

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Town Hall
October 8, 2019 – 4:30 PM**

- 1. Call to Order:** Mayor McCue called the meeting to order at 4:30 PM
- 2. Members Present:** Councilman Don Boito, Mayor Pro Temp Frusco, Councilman Ed Howze and Councilman Sedlak were in attendance.
- 3. Others Present:** Lisa Kivett-Village Clerk, Chief Chad Shue, and several Village Residents
- 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 October 8, 2019 Agenda:**

Mayor Pro Tem Frusco made a motion to adopt the agenda as written. The motion carried unanimously.

6. Consent Agenda

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

1. Approval of Minutes
 - September 10, 2019 Regular Meeting
 - September 17, 2019 SPECIAL Work Session
 - September 26, 2019 Work Session

7. Public Comment Period

None

8. Zoning Administrator's Report – Lisa Kivett

Zoning Administrator Lisa Kivett reported the following activity from September 11 thru October 8

Twenty-six (26) homes are currently under construction or in the beginning stage of lot clearing. One (1) of them located within the ETJ.

Four (4) Requests for Certificate of Occupancy received (Foxfire Rd., Forest Ridge, Woodland Circle, Grande Pines).

Permit applications were received for the following:

- *Two (2) Single Family Residence*
Fox Ridge Lane (J&R Residential)
Eagle Dr. (On-Site Homes)

- *Three (3) Fence*
- *One (1) Open Deck*

"Report A Concern" Received

- *Resident reported after-hour construction*
- *Resident reported downed trees left on property and placed along right of way*

Updates

- *Implemented new requirements for Residential Construction Permit Applications on October 1st. Application packets are accepted the first and third Wednesday of each month and reviewed within 15 days of submission. Permit applications for all other projects (fences, accessory buildings, pool) are not affected by the new requirements.*
- *The Residential Construction and Certificate of Zoning Compliance application was revised.*
- *I also created new permit application for fence construction and one for accessory buildings, pool, patio, deck, fences and alterations or additions.*

Ordinance Violations

One (1) Recreational Equipment (removed)
One (1) Trailer (removed)
Downed trees on right of way (removed)

9. Council Member Reports:

A. Finance – Leslie Frusco

Mayor Pro Temp Frusco reported cash balances as of September 30, 2019 the general fund cash balance is \$844,114, of this amount \$711,175 is unrestricted. The restricted balance of \$132,938 is for the capital reserve, K9, street maintenance, and separation allowance. The water fund balance is \$798,568 of which \$517,492 is unrestricted. The restricted balance of \$281,076 is for future wells and future tank maintenance.

The Village staff are currently training on the new water billing software upgrade. The water bills were processed today and will be mailed out.

We are currently at 26% collected on the budgeted ad valorem taxes. This amount is not unusual for September because escrow account payments do not usually come in until October or November.

We were notified of a bankruptcy issue with the timeshare units which are located around the pool area. We will not be able to collect the property tax amount of \$5,000 until the units are sold, put up for auction, or disposed of in some way. A previous bankruptcy we dealt with took three years to go through the process and for us to be paid the tax. Frusco asked that council be cautious with their spending.

The upgraded computer software's current back-up system can no longer handle the amount or type of data that we run through it. Frusco presented a couple proposals for back-up systems. Southern Software can provide back up for \$2,300 per year. They also suggested an alternative solution with a one-time cost of \$800. Russ from Computer Doctors also suggested going with I-Backup for \$100 per year. Frusco explained the process.

B. Streets and Park – Don Boito

- Clearing of Brush/Scrub Oak Along Hoffman in Front of Town Hall

Councilman Boito reported that trimming may be pushed back to the end of the year due to funding. Mayor Pro Temp Frusco asked that he obtain a cost before we make a decision to wait.

- Sign Replacement

Councilman Boito and Councilman Howze replaced six stop signs. He will work with Howze and Chief Shue regarding placement of the speed limit signs. Mayor Pro Temp Frusco suggested that fire department staff assist with the sign installation.

- Deer Crossing Sign on N. Shamrock

Boito reported that a resident asked about installing a Deer Crossing sign on N. Shamrock. Frusco commented that deer are all over the Village and we cannot place signs on every road.

C. Public Safety – Ed Howze

- Demonstration – Traffic Data Results from New Speed Indicators

Sergeant Gary Garner gave a demonstration on the recently installed speed indicator signs in the Village. He presented data generated from July 3rd through September 30th for one sign that was placed at the corner of Hoffman/Richmond Rd., Richmond Rd. near Shamrock, S. Shamrock near the dam, and Hoffman Rd./Woodland Circle entrance. The signs only record vehicles traveling towards the sign and not vehicles going away. Of the 7,669 vehicles traveling past the sign:

92.74% or 7,112 were traveling 40 mph or below

5.92% or 454 vehicles were traveling 41 to 45 mph

1.15% or 88 vehicles were traveling 46 to 50 mph

10 vehicles were traveling 51 to 55 mph

4 vehicles were traveling 56 to 60 mph

1 vehicle traveling 71 to 75 mph was actually Sergeant Garner on a call

Sergeant Garner said to keep in mind that vehicles traveling 41 to 60 mph also included emergency vehicles such as police, fire or ambulances answering calls.

Councilman Sedlak asked when exactly the sign starts recording vehicle speed. Garner replied the sign records constantly until the vehicle completely passes the sign, but only keeps the highest of the speeds. There was brief discussion between council and Chief Shue about purchasing additional signs, stationary locations and data capture.

D. Water Department – Jon Sedlak

Councilman Sedlak reported a couple leaks on the Woodland Circle extension. He is waiting for the GPM numbers for the recently drilled Pine Ridge test well. An additional property on Hoffman Rd. was marked and ready for testing.

E. Mayor's Report – E.M. McCue III

Mayor McCue thanked all Village employees for their work.

McCue reminded council that he will soon need their 2019 Highlights to prepare for the year-end report at the FPOA meeting.

McCue reported that at the council will discuss a possible de-annexation of property along Foxfire Rd. at the October 24th Work Session,. This property was annexed voluntarily in 2009. All pertinent information and background will be prepared for council to review at the work session.

11. Old Business:

a. Ordinance #2019-12 Amending Sections 34-82 and 83 of the Village Code

Mayor McCue requested further review of the proposed amendment before adoption. It will be considered again at the November meeting. Mayor Pro Temp Frusco suggested some minor formatting changes to the ordinance.

b. Call Public Hearings

Mayor McCue called public hearings for Tuesday, November 12, 2019 to Consider the Following:

- Ordinance #2019-13 Amending Permitted Uses and Uses Permitted with Conditions and Eliminating the Single Family (RF-200) Zoning District
- Ordinance #2019-14 Rezoning Certain Properties in the Corporate Limits of Foxfire Village

c. Discussion re: Bridle Place and Saddle Lane and Appeal from Board of Adjustment

Mayor McCue reported there's interest from a builder to construct homes on Bridle Place and Saddle Lane which are sand pathways off Ridge Road. In working with the Village Attorney to make some preliminary discussions with the builder, he thought they had come to an agreement, but they had not. After research, the Village Attorney advised us that our zoning ordinances since 1980 have required in the residential zoning district, a paved road prior to the building of homes. We communicated this with the builder, and they have filed for an appeal to the Board of Adjustment. In addition, they filed a second appeal to the Board of Adjustment for tap-on fees that were charged to them which has already gone to court and was dismissed without prejudice.

Mayor McCue gave a brief background to clarify questions Mayor Pro Temp Frusco raised about paving or not paving of the roads and Councilman Sedlak raised on the tap-on fees.

12. New Business:

None

12. Public Comment:

Cynthia Lathrop -1 Magnolia Circle reported that golf carts are speeding and not stopping at stop signs on the cart path near the empty lot on N. Shamrock. She had to instances where she almost hit them. She suggested making the stop sign bigger.

Ms. Lathrop reported that someone is dumping their yard waste on the empty corner lot for sale.

13. Adjournment

Councilman Boito made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 5:18 PM. As so incorporated to these minutes of October 8, 2019 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