

**MINUTES  
FOXFIRE VILLAGE COUNCIL  
REGULAR MEETING  
Foxfire Town Hall  
February 11, 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, Mayor Pro Tem Frusco, and Councilman Ed Howze
3. **Members Absent:** Councilman Mike Cole
4. **Others Present:** Lisa Kivett-Village Clerk, Chief Chad Shue and several Village Residents
5. **Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence followed by the Pledge of Allegiance
6. **Approval of the February 11, 2020 Regular Meeting Agenda:**

Councilman Boito added *Park Cleaning* to this report.

**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*

- A. Approval of Minutes
  1. January 14, 2020 Regular Meeting
  2. January 30, 2020 Work Session
- B. Authorization to Advertise Tax Liens
- C. Budget Ordinance Amendment – K9 Fund #2020-02

**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**

Zoning Administrator Lisa Kivett reported the following activity from January 15, 2020 thru February 11, 2020.

*Twenty-seven (27) homes are currently under construction or in the beginning stage of lot clearing. One (1) of them located within the ETJ.*

*2 (Two) Certificate of Occupancy issued for  
10 Oak Hill Dr.  
11 Woodland Circle*

*Permit applications were received for the following:  
One (1) Single Family Residence – 18 Oak Hill Dr.  
One (1) Structure Modification for Triangle Property (apartments)  
Two (2) Swimming Pools  
Two (2) Fence  
One (1) Propane Tank*

*Ordinance Violations  
One (1) Lot Clearing After-hours  
Two (2) Animal Running at Large  
One (1) Construction w/o permit  
One (1) Dog Kennel built in front/side yard (Grande Pines)*

## 10. Council Member Reports:

### A. Finance – Leslie Frusco

Mayor Pro Tem Frusco reported as of January 31, 2020, the General Fund balance was \$1,218,984 of which \$134,939 is restricted for Capital Reserve, Debt Service, Street Maintenance, and K9 Fund. The unrestricted balance was \$1,084,045. The Water Fund balance was \$855,112 of which \$281,076 is restricted for future well(s) and tank maintenance. The unrestricted balance was \$574,036.

As of the end of January, all but \$900 of budgeted property taxes were collected. Compared to last year, we are ahead of the game as well as with sales tax revenue.

### B. Streets and Park – Don Boito

#### 1. Paving Quotes for 2020 and 2021

Boito reported the following quotes:

2020 - Hillside Dr., and Bermuda Circle - \$115,000

2021 – Cardinal Dr. - \$132,500

#### 2. Boundary Validation Program

Councilman Boito received an email regarding this program. Village Clerk, Lisa Kivett said she's already taken care of it and does so yearly along with Moore County GIS.

#### 3. Dead Tree on Hoffman (State has been notified)

Boito reported a dead tree that may fall near the entrance of Pineland Preserve. NCDOT has been notified.

#### 4. Roadside Cleanup

It was reported that Chief Shue sent a request to the Moore County Sheriff's office for use of inmate labor to clean-up roadsides. The FPOA will be contacted to ask for volunteers.

#### 5. Park Cleaning

Boito told Gilbert Brown that the underbrush at the park would be cleaned out. Gilbert thought it was a good idea.

### C. Public Safety – Ed Howze

#### 1. \$25K Small Agency Grant

Councilman Howze reported the police department submitted for small agency grant again this year. They hope to hear something by July.

#### 2. Electronic Speed Signs January Results

Councilman Howze reported that Sergeant Garner was out for a brief time for the birth of his daughter. When he returns, the data will be downloaded and available for review.

#### 3. Update on Police K9 Karma

Councilman Howze reported that K9 Karma had recently tested positive for heartworms. He asked Chief Shue to provide a detailed update.

Chief Shue said that Karma has been on a heartworm preventative program since the Village obtained her. At her last physical, it was determined that she contracted some form of heartworms. In speaking with the veterinarian and also HeartGuard, there are two possible reasons she became infected. One being the extra moisture from hurricanes and storms in the gulf have allowed for a new strain of virus carried by mosquitos. The second and the more likely possibility is that Karma inhales her food and does not chew so the medication was not absorbed when eaten.

Karma's treatment cost \$1,000 and nearly depleted the K9 budget for the year. The veterinarian from Van Guard Veterinarian has expertise with working dogs particularly Malinois and Shepherds. Her outlook for Karma is to keep her on a "short leash" and still use her for narcotic

and weapons search. Due to the heart damage caused by the heartworms, Karma should no longer be used for heavy excursion work such as missing person search or tracking. Using her for heavy excursion work could kill her.

Karma is now 5 years old and by far the best dog we've had but will no longer fill the duties the Village needs. Chief Shue added that we have been fortunate in the past to have three dogs valued at approximately \$60,000 and only having to pay \$500. He would like to continue the program but that would require going with a different dog. He contacted the vendor that donated Karma and typically for a dual-purpose K9 like Karma, the cost is between \$10,000 and \$15,000. That amount is for the dog, the boarding, training, and shots. K9 Proving Grounds currently has a 6-month male German Shepherd that exhibits the qualities we look for. Due to the financial situation we have, they have agreed to sell this dog to the Village for \$6,000.

Residents John and Janice Gregorich have graciously contributed funding toward the program over the past few years. After meeting with them about Karma, they have offered to pay \$3,000 toward the cost of a new dog. Chief Shue would still like to keep the K9 program going in Foxfire and asked if the council would agree to move some money around to support the program.

Mayor Pro Tem Frusco asked about the timeframe for obtaining a new dog. Shue replied that the dog would be ready in August or September, not this budget year. All that he needs is a commitment from the council. Karma will be retired, and Sergeant Ritter will adopt her on June 30<sup>th</sup>. Sergeant Ritter will no longer act as K9 Handler for the new dog. Chief Shue will go back to being K9 Handler. Mayor Pro Tem Frusco asked how soon he needed a commitment. Shue replied preferably as soon as possible.

Councilman Howze feels the program is a real benefit not to just Foxfire, but to other communities as well and would like to make a commitment this evening. Frusco asked how long before we would know if the dog would work out, Shue responded within 30 days.

It was the consensus of the council to commit to continuing the K9 program and to purchase the new K9.

#### D. Mayor's Report – E.M. McCue III

Mayor McCue attended a MCTC meeting last week where they discussed re-doing our data in terms of growth of households and business for the comprehensive transportation plan. The TARPO will provide new and updated information throughout the county in late summer or early fall.

McCue reported that a copy of the Moore County Draft LUP was available for council to review. He briefly discussed some items within the plan. He asked that council give him any comments about the land use plan, and he will forward them to the County. There was brief discussion.

McCue presented a draft letter to be mailed to residents located in the ETJ who own 20 acres or more. He asked that both council and Planning & Zoning review it.

### 11. Old Business:

#### a. Ordinance #2020-04 – Amending Section 14-1 Burning

Mayor McCue explained that the ordinance as written prohibits burning on any public right of way or public ground. If we proceed with the Forest Recovery Plan at the park, we will be in violation of our own ordinance. The amended ordinance adds, *unless authorized by the Village Council as part of a Fire Prevention or Land Restoration program.*

**Mayor Pro Tem Frusco made a motion to adopt Ordinance #2020-04. The motion carried unanimously.**

#### b. Ordinance #2020-03 – Solar Generation Facility

Mayor McCue provided copies of a draft ordinance amendment that incorporated some of the P&Z recommendations. He briefly described the amendments to setbacks, landscaping requirements, and eliminating the 100-acre limit. There was brief discussion. Council will further review at the upcoming work session.

c. Ordinance #2020-01 – Residential Setbacks

Mayor McCue just received P&Z's recommendations to change the square footage requirements for houses in all of the residential zoning districts.

He also drafted an ordinance amendment to change residential setbacks in RS20, 30, and 40. The P&Z board submitted a list of recently constructed homes with their front setback measurements that were measured from the edge of the road to the house. The numbers were incorrect as the front setbacks should be measured from the front property line to the house. The draft ordinance amendment moves the front and rear setbacks and gives the Zoning Administrator the authority to adjust setback requirements for non-conforming lots by up to 25%. McCue also outlined the other minor changes. There was brief discussion.

Mayor McCue asked that council review all changes and be prepared to further discuss at the upcoming work session before calling public hearings.

**13. Public Comment:**

Mary Anne Lauer referencing the County LUP, questioned where the biggest growth came from, medical or golf industry. She also suggested that Village residents have a silent auction to raise money for the new police K9.

Barbara Okula – asked if the Village planned to burn at the park. Mayor McCue replied we have not received the plan but yes, we will.

**14. 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 February 11, 2020 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