

**MINUTES
REGULAR MEETING
Village Hall Meeting Room
May 11, 2021 – 4:30 PM**

1. **Call to Order:** Mayor McCue called the meeting to order at 4:55 PM
2. **Members Present:** Councilman Don Boito, Mayor Pro Tem Frusco, Councilwoman Gregorich, and Councilman Ed Howze.
3. **Others Present:** Lisa Kivett-Village Clerk, Officer Gary Garner, Fire Chief Eric Stromberg, Residents Andy Moody, Mary Gilroy, Karl Bernet, Marianne Lauer, and Sue Sedlak; Foxfire Golf Course employees
4. **Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence followed by the Pledge of Allegiance.

5. Approval of the May 11, 2021 Regular Meeting Agenda:

Mayor Pro Tem Frusco added *Council Approval to Accept Funds from the ARP* under New Business.

Mayor Pro Tem Frusco made a **motion to adopt the May 11, 2021 agenda as amended.** The motion carried unanimously.

6. Consent Agenda

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

A. Approval of Minutes

1. March 9, 2021 Regular Meeting
2. March 25, 2021 Work Session

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

7. Public Comment Period

None

8. Brown Golf Maintenance

The General Manager from the Foxfire Golf Course and Jimmy from Brown Golf asked to discuss the acquisition of land on Foxfire Blvd. for the construction of a maintenance facility to house equipment, chemicals and to free up the parking lot. Their intent is to build on the left side of the 18th green on the Red Course. They asked what the Village would like regarding screening, irrigation, etc. They are planning to comply with all Village requirements.

Mayor Pro Tem Frusco asked what size the building would be and how much of the property they required. Jimmy replied, the 40x80 structure will be metal with eye beams and a covered lean-to and screened with urban camouflage. They would need to use of all 1.2 acres between the pool facility and golf course. Their intention is to remove the current eye-sore next to the club and condos, move all equipment, chemicals and employees into one particular spot. By cleaning up the parking lot, it will make it easier for emergency services to reach residents in the treehouse units. Frusco asked if the chemicals would be stored in the new building. Jimmy replied they would be in self-contained units regulated by the EPA and stored under-roof of the lean-to portion of the building. The building will be camouflaged with natural shrubbery and not visible.

Mayor McCue pointed out one difficulty. The council acts as one so a project like this will take a lot of coordination. There are also some competing interests in the land. In addition, some recently discovered legal issues will need some discussion.

Frusco voiced her concerns about the lack of maintenance or installation of irrigation for shrubs planted in the median area of the newly paved road on Foxfire Blvd. J.P. could not speak to why things were not done but going forward they would be done as requested. Frusco added the original

agreement was several General Managers ago but wanted them to understand that if the Village moves forward with this, an agreement will be a necessity.

9. Zoning Administrator's Report – Lisa Kivett

Zoning Administrator Lisa Kivett reported the following activity for April 12th thru May 11th

Forty-six (46) homes under construction in the Village and two (2) are under construction in the ETJ.

Permit applications were received and reviewed for the following:

- Four (4) Single Family Residence
(2) Richmond Rd
Forest Ridge Lane
Pineland Vista
- Two (2) Swimming Pools
- Six (6) Fence
- Two (2) Accessory Buildings
- One (1) Propane Tank

Certificate of Occupancy Issued

Bobolink (RS30)

Ordinance Violations

*Unkempt Yard
Two Trailers*

10. Council Member Reports:

A. Finance – Leslie Frusco

- Financial Report

Mayor Pro Tem Frusco reported as of April 30th, the general fund balance is \$1,617,000 of which \$1,230,213 is unrestricted. The remaining amount of \$387,634 is restricted for the K-9 fund, capital reserve fund, street maintenance, police vehicle reserve, and separation allowance. The water balance is \$997,400 of which \$296,000 is restricted for future well(s) and tank maintenance. The total balance of funds in the Village are \$2,615,000. A vast majority of Village property taxes have been collected. Frusco pointed out that the water fund is a separate fund and cannot be comingled or used for purposes other than the operation and future operational needs of the water system.

B. Streets and Park – Don Boito

- Park Update

Councilman Boito reported the park kiosk will be complete in the next day or so. It will be located on the park trail before the first clearing area. Spraying for undergrowth will be sometime in June.

- Update on Landscape Bids

Boito reported two bids came in, one was extremely high. We will award the bid once a couple of final questions are answered. It will cost the Village more money for landscaping simply because it is a different person doing the job. Frusco added that one big increase in expenses, has to do with the yard waste. The previous contractor was in a position to take the debris and dispose of it on his own land instead of taking to the landfill. The new contractor will not have that benefit and will incur the costs of landfill fees. The Council feels this amenity is huge and worth the increased cost.

C. Public Safety – Ed Howze

- PD Update

Councilman Howze reported the new K9, Maverick is working out well. In less than a month, he has worked tracking incidents and most recently a drug bust of methamphetamine.

Howze asked that Lieutenant Garner speak to an incident that happened at the Air BNB on Wedgewood Drive a week prior. Lt. Garner reported in the early morning of April 25th the officer on duty had answered a death investigation across from the general store. He traveled to Sanford to make the death notification to the family when the “loud party” call was answered by Moore County Sheriff. When Village officers arrived on the scene, there were 100 to 150 cars parked everywhere as if it were an event. The partygoers were told to leave the scene when many became belligerent with the officers and cussing at them. Several had returned to their vehicles, spinning tires and driving erratic and knocking down a stop sign. A Deputy stopped the car driven by a

young active military man and seized marijuana. Another car almost hit an officer and was eventually stopped by Highway Patrol. The driver received a DUI among other misdemeanor charges. Search of these vehicles netted in six concealed weapons with extended magazines, 64 grams of marijuana, and seven arrests. The Air BNB property manager was notified of the incident. She advised the property had been rented by a young woman who has since been blacklisted by all Air BNB.

Howze said that Bruce McFadden would be installing the new flagpole tomorrow. It will be located in front of the Police and Admin. Office parking area.

Howze reported that Fire Chief, Eric Stromberg attended the last work session to discuss his budget requests for West End Fire. He was asked to provide some detailed information and was in attendance this evening to present the information and discuss. Stromberg handed out a breakdown of calls from Station 65, which is the Foxfire substation. Stromberg provided details on 76 calls answered from January through April of 2021. Stromberg. There was substantial discussion.

D. Water Department – Janice Gregorich

- Water Connection Fees

Councilwoman Gregorich reviewed the current water connection fees. Based on the cost to the Village for equipment, installation, and continued maintenance, the current fees are inadequate. Gregorich suggested rates be increased to cover costs to maintain the water system and the Water Connection Application be modified. Frusco agreed that fees should be reviewed however they can only cover the actual costs to the Village. Discussion followed.

E. Mayor's Report – E.M. McCue III

- UDO

Mayor McCue Reported the Village is drafting and implementing a Unified Development Ordinance and working on it for some time. It appears that SB 349/HB 401 will not adversely affect the draft ordinance. The council will further discuss the draft UDO at the May 27th work session. The intent is to have it ready for public hearing in July.

Mayor McCue suggested a letter be drafted and mailed to every resident about the upcoming elections. The letter will stress the importance of having interested folks to run for the open seats. This needs to be done quickly as the sign up begins on July 2nd.

McCue and Councilman Boito discussed presenting a plaque to Gilbert and Jeanie Brown who will be leaving as landscaping contractors in July. They have done many things for the Village over the years, saving us a lot of money.

McCue will be absent from the Village from May 30th thru June 7th, and June 19th to June 25th.

Mayor Pro Tem Frusco requested a Budget Meeting be called for next week so the budget can be finalized and ready for public inspection when the public hearing is advertised. Mayor McCue called the Special Budget Work Session for May 20th at 4:00 PM.

11. Old Business:

- Resolution #21-05 – Opposing SB 349/HB 401 and HB 496 (Tree Removal)

Mayor McCue reported that SB 349/HB 401 which eliminates our authority to regulate zoning was not sent to committee however HB 496 eliminating our authority to control clear-cutting of property was. McCue read aloud the resolution.

Mayor Pro Tem Frusco made a motion to adopt Resolution #21-05 Opposing SB 349/HB 401 and HB 496. The motion carried unanimously.

This resolution will be mailed to Representative Boles, Senator McInnis, and the Leadership of the North Carolina General Assembly.

- Annexation Request – Jeffrey and Deborah Johnson
 - Clerk's Certificate of Sufficiency
 - Resolution #21-02-AX

Mayor McCue reported that Jeffrey and Deborah Johnson have requested voluntary annexation to the Village. The Village Clerk has investigated the petition and supporting information and found it to be sufficient. A Resolution Fixing Date of Public Hearing is needed to move forward with the annexation request.

Mayor Pro Tem Frusco made a motion to adopt Resolution #21-02-AX Fixing Date of Public Hearing for June 8, 2021. The motion carried unanimously.

12. New Business

- Resolution #21-03-AX- Directing Clerk to Investigate Petition for Voluntary Annexation – Onsite Homes, LLC – 2770 Hoffman Rd.

Mayor McCue reported that Onsite Homes, LLC have requested to annex a single parcel located at 2770 Hoffman Road. This property is just past the Grande Pines entrance and across the street from the entrance to Pineland Preserve. As required by G.S.160A-31, the Village Clerk was directed to investigate the sufficiency of the petition for voluntary annexation.

Mayor Pro Tem Frusco made a motion to adopt Resolution #21-03-AX Directing the Clerk to Investigate Petition for Voluntary Annexation. The motion carried unanimously.

- Approval to Accept Funds from the ARP

Mayor Pro Tem Frusco participated in an hour-long webinar regarding Federal Governments ARP funds. A pre-contract agreement will need to be signed before May 18th. Frusco asked the Clerk to verify if the Village Charter says the council must approve any receipt of funds from the Federal Government. In the event it does, Frusco would like council to vote to do so this evening. Frusco pointed out that the funds come with stipulations and may be spent on limited items. For Foxfire Village, the only item might be the expansion of the Village Water System under infrastructure. One caveat, however, is it must be directly related to a negative impact from COVID. Funds will be placed in a separate fund, must be accounted for, and audited. The initial amount the Village would receive is \$300,000. Councilwoman Gregorich voiced her concerns about the stipulations.

Mayor Pro Tem Frusco made a motion to Accept Funds from the ARP.

The vote was called.

Frusco – aye

Boito – aye

Howze – aye

Gregorich – nay

McCue – aye

The motion carried.

13. Public Comment:

Mary Gilroy asked if Onsite Homes had also requested rezoning. Lisa Kivett replied they had not at this time.

Ms. Gilroy commented that the P&Z Board is currently exploring the creation of an RA-5 zoning district and felt it should be on a voluntary basis. She further explained. The board will continue discussion on this.

14. Adjournment

Councilman Boito made a motion to adjourn. The motion carried unanimously, and the meeting adjourned at 6:22 PM. As so incorporated to these minutes of May 11, 2021 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, CZO
Village Clerk



E.M. McCue III
Mayor