

MINUTES
Foxfire Village Council
Public Hearings and Regular Business Meeting
February 13, 2024 ~ 4:30 PM
Village Hall Meeting Room

1. Call to Order: Mayor Gregorich called the meeting to order at 4:30 PM
2. Members Present: Mayor Pro Temp Janet Nauman, Councilmembers Mary Gilroy, Don Nelson, and Warren Morgan
3. Others Present: Lieutenant Garner, Fire Chief Erik Stromberg, and several members of the public.
4. Moment of Silence: Mayor Gregorich requested those present to pause for a moment of silence followed by the Pledge of Allegiance.
5. **Public Hearings:**
 - **Public Hearing #1**
Ordinance 2024-05 - Amending Article VIII- Regulation of Particular Uses and Areas Sec. 21-8-1(3), Sec. 21-8-1.2, Sec. 21-8-16, Sec. 21-8-17, Sec. 21-8-20, Sec. 21-8-26, Sec. 21-8-28, and Article XVI, Sec. 21-16.1 - Definitions of the Foxfire Village Unified Development Ordinance

Councilmember Gilroy made a motion to open Public Hearing #1. The motion carried unanimously.

Gilroy who previously served on the P&Z Board explained the proposed amendments. There were no public comments. **Mayor Pro Temp Nauman made a motion to close Public Hearing #1. The motion carried unanimously.**

Nauman asked what will be done about existing temporary structures. Gilroy replied we will send a letter to the property owner and advise them of the ordinance. There were no further comments.

Mayor Gregorich said the amendments outlined in **Ordinance #2024-05** *are consistent with applicable elements of the Foxfire Village Land Use Plan and Long Range Plan and are reasonable and in the public interest, in order to provide clear and consistent guidance to property owners.*

Councilmember Nelson made a motion to adopt the above Consistency Statement for Ordinance #2024-05. The motion carried unanimously.

Mayor Pro Temp Nauman made a motion to adopt Ordinance #2024-05. The motion carried unanimously.

- **Public Hearing #2**
Ordinance 2024-06 - Amending Article VII- Subdivision Regulations, Sec. 21-7-1.2, Sec. 21-7-8, and Adding Sub-sections 21-7-8.1, 21-7-8.2, and 21-7-8.3 to the Foxfire Village Unified Development Ordinance

Mayor Gregorich made a motion to open Public Hearing #2. The motion carried unanimously.

Mayor Gregorich explained the details of the amendment and added that language used was consistent with that of the County. There were no public comments. **Mayor Gregorich made a motion to close Public Hearing #2. The motion carried unanimously.**

Mayor Gregorich said the amendments outlined in **Ordinance #2024-06** *are consistent with applicable elements of the Foxfire Village Land Use Plan and Long Range Plan and are reasonable and in the public interest, in order to provide clear and consistent guidance to property owners.*

Councilmember Nelson made a motion to adopt the above Consistency Statement for Ordinance #2024-06. The motion carried unanimously.

Councilmember Nelson made a motion to adopt Ordinance #2024-06. The motion carried unanimously.

- **Public Hearing #3**

Ordinance 2024-07 - Amending Article VIII – Regulation of Particular Uses and Areas by Adding Sec.21-8-3.8 – MUN Zoning District, and Amending Sec. 21-8-5 – Signs, Sec. 21-8-7.2 Vehicle Fuel Tanks, and Article VI - Zoning, Sec. – Zoning Districts, Sec. 21-6-8. – Building height, setbacks, and lot dimension requirements, and Appendix A (Table 6.1), and Replacing all References of “RA” to RA-5”

Mayor Gregorich made a motion to open Public Hearing #3. The motion carried unanimously.

Mayor Gregorich explained the addition of the MUN (Municipal) zoning district and that it will affect Village owned properties only that do not conform with their current residential zoning. There are 17 properties in total. There were no public comments. **Mayor Gregorich made a motion to close Public Hearing #3. The motion carried unanimously.**

Mayor Gregorich said the amendments outlined in **Ordinance #2024-07** *are consistent with applicable elements of the Foxfire Village Land Use Plan and Long Range Plan and are reasonable and in the public interest, in order to provide clear and consistent guidance to property owners.*

Mayor Gregorich made a motion to adopt the above Consistency Statement for Ordinance #2024-07. The motion carried unanimously.

Councilmember Gilroy made a motion to adopt Ordinance #2024-07. The motion carried unanimously.

- **Public Hearing #4**

Ordinance 2024-08 - Rezoning Certain Properties in the Corporate Limits of Foxfire Village from their Current Zoning to Zoning District MUN (Municipal)

Mayor Gregorich made a motion to open Public Hearing #4 to consider the rezoning of 17 parcels owned by the Village from their current zoning to MUN (Municipal) zoning. The motion carried unanimously.

Sue Manley – 21 Cardinal Drive asked what the rezoning would do to the properties. Gregorich replied that it will only change their zoning designation. There were no further public comments. **Mayor Gregorich made a motion to close Public Hearing #4. The motion carried unanimously.**

Mayor Gregorich said the rezoning of the 17 Village owned parcels to the MUN (Municipal) zoning as listed in **Ordinance #2024-08** *are consistent with applicable elements of the Foxfire Village Land Use Plan and Long Range Plan and are reasonable and in the public interest, in order to provide clear and consistent guidance to property owners.*

Mayor Gregorich made a motion to adopt the above Consistency Statement for Ordinance #2024-08. The motion carried unanimously.

Councilmember Gilroy made a motion to adopt Ordinance #2024-08 Rezoning 17 Village Owned Parcel from their Current Zoning to MUN (Municipal) Zoning. The motion carried unanimously.

6. Approval of the February 13, 2024 Regular Business Meeting Agenda

Councilmember Morgan made a motion to adopt the February 13, 2024 agenda as written. 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

- January 9, 2024 Regular Business Meeting
- January 24, 2024 Closed Session
- January 25, 2024 Work Session
- February 1, 2024 Closed Session

B. Authorization to Advertise Tax Liens

Councilmember Nelson made a motion to approve the consent agenda as written. The motion carried unanimously.

8. Public Comment Period
None

9. Zoning Administrator's Report - Lisa Kivett

This report covers zoning activities from January 10, 2024 through February 13, 2024.
Currently a total of forty-two (42) homes are under construction or in the beginning stages of lot clearing.

Six (6) Single Family Residence Application:

207 Windswept Vista
154 Courtland Circle
2390 Hoffman Rd
135 Courtland Circle
4 Forest Lake Drive
143 Courtland Circle

Seven (7) Certificate of Zoning Compliance were issued:

115 Courtland Circle
122 Courtland Circle
123 Courtland Circle
126 Courtland Circle
131 Courtland Circle
160 Courtland Circle
171 Courtland Circle

Other Permits Issued:

Two (2) propane tanks
Two (2) Fence
One (1) Swimming Pool
One (1) Accessory Building

10. Council Member Reports:

A. Finance – Mary Gilroy

• Financial Report

Councilmember Gilroy reported the January 31st cash balance in the General Fund is \$3,083,418 and \$1,187,986 in the Water Fund. These numbers do not reflect the \$223,000 that was moved to First Bank for the new well.

• Moore County Property Tax Collection

Councilmember Gilroy and Sharon Sanchez approached Moore County about them taking over property tax collection for the Village. This would take a lot of work off the Village staff and would allow for residents to receive one tax bill instead of two. The County would like a contract in place by April 1st in order to start with the 2024-2025 tax bills. The County takes a “2% commission” of the collected amount which should be \$15-\$16,000 range. They will not collect delinquent accounts so we will need to continue trying to collect those. Gregorich commented on the current costs and time to the Village for processing and collecting tax bills. We may break even by going with the County or even be ahead of the game. Gilroy added the only municipalities that collect their own taxes are Foxfire and Pinebluff. The council will further consider at the upcoming worksession.

B. Streets and Park – Janet Nauman

• Spectrum

Mayor Pro Temp Nauman reported the Spectrum internet installation was complete for three buildings. There were some issues with cut phone and internet lines which we should receive a refund in installation charges. The administration building, police department and Village pool now have spectrum internet.

C. Public Safety – Don Nelson

• Fire Department Update – Chief Stromberg

Chief Stromberg provided a yearly report for 2023. The report covered the department's overview including services provided, incident history and breakdown for response areas, and an ISO rating impact for response areas.

• Police Department Update

Lieutenant Garner provided the following monthly report:

- Year to date calls 1,208 which include 248 citations issued.

- Dodge Corporate has been contacted and we have a case manager looking at the situation with the police vehicle.
- Working to update the ordinance pertaining to parking large vehicles in the Village.
- Sergeant Amezquita will be driving the new Dodge Durango, and it will be marked soon.
- The new Hidden Driveway sign was installed.
- The new speed data signs will be operational soon. The signs should collect the same data.
- If we are considering using LPR (License Plate Reading) software, we would need to purchase the cameras and place throughout the Village. The initial costs are expensive but once up, it is approximately \$600-\$700 per year. There was a brief discussion. Councilmember Gilroy was not in favor of the cameras.

Mayor Pro Temp Nauman asked if the new stop sign was installed and what was needed at the pool to hook up the cameras. Garner replied yes, and a monitor, keyboard and mouse were needed.

Nauman added that someone was switching on the breakers for the park bathroom heaters. She suggested a new lock be installed and a key must be checked out by the Village office.

D. Water Department – Warren Morgan

Councilmember Morgan met with previous councilmember Samuels who gave him an update on all water department projects underway.

Morgan had an opportunity to review the contract with Underhill however no schedule is set as of yet.

E. Mayor's Report – Janice Gregorich

- Chief Shue Retirement

Mayor Gregorich reported that Chief Shue has retired effective February 1st and she provided a brief history of his employment with the Village. A retirement ceremony is being planned for a later date.

- Acting as an Agent on Behalf of Foxfire Village

Gregorich reported on an incident that occurred on February 6th regarding the appearance of people acting as agents of Foxfire Village. Gregorich read the following:

Acting as an agent on behalf of Foxfire.

“On February 6th 2024 a woman entered the County Permitting department asking for information on acquiring a building permit for work to be performed on the Foxfire pool. The woman stated that she was getting bids to redo the village pool and presented a copy of a quote in Foxfire's name for work to be performed.

Since the work detailed on the quote did not require a permit, a call was made to the Village Councilperson responsible for the pool requesting why someone was requesting a permit.

This caused us great concern since it appeared that someone was presenting themselves as an agent of Foxfire Village.

On February 7th 2024 Lisa Kivett and I went to the permitting department to speak with the people who interacted with this woman. The permit technician/clerk and the supervisor stated that this woman presented herself as an agent of foxfire, not as a concerned citizen.”

Gregorich added the County has specific forms for concerned citizens to fill out. She wants to be sure that people understand there is law under a North Carolina General Statute:

“NCGS 14-277 (e) It shall be unlawful for any person other than duly authorized employees of a county, a municipality or the State of North Carolina,to represent to any person that they are duly authorized employees of a county, a municipality or the State of North Carolina....and acting upon such representation to perform any act, make any investigation, seek access to otherwise confidential information...”

Gregorich added she received an email from a Village resident that she would like to answer. She plans to answer future emails from residents during meetings as well. On February 12th, she received an email from resident Sandy Cameron regarding three questions. Gregorich addressed the questions:

1. *“Is council working on obtaining a second opinion or additional estimates on the pool repair?”*

Answer: “No we are not. We have received and approved the estimates from Southern Pines Pool Service as Councilwoman Nauman informed us at the last meeting. This contractor has provided a reliable service for our pool for many years. The contractor did request an estimate from another contractor which was 40% higher. For repair work of this dollar amount, informal bidding is the method allowed.”

Gregorich elaborated on the quality of work provided by Southern Pines Pool, the options for acquiring quotes for repairs including no minimum quotes required and verbal pricing over the phone is permitted. The contractor received quotes from Carolina Pool and Plastering who will be doing the work and Pearl Plastering who was 40% higher. Carolina Pool Plastering did the work previously on the expansion joint. The Village feels confident using this company and will not be seeking other quotes.

2. *“Has anyone checked on the cost to replace the pool.”*

Answer: “As noted in our Long Range Plan, that is one thing we will explore. A lot is involved. North Carolina Municipal Pool Guide dictates all things to be considered, commercial not residential pools.”

Gregorich added the Carolina Pool Guide is a 35-page document detailing what is needed to design, develop, and maintain a new pool or existing pool. The State will need an engineered plan to install a new pool. Foxfire has a plan for what we are doing, and this is on the plan for consideration. Based on the repairs we will have done could increase the life of the pool by 5-10 years. If we do decide to replace the pool, it could be years down the road. We may also request more community comments on what people want or reconsider if we want a pool at all.

3. *“Is the company that fixed the leak coming back to repair the current leak at no charge to Foxfire?”*

Answer: “The company is the same, Carolina Pool Plastering. The root cause of the leak needs to be investigated to determine if workmanship was the issue. If there is a charge it would be minimal.”

Gregorich added the root cause could be structural or any number of reasons.

11. LRP Goals Update:

A. Finance– Mary Gilroy

- a. *Cost Benefit Analysis of Email Option for Water Bills.*
- b. *Cost Benefit Analysis of ACH Option for Water Payments.*

Gilroy and Sharon Sanchez had a phone conversation with Southern Software who talked us through what we might consider doing for ACH. We would not have to store any data as they are fully integrated. We will have another sales call to find out more information. Brief discussion on potential fees.

B. Streets & Park – Janet Nauman

- a. *Identify Drainage Issues and Work with Consultants for Solutions.*
- b. *Develop Plan for Repaving & Correction of Drainage if Applicable.*

Nauman attended a paving conference a few weeks earlier and met representatives from 4 other paving companies willing to come to the Village. She also spoke with two gentlemen about our current paving plan. They said they could come down and go through our streets to give us a cost for a new plan. A plan could cost anywhere from \$2,500 to \$3,000. The items will be on the upcoming work sessions agenda.

C. Public Safety – Don Nelson

- a. *Relocate Yard Waste Facility & Police Impound.*

No updates

D. Mayor – Janice Gregorich

- a. *Organize Appearance Committee*

No updates

12. New Business

None

13. Old Business

None

14. Public Comments:

Sandy Cameron-50 Richmond Road said “in regard to the person that went to the County, it was her and she never ever said that she was representing the Village. When she walked in, she said, I am a

concerned resident period. I have questions and I would like some of you to explain to me the way that the permits are done and the person who could give me answers was not there at that time. I asked the lady if I could come back, she said that was fine and he would be back in a half hour. During that time, I left. She explained to him why I was there. I wasn't there when she had this conversation. When I came back, she put me in a room, he came in, I explained to him who I was. I never ever said I wanted a permit, I never said that I represented the Village. So, that was a miscommunication. There he even asked me if I wanted to fill out the form to get a permit. I said no, that's not me, that's the Village. I just wanted to get clarification on what it takes to get the permit. I don't know why nobody didn't call me because I'm sure you knew who it was."

Norma Carpenter-71 Richmond Road said she was on the Council where she came from, and they switched to the County (Union County near Charlotte) collecting taxes and it made a tremendous difference in the office. It took a lot of work off the staff, and it was well worth it.

Mayor Gregorich responded to Ms. Cameron's previous statement. We did not know it was her because she was not identified by anyone in that office. Gregorich did not know it was her. Cameron replied she told them (the first person at the door) who she was and that she was a concerned citizen.

15. Adjournment

Councilmember Nelson made a motion to adjourn. The motion was carried unanimously, and the meeting adjourned at 5:54 PM.



Lisa A. Kivett, MMC, NCCMC, CZO
Village Clerk



Janice Gregorich
Mayor