

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING / PUBLIC HEARING
FEBRUARY 12, 2013 – 7:00 PM**

- 1. Call to Order: Mayor Pro Temp Steve Durham**
- 2. Members Present:** Councilwoman Leslie Frusco, Councilman Vic Koos, Councilman Mick McCue
- 3. Members Absent:** Mayor George Erickson
- 4. Others Present:** Lisa Kivett-Village Clerk, Sharon Sanchez-Deputy Finance Officer, Seven Lakes Time Reporter, Developer Ron Jackson and Village Residents Beckie Pahner, MaryAnne Lauer, Joan Urmston, Anne Jack, and David Meldrum
- 5. Moment of Silence:** Mayor Pro Temp Steve Durham 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 Hearing: Ordinance #2013-01 Amending the Composition of the Planning and Zoning Board**

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

Councilman McCue made a motion to dispense with the reading of the ordinance amendment seconded by Councilwoman Frusco and carried unanimously.

Councilman McCue gave a brief summary of the ordinance which would change the current composition of the Planning & Zoning Board from nine members to five and the amount needed for a quorum. The current composition of the board consists of two members from the Village and three members from the ETJ. With the current population ratio between the Village and ETJ only one member of the P&Z board needs to be from the ETJ. This amendment will also terminate the current seats of those on the board and will provide an opportunity for those interested in serving to complete an application to do so. Applications are available at the Village office or on the website. The council plans to have all new members receive a tutorial in zoning from the Village Attorney so no experience or training in Planning & Zoning is required.

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

Councilwoman Frusco made a motion to adopt Ordinance #2013-01 seconded by Councilman McCue.

Councilman McCue noticed in re-reading the ordinance draft that a change should be made to Section 26-6 of Chapter 26 to change the wording “five members of the entire board shall constitute a quorum” to “*three members of the entire board shall constitute a quorum*”.

The vote was called and carried unanimously.

7. Additional Agenda Items:

Councilman McCue made a motion to adopt the agenda as written seconded by Councilman Koos and carried unanimously.

8. Public Comments:

Resident and Realtor Beckie Pahner spoke on behalf of several residents who live in the Foxtail duplexes. Ms. Pahner reported that many residents are concerned about the unfinished foundations owned by developer Ron Jackson around Foxtail Circle. They are basically open pits, a safety hazard and they ruin the aesthetics of the neighborhood. Weeds and trees have overtaken and children are playing in and around them. Several residents have taken it upon themselves to try to clean up the area.

Councilman Durham replied that the council is aware of the situation and has started taking the necessary actions to resolve the problem. They have been in contact with Village Attorney Mike Brough and changes should be seen in due time. Councilwoman Frusco added that the Village has made attempts

to contact Mr. Jackson and that he is aware of the situation and the Village's communication with the attorney.

Ron Jackson was in attendance and spoke. He said he is open for suggestions and is willing to do whatever the Village asked including deeding the property to the Village if that's what they want. He said his bank, Wells Fargo, was purchased by Wachovia in the middle of construction which created a problem with funding the construction. He is trying to obtain money to finish the duplexes as well as other jobs located in Moore County.

Councilman Durham invited Mr. Jackson to attend the next work session to discuss the situation further if he chooses to.

Resident and Long Range Planning member MaryAnne Lauer expressed her opposition to an agenda item that will be discussed later in the meeting where the Village is considering selling the water department to Moore County. She said she missed a few LRP meetings and was unaware that the Village was in a hurry to do this. She further explained her reasons for opposition.

9. Approval of Minutes:

1. **January 8, 2013 – Regular Meeting**
2. **January 31, 2013 – Work Session**
3. **January 31, 2013 – CLOSED Session**

Councilwoman Frusco asked that a correction be made to the January 8th regular meeting under the Financial Report. The assigned amount for future debt service should read \$35,928 instead of \$55,928. Village Clerk Lisa Kivett noted the change.

Councilwoman Frusco made a motion to adopt the January 8, 2013 Regular minutes as amended and the January 31, 2013 Work Session and Closed Session minutes as written seconded by Councilman McCue and carried unanimously.

10. Long Range Planning Report

Councilman McCue reported that after considering a study conducted by the water study sub-committee, a majority of the LRP members are recommending that the council consider divesting itself from the water system to Moore County.

The long range plan in its first year had and objective to analyze the current and future ability to operate and maintain our own water department and find other alternatives. To fulfill this objective, the committee formed a sub-committee consisting of Steve Durham, Warren Morgan, and Jon Sedlak. They developed a number of alternatives, one was the status-quo to continue to own and operate our own system, the second was to continue to own the system but look into the possibility of selling or contracting out with a private firm to maintain and operate the system. The third option was to sell out right the system to a private company that would then provide us with water service and the fourth which is what the committee is presenting to the council is being to hook-up with Moore County.

This is a planning initiative and is a study of what will be best for the Village in the future. In discussing the possibilities with Moore County, they are interested in hooking us up to their water system. They would pay for and construct a water supply water main from their nearest point on Linden Road, they would absorb the current debt owed by the Village water dept. which is approximately \$400,000, take ownership of the elevated tank and the water delivery system and relinquish to Foxfire they are not interested in our wells or well sights. They will be providing us water from their wells and their water sources. Moore County will take over the operations of our current water well system while they are building the water main. They will run our system off the existing wells until the main is constructed off of Linden Road to Foxfire. They have also agreed to keep the current Foxfire water rates for up to 20 years or until the loan they take to build the main is paid back, whichever occurs first. The current water rate for Moore County customers is \$7 a month less than our current water rate. When the loan is paid back or 20 years, our rates would then be the same as the rest of Moore County's rates. The retained earning that the Village has will remain with Foxfire.

There was much work done by the sub-committee and he thanked them publicly for all the meetings and information they obtained to develop the options. It is a recommendation by the LRP for the council to look at option 4. This recommendation will be available on the Village website along with supporting documentation on the water study. As the council is considering this, there will be public hearings to give an opportunity for public input.

Councilwoman Frusco thanked the entire committee for their time and effort in putting together this study. The study is well prepared and gives the council food for thought. She asked that those in

attendance do not leave thinking the water system will be taken over next week. This is a long range process and the council will do whatever they can to disseminate to Village residents any information they can.

Steve Durham added that when the committee was formed over two years ago, he and Councilman McCue were not on the Village council but were asked to sit on the committee. The committee identified a number of areas to consider including infrastructure, future growth, Public Safety, among others. The committee collected a year's worth of information that would help in identifying immediate needs. So as the water committee moved forward, they looked at the future potential, risk factors. We believe the four options identified were the most viable options to address the future needs of Foxfire Village. This should not be confused with the notion that our current water system is not good. It is very good and has worked well and continues to work well. When you start to add all the other factors you begin to question how effective and efficient would our water system be if we were hit with some kind of catastrophic condition, influx of growth, the cost of adding new wells, the fact that in the summer time when irrigation systems are used we use close to max capacity. The recommendation is from the planning committee to the council. It will be up to the council to use the information and make an informed decision and then enlist public comments. Even if we decide over the next several months that this is the best option, it will be at least a two year initiative.

11. Council Member's Reports:

A. Finance – Councilwoman Frusco

a. Financial Report

Councilwoman Frusco reported the following. As of January 31, 2013 the total general fund balance is \$1,215,498 of which \$147,012 is restricted. Restricted amounts are for the Capital Reserve Fund, Powell Bill money for Village streets, and the Stonehill Pines reserve for future legal and professional fee if the project moves forward. In addition, \$35,928 is assigned to future debt service. Unrestricted funds in the general fund are \$1,032,000.

The water fund balance is \$280,883. In addition, there is \$135,787 in a BB&T Escrow account restricted for a new well. Total cash balances of both restricted and un-restricted funds are \$1,632,000. The annual loan payment for Woodland Circle is due in April 2013. The general fund will absorb \$173,526 with the remaining coming from the water fund.

Assessment invoices will be sent out next month to property owners on Woodland Circle. This will be the third installment payment for those who chose the payment option. Ninety-eight percent of ad-valorem taxed have been collected as of the end of January.

b. Authorization to Advertise Tax Liens

Councilwoman Frusco made a motion to authorize Tax Collector Sharon Sanchez to advertise tax liens for late property taxes in the newspaper according to General Statutes. Councilman Koos seconded the motion and carried unanimously.

B. Public Safety – Councilman McCue

a. Commercial Sign Ordinance

Councilman McCue reported that a council discussed a request for the placement of "for sale" signs around the Village office between Tie and Foxfire Rd. in the VBD district at the last work session. These signs are larger than what the current ordinance allows and there is not a special provision for sign size within the ordinance.

Councilman McCue presented to council an amendment to the ordinance to permit "for sale" or "for rent" signs in commercial zoned properties that are somewhat larger. He further elaborated on the proposed amendment and gave a visual example of the size of signs that would be permitted and questioned the need for sign permitting and fees.

Councilman McCue added that Mayor Erickson has sent a letter to Kirby Real Estate regarding their signs that are larger than what the current ordinance allows.

Councilwoman Frusco commented that this will need further discussion and should consider having it within the permitted section so that it can be controlled appearance wise. She further elaborated.

Councilman Koos agreed there should be further discussion but disagrees that any sign should be that big.

C. Water – Councilman Durham

No Report

D. Streets – Councilman Koos

No Report

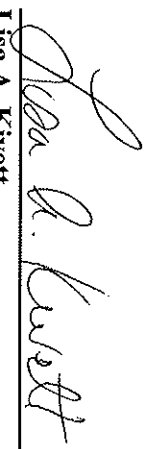
12. Old Business:

13. New Business:

14. Adjournment:

Councilman McCue made a motion to adjourn seconded by Councilwoman Frusco and carried unanimously. The meeting adjourned at 7:55 PM.

As so incorporated to these minutes of February 12, 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