

**MINUTES
FOXFIRE VILLAGE COUNCIL
PUBLIC HEARING #2
FOXFIRE VILLAGE HALL
March 8, 2016 – 6:30 P.M.**

1. **Call to Order** – Mayor McCue called the meeting to order at 6:37 PM.
2. **Record Members** – Councilman Don Boito, Mayor Pro Tem Leslie Frusco, Councilman Vic Koos, and Councilman Jon Sedlak
3. **Others Present** – Lisa A. Kivett-Village Clerk, Police Chief Chad Shue, Greg Hankins-Seven Lakes Times and John Lentz-The Pilot, Residents - Brian and Sue Manley, Tom McClellan, Janice Gregorich, Mary Gilroy, Richard Tremblay and Nancy Martin
4. **Public Hearing**
Stonehill Pines Property – Development Agreement

Mayor McCue gave a brief background of the Development Agreement. The Village annexed the approximately 1,500 acres in 2009 and rezoned the property under a Planned Unit Development with a Master Plan for the development. In December of 2009, the Village entered into a 20-year Development Agreement with Stonehill Pines, LLC. The agreement was amended several times over the years to extend either the start date of construction and/or the completion date. The last amendment to the agreement was the fourth one and gave the developer until December 2015 to begin construction. Construction did not commence by that date.

The Village is allowed to enter into a development agreement only with an entity or person that has ownership interest in the property. The property is currently owned by Carolina Farm Credit Bank. The Village and Carolina Farm Credit attorneys are looking at assigning the agreement to Carolina Farm Credit.

There is a prospective buyer and they are interested in the same or very similar development agreement and the same master plan. Because of the amount of time that has passed and that the development did not take place, the Council would like to open this up to public comment and input.

Mayor McCue read aloud a general description of the Master Plan. A copy of the plan will be available on the Village website. The current Development Agreement is for 20 years and is tied to the Master Plan and the PUD, however there is flexibility with the Master Plan. The Developer will be responsible for providing private security, accommodations for stationing of a Village Police Officer, and the water infrastructure from Moore County to the corner of Foxfire Rd. and Hoffman Rd for future Village use. They will also contribute certain moneys to the Village as units are sold in addition to providing money to assist in training and equipping of an additional police officer. Mayor McCue opened the floor for public comments.

Tom McClellan-3 Dogwood Court raised concerns that by entering into this agreement, fire service with West End Fire and Rescue would be affected. He heard that the Foxfire sub-station may be closing. Mayor McCue responded that he's attended many Fire Commission meetings, spoke with the Fire Chief of West End and has not heard any such discussion.

Mary Gilroy – 32 S. Shamrock asked if it would make sense to review the PUD again since it was originally written in 2008. To really go through it line by line to be sure the Village still wants what is in there. She also asked how *low density* is defined. Mayor Pro Tem Frusco replied the definition is in the Village ordinance that deals with the PUD, which was primarily written by the Village attorney. Frusco read aloud some of the text from the Master Plan on proposed building.

Gilroy asked if the Village is responsible for anything in terms of impact on Hoffman Rd., Foxfire Rd. with regards to widening or turning lanes. Frusco replied it is addressed in the Master Plan and the developer's responsibility.

Janice Gregorich – Grande Pines expressed her concern about the plan and asked how familiar everyone on the council was with it. She echoed Ms. Gilroy's suggestion that it be reviewed line by line. She commented that this would be a huge impact on the Village and would basically double the size of Foxfire. She asked if this would be a gated community. Frusco replied that on the original plan, after the main entrance area of mixed-use commercial, there would be a gated housing area. Gregorich asked if this would still be the plan with a new entity. Frusco replied the Village PUD does not specify it has to be. This original master plan was submitted by Stonehill Pines. The development agreement with the new entity mirrors the Stonehill Pines development and following what is in the PUD. Mayor McCue added there is flexibility with the master plan and changes can be made to it. Gregorich added that having large multi-family dwellings changes the face of Foxfire to her. This is a major concern to her as a citizen of Foxfire Village. She asked when they define multi-family, what are they really talking about, buildings with 20 apartments in them, 4 or 5 unit condos, luxury condos, or are they a tract home builder coming to the Village and building a bunch of homes. Also, she is concerned that the plan is being presented as a *luxury hotel and gold course*. She is concerned about what comes first, the hotel or the homes because she has seen cases where a developer has a plan that turns out to be something completely different. She asked if they would be required to put up construction bonds and how

much they would be. Mayor McCue replied the dollar amount would be negotiable. Gregorich further expressed her concerns. Boito elaborated on the definition of multi-family within the PUD.

Mayor McCue commented that council was unable to answer the back and forth questions and most everything would be answered within the master plan. Frusco and McCue further elaborated on the original master plan.

Nancy Martin – Hoffman Rd. asked if the potential buyer wanted this development agreement before they actually purchased the property. McCue replied yes. Martin asked if they would change their mind about the purchase if the agreement was not transferred. Frusco replied probably not.

Mary Gilroy asked if it was possible to split the development agreement between the housing and the golf course/hotel. McCue replied yes but this developer wants the whole nine yards. Frusco elaborated further.

Ms. Gregorich asked what is to stop someone from requesting rezoning and building something different. Is the Village prepared for this? Koos and Frusco replied “say no”. Frusco said it would also be a lengthy process and that there was a lot of community support when the plan was first submitted by Stonehill Pines.

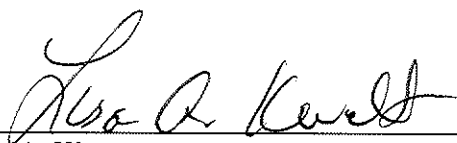
Mayor Pro Tem Frusco made a motion to close the public hearing seconded by Councilman Sedlak and carried unanimously.

Councilman Koos commented that the potential purchaser would be buying within Foxfire Village and would have to submit any changes to the plan to the Village. They must abide by all ordinances of the Village.

Councilman Sedlak commented that anyone buying the property must abide by the agreement. Sedlak also suggested the council find out if the developer plans to bring labor in and if so, where would these people live.

5. Adjournment

Mayor Pro Tem Frusco made a motion to adjourn the public hearing seconded by Councilman Sedlak and carried unanimously. The public hearing adjourned at 7:18 PM.



Lisa A. Kivett, CMC, NCCMC
Village Clerk



E.M. McCue III
Mayor