

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING / PUBLIC HEARING
Foxfire Village Hall
September 9, 2014 – 7:00 PM**

1. **Call to Order:** Mayor Steve Durham called the meeting to order at 7:00 PM.
2. **Members Present:** Mayor Pro Tem Leslie Frusco, Councilman Vic Koos, Councilman Mick McCue, and Councilman Jon Sedlak
3. **Others Present:** Lisa Kivett-Village Clerk, Sharon Sanchez-Deputy Finance Officer, Ellen Markus - Seven Lakes Times, Mary Gilroy, Jim Hathaway and Pete Mace
4. **Moment of Silence:** Mayor Durham requested those present to pause for a moment of silence. This was followed by the pledge of allegiance to the United States Flag.
5. **Public Hearing:**

A. Request for Voluntary Annexation

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

The purpose of this public hearing is to hear a request for voluntary annexation of several parcels of land located in Grande Pines. Mayor Durham noted that the council will likely remove three parcels from the voluntary annexation due to these parcels not having the requisite water lines and streets. This was discovered after the legal notice for public hearing was posted and the council met in work session. He pointed out the three parcels on the map which was displayed on a projector screen.

Mayor Pro Tem Frusco said she would like to reiterate that from the exact ordinance published, we should remove the three parcels at the recommendation of the Village Attorney and make sure that water lines are established by the developer before we annex them into the Village.

Councilman McCue questioned the parcels described as “park area” and “future development” on the petition and if they will become building lots and not parks that the Village would then be required to care for. Developer Pete Mace said there are already park areas which are private and deeded to the HOA and the Village would not have to take care of any.

Developer Pete Mace commented that water lines were installed and streets paved five years ago. Grande Pines is getting a lot of activity and the special legislation that recently passed will allow them to now utilize the water. Grande Pines is growing and will be a good tax base for Foxfire.

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

- **Adoption of Annexation Ordinance #2014-20**

Mayor Pro Tem Frusco made a motion to dispense with reading of Annexation Ordinance #2014-20 seconded by Councilman McCue and carried unanimously.

Mayor Durham reported of the three parcels to be removed from the annexation ordinance, one is owned by Grande Pines, LLC and the remaining two by Robert D. and Dawn D. Lee.

Mayor Pro Tem Frusco said if the property is annexed, it will need to be rezoned. She recommended that the Planning & Zoning Board work with the property owners to establish what the zoning will be. Three of the parcels are zoned equestrian and the remaining parcels

are zoned RA and sit in the equestrian zoned district. It is a priority to rezone because if someone wants to build, they need to request it based on the correct zoning for the area. Further discussion continued on rezoning.

Mayor Pro Tem Frusco made a motion to adopt ordinance #2014-20 as Amended by removing LRK's 10001150 (Grande Pines, LLC) and 98000187, 98000575 (Robert D. & Dawn D. Lee) seconded by Councilman McCue and carried unanimously.

6. Additions and Approval of Agenda

There were no additions or deletions to the agenda.

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

7. Consent Agenda:

A. Approval of Minutes

- August 12, 2014 Special Organizational Meeting
- August 12, 2014 Regular Meeting
- August 28, 2014 Work Session

B. Resolution #R14-05 Establishing NC 211 Corridor Initiative

C. Triangle J Appointments

- Mick McCue – Delegate
- Steve Durham – Alternate

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

8. Public Comment Period:

Pete Mace commented with the activity in Grande Pines, he would like to build a temporary sales center and would like to meet with Planning & Zoning on this.

9. Councilmember's Reports:

A. Finance – Leslie Frusco

1. Finance Report

Mayor Pro Tem Frusco reported cash balances as of August 31, 2014. The general fund has a total balance of \$1,149,441 and of this amount \$397,294 is restricted which include the capital reserve fund, the debt service fund, and the Stonehill fund for expenses in regards to that project. This is an increase from July 31, 2014 of about \$52,000 primarily because the property tax bills went out and people have started to pay them. The water fund balance is \$408,123. In addition the Village holds in an escrow account with BB&T \$136,042 which is earmarked for a new well. We are in discussions with BB&T with regards to the disposition of the escrow account and how much longer we can keep it without activity and whether or not it will go back on the principle.

Mayor Durham asked if the Stonehill fund is a good faith deposit and if we ever expend any of the money. Frusco replied yes and we do expend funds each year when we re-do the development agreement and incur attorney's fees. This fund was set up to handle any engineering fees, attorney's fees, and things like that.

B. Public Safety – Mick McCue

1. Open Burning

Councilman McCue reported that Planning & Zoning presented a first draft of the Open Burning ordinance. This will be continued further at the next council work session. He asked for any comments on the draft to be forwarded to Mary Gilroy.

C. Water Department – Jon Sedlak

1. Backflow Device Certification and Tracking System

Councilman Sedlak read aloud an email from David McKew regarding his conversation with NCDENR Rep Winston Cole which outlined several things the Village needs to do regarding the backflow prevention device requirements. First thing is to identify all backflow prevention devices and create a spreadsheet, create a form for certification of the devices and create an ordinance saying that this must be done yearly and the results submitted to the Village. If these items are in place it should cover Mr. Cole's requirements.

Councilman Sedlak worked with Village Clerk Lisa Kivett to create a short list of current devices and a certification form. Both were displayed on the projector screen for viewing. Councilman Sedlak would like to draft an ordinance or procedure to make sure these steps are taken. Mayor Durham added that the council can further discuss this at the next work session.

Mayor Pro Tem Frusco asked if the locations on the spreadsheet were the only backflow devices in the Village. Sedlak responded that everyone has a check valve, this list represents the ones with an RPZ device. RPZ's are required for irrigations. Sedlak added that an ordinance was adopted a few years back requiring that wells have a double check valve installed from the line into the house in case the well is accidentally hooked up to the house.

Mayor Durham suggested that before the work session, Councilman Sedlak work with Lisa Kivett to find some examples of ordinances addressing backflow devices that we could modify.

Councilman Sedlak said there was previous discussion about wells that were installed before the water system was put in and if they are adequately prevented from going back into the system. Discussion ensued on how to track the homes that were built and had wells prior to the water system being installed in 1984. This will be further discussed at the council work session.

D. Streets and Park – Vic Koos

1. Park Sign Replacement

Councilman Koos reported the park trail signs are a mess and full of holes caused by wood peckers. The signs are made of a hardened resin-foam material and it would be difficult to try to repair them. Village patrolman Scott Patterson made some new signs a couple of years ago which are made of metal. The concern is someone could be injured by the sign if they walked or ran into the corner of it. Koos suggested putting them on a 10' pole.

2. Lowering of Speed Limits on Hoffman and Richmond Rd.

Councilman Koos contacted the NCDOT and spoke with Matt Kichens who headed the traffic study on speed limits on Hoffman and Richmond Rd. Mr. Kichens said the Village cannot arbitrarily lower speed limits within the confines of the Village. We would need to petition the DOT and both the DOT and the Village would have to agree to lower them. The DOT thinks we should raise the limits to 45 MPH.

Mayor Durham commented that based on previous correspondence with DOT, it would be best to leave things alone. If we have concerns about speeding, they should be addressed internally. Discussion continued between council about the speed limit.

E. Mayors Report – Steve Durham

1. Stonehill Pines Agreement

Mayor Durham reported speaking with a representative from Stonehill Pines and they are interested in a fourth addendum to the development agreement which expires December of 2014. Attorney Mike Brough will work with the Stonehill Pines attorney to draft the language for the 4th addendum.

10. Public Comment Period (Comments on Council Member Reports Only):

None

11. Old Business:

Mary Gilroy reported having a short conversation with Lewis Iannone from Strata Solar. Planning & Zoning will review the conditional use request for the Wilson property at their meeting on the Monday and hope to have something ready for the council to discuss at the work session on the 18th. She asked if council would allow Mr. Iannone to attend the council work session. After some discussion with council, they agreed to allow Mr. Iannone to attend the work session

12. New Business:

None

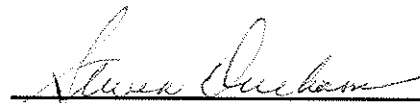
13. Adjournment:

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

As so incorporated to these minutes of September 9, 2014 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
Village Clerk



Steven Durham
Mayor