

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Town Hall
January 8, 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 Tem Frusco, Councilman Ed Howze and Councilman Sedlak were in attendance.
- 3. Others Present:** Lisa A. Kivett-Village Clerk, Police Chief Chad Shue, 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 January 2, 2019 Agenda**

Councilman Howze removed Item #2 from his 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
 - December 11, 2018 Regular Meeting
2. Planning & Zoning Board Resignation
 - Joe Kyger – ETJ Member Effective December 18, 2018

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

7. Public Comment Period

Mary Anne Lauer, 22 Deer Track said there was an emergency situation recently at her next-door neighbor's home and emergency vehicles had difficulty responding due to the closed gate on S. Shamrock. This is not the first time that emergency vehicles have had problems. She would like to see something done to prevent further problems.

8. Zoning Administrator's Report – Lisa Kivett

Ms. Kivett reported the following Zoning related activities for December 2018:

- *Twenty-two (22) homes are currently under construction or in the beginning stage of lot clearing. Three (3) of them located within the ETJ.*
- *Two "Certificate of Occupancy" were issued (Brassie Ct. and Woodland Circle).*
- *Last month's report for November, included activity through December 11th. No additional plans were received or reviewed from December 12th thru 31st.*
- *Several ordinance violations were handled by the police department. They include illegally parked trailers, recreational equipment, and 2 commercial vehicles, and noise complaint.*
- *Three "Report a Concern" were received for illegal parking and drainage concerns.*

9. Commercial Trailers and Vehicles in VBD

Mayor McCue met with Bobby Edwards regarding the commercial trailer of pine straw located behind the General Store. He advised Mr. Edwards he is in violation of Village ordinance 34-83 which prohibits commercial vehicles in the incorporated areas of Foxfire. McCue invited Edwards to attend tonight's meeting and present alternative ideas for storing the trailer on his property. Mr. Edwards conducts a pine straw business and wants the convenience for keeping the straw dry and to provide it to customers. McCue, speaking for himself, suggested if Mr. Edwards offered suitable ideas for screening or concealing the trailer, the ordinance might be amendable. Councilman Howze suggested parking the trailer the store.

McCue read aloud the current ordinance and suggested adding an exception to allow in the Village Business District if screened and by issued permit. Discussion followed regarding screening, moving to a different area of the lot and the current ordinance. The council was in agreement that an amendment might be appropriate. Mayor McCue will draft an amendment for council review.

10. Connecting with Moore County Water System Discussion

Mayor McCue asked for further discussion on the possibility of connecting to the Moore County water system. He and Councilman Sedlak recently met with Moore County representatives to resurrect discussions and thoughts on the connection. There are many pros and cons to connecting, keeping it ourselves, or some type of hybrid of those two. McCue would like to hear public comments and ideas early on in the process.

Mayor McCue presented the County Cost Estimate to connect to their system. The estimate of \$1.6 million dollars does not include a Booster Pump Station. That alone is \$350,000. The County felt it would be needed further on. The total including the Booster Station is \$1,624,330, about \$4-500,000 more than a few years ago. Council discussed buying the Counties water vs. connecting, costs, and possibility of de-annexation requests from certain areas of the Village.

11. Review of Long Range Plan (LRP)

Mayor McCue asked Council to re-review the Long Range Plan Goals. He expounded on the 2018-2019 Goals the Village has met including communicating with Village residents, updating the Personnel and Pay Policy, updated minor subdivision regulations. Items on-going include seeking new well-sites, street re-paving, and drainage issues. We obtained the public safety grant which will help to remodel the Police Department. We are having a survey done on Woodland Circle to subdivide large building lots along the road to be sold. The Village will maintain the majority of acreage behind the lots for future use. Mayor Pro Tem Frusco added that Year One is not over until June 30, 2019. Mayor McCue suggested Village residents review the Long Range Plan and also the Land Use Plan. Both are available on the Village website.

Mayor Pro Tem Frusco added the Police Department added a designated cell phone this year as part of the goal for better communication with residents. Her comment lead into Councilman Howze report.

12. Council Member Reports:

A. Finance – Leslie Frusco

Mayor Pro Tem Frusco reported the following as of December 31, 2018, the general fund total balance was \$1,364,318 of which \$592,612 is restricted for the Capital Reserve Fund, Debt Service Fund, the K9 Fund (which is funded by a private resident), Street Maintenance, Police Vehicle Reserve, and the Separation Allowance. The unrestricted balance is \$770,706.

The water fund balance is \$737,058 of which \$266,076 is restricted for future well(s) and tank maintenance. The unrestricted balance is \$470,982.

As of December 31, 2018, we have collected 88% of ad valorem property taxes. As of January 7th, we are up to 92%. Reminders are being sent to a few that may have forgotten about the due date.

Mayor Pro Tem Frusco would like to start budget talks at the next work session.

B. Streets and Park – Don Boito

1. Woodland Circle Survey

Councilman Boito spoke with Ronnie Graham who is surveying Woodland Circle. Due to Holidays and rain, he is behind in work. He will call Councilman Boito later in the week.

2. Drainage Survey

Councilman Boito spoke with a Neal Smith Engineering representative. He hopes to meet with the representative next week and drive through the Village to identify potential drainage issues.

C. Public Safety – Ed Howze

1. Signage Recommendation from PD & FD

Councilman Howze presented a Sign Recommendation for Foxfire Blvd. that he, Chief Shue, and Chief Stromberg prepared. All five signs are double-sided poly-metal, 48” wide with a white background with green print and enclosed in a painted wood frame. Howze will contact Sandhills Signs for an updated estimate and timeframe for completion.

2. PD Cell Phone Misconceptions

Councilman Howze would like to clear up any misconceptions about the new patrol cell phone. The phone is carried by the “on-duty” officer and calls go to voicemail when there is no one on duty. It does not mean that an officer is available to answer 24/7. Mayor Pro Tem Frusco added this phone is for “non-emergency” only calls.

Chief Shue reminded residents to call 911 for all emergencies. He added if residents call the department’s office number, it will transfer to the cell phone. Messages will be answered when someone is on duty.

D. Water – Jon Sedlak

Councilman Sedlak identified three possible well-site locations on Hoffman Rd. and is attempting to contact the property owners. Any potential well-site will need to produce at least 45 gpm.

E. Mayor’s Report – E.M. McCue III

Mayor McCue replied to an earlier comment from Mary Anne Lauer regarding the response issue to the neighbor’s home. Councilman Howze and the Police and Fire Chief are investigating the situation and possible ways to improve.

1. ETJ Authorization

Mayor McCue reported that Joe Kyger, Planning & Zoning Board ETJ resigned. Before resigning, he shared a couple legal concerns. One is that he feels under the General Statutes, the Village does not have authority to exercise jurisdiction over the ETJ. He concluded this because part of the statute says that “no city may exercise extra territorially any power conferred by this article that it is not exercising within its corporate limits”. He noted the entire ETJ is zoned RA, and there is no RA district within the corporate limits. His thought is we do not have rights to exercise jurisdiction because there’s no RA in the Village corporate limits. The Village attorney disagrees and said the language he quotes refers more generally to the zoning powers which the Village does exercise within its limits. He’s not aware of any authority saying for example, if we don’t have property zoned RA in the city limits, then we can’t zone property in the ETJ to the RA district. The second issue Mr. Kyger brought up is about the existing solar facility on the Wilson property. This property is designated as and had been used as a bona-fide farm. The General Statute says that a bona-fide farm is exempt from ETJ regulations by the city. It also says once the use as a bona-fide farm or any part of it ceases, it is subject to our regulations. Our attorney responded that “property that is located in the geographic area of a municipalities jurisdiction and that is used for bona-fide farm purposes is exempt from exercise of the municipalities extra-territorial jurisdiction under this article. Property that is located in the geographical area of the extra-territorial jurisdiction that ceases to be used for bona-fide farm purposes, shall become subject to exercise of the municipalities extra-territorial jurisdiction under this article.” The

Village attorney believes both concerns have no merit and responded to Mr. Kyger's concerns. Mayor McCue wanted to address this to make clear the Village is not knowingly or purposely violating State statutes. We are not and certainly will not knowingly do that.

Mayor Pro Tem Frusco added that Mr. Wilson had approached the Village and requested his property be included in the Village ETJ.

13. Old Business:

NONE

14. New Business:

Councilmen Boito and Sedlak attended a meeting with Senator McInnis, Representative McNeill and a number of other community leaders to discuss important issues affecting them in advance of the next Legislative Session. Much of the discussion centered on items not relevant to Foxfire. Boito and Sedlak did raise concerns regarding SB25 and its impact on municipalities. They received much support from other municipalities on this issue. A representative from the Community College reported that demographics are changing. The types of people coming to this general area do not have the disposable income to build bigger homes. It will be a "heavy lift" to make any changes because of the home builder lobbyists. It was suggested a get a consensus of surrounding communities to see what controls we would like to see. Senator McInnis replied it would be looked at.

There was additional discussion on LEO Separation Allowance and a lengthy discussion on the Tier System. Councilmen Boito and Sedlak both offered to draft a letter to Senator McInnis about the Village's concerns with SB25.

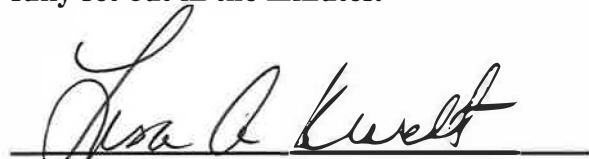
14. Public Comment:

Cynthia Lathrop- 1 Magnolia Circle asked if the Moore County Water data was available on the website. Mayor McCue replied no, it is still to early in the process. She asked if the Village had 24/7 Police Coverage. Mayor McCue replied it does not. She asked if Magnolia Circle was on the list for review of drainage issues. Councilman Boito replied the entire Village will be reviewed.

Linda Straczewski-43 Forest Lake Dr. suggested the Village fine contractors for cutting service lines during construction. She had her cable inadvertently cut by the contractors building next to her home. She was without cable for 36 hours.

16. Adjournment

Mayor Pro Tem Frusco made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 5:49 PM. As so incorporated to these minutes of January 8, 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