

MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Town Hall
September 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 and Mayor Pro Temp Frusco were in attendance.
3. **Members Absent:** Councilman Ed Howze and Councilman Sedlak
4. **Others Present:** Lisa Kivett-Village Clerk, Chief Chad Shue, Sergeant Daniel Ritter, Officer Derek Kivett and several Village Residents
5. **Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence followed by the Pledge of Allegiance
6. **Approval of the September 10, 2019 Agenda:**

Councilman Boito added *Western Connector Review* and Mayor McCue added *Bridle Place and Saddle Lane* to their reports.

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

7. Consent Agenda

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

1. Approval of Minutes
 - August 13, 2019 Regular Meeting
 - August 25, 2019 Worksession
2. Budget Ordinance Amendment #2019-11

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

8. Public Comment Period

Mary Gilroy – P&Z Chair said the P&Z Board briefly the parking of RV's, Buses, Commercial Vehicles, and Trailers discussed at their last meeting. This item is on the tonight's agenda under Old Business. The board is against parking of these kinds of vehicles within the Village. They would like to see other options explored such as asking that residents park in storage facilities such as Pinnacle Storage on Hwy 211.

9. Zoning Administrator's Report – Lisa Kivett

Zoning Administrator Lisa Kivett reported the following activity from August 14 thru September 10:

Twenty-nine (29) homes are currently under construction or in the beginning stage of lot clearing. Two (2) of them located within the ETJ.

Five (5) Requests for Certificate of Occupancy received (Bowman Rd, Autumn Acres, Pineland Vista, Woodland Circle, and Grande Pines).

Permit applications were received for the following:

- *Two (2) Single Family Residence Meadows Ct. (Custom) and Pine Tree Terrace (Spec)*

In addition to taking away the authority to regulate min square footage, House Bill 675 requires all construction plans for one and two-family residences be reviewed within 15 days of submission. Construction applications come in sporadically and keeping up with a different 15-day deadline for each could cause issues. To stay on track of review

deadlines, I will only accept complete construction applications for one and two-family residences on the **first** and **third** Wednesday of the month. I spoke to Bob Hornik about this and we have the authority to make these requirements. I will amend the construction permit application to include this information. This change does not affect permit applications for fences, pool, accessory building etc.

"Report A Concern" Received

- Overhanging bushes on corner of Hoffman Rd./Tie Rd.
- Resident on Pine Glen Ct. reported three homes on Pine Ridge in need of exterior painting. Also reported a damaged patio umbrella and a hanging tarp.

Updates

- The Board of Adjustment met on August 27, 2019 to consider a variance request to construct a single car detached garage encroaching the rear setbacks. This property is located on South Shamrock. The request was denied.
- Last month I denied an application to construct a 4' fence that did not meet the opacity requirement. The applicant received by certified mail a permit denial letter and an application to file for an appeal of interpretation with the Board of Adjustment. Per Sec. 11.1-Appeals of the Village Zoning Ordinance, the applicant has 30 days from receipt of written notice to file an appeal. Their 30-day window expired on September 4th. I've heard nothing further.
- A second letter was mailed to the owner of the maintenance area property on Richmond Rd. (Wingfield Properties), reference repairing the dilapidated fence gate. **Councilman Boito advised the fence was now repaired.**
- The undeveloped lot on Richmond Rd/S Shamrock with the deadfall trees was cleaned up.

Ordinance Violations

Warnings were issued for:

Two (2) trailers

One (1) illegal dumping (debris was removed)

10. Council Member Reports:

A. Finance – Leslie Frusco

Mayor Pro Temp Frusco reported as of August 31st, the General Fund balance was \$765,733 of which \$132,938 is restricted for Capital Reserve, Assigned Debt Service, Street Maintenance, K9 Fund and Separation Allowance. The unrestricted balance was \$632,795. The Water Fund balance was \$777,912 of which \$281,076 is restricted for future well(s) and tank maintenance. The unrestricted balance was \$496,836. Property tax bills have been mailed to residents and payments can be made at any time.

The Village office computers will go through a software conversion the first week of October. During this time, staff will not have access to water account information and tax billings. October water bills might be mailed a little late due to the conversion. Frusco asked for residents to be patient during the transition and while staff is training on the new system. Mayor McCue added this update is required because Southern Software will no longer be able to provide support for the software we currently have.

B. Streets and Park – Don Boito

- Western Connector Update

Councilman Boito attended an Economic Development Board meeting in Pinehurst regarding the Western Connector. Pat Corso from Partners in Progress, Representative Boles, and McInnis were also in attendance. Representative Boles asked what Foxfire's position was on the Western Connector. Boito replied, "we are for it as its currently laid out. We do not want it to begin with an improvement on Roseland Rd. and US 1." Boito explained the reasons why and Rep. Boles nodded in agreement. There was not much support of the Western Connector from Pinehurst. The Pinehurst representative felt we need updated population numbers and expectations for the next 10 years. The information they have is old and each community should provide updated projected numbers to NCDOT. There was much discussion about Route 5.

C. Public Safety

Mayor McCue gave a brief update on police and fire department activities for Councilman Howze who was absent.

- There were calls from residents who raised concerns about vehicles parked in the Village right-of-way. This will be looked into.
- The grant money was received, and remodeling of the Police Dept. should begin in the next week.
- We are obtaining an estimate for a siren activated gate on Hoffman Rd. and S. Shamrock Dr.
- We expect that West End Fire Department's Board signed the current year's contract at their meeting last night.

Chief Shue introduced the new Auxiliary Police Officer, Derek Kivett. Officer Kivett is recently graduated from BLET and he will be in training with recently certified FTO, Sergeant Ritter.

Chief Shue added he typically does not hire someone with little or no experience. For several years, he was the only FTO and could not dedicated 12 weeks of training a new officer in addition to K9 and Chief duties. In addition, finding an auxiliary officer, who is dedicated to volunteer their time 12 hours per month and also go through 12 weeks of unpaid training is difficult. Derek has proven himself to be loyal and Chief Shue believes he has what the department is looking for in an officer for Foxfire. Kivett will also work with Sergeant Garner doing traffic. Officer Kivett will be working a full-time job and then working in the Village the rest of the night.

D. Water

Councilman Sedlak was not in attendance. Mayor McCue reported that Sedlak was hopeful a test would be drilled this upcoming Friday.

E. Mayor's Report – E.M. McCue III

Mayor McCue reported the Village recently completed the purchase of the 2.5 acres on the corner of Hoffman and Jackson Springs Rd. The Council decided to purchase the property for a number of reasons, possible future use and control of appearance entering the Village. This purchase is complete and there is no debt on the property. The cost was approximately \$32,700 including closing cost, title insurance and search.

The Village Council will conduct an all-day Special Work Session on Tuesday, September 17th. There will be a morning and afternoon session and the public may attend for observation only. It is possible that Council will entertain questions at the end of the meeting. The Council will review and update the Long-Range Plan, Land Use Plan and discuss several zoning issues brought to us from the Village P&Z Board. There will also be discussion on long range personnel issues, Village appearance and the future of the Village water system.

Mayor McCue received a letter with concerns about the landscaping and upkeep around the Village Hall. A copy was given to Council. Mayor Pro Temp Frusco said we have a contract for this landscaping. McCue would like to further discuss at the upcoming work session.

11. Old Business:

- NC Planned Community Act and HOA's

Mayor McCue reiterated on a previous meeting where Councilman Sedlak brought up HOA's and their ability to be more restrictive than we can as a municipality. The Legislature has taken away certain authorities from the Village and we have looked for ways to take some back. McCue reviewed the NC Planned Community Act and did other research. He personally feels it would be impractical to try and configure an HOA for any portion or all of the Village, after the fact. Not all property owners would agree to encumber their property with certain covenants, some of which we know they would not agree with. He used parking of trailers as an example, which the Village has an ordinance on. Typically, the end of the enforcement chain under an HOA is property foreclosure.

Mayor Pro Temp agreed with Mayor McCue. She added that a true HOA must be an actual organization, file Federal tax returns, have officers and insurance. Frusco detailed the many issues that make this impractical. It may not even be possible since Foxfire already sits as a Village and there is no one area that does not have homes.

- Parking of RVs, Buses, Commercial Vehicles, and Trailers, Sec. 34-82 & 83

Mayor McCue reported that some time ago, there was an RV and a boat with trailer displayed for sale at the General Store. This prompted the council to consider whether this should be allowed in the Village Business District. At last month's meeting, a resident made a public comment requesting that council review the ordinance prohibiting trailers such as "utility trailers" being parked in residential properties. Mayor McCue researched each and prepared suggested changes to Section 34-82 & 83. A copy of the proposed amendments was given to council for their review and their comments. Mayor McCue added the current ordinance has been on the books for longer than anyone has lived in the Village.

Mayor Pro Temp Frusco agreed with the proposed changes and echoed Mary Gilroy's earlier comment on outside storage. In addition to Pinnacle Storage, there is an inexpensive facility on Hwy 211 called "AA Storage". Frusco said a huge concern of council and residents alike, is the appearance of the Village. Allowing the storage of these types of vehicles in the Village would detract from the appearance. Frusco said it's easy to find a place for storage and it's a cost of ownership. Infringing on neighbors is not what we want to do. Mayor McCue raised concerns about proper screening and distracting from open space as designated in the LUP. Frusco added if the property owner has enough room on their property to have a detached garage, or accessory building meeting requirements, they can store a trailer inside as long as it is not visible. Mayor McCue will put together a proposed amendment to Sections 34-82 and 83 for consideration at the October meeting.

Councilman Boito brought up the issue about vehicles being parked in the Village right-of-way and also mentioned that several are also parking in their yards.

Mayor Pro Temp Frusco thinks it is unreasonable to prohibit parking in the right-of-way and to require a permit to allow parking. She mentioned the issues it could cause for the many social groups and activities taking place within the Village. She suggested the landscaper designate certain days for mowing, and we advertise them asking residents to not park there at that particular time. Mayor McCue suggested this be further discussed with the Police Chief.

12. New Business:

- Handicapped Pool Lift

Councilman Boito questioned if handicap pool lifts should be purchased and installed since the Village has begun the process of making the pool ADA compliant. Frusco replied we are not required to show yearly progression, just that we have a plan in place to make everything ADA. Our plan started with the handicapped parking, accessibility on sidewalks, fence, and bathroom facilities. We have time to do the pool lifts.

Frusco asked that the water be turned off at the pool house no later than December 1st. Mayor McCue asked that the facility be inspected after everything is closed down and equipment put away.

- New General Manager at Foxfire Golf Club

Councilman Boito reported they still have not replaced the GM at the Golf Club.

- Bridle Place and Saddle Lane

Mayor McCue commented that Bridle Place and Saddle Lane are dirt roadways located off of Ridge Rd., and connect approximately 5 lots to Ridge Rd. There are some folks interested in purchasing the five lots. They have questioned their ability to build homes on lots adjacent to unpaved roadways. We could not provide an immediate answer and started researching the deeds, etc.

McCue asked council if it would be an issue to tell the prospective buyer they could build with the understanding that the dirt right-of-way connecting to Ridge Rd. will not be maintained by the Village nor paved at our expense. If they're interested in doing so, and they've indicated they are, what other issues are raised for the Village. While researching, we found that the roads were named as such because they were originally designed to be small 2.5+ acre horse farms. McCue asked council to consider the best course of action. There was brief discussion. This will be looked into further.

12. Public Comment:

MaryAnne Lauer – Deer Track, asked for clarification on “commercial vehicles” and if a pickup truck used for business would need to be stored off-site. McCue replied his proposal has a size limit of 3,500 gross vehicle weight or larger. He further explained.

Mary Gilroy asked if the lots on Bridle Place and Saddle Lane were RS40. McCue replied yes. She has concerns about not paving the dirt roads and the potential mess and appearance issues it could cause.

13. Adjournment

Councilman Boito made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 5:31 PM. As so incorporated to these minutes of September 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

