

MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING/PUBLIC HEARING
Foxfire Village Hall
January 14, 2014 – 7:00 PM

- 1. Call to Order:** Mayor George Erickson called the meeting to order at 7:00 PM.
- 2. Members Present:** Councilman Steve Durham, Councilwoman Leslie Frusco, Councilman Vic Koos, and Councilman Mick McCue
- 3. Others Present:** Lisa Kivett - Village Clerk, Ellen Markus - Seven Lakes Times, Village residents Donald Boito, David Meldrum, John Quella, MaryAnne Lauer, Jeannie Gallagher, Greg and Suzanne Regan, Connie Korner, Dr. Kuzma, Janice Gregorich, and Steve Martin, Mike and Debbie Cruz, Joanne Mace.
- 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 – Grande Pines, Phase I, Section 1**

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

Mayor Erickson explained that this public hearing is for the voluntary annexation of two parcels located in Grande Pines owned by Pete Mace-Grande Pines, LLC. One parcel is currently zoned RA (residential agriculture) and the second zoned RS-40 (residential single family - watershed). Rezoning for the lot zoned RA to RS-40 will happen in the future. The Planning & Zoning board reviewed this request and submitted their recommendation to the council. All required notices and resolutions have been adopted in order to proceed with the annexation. Village Clerk Lisa Kivett further elaborated.

Property owner Pete Mace was unable to attend the public hearing but was available by cellphone to answer questions.

Resident Greg Regan asked how many building lots were being annexed and resident John Quella about the lot sizes. Mr. Mace replied that the two lots on the current county map as submitted will be annexed and that he plans to subdivide the two into three lots with each approximately 2.15 acres. He further explained the issue with subdividing.

Resident Jeannie Gallagher asked who would pay for water lines, the developer or the Village. Mr. Mace replied the water lines are already in and were paid for by the developer.

Greg Regan said he understood the current state law in effect requires an entire subdivision to be annexed to prevent piece milling. Mayor Erickson replied he was mistaken. Councilwoman Frusco added that state law requires annexation to be contiguous which applies in this case.

Councilman McCue reiterated that the two lots being annexed total a little over 6 acres and that Pete Mace plans to divide them into 3 lots. Mr. Mace replied yes, that was his request and plans.

There were no further comments

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

- **Adoption of Annexation Ordinance #2014-01**

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

Mayor Erickson gave briefly highlighted a couple areas in the ordinance.

Councilwoman Frusco made a motion to adopt Annexation Ordinance #2014-01 seconded by Councilman McCue and carried unanimously.

6. Public Comment Period:

Resident Jeannie Gallagher commented that when water lines were installed on Reynview Vista road, concrete slabs were installed in the middle of the road to cover the water valves. With the traffic in and out on the road, the dirt and sand has eroded around the slabs causing a serious issue and possible damage to vehicles. The road has been graded several times and the problem keeps coming back. She added the people who live on the road feel that Foxfire Village has caused the problem and needs to address it.

Resident Mike Cruse commented the concrete slab at the beginning of the entrance to Reynview Vista has caused the traffic to route to a specific area to avoid running it over. He and his neighbor John Quella have discussed this and feel that asphaltting the area is a possible solution. He also feels like this situation was caused by Foxfire Village. Further down the road approximately one half mile is another concrete slab and it too is sticking up several inches from the ground.

Councilman Koos replied that he and Jon Quella met to look at the situation. He agreed that any stone or gravel put down would eventually end up in the street. He further agreed that asphaltting or paving would be the best solution. With Reynview Vista being a private road and Foxfire Village not responsible for repairing private roads, further research will be needed to determine who is responsible and the best solution.

Councilwoman Frusco also said the Village will need some time to look into this and no decision will be made or actions would be taken this evening.

Mayor Erickson said that the council will further discuss this at their next work session. In the interim, he will work with Councilman Koos to get an engineer to look at the problem.

7. Additional Agenda Items:

Mayor Erickson added *NC DOT Resolution* and *Appearance Committee* to his report.

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

Approval of Minutes:

- **December 10, 2013 – Regular Meeting/Organizational Meeting**
- **December 12, 2013 – Work Session**
- **December 12, 2013 – Closed Session**

Councilwoman Frusco made a motion to adopt all sets of minutes as presented seconded by Councilman McCue and carried unanimously.

8. Ordinance Amending Certain Provisions of the Village Code Dealing with the Abatement of Public Nuisances

The ordinance amendment presented is to make a minor change to an ordinance adopted in December 2013. Village Attorney Mike Brough recommended the changes based on North Carolina General Statutes.

Councilman McCue said the amendment essentially changes the notice of abatement and opportunity to be heard from an employee of the Village, to the Council.

Councilman McCue made a motion to adopt Ordinance Amendment #2014-02 seconded by Councilman Durham and carried unanimously.

9. Councilmember's Reports:

A. Finance – Councilwoman Frusco

1. Finance Report

Councilwoman Frusco reported as of the following as of December 31, 2013. The general fund total is \$1,284,450 and of this amount \$1,102,796 is unrestricted. The restricted funds include the Capital Reserve fund, funds for future debt service and the Stonehill Pines Fund.

The Water fund balance is \$348,939 and all unrestricted. The Village holds in a BB&T escrow account \$135,943 and is all restricted for a future well. The total cash balances of both funds restricted and non-restricted is \$1,769,332.

Bank loan payments are due in July 2015. The Woodland Circle loan payment is due in April in the amount of \$182,998 and divided between the general and water fund.

As of the end of December 2013, 84% of ad valorem taxes have been collected. Between January 1st and 16th, we had a rush before interest kicked in so as of today we are at 95% of budgeted ad valorem revenue.

B. Public Safety – Councilman McCue

1. Ordinance Update / Discussion

Councilman McCue reported a number of ordinance issues that he wanted direction from council on. Most of them are contained within the zoning ordinance and he would like the council to agree to refer the issues to the Planning & Zoning Board. The ordinances include a new Section 6-9 to the Zoning Ordinance regarding Building Exteriors, location and positioning of accessory building, site design standards in each district, lot size provisions in the equestrian district, and solar farms. It was the consensus of the council to have the Planning and Zoning Board review the ordinance issues mentioned.

Councilman McCue sent a draft of an ordinance change regarding inoperative vehicles to the council for review. He suggested that the council review this together at their next work session.

C. Streets – Councilman Koos

1. New Road Signs

Councilman Koos met with a representative from the original street name sign installers “Sign Art” to receive a quote for replacement of several damaged signs within the Village. In addition to street name signs, the large laminated Village logo sign at the corner of Tie Rd. and Foxfire Rd. is torn and peeled and needs replaced. He anticipates a quote for signs and installation within the next 2 weeks.

2. Patching Update

Councilman Koos said that the paving contractor is scheduled to begin patching within the next week. He will ask the contractor to review the situation at Reynview Vista and to give a quote for repairs.

D. Water Department – Councilman Durham

1. Water Superintendent Position

Councilman Durham reported the Water Superintendent position was advertised several months prior and four candidates were reviewed for the position. Two of the candidate did not possess the necessary certifications and were not considered. Of the remaining two, the best candidate for the position was David McKew whom Councilman Durham and Jon Sedlak met with. Mr. McKew is a 21 year resident of Foxfire Village and has a career in water department operations. He lacks one needed license but the Village will retain Jon Sedlak simply for emergency purposes and to access the license until Mr. McKew is able to obtain it.

Councilman Durham made a motion to offer an employment contract to David McKew for the Water Superintendents position seconded by Councilwoman Frusco and carried unanimously.

E. Mayor's Report

1. Triangle J Mayors Meeting – January 9, 2014

Mayor Erickson attended the January 9th meeting where the speaker was NCDOT Secretary Tony Tata. Mr. Tata spoke about the goals of the Department of Transportation including being more customer friendly, creating more jobs, and being a more efficient government agency. Mayor Erickson elaborated on these areas.

2. TARPO Transportation Committee

Mayor Erickson said that every two years the TARPO committee sets priorities for transportation projects. Through a series of meetings, they came up with about 20 projects from each of the areas the committee meets to submit for the 2014-2016 projects that will be funded. He elaborated on some of the projects on the list including the Western Connector which was removed from the main list and put under the “unranked” projects.

Councilman McCue encouraged residents to pay attention to anything they hear about the Western Connector. Foxfire Village would be harmed beyond repair if it happens.

3. NCDOT Resolution

Mayor Erickson reported that the NC Department of Transportation compiled socioeconomic data based on information provided by all municipalities including Foxfire Village. They presented this data at the regular council meeting in December 2013. NCDOT has asked that the Village adopt a resolution accepting the data no later than February 14, 2014. This resolution was discussed at the previous council work session.

Councilman McCue added he has additional data that NCDOT needs to include in their final report before the resolution can be adopted. NCDOT has asked the resolution to be adopted no later than February 14, 2014.

4. Appearance Committee

Mayor Erickson reported the Appearance Committee has two vacant seats. He encouraged residents to consider serving on this important committee and asked that they contact Village Clerk Lisa Kivett for an applications to serve. Information will also be available on the Village website.

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

John Quella commented that people have been speeding on Reynview Vista. This road is a private dirt road. He asked that the police department enforce speed limits on this road.

11. Old Business:

None

12. New Business:

1. Schedule Public Hearing for the Purpose of Rezoning – February 11, 2014

LRK 20060152 - Grande Pines, LLC
LRK 20080096 – Pineland Preserve, LLC
LRK 20080097 – Pineland Preserve, LLC
LRK 20080098 – Pineland Preserve, LLC
LRK 20052126 – Pineland Preserve, LLC

Councilwoman Frusco made a motion to schedule a public hearing for rezoning of four lots in Pineland Preserve and one lot in Grande Pines seconded by Councilman Durham and carried unanimously.

13. Adjournment:

Councilman McCue made a motion to adjourn seconded by Councilwoman Frusco and carried unanimously. The meeting adjourned at 8:28 PM.

As so incorporated to these minutes of January 14, 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