

**MINUTES  
FOXFIRE VILLAGE COUNCIL  
REGULAR MEETING  
Village Hall Meeting Room  
December 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, Residents Mary Gilroy and Andy Moody
4. **Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence followed by the Pledge of Allegiance.
5. **Approval of the December 8, 2020 Regular Meeting Agenda:**

Councilman Boito added *Paving Contract 2021*, Mayor Pro Tem Frusco added *Budget Amendment* and Councilman Cole added *11 Wedgewood and Boyd Water Extension* to their reports.

**Councilman Boito made a motion to adopt the December 8, 2020 agenda as amended. The motion carried unanimously.**

**6. Consent Agenda**

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

- A. Approval of Minutes
  1. November 10, 2020 Regular Meeting
  2. November 19, 2020 Work Session
- B. Village Council 2021 Regular Meeting Schedule

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

**7. Public Comment Period**

NONE

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

Zoning Administrator Lisa Kivett reported the following activity for November 11<sup>th</sup> through December 8<sup>th</sup>

*Thirty-three (33) 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:*

- *Four (4) Single Family Residence (Pine Valley Circle, Three homes on Oak Hill Dr.)*
- *Two (2) Fence*
- *One (1) Swimming Pool*
- *One (1) Accessory Building*

*Certificate of Occupancy Issued*

*1 Cardinal Dr.  
183 Woodland Circle  
191 Woodland Circle  
21 Ridge Road*

*Thirteen ordinance violations were addressed including trailers, parking, and animals. The animal ordinance violation resulted in a State Citation from the police dept.*

*A couple of Report a Concern were received for drainage issues. Both were referred to Councilman Boito.*

Mayor Pro Tem Frusco added that over the past few months, several zoning violations stemmed from construction done without a permit. She suggested sending a brief letter outlining some of the Village ordinances to all new residents when they move in. Lisa Kivett said that when a new resident signs up for a water account, she will send them a letter.

Mayor McCue asked about the home on 11 Wedgewood and what issues are being addressed. Chief Shue replied the police department has been there on several occasions for issues with parked trailers and dogs running at large. Several warning violations were issued, two civil citations for the dogs running at large and most recently a State citation for the dogs running at large. The owner now has a court date in January and a bench warrant will be issued if they do not appear. If they are found guilty, they will have to pay a fine.

Mayor Pro Tem Frusco added, in addition to ordinance violations they have a couple other issues. They have a balance on their 2018 property taxes and owe the entire balance for 2019 and 2020 property taxes. Secondly, they have a water bill balance of \$208.93 in addition to the past due amount of \$2,514.02. Frusco explained during the time the Village was unable to shut-off water because of COVID, they had extremely high usage and also a water leak. Sharon sent them several notices about the leak and told them that once they repaired it to bring in proof and the Village would adjust the bill. She also had a verbal agreement with the owner to make payments on the balance. The owner never produced proof of leak repair and has only made 2 payments. Councilman Cole wrote them a letter and set up a payment plan of \$120 per week. They paid \$150 in the beginning of November and nothing more since then. The prohibition on water shut-offs due to COVID has expired and Sharon has asked David McKew to shut the water off today. Frusco suggested we only have a written agreement for payments and set up a process for water shut offs. Discussion continued.

Mayor McCue suggested that our water policy state that once water service is shut off, it will not be turned back on until the total amount due amount is paid in full.

## 9. Council Member Reports:

### A. Finance – Leslie Frusco

Mayor Pro Tem Frusco reported as of November 30, 2020, the General Fund balance was \$1,458,980 of which \$1,339,508 is unrestricted and \$119,473 restricted for the K-9 fund, capital reserve fund, street maintenance and separation allowance. The water balance was \$939,908 of which \$658,883 is unrestricted and \$281,076 restricted for future well(s) and tank maintenance.

As of the end of November, we have collected 72% of ad valorem property tax. As of today, we added another \$13,000. We should see a significant amount more coming in as we get closer to the January deadline. Motor vehicle tax is moving along nicely, and thru November we have collected 73% of the budgeted amount. The budget is smaller than in the past because of the Governor's order extending registrations for six months. Sales tax is also moving along and if it continues this way we should be in fine shape. Utility Franchise tax is running a little short. All in all, revenue is not in a substantially bad place.

The year-end Audit was approved by the State Treasures Office and copies of the audit will be presented to council once they are brought in. There will be discussion in January if anyone chooses.

Mayor Pro Tem Frusco presented a budget amendment for a public contribution received of \$5,000, earmarked for the K9 program and purchase of police equipment.

**Mayor Pro Tem Frusco made a motion to adopt Budget Amendment #2020-10. The motion carried unanimously.**

### B. Streets and Park – Don Boito

- Crack Filling/Striping

Crack filling and re-painting of the cart path crosswalks on Village roads and parking lot line in the park will be done in January.

- Park Burn

The park burn project will begin in January or early February of next year. Boito has spoken to Fish and Wildlife about funding for the burn project. They are willing to do that but ask that we consider putting up a kiosk of some sort with information on the project. Boito hopes to have more information at the next work session.

Boito received an updated quote for paving from the alternate paver. He still has some questions on the quote and will contact the paver for more information.

Chief Shue alerted Councilman Boito about a tree located on the S. Shamrock dam that could potentially fall. A family of beavers have destroyed the tree. Boito will have the tree looked at.

C. Public Safety – Ed Howze

- PD Update

Councilman Howze reported that Chief Shue is working with Master K9 Trainer Shelley Gutierrez to find a new K9 for the Village. They have found a Springer Spaniel located in the U.K. According to Shelley, the Springer Spaniel will outwork a Belgium Malinois. The cost to import the dog from the U.K. is \$6,000 and \$1,000 to have the dog imprinted. The plan is to send Gary Garner to the K9 Handler's course in Lexington which costs \$1,000. John Gregorich has agreed to put up \$4,000 if the Village would pick up the remaining amount. The handler program would give Officer Garner a National Certification.

Chief Shue added that Mr. Gutierrez is also looking for a K9 stateside so the cost would be less.

Mayor McCue suggested before we spend this amount of money to be sure that Officer Garner is committed to the program.

- FD Update

The South Shamrock gate should be installed in the coming week. Chief Stromberg told him it should be a two-day project including installation of posts.

D. Water Department – Mike Cole

Councilman Cole confirmed that water service is shut-off at 11 Wedgewood.

We received a letter on November 30 to proceed with construction of the Boyd water extension. We had to wait for the actual paper copy which David received last week. All materials are on-site and work will begin on Saturday. It should take a week to complete.

Councilman Cole said he would work on wording for the water policy.

E. Mayor's Report – E.M. McCue III

Mayor McCue reminded council about the Special Work Session scheduled for December 10<sup>th</sup> to continue review and discussion on the Draft UDO. He added that an addition was made to Article II regarding variances and provided the draft wording.

Mayor Pro Tem Frusco asked Lisa Kivett to print a copy of the Table and put in everyone's box before the meeting.

**10. Old Business:**

None

**11. New Business**

- **COVID-19 Restrictions**

Mayor McCue asked council if they felt the Village is doing enough with COVID restrictions and enforcement of masks. He noticed that both the general store and golf course are not requiring masks of their employees and patrons.

Mayor Pro Tem Frusco pointed out they are private business and are supposed to follow the State mandates. How much should the Village get involved in enforcement at a private business on privately owned land. She is concerned about over-reach. Chief Shue added there is really nothing the police can do about enforcing masks. If the business owner required them and the

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person refuses, we can issue a trespass. Frusco mentioned if things continue to go south, we can increase our restrictions at the office.


**12. Public Comment:**


Mary Gilroy said that plex-glass is a very effective barrier for COVID.

Andy Moody commented that the park kiosk for the burn project would make a great Eagle Scout project. Chief Shue said he would contact the Scout leader in the area.

**13. Adjournment**

**Councilman Ed Howze made a motion to adjourn. The motion carried unanimously, and the meeting adjourned at 5:30 PM. As so incorporated to these minutes of December 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