief discussion.

Mayor Pro Tem Frusco made a motion to table the approval of subdividing this property until rezoning can be addressed seconded by Councilman Sedlak.

McCue feels it will benefit the property owner to wait and address both subdividing and rezoning at the same time. **The vote was called and carried unanimously.**

13. Councilmember's Reports:

A. Finance – Leslie Frusco

1. Finance Report

Mayor Pro Tem Frusco reported the following as of September 30, 2017:

The total cash balance in the General Fund is \$1,489,236 of which \$857,060 is restricted for the Debt Service Assigned Funds, K9 Funds, Street Maintenance Funds, and Police Vehicle Reserve leaving an unrestricted amount of \$632,116.

The total in the Water Fund is \$630,051 of which \$226,076 is restricted for a new well(s) and tank maintenance leaving an unrestricted amount of \$403,976.

The Auditor has finished with the Village Audit for the end of June. She and Sharon Sanchez are reviewing all the verbiage and numbers to make sure no changes or adjustments are necessary. At this point, no changes are needed and it's a positive opinion for the Village. She hopes to have the final report for council at the November meeting.

The Village established a Fund Balance Policy some time ago which says that we need to keep 35-40% of budgeted expenses for the next year in working capital. At the end of June, we were somewhere between \$150-\$200,000 above that amount after we put aside all the capital reserve money. She thanked each council member for keeping expenses under control.

She continues to monitor the Sales Tax Redistribution Bill that was presented to the House last year because at some point it will rear up again. Sales tax is the second largest revenue for the Village behind ad valorem taxes.

Tax bills have gone out and as of September 30th, 25% of the ad valorem taxes have been collected. We usually see an increase in payments for October and November because mortgage companies send out their payments.

B. Public Safety – Vic Koos

1. Possessing a Firearm in Irma Preparedness

Councilman Koos reported he's been asked by some Village residents about gun ownership in Foxfire. These questions stem from the recent shooting incidents in the U.S. He was informed by our Village Police that guns are not regulated on a local level. The State of North Carolina oversees gun laws.

Koos added that all guns must be registered. Councilman Boito asked if all guns including shot guns, pistols, every gun must be registered. Chief Shue responded that whenever a gun is purchased, you are required to register the gun through the ATF. Background checks are done and any person guilty of a felony may not own a gun.

C. Streets and Park – Don Boito

1. Screening Along Foxfire Blvd.

Councilman Boito reported meeting with Aurora Hills Farms to discuss the greenery to be planted on Foxfire Blvd. They recommend planting a Steeds Holly which grow tall and narrow. We would need approximately 85 five-gallon plants at \$40 each. Larger gallon plants would be \$50 each. The plan is for the condo owners to pay for the plantings.

Councilman Boito drafted a letter to give to residents living in the condo units. He asked that council review and make necessary changes. The letter will notify residents to enter the parking area using the condo road and info on the greenery and irrigation line installation. Mayor McCue added that he and Boito measured the area and with a 45-degree angle, there could be roughly 35 parking spaces.

2. Richmond Rd Sign

Councilman Boito asked if the Village Appearance Committee would look at fixing the signs on Richmond Rd. that direct people to the club and pool. The sign for the pool also directs people to the tennis courts which are no longer there. Frusco asked if we could contact the original sign maker. Kivett responded the signs were made by Sign Art and the person responsible had passed away a few years ago.

C. Water Department – Jon Sedlak

Councilman Sedlak reported that the well on Bluebird Lane had broken but has since been repaired. It will be back in operation within the next couple of days.

He's still in the process of contacting Mr. Barefoot regarding a potential well site on his property. He asked Ms. Kivett to locate a letter that was written to another property owner years ago so it could also be used for Mr. Barefoot. Chief Shue said he would attempt contacting Mr. Barefoot.

D. Mayor's Report – E.M. McCue III

Mayor McCue reported the following:

A Disaster Preparedness Table-top Exercise for Village Council and Employees is scheduled for Friday, November 17th from 9:00 am to noon at the Police Department. Scott Brooks from Moore County Emergency Services and Chief Shue have worked together in preparing this exercise and will conduct it together. McCue asked that council members check their schedules and let him know if they will be available.

A "Meet the Candidates Night" is scheduled for Thursday, October 26th at 6:30 PM. There are four people running for three available seats this election. Edward McCue, Leslie Frusco, Vic Koos, and Ed Howze who was seated in the audience. This will give residents an opportunity for a brief introduction to each candidate and ask questions if they so desire. The regularly scheduled Work Session will immediately follow this event.

We continue to move along with the Long Range Plan and the sub-committee will meet soon.

Sedlak asked if he should bring his Water Emergency Plan to the Disaster Preparedness Exercise. McCue replied he should.

14. Public Comments:

Mary Gilroy questioned the number of parking spots on Foxfire Blvd. and where people might park if they do not have a spot.

Gilroy commented that the shortened pool hours were fine this past season and she agreed it would not be cost effective keeping the pool open later for just one or two people.

Bryan Manley questioned the A.D.A. requirements for the pool facility and asked if the requirements change year. McCue replied no but they certainly can change. Manley suggested making required changes a little each year. Frusco replied it's an "all or nothing" with A.D.A. Once you begin making changes, everything must be in compliance.

Manley asked if the recent Pinchurst rezoning and future annexation would impact the route of the Western Connector. McCue said this is being watched very closely. There was a brief discussion.

15. Old Business:

None

16. New Business:

None

Mayor Pro Tem Frusco made a motion to adjourn seconded by Councilman Boito and carried unanimously. The meeting adjourned at 8:05 PM.

As so incorporated to these minutes of October 10, 2017 are exact copies as so recorded in the ordinance and resolution books of Foxfire Village as if fully set out in the minutes.



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



E.M. McCue III
Mayor