

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Town Hall
October 9, 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, Andy Moody, Barbara Okula, Cynthia Lathrop, Gladys Knight, and Tom McClellan
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 9, 2018 Regular Meeting Agenda**

Mayor McCue added *Discussion on Setbacks*, and *Announcement of a Notice of Intent to Incorporate (Woodlake, in Vass)* to the Mayor's Report, and a *Closed Session* following the second Public Comment Section. Councilman Howze added *WEFD Hurricane Florence After Action Report*.

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
 1. September 11, 2018 Regular Meeting
 2. September 27, 2018 Work Session
 2. Board Appointments
 - Guy Peckitt – Appearance Commission (4-year term)
 - Gary Sigman Jr. – Appearance Commission (4-year term)

Councilman Sedlak made a **motion to adopt the consent agenda**. The motion carried unanimously.

7. FEMA – Catherine Anderson

FEMA Governmental Affairs Specialist Catherine Anderson is visiting North Carolina to assist municipalities affected by Hurricane Florence. She asked to speak to the council in person and urged anyone in the community affected by the hurricane to apply with FEMA. The deadline for applying is November 13, 2018. Ms. Anderson brought with her representatives from the SBA (Small Business Administration), Moore County Emergency Services and another FEMA representative Mike DeCaprio to answer any questions the council had.

Mayor Pro Tem Frusco asked why there was a minimum threshold to meet before applying for reimbursement. The Moore County Emergency Services representative replied that many communities adopt a Resiliency Plan and have the capability to recover from small disasters such as snow or ice storms. The threshold is necessary to make this a major disaster above and beyond what the local government should have prepared for. The threshold is a National Standard based on geography, population, and economics of the area. FEMA rep Mike DeCaprio added that the threshold only applies to the public assistance and not the individual home assistance. A Federal Law "Stafford Act" embodies this and typically after major emergencies, thresholds are reviewed and adjusted.

Councilman Sedlak asked what he should tell residents who say they have a tree down or a washout in their yard. Ms. Anderson replied they should first contact their insurance company and then apply for FEMA. If they do not qualify for FEMA, FEMA will refer them to the SBA who assists the underinsured or folks without insurance. Businesses, home owners and renters can apply for assistance when there is a shortfall between insurance and FEMA benefits. Individuals should register with FEMA first by calling 1-800-621-3362 and if they qualify to then contact the SBA at 1-800-659-2955 or www.SBA.gov. Downed trees that have not damaged homes and washed out yards should be first filed with insurance. They can then file for a FEMA grant, which might make up the difference left by insurance. Mayor Pro Tem Frusco clarified that the SBA is a loan process and FEMA is a grant process. Mayor McCue asked that information for registering with FEMA be available on the Village website.

8. Public Comment Period

Karl Bernet asked what was being developed on Foxfire Rd. Mayor McCue replied that some home construction on the left side called Autumn Acres is located in the Village, and the new road on the left a bit further is located in the Pinehurst ETJ.

Cynthia Lathrop thanked the Police Department for their assisting her during the storm.

9. Zoning Administrator's Report – Lisa Kivett

Lisa Kivett reported the following zoning activities for September 2018:

Twenty-four (24) homes are currently under construction or in the beginning stage of lot clearing. Three (3) of them located in the ETJ.

Village

Five (5) in Grande Pines

One (1) in Pineland Preserve

Four (4) Forest Lake Drive (30,32,37,53)

Two (2) Dogwood Ct.

Brassie Circle

Foxfire Road

Two (2) Richmond Rd.

Dickinson Ct.

Two (2) Autumn Acres

N. Shamrock

Reynwood (Vista Ridge)

ETJ

Richmond Rd.

Foxfire Road

Tranquility Ln.

No Single-Family Residence Construction Applications in September.

Other Permits Issued

One (1) Pole Barn

One (1) Pool and Fence

One (1) Lot Clearing

One (1) Propane Tank

One (1) Accessory Building

Several "Report a Concern" emails received about drainage issues and debris on roadsides after Hurricane Florence, speeding and beer bottles/cans thrown on S. Shamrock and wandering dogs.

Violations addressed – garbage cans left, one trailer, and incomplete landscaping.

Mayor Pro Tem Frusco asked when the incomplete landscaping would be in. Councilman Sedlak said he drove by and have completed the work.

A verbal stop work order was issued for construction at 16 Woodland Circle.

10. 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, September 30, 2018:

The total cash balance in the General Fund is \$1,029,710. Of this amount \$416,191 is restricted for the first payment of Powell Bill monies, Capital Reserve, Debt Service, K9, Street Maintenance Funds and Police Vehicle Reserve. The remaining amount of \$613,519 is unrestricted.

The Water Fund has a balance of \$712,093 of which \$266,076 is restricted for a new well(s) and tank maintenance. The remaining balance of \$446,017 is unrestricted. As of the end of September, we have collected 21% of property taxes. The Fiscal Year Audit is now complete. A draft audit report should be available by the next work session.

B. Public Safety – Ed Howze

Councilman Howze received a final report from the fire department on Hurricane Florence. He elaborated on some of the highlights of the report. Between 9/14 and 9/17, there were 106 calls. Twenty-seven of them were in the Village. The department plans to replace two aging quick response vehicles with one vehicle in early 2019.

C. Streets and Park – Don Boito

Woodland Circle Survey

Councilman Boito reported that the hurricane pushed back the survey. It will be a couple weeks before the surveyor can get out there.

1. Drainage Issues

Councilman Boito reported that many drainage issues have come to light. He plans to meet with the Moore County Health Department and a consultant about what can be done. Mayor McCue suggested that Councilman Boito and Councilman Sedlak form a sub-committee to look at and address drainage issues in the Village.

D. Water Department – Jon Sedlak

Councilman Sedlak met with National Meter and Automation. They sell meters and equipment to read them to the Village. We will need to update our current meter reading software and meters at the cost of \$16,800. Mayor Pro Tem Frusco added that a benefit to this upgrade is that water leaks will be detected earlier.

E. Mayor's Report – E.M. McCue III

1. Notice to Incorporate Woodlake

Mayor McCue received an official notice to incorporate the community of Woodlake into the town of Vass. General statutes require that notification be mailed to other municipalities in the area.

2. Comprehensive Transportation Plan Endorsement Resolution #R18-02

Mayor McCue presented a copy of a resolution to endorse the Moore County Comprehensive Transportation Plan. This resolution is also on the Village website for those interested. He would like council members and any residents to review and make comments prior to endorsing. McCue briefly touched on the plan, the Western Truck Route, and Pinehurst By-pass. Mayor Pro Tem Frusco would like to advertise on the Village website that council will listen to public comments about the plan at their November meeting. All information, the resolution and a link to plan will be published on the website for the public to review before November.

3. Square Footage and Setback Requirements

Mayor McCue addressed concerns with the wording on setbacks in the RS20, 30, and 40 zoning districts. He suggested changing the wording to clarify what front setbacks should be and council members discussed several options. Mayor McCue will have the P&Z Board review the suggested changes and get back with a recommendation.

Mayor McCue suggested changes to the minimum square footage requirements for RS30 and 40. He proposed changing RS30 to an 1,800 sq. ft. first floor, 1,500 sq. ft. first floor if a 1.5 story, and 1,200 sq. ft. first floor is a 2-story home. In RS40, he proposes raising the minimum to 2,100 for a single story, 1,600 for a 1.5 story, and 1,400 for a 2-story home. All would be exclusive of garages. Mayor Pro Tem Frusco is not in favor with lowering the minimum first floor in the RS30 and explained her reasons. Councilman Sedlak suggested increasing the minimum footprint in both districts. Mayor McCue will forward this information to P&Z for review.

Councilman Sedlak had questions on fencing setbacks. He has seen several fences that are all the way to the property line and others that are not. Mayor Pro Tem Frusco replied they can be on the property line as long as they do not exceed 4' and are made from the approved material.

11. Old Business:

None

12. New Business:

None

14. Public Comment:

Karl Bernet asked for clarification on the Village right-of-way as he was under the assumption it was 35'. If so, the tree he had to remove should be the responsibility of the Village. Councilman Boito responded the right-of-way is 30' from the center of the road.

Cynthia Lathrop asked to confirm that the Village was not receiving FEMA assistance. Mayor McCue replied yes, we did not meet the minimum threshold. Mayor Pro Tem Frusco reiterated that the threshold does not apply to individuals. There was brief discussion.

15. CLOSED SESSION

Mayor Pro Tem Frusco made a motion to go into Closed Session Pursuant to NCGS 143.318-11 (a,2) in order to preserve attorney client privileges. The motion carried unanimously at 5:28 PM.

Councilman Sedlak made a motion to return to the Regular Meeting. The motion carried unanimously at 6:06 PM.

16. Adjournment

Councilman Boito made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 6:06 PM.

As so incorporated to these minutes of October 9, 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