

**MINUTES
PUBLIC HEARING / REGULAR MEETING
Village Hall Meeting Room
August 10, 2021 – 4:30 PM**

- 1. Call to Order:** Mayor McCue called the meeting to order at 4:30 PM
- 2. Members Present:** Councilman Don Boito, Councilwoman Gregorich, and Councilman Ed Howze.
- 3. Members Absent:** Mayor Pro Tem Frusco
- 4. Others Present:** Lisa Kivett-Village Clerk, Police Chief Chad Shue, Residents Andy Moody, Mary Gilroy, Gary Samuels, David Upchurch, Joe Kyger, Barbara Yearby, Anthony Yearby
- 5. Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence followed by the Pledge of Allegiance.
- 6. Public Hearing:**
 - Rezone from Residential Agricultural (RA) to Equestrian (EU)
LRK 20100122 – Jeffrey and Deborah Johnson – 6.01 acres

Mayor McCue described the property as being located within the Grande Pines subdivision, a gated neighborhood of Foxfire and consisting of just over 6 acres. McCue heard the property may no longer be owned by the petitioners, Jeffrey and Deborah Johnson. The public hearing was advertised in the Pilot newspaper in accordance with the law.

Councilman Boito made a motion to open the public hearing, the motion carried unanimously.

The Planning & Zoning Board reviewed this request and recommend denying rezoning to Equestrian (EU), suggesting instead to rezone to Residential Single Family RS40.

Mary Gilroy confirmed the property was purchased by new owners. She reported that P&Z felt rezoning to EU would create spot-zoning as the surrounding properties are zoned either RS40 or RA. The board's recommendation to rezone to RS40 was based on the zoning of surrounding properties.

Mayor McCue added the property falls under the Grande Pines covenants as well as Village zoning ordinances. Rezoning to EU burdens the property more so than the current zoning of RA. In Grande Pines, six acres in EU allows for the keeping of horses. In RS40, even with six acres, you cannot. He is concerned with taking away the owners right to use the property in that fashion.

McCue added that spot zoning is correct however it is not illegal and can be justified. In this case, it may well be justified. He suggested tabling rezoning of the property until first speaking with the new owners to see what they would like.

Councilwoman Gregorich made a motion to table the Public Hearing with respect to the Rezoning of LRK 20100122. The motion carried unanimously.

Mayor McCue asked that the Clerk contact the new owners of the property to familiarize them with the request that is pending.

- Rezone from Residential Multi-Family (RM) to Residential Single-Family (RS30)
LRK 98000658 – Ralph Huff – 31.72 acres

Mayor McCue described the property as owned by Ralph Huff, encompassing just over 31 acres and surrounding the Canady maintenance yard on Richmond Road. The public hearing was advertised in the Pilot newspaper in accordance with the law.

Councilman Boito made a motion to open the public hearing, the motion carried unanimously.

David Upchurch spoke on behalf of Mr. Huff who requests the 31.29 acres currently zoned RM be changed to RS30. The intent is to develop an RS30 28-lot subdivision with a simple horse-shoe loop paved per DOT and Village standards. A preliminary plat has been prepared and will be submitted to the Zoning Administrator.

Barbara Yearby who owns an abutting property zoned EU said she welcomed the change and would prefer homes be in built in lieu of condos or apartments. She suggested Mr. Huff be aware of a wetland issue located near the Jewish Synagogue and take into consideration as the creek runs through her property.

Mr. Upchurch responded their intent is to construct a storm water handling facility. All storm water will be directed and collected in this facility and any impact will be minimal. Joe Kyger – 1960 Hoffman Rd. represents Edwards Real Estate who owns adjoining property. They are very much in support of the proposed project.

Councilman Boito asked why the request is RS30 opposed to RS40. Mary Gilroy responded the P&Z Board had misread the watershed ordinance to allow 30,000 sq. ft. The new Unified Development ordinance clearly says that each one must be 40,000 sq. feet.

McCue said he is aware that State and County regulations allow 30,000 sq. ft. in the watershed but the Village ordinances do not. This requirement has been in our zoning for many years. McCue noted the proposed 50' right-of-way must be 60'. Upchurch replied, it should be possible to change.

Councilwoman Gregorich asked what the water retention facility would look like. Upchurch replied, a small pond with a dam that will fill when it rains. Gregorich raised concerns about standing water. Upchurch described how water will be drained and said the Homeowners Association will be responsible for removal of any silt build-up.

McCue added that all the specifics will be addressed with the Planning and Zoning Board when plans are received.

Councilman Boito asked if the subdivision would be gated. Upchurch replied, it would not. Councilman Howze asked how deep the pond would be. Upchurch replied as much as 6 to 7' but the dam will be no higher than 10' and will be maintained by the HOA. Tony Yearby asked if the dam busts and washes out, will the HOA be responsible? Upchurch replied they would.

Councilman Boito made a motion to close the public hearing. The motion carried unanimously.

All members of council were in agreement the property be rezoned to RS40. Mary Gilroy added that P&Z considered all potential impacts from RM to Residential Single Family and from their perspective, changing to RS40 is recommended. Mr. Upchurch said that Mr. Huff was aggregable to changing from RS30 to RS40.

Councilman Boito made a motion to approve the rezoning of LRK 98000658 from RM to RS40. The motion carried unanimously.

7. Approval of the July 13, 2021 Regular Meeting Agenda:

Councilwoman Gregorich added *Update on Wellsite, Water Main Shut-off* to her report. **Councilman Boito made a motion to adopt the August 10, 2021 agenda as amended. The motion carried unanimously.**

8. Consent Agenda

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

A. Approval of Minutes

1. July 13, 2021 Regular Meeting/Public Hearings
 - July 29, 2021 Special Meeting

Councilman Howze made a motion to approve the consent agenda. The motion carried unanimously.

9. Public Comment Period

None

10. Zoning Administrator's Report – Lisa Kivett

Zoning Administrator Lisa Kivett reported the following activity for July 14th through August 10th

Forty-two (44) homes in the Village and (4) four homes in the ETJ are under construction or in the beginning stage of lot clearing

Permit applications were received and reviewed for the following:

- *Four (4) Single Family Residence (which are included in the total above)*

Pineland Preserve

Vista Ridge

Buckhorn

Fox Ridge

Certificate of Occupancy Issued

19 Oak Hill

104 Fox Ridge

11. Council Member Reports:

A. Streets and Park – Don Boito

- Pickle Ball Project

Councilman Boito received an updated quote from the highest priced company in the amount of \$84,000 to construct three cement-based courts and a normal 4' fence. If we want to install a higher fence to blend with the pool, it will be an additional \$28,000. He is still waiting for an updated quote from Queen City who was the lowest bid. He received a quote to repave the parking lot and add four additional parking spaces in the amount of \$35,000. By the time we are done with everything, we are looking at \$100,000. If we go with an asphalt court, it will be less expensive but requires frequent resurfacing at approximately \$7,500 each time.

There were a number of complaints that the new mowing contractor shaved the rights-of-way a little too short. In addition, a few residents said they would like to maintain their own right-of-way. Boito spoke with the mowing contractor about lowering the mower blades and provided him with the addresses of those residents opting out of maintenance.

Boito reported that a few drainage situations are being looked at.

B. Public Safety – Ed Howze

- PD and FD Update

Councilman Howze reported the police department is experimenting with a few different types of body cameras. They are looking into the possibility of paying for them with grant funds.

The speed limit signs were relocated to areas that have been seeing higher rates of speed.

The Rick Rhyne Fishing Tournament which was held in Foxfire for a number of years will be in Pinebluff this year on September 18th. The property in Foxfire that was used for past tournaments has been sold.

The new police vehicle is a Ford F150 4WD Crew Cab pickup and will arrive in September.

No applications for the fourth Police Officer position have been submitted. The position is advertised in several platforms and the word is getting out.

On two occasions, WFFD has parked their "Safe Kids Hot Car" vehicle in front of the Village Hall. They also placed a large LED screen that displays the outside temperature and the temperature inside the vehicle. This is just a reminder to keep children and pets out of parked vehicles.

The new fire incident reporting software is in and being implemented to work out any bugs. Howze hopes to be in good shape come the third quarter report.

Howze was approached by the fire chief about asphalt crack repairs to the exit drive from the firehouse and an update on the Clubs decision to move the maintenance area. Boito commented the Village does not own the exit drive. McCue commented the Club is still looking at their options.

There was brief discussion with Chief Shue on the cost and need for body cameras and the benefits of purchasing a truck instead of a car.

C. Water Department – Janice Gregorich

- Water Tank Maintenance

Councilwoman Gregorich reported that tank maintenance will be scheduled for some time in October. She is waiting for a quote for other maintenance such as pressure wash and paint the tank.

- Water Connection Rate Review

Gregorich met with David McKew and Bruce McFadden to review the work and time involved to install water meters and boring if needed. Administrative costs are also being reviewed. She hopes to have some water rate data to review by the next work session.

- Update on Well site

Gregorich reported that David McKew is waiting for return calls on potential well site prospects. Jackson Springs Rd. is one potential location for a well. It was also suggested to contact Mr. Sweeney who owns the 1,500 acres on Hoffman about the possible location discussed several years ago.

- Water Meter Shut-off

David McKew emailed an Emergency Contact Plan for water meter shut-offs showing locations of shut-off valves, how they are identified, and tools needed. She noted that both police and fire departments were not on the contact list and suggested they be added.

McCue spoke with Chief Shue who volunteered his staff to assist in an emergency. Chief Shue added the staff is willing to assist anytime however with not having 24/7 coverage, it might be best for the fire department to be contacted first since they are here 24/7.

D. Mayor's Report – E.M. McCue III

Mayor McCue reported per Councilman Boito's request, a letter outlining traffic and safety concerns on Richmond, Hoffman and Tie Road was sent to the Department of Transportation.

McCue spoke with Chief Shue about the statutes on hauling unsecured loads. With the increase of construction activities in the Village, more trucks are hauling trash and debris and unknowingly dropping material as they drive. He asked that residents take notice and report to the police any trucks losing material on the road.

The Board of Adjustment and Appearance Committee are in need of volunteers to serve. McCue asked for those interested in serving on a board to contact the Village Clerk.

McCue met with Bob Koontz about a proposed development on Jackson Springs Road and provided him with a lengthy list of Village concerns to be addressed. Koontz said his group

planned to move forward with some planning charrets, etc. Their next move will be submitting final plans to P&Z.

McCue spoke briefly to Ms. Hawkins regarding the car club idea. He advised Ms. Hawkins this was likely not for the Village and listed concerns including noise.

12. Old Business:

None

13. New Business

McCue commented that the split rail fencing along Hoffman Rd. was in disrepair. He suggested removing some of the areas of the fence instead of repairing them. He will contact the Appearance Committee Chair to see if this could be a future project.

14. Public Comment:

None

15. Adjournment

Councilman Boito made a motion to adjourn. The motion carried unanimously, and the meeting adjourned at 5:37 PM.



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



E.M. McCue III
Mayor