

**MINUTES**  
**FOXFIRE VILLAGE COUNCIL**  
**PUBLIC HEARING · REGULAR MEETING**  
**Remote Meeting Via WebEx Meetings**  
**May 12, 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 Tern Frusco, and Councilman Ed Howze
3. **Others Present:** Lisa Kivett-Village Clerk connected remotely from the Village office and Chief Chad Shue and Residents Charles Davis, Andy Moody and Mary Gilroy connected remotely.

Mayor McCue gave brief instructions on the School of Government's recommendations for virtual public hearings. Each public hearing will be conducted separately and each recessed to allow public comments for an additional 24-hours. The Council will reconvene the hearing at the next meeting in June and then take a vote on each ordinance amendment.

4. Public Hearings

- **Zoning Ordinance Amendment #2020-01 - Amending Appendix A, Article V, Sections 5.1 B., 5.4, Article VI, Section 6.4, and Article VII, Sections 7.1.6, 7.1.7, 7.1.9, 7.2.6, 7.2.7, 7.2.9, 7.3.6, 7.3.7, 7.3.9, 7.4.7, 7.5.6, 7.5.7, 7.5.9, 7.7.7, 7.7.9, 7.8.7, 7.8.8, 7.8.10, 7.9.3, 7.12.6, 7.12.7**

Mayor McCue briefly summarized the proposed amendment which, cleans-up language concerning square footage requirements, giving the Zoning Administrator authority to make minor changes, and changing setbacks in the residential zoning districts. It also prohibits decks, porches, patios and playground equipment, trampolines and swing sets from encroaching in the rear and side setbacks. McCue received a couple minor "tweaks" from P&Z which address Section 6.26 and Section 7.8.7.

**Mayor Pro Tern Frusco made a motion to dispense with the reading of Ordinance Amendment #2020-01. The vote was called, and motion carried**

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

No public comments were received. This ordinance amendment will be available to review on the Village website and public comments will be accepted for 24-hours ending 4:40 pm, May 13, 2020.

Mayor McCue recessed this Public Hearing until May 28, 2020.

- **Zoning Ordinance Amendment #2020-03 - Amending Appendix A, Article VIII, Section 8.34, Solar Generation Facility, Utility Scale, (A) (B) (C) and (K)**

Mayor McCue described the proposed amendment to Solar Farms which include increasing setbacks, buffers, buffer maintenance, required plantings and decommissioning.

**Mayor Pro Tern Frusco made a motion to dis pense with the reading of Ordinance Amendment #2020-03. The vote was called, and motion carried.**

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

Charles Davis commented that he liked the ordinance changes. There were no further comments. This ordinance amendment will be available to review on the Village website and public comments will be accepted for 24-hours ending 4:45 pm, May 13, 2020.

Mayor McCue recessed this Public Hearing until May 28, 2020.

**5. Approval of the May 12, 2020 Regular Meeting Agenda:**

Councilman Boito added *Park Restoration Project* to his report.

Mayor Pro Tern Frusco made a motion to adopt the May 12, 2020 agenda as amended. The vote was called, and motion carried.

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

**6. Consent Agenda**  
*All items listed below are considered routine and will be enacted by one motion and without discussion.*

A. Approval of Minutes

- April 14, 2020 Regular Meeting
- April 30, 2020 Work Session

Mayor Pro Tern 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

**7. Public Comment Period**

There were no public comments made remotely or written.

**8. Zoning Administrator's Report - Lisa Kivett**

Zoning Administrator Lisa Kivett reported the following activity from April 15, 2020 thru May 12, 2020.

Thirty-two (32) homes are currently under construction or in the beginning stage of lot clearing. Two (2) of them located within the ETT.

Permit applications were received and approved for the following: Six (6) Single Family Residence

- 183 Woodland Circle
- 187 Woodland Circle
- 191 Woodland Circle
- 3 Lowell Ct
- 111 Pinelands Vista
- 1 Cardinal Drive

285 Forest Ridge (DENIED - I requested a new site plan to scale) not included in number above  
One (1) Bam-ETJ (DENIED - Incomplete application and no site plan, they will resubmit))  
Two (2) Fence (one DENIED due to height, they will resubmit)

Two (2) Accessory Building (both DENIED due to setback encroachment, both will resubmit)

One (1) Well

Certificate of Occupancy Issued Hoffman Road (Gary Robinson Homes) Richmond Rd. (Gary Robinson Homes)

*I have received numerous zoning regulation and ordinance phone calls from contractors who plan to submit construction plans. Realtors and potential residents have also called for ordinance information on fences, accessory building and trailers.*

## **9. Council Member Reports:**

### **A. Finance - Leslie Frusco**

Mayor Pro Tern Frusco reported as of April 30, 2020, the General Fund balance was \$1,225,322 of which \$134,457 is restricted for Capital Reserve, Street Maintenance, K9 Fund and Separation Allowance. The unrestricted balance was \$1,090,865. The Water Fund balance was \$889,276 of which \$281,076 is restricted for future well(s) and tank maintenance. The unrestricted balance was \$608,202.

### **B. Streets and Park - Don Boito**

- Park Restoration Project

Councilman Boito reported an issue with the haulers using Tufts Vista Rd. They would be hauling 3 or 4 semi-trucks and logging trucks daily. Boito has not heard back from the Homeowners Association about using the road. One resident said he talked with his neighbors and they were not in favor of the haulers using the road. Boito said another option would be to mulch in place and burning. Council discussed further.

Mayor McCue said the council would continue to push forward or explore other options. No matter what or how we do this, we will want to inform the residents of Tufts Vista as well as residents of the Village. All council members agreed. There was brief discussion on road damage and cost.

### **C. Public Safety-Ed Howze**

Councilman Howze reported the fire department responded and extinguished a fire at 7 Foxfire Blvd. COVID-19 response preparedness continues and there is an ample supply of PPE. Fire personnel continue to limit medical call to CPR events or if EMS requests assistance. Fire personnel are flowing hydrants and trimming weeds and vegetations around them. In addition, they are in the early stages of hurricane preparedness.

Howze reported speed sign data for the month of March. The sign on Bobolink Rd. and Eagle Drive is 99.92% speed compliant. The signs inside the Village are working. Hoffman Road continues to be above 95% compliant. The signs on Richmond Rd./Ridge Rd. and Richmond Rd./Foxhill has the lowest number of 91.7%. The sign on Eagle Drive was moved near the dam.

Howze asked Councilman Boito to consider installing Children at Play signs on Forest Lake. There are four new homes that have small school age children who play outside and cross the road.

The golf course has installed new signage at golf cart crossings. The signs remind people that jogging, walking, skateboarding, and walking pets is prohibited on the cart path. They also say that no fishing or swimming is permitted in the ponds or lakes.

Mayor Pro Tern Frusco asked for clarification on how some speed data was calculated and Chief Shue provided information. Discussion ensued.

### **D. Water Department-Mike Cole**

Councilman Cole reported the generator and transfer switch have been ordered. The metal for the pump house roof was ordered and should be complete next week. He is waiting to hear from the golf course about fixing their leak by the pond.

Mayor McCue said that due to COVID-19, it was his intention to keep the office closed for the time being as it has been. Keeping everyone healthy and safe is the Village's priority. Mayor Pro Tern Frusco asked that masks are worn anytime there's face to face contact. This information will be added to the notice on the website and on the front door.

**10. Old Business:**

- Village Pool

The council discussed if the Village should open the pool for the season due to the current COVID-19 restrictions. There was brief discussion about the some of the requirements, issues with social distancing and whether to spend the money preparing to open until we know more. Mayor Pro Tern Frusco suggested waiting until May 28th work session to make a final decision. All council members agreed.

- Robert and Deborah Boyd Annexation Request

- Clerks Certificate of Sufficiency

- Resolution #R20-02 Fixing Date of Public Hearing

Mayor McCue reported the Village Clerk investigated the petition requesting annexation from Robert and Deborah Boyd and certified its sufficiency on May 5th. The next step in the annexation process is to adopt a resolution fixing the date for a public hearing.

McCue added that Bob Hornik suggested we have a contract with the Boyds concerning them paying for the water line extension before we approve the annexation. It makes sense to call the public hearing for June and make we can make the annexation effective after the extension is made and taken over by the Village.

McCue added the property to be annexed is currently zoned RA and suggested it remain unless the council felt it should be changed.

**Mayor Pro Tern Frusco made a motion to adopt Resolution #R20-02 Fixing Date of Public Hearing. The vote was called, and motion carried.**

Frusco- aye

Boito- aye

Howze- aye

Cole- aye

McCue- aye

The Public Hearing is scheduled for Tuesday, June 9, 2020 at 4:30 PM.

**11. New Business**

- Planning & Zoning Board Recommendation - Mary Gilroy  
Sec. 6.12-Signs

Mayor McCue received a recommendation from the Planning and Zoning Board to amend Section 6.12-Signs to include additional time for political signs based on the start of the early voting period. He will speak with the board about the ordinance language and this will be considered at a later date.

**12. Public Comment:**

Charles Davis said he sees no way the pool could safely open with the current restrictions and agreed it was wise to keep the Village office closed to the public.

**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.**

**As so incorporated to these minutes of May 12, 2020 are exact copies as so recorded in the ordinance and resolution books of Foxfire Village as if fully set out in the minutes.**



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



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E.M. McCue, III  
Mayor