

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Foxfire Town Hall
January 14, 2020 – 4:30 PM**

1. **Call to Order:** Mayor McCue called the meeting to order at 4:30 PM
2. **Members Present:** Councilman Don Boito, Councilman Mike Cole, Mayor Pro Tem Frusco, and Councilman Ed Howze were in attendance.
3. **Others Present:** Lisa Kivett-Village Clerk, Chief Chad Shue 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. **Approval of the January 14, 2020 Regular Meeting Agenda:**

Mayor McCue added *Remodel Proposal for Triangle Property* under New Business.

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 10, 2019 Regular Meeting

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

7. PRESENTATION: Park Forest Restoration

Rex Badgett, DOT Environmental Specialist and Jesse Wimberly, Prescribed Burn Specialist gave a brief presentation on removing accumulation of undergrowth and conducting a prescribed burn to restore the forest at the Village park.

Mr. Badgett has been involved locally with environmental work for a number of years and both he and Mr. Wemberly are members of the Sandhills Conservation Partnership. They are both concerned with restoring and maintaining Sandhills ecology.

Mr. Wemberly described the process of conducting a prescribed burn and benefits of doing so. A company called Enviva makes fuel pellets from waste material. Scrub material will first be removed and Enviva will turn it into fuel pellets. The minimal money from selling the scrub material will give the Village a revenue neutral restoration of the park. If the Village is interested, they will bring in a Forrester to draw up and present a plan.

Mr. Wemberly added this could also be an educational opportunity for the larger community. As an example, he is doing the same in Pinehurst at the Rassie Wicker Park which Pinehurst burns annually. Mr. Wemberly has done presentations to the 4th and 5th grade children about fire ecology once the area is burned. Mr. Badgett feels the park could be restored quickly.

Councilman Howze asked if Enviva would come in first and manually remove the scrub material. Mr. Badgett replied that Enviva does not do the actual harvesting, they purchase the material.

Mayor McCue asked for details on the prescribed burn, how long will it take and what can we expect with smoke. Mr. Wemberly replied the benefit of having a market for the scrub material is they will have it pulled out, reducing what has to burn. There will be smoke however not as much with the undergrowth removed.

Councilman Boito asked for a timeframe on undergrowth removal. Mr. Wemberly replied they will first need to find someone to do it.

Mayor Pro Tem Frusco asked for clarification on who would hire the person(s) to remove undergrowth. Mr. Wemberly replied that as the owner of the property, Foxfire would need to be involved. He would first bring in the Forrester to write the restoration plan and then they would find a company to remove the material. The Village would need a contract with that person(s) or company. He stressed the importance of having a Forrester monitor the burning activity to be certain it's done to the contract.

Mayor Pro Tem Frusco questioned costs, and clarification on who Enviva pays for the material. Mr. Wemberly works from a grant and has the money to pay for the Forrester, the material removal company will pay the Village after they take a percentage. Mr. Wemberly added the Village will never write a check to anyone we will actually receive a check.

Frusco asked if Mr. Wemberly has also contacted Mr. Sweeney, owner of the Stonehill tracts. Mr. Wemberly has been in contact with the folks that do his burns. Frusco raised concerns about drainage issues caused from the removal of undergrowth. Mr. Wemberly replied there would be very minor soil disturbance when the material is pulled out. They are not bringing in large equipment that would tear up the most valuable part of the forest, the floor.

Councilman Cole feels this would be a beneficial training opportunity for the West End Fire Department.

Mr. Wemberly asked if interested, would the Village conduct the burning or contract it out. Mayor McCue asked to first hear any comments from the public before making a decision.

8. Public Comment Period

Bryan Manley – Cardinal Dr. asked how close will burning be to private properties in the area. Mr. Wemberly replied this would be addressed in the Forrester's plan.

It was the consensus of the Village Council to proceed and request a forestry plan to conduct the prescribed burn at the Village park.

9. Zoning Administrator's Report – Lisa Kivett

Zoning Administrator Lisa Kivett reported the following activity from December 11, 2019 thru January 14, 2020 and also a Year End Report for 2019.

Twenty-eight (28) homes are currently under construction or in the beginning stage of lot clearing. One (1) of them located within the ETJ.

One (1) for Certificate of Occupancy issued for 34 N. Shamrock

Permit applications were received for the following:

- *Two (2) Single Family Residence
N. Shamrock (pre-sale), and Wildwood Lane (pre-sale)*
- *Two (2) Accessory Building*
- *One (1) Fence*
- *One (1) Deck*

Ordinance Violations

- *Three (3) trailers*
- *Two (2) Non-registered Vehicles*
- *Two (2) Public Nuisance*
- *Two (2) Animal Running at Large*
- *Two (2) Storage of Recreational Equipment*
- *One (1) Illegal Parking*
- *One (1) Political Sign*

Report a Concern

- Coyotes running through backyard
- Trailer and Construction Vehicle parked for more than 48 hours

YEAR END REPORT 2019

New Construction – Village

<i>Single Family Residence</i>	32
• <i>Heated Sq. Ft.</i>	
• 1,500 (1)	
• 1,600 – 2,000 (6)	
• 2,001 – 2,999 (18)	
• 3,000 – up (5)	
• <i>Avg. Heated sq. ft.</i>	2,317
<i>Structure Modification</i>	2
<i>Detached Garage</i>	2
<i>Barn/Run-in Shed</i>	1
<i>Accessory Buildings</i>	9
<i>Pool/Fence</i>	1
<i>Fence</i>	11
<i>Deck</i>	2
<i>Propane Tank</i>	4
<i>Pool House</i>	1
<i>New Construction - ETJ</i>	
<i>Horse Arena</i>	1
<i>Horse Fence</i>	1
<i>Barn</i>	1
<i>Structure Modification</i>	1
<i>Certificate of Occupancy Issued</i>	24

10. Council Member Reports:

A. Finance – Leslie Frusco

Mayor Pro Tem Frusco reported as of December 31, 2019, the General Fund balance was \$1,180,113 of which \$132,939 is restricted for Capital Reserve, Street Maintenance, K9 Fund and Separation Allowance. The unrestricted balance was \$1,047,174. The Water Fund balance was \$838,127 of which \$281,076 is restricted for future well(s) and tank maintenance. The unrestricted balance was \$557,050.

As of the December 31, 2019 report, we have collected 91% of the budgeted ad valorem revenue. As of today, due to the taxes that come in from January 1st thru 8th, we are at 98% collected. Other aspects of revenue collection, we have received the second and final Powell Bill Funds for the year and are at 57% collected on Sales Tax revenue.

B. Streets and Park – Don Boito

- Pineland Preserve Signs

Councilman Boito reported that all new signs in Pineland Preserve installed.

C. Public Safety – Ed Howze

- Governors Crime Commission Grant

Councilman Howze said the police department will apply for a second grant. The deadline is January 31, 2020.

There will be an Open House for the remodeled police building and the First Responder Park w/ flag this coming Spring.

- 4th Quarter Review PD and FD

Councilman Howze dispersed a quarterly report for both the Police Department and West End Fire Department.

He provided information on the recently placed speed recorders. Recorders are zeroed out at the beginning of the month and new data is pulled at the end of the month including the number of vehicles, average speed, slowest and highest speed, and a date stamp.

The Police Activity Log Event Summary will be re-formatted to provide additional detail on the types of calls answered by officers. A total of 1,406 calls or events were logged for 2019.

The Fire Dept. provided yearly call numbers combining both the West End (Station 61) and Foxfire (Station 65) calls. Beginning in January, Chief Stromberg will break down all of Station 65's events on a quarterly basis. First quarter data will be presented at the April meeting.

D. Water Department – Mike Cole

Councilman Cole reported a water leak on Forest Lake which is actually a golf course issue. The golf course has scheduled a repair.

Cole was informed by David McKew that he's waiting on results and a contamination report to come back on the possible well-sites.

E. Mayor's Report – E.M. McCue III

Mayor McCue will present the State of the Village report at the upcoming FPOA Annual meeting. He thanked council for their input on the report.

He will be attending the Moore County Board of Commissioner's off-site retreat to hear the county planners give a presentation on the highway corridors plan. The planner's proposal will include input received from Foxfire and other municipalities on what we would like to see around the corridors in Moore County.

A meeting with the newly elected Pinehurst Mayor is scheduled for Friday. Mayor McCue spoke to him briefly over the phone about some of the common interest about controlling what will happen between us and Pinehurst. It appears that a good slate of council members in Pinehurst share the same concerns as Foxfire.

Council spoke previously about changes to the Solar Farm regulations in place. Those changes will be available to review at the January work session.

He attended the Triangle Area Rural Planning (TARPO) transportation meeting and received a brief on the efforts the Legislature is taking to pump more money into the D.O.T. Some of the highway projects here in Moore County officially delayed may be once again be on slate. Most are 2, 3, or 5-year programs. They were also briefed on an effort to invigorate a "Southeast Corridor Railroad Line" from Petersburg Virginia to Raleigh. This would be a high-speed rail service.

11. Old Business:

- De-annexation Request

Mayor McCue presented the following Powerpoint chronicling the Edwards property de-annexation proposal which council received in October 2019. He read aloud and provided further detail.

Edwards Property De-annexation Proposal 24 October 2019 Work Session CHRONOLGY

- *Jul 2007, Council Mtg reported that Mr. Edwards was aware of Stonehill Pines project*
- *Oct 2007, Mr. Edwards purchases property (404 acres)*
- *Mar 2008, Stonehill Pines purchases 1500 acres*
- *Oct 2008, Special Mtg reported that PUD Ordinance was now in place*
- *Nov 2008, Council Mtg where Stonehill made first public presentation and submitted PUD plan and annexation request*
- *Mar 2009, Council approves annexation of Stonehill Pines 1500 acres Mr. Edwards submits petition for voluntary annexation of 404 acres.*
- *Memo dated Apr 2009 from Attorney Brough re: annexation, and previous discussions with Mr. Edwards*
- *April 2009, Council resolves to investigate annexation request and calls public hearing*
- *June 2009, voluntary annexation of approximately 400 acres approved after public hearing*

- See map(s)
- Mr. Edwards advised Mayor that he wanted to speak with Stonehill Pines before any re-zoning of the property
- Nov 2013, Mr. Edwards requests two new streets be named in Autumn Acres neighborhood (Autumn Ridge and Nature's Trail); maps submitted indicating subdivision of the adjoining property to mostly 6-acre parcels.
- Feb 2014, Council approves new street names
- The property's zoning lapsed when not re-zoned after annexation and in 2014 was not subject to any zoning
- Feb 2014, P&Z Board recommends new Rural Estate zoning district; P&Z worked with Mr. Edwards to create the new RE district Mayor Pro Tem Frusco added that Mr. Edwards worked very extensively with the Planning & Zoning Board to develop the Rural Estate zoning district.
- March 2014, P&Z Board recommends the nearly 400 acres (now consisting of four different parcels) be zoned RE
- April 2014, Council conducts public hearing and approves new RE Zoning District and places the 400 acres into the new RE district
- May-June 2014, subdivision maps and recordings for properties on new streets concluded. County assigns addresses to newly subdivided properties
- June 2016, 15 + acre parcel sub-divided per request of Mr. Edwards
- 3 Oct 2019, Mr. Edwards and Mayor meet re: de-annexation and consult with Representative Boles

Mayor McCue said this request for de-annexation is for the 200-acres on the south side of Foxfire Rd. This portion has not been subdivided and there are no homes on it. He asked for comments or questions from council before making a decision to move forward with the request to de-annex.

Mayor Pro Tem Frusco sees no benefit to the Village or its residents by approving this de-annexation. She feels there is no reason to de-annex other than the fact that Mr. Edwards is actively trying to sell the property. In addition, Mr. Edwards does not want the Village to control zoning for this property. Frusco feels it's important to maintain zoning control in an area between Foxfire and Pinehurst as its crucial to the long-term growth and development of the community.

Councilman Boito asked if the Village was required to make a move on this request. McCue responded that Foxfire was requested to answer whether or not we support his de-annexation request. To that degree, we owe Mr. Edwards an answer. McCue added that the Village has nothing to do with setting the boundaries of our ETJ. The State Legislature can take it away or give it to us. Politically, Representative Boles has told us he would not go forward with this unless the Village supports it.

Councilman Howze feels that losing the zoning is a huge issue. He is not in favor of de-annexing. Councilman Cole concurred and added if he lived there, and this property surrounded him, he would want to remain protected by the current zoning. If we de-annex this 200 acres the other property owners may want to also de-annex.

Mayor McCue said that given the comments by the council, they are in agreement to not support the de-annexation request from Mr. Edwards. Mayor McCue will draft a letter to Mr. Edwards and copy Representative Boles indicating that we do not support the de-annexation.

- Land Use Plan

Mayor McCue reported that council has considered Planning & Zoning's recommendations to amend portions of the Land Use Plan. He incorporated the changes in the 2016 plan, updating it for the 2020 version, adding a little more language to population growth and gave further details. If the council is ready to approve the changes, he will prepare the official version and it will be on the Village website.

12. New Business:

- Remodel Proposal for Triangle Property

Mayor McCue reported that Patrick Kavanaugh, owner of the triangle property building has been unsuccessful in finding commercial renters. He is requesting to turn the south half of the building into four apartments. In addition, he has plans for the outside of the building. McCue asked council if they would be willing to extend the Special Use permit to allow for the additional apartments adding that Mr. Kavanaugh wants to retain existing zoning of VB as he's still interested in finding a commercial rental for some or all of this property. McCue will ask him to move forward with submitting plans.

Mayor Pro Tem Frusco asked that the two apartment and exterior proposals co-inside together. McCue added that Mr. Kavanaugh is a very cooperative individual.

13. Public Comment:

Chief Chad Shue reiterated a previous conversation on the Governor's Crime Prevention Grant. All projects from the current grant are near completion. There is remaining money and it will be applied to the remodel of the bathroom facility and lighting. Re-imbursement paperwork has been submitted for \$21,000. Once the bathroom and lighting are complete, reimbursement paperwork will be submitted for that. If we proceed with a second grant, we will be required to pay up front and be reimbursed. The new grant is a "technology" grant and will be used to purchase new laptops for the vehicles, computers for each office, monitors throughout the building connecting to Public Safety and 911 in conference calls during weather events. An additional rifle will be purchased and a few other items.

Mary Gilroy – P&Z Chair asked to be placed on the work session agenda to discuss a proposed RA Landowner meeting, changes to the RS districts to remove the minimum square footage, and residential setbacks.

Mary Anne Lauer – 22 Deer Track asked for clarification on the de-annexation. Mayor McCue replied the Village is not going to support the request.

14. Adjournment

Councilman Boito made a motion to adjourn. The motion carried unanimously. The meeting adjourned at 5:41 PM. As so incorporated to these minutes of January 14, 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