



**Town of Fairview
Regular Town Council Meeting
December 12, 2023**

The following Council members were present: Mayor Phil Thomas, John Biggers, Patricia Kindley, and Gary Wilfong. Kerry Price present after oath taken.

Others present: Darrell Baucom, Financial Officer; Ed Humphries, Land Use Administrator; Teresa Gregorius, Town Clerk and Spencer Cox, Administrative Assistant

Mayor Thomas announced that Councilman Jerry Clontz passed away November 18th. Councilman Clontz served on the Council since the town was established. Mayor Thomas asked for a moment of silence in remembrance.

Agenda Changes/Approval

Mayor Thomas stated that in Items of Business, he would like to add:

- Item #4 Discuss \$250,000 grant from State of North Carolina
- Item #5 Discuss Employee Christmas Bonus

Patricia Kindley made a motion to approve the agenda as amended. John Biggers seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).

Public Comments

None

Presentation

Patricia Kindley announced the results of the Christmas Holiday Lights contest:

First Place: Elizabeth & Jordyn Medlin

Second Place: Daniel & Ilan Williams

Third Place: Mike & Kendra Cardino

Honorable Mention: Tyler & Lindsey Howe

Consent Agenda

- a) Financial and Tax Reports--- *Report Accepted as Information*
- b) Fund Balance Worksheet 2023-2024 --- *Report Accepted as Information*

- c) Fairview Park Event November Draft Minutes (*No Meeting*)
- d) Fairview Park Facility November Draft Minutes (*Minutes Accepted as Information*)
- e) Planning Board November Draft Minutes (*Not Available*)
- f) Approve Council Minutes for November 14, 2023
- g) Grant Easement to Piedmont Natural Gas Company Inc. to run gas line to the fire department building and authorize the Mayor to sign the paperwork.
- h) Council meeting dates for 2024 and days town office will be closed

Gary Wilfong made a motion to approve the consent agenda. Patricia Kindley seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).

Items of Business

Item 1: Discuss Mini Mart @ Hwy. 601 and Brief Road Permitted with Special Use Permit #NR 23-098

Ed Humphries presented Special Use Permit #NR 23-098 for the Mini Mart at Hwy. 601 and Brief Road. The Planning Board recommended approval to the Council unanimously with the following conditions noted on Exhibit A (attached).

Mayor Opened Public Hearing

No Public Comments

Mayor Closed Public Hearing

“Finding of Facts”

1. Gary Wilfong made a motion that Special Use Permit #NR 23-098 will not materially endanger the public health or safety because the property was previously established for retail use. Patricia Kindley seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).
2. Patricia Kindley made a motion that Special Use Permit #NR 23-098 will not substantially injure the value of adjoining or abutting property because the history of the property is retail, and this is revisiting the same circumstances with a new concept. Gary Wilfong seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).
3. Gary Wilfong made a motion that Special Use Permit #NR 23-098 will be in harmony with the area in which it is to be located because it is already commercially zoned and requires no additional zoning changes. Patricia Kindley seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).
4. Patricia Kindley made a motion that Special Use Permit #NR 23-098 will be in general conformity with the land use plan, thoroughfare plan, or other plan because the property is in the highway corridor. Gary Wilfong seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).

Approval of Request:

Gary Wilfong made a motion to approve Special Use Permit #NR 23-098 for Mini Mart @ Hwy. 601 Brief Road. The proposed zoning amendment is found to be reasonable and consistent with the recommendations of the Town’s adopted Comprehensive Plan, the Town of Fairview Land Use Plan (Revised March 9, 2021), and the Town of Fairview Land Use Ordinance (effective

July 1, 2005). John Biggers seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).

Item 2: Discuss Adding “Food Trucks” to Land Use Ordinance in Definitions and Table of Uses as Text Amendment #TA 23-112

Ed Humphries presented adding “*FOOD TRUCK -- A licensed, motorized vehicle or mobile food unit that is designed and equipped to serve food and is temporarily located for the purpose of selling food items to customers. This use includes ice cream trucks.*” to the Land Use Ordinance and Table of Uses. The Planning Board approved the recommendation unanimously. The Council discussed.

Mayor Opened Public Hearing

No Public Comments

Mayor Closed Public Hearing

Decision: Gary Wilfong made a motion to approve Text Amendment #TA 23-112 request to add Food Trucks to Land Use Ordinance in Definitions and Table of Uses as a permitted use by right in B-4 and HC with supplemental regulations applicable, see definitions. The proposed zoning amendment is found to be reasonable and consistent with the recommendations of the Town’s adopted Comprehensive Plan, the Town of Fairview Land Use Plan (Revised March 9, 2021), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). John Biggers seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).

Item 3: Discuss Adding “Animal Boarding---Horses” To “Table of Uses” as Text Amendment #TA 23-110 as a permitted use by right in RA-40 and RA-80 See sections 175,168 and 180A

Ed Humphries presented “*Horse Boarding is a service offered by established horse farms. For a monthly fee, the boarding facility will maintain the daily care of a client’s horse. These services may include feeding, turnout, stall cleaning, grooming, training, and even medical care.*”

There is a minimum of 10 Acres with a limit of horses to one horse per pasture acre, over 10 horses, Special Use Permit required.” as a permitted use by right in RA-40 and RA-80, See sections 175,168 and 180A in Table of Uses. The Planning Board approved the recommendation unanimously. The Council discussed.

Mayor Opened Public Hearing

No Public Comments

Mayor Closed Public Hearing

Decision: Patricia Kindley made a motion to approve Text Amendment #TA 23-110 request to add Animal Boarding---Horses” To “Table of Uses” as a permitted use by right in RA-40 and RA-80 see sections 175,168 and 180A. The proposed zoning amendment is found to be reasonable and consistent with the recommendations of the Town’s adopted Comprehensive Plan, the Town of Fairview Land Use Plan (Revised March 9, 2021), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). John Biggers seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).

Item 4: Discuss \$250,000 grant from State of North Carolina

Mayor Thomas reported that the State of North Carolina has granted the town \$250,000 to be used for Fairview Park. Darrell Baucom stated that the state had a surplus which was instrumental in Representatives Dean Arp, Mark Brody and Senator Todd Johnson recommending the town for this grant. The state requires a Scope of Work, Conflict of Interest letter and Overdue Tax Debt Statement produced and signed to complete the grant process. The Council discussed.

John Biggers made a motion to accept the \$250,000 grant for Fairview Park from the state and authorize the mayor, mayor pro tem, finance officer and town clerk to sign the required paperwork. Gary Wilfong seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).

Item 5: Discuss Employee Christmas Bonus

Mayor Thomas stated that traditionally the town gives staff Christmas bonuses. The Council discussed.

Gary Wilfong made a motion to give a \$200 (Net) bonus to the following employees: Ed Humphries, Teresa Gregorius, Darrell Baucom, Spencer Cox, and Tania Virgili. John Biggers seconded the motion. Council members Biggers, Kindley and Wilfong voted yes (3-0).

5. Recognition of Outgoing Mayor Phil Thomas

Mayor Pro Tem Gary Wilfong presented outgoing Mayor Thomas a plaque for his service to the town on the Planning Board and Mayor.

6. Mayor and Council Comments

Patricia Kindley stated that the Winter Festival was a success despite the weather.

Current Council members John Biggers, Patricia Kindley and Gary Wilfong expressed their sadness in the passing of Councilman Jerry Clontz.

Spencer Cox reported that the Park Event Committee will be hosting a Kids Fishing Day in remembrance of Jerry Clontz in the spring.

Current Council members John Biggers, Patricia Kindley and Gary Wilfong expressed their appreciation to Mayor Thomas for his service and pleasure working with him.

Mayor Thomas announced that the Union County Board of Elections will be using the town's Community Room as an early voting site for primaries and general elections. Mayor Thomas thanked the Council and citizens for allowing him to serve the town.

RECESS

7. Installation/Oath of Office of Newly Elected Officials

Mayor: Gary Wilfong

Oath given by Teresa Gregorius, Clerk

Councilmember: John Biggers

Oath given by Teresa Gregorius, Clerk

Councilmember: Kerry Price

Oath given by Teresa Gregorius, Clerk

8. Appoint Mayor Pro Tem

Patricia Kindley made a motion to appoint John Biggers for Mayor Pro Tem. Kerry Price seconded the motion. Council members Biggers, Kindley and Price voted yes (3-0). Oath of Office given by Teresa Gregorius, Clerk

9. Mayor and Council Comments (New Council)

Mayor Wilfong, Mayor Pro Tem Biggers, Councilwomen Kindley and Price all introduced themselves and told everyone a little about themselves.

Patricia Kindley made a motion to adjourn. Kerry Price seconded the motion. Council members Biggers, Kindley and Price voted yes (3-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Gary Wilfong
Mayor

Approved this 9th day of January 2024