

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Village Hall
January 8, 2013 - 7:00 PM**

1. Call to Order: Mayor Erickson

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, Police Chief Mike Campbell, Police Sergeant Chad Shue, Seven Lakes Times Reporter, Mary Gilroy, Brian Manley and Les Murray

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 Comments:

Contractor and property owner Les Murray commented he feels a 200' setback requirement in the Reynwood area was excessive. He asked that the Village consider making a more reasonable distance requirement. Councilman McCue elaborated on the current setback requirements and discussion ensued. Mayor Erickson asked that the council discuss this at their next work session.

6. Additional Agenda Items:

Mayor Erickson added *Pineland Preserve Streets* to Old Business and Councilman McCue added *Proposed Amendment to the Village Code Regarding the Extension Water Lines and a Proposed Charter Amendment*.

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

7. Approval of Minutes:

A. December 11, 2013 – Regular Meeting

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

8. Long Range Planning Report:

Councilman McCue reported the Tuesday meeting was changed to Thursday and there was nothing further to report.

9. Council Member's Reports:

A. Finance – Councilwoman Frusco

1. Financial Report

Councilwoman Frusco reported the following. The total general fund balance as of December 31st is \$1,174,303. Of this amount, \$991,207 is unrestricted. The remaining restricted amount includes \$26,000 for Powell Bill, \$20,870 for Stonehill Pines and \$100,000 in Capital Reserve and \$35,928 assigned for future debt service. The water fund balance is \$273,896. In addition, the Village has a BBT Escrow account balance of \$135,758 which is restricted for a new well. One additional loan payment of \$188,431 for the Woodland Circle project and is due this fiscal year. Of that amount, \$173,526 will come from the general fund and the remaining from the water fund.

The second portion of Powell Bill funds was received in December in the amount of \$20,153.73. All of the budgeted money plus a little more has come in.

89% of budgeted ad valorem taxes have been received. Property taxes do not become past due until after the 6th of January so in the first part of January as of today, 93.51% of the

taxes have been collected. Past due notices will be issued next week. A listing of past due taxes for advertising and further collection purposes will be presented at the February meeting.

Mayor Erickson asked when the deadline was for the Woodland Circle assessments. Councilwoman Frusco replied April 1, 2013. The assessments will be sent out in February along with the last of the water assessments.

B. Water – Councilman Durham:

1. Resolution #R13-01

Opposing Legislation that Provides for the Forced Taking of Municipal Water Systems

Councilman Durham reported that potential legislation in the upcoming general assembly will force the city of Asheville to surrender its water system to a regionalized entity. Many municipalities with water systems feel this would not be in their best interest. The North Carolina League of Municipalities has asked the Village to consider adopting a resolution opposing this action and to forward to our legislators.

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

Councilman Durham made a motion to adopt Resolution #R13-01 seconded by Councilman McCue.

Councilman McCue questioned how the regional authority has attempted to take the system because under the current law, they cannot forcibly do this. Councilman Durham replied they are looking to enact legislation to do so. Mayor Erickson added that both he and Councilman Durham have attended several water meetings in the past where and the regional water set ups were created by the communities. The same concept has been discussed in this area but has not moved forward. He added that the difference in this resolution is that it opposes state legislation to take the right away from the local areas.

The vote was called and carried unanimously.

2. Request for Support from Clean Water Management Trust Fund

Councilman Durham reported in late November a request to pass a resolution asking the state legislature to increase and support the funding for the Clean Water Management Trust Fund. The Village has not received any funding from this group in the past. However given what they stand for and the fact that the general assembly established this group in 1996 as a non-regulatory community program to protect and restore surface water across the state, their funding has reduced to almost nothing over the last several years. Their mission is to provide funding for local municipalities to help maintain the quality of infrastructures and to increase recreational opportunities. Rather than asking for the adoption of a resolution, Councilman Durham felt it more appropriate to write letters to the Senator Berger, Representative Tillis, and Governor Elect McCrory asking them to support the trust fund. Responses were received from Representative Tillis and Governor Elect McCrory.

C. Streets – Councilman Koos:

1. Street – Patching of Cracks

Councilman Koos reported that several areas of Village streets where paving on top of paving has cracked and shifted have caused the upper layer of pavement to crack. He consulted with two patching and paving companies and the patching company is analyzing the situation. Due to budgetary concerns, patching will be the best route to go at this time. Crack sealing may be unsightly but it will stop the breakage of the roads and they will last longer.

Mayor Erickson added that on state roads are crack sealed prior to patching, which is standard practice. He asked if the plan to patch and or pave would be done before the end of the fiscal year. Councilman Koos replied it will but the weather is the hold out now.

D. Public Safety – Councilman McCue

Councilman McCue reported attending the Mitigation for Emergency Manager's Training course at Sandhills Community College where hazards and emergency response was

discussed. Councilman McCue would like to re-energize the Community Emergency Response Team (CERT) program that was once active in Foxfire Village. He further elaborated on the program and said he would speak with the county further about the program.

Village Clerk Lisa Kivett added that when the program initially began in Foxfire, it was funded by Moore County. She asked Councilman McCue if they would continue funding the program should it be restarted. Councilman McCue replied they will assist with certain things such as an emergency response equipment trailer.

E. Mayor's Report:

1. Addition of Children's Library

Mayor Erickson reported that Lisa Kivett approached him about expanding the Village Library to include a Children's Section. Lisa's son Brendan donated seventy-five books to start the children's library. All the books are numbered and may be checked out three at a time and kept for up to two weeks. Information about the Children's library is available on the Village website.

2. Quality Built Homes Foundations

Mayor Erickson reported a letter was delivered to Ron Jackson, owner of Quality Built Homes regarding the foundations that were never built upon asking him to reply by January 15, 2013. Village Attorney Michael Brough advised the Village that if a response was not received by the date given, the Village should get a court order to declare the foundations a nuisance. Mr. Jackson did call the Village upon receipt of the letter and left a voicemail for Mayor Erickson. A return phone call was made but Mr. Jackson was not there and has not returned a call. The council will discuss this further at the next work session on how to proceed providing we have not heard from Mr. Jackson.

10. Old Business:

1. Planning & Zoning Board Composition – Amend Village Code

Councilman Koos made a motion to remove Planning & Zoning Board Composition-Amend Village Code from the table seconded by Councilman McCue and carried unanimously.

Mayor Erickson said a public hearing will need to be scheduled for February 12, 2013 to discuss reducing the amount of members of the Planning & Zoning Board from nine to five. Councilman McCue added that the amendment also has a provision that all the seats of those currently sitting on the board will be terminated and we will start fresh. He asked that those interested in serving on this board to please let us know. There are currently two Village residents and three ETJ members on the board. Under the amendment, the ETJ members would be reduced to one.

2. Pineland Preserve Streets

Mayor Erickson gave each council member a packet of letters and other information regarding the streets located in Pineland Preserve. This information will be discussed at the January 31, 2013 work session. He asked the council if they were interested in having Pete Mace attend.

Councilwoman Frusco added that Pete Mace provided information regarding the streets to the Village. She feels it would be in the best interest of the Village to at least have someone like Neil Smith Engineering look at this information to see whether or not it meets Village standards. She further elaborated on this request. Mayor Erickson said he would contact Neil Smith and relay Councilwoman Frusco's concerns.

Councilman McCue mentioned that the Village street requirements also require the sub-divider to assume the total cost of all new signs in addition to installation costs. This is something we would want to do up front and assumes Mr. Mace will need to have the same signage as we have throughout the Village. Mayor Erickson replied yes.

3. Proposed Amendment to Village Code Regarding Water Extension and Proposed Amendment to Charter

Councilman McCue reported the council previously discussed in a work session an amendment to the Village Code dealing with the extension of water lines. This amendment provides that the Village will only act upon a petition for voluntary annexation after the water lines have been extended and all the provisions of Section 35-7 have been satisfied. It authorizes the Council to approve connections of lots covered by a petition before the lots have actually been annexed but stipulates that if someone tried to withdraw his property from an annexation petition before the Council acts on it, service would be denied or the property would be disconnected.

The council also previously discussed a charter amendment that exempts the Village from the statutory requirement, applicable to noncontiguous annexations, that if one lot in a subdivision is annexed, they all must be annexed. The exemption only applies to Grande Pines. Special Legislation will be required to do this.

After much discussion, the council decided to consider the amendments at later date.

11. New Business:

None

12. Adjournment:

Councilman Durham 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 January 8, 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