

**MINUTES
REGULAR MEETING
Village Hall Meeting Room
November 9, 2021 – 4:30 PM**

- 1. Call to Order:** Mayor McCue called the meeting to order at 4:30 PM
- 2. Members Present:** Mayor Pro Tem Frusco, Councilman Don Boito, Councilman Ed Howze, and Councilwoman Gregorich
- 3. Others Present:** Lisa Kivett-Village Clerk, Police Chief Chad Shue, Lieutenant Gary Garner, Residents Andy Moody, Mary Gilroy, Karl Bernet, Janet Nauman, and MaryAnne Lauer, Jason Daley, Jack Frusco, Tom McClellan, Gary Samuels, and Don Nelson
- 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 November 9, 2021 Regular Meeting Agenda:**

Councilman Boito added *Swings at Park* and Councilwoman Gregorich added *Well-sites* to their reports.

Mayor Pro Tem Frusco made a motion to adopt the November 9, 2021 agenda as written. The motion carried unanimously.

6. Consent Agenda

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

A. Approval of Minutes

1. October 21, 2021 Regular Meeting
2. October 28, 2021 Work Session

B. Acceptance of the 2021 Local Government Agencies General Retention and Disposition Schedule

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

7. Public Comment Period

None

8. Zoning Administrator's Report – Lisa Kivett

Zoning Administrator Lisa Kivett reported the following activity for October 15th thru November 9th

Currently, a total of Sixty-three (63) homes are under construction or in the beginning stages of lot clearing. Fifty-nine (59) in the Village Corporate Limits and Four (4) in the ETJ.

Permit applications were received and reviewed for the following:

- Seven (7) Single Family Residence(which are included in the total above)
 - Eagle Drive
 - Woodland Circle
 - Green Valley
 - Pine Tree Terrace
 - Hoffman Rd (Pineland Preserve)
 - Grande Pines Vista
 - Tufts Vista (ETJ)
- Three (3) Accessory Buildings
- Three (3) Fence
- One (1) Barn
- One (1) Deck
- One (1) Propane Tank

Certificate of Occupancy Issued

- 34 Woodland Circle
- 42 Richmond Road
- 10 Sunset

Several ordinance violation "warnings" were issued for trailers, and aggressive or barking dogs.

The following "Report a Concern" were received:

- Resident complaint about neighbor boarding dogs. This is an ongoing issue between neighbors and the PD has been handling.

- Report of a dead tree near park entrance.
- Report of hanging bamboo blocking driveway on Foxcroft Circle
- Three separate reports of speeding vehicles, a request for a stop sign and request for a four-way stop from the same resident. Forwarded to the PD.

9. Council Member Reports:

A. Finance – Leslie Frusco

• Financial Report

Mayor Pro Tem Frusco reported as of October 31, 2021, the general fund balance was \$1,761,825 of which \$807,976 is unrestricted. The restricted amount of \$953,849 includes the first installment of American Rescue Funds of \$166,000.

The water fund balance was \$1,083,179 of which \$787,104 is unrestricted. Restricted funds of \$296,076 are for future well(s) and tank maintenance.

Frusco was pleased to report that one of the remaining past due Woodland Circle Assessments was paid for legal fees, interest and the assessment payment.

Frusco said it has been her privilege to serve the citizens and residents of Foxfire Village for the past thirteen years. Additionally, it has been her privilege to serve with the men and women who sit on the Village Council. This council in particular has been thoughtful in their decisions based not on personal feelings but on the feelings of what is best for the community. Frusco also thanked her husband, Jack who has supported her 100% in this endeavor.

• Village Pool Report

Frusco reported that negative comments regarding the running of the Village Pool were posted on a Facebook page directed to residents of Foxfire. She prepared and presented the following 10-year summary of the true and actual facts of pool operations:

THE TRUE FACTS ABOUT THE FOXFIRE VILLAGE POOL 10 YEAR SUMMARY

In response to a social media post by a Foxfire resident, this report presents the facts about the projects that have been completed, the actual costs incurred, and the off-setting revenues for the Village Pool during the 10 years from 2012- 2021. Considering how much time and thoughtful debate the Village Council has undertaken about every aspect of the pool, including the debate over whether to close the pool because of its expense to the village or whether to keep it open, having even one resident, ignorant of the facts, claim "THE POOL HAS BEEN MISMANAGED AND NEGLECTED INTENTIONALLY FOR YEARS", is something which cannot be tolerated.

Capital Improvements:

In the past 6 years alone, the Village has spent more than \$231,000 on renovations and improvements. In 2016, the pool interior was completely re- surfaced and painted. The tile and coping were completely replaced. All at a cost of more than \$70,000. In 2020, a new pool house and restroom/shower facility was constructed at a cost in excess of \$141,000. In 2021, a new premium quality fence was installed at a cost in excess of \$14,000. This represents major capital improvements only. In addition to the normal annual maintenance, the pump house has been re-built. And all of this accomplished with no debt.

Non-Capital Outlay:

In the past 10 years, the Village has spent in excess of \$18,000 on non-capital assets, including the replacement of pool furniture and umbrellas, and pool cleaning equipment. In addition, the current years' budget has allocated up to another \$10,000 for pool furniture, including new metal tables with attached benches and new chairs. The council also recently established and funded a Pool Maintenance Reserve to ensure funds were available for future major maintenance.

Operations:

In order to offset the costs of the actual expense incurred for the pool season (attendants, supplies, chemicals, inspections, and pool maintenance) the Village charges a modest amount to the residents who actually use the pool. All other expenses are funded from tax dollars. The 10-year revenue of just over \$151,000 covered the payroll expenses for the period the pool was actually open and contributed about \$20,000 toward the other operating expenses. Total expenses for the pool operations, not including Capital Improvements, total in excess of \$375,000. See attached detail of costs and revenues.

Covid-19 Response:

In the summer of 2020, there were significant restriction placed on outdoor group gatherings. The Village had no choice except to follow the State's mandates. It would have been very easy for the

Village to simply not open the pool, as was the case with many other municipalities in the state. But after much discussion, the Council made the decision to open the facility to provide an outdoor activity for the Village residents, when so many other activities were shut down, and even though opening required significantly more work on the part of staff and added increased costs. An online registration system was added to ensure that the Governor's mandate on the number of people allowed at any one time was followed. The pool area and restroom facilities were cleaned and sanitized after each group. All per the State's mandate.

Over the last 10 years, the Council has sought the input of our residents regarding the pool operations. In survey responses, and in several council meetings and Citizen Budget workshops there was overwhelming support even by residents who never use the pool. The Council has followed that lead. The facts set forth above do not indicate intentional neglect and mismanagement.

Yes, this is the post of one resident, but, as with all social media, what one person posts is disseminated to hundreds of residents. Then those residents, who are also mis-informed, start piggy backing onto the conversation and it spirals out of control.

**Prepared by Leslie Frusco, Mayor Pro Tem and Finance Officer
November 9, 2021**

Foxfire Village Pool

<u>Description</u>	<u>10-Year Total</u>
Pool Passes	\$ 129,232.07
Ticket Sales	29,925.95
Total Pool Revenue	159,158.02
Salaries	126,292.00
Payroll Taxes	9,258.10
Workers Compensation	2,942.86
Unemployment Insurance	745.39
Total Payroll Expenses	139,238.35
<u>Operating Expenses</u>	
Misc. Online Processing Fees	\$ 474.10
Uniforms	3,055.30
Advertising	1,041.48
Supplies	10,704.27
Chemicals	27,914.49
Pool Maintenance	47,434.51
Non Capital Assets	18,634.48
Total Operating Expenses	109,258.63
<u>O/H Expenses</u>	
Pool Operations (online serv)	\$ 3,757.30
Permits/Fees	2,000.00
Utilities	25,043.40
Telephone	2,645.77
Internet	4,670.53
Pool Landscaping	35,522.56
Pool Repair	43,492.66
Pest Control	4,631.00
Trash Removal	870.00
Liability Insurance	3,055.81
Property Insurance	1,232.96
Total O/H Expenses	126,921.99
<u>Capital Outlay</u>	
Capital Outlay	\$ 160,328.74
Pool Renovations	70,718.12
Total Capital Outlay	231,046.86
Total Expenses	606,465.83
<u>Expenses Over Revenue</u>	- 447,307.81
<u>Expenses Over Revenue (w/o Capital Outlay)</u>	- 216,260.95

B. Streets and Park – Don Boito

- Pickle Ball Courts

The pickle ball courts should be ready by the first of December. Boito received two quotes to pave the parking lot.

- Tree Planting at Park

Boito spoke to those in charge of the tree planting at the park which is still scheduled for late December or early January of 22'. Boito asked they give a presentation to the new council once the planting is complete.

- Swings at Park

One of the swing seats is broke and the chain is rusted. Lisa Kivett will order three new swings.

Mayor Pro Tem Frusco asked if there was a schedule for grading the park trails. Boito responded he has yet to receive a quote from Horton Landscaping.

Councilwoman Gregorich asked if Horton will be cleaning-up around the water tower. Boito will speak with Mr. Horton to get this on the schedule.

C. Public Safety – Ed Howze

Councilman Howze reported the police department was once again selected to receive a \$25,000 Federal Grant from the North Carolina Governor Crime Commission. This is the third year in a row receiving \$25,000.

Howze reported that Fire Chief Stromberg has requested a “knoxbox” to be placed outside the building, containing keys to the buildings and water tower.

Howze reported the concerns about speeding vehicles and stop sign installation on Woodland Circle was addressed. Data representing 222 days was pulled from the digital speed limit sign from that area and every vehicle going in and out is recorded. Over this period, 42,984 vehicles have entered Woodland Circle and speed compliance of 25 MPH is 98.55%. The average speed was 23.97 MPH. Howze met with Mayor McCue and Chief Shue and discussed placing an additional sign going outbound. Data will be reviewed again in a couple of months. Chief Shue elaborated on the speed concerns and the multiple speed surveys done in the area over the past month. Further discussion ensued.

D. Water Department – Janice Gregorich

- Well-sites

Councilwoman Gregorich reported that she and Bruce McFadden walked the Stonehill Pines property in search of the two well-sites. Both sites are approximately 3,100 off the road, in-tact and clear. The concern is the distance from the road. McFadden estimated about \$30.00 per foot to run a line in from a main. To get water from that property to Hoffman Road is roughly \$93,000 and from Hoffman Rd. to Foxfire Road would be roughly \$220,000. There are also valves and other material needed which could be an additional \$100,000. Gregorich feels that if one well is viable, there has to be more on the property. She hopes to speak with David McKew and the well driller about doing studies on the property closer to the Village which could be a huge savings.

Components to replace the manual read meters were ordered.

Councilman Boito asked about installing a well at the bottom of North Shamrock. Gregorich understood that lower elevation wells are not recommended by the State because they are too shallow.

E. Mayor's Report – E.M. McCue III

Mayor McCue Thanked all the candidates that ran for the recent election which was the biggest turnout Foxfire ever had. He congratulated Gary Samuels, Janet Nauman, and Don Nelson on being elected and Janice Gregorich on her re-election.

A council retreat or "Law Day" is scheduled for December 6th beginning at 9:00. McCue, Frusco and Howze will spend about an hour to give some lessons learned and the Village attorney will take over beginning at 10:00 am. There will be a lunch break from 12:00 to 12:45 and lunch will be provided to council and staff only. The meeting is open to the public.

McCue received a request from Moore County to support their efforts in the creation of a task force to study broadband infrastructure in the county. They asked that residents complete a survey available on the County website. Mayor McCue prepared a Mayoral Proclamation supporting Digital Inclusion Month which was displayed on the television screen.

Mayor Pro Tem Frusco made a motion to dispense with the reading. The motion carried unanimously.

Mayor Pro Tem Frusco made a motion to approve the Mayoral Proclamation. The motion carried unanimously.

Mayor McCue suggested that council and new council alike review the recent articles in the NCLM Southern City magazine concerning land use regulations and the attack by the state legislature on the authority for cities and towns to regulate them. There is also an article on the American Rescue Plan and how funds can be used.

McCue reported that Session Law 2021-138 decriminalizes a number of local ordinances. He received a memorandum from the Village attorney that effective December 1st, none of the Village ordinances may be criminally enforced unless that specific ordinance says so in the ordinance. There are certain areas such as planning and development ordinances, stream clearing ordinances, regulation of business and trades, outdoor advertising, solar farms, tree, and setback ordinance, that we may not criminalize. McCue elaborated further.

Mayor McCue thanked the council, board members, volunteers and residents of the Village for their support over the years. He also thanked the Village Clerk, Lisa Kivett, Finance and Tax Collector Sharon Sanchez, and the police department staff for their hard work and support.

10. Old Business:

None

11. New Business

None

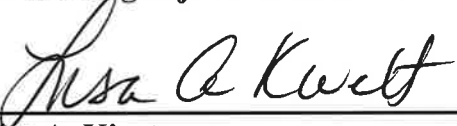
12. Public Comment:

MaryAnne Lauer suggested the Village look at the triangle property for a possible well-site and asked where the Village Business District properties were located.

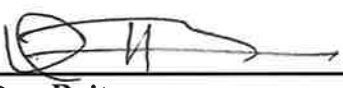
Mary Gilroy spoke with Lydia Conard regarding the Sackman property on Foxfire Road. Apparently there is quite a bit of wetlands in the area, more than originally thought. They are rethinking options for the property.

13. Adjournment

Councilman Howze made a motion to adjourn. The motion carried unanimously, and the meeting adjourned at 5:22 PM.



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



Don Boito
Mayor