

# Agenda

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## *Town of Fairview*



### **Agenda**

Town Council Meeting

**October 8, 2019**

6:30 pm

*Meeting will be in the Fairview Town Hall Meeting Room*

**1. Call the meeting to order: ---Mayor Thomas**

Invocation  
Pledge of Allegiance

- a) Agenda Changes
- b) Approval of Agenda

**2. Public Comments\*\* / Presentations:**

**3. Consent Agenda:**

- a) Financial and Tax Reports--- *Report Accepted as Information (including Pending Bills documentation provided at meeting)*
- b) Land Use Report---*Report Accepted as Information*
- c) Budget Amendment Worksheet 2019-2020 --- *Report Accepted as Information*
- d) Fairview Park Event September Draft Minutes (*Minutes Accepted as Information*)
- e) Fairview Park Facility September Draft Minutes (*Minutes Accepted as Information*)
- f) Planning Board September Draft Minutes (*No September Meeting*)

# Agenda

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g) Approve Council Minutes for September 10, 2019

## 4. Items of Business:

**Item 1: Conduct Public Hearing:** Conditional Use Permit CUP 19-082 request of the owner of Lot #4 (Bradley Michael Forrest and wife) in Ferguson Farms Subdivision --- *Ed Humphries*

\*\*\*\*this hearing will be conducted in a Quasi-Judicial procedure\*\*\*\*

*Swear in all people who want to speak*

**Mayor Thomas to open Public Hearing**

**Public Comments**

**Mayor Thomas to Close Public Hearing**

**Approve “Finding of Facts”:      motion on each:**

- 1) The proposed conditional use will not materially endanger the public health or safety;  
**Motion: the proposed conditional use permit will not endanger the public health or safety because:** \_\_\_\_\_
- 2) The proposed conditional use will not substantially injure the value of adjoining or abutting property;  
**Motion: the proposed conditional use permit will not substantially injure the value of adjoining or abutting property because:**  
\_\_\_\_\_
- 3) The proposed conditional use will be in harmony with the area in which it is to be located;  
**Motion: the proposed conditional use permit will be in harmony with the area in which it is located because:** \_\_\_\_\_
- 4) The proposed conditional use will be in general conformity with the land use plan, thoroughfare plan, or other plan;  
**Motion: the proposed conditional use will be in general conformity with the land use plan, Thoroughfare plan or other plan because:**  
\_\_\_\_\_

### **Decision:**

Decision on CUP 19-082 the Conditional Use Permit request of the owner of lot # 4 in Ferguson Farms Subdivision (owner: Bradley Michael Forrest and wife) Parcel 08084001C to divide the parcel creating two lots under Article VI section 101 and 102 of the Fairview Land Use Ordinance.

# Agenda

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Conditions:

There will not be a home built on the new lot. The new lot will be at least one acre on size and will be sold to the property owner of lot 5 Parcel #08084001D. (owner: Nicholas Haarhoff and wife)

Motion to approve would include the conditions and the following statement: (Include Zoning statement) The proposed zoning amendment under consideration is/is not found to be reasonable and consistent with the recommendations of the Town's adopted comprehensive plan, the Town of Fairview Land Use Plan (Revised November 11, 2018), and the Town of Fairview Land Use Ordinance (effective July 1, 2005)

**Item 1: Discuss** Garbage Company Pick-up Practices --- *Jerry Clontz*

**5. Council Comments:**

**6. Adjournment**

**AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**

**\*\* Public Comments are limited to 3 minutes**

# Consent Agenda

A consent agenda is an effective means of managing the length of a meeting. It is normally made up of routine items that are not controversial in nature and upon which no further discussion is anticipated. Action on the consent agenda usually occurs early in the meeting with all items listed being approved by one motion and vote.

If any member of the governing body feels the need to discuss one or more of the items more fully, the item may be removed from the consent agenda and placed on the regular agenda.

**Town of Fairview  
 Balance Sheet  
 As of September 30, 2019**

	Sep 30, 19
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
American Community Bank	398,715.34
<b>Total Checking/Savings</b>	398,715.34
<b>Other Current Assets</b>	
Franchise Tax Receivable	33,317.39
<b>Investments</b>	
Investments NCCMT	1,005.30
<b>Total Investments</b>	1,005.30
Prepaid assets	860.00
Sales Tax Receivable	4,417.60
Taxes receivable	2,096.90
Taxes receivable - ad valorem	-1,088.54
Taxes receivable - motor veh	838.25
<b>Total Other Current Assets</b>	41,446.90
<b>Total Current Assets</b>	440,162.24
<b>Fixed Assets</b>	
Accumulated Depreciation	-122,554.13
Building and Improvements	1,181,642.75
Computer Equipment	12,688.66
Furniture and Equipment	1,698.00
Land	683,039.94
Land improvements	10,145.00
Leasehold improvements	2,500.00
Park equipment	148,928.88
Rental House	125,000.00
<b>Total Fixed Assets</b>	2,043,089.10
<b>TOTAL ASSETS</b>	2,483,251.34
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
Accounts Payable	8,000.00
<b>Total Accounts Payable</b>	8,000.00
<b>Other Current Liabilities</b>	
Accrued payroll	4,565.66
Deferred revenue - ad valorem	2,096.90
Payroll Liabilities	792.20
Prepaid taxes	12.00
Security deposit - rental house	850.00
<b>Total Other Current Liabilities</b>	8,316.76
<b>Total Current Liabilities</b>	16,316.76
<b>Long Term Liabilities</b>	
Note payable on park land	600,000.00
<b>Total Long Term Liabilities</b>	600,000.00
<b>Total Liabilities</b>	616,316.76
<b>Equity</b>	
Equity	
Fixed assets	1,440,720.49
<b>Total Fund Balance</b>	1,207,568.00

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09/30/19

Accrual Basis

**Town of Fairview**  
**Profit & Loss Budget vs. Actual**  
**July 2019 through June 2020**

	Jul '19 - Jun 20	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Ad Valorem taxes	2,249.10	76,000.00	-73,750.90	3.0%
Alcoholic beverage		16,000.00	-16,000.00	
Donation	250.00			
Donation - vendors	550.00			
Fund balance appropriated		57,062.00	-57,062.00	
Interest on delinquent taxes	51.26			
Investment income	517.35	2,400.00	-1,882.65	21.6%
Motor vehicle taxes	1,789.82	9,600.00	-7,810.18	18.6%
Park rental income	700.00	2,000.00	-1,300.00	35.0%
Rental house income	2,550.00	10,200.00	-7,650.00	25.0%
Sales and use tax	4,950.12	28,000.00	-23,049.88	17.7%
Sales and use tax refund	3,397.32			
Utility Franchise taxes	32,225.72	140,000.00	-107,774.28	23.0%
Zoning fees	2,245.00	15,000.00	-12,755.00	15.0%
<b>Total Income</b>	<b>51,475.69</b>	<b>356,262.00</b>	<b>-304,786.31</b>	<b>14.4%</b>
<b>Expense</b>				
Advertising and Promotion		1,500.00	-1,500.00	
Audit fees		7,800.00	-7,800.00	
Bank Service Charges	273.79		273.79	100.0%
Debt repayment		63,400.00	-63,400.00	
Dues and Subscriptions	4,683.00	6,000.00	-1,317.00	78.1%
Elections expense		3,300.00	-3,300.00	
Festival expense	424.40	15,000.00	-14,575.60	2.8%
Fire Dept Grant	2,499.99	10,000.00	-7,500.01	25.0%
Fire Dept Truck Payment	13,142.31	52,568.00	-39,425.69	25.0%
Grants	2,500.00	3,500.00	-1,000.00	71.4%
Insurance Expense	3,591.45	4,200.00	-608.55	85.5%
Internet and website	1,405.97	9,400.00	-7,994.03	15.0%
Legal fees	1,050.00	7,500.00	-6,450.00	14.0%
Miscellaneous Expense	49.83	1,000.00	-950.17	5.0%
Office expense	2,036.13	10,000.00	-7,963.87	20.4%
Office utilities	432.19	4,800.00	-4,367.81	9.0%
Park Maintenance	4,846.44	23,000.00	-18,153.56	21.1%
Park Utilities	421.45	2,600.00	-2,178.55	16.2%
Payroll Expenses	25,216.71	95,173.00	-69,956.29	26.5%
Payroll taxes		7,281.00	-7,281.00	
Postage and Delivery	110.00			
Professional Fees		3,000.00	-3,000.00	
Rent Expense	12,000.00	12,000.00		100.0%
Rental house repairs, etc	100.00	2,000.00	-1,900.00	5.0%
Solid Waste Manage cost share		8,000.00	-8,000.00	
Tax collection fees	93.40	1,440.00	-1,346.60	6.5%
Telephone Expense	139.12	900.00	-760.88	15.5%
Training expense		500.00	-500.00	
Travel Expense	130.37	400.00	-269.63	32.6%
<b>Total Expense</b>	<b>75,146.55</b>	<b>356,262.00</b>	<b>-281,115.45</b>	<b>21.1%</b>
<b>Net Ordinary Income</b>	<b>-23,670.86</b>		<b>-23,670.86</b>	<b>100.0%</b>
<b>Net Income</b>	<b>-23,670.86</b>		<b>-23,670.86</b>	<b>100.0%</b>

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09/30/19

Accrual Basis

**Town of Fairview  
Transactions by Account  
As of September 30, 2019**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>American Community Bank</b>							372,580.43
Deposit	09/04/2019			Deposit	100.00		372,680.43
Deposit	09/04/2019			Deposit	50.00		372,730.43
Deposit	09/04/2019			Deposit	350.00		373,080.43
Deposit	09/04/2019			Deposit	850.00		373,930.43
Bill Pmt -Check	09/05/2019	102732	CompuNetworld	Internet and email hosting		277.69	373,652.74
Bill Pmt -Check	09/05/2019	102733	Ed Humphries_	Mileage to County Planning meeting		52.07	373,600.67
Bill Pmt -Check	09/05/2019	102734	Fairview VFD and Re...	Monthly payment to VFD		833.33	372,767.34
Bill Pmt -Check	09/05/2019	102735	Patricia Kindley_	Reimbursement for raffle gifts for eleme...		29.83	372,737.51
Bill Pmt -Check	09/05/2019	102736	Spectrum	Phone and internet charges		218.95	372,518.56
Bill Pmt -Check	09/05/2019	102737	Taylor's Landscaping ...	August lawn maintenance		1,337.50	371,181.06
Bill Pmt -Check	09/05/2019	102738	Teresa Clontz	Office cleaning		100.00	371,081.06
Bill Pmt -Check	09/05/2019	102739	Todd Donaldson	Reimburse festival expenses		32.10	371,048.96
Bill Pmt -Check	09/05/2019	102740	Union County Public ...	Park water		59.58	370,989.38
Bill Pmt -Check	09/05/2019	102741	Union County_			120.00	370,869.38
Bill Pmt -Check	09/05/2019	102742	Darrell H. Baucom_	expense reimbursement		71.10	370,798.28
Deposit	09/08/2019			Deposit	250.00		371,048.28
Deposit	09/09/2019			Deposit	50.00		371,098.28
Deposit	09/09/2019			Deposit	2,244.88		373,343.16
Deposit	09/09/2019			Deposit	2,513.90		375,857.06
Deposit	09/09/2019			Deposit	32,225.72		408,082.78
Paycheck	09/10/2019	102744	Darrell H. Baucom			496.99	407,585.79
Paycheck	09/10/2019	102756	Teresa Gregorius			1,261.73	406,324.06
Paycheck	09/10/2019	102743	Bill F. Thomas			46.17	406,277.89
Paycheck	09/10/2019	102745	Doug Buchanan			46.17	406,231.72
Paycheck	09/10/2019	102746	Edward D Humphries			2,349.26	403,882.46
Paycheck	09/10/2019	102747	Gary H Wilfong			138.52	403,743.94
Paycheck	09/10/2019	102748	Gary M Medlin			46.17	403,697.77
Paycheck	09/10/2019	102749	Greg Morgan			46.17	403,651.60
Paycheck	09/10/2019	102750	Jerry C. Clontz			896.30	402,755.30
Paycheck	09/10/2019	102751	John A Biggers, Jr			138.52	402,616.78
Paycheck	09/10/2019	102752	Joshua H Presley			46.17	402,570.61
Paycheck	09/10/2019	102753	Patricia H. Kindley			138.52	402,432.09
Paycheck	09/10/2019	102754	Phillip C Thomas			184.70	402,247.39
Paycheck	09/10/2019	102755	Richard E Pigg			46.18	402,201.21
Paycheck	09/10/2019	102757	Tony FD Helms			46.18	402,155.03
Liability Check	09/10/2019	To Print	IRS	55-0789092		2,063.84	400,091.19
Check	09/10/2019	102758	Elizabeth Medlin	Festival expense reimbursement		192.30	399,898.89
Check	09/10/2019	102759	Clark, Griffin and McC...	Retainer for September		350.00	399,548.89
Check	09/10/2019	102760	FNB Commercial Cre...	Credit card bill		328.47	399,220.42
Check	09/15/2019	Draft	Great American Finan...	Copier		139.05	399,081.37
Check	09/27/2019	Draft	Duke Energy	Park utilities draft		103.02	398,978.35
Check	09/27/2019	Draft	Duke Energy_	Office utilities draft		263.01	398,715.34
Total American Community Bank					38,634.50	12,499.59	398,715.34
<b>TOTAL</b>					<b>38,634.50</b>	<b>12,499.59</b>	<b>398,715.34</b>

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## Town of Fairview Transaction Detail By Account July 2019 through June 2020



Type	Date	Num	Adj	Name	Memo	Debit	Credit	Balance
<b>Office expense</b>								
Bill	07/01/2019	97135...		All-Points Waste Service, ...	Waste service for July	86.61		86.61
Bill	07/02/2019	RT1771		Heat and Air Direct	Seasonal tune-up	125.00		211.61
Bill	07/09/2019	07092...		Teresa Clontz	Cleaning	100.00		311.61
Check	07/15/2019	Draft		Great American Financial ...	Copier	137.01		448.62
Bill	08/01/2019	98101...		All-Points Waste Service, ...	Garbage service	86.61		535.23
Bill	08/08/2019	354793		Killingsworth Environmental	Spraying inside basem...	125.00		660.23
Check	08/13/2019	102727		Teresa Clontz	Cleaning for August	100.00		760.23
Check	08/13/2019	102730		FNB Commercial Credit C...	Pay credit card bill	477.02		1,237.25
Check	08/15/2019	Draft		Great American Financial ...	Copier	0.00		1,237.25
Check	08/15/2019	Draft		Great American Financial ...	Copier leasing	132.77		1,370.02
Check	08/15/2019	Draft		Teresa Clontz	Office cleaning	100.00		1,470.02
Bill	09/03/2019	09032...		FNB Commercial Credit C...	Credit card bill	18.47		1,488.49
Check	09/10/2019	102760		FNB Commercial Credit C...	Credit card bill	139.05		1,627.54
Check	09/15/2019	Draft		Great American Financial ...	Copier	263.01		1,890.55
Check	09/27/2019	Draft		Duke Energy_	Office utilities draft	145.58		2,036.13
Check	10/15/2019	Draft		Great American Financial ...	copier charges			2,036.13
Total Office expense						2,036.13	0.00	2,036.13
<b>TOTAL</b>						<b>2,036.13</b>	<b>0.00</b>	<b>2,036.13</b>

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09/30/19

Accrual Basis

**Town of Fairview**  
**Transaction Detail By Account**  
**July 2019 through June 2020**

Type	Date	Num	Adj	Name	Memo	Debit	Credit	Balance
<b>Park Maintenance</b>								
Bill	07/02/2019	07022		Bill Riffe	Pressure washing picnic shelter	25.00		25.00
Bill	07/26/2019	1333		Taylor's Landscapin...	Lawncare for July 2019	1,337.50		1,362.50
Bill	08/06/2019	24588		Sign Masters	Ornamental post and sign	581.79		1,944.29
Check	08/13/2019	102729		RCS, Inc.	Mulch for park	1,000.00		2,944.29
Check	08/13/2019	102730		FNB Commercial Cr...	Metrolina Mulch	564.65		3,508.94
Bill	09/03/2019	1338		Taylor's Landscapin...	August lawn maintenance	1,337.50		4,846.44
<b>Total Park Maintenance</b>								
						4,846.44	0.00	4,846.44
<b>TOTAL</b>						<b>4,846.44</b>	<b>0.00</b>	<b>4,846.44</b>

# September 2019 Permits

Q

3-Sep	CC	Comp 19-75	Compliance	\$100	Helms Partners	5801 Sikes Mill	08087035p
3-Sep	CC	Comp 19-76	Compliance	\$100	Helms Partners	3118 E Brief Rd	08087035W
10-Sep	2876	Comp 19-77	Compliance	\$100	David Murza	7001 West Duncan Road	8258012
17-Sep	42862	Add 19-078	Addition	\$65	Huntly Brothers	8303 Ferguson Farms	08084001M
17-Sep	42862	A 19-079	Accessory	\$75	Huntly Brothers	8303 Ferguson Farms	08084001M
17-Sep	4281	A 19-080	Accessory	\$75	Dave Reed Construction	9305 Ahavah Lane	08228025H
17-Sep	CC	Comp 19-081	Compliance	\$100	Dave Reed Construction	9305 Ahavah Lane	08228025H
26-Sep	591	CUP -19-082	CUP	\$500	Bradley Forrest	Ferguson Farms	08084001C
24-Sep	206	Comp 19-083	Compliance	\$100	Dhelms Construction	5805 Sikes Mill Road	08087035R
26-Sep	12915	MS=-19-084	Minor	\$360	W.Long	Clontz Road	8219006
26-Sep	12916	MS=-19-085	Minor	\$165	Hinson	clontz Long Road	8156011
Totals		11		\$1,740			

# BUDGET AMENDMENT WORKSHEET 2019

Beginning Spendable Fund Balance      **\$396,228**  
(as of 6/30/2019)

POLICY - Reserve in Spendable Fund Balance      **\$200,000**

Spendable Fund Balance      **\$196,228**  
(as of 6/30/2019)

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
1	7/9/2019	Sod for Park	Park Maintenance	\$3,000
<b>New Spendable Fund Balance</b>				<b>\$193,228</b>

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
<b>New Spendable Fund Balance</b>				

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
<b>New Spendable Fund Balance</b>				

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
<b>New Spendable Fund Balance</b>				

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
<b>New Spendable Fund Balance</b>				

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
<b>New Spendable Fund Balance</b>				

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
<b>New Spendable Fund Balance</b>				

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
<b>New Spendable Fund Balance</b>				

AMENDMENT #	DATE	FOR	CREDIT TO ACCT.	AMOUNT
<b>New Spendable Fund Balance</b>				

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**Town of Fairview  
Fairview Park Event Committee Meeting  
September 5, 2019**

The following Fairview Park Event Committee members were present: Lisa Thomas, Gayle Brock, Scott Cuthbertson, Theresa Donaldson, Todd Donaldson, Leah Jordan, Mike Medlin, Elizabeth Medlin, and Spencer Thomas

Others present: Teresa Gregorius, Town Clerk

**Public Comments**

None

**Items of Business**

A. Fairview Fall Festival Sub-Committee Reports

Advertising: Elizabeth Medlin – advised she has put up posters and banners; sent flyers to the area churches; Enquirer Journal will run information in their “Community Events”. WIXIE is advertising the event and will be at the park broadcasting live for about one hour beginning at 10:00 AM.

Children’s Entertainment: Theresa Donaldson, Gayle Brock – games this year include: pumpkin tic-tac-toe, dress the scarecrow, scavenger hunt, apple picking, bouncy house, lollipop pumpkin picking, pumpkin decorating, fall necklace craft, walking stick decorating, tour the fire truck, duck races, tractor pull, barrel ride and hayride.

Craft Vendors: Lisa Thomas – Currently have 10 craft vendors and several more that have expressed interest.

Custodian: Fairview Park Facility Committee/Mike Medlin – RCS has been contacted and he is waiting on a price for porta jons and wash stations.

Decorating: Gayle Brock, Lisa Thomas – Will start decorating on Thursday evening after work and all-day Friday.

Food Vendors: Todd Donaldson – Six food vendors confirmed, possibly one more.

Music: Lisa Thomas – bands that have been secured are: Redeemed Trio, Pine Ridge Boys, Oak Grove, Southern Express, Village Green and Union Road. Fairview student singers will fill in spots in between the bands. Brian Hinson will be providing the sound system.

Parking: Mike Medlin – Hometown Heroes will be handling the parking.

Transportation: Scott Cuthbertson – Secured 2 limo golf carts and transporting handicap and elderly. Will secure 3 gators.

Chairman Thomas noted that the Boy Scouts will be camping at the park on Friday night. The troop will help with the teardown after the festival again this year.

Volunteers: Leah Jordan - She is encouraging Fairview teachers to solicit parents to participate and school would get a donation for each classroom that provides volunteers, a few churches have groups that will be manning a game booth.

B. Minutes

Scott Cuthbertson made a motion to approve the August 1, 2019 minutes. Theresa Donaldson seconded the motion. Committee members L. Thomas, Brock, Cuthbertson, Theresa Donaldson, Todd Donaldson, Jordan, M. Medlin, E. Medlin and S. Thomas voted yes (9-0).

Chairman Thomas adjourned the meeting.

Respectfully submitted,

\_\_\_\_\_  
Teresa Gregorius  
Town Clerk

\_\_\_\_\_  
Lisa Thomas  
Chairman

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2019



**Town of Fairview  
Fairview Park Facility Committee Meeting  
September 12, 2019**

The following Fairview Park Facility Committee members were present: Penny Love, Mike Medlin, Bill Riffle and Leon Whitley

Others present: Teresa Gregorius, Town Clerk

**Public Comments**

None

**Items of Business**

A. Fall Festival

Chairman Medlin reported that the Park Facility Committee would oversee the custodian responsibilities during the Fairview Fall Festival on October 5<sup>th</sup> from 10:00 AM till 5:00 PM (i.e. keeping bathrooms checked, emptying trash cans).

B. Tree Cutting/Disposal

Chairman Medlin noted there was a big oak tree by the stage area that needs to be cut down before the Fall Festival. There are three more trees that should be taken down and it would be good if all can be removed at the same time. He is working to secure someone to do the work now.

C. Cleanup of limb piles and dirt piles

Chairman Medlin noted that cleanup of the limb pile and dirt pile at the back of the property behind the pond should be addressed soon. The Committee discussed and decided to address this later.

D. Minutes

Leon Whitley made a motion to approve the July 11, 2019 minutes. Penny Love seconded the motion. Committee members Love, Medlin, Riffle and Whitley voted yes (4-0).

**Public Comments**

Jerry Clontz noted that there needed to be a check of the grounds for fire ants before the Festival. Mr. Clontz suggested to the Committee that they think about pickle ball as an added attraction to the park this coming year.

Chairman Medlin reported that a Bethlehem Presbyterian Church Sunday School Class has donated two fans for the picnic shelter, and he will be contacting an electrician to get them installed. The Committee suggested putting the fans on a timer.

Leon Whitley suggested that the Event Committee check into booking the Moving Wall Memorial to come to the park.

Bill Riffle reported that he had installed two additional cameras at the park.

Bill Riffle made a motion to adjourn. Penny Love seconded the motion. Committee members Love, Medlin, Riffle and Whitley voted yes (4-0).

Respectfully submitted,

\_\_\_\_\_  
Teresa Gregorius  
Town Clerk

\_\_\_\_\_  
Mike Medlin  
Chairman

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2019



**Town of Fairview  
Regular Town Council Meeting  
September 10, 2019**

The following Council members were present: Mayor Phil Thomas, John Biggers and Jerry Clontz, Patricia Kindley and Gary Wilfong (John Biggers arrived at 6:35 PM)

Others present: Joe McCollum, Town Attorney; Darrell Baucom, Financial Officer, Ed Humphries, Land Use Administrator / Deputy Clerk and Teresa Gregorius, Town Clerk

**Agenda Changes**

No Changes

**Approval of Agenda**

Jerry Clontz made a motion to approve the agenda. Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilford voted yes (3-0).

**Public Comments**

None

**Consent Agenda**

- a) Accept Financial and Tax Reports as Information
- b) Accept Land Use Report as Information
- c) Fairview Park Event August Draft Minutes --- Minutes Accepted as Information
- d) Fairview Park Facility August Draft Minutes --- No August Meeting
- e) Planning Board August Draft Minutes --- Minutes Accepted as Information
- f) Approve Council Regular Minutes for August 13, 2019
- g) Approve Domestic Violence Awareness Month Proclamation

Patricia Kindley made a motion to approve the consent agenda. Jerry Clontz seconded the motion. Council members Clontz, Kindley and Wilford voted yes (3-0).

**Items of Business**

**Item 1: Public Hearing on Conditional Use Permit CUP 18-112**

Ed Humphries presented Conditional Use Permit CUP 18-112 request from Faulk and Foster to construct a Cell tower at 1008 Brief Road Parcel #08210001E. Property is owned by Harvey

16

Franklin and Tracey Jolly. Ralph Wyngarden, Sr., Zoning Specialist for Faulk & Foster presented information on behalf of Verizon and answered questions from the Council.

Mayor Thomas to open Public Hearing

No Public Comments

Mayor Thomas to Close Public Hearing

**“Finding of Facts”**

- 1) Jerry Clontz made a motion that Conditional Use Permit CUP 18-112 will not endanger the public health or safety because it is a stationary unit and will not cause any additional traffic on Brief Rd. John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 2) John Biggers made a motion that Conditional Use Permit CUP 18-112 will not substantially injure the value of adjoining or abutting property because it is a rural area and should have no impact on surrounding properties. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 3) Gary Wilfong made a motion that Conditional Use Permit CUP 18-112 will be in harmony with the area in which it is located because of the due diligence of the Planning Board and cell towers that are already in the area. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 4) Gary Wilfong made a motion that Conditional Use Permit CUP 18-112 will be in general conformity with the land use plan, Thoroughfare plan or other plan because of the due diligence of the Planning Board. John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Discuss Approval of Request:**

John Biggers made a motion to approve Conditional Use Permit CUP 18-112 with conditions stated. 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 November 11, 2018), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). Jerry Clontz seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Item 2: Authorize Union County to Collect Taxes**

Mayor Thomas reported that the Union County Tax Administration needs authorization to collect taxes for the Town of Fairview set forth in 2019-2020 tax records.

John Biggers made a motion to authorize the Union County Tax Administration to collection taxes set forth in the 2019-2020 tax records. Gary Wilfong seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Item 3: Presentation - Bjorn Hansen, Union County Transportation Planner**

Mr. Hansen presented the Union County Critical Intersection Analysis Report to the Council.

**Council Comments**

Patricia Kindley reported that she has met with Nina Chaffin, Director of the Library regarding partnering with them to bring programs to Fairview. Ms. Chaffin has programs for children through senior citizens and looks forward to partnering with the Town. Ms. Kindley and Mayor Thomas attended the Fairview Elementary Open House this year and passed out informational flyers with Town of Fairview information. They also had a drawing for a boy and girl prize. Ms. Kindley also noted that Bethlehem Presbyterian Church has purchased the fans for the picnic shelter and Mike Medlin is working to get them installed.

Jerry Clontz noted that he was working with the Park Facility committee on the Fairview Fall Festival that will be October 5<sup>th</sup>.

John Biggers apologized for being a few minutes late for the meeting, he was attending his company's United Way Campaign which raised \$210,000 for Union County United Way.

Gary Wilfong reported that JAARS was available to give helicopter rides at the Fall Festival is the Event Committee would like them to do so.

Joe McCollum reported that the NC Legislature is requiring towns with populations over 1,000 to submit a list of all criminal ordinances to them by November 1<sup>st</sup> for them to study. He reported that the Town staff has already submitted the report.

Mayor Thomas reported that him and Mr. Humphries attended the Union County Planning Retreat on August 28<sup>th</sup>. Mayor Thomas did a PowerPoint presentation on the Town of Fairview. The PowerPoint highlighted two main points that Fairview was interested in: the arsenic problem and partnering with the county to acquire the Old Fairview School property for a fire department/town center.

Jerry Clontz made a motion to adjourn. John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilford voted yes (4-0).

Respectfully submitted,

\_\_\_\_\_  
Teresa Gregorius  
Town Clerk

\_\_\_\_\_  
Phil Thomas  
Mayor

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2019

Public Hearing  
Conditional  
Use Permit  
CUP 19-082

# Town of Fairview Staff Report for:

Council

DATE—10-8-2019

<b>--CASE #: CUP 19-082</b>	
<b>Applicant(s):</b>	Bradley Michael Forrest 3521 Piaffe Ave Mint Hill Nc
<b>Property Owner(s): N/A</b>	Same
<b>Requested Action:</b>	<p>CUP 19-082 the Conditional Use Permit request of the owner of lot # 4 in Ferguson Farms Subdivision (owner: Bradley Michael Forrest and wife)</p> <p>Parcel 08084001C to divide the parcel creating two lots under Article VI section 101 and 102 of the Fairview Land Use Ordinance. With these conditions:</p> <ol style="list-style-type: none"> <li>1. An approved survey showing the lot division</li> <li>2. There will not be a home built on the new</li> <li>3. lot. (4-A)</li> <li>4. The new lot will be at least one acre on size and will be sold to the property owner of lot 5 Parcel #08084001D. (owner: Nicholas Haarhoff and wife)</li> <li>5. A statement from each property in the subdivision states the they agree with the request</li> </ol>
<b>Existing Zoning:</b>	RA-40
<b>Requested Zoning:</b>	N/A
<b>Location:</b>	Ferguson Farms (Address has not been assigned)
<b>Property Size:</b>	7.84
<b>Tax Parcel(s):</b>	08084001C
<b>Purpose/Narrative:</b>	<p>Property owner Michael Forrest Lot # 4 in Ferguson Farms parcel # 08084001C is requesting to divide his lot into two parcels</p> <p>One of the lots will be used to build a home.</p> <p>The other lot will be sold to the owner of lot # 5 (owner Nicholas Harrhoff)</p> <p>The newly created lot will not have a house built on it as it does not perk. See conditions</p>

<b>Surrounding Area Zoning:</b>	Residential and Farming
<b>Conditions:</b>	<p>Conditions:</p> <p>There will be a home built on the new lot #4( new owner will be Lane Dotti).</p> <p>The <b>new</b> lot will be at least one acre on size and will be sold to the property owner of lot 5 Parcel #08084001D. (owner: Nicholas Haarhoff and wife)</p> <p>An Approved survey showing the lot division</p> <p>A statement from each property in the subdivision states the they agree with the request</p>
<b>Land Use Plan Recommendation:</b>	Must have CUP under the present Fairview Land use ordinance. Article VI Section s 101 and 102
<b>Compliance with Zoning Ordinance:</b>	<p>No. This lot is in a Major Subdivision. Ordinance states that a subdivision lot cannot be divided. <b>However</b>, this Subdivision was approved under the County before 2005. Under Section 101 and 102 Article VI, the staff's opinion is that a lot can be divided with the approval of the Council who can put conditions on the action if approved. (conditions: see below)</p> <p>This action requires a public hearing and is Qusai Judicial. If approved, the order will be recorded with the Register of Deeds in Union County</p>
<b>Staff Comments on Conditional Use Permit Application:</b>	<p>Application complete</p> <p>Map complete (survey to be complete if approved)</p>
<b>Staff Recommendation on Conditional Use Permit Application:</b>	<p>Staff recommends for approval with conditions:</p> <ol style="list-style-type: none"> <li>1. An approved survey showing the lot division</li> <li>2. There will not be a home built on the new lot.</li> <li>3. The new lot will be at least one acre on size and will be sold to the property owner of lot 5 Parcel #08084001D. (owner: Nicholas Haarhoff and wife)</li> <li>4. A statement from each property in the subdivision states the they agree with the request</li> </ol>

## **ARTICLE VI: HEARING PROCEDURES FOR APPEALS AND APPLICATIONS**

### **Section 101 Hearing Required on Appeals and Applications.**

- (a) Before making a decision on an appeal or an application for a variance, conditional use permit, or a petition from the Land Use Administrator to revoke a conditional use permit, the permit issuing board shall hold a hearing on the appeal or application.
- (b) Subject to subsection (c), the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- (c) The permit issuing board may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- (d) The permit issuing board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.
- (e) At the beginning of each initial hearing held to consider application for a conditional use permit, the chairman or presiding officer of the permit issuing board shall inquire as to whether any interested party desires to continue the hearing until the next regular meeting of the board. If in response to the presiding officer's inquiry an interested party communicates such preference, then the board may continue the hearing until its next regular meeting.

### **Section 102 Notice of Hearing.**

The land use administrator shall give notice of any hearing on appeals, variances, or conditional use permits required by Section 101 as follows;

- (a) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than ten days before the hearing.
- (b) At least ten days before the meeting at which the matter is to be considered, the Land Use Administrator shall mail a notice to the owner of each property that is the subject of the appeal or application (if such owner is not notified under subsection (1) above) as well as the owners of all adjoining properties.

# Town of Fairview

7516 Concord Highway  
Monroe NC 28110

## CONDITIONAL USE PERMIT APPLICATION

Fees: \$325 to \$500

Application Number: CUP 19-082 Date of Application: 9.27.19

### I. Applicant / Owner Information

- A. Applicant's Name: Brad and Stacy Forrest  
Address: 3521 Piaffe Ave Mint Hill, NC 28227  
Phone: 704.516.1555 Email: \_\_\_\_\_
- B. Owner's Name: Brad and Stacy Forrest  
Address: 3521 Piaffe Ave. Mint Hill, NC 28227  
Phone: 704.516.1555 Email: soldwithbeth@gmail.com

### II. Property Information

- A. Property Location: LOT 4 (8411) Ferguson Farms W  
Monroe, NC 28110
- B. Tax Parcel Number: 08-084-011-C
- C. Deed Book 3721 Page 362
- D. Existing Zoning Res Proposed Zoning Residential
- E. Existing Use Residential Proposed Use Residential
- F. Property Size 7.84 Acres (Sq. Ft./Acres)
- G. Is a Rezoning Application being submitted with CUP Application? N/A

### III. Other Required Information (Attach The Following)

- A. Narrative describing the requested conditional use in sufficient detail and a justification that the conditional use meets the standards and intent contained in the Land Use Ordinance.
- B. The owners' names, addresses, the tax parcel numbers use(s), and current Zoning Classifications of all adjoining properties. Please include this information on the Attachment "A" form.
- C. A scaled boundary survey drawn to an appropriate scale prepared by and certified to be correct by a surveyor or engineer registered with the State of North Carolina,

showing dimensions of the property and adjacent lots and streets, the total acreage, present zoning classification(s), date and north arrow. On copies of this survey shall be drawn the following Information:

- (1) All existing easements, reservations, right-of-way and all yard requirements for the zoning district.
  - (2) A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, proposed size layout and setbacks of land and proposed structures, and proposed number, type, and location of signs. For residential uses this shall include the number of units and an outline of the area here the structures will be located. For nonresidential uses, this shall include the approximate square footage of all structures and an outline of the area where the structures will be located.
  - (3) Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets. (Shopping Centers, having two (2) or more individual uses shall show the parking spaces, channelization and ratios shown, service areas, off-street loading facilities, service drives and dimensions thereon; and all pedestrian ways.)
  - (4) Landscape plan at the same scale as the site plan showing existing and proposed trees, ground cover and landscape material, proposed screening, and buffering (if applicable) including walls, fences or planted areas as well as treatment of any existing natural features.
- D. Plans and elevations for all proposed structures.
- E. A map at the same scale as the site plan showing the following:
- (a) Delineation of areas within the floodplain as shown on the official flood hazard boundary maps.
  - (b) Accurate mapping of all soil classifications found on the site and general depths thereof. The applicant shall use the same classifications used by the U. S. Department of Agriculture.
  - (c) Existing and proposed topography at five (5) feet contour intervals.
  - (d) Plans for providing potable/public water and for the treatment of wastewater.
- F. Certification from owner of record that applicant has authorization to apply for this zoning action. (This is needed only if the applicant is not the property owner). Certification shall be notarized.

- G. State whether or not the applicant or owner, owns, has a proprietary interest, or in any way has any other contractual interest in any land that is contiguous to the land, which is the subject of this request. If so, please provide a sufficient legal description of such land and state the interest of the applicant or owner.
- H. Application processing fee of **\$325** for buildings 1000 square feet or less and **\$500** for buildings 1001 square feet or more. Attach check, payable to the *Town of Fairview*, Attn: Ed Humphries 7516 Concord Highway Monroe NC 28110

Comments: Applicant is Asking to divide his lot into two lots.

I, the undersigned owner or authorized representative, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

DATE 9/25/19

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE [Signature]

\$500 fee Pd [Signature]

**(The Following Information is to be Completed by the Land Use Administrator)**

**RECOMMENDATIONS OF THE PLANNING BOARD:** \_\_\_\_\_

Did Not go to Planning

**PUBLIC HEARING DATE:** Oct 8 2019

Notice of Public Hearing Published On: Sept 26<sup>th</sup> and 29<sup>th</sup>

Notices to Applicant and Adjoining Property Owners Mailed on: Sept 16 2019  
(Verification Attached)

Revised 11/8/18

Sign Posted On: 9-26-2019

Conditional Use Permit "Findings of Fact" Checklist Attached: YES  NO

Action Taken by Town Council \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conditions Imposed by the Town Council Upon Said Conditional Use \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notification of Action Mailed to Applicant On: \_\_\_\_\_  
(Notification Attached)

10/1/2019

Lot 4 Ferguson Farms – Conditional Use Permit

Brief Description of Request:

This Condition Use Permit request seeks to split Lot 4 Ferguson Farms into two (2) lots, per the diagram shown with the application, while only allowing one residential home site. Mr. Lane Dottl, his wife, Christine Dottl and Nicholas Haarhoff would like to purchase lot 4 from Brad and Stacy Forrest, current owners, and split into two parcels. Mr. Nic Haarhoff will eventually add the back portion, shown in the diagram, to his current residence, lot 5 Ferguson Farms.

Approval Criteria:

Only one residence can be built on Lot 4/4a

September 24, 2019

To Whom it may Concern,

As the owners of Lot 4—8411 Ferguson Farms, Michael Bradley Forrest and Stacy Oller Forrest, are fully aware the lot has been requested to be subdivided . We fully approval Lot 4—8411 Ferguson Farm to be subdivided at this time.

Please call if you have any questions.

Sincerely,

Michael Bradley and Stacy Oller Forrest

Handwritten signatures of Michael Bradley and Stacy Oller Forrest. Michael's signature is on the left, and Stacy's is on the right.

Current address:

3521 Piaffe Avenue

Mint Hill, NC 28227

704-516-1555 Brad

704-676-0457 Stacey

Statement

To: the Fairview Town Council

I/we, the undersigned property owner(s) of Lot # 4 at  
(address) 8411 Ferguson Farms W. Monroe, NC 28110

In Ferguson Farms Subdivision, agree with the Fairview Council's decision to approve the request to divide lot #4 in our subdivision creating two lots.

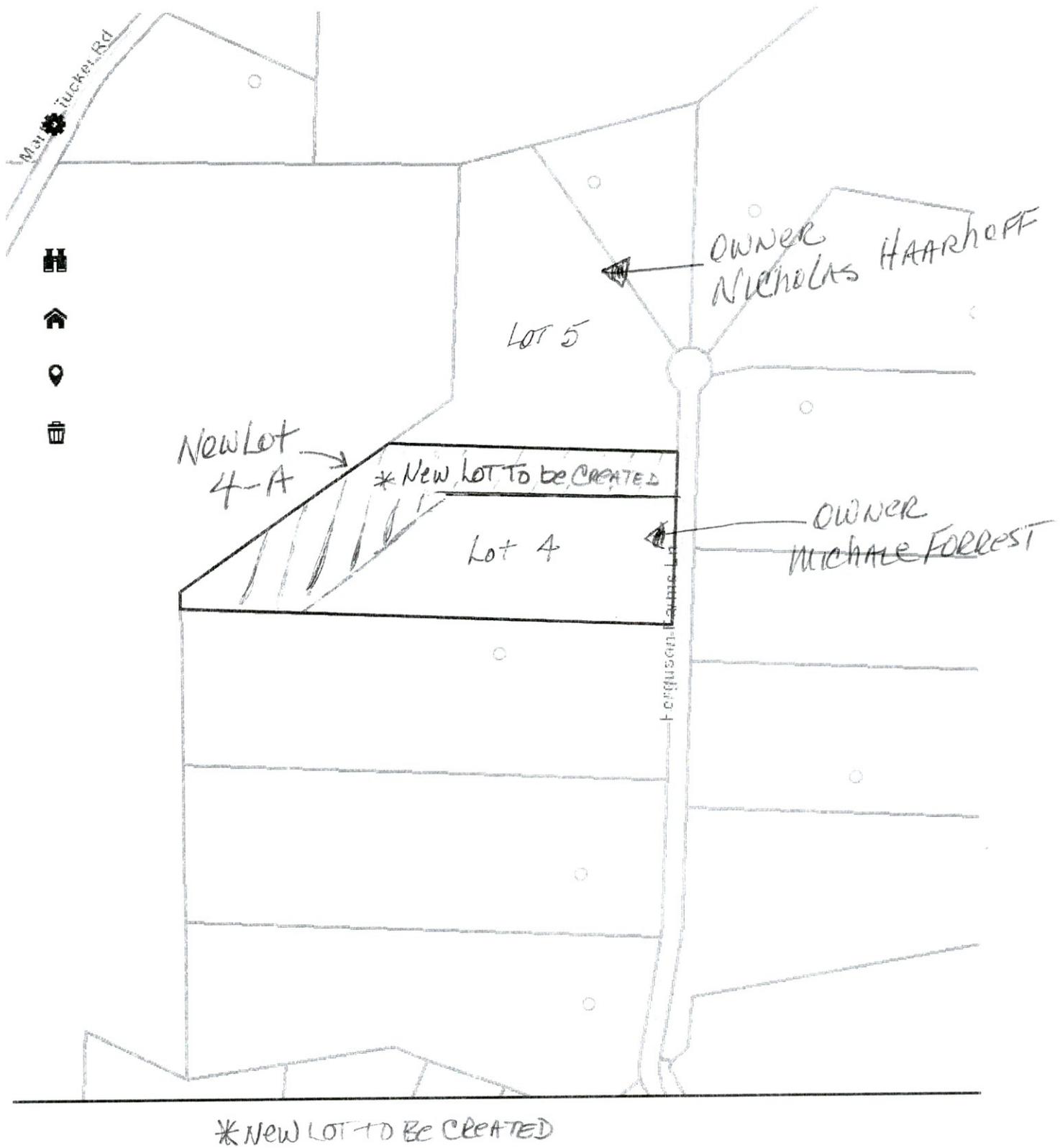
I/we understand that a house will not be built on the new lot and the new lot will be owned by the owner of Lot #5.

Owner

Owner

3521 Piaffe Ave. Mint Hill address  
NC 28227

9.24.19 Date Phone # 704.516.1555



PUBLIC HEARING NOTICE

The Fairview Town Council will conduct a Public Hearing starting at 6:30pm on Tuesday **Oct 8, 2019** (regular monthly meeting of Council) at the Town Hall (location address: 7516 Concord Highway, Monroe, NC). The building is the old Fairview Elementary School.

The purpose of this Public Hearing is:

To hear public comment on the Conditional Use Permit request of the owner of lot # 4 in Ferguson Farms Subdivision

Parcel #08084001C to divide the parcel creating two lots under Article VI section 101 and 102 of the Fairview Land Use Ordinance

There will not be a home built on the new lot. The new lot will be at least one acre on size and will be sold to the property owner of lot 5 Parcel # 08084001D

The Public is invited to attend the public hearing and make comments. For more information, call Teresa Gregorius, Town Clerk at (704) 753.1981 during business hours. (Tuesday and Thursday 9:00am to 5:00pm)

The Town of Fairview does not discriminate on the basis of disability. If you need an auxiliary aid or service or other accommodation in order to attend or fully participate at this meeting, please contact the Teresa Gregorius at (704) 753.1981 as far in advance of the meeting as possible so that your request can be considered.

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# Discuss Garbage Company Collection