

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Town Hall
August 14, 2018 – 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 Tem Frusco, Councilman Ed Howze and Councilman Sedlak were in attendance.
- 3. Others Present:** Lisa A. Kivett-Village Clerk and Residents: Andy Moody, MaryAnne Lauer, Barbara Okula and Cynthia Lathrop
- 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 August 14, 2018 Regular Meeting Agenda**

Councilman Boito added “Downed Tree” to his report and Mayor McCue added “Triangle Property” to New Business.

Mayor Pro Tem Frusco made a motion to adopt the 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

1. Approval of Minutes
 - July 3, 2018 Regular Meeting
 - July 26, 2018 Work Session

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

7. Public Comment Period

MaryAnne Lauer had a question about the \$11,000 water fund amount listed on the Financial Report. Mayor Pro Tem Frusco replied it was part of the Woodland Circle annual loan payment.

8. Zoning Administrator’s Report – Lisa Kivett

Lisa Kivett reported the following zoning activities for the month of July:

Twenty-one (22) homes are currently under construction or in the beginning stage of lot clearing. Three (3) of those is located in the ETJ.

Village

Five (5) located in Grande Pines
Two (2) located in Pineland Preserve
Three (3) Forest Lake Drive
Two (2) Dogwood Ct.
Brassie Circle

Birdie

Foxfire Road

Richmond Rd.

Dickinson Ct.

Foxfire Rd. (Autumn Acres)

Woodland Circle

ETJ

Foxfire Rd.

Richmond Rd.

Tranquility Ln.

Permits Issued

Two (2) Fence

Two (2) Single Family Residence

Certificate of Occupancy

Green Valley

Eagle Dr.

The Police Department issued several ordinance violation notices in July for a variety of things such as trailers, trash can, storage of recreational equipment, etc.

19 Cardinal Dr

91 Richmond Rd

4 Lowell Ct

7 Buckhorn Rd

1 Buckhorn Rd.

20 N. Shamrock Dr.

41 N. Shamrock Dr

3 Pine Glen Ct

63 Richmond Rd

64 S. Shamrock Dr.

17 Deer Track Rd.

2 Pine Valley Cir.

31 N. Shamrock Dr

20 foxtail ln

2 Pine Ridge

7 Green Valley

9. Councilmember's Reports:

A. Finance – Leslie Frusco

1. Finance Report

Mayor Pro Tem Frusco reported the following as of the end of the Fiscal Year, July 31, 2018:

The total cash balance in the General Fund is \$938,268 of which \$412,382 is restricted, with a remaining unrestricted amount of \$525,887. The Water Fund has a balance of \$685,000 of which \$226,076 is restricted for a new well(s) and tank maintenance. The remaining balance of \$419,075 is unrestricted.

The dollar amounts in the restricted funds do include the budgeted amount for the current fiscal year. We are close the our “low point” in the General Fund because we have been paying out without a lot of money coming in. Property tax bills will be out the next week or beginning of the following week.

We have loan payments due and have paid the August loan payments for the water fund, leaving a balance of \$123,210, and the Village Park, leaving a balance of \$40,495. The Woodland Circle payment is not due until April of 2019 and currently the balance stands at \$830,000.

B. Public Safety – Ed Howze

1. WEFD Handouts

Councilman Howze reported that West End Fire Chief Eric Stromberg plans to attend the August work session to present his case for requesting an increase in funding. Howze distributed a summary of the Fire Departments contract history and service capability. Mayor McCue elaborated on the Counties fire tax increase and its affect on West End prompting this request.

2. Police Department Sign

The Police Department staff designed a new patch which they use on their uniforms. Councilman Howze would like to have this patch design painted on the sidewalk between the Police Department and Town Hall Building. He received an estimate of between \$500 and \$700 for this work. Council addressed issues with weather and traffic on the sidewalk ruining the painting. McCue suggested they put a sign on the outside of the building like the Town Hall building sign.

Councilman Howze said they received the new police car and it should be in service very soon. It will remain unmarked at this time.

3. Flag Pole

Councilman Howze is considering installing a new flagpole in front of the Police Department and Town Hall. He presented a couple of size and design options, and costs. There was brief

discussion. Mayor McCue asked for further information from Councilman Howze and that council continue discussion at the upcoming work session.

C. Streets and Park – Don Boito

1. Downed Tree

Councilman Boito reported the large tree that we cut back this past year on Town Hall Drive is rotting and needs removed. Gilbert Brown will remove the tree.

Councilman Howze added that a tree at the corner of Forest Lake Drive and Woodland Circle was stuck by lightning and appears to be ready to fall. It will be determined if the tree is on Village property or personal property and further pursued.

D. Water Department – Jon Sedlak

Councilman Sedlak continues searching for another well site. He spoke to a property owner who is willing to sell the Village an acre of land to drill for a potential well. Sedlak explained the process for drilling and potential water flow. Sedlak is concerned the increase in new building in the Village is straining the system and if this potential site falls through, he has no other alternative. Sedlak also spoke again to Randy Gould from Moore County who said that everything is the same with the County.

Mayor McCue said he had a brief discussion with Commissioner Quis about the water issue. Commissioner Quis appears supportive of Foxfire buying water from the County but not becoming part of the County system. McCue concurs that the increase in building is a concern and he and Councilman Sedlak will work together on a plan.

E. Mayor's Report – E.M. McCue III

Mayor McCue reported on the Regional Transportation Advisory Council he attended in Sanford. The Super Street project for US 1 in Aberdeen and 15-501 is now two separate segments because Aberdeen is unhappy with the design on the Southern end. The project area closer to Southern Pines is on track for the right-of-way in FY 19 and construction in FY 20. Aberdeen's construction is now on schedule for FY 27. Several other items received high scores including the interchange at Morganton and 15-501, NC 5 from Hwy 211 to the southern limits of Pinehurst and the Pinehurst traffic circle.

The Moore County Transportation Committee will meet on August 29th to discuss the latest version of the Moore County Comprehensive Transportation Plan. This 166-page plan is available on the Village website. The committee hopes to approve and accept the Comprehensive Transportation Plan at this meeting. It will then go to the County and municipalities for endorsement. McCue elaborated on the plan which includes the Pinehurst By-pass.

Mayor McCue asked that residents consider signing up as a Yard Waste Facility Volunteer. Volunteer applications were available at the Town Hall Open House however no one signed up. Its becoming more difficult to schedule with the few people we have. Volunteers open the facility gate, remain onsite for the hour, and close the gate.

10. Old Business:

- Discussion and Possible Adoption of General Code Amendments

Mayor McCue asked to continue discussion on several changes to the General Code. The latest version of the code amendments was distributed to council members for their review. Unlike Zoning, the General Code does not a public hearing to adopt.

Mayor McCue feels the biggest part of all the changes is Section 1-6 General Penalties and Enforcement of Ordinances and Continuing Violations. The current language is confusing and makes enforcement difficult. The new language is simpler and says that for any ordinance in the general code, you may be issued a civil citation and fined \$50 at a time or may be issued a State Citation for a misdemeanor which is \$50 or 30-days or more. This change gives us more

horsepower for people who have ignored the Village citation and fines. Many other sections in the back have changes to the penalty provisions referring to this Section 1-6. Other suggested changes are to allow the Board of Adjustment and Planning and Zoning Board to adopt simpler rules than Roberts Rules of Order if they so choose, removing some language from the Planning & Zoning Administrator Responsibilities which says that the Appearance Committee reviews plans. There are some language clarifications to Animals, Chapter 4 and the number of permitted bee-hives is increased from 4 to 5. The building code and regulations will change to say that the Village Certificate of Zoning Compliance is needed prior to applying with the County. Regulations on Food Trucks is added, and several ordinances and definitions will be cleaned-up. The Village Clerk will issue a permit to allow alcohol on the streets, boulevards, alleys, right of ways, greenways, walking trails, or paths. Alcohol will not be permitted within 50 feet of the Police or Fire Department or the Village Swimming Pool. Section 34-82 Parking for Recreational Vehicles and Trailers will have several changes including increasing the allowable days for guest parking from 7 to 10 days. There was brief discussion about who is best to issue the required permits for trailers.

Mayor Pro Tem Made a motion to Adopt the General Code Amendments based upon any changes that were made this evening. The motion carried unanimously.

- Discussion and Possible Adoption of Resolution in Support of Pinehurst ETJ Request

The Village of Pinehurst has requested from Moore County to extend its extra territorial jurisdiction along the north side of HWY 211 going as far as Hoffman Road and east around Taylortown as far as 15-501. Mayor McCue met with the Pinehurst Manager and a Councilmember to discuss their seeking Foxfire's support in this request. McCue prepared and distributed a draft resolution to council for their review and consideration. Mayor Pro Tem Frusco clarified that the Village endorsement is for the area on HWY 211 and not the portion that goes towards 15-501. Mayor McCue read aloud the resolution.

Mayor Pro Tem Frusco made a motion to Adopt the Resolution Supporting Pinehurst's ETJ Request. The motion carried unanimously.

- Woodland Circle Property

Mayor McCue reported that council recently discussed having a survey of the Woodland Circle property done and breaking up building lots on the road frontage and keeping property behind the lots. Prior to contacting a surveyor, we had what we thought was a serious offer to buy the entire property. Just this afternoon, we found out the offer was not going to happen. McCue asked, if everyone agreed, to let Councilman Boito move forward with contacting a surveyor. Mayor Pro Tem Frusco suggested contacting Surveyor Ryan McBryde as well as a second for a quote.

11. New Business:

- Service Line Warranty Program

Mayor McCue reported that the National League of Cities and the North Carolina League of Municipalities has endorsed the *Service Line Warranty Program*. He received information and spoke to a sales rep from this company and reported on the information he received.

This is a warranty program or insurance that covers water lines to the home from the meter. They have asked municipalities to give permission to mail solicitations to residents and use the town logo. This program is of no charge to the Village. By allowing them to use the town logo, it shows the Village endorses the program to some degree.

They work with insured, licensed and bonded, local area contractors and background checks conducted. McCue continued explaining the program, listed the various work and items the plan covers. He added that municipalities could receive .50 per month per paid warranty contract or may choose to decline the royalty and instead given in savings to the customer. The cost is \$5.75 for the water line and \$5.25 if the Village declined the royalty. The Village logo would go on the marketing letter and we would review it prior to mailing. A maximum of three campaigns per year with 2 mailing each would go out and we could change that amount if we wanted.

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McCue spoke to the Town of Sanford who have endorsed the program over the past couple years. They received a lot of calls in the beginning because residents thought the letter came from the town and other than that, there have been no issues. The company name is Utility Service Partners Inc., a Home Serve Company.

Councilman Sedlak reported that similar letter was mailed to residents a few years prior however not from this company. McCue asked council members to think about review the information and think about considering participation.

- Triangle Property

Mayor McCue spoke again to Patrick Kavanaugh, owner of the triangle property and building. Mr. Kavanaugh understand the Village's desire to have the building used for businesses only however, he has received no interest in businesses moving in. He may request to add more apartments if unable to bring in businesses and asked for Foxfire to assist with getting the word out about the building. Mr. Kavanaugh is willing to change or remodel the building to accommodate a tenant's desire. Mayor McCue spoke to a couple of people about the building, but no one has contacted Mr. Kavanaugh.

12. Public Comment:

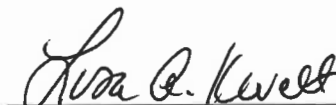
Cynthia Lathrop asked how the pool season went without using Lifeguards. Mayor Pro Tem Frusco replied good and no incidents reported.

Barbara Okula asked if the Village ever limited water usage. Councilman Sedlak replied yes, we have during the drought a few years back. Sedlak explained water availability and well-site options. Back and forth discussion continued between Mrs. Lathrop, Councilman Sedlak and Mayor Pro Tem Frusco about water usage.

13. Adjournment

Mayor Pro Tem Frusco made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 5:55 PM.

As so incorporated to these minutes of August 14, 2018 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