

**MINUTES**  
**FOXFIRE VILLAGE COUNCIL**  
**PUBLIC HEARINGS · REGULAR MEETING**  
**Remote Meeting Via WebEx Meetings**  
**June 9, 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 Chief Chad Shue, Robert and Deborah Boyd and resident Andy Moody connected remotely.
4. **Public Hearings**
  - a. **Request for Voluntary Annexation – Robert and Deborah Boyd**
    - **Annexation Ordinance #2020-05**

Mayor Pro Tem Frusco made a **motion to open the Public Hearing to consider a request for voluntary annexation.**

**The vote was called, and motion carried.**

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

Mayor McCue gave a brief background on the request for annexation. The parcel is located on Richmond Rd, and contiguous to the Village corporate limits. All required resolutions and background work are complete.

McCue added the Village signed a contract with the Boyds that they pay for the installation of water lines to their property. Once the line is installed and inspected to meet Village requirements, the Village will take it over and provide water service.

No public comments were received. Mr. and Mrs. Boyd had no comments.

McCue advised that due to the hearing being conducted remotely, the Village must allow an additional 24-hours for public comments before taking action. Public comments will be accepted until 5:00 pm, June 10, 2020. Action will be taken at the upcoming work session and the annexation effective July 1<sup>st</sup>.

Mayor Pro Tem Frusco made a **motion to close the public hearing.**

**The vote was called, and motion carried.**

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

Mayor McCue recessed this Public Hearing until June 25, 2020.

- b. **2020-2021 Fiscal Year Budget**
  - **2020-2021 Budget Message**
  - **2020-2021 Budget Ordinance #2020-05**

Mayor Pro Tem Frusco made a **motion to open the public hearing to consider adopting the 2020-2021 Fiscal Year Budget.**

**The vote was called, and motion carried.**

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

Mayor Pro Tem Frusco provided council with a finalized budget ordinance. She provided details within the budget and added that due to the recent COVID-19 situation, we should expect a decrease in local sales tax revenues and ad valorem taxes.

Frusco asked that an addition be made to the draft budget ordinance adding the previously approved purchase of a new Police K9. Mr. and Mrs. John Gregorich have offered to pay half the cost of the new K9. Frusco explained the addition will show an increase to the Police Department expenses by \$3,000, an increase in revenue from public contributions of \$1,500 and an increase in the contingency of \$1,500. We will ultimately end up with budgeted expenditures of \$997,850 and budgeted revenue of \$997,850.

No public comments. Councilman Boito asked if anything was happening with the possible COVID-19 reimbursement. Frusco replied that some money has been allocated to the County and they will determine how it will be spread out. At the present, the Village has incurred minimal COVID-19 related expenses. As far as Federal or State Bills go, there has been talk but nothing has been sent through Congress yet. Mayor McCue thanked Mayor Pro Tem Frusco and Sharon Sanchez for the work they put into preparing the Budget.

Andy Moody asked for status of the Village pool. Frusco replied there are no changes budget wise. There will be further discussion on the pool later in this meeting.

**Councilman Don Boito made a motion to close the public hearing for the 2020-2021 Budget.****The vote was called, and motion carried.**

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

The ordinance amendment will be available for review on the Village website. Public comments will be accepted until 5:00 pm, June 10, 2020 and action will be taken at the upcoming work session.

Mayor McCue recessed this Public Hearing until June 25, 2020.

**5. Approval of the June 9, 2020 Regular Meeting Agenda:**

Councilman Boito added *Dams* to Old Business and Mayor McCue added *K9 Resolution* to New Business.

**Mayor Pro Tern Frusco made a motion to adopt the June 9, 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**

- May 12, 2020 Regular Meeting/Public Hearing
- May 28, 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 May 13, 2020 thru June 9, 2020.

*Twenty-nine (29) homes are currently under construction or in the beginning stage of lot clearing. Three (3) of them located within the ETJ.*

Permit applications were received and approved for the following:

- One (1) Single Family Residence in the ETJ
- One (1) Pole Barn in the ETJ
- One (1) Propane Tank

Certificate of Occupancy Issued

South Shamrock (Nauman)  
Pinelands Vista (Onsite)  
Watercolor Ct. (Onsite)  
Preserve Ct. (Onsite)

Zoning Violations

Three (3) trailers  
Two (2) Animal Nuisance

*I've received phone calls and Report a Concerns about overgrown yards. Letter will be mailed to several property owners.*

*The Water Department Consumer Confidence Report (CCR) will be mailed to all residents by July 1. I will enclose in each envelope a copy of the "Keep Foxfire Village Beautiful" flyer which addresses trailers, garbage cans, pets, recreational equipment and of course unkempt yards.*

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

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

Mayor Pro Tern Frusco reported as of May 31, 2020, the General Fund balance was \$1,201,302 of which \$134,410 is restricted for Capital Reserve, Street Maintenance, K9 Fund and Separation Allowance. The unrestricted balance was \$1,076,891. The Water Fund balance was \$905,975 of which \$281,076 is restricted for future well(s) and tank maintenance. The unrestricted balance was \$624,898.

Motor Vehicle Tax, Ad Valorem tax, and Sales tax exceeded the budgeted revenue for the year. We are still waiting on revenue from the Utility Franchise tax and Local Video tax. We have not yet received the June sales tax payment which is actually for the months of March and April. This payment will give us an idea of how much decrease in revenue we can expect due to COVID-19.

As a note, there will be a final budget amendment for 2019-2020 budget for the West End Fire Department on the work session agenda at the end of the month.

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

No Report

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

Councilman Howze reported that \$800.00 remains in the 2019 Grant and Chief Shue will expend it on ammunition and other items for the department.

Howze received and dispersed a copy of a memo from Fire Chief Stromberg requesting approval to purchase and install a gas/diesel fuel tank at the fire department. All fire apparatus use diesel and the onsite tank would eliminate a need to travel to West End for fuel. The gasoline would be used by the police department.

Howze asked Chief Shue what his thoughts were on the fuel tank. Chief Shue reported that Chief Stromberg approached him as well about having a gas/diesel tank onsite. Shue evaluated the need and determined that most police related travel is outside the Village. They would need an alternative way to purchase gas such as a credit card.

Council discussed the possible benefits if any to the Village and the need for safety fencing around the tank and issues with potential leakage.

Mayor McCue suggested council move forward with the request. Having both gas and diesel available would benefit both departments in both time and costs. He agrees with having some type of leak containment around the tank.

Discussion continued on the possible location for placing the tank including the tree line along the fire truck exit road. Howze will further explore and provide additional information at the upcoming work session.

#### D. Water Department-Mike Cole

No Report

#### E. Mayor's Report - E.M. McCue III

No Report

### 10. Old Business

- Village Pool

Village Clerk Lisa Kivett reported the pool passed its inspection on June 4<sup>th</sup>. She created and published an online pool registration that allows people to register and pay for three-hour swim blocks. The pool will be open M-Sat. 11:00-2:00pm and 3:00-6:00, and on Sunday from 1:00-4:00pm. The only things left to do before opening is posting of COVID-19 signage and pool deck set-up.

Discussion continued on whether to keep the pool open to the public and limiting the number of swim blocks that could be purchased at one time. Council agreed to charge \$3.00 per person admission and allow children age one and under free admission. Kivett said she could have the pool ready to open the week of June 21<sup>st</sup>. Frusco added that given the circumstances with COVID-19, water aerobics would not be permitted this year. There was further discussion on other COVID-19 related changes.

### 11. Old Business

- Dams

Councilman Boito re-iterate the importance of finding out who owns the dams. Kivett said she understood the Village did not own the dams. She located a copy of a 2010 letter from NCDENR to Woody Davis stating their records show Woody Davis to be the owner of the dam. Mayor Pro Tem Frusco found a listing online which only shows the dam on Lake McKenzie but not the one on Lake Blum. Mayor McCue would like to do a bit more research before contacting anyone.

Mayor McCue reported speaking with the Village Attorney about a couple pending foreclosures and the DGH threat of litigation with respect to Bridle Pl. and Saddle Ln. The attorney could not provide an update for tonight's meeting however, he is hopeful that an agreement can be made with the DGH litigation.

Mayor Pro Tem Frusco elaborated on the foreclosure issues and the recent communication

with one property owner who offered to pay \$250 per month. Frusco would like to get more stringent with the foreclosure process.

## 12. New Business

- Resolution #R20-03 Authorizing the Retirement of Police K9 Karma and Transfer of Ownership

Mayor McCue presented a resolution to retire K9 Karma and transfer ownership to Officer Daniel Ritter.

**Mayor Pro Tem Frusco made a motion to adopt Resolution #R20-03.**

**The vote was called, and motion carried.**

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

## 13. Public Comment:

Andy Moody said he felt pool admission fees should be \$5.00 per person and agreed the fire department fuel tank should have a baffle so the Village would also benefit from having it onsite. Moody hoped to do a K9 fundraiser with the FPOA but was unable at this time to get their backing.

Mayor Pro Tem Frusco suggested council reconsider the \$3.00 pool fee. Mayor McCue polled the council. Boito \$5, Howze \$3, Cole \$4, McCue \$4, and Frusco \$4. Council agreed to charge \$4.00 per person admission.

## 14. Adjournment

**Mayor Pro Tem Frusco made a motion to adjourn the Regular Meeting.**

**The vote was called, and motion carried.**

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

**The remote WebEx meeting was adjourned at 5:58 PM.**

**As so incorporated to these minutes of June 9, 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