

**MINUTES
FOXFIRE VILLAGE COUNCIL
REGULAR MEETING
Village Hall Meeting Room
October 13, 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, Mayor Pro Tem Frusco, and Councilman Ed Howze
3. **Members Absent:** Councilman Mike Cole
4. **Others Present:** Lisa Kivett-Village Clerk, Chief Shue, Officer Jeremy Blake, Mary Gilroy, and Andy Moody
5. **Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence followed by the Pledge of Allegiance
6. **Approval of the October 13, 2020 Regular Meeting Agenda:**

Councilman Boito added *Rumble Strips* to his report and Mayor McCue asked to move the *Closed Session* item to be discussed under Old Business.

Mayor Pro Tem Frusco made a motion to adopt the October 13, 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. September 8, 2020 Public Hearing and Regular Meeting
 2. September 24, 2020 Work Session
- B. Board Resignation and Appointment
 - Resignation from Dennis Micallef effective October 13, 2020
 - Appoint Tom Walburgh to fill unexpired term left by Dennis Micallef. Term expires September 30, 2021

Councilman Boito made a motion to approve the consent agenda. The motion carried unanimously.

8. Public Comment Period

None

9. Zoning Administrator's Report – Lisa Kivett

Zoning Administrator Lisa Kivett reported the following activity for September 9th thru October 13th

Thirty-one (31) 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:

Five (5) Single Family Residence (Richmond Rd., Green Valley, Buckhorn, South Shamrock, and Second Wind Ct. in Grande Pines)

I've received numerous calls from people, realtors and builders who are interested in either purchasing homes or building in Foxfire. I expect at least 4 sets of house plans to be submitted in the next few weeks.

- One (1) Accessory Building*
- One (1) Fence*
- One (1) Deck*
- One (1) Propane Tank*

Certificate of Occupancy Issued

One (1) issued for 1 Vineyard

Zoning Violations

Numerous violations were addressed including:

Five (5) parked trailers and One (1) boat

Two (2) accessory buildings without screening

Several unkempt yards and several trash cans left out

One (1) Civil Citation was issued for a dog running at large

I requested that a picket fence constructed in a front yard on S. Shamrock be removed. The owner was not aware of the fencing ordinance and they removed the fence.

I received a call regarding an accessory building located on the property line. The property owner did not apply for a permit. They were asked to submit a permit application and to make arrangements to have the building relocated within the required setbacks as soon as possible.

10. Council Member Reports:

1. Finance – Leslie Frusco

Mayor Pro Tem Frusco reported as of September 30, 2020, the General Fund balance was \$1,285,000 of which \$119,448 is restricted for separation allowance, street maintenance reserve, K9 Fund, and Capital Reserve project. The unrestricted balance was \$1,165,201. The Water Fund balance was \$907,112 of which \$281,076 is restricted for a new well and tank maintenance. The unrestricted balance was \$626,035.

As of the end of September, we have collected a little less property taxes than we normally do this time of the year. A couple significant mortgage company payments should be made the end of October, first of November. Motor vehicle tax from a budget perspective is on track. Sales tax revenue appears to be on track as well. The telecommunication tax is down, and the utility franchise tax is a negligible difference in the budgeted amount.

The first Powell Bill payment was less than we received over the past four years. The reason for this is the lack of funding at DOT. We will see 5 to 10% less than we anticipated receiving.

2. Streets and Park – Don Boito
1. Rumble Strips

Councilman Boito contacted NCDOT and left a message with them regarding installing rumble strips around the golf cart crossings on both Hoffman and Richmond Rd.

Mayor McCue commented that he attended the Regional Transportation Advisory Committee meeting last week and most of the discussion was about DOT and their funding. He said committed projects have been pushed back by years in most cases and we should not anticipate them funding any requests.

Mayor McCue asked that Gilbert Brown trim bushes around the Village Park kiosk and spray for ants before the theatre group presentation on the 23rd. Boito will arrange all. McCue also suggested power washing the cement around the bathroom facility in the spring and look at the drainage in that area. He alerted Chief Shue that a camera was hanging off the roof.

3. Public Safety – Ed Howze

Councilman Howze introduced the newly hired full-time Police Officer, Jeremy Blake. Officer Blake began working on October 5th. Blake extensive career began in 2011, working with Candor PD, Taylortown Narcotics, and as Town of Cameron Police Chief. Chief Shue added that Officer Blake will be working on his own beginning this week as he is familiar with the computer system, handguns, etc.

Chief Shue gave a report on a call they answered the week before about a runaway juvenile. Officers Garner and Blake responded and found the juvenile walking in the median of NC HWY 211 and weaving across the lanes. The juvenile threw a piece of asphalt at Officer Garner's car, damaging the hood and windshield. Officer Blake quickly apprehended the juvenile and placed him under arrest. Unfortunately, the State of NC recently changed laws that a juvenile 16 to 18 will not be charged as an adult. Officer Shue is seeking juvenile petitions through the County Court system to have him charged on teen court for the damage to the vehicle and assault on

officers. Shue received a quote to repair the vehicle in the amount of \$588.00. It may be cheaper to pay out of pocket than to file with insurance.

Chief Shue reported that Officer Derek Kivett is now a part-time employee focusing on code enforcement.

1. 3rd Quarter Reports

Chief Shue gave an update on Speed Sign Data. He reiterated a question from Mayor Pro Tem Frusco the previous month about pulling up specific times and dates for certain speeds. Shue found this could be done and presented a graph printout of data for the past month.

Shue also presented the following data from August 9th thru October 9th and answered questions from Council.

Location	Average MPH	<u>% At or below speed limit</u>	<u># of Cars</u>
Richmond /Hoffman	33.29	98.50%	97,563
S. Shamrock/ Lake	23.72	99.83%	5,842
Forest Lake Dr	20.52	100%	1,227
Richmond /Ridge	35.59	97.63%	40,347
Richmond /Foxhill	35.77	94.22%	24,072
Hoffman /Sunset	36.41	96.10%	87,468

Mayor Pro Tem Frusco suggested the Police Department consider purchasing a couple more speed signs in the next budget year. There was brief discussion on the need

Councilman Howze reported the PD answered a total of 744 calls between July 1st and October 5th. Howze elaborated on some of the calls including, a DWI arrest, shots fired in the County, larceny, and ordinance violations.

Howze reported the Fire Department activity for the 3rd quarter which included 52 responses to Foxfire. WFD will once again respond to EMS calls. October is Fire Prevention month and information is on the Village website regarding in-home inspections and how to purchase reflective address signs. He and Mayor Pro Tem Frusco have been discussing the S. Shamrock gate. Once the audit is complete, possibly late November, they will further discuss and consider the gate replacement.

Howze reported the Fire Marshal has released the home that burned down on Deer Track. The property owner's daughter will be contacted for the removal of debris. Chief Stromberg said cause of the fire was unknown.

4. Water Department – Mike Cole No Report

E. Mayor's Report – E.M. McCue III

1. UDO Update

Mayor McCue is near completion of the rough draft UDO. By the time we include a table of authorized uses and definitions, it will be about 200 pages. This UDO replaces the zoning

appendix, the subdivision and housing regulations, and a good portion of the administration and building codes chapter. The draft will be emailed to council and Planning and Zoning for their comments. Some of the proposed changes are already in effect and others are effective as of July 1, 2021. Brief discussion continued.

2. Halloween Trick or Treating

Mayor McCue reported the FPOA is close to eliminating the Trunk or Treat as one of their yearly events. McCue suggested Council look at setting up protocol for trick or treating. There was brief discussion.

Mayor McCue added that more repairs are needed on the split rail fence on Hoffman Rd. He noted the last posts installed on Hoffman Rd. are higher than the other. Frusco replied the golf course takes care of those. The Appearance Committee has \$3,000 in their budget and are the ones responsible for coordinating the fence repairs.

10. Old Business:

- **DGH Settlement Agreement**

Mayor McCue reported this settlement is for the four lots on the back of Bridle and Saddle Lane which are located on the dirt roads. DGH and our attorney have worked out the possibility of a settlement that DGH will voluntarily dismiss with prejudice, all of their claims against the Village. Foxfire will agree to deliver a Quit Claim Deed conveying the right, title and interest in the rights of way of both Bridle and Saddle Lane and reserving an easement for public water lines which exist on those rights of way. The Village will have no obligation to improve or maintain any portion of those rights of way. Frusco asked if there is something in the agreement addressing damage to Village water lines and who would be responsible for repairing? Her concern is construction vehicles on the dirt road and damage they cause to the water lines. McCue replied there probably should be something in the agreement about that. He will ask the attorney to add something to the agreement.

11. New Business

NONE

12. Public Comment:

Andy Moody suggested the Village trim back the tree limbs at the Village Park entrance. Mayor Pro Tem Frusco thanked Councilman Boito for having her road, Hillside Drive, paved.

13. Adjournment

Mayor Pro Tem Frusco made a motion to adjourn. The motion carried unanimously, and the meeting adjourned at 5:23 PM. As so incorporated to these minutes of October 13, 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