

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Remote Meeting Via WebEx Meetings
April 14, 2020 – 4:30 PM**

1. **Call to Order:** Mayor McCue connected remotely and called the WebEx Meeting to order at 4:30 PM
2. **Members Present:** The following members connected remotely from their homes via WebEx Meetings: Councilman Don Boito, Councilman Mike Cole, Mayor Pro Tem Frusco, and Councilman Ed Howze
3. **Others Present:** Lisa Kivett-Village Clerk connected remotely from the Village office and P&Z Chair Mary Gilroy connected remotely from her home via WebEx.

Mayor McCue gave brief instructions on the meeting protocol using WebEx.

4. **Approval of the April 14, 2020 Regular Meeting Agenda:**

Councilman Ed Howze added *Self Help Projects* and *Face Masks* to his report.

Mayor Pro Tem Frusco made a motion to adopt the April 14, 2020 agenda as amended.
The vote was called, and motion carried.

**Frusco- aye
Boito- aye
Howze- aye
Cole- aye
McCue- aye**

5. **Consent Agenda**

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

- A. Approval of Minutes
 1. March 10, 2020 Regular Meeting

Mayor Pro Tem Frusco made a motion to approve the consent agenda.
The vote was called, and motion carried.

**Frusco- aye
Boito- aye
Howze- aye
Cole- aye
McCue- aye**

6. **Public Comment Period**

There were no public comments made remotely or written.

7. **Zoning Administrator's Report – Lisa Kivett**

Zoning Administrator Lisa Kivett reported the following activity from March 11, 2020 thru April 14, 2020.

Twenty-seven (28) homes are currently under construction or in the beginning stage of lot clearing. Two (2) of them located within the ETJ.

Permit applications were received for the following:

- One (1) Single Family Residence – 70 S. Shamrock
- One (1) Fence
- One (1) Accessory Building

Ordinance Violations

Initial Warnings Issued:

- Two (2) Trailers
- One (1) Nuisance (barking dog)

A special permit to store a recreational vehicle in the driveway on S. Shamrock was issued by Chief Shue.

Ms. Kivett will have an updated Fees Spreadsheet comparing Village fees to those of surrounding municipalities available by the following work session.

8. Council Member Reports:

A. Finance – Leslie Frusco

Mayor Pro Tem Frusco reported as of March 31, 2020, the General Fund balance was \$1,218,309 of which \$134,479 is restricted for Capital Reserve, Street Maintenance, K9 Fund and Separation Allowance. The unrestricted balance was \$1,083,830. The Water Fund balance was \$869,955.51 of which \$281,076 is restricted for future well(s) and tank maintenance. The unrestricted balance was \$588,879.

Preliminary budgets with revenue figures will be available to council by the end of the week or first part of the following week.

Mayor McCue asked at this stage of the budget, what assumptions were made in terms of revenue in light of COVID-19. Frusco replied the League of Municipalities have made some recommendations on percentage changes. The change made to sales tax is not nearly conservative enough, and she plans to make further modifications. The League is more optimistic than she is going into the budget season.

Councilman Boito asked what the League projected for losses. Frusco replied, very minor ones and less than 2% on sales tax which is their most conservative figure. She feels they are being too optimistic, and she's concerned it will take longer than expected to rebound. One benefit that North Carolina has is the sales tax is charged on food.

Mayor McCue said he received an email from the League of Municipalities asking that we complete a COVID-19 Budget Survey. He asked Mayor Pro Tem Frusco to review the survey.

B. Streets and Park – Don Boito

1. Pineland Preserve Road Repair

Road repairs and patching in Pineland Preserve are complete. The cost was \$3,700 and within the allocated amount.

2. Village Park Clearing Project

Councilmen Boito and Howze met with the folks who are going to clear out the undergrowth at the park. They asked about using Tufts Vista to access the park instead of coming through the park entrance. Tufts Vista is a private road owned by the property owners. It would be up to them to allow access. Depending on the type of equipment brought in, coming through the park entrance could pose an issue.

Mayor McCue asked if he and Councilman Howze felt the Village should proceed and if so are they willing to administer the project going forward. Boito said yes, it will make huge difference at the park and Howze agreed.

Mayor Pro Tem Frusco suggested allocating an additional \$10,000 into the next year's budget for this project. Boito said yes, it would more than cover the amount of work needed.

Councilman Cole said he contacted the Forest Service about burning. The County Ranger, Billy Lewis suggested the Forest Service and WEFD attend a meeting with council to discuss working out something to be cost neutral. In lieu of payment, they would accept a donation like a pallet of water.

C. Public Safety – Ed Howze

1. Self Help Projects

The police department renovation is complete. Department staff installed a new bathroom vanity/sink and toilet and installed the LED lighting. Councilman Howze would like to schedule an open house mid-summer,

2. Face Masks

Burney's Hardware has a 3-D printer. They have provided free of charge, face masks with filters for three of the officers, Chad, Daniel, and Gary.

3. Continue Distribution of County COVID-19 Updates

Councilman Howze requested that COVID-19 Updates continue to be posted on the Village website.

4. Continue CodeRed Announcements as Needed

Councilman Howze would like to continue sending CodeRed messages as needed but not every day.

5. January-March 2020 Public Safety Stats

Howze presented activity reports for both the fire and police. February was a busy month for the police with over 300 events. One new event on the list is Selective Enforcement.

The fire dept. reported 58 calls for service within the first quarter, 35 of those being EMS. Due to COVID-19, they are not responding to medical calls unless they are to administer CPR.

Mayor Pro Tem Frusco asked to clarify that even if the fire dept. doesn't respond to medical calls other than CPR, Moore County EMS will. Howze replied yes, they would.

Boito questioned what "good intent" was on the call sheet. Councilman Cole provided examples of calls that fall into this category.

Cole added that the directive to answer CPR Only calls came from Moore County Public Safety Director, Bryan Phillip. This is to protect the safety of fire personnel in the event the call is COVID-19 related. It will most likely continue for the next 30 days.

Mayor McCue asked that everyone continue social distancing and taking preventive measures in the Village.

D. Water Department – Mike Cole

Councilman Cole reported two repairs on Woodland Circle at the intersection of Eagle Drive and a line break repair at the pool area condos.

David McKew has all measurements and pricing for the well house roof and siding and should begin repairs the following week. McKew is also working on exact pricing for the generator.

Frusco asked for any status on a new well or on a location for a new well. Cole replied he did not have one at this time.

E. Mayor's Report – E.M. McCue III

Mayor McCue attended a TARPO webinar. The NCDOT reported that due to COVID-19, there will be \$200,000,000 shortfall. Normal maintenance has been cut back and both the widening of 211 from West End to 73/74 and the ROW acquisition on HWY 5 from Pinehurst to Aberdeen are delayed a year.

10. Old Business:

- Discussion on Zoning Setback

Mayor McCue asked to further discuss the zoning amendments dealing with setbacks and square footage requirements. He would like to move forward so a public hearing could be scheduled. He added the School of Government recommended that unless urgent, not to conduct a public hearing without the public actually being able to attend.

McCue briefly described the language changes to each section of the ordinances. All councilmembers are in favor of the proposed changes and ready to move forward.

McCue added that Planning & Zoning recommended additional changes to residential zoning districts to not allow playground equipment, trampolines, or swings to be placed in the front yard or encroach into side or rear yard setbacks. Mayor Pro Tem Frusco and Councilman Howze agreed with the recommendation. Councilman Boito asked if anyone would be grandfathered, and P&Z Chair Mary Gilroy replied no. Frusco concurred with P&Z, adding the equipment is moveable.

Discussion continued on remaining language changes and McCue asked if everyone was ready to move forward. Frusco replied she was however she feels the definition of "setback" should be changed. Discussion continued. The Council agreed to conduct a public hearing on May 12, 2020.

Mary Gilroy added that the P&Z Board also discussed the triangle property zoning and the need to legitimize what is on the property. There was brief discussion on the current and proposed zoning and the conditional use permits in place. McCue would like to keep the zoning as is and allow the property owner another conditional use permit. Frusco had no comment. Boito, Howze, and Cole are in favor of leaving it as is.

Mayor McCue asked that Mary Gilroy brief council on the proposed changes to RF200. Gilroy said that the only RF200 property is off of North Shamrock consisting of about 20 acres. In order to protect the surrounding RS30 properties, P&Z rewrote RF200 to mirror Rural Estate, minus the setbacks. There was brief discussion.

Mayor Pro Tem Frusco requested that the proposed language be emailed to council for further review. Council agreed to wait on considering amending the regulations.

11. New Business

- Annexation Request from Robert and Deborah Boyd

A request for annexation was received from Robert and Deborah Boyd who own property on Richmond Road. Village water lines stop before reaching their property. Prior to annexing, water lines must be extended to the property and paid for by the property owner.

Village Attorney Bob Hornik suggested the Village enter into a contract with the property owners. The contract would require they pay for the water line extension before we accept the annexation.

McCue asked that Councilman Cole and Water Superintendent David McKew discuss the extension and any possible issues it might cause the Village.

Mayor Pro Tem Frusco said in the short run, she doesn't have a problem with pursuing this providing the property owner pays for the extension upfront. If we can legally do that, there should be no problem. She added that extending the line would also provide water access to two lots that are not in the Village. She suggested the contract to specify that the water lines are only extended to the Boyd property.

Village Clerk Lisa Kivett reported that Mr. Boyd contacted both David McKew and Bruce McFadden. Bruce prepared a quote of \$5,850 to extend the line.

Councilman Howze raised concerns about the additional two lots that could access the water. Mayor McCue replied they are not part of the Village and would have to request annexation to connect.

All members of council agreed that we should proceed with the annexation request.

12. Public Comment:

None

13. Adjournment

Councilman Boito made a motion to adjourn. The vote was called, and motion carried

Frusco- aye

Boito- aye

Howze- aye

Cole- aye

McCue- aye

The remote WebEx meeting was adjourned at 5:54 PM and all those in attendance disconnected from the meeting.

As so incorporated to these minutes of April 14, 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**