

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING/PUBLIC HEARING
Foxfire Village Hall
April 9, 2013 – 6:30 PM**

1. Call to Order: Mayor Erickson

2. Members Present: Councilman Steve Durham, Councilwoman Leslie Frusco, and Councilman Mick McCue

3. Members Absent: Councilman Vic Koos

4. Others Present: Lisa Kivett - Village Clerk, Sharon Sanchez – Deputy Finance Officer, Mike Campbell – Police Chief, Ellen Markus-Seven Lakes Times Reporter and Village residents Joan Hotchkiss, Mary Gilroy, Anne Jack, MaryAnne Lauer, Pete Mace, Brian Manley, David Meldrum and Betsy Wands

5. Moment of Silence: Mayor Erickson requested those present to pause for a moment of silence. This was followed by the pledge of allegiance to the United States Flag.

6. Public Hearings:

- a) Ordinance #2013-03 – Amending Zoning Ordinance to Provide for the Expiration of Certificates of Zoning and Watershed Compliance to Require the Removal of Partially Completed Buildings

Councilwoman Frusco made a motion to open the public hearing seconded by Councilman McCue and carried unanimously.

Mayor Erickson gave the council supplemental information regarding enforcement of the ordinance. He elaborated on paragraph D of the ordinance which states that the owner of any property with a partially completed building in violation of the ordinance has six months from the date of such notice. The building must either be completed and a certificate of occupancy obtained or removed from the site. He asked for a motion to dispense with the reading of the entire ordinance.

Councilman Durham made a motion to dispense with the reading of Ordinance #2013-03 seconded by Councilwoman Frusco and carried unanimously.

Resident Joan Hotchkiss asked if Ron Jackson is planning on doing something with his foundations. Mayor Erickson replied that Mr. Jackson attended a couple of meetings in the past but he had not heard anything from him recently. This ordinance will put a time clock on the issue and Mr. Jackson will have to comply within the next six months.

Ms. Hotchkiss asked if the Village would take Mr. Jackson to court if he does not comply. Mayor Erickson replied that the Village will address that if it happens.

There were no further comments.

Councilwoman Frusco made a motion to close the public hearing seconded by Councilman McCue.

Councilwoman Frusco made a motion to adopt Ordinance #2013-03 seconded by Councilman McCue and carried unanimously.

- b) Ordinance #2013-06 – Amending Section 6.12 signs of the Village Zoning Ordinance

Councilwoman Frusco made a motion to open the public hearing seconded by Councilman Durham and carried unanimously.

Councilwoman Frusco made a motion to dispense with the reading of Ordinance #2013-06 seconded by Councilman McCue and carried unanimously.

Mayor Erickson thanked Councilman McCue for drafting the language for the ordinance. He pointed out that signs shall be no more than 32" x 48" and be post-mounted freestanding with the top of the sign no more than 48" above the ground.

Councilman McCue added that council discussed this ordinance in detail at previous work sessions and made some changes including adding particulars about "for sale" and "for rent" signs in the Village Business District and cleaned up other language.

Mayor Erickson continued that the Kirby real estate signs posted across from the administration office are not legal signs. The Village has been in contact with the Mr. Kirby and he is aware that the signs will have to be removed. If they wish to replace the signs, they will have to apply for a permit and comply with the ordinance.

Councilman McCue made a motion to close the public hearing seconded by Councilwoman Frusco and carried unanimously.

Councilwoman Frusco made a motion to adopt Ordinance #2013-06 seconded by Councilman McCue and carried unanimously.

7. Public Comments:

Joan Hotchkiss asked if the Village would consider placing speed limit signs within the Foxtail subdivision. She voiced her concerns about speeding in the area where children play and people walk their dogs. Mayor Erickson replied that Councilman Koos who oversees the roads would have to review the request and make a recommendation to the council to do so.

8. Additional Agenda Items:

Councilwoman Frusco added *Annual Audit* Contract to her report and Mayor Erickson added *Appointment to the Planning & Zoning* Board to his report.

Councilman McCue motion to adopt the agenda as amended seconded by Councilwoman Frusco and carried unanimously.

9. Approval of Minutes:

- A. March 12, 2013 – Regular Meeting
- B. March 28, 2013 – Work Session

Councilman McCue asked that a correction be made to the third paragraph of the Long Range Planning Report in the March 12, 2013 minutes. Councilman McCue should be changed to Councilman Durham. The correction was noted by the Village Clerk.

Councilwoman Frusco made a motion to adopt the minutes as amended seconded by Councilman McCue and carried unanimously.

10. Resolution #13-02 – Accepting the Offer of Dedication of the Streets within the Pineland Preserve Subdivision

Mayor Erickson reported the Village has been working with Developer Pete Mace regarding the acceptance of the streets in Pineland Preserve. Mayor Erickson, Councilwoman Frusco, Pete Mace and a representative from Neal Smith Engineering met a couple of weeks ago to review the development. Neal Smith Engineering reviewed Village ordinances and developed a report of items that needed attention before Foxfire would accept the streets.

Street signs are currently on order and the developer will be responsible for bearing the cost. Street signs will be in compliance with what is already in the Village. PeeDee Electric will be working with Mr. Mace regarding the installation of four street lights within the development. Other issues have been addressed.

Councilwoman Frusco further elaborated on the other areas in need of attention identified by Neal Smith Engineering including core samples and drainage issues. Mayor Erickson read aloud the resolution.

Councilwoman Frusco made a motion to adopt the Resolution #13-02 seconded by Councilman McCue and carried unanimously.

11. Long Range Planning Report:

Councilman McCue reported the next meeting is scheduled for May 7th. He received some comments from council on the Village tri-fold and some changes have been made to the draft.

12. Council Member's Reports:

A. Finance – Councilwoman Frusco

1. Financial Report

Councilwoman Frusco reported the following: The general fund balance is \$1,107,815. Of this amount, \$156,683 is in three restricted funds including the Stonehill fund which is money for legal fees and engineering fees established and paid for by the developers of Stonehill Pines, the capital reserve fund of just over \$100,000 and assigned funds for future debt service of \$35,928. The water fund balance is \$293,981. In addition, we have a restricted escrow account in the amount of \$135,800 for new wells only. The total cash balance of Village's restricted and non-restricted funds as of March 31, 2013 is \$1,537,597. The Woodland Circle loan payment has been made and the next payment due is in April of 2014.

Mayor Erickson asked if the assigned funds are the proceeds from the sale of the two lots the Village owned. Councilwoman Frusco replied yes and the funds were transferred from the water fund to the general fund and were assigned to future debt service.

2. Auditor's Contract

Councilwoman Frusco presented the council with a copy of the Auditor's contract effective July 1, 2012 through June 30, 2013. This contract is for the audit of both the general and water fund. The amount of the contract has come in to what was expected and did not exceed \$10,000.

Councilwoman Frusco made a motion to approve the Auditor's contract seconded by Councilman McCue and carried unanimously.

Councilwoman Frusco reminded the council that the major budget work session is scheduled for April 30, 2013 at 6:30 PM at the Village Administration office. She asked that council members have their budget revisions from after the previous budget meeting to Sharon Sanchez by April 22nd.

B. Mayor's Report:

1. Appearance Committee Resignation – David Meldrum

Mayor Erickson reported that David Meldrum was recently appointed to the Planning & Zoning Board and has submitted his resignation from the Appearance Committee.

Councilwoman Frusco made a motion to accept David Meldrum's Resignation from the Appearance Committee seconded by Councilman McCue and carried unanimously.

2. Special Meeting – April 11, 2013

Mayor Erickson reported that a Special Meeting was called for April 11, 2013 at the Village Hall to hear a presentation from Randy Gould, Public Works Director with Moore County. The presentation is in regards to the County taking over the Village water system per the Long Range Planning committee's recommendation.

Councilwoman Frusco added that residents are invited to attend however no public comments or questions will be permitted as this is a work session only.

3. Senate Bill 394 – Possible Revenue Loss

Mayor Erickson reported giving the council a print out of the possible loss of revenue to the Village and other municipalities from Senate Bill 394. The Village could lose approximately \$40,000 in revenue under the initial bill as it is written. The NCLM gave an update that this bill has been tweaked by the Senate Finance committee and they are working on the bill so it would become revenue neutral and we would not lose the \$40,000. This is part of a huge bill that deals with taxes, income tax rates, and business tax rates in North Carolina. He drafted and emailed a letter to Senator Tillman thanking him for making changes to the bill. Hopefully in the final version of the bill, municipalities such as Foxfire will be held harmless.

Councilwoman Frusco added that SB 394 is not aimed specifically at taking money away from municipalities. It is the entire reform which is a bi-partisan bill that was put forth to try to bring North Carolina's tax structure into the 20th century. North Carolina's current tax structure goes back to the 1930's. This is a part of a fifty-seven page bill that deals with income tax reform and property tax reform. The reality is if you reduce something, something else has to give somewhere along the way.

4. Moore County Road Name and Addressing Ordinance

Mayor Erickson reported that Rachel Wall from Moore County GIS sent a memo concerning the Moore County Road Name and Addressing Ordinance. Council member's received a copy of the current ordinance and a draft of the proposed changes to it. Foxfire Village may be asked to be involved in the future.

Mayor Erickson added that on Thursday, April 23rd at 2:00PM, the Rick Rhyne Public Safety Center in Carthage will be dedicated in Rick Rhyne's honor.

5. Planning & Zoning Board Appointment

Mayor Erickson reported that Steve Martin, resident in the ETJ has submitted his application to serve on the Planning & Zoning Board.

Councilman McCue made a motion to appoint Steve Martin to the Planning & Zoning Board seconded by Councilman Durham and carried unanimously.

Mayor Erickson reported that the newly formed Planning & Zoning Board will conduct their organizational meeting on April 15, 2013.

13. Old Business:

None

14. New Business:

None

15. Adjournment:

Councilman Durham made a motion to adjourn seconded by Councilman McCue and carried unanimously. The meeting adjourned at 7:45 PM.

As so incorporated to these minutes of April 9, 2013, 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
Village Clerk

George Erickson
Mayor