

**MINUTES  
FOXFIRE VILLAGE COUNCIL  
PUBLIC HEARINGS / REGULAR MEETING  
Foxfire Village Hall  
September 13, 2016 – 6:30 PM**

1. **Call to Order:** Mayor E.M. McCue III called the meeting to order at 6:30 PM.
2. **Members Present** – Councilman Don Boito, Mayor Pro Tem Leslie Frusco, Councilman Vic Koos, and Councilman Jon Sedlak
3. **Others Present** – Lisa A. Kivett-Village Clerk, Casey Suggs-Pilot Newspaper, Police Officers Gary Garner and Daniel Ritter, residents Mary Gilroy, Jim Hathaway, Tom and Bonney Bradley, and Jeff Chandler
4. **Moment of Silence:** Mayor McCue requested those present to pause for a moment of silence. This was followed by the pledge of allegiance to the United States Flag.
5. **PUBLIC HEARING – Order of Abatement**

Mayor McCue said this public hearing is to consider whether or not to issue an order of abatement to abate a public nuisance on certain real property in Foxfire. The property is owned by the Foxfire Golf Club, identified by Moore County PIN 852107674789, LRK 00049385. He noted specifically that the property is not owned by the current owners of the Foxfire Resort and Golf, but by a previous owner of the property.

**Councilman Boito made a motion to open the public hearing seconded by Councilman Sedlak and carried unanimously.**

Mayor McCue commented this property is better known as the “beach property” along Lake Mackenzie. It has an old pavilion and dock which are in disrepair and have safety issues.

Tom Bradley asked why the present owner is not responding to the communities’ concern about the condition of the property.

Mayor McCue responded they have been notified and given a period of time to fix the conditions as required by law. There has been no response. That is why we are at this stage in a fairly long, convoluted process; to be able to enter the property, fix the nuisance ourselves and eventually put a lien on the property.

**Mayor Pro Tem Frusco made a motion to close the public hearing seconded by Councilman Boito and carried unanimously.**

Mayor Pro Tem Frusco said the building and dock should be removed as soon as possible. There are a lot of people that go onto the property to fish whether private or not. There are children that jump and play along the dock and we need to make the area safe.

- **Adoption of Order of Abatement**

**Mayor Pro Tem Frusco made a motion to authorize and direct the Foxfire Village Zoning Administrator to Abate or to Hire a Contractor to Abate the Public Nuisance on this property seconded by Councilman Boito and carried unanimously.**

Tom Bradley commented that he understood there to be a well on the property. Councilmembers replied they were not aware of a well.

6. **PUBLIC HEARING – Accessory Buildings**

**Mayor Pro Tem Frusco made a motion to open the public hearing seconded by Councilman Sedlak and carried unanimously.**

Mayor McCue said by amending the current ordinance, it will expand the authority of accessory buildings on residential properties within the Village. It will allow for larger accessory buildings compared to the size of the house and lot, and on certain larger lots will increase the number of accessory buildings that can be had. The current restrictions are 10% of the size of the main building or 250 sq. ft. whichever is less.

Jim Hathaway asked if there are new restrictions on the types of material that may be used. Mayor Pro Tem Frusco replied that metal and plastic buildings are not permitted. Materials must be compatible to what the house is constructed with and there are restrictions regarding foundations.

Planning & Zoning Chair Mary Gilroy elaborated on the wording of the amendment regarding foundations. Discussion ensued on the definition of permanent foundations, the use of concrete blocks and the landscape screening.

Jim Hathaway asked if the changes discussed would preclude getting a pre-built accessory building off-site and brought to the property. Council replied no unless it is not made from plastic and looks compatible to the home.

Mayor Pro Tem Frusco made a motion to close the public hearing seconded by Councilman Boito and carried unanimously.

- **Adoption of Ordinance Amendment #2016-08**

Mayor McCue reported that this amendment is the latest version discussed at the work session. After much discussion, the council agreed to make the following additions: Under "L", after permanent foundation, to add *such as a cement slab or footings with block and brick or other facing material* and after Above ground to add *exposed*.

**Mayor Pro Tem Frusco made a motion to adopt Ordinance Amendment #2016-08 with the additions made this evening seconded by Councilman Sedlak and carried unanimously.**

## 7. Additions and Approval of the September 13, 2016 Agenda

**Mayor Pro Tem Frusco made a motion to adopt the September 13, 2016 Agenda as written seconded by Councilman Sedlak and carried unanimously.**

## 8. Consent Agenda

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

### A. Approval of Minutes

- August 9, 2016 – Regular Meeting
- August 25, 2016 – Work Session

### B. Appointment to the Board of Adjustment

- Jon Bachelder            1-year term
- Sally Cook                3-year term
- John Hunter              2-year alternate member

**Mayor Pro Tem Frusco made a motion to adopt the consent agenda as written seconded by Councilman Sedlak and carried unanimously.**

## 9. Public Comment Period

Jeff Chandler commented on issues with cars and trucks speeding on Richmond Rd. His home is located on the curve of the road. He said his wife was run off the road by a logging truck the day before and the road is becoming a race track. He also commented on a car that passed a school bus that was unloading children. In addition, each morning between 7 and 8 am, logging trucks, dump trucks and chicken trucks come from Derby and are speeding around the curve. The police department was made aware of his observations.

Mayor McCue replied he appreciated his concerns. Mayor Pro Tem Frusco added at one time, calls were made to some of the local companies who have trucks using the roads about speeding. The companies were responsive because this will affect their insurance. She asked Mr. Chandler to provide the company names of the trucks. She added that both Hoffman and Richmond are State roads and Foxfire can only set the speed limit within the corporate limits of the Village. On numerous occasions, we have petitioned the NCDOT to do traffic studies and request they lower the speed limits coming into the Village. Not only have we been denied but, the NCDOT actually suggested we increase the speeds.

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

Nine (9) homes are approved for or currently under construction. Five (5) of those are located in the ETJ

Two (2) Certificate of Occupancy were issued

***The following permit application were approved:***

One (1) Single Family Residence

One (1) Accessory Building

***Violation Notices/Civil Citations***

Two (2) Civil Citations were issued for failure to comply with Chapter 16-Health and Sanitation Nuisances

#### **11. Councilmember's Reports:**

##### **A. Finance – Leslie Frusco**

###### **1. Finance Report**

Mayor Pro Tem Frusco reported the following as of August 31, 2016, the general fund balance had \$1,098,125 of which \$496,409 is restricted for the Capital Reserve fund and the Debt Service fund. The unrestricted balance is \$601,715. The water fund balance is \$700,737 of which \$186,076 is restricted for a new well. The unrestricted balance is \$514,661. Total cash balances in the Village are \$1,798,861.

Mayor Pro Tem Frusco reported that the audit field work has been completed. She received draft copies of the audit report and is in the process of reviewing it line by line. Hopefully by October, she will be able to present the final audit reports to the Council. At this point there are no issues and it is a clean report.

She added the fund balance policy adopted the previous year said the Village would always maintain between 35 and 40% of our budgeted revenue in unrestricted funds. Preliminary numbers from the audit report show we will have unrestricted of a little over \$700,000. We have some decisions to make on what funds those excess funds will go to. Council briefly discussed the need to start looking at building an addition to the Village Hall in order to move Village Staff. Looking where we are financially, we need to pursue this.

##### **B. Public Safety – Vic Koos**

###### **1. Statistical Update**

Councilman Koos reported that the Police Department issued 38 citations in the month of August.

##### **C. Water Department – Jon Sedlak**

Councilman Sedlak reported that the water tank interior will be re-painted. The tank will be drained and a pneumatic tank will be placed while the work is completed. The last time this was done, the tank was down for about 6 weeks. This time only one tank is needed so the work should take about three weeks.

##### **D. Streets and Park – Don Boito**

Councilman Boito reported the park sprinklers are back up and running.

## E. Mayor's Report

Mayor McCue reported that the Village received the Preliminary 2015 Municipal Population Estimate which shows Foxfire having a population of 1,021.

### 1. Land Use Plan

Mayor McCue commended the Planning & Zoning Board for their outstanding job in putting together the Land Use Plan. The new plan will replace the existing plan of 1977. This new plan will guide the council and future councils in how to make decisions on annexation, zoning, and other forms of development in the Village. He asked that everyone review the latest Land Use Plan draft on the Village website. He will ask that the council officially approve the plan at a later meeting.

### 12. Public Comments:

Tom Bradley asked if anyone has asked the Golf Club to clean up the parking lot and maintenance barn.

Mayor McCue replied yes, he had correspondence with Steve Johnson with respect to some of these issues. The Village and the Club are aware of this.

Mr. Bradley asked if anything would be done with the entrance to Foxfire Blvd. from Hoffman Rd.

Mayor McCue replied that there are tentative plans for improving the entrance to Foxfire Blvd. off of Hoffman Rd. and they will be discussed as part of the budget process for next year.

### 13. Old Business: None

### 14. New Business:


Councilman Sedlak said he was approached by Gilbert Brown about spraying weed killer and planting grass near Bluebird Lane. He would discuss this with Councilman Boito.

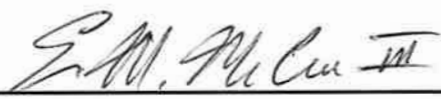
Mayor McCue asked that the council discuss the Village Hall addition at the next work session. He would like both the Police and Fire Chief to attend the meeting.

Mayor Frusco asked that the September 29<sup>th</sup> work session be rescheduled for Wednesday, September 28<sup>th</sup>, 6:30 at the Village Hall. Public notice of the change will be posted on the Village website and Administration office door.

**Mayor Pro Tem Frusco made a motion to adjourn seconded by Councilman Boito and carried unanimously. The meeting adjourned at 7:32 PM.**

**As so incorporated to these minutes of September 13, 2016 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