

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Town Hall
February 12, 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, Police Sergeant Daniel Ritter and several of his family members, 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. Promotion Ceremony for Daniel Ritter:

Councilman Howze welcomed the family and friends of Corporal Daniel Ritter who were in attendance for the promotion ceremony. Howze provided a background of Corporal Ritter's law enforcement career which began in 2007. As of January 2019, Corporal Ritter is the new Foxfire Village K9 Handler. On February 13th, he will take the K9 Handler/Officers Exam. Due to Daniel's recognized performance and continued education, he will be promoted to the rank of Sergeant.

Village Clerk Lisa Kivett administered the Oath to Corporal Ritter while his wife held the Holy Bible. Chief Shue and Mrs. Ritter pinned the Sergeant Rank Chevrons to his collar. Mayor McCue presented Corporal Ritter with a framed Certificate of Rank. Newly promoted Sergeant Ritter expressed his thanks to his family, Chief Shue, the Village Council and residents of Foxfire for their support.

6. Approval of the February 12, 2019 Agenda:

Mayor Pro Tem Frusco removed "*Budget Ordinance Amendment #2019-04*" from the Consent Agenda.

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
 - January 8, 2019 Regular Meeting
 - January 17, 2019 Special Meeting
 - January 31, 2019 Worksession
2. Authorization to Advertise Tax Liens
3. Capital Project Ordinance #2019-02
4. Budget Ordinance Amendment #2019-03
5. Budget Ordinance Amendment #2019-05

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

8. Public Comment Period

None

9. Zoning Administrator's Report – Lisa Kivett

Ms. Kivett reported the following Zoning related activities for January 2019:

- *Twenty-six (26) homes are currently under construction or in the beginning stage of lot clearing. Four (4) of them located within the ETJ.*

- Two (2) homes located in Grande Pines are complete and have requested their final zoning inspection. Both are on hold until I hear the "all clear" from the Grande Pines ARB.
- Permit applications were received for the following:
Three (3) Single Family Residence (Vineyard Pl., Bowman Rd and Autumn Ridge.)
One (1) Single Family Residence Re-submit (37 Forest Lake)
One (1) Propane Tank
One (1) Swimming Pool /Fence
One (1) Pool House
- One (1) Burn Permit (for land management of Stonehill Pines property)
- Three (3) "Certificate of Occupancy" were issued (Dogwood Ct., Grande Pines, and Autumn Acres).
- Numerous ordinance violations were addressed:
Six (6) trailers – One resulted in a Warning Citation being issued
Three (3) foundation screening around accessory building
One (1) business sign in front yard
Five (5) Removal of garbage cans
One (1) Public Nuisance - dog
One (1) storage of recreational equipment
One (1) vehicle parked in Village street
One (1) driving golf cart on public road
One (1) Vehicle on blocks

10. Ordinance #2019-01 Amending Section 34-83 Parking of Buses, Commercial Vehicles and/or Trailers of the Foxfire Village Code of Ordinances

Mayor McCue presented a draft amendment which will allow commercial vehicles and trailers of a certain type to be parked in the Village Business District when screened from public view by an approved fencing, vegetation, or other camouflage or a combination thereof. A permit will also be required from the Village Clerk prior to the extended parking or storing of those types of vehicles.

Mayor Pro Tem Frusco made a motion to adopt Ordinance #2019-01.

Mayor McCue said this amendment stemmed from the recent parking of a commercial trailer at the general store, owned by Bobby Edwards. Mr. Edwards was invited to attend council meetings and present ideas on screening however he has not contacted the Village to do so. McCue added the large trailer hasn't been re-filled but Mr. Edwards has brought in pine straw on a different, smaller trailer. Frusco asked how this amendment applies to the smaller trailer in the parking lot which has no screening. McCue replied the ordinance would also apply to the smaller trailer.

The vote was called and carried unanimously. Ordinance #2019-01 was adopted.

11. Council Member Reports:

A. Finance – Leslie Frusco

Mayor Pro Tem Frusco reported the following as of January 31, 2019, the general fund total balance was \$1,383,418 of which \$582,909 is restricted for the Capital Reserve Fund, Capital Project Fund, Debt Service Fund, the K9 Fund (which was established by and is funded by a private resident), Street Maintenance Reserve, Police Vehicle Reserve, and the Separation Allowance Reserve. The unrestricted balance is \$800,508.

The water fund balance is \$748,032 of which \$266,076 is restricted for future well(s) and tank maintenance. The unrestricted balance is \$481,956.

As of January 31, 2019, we have collected 98% of the budgeted ad valorem property taxes. As of February 8, 2019, we are up to 99%. Sharon Sanchez is diligently reviewing and going after those that have not paid. She is having to chase down properties that have sold and taxes not collected at closing. Compared to previous years, the list is much longer.

Mayor Pro Tem Frusco reported that budget worksheets will be available by this coming Friday. They will include the past four years data, the actual data expenditures through January 31, and a column for requested funds. She asked Council to review and begin working on the spreadsheet. Initial review of each will begin at the next work session.

B. Streets and Park – Don Boito

1. Update on Price Estimate for Woodland Circle Lots

Councilman Boito contacted local realtors to gather pricing for local lots in the area. \$25,000 to \$30,000 would be reasonable to ask for the lots on Woodland Circle.

C. Public Safety – Ed Howze

1. CPR Class

Councilman Howze reported a CPR class is scheduled for Saturday, March 9th beginning at 9 am. The cost is \$5.00 and will be paid directly to the instructor. Class size is limited to 25 participants who will learn and practice CPR on adult and child/infant size dummies and how to use an AED. This class is not a certification course. Mayor McCue added that instruction on the Good Samaritan Law will be discussed at this class. Councilman Boito suggested a sign-up sheet be placed at the Clubhouse.

2. Public Safety Honor Garden

Councilman Howze reiterated prior discussions on placing an Honor Garden between the Police and Fire Departments. He presented information prepared by Chief Shue with information on a 20' flagpole and flags and garden material. The proposed garden will be in 2 phases with the second phase to include a gazebo and maintained solely by the police and fire. Howze further explained.

Mayor Pro Tem Frusco asked who would pay for this. Howze replied it could come from both the police and fire budgets. Frusco questioned the cost for the gazebo and if \$1,800 only covered materials. Howze replied that Chief Stromberg has a person willing to volunteer the material, the \$1,800 would be for labor. Councilman Boito suggested the area be cleared of bamboo prior to building anything. Councilman asked if the proposed picnic table would be kept inside the gazebo, Howze replied it would. Mayor McCue like phasing the project and suggested more thought into where the flagpole would be placed. He asked for further discussion at the next work session. Frusco asked for confirmation from WEFD that they will contribute to the project and not all funds coming from the police dept.

D. Water – Jon Sedlak

Councilman Sedlak reported an issue with water overflow due to a radio frequency interference. He has a temporary solution and hopes to have the problem resolved in the coming week.

Sedlak is looking at three potential well site locations on Hoffman Road. The property encompassing 30 acres is owned by the Seago family. In addition, he is looking at another site on Woodland Circle near the intersection of Forest Lake and will contact the owner to make an offer.

E. Mayor's Report – E.M. McCue III

Mayor McCue reported the Village Attorney has answered the complaint filed against the Village by DGH Management and asserted a number of affirmative defenses and motions to dismiss.

The Village received a Forest Management Plan for the Stonehill Pines property. This comprehensive plan describes what the owner wants to do to restore the property to native vegetation and manage the property to rehabilitate the Red Cockaded Woodpecker habitat. McCue noted the plan says the site location is in Moore County but as known, it is in Foxfire Village. The plan includes some controlled burning and silviculture to get rid of non-native plant species. Councilman Sedlak asked if there would be public access to the conservancy. McCue replied it was discussed in general when we negotiated the last development agreement, but there's no specific plan. The property owner is not opposed to eventually opening up the property for walking however, there will be no actual walking trails.

A letter was sent to Senator McGinnis regarding issues we would like him to look into at the next Legislative Session. The Senator replied with a hand-written note of appreciation for our letter and said he will research the issues raised and report back with his findings.

12. Old Business:

The Council previously met in a Special meeting on January 17, 2019 to discuss an offer to purchase the 160-acre Village owned parcel along Woodland Circle. After much discussion, the offer of \$550,000 was declined. In addition, Mayor McCue was instructed to decline any offers of less than \$700,000. If an offer of \$700,000 or higher was made, he was instructed to call another Special meeting.

Since that meeting, another offer was made, however it is less than \$700,000. McCue suggested it be discussed at this regular meeting. He asked for a motion to open discussion on the new offer.

Councilman Sedlak made a motion to open discussion on the recent offer. The motion carried unanimously.

Councilman Sedlak thanked Janice and John Gregorich for their offer. He reminded Council that the amount owed is not on the property, it is on the loan we took to build the road. The amount we owe on the road has nothing to do with the value on the property. The offer of \$650,000 is close to what we owe and reduces our debt to around \$180,000. This could be paid off fairly quickly and by that alone adds value to the Village. Sedlak has a desire to build a Community Center in the Village and by paying off the loan, would bring the Village closer to having one. He added the property has been available now for 10 years and if there were any interest, we would have heard about it before now. The property provides a nice buffer and the Gregorich's would be building a residence, barn, etc. Sedlak pointed out the possible difficulties with the Village subdividing the road frontage and selling 15 lots. He feels the Village should accept this offer and put aside \$100,000 to purchase a different property to be used for a park, community center, or trailer storage for residents.

Councilman Howze agreed with Sedlak that the property adds a nice buffer. He said the offered price amounts to \$4,062 per acre which is consistent with recent sells of acreage in the area. In his five years as a resident, the property has become an albatross. He sees this as a light at the end of the tunnel to pay it off and move onto other projects. He agrees the offer is an equitable price.

Councilman Boito commented that the costs for the paving also included storm drains, and water lines. He does not know the Gregorichs and is concerned about having only one house generating tax revenue as opposed to fifteen homes. In addition, there have been additional costs over the last several months including a recent survey and we should be cognizant of that money. It does take away future use of the property including several mentioned by Councilman Sedlak. He is concerned that council agreed \$700,000 was the starting point and now considering less. Although after some additional thought, Boito feels he could support this sale.

Mayor Pro Tem Frusco clarified the property has not been the albatross to the Village, the loan on the road has been. In addition, she clarified that any proceeds the Village gets from this sale will not be kept. The property is used as collateral on the loan and the loan must be paid off in order to transfer a clean title to the new owner. If we accept the offer, we have to pay off the loan. At this time, we have the funds in the Debt Service Fund that along with the budgeted payment will pay off the loan. Once paid off, we will go back to adding to the Capital Reserve every year until we have money to pay cash for something, the same way we did for the new Town Hall and Pool House. She stressed the other uses for the money are of no consideration at this point because we have to pay the loan. Mayor Pro Tem Frusco pointed out that the Gregorichs were in attendance. She asked if they would provide some insight on their plans for the property.

Janice Gregorich commented that she and her husband John currently live in Grande Pines. They would like to purchase the property and build basically the same as they currently have, a house, garage, barn and utility building. In addition, they would build a greenhouse and horse pastures. Frusco added the property is currently zoned Equestrian and asked if they wished to keep the zoning. Mrs. Gregorich replied yes.

John Gregorich asked Councilman Sedlak for clarification on where his suggested trailer storage would be located and if it would be on Woodland Circle. Sedlak replied there are two large properties owned by Sackman that he would consider. Frusco interjected that this is something the Council has never discussed and we as a Village will not have access funds to even look at purchasing other property. If there was any consideration to building a community center, it could be out on property the Village already owns such as the Village Park or near the pool. Sedlak clarified what he meant by a storage trailer facility and assured the Gregorichs that by no means would the Village put in something that would compromise someone else's property. Frusco added that a storage facility would only be allowed in the Village Business District.

Mayor McCue commented the future uses that Councilman Sedlak spoke about were a laundry list of items that he brainstormed about. This was something to consider in the long-term future had we not sold the property.

Frusco added that anything out there would require going through P&Z for rezoning and residents would have an opportunity to provide their input.

Mayor McCue commented that he originally was "on the fence" with this because he was thinking about the property's future usage. In addition, the lack of aesthetic control the Village has on fifteen homes is a concern. He feels though that the benefit of having just one property like the Gregorich's plan to build will be a benefit to the Village.

Mayor Pro Tem Frusco made a motion to accept the offer of \$650,000 for purchase of the 160 acres of Village owned property off of Woodland Circle.

Mayor McCue opened the floor for public comments before the Council votes.

Tom McClellan-3 Dogwood Ct. said he was in favor of the sale. In addition, he questioned whether the 1,500 Conservancy was to allow the Village to look for a possible well-site. McCue replied yes but it was unsuccessful. McClellan also commented about the invasive bamboo.

Cynthia Lathrop-1 Magnolia Circle is in favor of selling the property. She also raised concerns about a strong odor coming from a vacant lot near her home. Councilman Sedlak replied its mainly from decay because the property is extremely wet. He and Councilman Boito will look at this and see if it falls under the Health and Sanitation ordinance.

Barbara Okula-4 Foxhill Circle feels it's a win-win situation to sell the property.

Warren Morgan-14 Pine Tree Terrace is in favor of the sale. He asked if there was an appraisal and who set the value of the property. Frusco replied it was never appraised.

Councilman Boito added the purchase of the property is by Upset Bid. Mayor McCue explained the process. **The vote was called and carried unanimously.**

13. New Business:

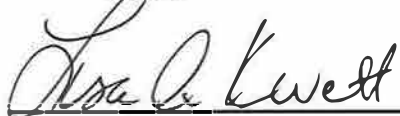
14. Public Comment:

Barbara Okula asked for clarification on the location of the new flagpole and suggested moving the trailer at the general store to the other side of the building.

Chief Shue thanked both John and Janice Gregorich for their support of the Village Police K9 Program. They provide a yearly monetary donation and also allow training on their property.

16. Adjournment

Councilman Boito made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 5:48 PM. As so incorporated to these minutes of February 12, 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

