

MINUTES
PUBLIC HEARINGS - REGULAR MEETING
Village Hall Meeting Room
July 12, 2022 – 4:30 PM

1. **Call to Order:** Mayor Boito called the meeting to order at 4:30 PM
2. **Members Present:** Councilmembers Janet Nauman, Don Nelson and Gary Samuels
3. **Members Absent:** Mayor Pro Tem Janice Gregorich
4. **Others Present:** Lisa Kivett-Village Clerk, Mar Gilroy-P&Z Chair, and several members of the public
5. **Moment of Silence:** Mayor Boito requested those present to pause for a moment of silence followed by the Pledge of Allegiance.

Mayor Boito introduced the following ordinance amendments under consideration at the close of their prospective public hearings. The proposed amendments are consistent with applicable elements of the Foxfire Village Land Use Plan and Long-Range Plan and are reasonable and in the public interest in order to provide clear and consistent guidance to property owners.

6. Public Hearing

- **Ordinance #2022-09 Amending Article VII Appendix - Checklist for Sketch Plan, Preliminary Plat and Final Plat**

Councilmember Nelson made a motion to open the public hearing. The motion carried unanimously, and the Public Hearing was opened.

Jim McSwain – 9 Green Valley Rd. asked for clarification on the amendment.

Mary Gilroy, Planning & Zoning Chair said the proposed requirements for the checklist are consistent with those asked by Moore County's Planning and Inspections Division and incorporates many of their recommendations. It assures that we are receiving the right things at the right time.

Councilmember Nauman made a motion to close the public hearing. The motion carried unanimously, and the Public Hearing was closed.

Councilmember Nelson made a motion to adopt Ordinance #2022-09. The motion carried unanimously to adopt Ordinance #2022-09 as written.

- **Ordinance #2022-10 Amending Article VII, Section 21-8-13 Use of Dwelling Units and Short-term Rentals**

Councilmember Nauman made a motion to open the public hearing. The motion carried unanimously, and the Public Hearing was opened.

The reason for the proposed amendment was that Planning & Zoning believes the 180-day restriction places an unnecessary financial burden on RM unit owners who have always used their properties for short-term rentals by effectively cutting their rental income by half.

Councilmember Nauman made a motion to close the public hearing. The motion carried unanimously, and the Public Hearing was closed.

Councilmember Nauman made a motion to adopt Ordinance Amendment #2022-10. The motion carried unanimously to adopt Ordinance Amendment #2022-10 as written.

7. Presentation to Village Council John Stone – Beaver Springs Opposition

ETJ resident, John Stone prepared and presented a PowerPoint presentation regarding the Beaver Springs Resort. Mr. Stone spoke on behalf of several property owners in the extra-territorial jurisdiction who could be affected by the project if it were constructed. Mayor Boito thanked him for the presentation. He added the Village Council is not disposed to approve any such project nor was the Beaver Springs Resort project ever formally recommended for approval.

8. Approval of the July 12, 2022 Regular Meeting Agenda

Councilmember Nauman made a motion to adopt the July 12, 2022 agenda as written. The motion carried unanimously.

9. Consent Agenda

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

- A. Approval of Minutes
 - 1. May 26, 2022 Work Session
 - 2. June 14, 2022 Public Hearing/Regular Meeting
 - 3. June 30, 2022 Work Session
- B. Annual Tax Settlement
- C. 2022-2023 Village Fee Schedule

Mayor Boito asked to remove 2022-2023 Village Fee Schedule from the Consent Agenda and add it to Old Business for further discussion.

Councilmember Nauman made a motion to approve the consent agenda as amended. The motion carried unanimously.

10. Public Comment Period

George Wahl – ETJ resident on Jackson Springs Road voiced objection to the Beaver Springs Project being within the ETJ. He asked where the Village limits end and ETJ begins.

Chris Patterson – 3 Bluebird Lane suggested those residents in the ETJ go to the Moore County Board of Commissioners Meeting to voice their concerns about the project.

Tom McClellan – 3 Dogwood asked if the Village considered implementing water restrictions due to the lack of rain. Mayor Boito replied, not at this point.

Jessica Hale – South Shamrock asked for permission on behalf of the FPOA to hold a Carnival themed event at the Village Green Park in September. She would like to include food trucks. Councilmember Nauman asked that the FPOA control parking in the area so not to damage the sprinkler heads.

Linda Mansfield – 605 Jackson Springs Rd. inquired how ETJ residents would find out about available ETJ councilmember seats. Mayor Boito replied, there are no ETJ seats on the Village Council. The Board of Adjustment and Planning & Zoning Boards are the only boards with ETJ representation. Mary Gilroy – Planning & Zoning Chair added an ETJ seat will soon be available and applications to serve will be posted on the Village website.

11. Zoning Administrator's Report – Lisa Kivett

The report covers Zoning Activity for From May 10, 2022, through July 12, 2022

Currently a total of Sixty-eight (68) homes are under construction or in the beginning stages of lot clearing. Sixty-four (64) in the Village Corporate Limits and Four (4) in the ETJ.

Permit applications were received and reviewed for the following:

Four (4) Single Family Residence (included in the total above)

1 Laurel Circle

566 Tufts Vista - ETJ

27 S. Shamrock

3 Eagle Drive

Five (5) Certificate of Occupancy were issued:

365 Forest Ridge
29 Eagle Dr.
64 Woodland Circle
135 Vista Ridge W -- Grande Pines
4 Eagle Drive

Other Permits Issued

One (1) Clearing on Ridge Rd.
One (1) Screened Porch
One (1) Propane Tank
One (1) Accessory Building
One (1) Commercial Solicitation Permit

12. Council Member Reports:

A. Streets and Park – Janet Nauman

- North Shamrock Drive Paving Project Update

Councilmember Nauman reported that due to recent rains, the North Shamrock paving project is pushed back to August 3,4,5th. Nauman will find out if both sides of the road will be closed-off and let Lisa Kivett know so notice can be posted.

B. Public Safety – Don Nelson

Councilmember Nelson reported that Officer Meghan Lewellen is officially gone, and the department is down to three officers. An employment advertisement will be posted to fill the vacant position.

Nelson contacted Harris Trucking to speak with the dispatch department regarding the many complaints about trucks speeding through the Village. The dispatcher will meet with the drivers to discuss the issue.

Nelson provided an update on police vehicle mileage and gas usage for the month. Over the previous month, 7,010 miles were driven, 450.53 gallons of gas was purchased at an average of \$3.84 per gallon. The Ford F-150 gets the best gas mileage of all vehicles at 22.7 mpg.

Painting of the interior of the police department is complete. Nelson continues working with the Fire Department on their budget and awaiting an estimate for wiring the fuel tank at the police department.

C. Water Department – Gary Samuels

Councilmember Samuels reported a new well site was located. A survey was completed and in the process of review by engineers to be sure there are no issues with surrounding properties. Once review is complete, engineers will walk the site and identify the location. At that point, we will confer with the property owner regarding the property transfer. Samuels added the well was estimated at 38 gpm.

Samuels reported he, Sharon Sanchez and David McKew met via teleconference with Badger Meter who will assist with training and development of the new hire. Two potential tracts are under consideration: an experienced employee and one without experience. Samuels met with Chief Shue about the vehicle transfer which may be delayed until late fall.

D. Mayors Report – Don Boito

Mayor Boito presented the June 30, 2022 Cash Balances on behalf of Mayor Pro Tem Gregorich who was absent. The general fund balance is 1,963,518. The water fund balance is \$1,236,278 of which \$236,000 reserved for a new well.

13. Old Business:

- 2022-2023 Village Fee Schedule

Mayor Boito asked council to consider reducing or eliminating the fee for Special Event Park Rentals by Village residents. Council will discuss at the upcoming work session.

14. New Business

- Irrigation Water Meter Ordinance Amendment

Councilman Samuels presented a draft ordinance amendment regarding separate irrigation meters. The current requirement places a burden on the homeowner or developer. The proposed amendment would eliminate the requirement for a separate meter and making it an option instead. The proposed changes stem from a contractor who applied for a meter in late 2021 but has yet to have one installed due to supply chain issues. Additionally, we found if we do not have a sewer system, a second meter is not necessary. Brief discussion followed and Councilman Samuels asked to adopt the ordinance amendment that will eliminate the requirement for separate irrigation meters. Mayor Boito asked to continue discussion at the upcoming work session prior to considering adopting the amendment.

Mayor Boito added he was approached by a resident who wants better communication from the Village. Boito asked for council to consider ideas and discuss at the upcoming work session.

15. Public Comment:

George Wahl – Jackson Springs Rd. asked how we knew the well site would produce 38 gpm. Samuels replied it was based on a previous test well. Mr. Wahl added that several years ago, the Village sent out a newsletter. He suggested starting that once again.

Mick McCue – Oak Hill Drive commented in 2009, Mr. Lauer was the Water Superintendent and was told at the time that state law required separate irrigation meters. McCue thanked John Stone for his presentation on Beaver Springs and added that council should consider reviewing the RA zoning within the ETJ.

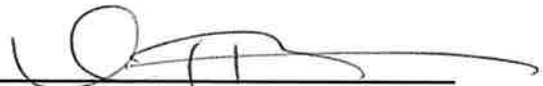
John Privatte – Richmond Road is an irrigation contractor. He suggested requiring a backflow lockable ball-valve on irrigation meters so the system can be locked due to misuse of water.

16. Adjournment

Councilmember Nauman made a motion to adjourn. The motion carried unanimously, and the meeting adjourned at 5:33 PM.



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



Don Boito
Mayor