

**MINUTES  
FOXFIRE VILLAGE COUNCIL  
REGULAR MEETING  
Foxfire Town Hall  
July 9, 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, Sergeant Gary Garner 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 July 9, 2019 Agenda:**

Councilman Boito added *Paving*, and Mayor Pro Tem Frusco added *Pool Awning* to their reports. Mayor McCue added *FPOA-Water Volleyball* 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
  - June 11, 2019 Regular Meeting/Public Hearing
  - June 27, 2019 Worksession
2. Annual Tax Settlement

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

**7. Presentation from Police Dept. – Speed Signs**

Chief Shue and Sergeant Garner gave a brief presentation on the two new speed signs. Garner explained how the signs are programmed and operated by two internal batteries and a solar panel. Data on vehicle traffic and speeds are compiled and can be transferred to the police car. This data will assist the officers with traffic enforcement during times when needed the most. The signs are attached to the metal speed limit signposts and secured with padlocks. Signs will be placed in areas that receive the most complaints on speeding. Vehicle speeds will display on the screen as well as a programmed message, such as “Have a Nice Day” or “Slow Down”.

Chief Shue said he budgeted to purchase more signs this coming year. He plans to put a sign at each end of Hoffman Rd., north and south bound, one on Richmond Rd. and the remaining two units placed sporadically through the Village. He further elaborated on the usefulness of the signs.

**8. Public Comment Period**

None

**9. Zoning Administrator’s Report – Lisa Kivett**

Zoning Administrator Lisa Kivett reported the following activity from May 15 thru July 9:

*Twenty-one (21) homes are currently under construction or in the beginning stage of lot clearing. Three (3) of them located within the ETJ.*

Permit applications were received for the following:

- *Eight (8) Single Family Residence  
Bermuda Circle, N. Shamrock (two) and S. Shamrock (two) (included above)  
Woodland Circle, Oak Hill Dr. and Eagle Drive (approved today, not included above)*

- One (1) Accessory Building
- One (1) Fence
- One (1) Structure Modification
- One (1) Barn
- One (1) Run-in Shed

Numerous ordinance violations were addressed.

### Updates

#### Bermuda Circle

Public Nuisance Violation on Bermuda Circle – State Citation was issued

Follow up 07/09/2019 – construction debris and old air conditioner removed from property.

#### Zoning Violation Spreadsheet

Ms. Kivett prepared and presented a spreadsheet of zoning violations and their current statuses for June. There were 39 violations found ranging from garbage cans left out to unkempt yards.

#### Fiscal Year Zoning Report

Ms. Kivett prepared and presented a report on all zoning activity for fiscal year 2018-2019.

#### Wedgewood Property

Ms. Kivett reported the owners of the home on Wedgewood Drive have been notified more than once that they are in violation of several Village ordinances. Upon drive by inspection, Ms. Kivett noted large amounts of yard debris and other household rubbish, a discarded jacuzzi piled with yard debris in the rear yard, and a dump truck and large trailer filled with garbage bags. The property owners have yet to respond to the warning notices. The next step in the process will be for the Police Dept. to issue a State Citation. Chief Shue explained the process in detail.

## **10. Council Member Reports:**

### **A. Finance – Leslie Frusco**

Mayor Pro Tem Frusco reported as of the end of June, the General Fund balance was \$1,033,016 of which \$783,022 is unrestricted. \$249,994 is restricted for the Capital Reserve, K9 Fund, Street Maintenance Reserve, Police Vehicle Reserve, and Separation Allowance. The Water Fund balance was \$770,409 of which \$504,330 is unrestricted. \$266,079 is restricted. The Village is down to one loan in the General Fund which has two payments left. At the end of the fiscal year, the Village exceeded the budgeted revenue and was under in expenses. Frusco thanked council for monitoring their budgets closely. The Village audit should be conducted sometime in October.

- Pool Awning

Mayor Pro Tem Frusco reported that council discussed putting a pool awning at the new pool house. She suggested waiting until the following Spring before ordering and having it installed. Council agreed.

### **B. Streets and Park – Don Boito**

- Paving

Councilman Boito reported the South Shamrock paving project dates were changed to start July 15<sup>th</sup>.

- Speed Limit Signs

Councilman Boito reported that a decision hasn't been made yet to change the speed limit or about the speed limit signs. Mayor McCue suggested looking at how many signs are needed and to start with the areas of concern.

There was lengthy discussion between Council and Chief Shue regarding signs, lowering the speed limit, and enforcement ability.

**Mayor Pro Tem Frusco made a motion to change the Village speed limit on surface streets to 25 MPH. The motion carried unanimously.**

- Pineland Preserve Signs

Councilman Boito received a quote for replacing three street name signs in Pineland Preserve. Council discussed and Boito will move forward with this project.

Mayor McCue reported on continued issues with overhanging trees and branches on Foxcroft. Councilman Sedlak said Pinecrest too has overgrowth. Councilman Boito will look at both areas.

#### C. Public Safety – Ed Howze

- Police Dept. Update

Chief Shue received the \$25,000 grant from the NC Department of Public Safety, Governor's Crime Commission. As soon as all the paperwork is complete and mailed back, they will disperse the grant money.

Police have several ongoing investigations and the new police car was picked up on July 1<sup>st</sup>.

The blue 2009 Charger is no longer needed by the police dept. This vehicle has 130,000 miles and has been stripped of all police safety equipment. Howze asked council what they wished to do with it. Mayor Pro Tem Frusco suggested selling it. Mayor McCue suggested keeping it for use by himself and other Village staff who are making Village related trips.

- Fire Dept. Update

The fire dept. lost a full-time employee at the Foxfire station. A volunteer was recently promoted and in training to replace. The station will be covered by volunteers and other firefighters in the interim.

- EMS Response to Treehouse Units

Councilman Howze reported two emergency medical calls at the treehouse units in the past week. Moore County EMS and the fire department had a difficult time getting their vehicles down the cart path. Howze said Chief Stromberg said if the Moore County Fire Marshal came here, he would close the (road). Discussion ensued on who owns the cart path. Mayor McCue suggested this might be something for the Village attorney to look at.

#### D. Water – Jon Sedlak

Councilman Sedlak reported a survey was prepared on the potential well site property and a test well will be drilled on July 22<sup>nd</sup>.

Councilman Sedlak revisited a previous discussion regarding three water accounts he thought were billed incorrectly. Copies of the current water ordinance with three highlighted sections was handed out to council. The water ordinance was amended several times through the years and the sections highlighted contradict themselves. This has resulted in confusion about charging or not charging for Village water for those who get their water from a well but have a water meter or may not have a water meter. There was extensive discussion on tap-ons, minimum rate billing, previous water line assessments, and the ordinance. Mayor McCue suggested Sedlak prepare a proposal by the next work session(s) and council will further discuss.

#### E. Mayor's Report – E.M. McCue III

Mayor McCue asked that residents consider volunteering to help at the yard waste facility.

Mayor McCue would like to schedule a day-long work council work session in September. He asked that council members provide him with dates they are available to meet.

Mayor McCue presented several zoning amendment recommendations prepared by the Planning & Zoning Board. The items are fairly extensive, covering most zoning districts and some only affecting specific properties. Council will discuss each at the upcoming day-long work session.

A couple letters and a Report a Concern about the general appearance of the Village were received. McCue agrees with the concerns but said it is an ongoing battle. An information flyer about keeping yards clean, garbage cans, trailers, etc. was included in the recently mailed CCR report. In addition, Lisa Kivett with the assistance of the police department have been actively finding and citing those in violation.

McCue told Councilman Sedlak about a free “Drinking Water Response” webinar being offered by the NCLM.

McCue reported that SB 355 which pertains to land use regulatory laws in North Carolina will pass both the House and Senate and on the Governors desk for signing. Attached to this bill is a complete re-write of many articles in Chapter 160A of the NC General Statutes. The re-write covers many areas of planning and development and written mostly by the SOG lawyers. The Village attorney will assist us with some insight on how we will change our ordinances to reflect the new changes. We have until January 2021 to make any changes.

#### **Old Business:**

- Resolution #R19-04 Permitting the Donation of the 1988 AMG Humvee

Lisa Kivett reported that Council passed a resolution in 2012 describing procedures for disposing of personal property valued at less than \$10,000. It also gives the Village Clerk or other designee the authority to dispose of the property in a variety of ways including donation. The council recently agreed to dispose of the no longer used Chevrolet truck and the AMG Humvee. Chief Shue and Councilman Howze have decided the Humvee would be donated to Rick Rhyne’s son Allen because of sentimental value. Rick was the person that procured the Humvee and used it. In order to donate the vehicle, council must pass a resolution to do so. The resolution was prepared and presented for adoption. No decision was made about the Chevrolet truck. Chief Shue and Councilman Howze will further discuss.

**Councilman Sedlak made a motion to adopt Resolution #R19-04 Permitting the Donation of the 1988 AMG Humvee. The motion carried unanimously.**

#### **1. New Business:**

- Updating Village Website to New Format

Lisa Kivett reported the Village website is due for software update. The company that hosts the website suggested that in addition to the update, we consider a redesign and switching to a mobile-responsive design. Their data shows that 60% of website visitors, access the website by smartphone or tablet. The cost for the redesign is \$2,500. Ms. Kivett said she would like to make the site more user friendly, easier to navigate, and will have new pictures for the homepage too. There was brief discussion and questions about the current website, changes, and domain name. Council agreed to spend the \$2,500 for the website redesign.

- FPOA Volleyball

Mayor McCue said the FPOA has requested to use the pool in the evening after the pool is closed to play volleyball. They propose that folks use a pool pass and the FPOA would provide all equipment. They understand that no alcoholic beverages or glass containers are allowed in the pool area, they must play after regular hours and before dark, and a pool attendant is required. FPOA representative Sue Sedlak was available to answer questions.

Mayor Pro Tem Frusco raised several issues on how pool attendants would be compensated, possible liability issues, logistics, etc. Frusco added the first thing to do is contact the pool manager to see if she has staff willing to stay an extra couple hour on any given night. Frusco would be willing to try on a trial basis as long as all the logistics are worked out. Mayor McCue said this is a community function and not a private function so we could pay the attendant through payroll and be compensated by the FPOA.

#### **12. Public Comment:**

Barbara Okula voiced her concerns about the lot on the corner of Richmond Rd. and N. Shamrock which is covered in downed trees. Lisa Kivett replied she took pictures of the property

and will send a letter to the property owner. Ms. Okula asked if the park trails would be maintained. Councilman Boito replied it is part of Gilbert Brown's contract. Mayor Pro Tem Frusco added there is set aside to refurbish the trails and they hope to find someone to do the work.

Cynthia Lathrop asked that the property owner across from her be contacted to clean their lot.

#### **14. Adjournment**

**Councilman Boito made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 5:56 PM. As so incorporated to these minutes of July 9, 2019 are exact copies as so recorded in the ordinance and resolution books of Foxfire Village as if fully set out in the minutes.**

  
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Lisa A. Kivett, CMC, NCCMC, CZO  
Village Clerk

  
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E.M. McCue III  
Mayor