

**MINUTES**  
**FOX FIRE VILLAGE COUNCIL**  
**PUBLIC HEARING and REGULAR MEETING**  
**Village Hall Meeting Room**  
**September 8, 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, Councilman Mike Cole, Mayor Pro Tem Frusco, and Councilman Ed Howze
3. **Others Present:** Lisa Kivett-Village Clerk, Mary Gilroy, Andy Moody and Dave Meldrum
4. **Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence followed by the Pledge of Allegiance
5. **Public Hearing – To Consider Amending Sections 6.10 and 8.10 of the Village Zoning Ordinance and Article XIII-Definitions**

Before opening the public hearing, Mayor McCue clarified that the hearing is to consider amendments to the fencing ordinance and not to discuss a particular fence. The Planning and Zoning Board unanimously approved the proposed amendments to the fencing ordinance which include additions to language about maximum opacity and definitions.

**Mayor Pro Tem Frusco made a motion to open the public hearing. The motion carried unanimously.**

There were no public comments.

**Councilman Boito made a motion to close the public hearing. The motion carried unanimously.**

Councilman Boito asked if an already constructed fence does not meet the current or the amended ordinance, would they be grandfathered in. Mayor McCue replied it would not.

Mayor Pro Tem Frusco agreed with the new language but is concerned about addressing fence locations on specific properties such as those abutting a golf course. She suggested those properties restrict fencing from 10 to 15 feet from the property line. She suggested council further examine the ordinance specifically Section 6.10 (a)1 and (a) 3.

Councilman Howze asked if plastic fencing material was permitted. McCue replied with the list of permitted material.

Councilman Cole commented about wooden fences and suggested adding “shadowbox” as a non-permitted type if in fact we do not allow them to be built. He also suggested adding examples of wooden fences that would be permitted. Frusco replied that wooden picket fences were permitted and shadowbox fencing as well providing they meet the opacity requirements.

Cole also suggested removing the word “privacy”, McCue replied it had in both Section 6.10 and 8.10. Council continued discussion on opacity requirements.

Mary Gilroy commented that P&Z wrote language that opacity is measured by looking at the fence perpendicular. This should eliminate future confusion on opacity. They did not change the opacity requirement because the LUP specifically says we want “openness” and a stockade or shadowbox type fence goes against that. Gilroy cautioned about restricting a property owner’s ability to put fences on properties that abut golf courses as we have more families moving in and require playground equipment in the rear yard. Many people would like to have a 4’ fence along the property line.

Discussion continued on the 60% opacity requirement. Frusco mentioned that homeowners could also put up landscaping on either side of pool fence to increase opacity.

Mayor McCue asked if P&Z considered whether or not the changes were consistent and reasonable with the Land Use Plan, Gilroy replied they are.

McCue added that no changes with respect to fences located on property lines are being made however, they will be reviewed for future consideration.

**Mayor Pro Tem Frusco made a motion to adopt Ordinance Amendment #2020-09 as written. The motion carried unanimously and Ordinance Amendment #2020-09 is hereby adopted.**

#### **6. Approval of the September 8, 2020 Regular Meeting Agenda:**

Mayor Pro Tem Frusco added *Employee Sick and Vacation* under Old Business.

**Councilman Boito made a motion to adopt the September 8, 2020 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. August 11, 2020 Regular Meeting
  2. August 28, 2020 Work Session

**Mayor Pro Tem Frusco made a motion to approve the consent agenda. The motion carried unanimously.**

#### **8. Public Comment Period**

Andy Moody asked if the Village pool fence was compliant with the amended ordinance. Council replied it was grandfathered.

#### **9. Zoning Administrator's Report – Lisa Kivett**

Zoning Administrator Lisa Kivett reported the following activity from August 12<sup>th</sup> thru September 8<sup>th</sup>

*Twenty-seven (27) 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 reviewed for the following:*

- One (1) Single Family Residence (Richmond Rd.)
- One (1) Accessory Building
- (1) Deck
- (1) Propane Tank

*Certificate of Occupancy Issued*

- None were issued

*Zoning Violations*

- Two (2) Trailer

#### **10. Council Member Reports:**

##### **A. Finance – Leslie Frusco**

Mayor Pro Tem Frusco reported as of August 31, 2020, the General Fund balance was \$1,214,133 of which \$119,448 is restricted. The unrestricted balance was \$1,094,685. The Water Fund balance was \$896,683.29 of which \$281,076 is restricted. The unrestricted balance was \$650,607.

Property tax bills have gone out and collections through August are down slightly. The largest portions of tax payments are from mortgage companies and arrive in the early part of November. Overall, Frusco does not see a significant decline in collections.

Frusco reported on sales tax revenue. Revenue still falls into the budgeted amount for the current fiscal year and she hopes it will continue or increase. At this point, we are collecting on sales that occurred when much of the economy was shut down or operating minimally. Frusco hopes to have an update on other tax revenue in October.

Frusco reported receiving the full allocation from Moore County, for COVID related expenses in the amount of just over \$36,000.

#### B. Streets and Park – Don Boito

##### 1. Park Re-opening

Councilman Boito suggested the Village Green Park be re-opened now that the Governor has lifted some of the restrictions. There was discussion on cleaning requirements and signage. Council agreed to re-open the park facility and leave the bathrooms closed at this time.

Boito asked when the pool facility would be closed for the season. Lisa Kivett replied it is closed and the facility will be cleaned and equipment stored in the next week.

#### C. Public Safety – Ed Howze

Councilman Howze reported that Chief Shue submitted a background request for an officer candidate named Jeremy Blake. Depending on the backlog in Raleigh, it could be October before we receive results.

The police department has a new router which allows them to complete their reports in the car instead of having to do them in the office. The new grant for IT upgrades starts October 1<sup>st</sup>.

Howze reported the new K-9 the Village is hoping to get is not working out. The K-9 named Jinx, will not work out as a police K-9 due to environmental reasons. She will not go into dark rooms. The police department will continue looking for a new K-9 that meets requirements. Resident, John Gregorich has offered an additional \$2,000 to his already \$6,000 donation for a new dog.

Howze reported the fire department is back to running EMS calls instead of just fire calls. West End Fire and Rescue received a FEMA grant for \$180,000. A majority of the money will go to replacing air packs.

Howze provided copies of a proposal for replacement of the S. Shamrock gate. The cost of \$11,500 was more than Howze thought it would be. There was brief discussion. Mayor Pro Tem Frusco suggested the fire department use some of their grant money to pay for half the cost of the new gate. Howze responded the grant money is from FEMA and could be ear-marked for specific needs. Councilman Cole, who is also a member of WEFD added the air-packs currently in service are 15 years old and require replacement. The cost for the air pack and bottle are roughly \$6,500 each.

#### D. Water Department – Mike Cole

Councilman Cole received the final quote for the Boyd water extension. The Village's portion is \$6,500 and the Boyd's portion is \$12,500.

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

Mayor McCue reported the End of Session Bulletin for 2020 is available for those interested in reading it. He mentioned the Bill for Special Separation Allowance for EMS and Fire did not pass. They did pass Connor's Law which increases the punishment for assault on LEO and EMG personnel, and money was given to upgrade Viper communication towers.

Retail delivery robots are now allowed to operate in the state. Local governments are given until December 2022 to pass regulations on such devices. McCue continued, we can regulate and retain authority to regulate the devices as to time and place of operation but cannot ban their use.

McCue would like to re-open the Village office lobby unless there are objections. Visitors will be asked to wear a face mask and will not have access to the back office unless by appointment.

Residents are encouraged to continue using the payment slot unless a need to speak with Village staff. McCue continues to make progress on the Unified Development Ordinance (UDO). He hopes to have a final draft available for council to review by the end of the year.

#### 10. Old Business:

- **Employee Sick/Vacation Accrual**

Mayor Pro Tem Frusco reported that council started discussion about the Village Personnel Policy, specifically the areas of employees sick and vacation accrual. She will try to contact other municipalities for their policies but had not had time to do so. Mayor McCue asked what parameters were discussed. Frusco replied, stopping the ability to accrue up to 40 days of vacation, capping the amount that could be accrued, etc.

#### 11. New Business


NONE


#### 12. Public Comment:

Mary Gilroy commented that P&Z would be examining "short-term rentals". They will look at what can and can not be regulated.

#### 13. Adjournment

**Councilman Boito made a motion to adjourn. The motion carried unanimously, and the meeting adjourned at 5:32 PM. As so incorporated to these minutes of September 8, 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