

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING/PUBLIC HEARING
Foxfire Village Hall
April 8, 2014 – 7:00 PM**

1. **Call to Order:** Mayor George Erickson called the meeting to order at 7:05 PM.
2. **Members Present:** Councilman Steve Durham, Councilwoman Leslie Frusco, Councilman Vic Koos and Councilman Mick McCue
3. **Others Present:** Lisa Kivett-Village Clerk, Sharon Sanchez-Deputy Finance Officer, Ellen Marcus - Seven Lakes Times, Citizens Donald Boito, Robert Edwards, Mary Gilroy, MaryAnne Lauer, Brian and Sue Manley, David Meldrum, Morgan Morris, Steve Smith, and Rick Tufts
4. **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.
5. **Public Hearing:**
 - A. Amending the Village Zoning Ordinance Provisions Relating to Animals and the Creation of the "RE" Rural Estate Zoning District

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

Planning and Zoning Chair Mary Gilroy explained that the RE-Rural Estate District was designed to bridge the Equestrian zoning and the Residential Agricultural zoning and allows for latitude. The minimum lot size in this district is 6 acres.

Morgan Morris lives at the end of Reynwood Ct. within the ETJ. He asked if this zoning would affect him or only properties within the Village. Mayor Erickson replied this zoning would affect those properties within the corporate limit of the Village.

Councilman McCue reported that the information in his packet regarding the RE District did not reflect all of the changes that were discussed in the previous work session. He pointed out the changes that were discussed affecting Section 7.12.2-Permitted Uses, sub-section (C), Section 7.12.13-Site Design Standards, and Section 11 (F) -Accessory Buildings. He likes the RE District and thinks it should be established but with the changes. He also asked of Section 6.26 Animals would be discussed as well. Councilwoman Frusco replied it was all part of the same ordinance amendment but we can if necessary segregate the two and adopt one and not the other section.

Councilman McCue pointed out some confusion regarding the portion of the amendment on animals and discussion continued. Mary Gilroy added that P&Z would really like to spend some time reviewing the animal ordinance. Councilwoman Frusco suggested segregating the two and only act on the Rural Estate portion of the ordinance amendment. Discussion continued.

Mayor Erickson pointed out that in the past during public hearings, the council has been able to agree to do things to change what has been presented and then to adopt the changes. Councilwoman Frusco reiterated that P&Z wants to remove 7.12.17 under garages, the sentence with regard to the zoning administrator and removing Section 7.12.11(f) accessory buildings screening, and Councilman McCue recommended removing 7.12.13(c).

Councilwoman Frusco asked if Robert Edwards who owns a predominate amount of property that wants to become this district, if he personally has any issues with anything that has been discussed. Mr. Edwards replied no and thinks the removal of required screening of accessory buildings a good thing.

Councilman McCue asked about the provision in Rural Estate about fences. The only other zoning district that deals specifically with fences is the Equestrian district. All other zoning districts rely on Section 6.10. He asked if this was put in the RE zoning district on

purpose. Discussion continued. Councilwoman Frusco added the way it is written it appropriately belongs in this district.

Councilman McCue said Mr. Brough suggested if we were to not deal with the animals portion that we needed to change 7.12.2 before we adopted the RE district. Councilwoman Frusco suggested leaving what is in there because it applies only to the Rural Estate district and does not reference any other section. Discussion continued.

Councilwoman Frusco suggested the council put this up for a vote understanding that the fact that Councilman McCue along with P&Z using all that was discussed and agreed upon at the work session, will come up with that wording. Councilman McCue suggested using the original language in referring to Section 4.10 and we will call another public hearing in the future to amend it. Mayor Erickson said what has been deleted on the amendment would remain.

Councilman Durham was not at the last work session and asked if the council was planning to vote on the entire ordinance with the changes or just on Section 5. Mayor Erickson replied yes, just Section 5.

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

Councilwoman Frusco made a motion to adopt Zoning Ordinance Amendment #2014-09 beginning with Section 5 seconded by Councilman Koos and carried unanimously.

- B. Zoning of the Following Properties to RE-Rural Estate
- | | |
|----------|------------------------------------|
| 00016096 | <i>Robert and Dianne Edwards</i> |
| 20130339 | <i>Robert and Dianne Edwards</i> |
| 20130341 | <i>Phillip and Sheila Perrotta</i> |
| 20130340 | <i>Charles E. Bolton Jr.</i> |

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

Mayor Erickson explained that the four properties listed were annexed several years ago immediately following the annexation of the Stonehill Pines property. These four properties however were not zoned within the allotted time frame. These properties entail approximately 408 acres within the corporate limits of the Village.

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 #2014-10 seconded by Councilman Durham and carried unanimously.

6. Additions and Approval of Agenda

Councilwoman Frusco added "Fencing" to "new business".

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

7. Consent Agenda:

- A. Approval of Minutes
- March 11, 2014 Regular Meeting
 - March 27, 2014 Special CLOSED Meeting
 - March 27, 2014 Work Session
- B. Budget Amendment
- Budget Amendment #2014-11 - \$600 General Fund

Councilman McCue made a motion to adopt the consent agenda seconded by Councilman Durham and carried unanimously.

8. Public Comment Period:

Grande Pines resident and local real estate broker Greg Regan raised two concerns. He commented that two years prior he lost a potential property sale because the buyer felt the streets in the area were too filthy. Mr. Regan said he and his wife travel extensively and the streets in North Carolina are the filthiest around. He asked that the council take this seriously, put up signs about littering, and to bring this problem to the attention of the State legislature.

Mr. Regan's second concern was regarding annexations and the special legislation that will be acted on in the short session in May 2014. The special legislation put forth by State House Representative Jamie Boles will allow Foxfire Village to annex non-contiguous properties within Grande Pines into the Village. He believes if the bill is passed, it will devalue his property in Grande Pines. He is very concerned about this and has contacted the State Senator who spoke with him right away but Representative Boles will not speak with him regarding the issue.

9. Councilmember's Reports:

A. Finance – Councilwoman Frusco

Councilwoman Frusco reminded council members that the final preliminary draft budget numbers are due to Sharon Sanchez by April 17, 2014. A budget work session which will develop the preliminary final budget is on April 24, 2014. She also reminded residents that May 6th and May 15th are Citizen Participation meetings at the Village Hall beginning at 6:30 PM. The budget will be presented at that time. Citizen Participation meetings are not public hearings, just a chance to listen to citizens questions before the public hearing in June.

1. Finance Report

Councilwoman Frusco reported the following as of March 31, 2014. The general fund has a total balance of \$1,191,000 of which \$281,664 are restricted funds for future debt service and capital reserve. The unrestricted balance in the general fund is \$909,390. The water fund has an unrestricted balance of \$367,826. We still continue to hold in a BB&T Escrow account \$135,000 which is restricted for a potential new well. The total cash balance in the Village is \$1,694,850.

The last Woodland Circle loan payment was made and the next loan payments will be made in the next budget year.

B. Water Department – Councilman Durham

1. Water Rates Schedule

Councilman Durham is working on the water rate schedule and is working with a representative from the School of Government. He hopes to have something ready in the next couple of weeks for discussion.

2. Phase I Water Restrictions

Councilman Durham has an interest in lifting the mandatory phase I water restrictions and go into a voluntary reduction which is in our ordinances. Based on conversations with the water superintendent, our water levels are high and the wells are performing well so there is no need to be under a mandatory restriction at this time. Effective immediately, the Mandatory Phase I Water Restriction are lifted. Information will be available on the Village website.

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

No comments

11. Old Business:

Councilman Durham asked a question regarding the Rural Estate zoning that was passed earlier in the evening. The large properties in the area that were just zoned RE, can they be sub-divided as long as they comply with the minimum lot size. And if they are sub-divided,

can they be re-zoned to a different district. Mayor Erickson replied yes as long as they are the minimum lot size and re-zoning could be considered if requested and a public hearing is held.

12. New Business:

A. Fencing

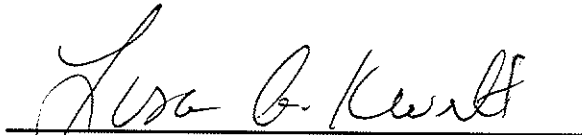
Councilwoman Frusco asked what the council can do to move an amendment on fencing through. She asked if there was enough time to discuss this and come to conclusion in order to have a public hearing in April. Village Clerk Lisa Kivett gave a list of dates she would need to run notices. Further discussion ensued.

Councilman McCue commented on a recent article in the Seven Lakes Times. He wanted to make clear that he does not nor will he ever recommend that there be no fencing on properties that abut the golf course.

13. Adjournment:

Councilman Durham made a motion to adjourn seconded by Councilwoman Frusco and carried unanimously. The meeting adjourned at 8:15 PM.

As so incorporated to these minutes of April 8, 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
Village Clerk



George Erickson
Mayor