

**Fairview Town Council Meeting**  
**November 8, 2010**  
**7:00 p.m.**

The following members were present, constituting a quorum: Mayor Elizabeth Long, Bradley Purser, Bill Thomas, Jerry Clontz and B.B. Haigler.

Others present: Joe McCollum, Attorney; Ed Humphries, Land Use Administrator and Darrell Baucom, Finance Officer

**Agenda Changes**

Ed Humphries requested a change in the agenda to indicate that only one Public Hearing would be required rather than two.

B.B. Haigler made a motion to approve the agenda as amended. Bill Thomas seconded the motion. Councilmen Thomas, Haigler, Purser and Clontz voted yes.

**Public Comments / Presentations**

None

**Reports**

Darrell Baucom, Finance Officer, gave the monthly Financial Report. Ed Humphries, Land Use Administrator, gave his report.

**Old Business**

**Public Hearing**

Mayor Long opened the Public Hearing.

B.B. Haigler requested that he be excused from the rezoning and CUP request due to a conflict of interest. The Council excused Mr. Haigler from this part of the meeting.

At this point, all who would be giving testimony were sworn in.

Ed Humphries explained that this Public Hearing was Permit #CUD-01-10 to hear a request from Brian Nance, LLC to rezone Parcel #08120027 from RA-40 to CUD-LI and a request from Brian Nance, LLC to be issued a Conditional Use Permit (Permit #CUP-01-10) to operate a manufacturing business with outside storage on Parcel #08120027.

This hearing was conducted in a Quasi-Judicial proceeding.

Ed Humphries further explained: Brian Nance had complied with the Town Application Process; Nance had requested a CUD with a CUP as provided in the Land Use Ordinance to operate a manufacturing business with outside storage on Parcel #08120027; the

request is consistent with the future Land Use Plan. The Planning Board met on the request and recommended approval of the Conditional Use District and recommended the Conditional Use Permit be approved with the following conditions:

Brian Nance LLC -Conditional Use Permit  
Exhibit A  
CONDITIONS

1. Manufacturer & Reseller of equipment used in the Agricultural, Horticultural & Pest Control Industries.
2. We will conform to all zoning & screening regulations.
3. Landscaping in front of office will be oriented according to windows and doors.
4. Property will not be divided at this time and if it is in the future a separate conditional use permit will be applied for.
5. Expansion will require an amended CUP.
6. Any fencing that will surround buildings and tank yard will be installed within a three year period and inside of all required plantings.
7. Water will be either from existing well or Union County Public Works.
8. Sewer will be by leachfield or Union County Public Health Approved method upon completion of sale.
9. Storm water requirements will conform to NCDENR Regulations.
10. Driveways on Unionville-Brief and Old Ferry will conform to NCDOT permit requirements.
11. Undisturbed property will be used for testing of new spray units, field crops or hay.
12. A SIC Code will be provided and indicated on the site plan.
13. Brick will be used on the office building which faces Unionville-Brief Road

*Approved by Planning Board on Sept 21, 2010*

Brian Nance explained his request and operation, and answered questions from the Council. Nance agreed to the conditions that had been developed and approved by the Planning Board.

Mrs. Griffin (adjacent property owner) spoke concerning the rezoning, indicating she did not have a problem with the business but wanted to keep the area “country”.

Hearing no other comment, Mayor Long closed the Public Hearing.

### **New Business**

#### **Decision Permit #CUD-01-10**

Bill Thomas made a motion to approve the Rezoning Request CUD-01-10 on Parcel #08120027 from RA-40 to CUD-LI on a request from Brain Nance, LLC.

Included in the motion:

The proposed zoning amendment under consideration **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 September 13, 2010), and the Town of Fairview Land Use Ordinance (effective July 1, 2005)

The motion was seconded by Bradley Purser. Councilmen Thomas, Purser and Clontz voted yes.

#### **Decision on Permit #CUP-01-10**

The following “findings” were voted on:

Bill Thomas made a motion that the Conditional Use would not materially endanger the public health or safety because of testimony of the applicant and the review of the proposed plans. The motion was seconded by Jerry Clontz. Councilmen Thomas, Purser and Clontz voted yes.

Bill Thomas made a motion that the proposed Conditional Use would not substantially injure the value of adjoining or abutting property because of the review of the applicant’s plan and surrounding properties. Jerry Clontz seconded the motion. Councilmen Thomas, Clontz and Purser voted yes.

Jerry Clontz made a motion that the proposal Conditional Use would be in harmony with the area in which it is to be located because of the review of the applicant’s plan and surrounding properties. Jerry Clontz seconded the motion. Councilmen Thomas, Clontz. Bill Thomas seconded the motion. Councilmen Thomas, Clontz and Purser voted yes.

Bill Thomas made a motion that the proposed Conditional Use would be in general conformity with the Land use Plan, Thoroughfare Plan or other plans after a review of the applicant’s plan. Bradley Purser seconded the motion. Councilmen Purser, Clontz and Thomas voted yes.

Jerry Clontz made a motion to approve Permit #CUP-01-10 for Brian Nance, LLC on Parcel #08120027 with the following conditions:

**Brian Nance LLC -Conditional Use Permit**

**Exhibit A**  
**CONDITIONS**

1. Manufacturer & Reseller of equipment used in the Agricultural, Horticultural & Pest Control Industries.
2. We will conform to all zoning & screening regulations.
3. Landscaping in front of office will be oriented according to windows and doors.
4. Property will not be divided at this time and if it is in the future a separate conditional use permit will be applied for.
5. Expansion will require an amended CUP.
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*Approved by Planning Board on Sept 21, 2010*

Bradley Purser seconded the motion. Councilmen Purser, Thomas and Clontz voted yes.

Mayor Long declared that B.B. Haigler would rejoin the Council.

Bradley Purser made a motion to approve the Code of Ethics for Mayor and Council of Fairview as required by Section 160A-86 of the N.C. General Statutes.

(Copy of Policy in Clerks office)

Bill Thomas seconded the motion. Councilmen Thomas, Haigler, Clontz and Purser voted yes.

Bill Thomas made a motion to call a Public Hearing to hear public comments on TC 10.009 Technical Changes to the Lighting Standards Section #170 under Article XI in the Land Use Ordinance on December 13, 2010 at 7:00 p.m. at the Council's regular scheduled meeting. Bradley Purser seconded the motion. Councilmen Purser, Thomas, Clontz and Haigler voted yes.

### **Council Comments**

Bill Thomas stated that he had received notices from Harrisburg, Standfield and New London stating that they were discontinuing their membership with Centralina Council of Governments (GOG). The membership dues for the Town of Fairview are \$1,213.00 for this fiscal year (2010-11).

Bill Thomas asked the Council to consider **not** renewing the Town's membership on July 1, 2011. The Town must give six months' notice. Thomas asked that this be placed on the agenda for the December 13, 2010 meeting.

Thomas stated that the NCDOT was surveying the bridge over 218. The new bridge is being designed but at this time, there is no money to replace it.

Jerry Clontz made a motion to go into Closed Session to discuss Real Estate and Personnel. The attorney, Finance officer and Land Use Administrator are requested to stay for the meeting.

B.B. Haigler seconded the motion. Councilmen Haigler, Thomas, Clontz and Purser voted yes.

### **CLOSED SESSION**

Mayor Long, again, reopened the Regular Meeting.

Mayor Long stated that the Union County Commission turned down the request made by several towns in the county for a sewer allotment. The Commissioners did state they would work with any town that had a particular sewer need. The recommendations from the County are:

Authorize staff to discuss short-term sewer capacity needs with Municipal leaders.  
Authorize staff to prepare an amendment to the *Sewer Allocation Policy* that would provide the basis for allocation of the anticipated 370,000 gpd and address the short-term needs of the municipalities

Mayor Long and B.B. Haigler will be working on the plaque for former mayor Richard Williams.

Hearing no other business, Bradley Purser made a motion to adjourn. Jerry Clontz seconded the motion. Councilmen Thomas, Haigler, Clontz and Purser voted yes.

Respectfully submitted,

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Ed Humphries  
Town Clerk

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Elizabeth Long  
Mayor

Approved this 13th day of December, 2010