

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING / ORGANIZATIONAL
Foxfire Town Hall
December 10, 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 Jon Sedlak were in attendance.
3. **Others Present:** Lisa Kivett-Village Clerk, Councilman Elect Mike Cole, 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. **2019 Municipal Election Abstract of Votes**

Mayor McCue reported that two available council seats were recently voted on. He read aloud the abstract of votes. Don Boito received 40 votes and Mike Cole received 44 votes.

6. Oath of Office Administered by Village Clerk

- Donald Boito
- Michael Cole

Village Clerk Lisa Kivett administered the Oath of Office to Councilman Boito and Councilman Mike Cole.

7. Recognition of Outgoing Councilman Jon Sedlak

Mayor McCue presented a plaque of appreciation to outgoing Councilman Jon Sedlak who served the Village for many years. He served as Assistant Water Superintendent under Dick Christman from 2007 to 2010. Mr. Christman passed away in 2010 and Jon then took over as Water Superintendent until 2014 when he was appointed to the expired council seat left by George Erickson. Jon was appointed the Councilman over the Water Department where he has done a great job.

8. Council Appointments by Mayor

Mayor McCue re-appointed Councilman Boito to Streets and Park and Councilman Cole to the Water Department.

9. Approval of the December 10, 2019 Agenda:

Councilman Boito added *Pineland Preserve Signs* to his report.

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

10. Consent Agenda

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

1. Approval of Minutes
 - November 12, 2019 Regular Meeting
 - November 21, 2019 Worksession

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

11. Public Comment Period

None

12. Zoning Administrator's Report – Lisa Kivett

Zoning Administrator Lisa Kivett reported the following activity from October 9 thru November 12:

Twenty-five (25) 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 (Two on Forest Lake, Ridge Rd. and Vineyard)

Permit applications were received for the following:

- *Three (3) Single Family Residence (Water Color Ct., Preserve Ct., and Pineland Vista)*
- *Two (2) Accessory Buildings*

"Report A Concern" Received

- *Resident reported a possible water leak in Woodland Circle*
- *Resident reported large black dog on Bobolink eft out to run on numerous occasions*
- *Request to install five additional "share the road" on roads within the Village*

Updates

- *Board of Adjustment met on October 31, 2019 to consider two requests for Appeal of Interpretation. Both requests denied.*
- *Property owner on Richmond Rd. (ETJ) inquired about annexation. This property is contiguous to the corporate limits. I gave the property owner a voluntary annexation petition and copy of the general statute.*

Ordinance Violations

- *One (1) Dog running loose*
- *One (1) Trailer (removed)*
- *Piles of yard debris on right of way (Eagle Dr.) Spoke to property owner*

13. Council Member Reports:

A. Finance – Leslie Frusco

Mayor Pro Temp Frusco reported as of November 30th, the General Fund balance was \$1,075,816 of which \$132,939 is restricted for Capital Reserve, Assigned Debt Service, Street Maintenance, K9 Fund and Separation Allowance. The unrestricted balance was \$942,878. The Water Fund balance was \$822,955 of which \$281,076 is restricted for future well(s) and tank maintenance. The unrestricted balance was \$541,879.

Property taxes become past due on January 5th. We have collected 73% of the budgeted revenue and should receive a significant amount in the last few weeks of December. We are tracking those who have not paid and will send out appropriate reminder notices. There are a couple of issues to be aware of, the timeshares bankruptcy and a certain contractor who has not yet paid.

B. Streets and Park – Don Boito

- 25 MPH Stickers for Signs at Village Entrances

Councilman Boito reported that an additional Village entrance sign was found to need a 25 MPH sticker. Boito and Howze changed out the other three entrance signs. Mayor McCue alerted Boito of a State Statute that prohibits the large entrance signs from being changed. There was brief discussion. The 25 MPH stickers will be removed from the large entrance signs.

- Crack Filling and Asphalt Repair After First of Year

Councilman Boito will have a schedule for crack filing and asphalt repair ready by mid-January. Frusco asked what road would be next on the paving schedule reported that crack filling. Boito replied Hillside, Cardinal, and parts of N. Shamrock.

- Pineland Preserve Signs

Signs for Pineland Preserve arrived and Boito will ask Gilbert Brown for a quote to install them.

- Terms for Council Positions

Boito suggested a way to encourage participation in Village government is to lower the terms to 2-year terms. Frusco pointed out several issues with lowering the terms. It would require changing the Village Charter and approval from the State Legislature. There is also a learning curve that should be taken into consideration as well as election costs. Frusco is of the opinion that the terms remain at 4 years.

C. Public Safety – Ed Howze

Councilman Howze reported the police department renovation was now complete. An Open House will be scheduled in the future. Frusco added the renovation was done within budget of the grant.

D. Water – Mike Cole

Councilman Cole said he looked forward to working with the Council. Jon Sedlak updated him that a new well test site will be drilled in the upcoming week.

E. Mayor's Report – E.M. McCue III

Mayor McCue asked for each council member's information to include in the **State of the Village – 2019** report. This report will be on the Village website and also presented at the FPOA Annual Meeting.

11. Old Business:

- Ordinance #2019-13 Amending Permitted Uses and Uses Permitted with Conditions

Mayor Pro Tem Frusco made a motion to remove Ordinance #2019-13 from the table.
The motion carried unanimously.

Mayor McCue reiterated this ordinance amendment changes permitted uses within various zoning districts. The original amendment had a *Section 5* which deleted RF-200. After the public hearing that section was deleted, and the remaining sections renumbered. The RF-200 district will remain. There were no further comments from the council.

Councilman Boito made a motion to adopt Ordinance #2019-13. The motion carried unanimously.

- Ordinance #2019-14 to Rezone Certain Properties within the Corporate Limits of Foxfire Village

Mayor Pro Tem Frusco made a motion to remove Ordinance #2019-14 from the table.
The motion carried unanimously.

Mayor McCue reiterated this ordinance amendment rezoned several properties within the Village and also included a rezoning of the RF-200 parcel. Now that the RF-200 district remains, that rezoning was removed from the original amendment.

Councilman Boito made a motion to adopt Ordinance #2019-14 as amended. The motion carried unanimously.

Mayor McCue added that Planning & Zoning will look further at the at the RF-200 regulations.

- De-annexation

Mayor McCue said the Village received a request from Robert Edwards to de-annex approximately 178-acres of his property on the south side of Foxfire Rd. between the Village and the Village of Pinehurst. Mayor McCue provided council with a timeline outlining the background of the annexed property and request for de-annexation. McCue hopes council can work towards voting on this at the January work session. He added that annexation is a product of State Legislature and technically speaking, they can de-annex a property without consulting the Village. As a matter of practice, Representative Boles has told the Village and Mr. Edwards that he wants a recommendation either for or against before taking to the General Assembly.

12. New Business:

- 2020 Village Council Meeting Schedule

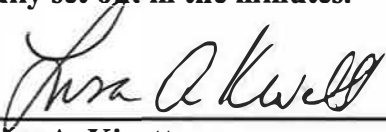
Mayor McCue presented the 2020 Village Council Meeting Schedule with a couple of changes. The April 30th Work Session will be on the 23rd, the November 30th Work Session will be on the 19th and there will not be a December Work Session.

12. Public Comment:

Don Hawk – 1 Dogwood Court thanked the Village for lowering the speed limit to 25 MPH. He has noticed a decrease in vehicles speeding past his home.

13. Adjournment

Councilman Boito made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 5:10 PM. As so incorporated to these minutes of December 10, 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