

# Agenda

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## *Town of Fairview*



### **Agenda**

Town Council Meeting

**January 14, 2019**

7:00 pm

*(Meeting to be held at the Old Fairview School)*

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

Invocation  
Pledge of Allegiance

- a) Agenda Changes
- b) Approval of Agenda

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

- a) Presentation: Michael James, Asst. County Manager – Fire Service Funding

#### **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) CRTPO --- *No Report*
- d) Meeting dates for 2019 and days town office closed
- e) Fairview School Choice Week Proclamation
- f) Park & Rec Draft Minutes (*No December Meeting*)
- g) Planning Board December Draft Minutes (*Minutes Accepted as Information*)

# Agenda

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h) Approve Council Minutes for December 10, 2018

## 4. Items of Business:

**Item 1: Appoint Mayor Pro-Tem --- Mayor Thomas**

**Item 2: Conduct Public Hearing:** Conditional Use Permit CUP 18-133 request by David Griffin to increase the size/operation of his business Griffin Surveying which is non-conforming --- *Nancy Randall*

\*\*\*\*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: \_\_\_\_\_

**Discuss Approval of request:** 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 August 11, 2014), and the Town of Fairview Land Use Ordinance (effective July 1, 2005)

# Agenda

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**Item 3: Public Hearing** Text Change TC 18-138 Regulations for Small (Tiny) Houses --- *Nancy Randall*

**Mayor to Open Public Hearing**

**Hear public comments**

**Mayor to Close Public Hearing**

**Discuss Approval of request:** (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 August 11, 2014), and the Town of Fairview Land Use Ordinance (effective July 1, 2005)

**Item 4: Review** Noise Ordinance --- *Mayor Phil Thomas*

**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 January 5, 2019

	Jan 5, 19
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
American Community Bank	431,138.28
Total Checking/Savings	431,138.28
Other Current Assets	
Franchise Tax Receivable	33,317.39
Investments	
Investments NCCMT	990.37
Total Investments	990.37
Prepaid assets	981.00
Sales Tax Receivable	4,417.60
Sales tax refund	1,070.76
Taxes receivable	2,096.90
Taxes receivable - ad valorem	-314.23
Taxes receivable - motor veh	838.25
Total Other Current Assets	43,398.04
Total Current Assets	474,536.32
Fixed Assets	
Accumulated Depreciation	-122,554.13
Building and Improvements	1,181,642.75
Computer Equipment	12,688.66
Furniture and Equipment	1,698.00
Land	205,716.33
Land improvements	10,145.00
Leasehold improvements	2,500.00
Park equipment	148,928.88
Total Fixed Assets	1,440,765.49
<b>TOTAL ASSETS</b>	<b>1,915,301.81</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	12,914.94
Total Accounts Payable	12,914.94
Other Current Liabilities	
Accrued payroll	4,565.66
Deferred revenue - ad valorem	2,096.90
Payroll Liabilities	15.90
Prepaid tax interest	11.38
Prepaid taxes	305.58
Total Other Current Liabilities	6,995.42
Total Current Liabilities	19,910.36
Total Liabilities	19,910.36
Equity	
Equity	
Fixed assets	1,440,720.49
Total Fund Balance	1,207,568.00
Total Equity	2,648,288.49
Retained Earnings	-693,222.90
Net Income	-59,674.14

**Town of Fairview**  
**Profit & Loss Budget vs. Actual**  
**July 2018 through June 2019**

	Jul '18 - Jun 19	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Ad Valorem taxes	54,927.77	74,500.00	-19,572.23
Alcoholic beverage	0.00	16,200.00	-16,200.00
Cable TV franchise taxes	0.00	3,200.00	-3,200.00
Donation	4,098.75		
Donation - vendors	125.00		
Fund balance appropriated	0.00	11,000.00	-11,000.00
Interest on delinquent taxes	158.03		
Investment income	1,374.32	0.00	1,374.32
Motor vehicle taxes	4,705.46	9,200.00	-4,494.54
Park rental income	1,000.00	2,500.00	-1,500.00
Rental house income	850.00		
Sales and use tax	13,455.83	27,000.00	-13,544.17
Sales and use tax refund	1,070.76		
Utility Franchise taxes	71,892.65	145,000.00	-73,107.35
Zoning fees	8,915.00	7,000.00	1,915.00
<b>Total Income</b>	<b>162,573.57</b>	<b>295,600.00</b>	<b>-133,026.43</b>
<b>Expense</b>			
Advertising and Promotion	850.76	500.00	350.76
Audit fees	7,800.00	8,050.00	-250.00
Bank Service Charges	166.30		
Capital Outlay - Office Reno	19,194.39	0.00	19,194.39
Capital outlay - Park	53,550.00	9,634.98	43,915.02
Capital outlay - rental house	2,486.97	10,000.00	-7,513.03
Dues and Subscriptions	5,486.00	5,520.00	-34.00
Festival expense	11,844.66	15,000.00	-3,155.34
Fire Dept Grant	5,833.31	10,000.00	-4,166.69
Fire Dept Truck Payment	39,426.93	52,569.00	-13,142.07
Insurance Expense	2,748.01	4,900.00	-2,151.99
Internet and website	3,837.34	6,500.00	-2,662.66
Legal fees	3,755.56	7,200.00	-3,444.44
Miscellaneous Expense	55.00	0.00	55.00
Office expense	4,609.62	10,736.00	-6,126.38
Office utilities	1,125.41	2,880.00	-1,754.59
Park Maintenance	8,578.29	19,300.00	-10,721.71
Park Utilities	1,084.40	3,300.00	-2,215.60
Payroll Expenses	49,447.79	92,345.58	-42,897.79
Payroll taxes	147.94	7,064.44	-6,916.50
Postage and Delivery	7.25		
Professional Fees	0.00	3,000.00	-3,000.00
Rent Expense	11,750.00	12,000.00	-250.00
Rental utilities	92.66		
Repairs and Maintenance	125.00	1,000.00	-875.00
Solid Waste Manage cost share	0.00	8,000.00	-8,000.00
Tax collection fees	605.99	1,400.00	-794.01
Telephone Expense	897.36	3,000.00	-2,102.64
Training expense	0.00	500.00	-500.00
Travel Expense	155.42	1,200.00	-1,044.58
Utilities	35.54		
<b>Total Expense</b>	<b>235,697.90</b>	<b>295,600.00</b>	<b>-59,902.10</b>
<b>Net Ordinary Income</b>	<b>-73,124.33</b>	<b>0.00</b>	<b>-73,124.33</b>
<b>Net Income</b>	<b>-73,124.33</b>	<b>0.00</b>	<b>-73,124.33</b>

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01/04/19

Accrual Basis

## Town of Fairview Transactions by Account

As of December 31, 2018

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>American Community Bank</b>							
Bill Pmt -Check	12/05/2018	102459	Dennis Rushing	Santa for Winter Festival		100.00	365,106.45
Bill Pmt -Check	12/05/2018	102460	Jimmy Huntley	DJ for Winter Festival		400.00	365,006.45
Deposit	12/06/2018			Deposit	330.00		364,606.45
Bill Pmt -Check	12/07/2018	102461	Clark, Griffin and M...	December retainer		350.00	364,936.45
Bill Pmt -Check	12/07/2018	102462	CompuNetwork	Server and email hosting		277.69	364,586.45
Bill Pmt -Check	12/07/2018	102463	Keith Heckman	Repair office desk units		775.00	364,308.76
Bill Pmt -Check	12/07/2018	102464	Lisa Thomas	Reimburse winter festival ...		1,592.29	363,533.76
Bill Pmt -Check	12/07/2018	102465	Patricia Kindley_	Gift cards of Holiday Light...		45.00	361,941.47
Bill Pmt -Check	12/07/2018	102466	Scott Cuthbertson	Fire pits for winter festival		725.85	361,896.47
Bill Pmt -Check	12/07/2018	102467	Spectrum	Internet and phone		215.44	361,170.62
Bill Pmt -Check	12/07/2018	102468	Taylor's Landscapi...	Mowing for 11/12; 11/19 a...		925.95	360,955.18
Bill Pmt -Check	12/07/2018	102469	Teresa Clontz			200.00	360,029.23
Bill Pmt -Check	12/07/2018	102470	Union County Publi...			93.55	359,829.23
Bill Pmt -Check	12/08/2018	102471	Darrell H. Baucom_	Mileage and internet reimb...		69.54	359,735.68
Bill Pmt -Check	12/08/2018	102488	Fairview VFD and ...	Monthly payment to VFD		833.33	358,832.81
Paycheck	12/10/2018	102473	Darrell H. Baucom			657.05	358,832.81
Paycheck	12/10/2018	102485	Teresa Gregorius			1,224.42	358,175.76
Paycheck	12/10/2018	102474	Doug Buchanan			46.18	356,951.34
Paycheck	12/10/2018	102475	Edward D Humphries			2,227.96	356,905.16
Paycheck	12/10/2018	102476	Gary M Medlin			46.18	354,677.20
Paycheck	12/10/2018	102477	Greg Morgan			46.17	354,631.02
Paycheck	12/10/2018	102478	Jerry C. Clontz			863.72	354,584.85
Paycheck	12/10/2018	102479	John A Biggers, Jr.			138.53	353,721.13
Paycheck	12/10/2018	102480	Kelvin L Baucom			46.17	353,582.60
Paycheck	12/10/2018	102481	Nancy H Randall			46.17	353,536.43
Paycheck	12/10/2018	102482	Patricia H. Kindley			138.53	353,490.26
Paycheck	12/10/2018	102483	Phillip C Thomas			184.70	353,351.73
Paycheck	12/10/2018	102484	Richard E Pigg			46.18	353,167.03
Paycheck	12/10/2018	102486	Tony FD Helms			46.17	353,120.85
Paycheck	12/10/2018	102487	Gary H Wilfong			138.53	353,074.68
Check	12/10/2018	102489	All-Points Waste S...	Garbage service		82.62	352,936.15
Check	12/10/2018	102490	Clark, Griffin and M...	Review of ordinance		175.00	352,853.53
Check	12/10/2018	102491	FNB Commercial C...	Credit card charges		775.30	352,678.53
Check	12/10/2018	102492	John A Biggers, Jr.	Festival expense reimburs...		1,035.28	351,903.23
Deposit	12/10/2018			Deposit	23,548.82		350,867.95
Liability Check	12/13/2018	102493	NC Dept of Revenu...	600391020	0.00		374,416.77
Bill Pmt -Check	12/13/2018	102493	Kiker Plumbing Ser...	Repair park commode		136.64	374,280.13
Bill Pmt -Check	12/13/2018	102494	Killingsworth Enviro...			250.00	374,030.13
Deposit	12/13/2018			Deposit	215.00		374,245.13
Liability Check	12/14/2018	To Print	IRS	55-0789092		2,044.60	372,200.53
Deposit	12/14/2018			Deposit	2,254.07		374,454.60
Deposit	12/14/2018			Deposit	38,575.26		413,029.86
Deposit	12/14/2018			Deposit	19,430.83		432,460.69
Bill Pmt -Check	12/14/2018	102495	Sign Masters	Holiday light contest		66.19	432,394.50
Check	12/15/2018	Draft	Great American Fin...	Copier		139.04	432,255.46
Liability Check	12/17/2018	To Print	NC Dept of Revenu...	600391020		754.00	431,501.46
Check	12/19/2018	Draft	Verizon Wireless	Ed's cell phone		68.43	431,433.03
Bill Pmt -Check	12/20/2018	102496	Brian C. Austin	Light fixtures in Council M...		650.00	430,783.03
Check	12/22/2018	Draft	Duke Energy	Rental house utilities		46.06	430,736.97
Check	12/23/2018	Draft	Duke Energy	Office utilities		413.78	430,323.19
Deposit	12/24/2018			Deposit	680.34		431,003.53
Check	12/26/2018	Draft	Duke Energy	Park utilities		115.96	430,887.57
Deposit	12/31/2018			Interest	250.71		431,138.28
Total American Community Bank					85,285.03	19,253.20	431,138.28
<b>TOTAL</b>					<b>85,285.03</b>	<b>19,253.20</b>	<b>431,138.28</b>

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## Town of Fairview Transaction Detail By Account July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Office expense</b>							
Bill	07/01/2018	4760	First National Bank	Amazon prime fee	13.12		13.12
Bill	07/09/2018	07092018	Ed Humphries_	postage	50.00		63.12
Bill	07/10/2018	16263	Performance Lawn &Landsc...	Office mowing	225.00		288.12
Check	07/16/2018	Draft	Great American Financial S...	Duplicate payment for copier; to be...	35.86		323.98
Bill	08/01/2018	2846	FNB Commercial Credit Card	Office and Amazon prime member...	81.30		405.28
Bill	08/09/2018	0000001	All-Points Waste Service, Inc.	Office garbage service	174.80		580.08
Bill	08/14/2018	16340	Performance Lawn &Landsc...	Office maintenance	225.00		805.08
Check	08/15/2018	Draft	Great American Financial S...	copier lease	89.20		894.28
Check	08/15/2018	Draft	Great American Financial S...	Copier lease	0.00		894.28
Bill	08/21/2018	23220912	Great American Financial S...	Copier payment	83.19		977.47
Bill	09/01/2018	89112721	Great American Financial S...	Copier payment	22.09		999.56
Bill	09/06/2018	09062018	All-Points Waste Service, Inc.	Garbage service	64.41		1,063.97
Bill	09/10/2018	16606	Ed Humphries_	Postage and supplies	225.00		1,288.97
Check	09/10/2018	102350	Performance Lawn &Landsc...		13.12		1,302.09
Bill	09/15/2018	09132018	FNB Commercial Credit Card		100.00		1,402.09
Check	09/17/2018	Draft	Teresa Clontz	Cleaning office	83.19		1,485.28
Bill	10/01/2018	8A102889	Great American Financial S...	Draft for copier charge	82.62		1,567.90
Bill	10/01/2018	4760	All-Points Waste Service, Inc.	Garbage pickup	198.96		1,766.86
Bill	10/04/2018	10042018	FNB Commercial Credit Card	credit card expenses	85.79		1,852.65
Bill	10/09/2018	S-24411	Ed Humphries_	Office supplies	69.39		1,922.04
Bill	10/11/2018	351793	Byrum Heating & AC, Inc.	Diagnostic on HVAC Unit	125.00		2,047.04
Check	10/15/2018	Draft	Killingsworth Environmental	Monthly pest control	88.24		2,135.28
Bill	10/16/2018	10162018	Great American Financial S...	Copier charges	82.97		2,218.25
Bill	10/16/2018	S24503	Ed Humphries_	expense reimbursement	101.41		2,319.66
Check	10/22/2018	Draft	Byrum Heating & AC, Inc.	Diagnostic on HVAC	206.12		2,525.78
Bill	11/01/2018	8B101564	Duke Energy	Garbage service	82.95		2,608.73
Bill	11/01/2018	4778	All-Points Waste Service, Inc.	Credit card bill	36.08		2,644.81
Check	11/12/2018	102450	FNB Commercial Credit Card	Reimburse office supplies	81.92		2,726.73
Bill	11/13/2018	11132018	Ed Humphries_	Cleaning Town Hall	100.00		2,826.73
Check	11/15/2018	Draft	Teresa Clontz	copier charges	132.37		2,959.10
Bill	11/26/2018	11262018	Great American Financial S...	Repair office desk units	775.00		3,734.10
Bill	12/06/2018	12062018	Keith Heckman	October	100.00		3,834.10
Bill	12/06/2018	12062018	Teresa Clontz	December cleaning	100.00		3,934.10
Check	12/10/2018	102489	All-Points Waste Service, Inc.	Garbage service	82.62		4,016.72
Check	12/10/2018	102491	FNB Commercial Credit Card	Amazon monthly fee	13.12		4,029.84
Bill	12/13/2018	929108-2	Killingsworth Environmental	Monthly pest control	125.00		4,154.84
Bill	12/13/2018	351793	Killingsworth Environmental	Chemical for pest control	125.00		4,279.84
Bill	12/13/2018	24315	Sign Masters	Holiday light contest	66.19		4,346.03
Check	12/15/2018	Draft	Great American Financial S...	Copier	139.04		4,485.07
Check	01/15/2019	Draft	Great American Financial S...	Copier charges	124.55		4,609.62
Total Office expense					4,609.62	0.00	4,609.62
<b>TOTAL</b>					<b>4,609.62</b>	<b>0.00</b>	<b>4,609.62</b>



## Town of Fairview Transaction Detail By Account July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Festival expense</b>							
Bill	08/24/2018	08242018	Teresa Gregorius_	Reimburse for PB&J Entert...	200.00		200.00
Bill	09/06/2018	2246	Piedmont Signs	Signs	106.75		306.75
Bill	09/10/2018	41235	Austin Printing	Fall festival advertising	269.54		576.29
Bill	10/04/2018	10042018	Lisa Thomas	Festival decorations	346.59		922.88
Bill	10/04/2018	10042018	Lisa Thomas	Festival expense	711.85		1,634.73
Bill	10/05/2018	10052018	Scott Cuthbertson	Fall festival - golf car rental	125.00		1,759.73
Bill	10/06/2018	10062018	John Ashley Ingani	Deputy for festival event	210.00		1,969.73
Bill	10/06/2018	10062018	Allison Plyler	Festival expense	61.49		2,031.22
Bill	10/06/2018	10062018	Village Greene Band	Performance at Fall Festival	0.00		2,031.22
Check	10/08/2018	102402	Allison Plyler	Festival expenses	391.22		2,422.44
Check	10/08/2018	102404	John A Biggers, Jr.	Reimburse expenses	213.66		2,636.10
Check	10/08/2018	102405	Tracy Biggers	Reimburse expenses	393.17		3,029.27
Check	10/08/2018	102406	Theresa Donaldson	Reimburse expenses	917.84		3,947.11
Bill	10/09/2018	10092018	Southern Express	Sounds system for Festival	1,500.00		5,447.11
Deposit	10/16/2018		citizens	Deposit of currency and co...		226.00	5,221.11
Bill	11/01/2018	4778	FNB Commercial Cr...	Various Festival expenses	786.55		6,007.66
Check	11/12/2018	102451	Tracy Biggers	Reimburse Winter Festival ...	281.93		6,289.59
Bill	11/15/2018	11152018	Rick Greene	Fall Festival music	500.00		6,789.59
Bill	12/05/2018	12082018	Jimmy Huntley	DJ for Winter Festival	400.00		7,189.59
Bill	12/05/2018	12082018	Dennis Rushing	Santa for Winter Festival	100.00		7,289.59
Bill	12/05/2018	12052018	Lisa Thomas	Reimburse winter festival e...	1,592.29		8,881.88
Bill	12/06/2018	12062018	Scott Cuthbertson	Fire pits for winter festival	725.85		9,607.73
Check	12/10/2018	102491	FNB Commercial Cr...	Credit card charges	369.05		9,976.78
Check	12/10/2018	102492	John A Biggers, Jr.	Festival expense reimburs...	1,035.28		11,012.06
Bill	12/18/2018	12182018	Rita Price	Winter festival expenses	162.92		11,174.98
Bill	12/20/2018	12202018	Allison Plyler	Winter festival decorations	400.50		11,575.48
Bill	01/03/2019	01032019	Phil Thomas	Lunch for volunteers	69.18		11,644.66
Bill	01/07/2019	01072019	Autism Society of NC	Donation for Boy Scout as...	200.00		11,844.66
Total Festival expense					12,070.66	226.00	11,844.66
<b>TOTAL</b>					<b>12,070.66</b>	<b>226.00</b>	<b>11,844.66</b>

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01/04/19

Accrual Basis

# Town of Fairview

## Transaction Detail By Account

### July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Park Maintenance</b>							
Bill	07/01/2018	2154	Piedmont Signs	Signs for award winners	64.05		64.05
Bill	07/10/2018	16262	Performance Lawn ...	Park mowing	850.00		914.05
Bill	08/14/2018	16339	Performance Lawn ...	Park maintenance	850.00		1,764.05
Bill	09/10/2018	16606	Performance Lawn ...		850.00		2,614.05
Check	09/10/2018	102353	Jerry C. Clontz	Reimbursement for park maintenance	262.65		2,876.70
Bill	09/25/2018	09252018	William Riffle		140.75		3,017.45
Bill	09/28/2018	31615	Kiker Plumbing Serv...	Park repairs	136.64		3,154.09
Bill	10/01/2018	4760	FNB Commercial Cr...	Flags and hardware	506.60		3,660.69
Check	10/08/2018	102403	Jerry C. Clontz	Supplies	131.26		3,791.95
Check	10/08/2018	102404	John A. Biggers, Jr.	Reimburse expenses	368.15		4,160.10
Bill	11/09/2018	11092018	Performance Lawn ...	Final payment on bill to Performance	1,020.00		5,180.10
Bill	11/13/2018	11132018	Gene Helms	Removal of 14 dead trees	1,040.00		6,220.10
Bill	12/06/2018	1267	Taylor's Landscapin...	Mowing for 11/12, 11/19 and 11/26	925.95		7,146.05
Check	12/10/2018	102491	FNB Commercial Cr...	Credit card charges	61.00		7,207.05
Bill	12/11/2018	31940	Kiker Plumbing Serv...	Repair park commode	136.64		7,343.69
Bill	01/03/2019	1276	Taylor's Landscapin...	Lawn maintenance for 12/3, 12/10, 1...	1,234.60		8,578.29
Total Park Maintenance					8,578.29	0.00	8,578.29
<b>TOTAL</b>					<b>8,578.29</b>	<b>0.00</b>	<b>8,578.29</b>

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# Town of Fairview

## Transaction Detail By Account

### July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Capital Outlay - Office Reno</b>							
Bill	08/10/2018	30848A	Byrum Heating & A...	New office HVAC	9,786.21		9,786.21
Bill	08/29/2018	902500	Contractors Building...	Office renovation	2,509.72		12,295.93
Bill	08/29/2018	160697	Hill Paint and Walco...	office renovation	1,975.00		14,270.93
Bill	08/29/2018	EL828	Brian C. Austin	Light fixtures for office	1,125.00		15,395.93
Check	09/10/2018	102350	FNB Commercial Cr...		118.63		15,514.56
Bill	09/25/2018	90252018	William Riffle	Security system	875.00		16,389.56
Bill	10/02/2018	10022018	Teresa Gregorius_	office upfit	184.65		16,574.21
Bill	10/15/2018	EL829	Brian C. Austin	Office renovation	120.00		16,694.21
Bill	10/16/2018	10162018	Ed Humphries_	expense reimbursement	393.49		17,087.70
Bill	11/12/2018	4655	CompuNetworld	Setting up new office	1,037.37		18,125.07
Bill	11/18/2018	EL_831	Brian C. Austin	Office renovations	145.00		18,270.07
Check	12/10/2018	102491	FNB Commercial Cr...	Credit card charges	274.32		18,544.39
Bill	12/20/2018	EL833	Brian C. Austin	Light fixtures in Council Me...	650.00		19,194.39
Total Capital Outlay - Office Reno					19,194.39	0.00	19,194.39
<b>TOTAL</b>					<b>19,194.39</b>	<b>0.00</b>	<b>19,194.39</b>

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# Town of Fairview Transaction Detail By Account July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
Capital outlay - Park							
Bill	08/10/2018	08102018	Local Government C...	Loan app fee to LGC	1,250.00		1,250.00
Bill	08/20/2018	08202018	Sandra Haigler	Down payment on land purchase	25,000.00		26,250.00
Bill	08/20/2018	08202018	Harry T. Haigler	Down payment on land purchase	25,000.00		51,250.00
Bill	10/15/2018	5213	Cash Grading Comp...	Drainage piping for parking for P...	2,300.00		53,550.00
					53,550.00	0.00	53,550.00
Total Capital outlay - Park					53,550.00	0.00	53,550.00
<b>TOTAL</b>					<b>53,550.00</b>	<b>0.00</b>	<b>53,550.00</b>

## Zoning Permits DECEMBER 2018

4-Dec	12788	U-18-136	Upfit	\$50	Wendy Blount	406 Duck Creek	8216026
4-Dec	cash	Comp-18-137	Comp	\$100	J. Huntley	1419 Biggers Cem Rd	08114009C
6-Dec	N/A	TC 18-138	T-houses	N/A	Town	Land Use Administrator	N/A
6-Dec	16509	MS-18-139	Minor Sub	\$130	Danny Little	Little Road	08087022C
11-Dec	cash	MS-18-140	Minor Sub	\$65	Brys MJ	6922 Concord Highway	8192003
13-Dec	131	Comp-18-141	Comp	\$100	Jordan Austin	906 Simpson Road	8228003
13-Dec	cash	A-18-142	Accessory	\$50	Jerry Creasy	208 Old Dutch Rd West	08216005A
20-Dec	33498	Comp 18-143	Comp	\$100	Pilllips	1318 Earl Duncan Road	8225009
27-Dec	764	A-18-144	Accessory	\$50	G. Tanner	1024 Biggers Farm	08180004E
Totals		9		\$645			

Total for year 2018 146

Total income for year \$12,930

Percent of increase in number over 2017 58%

Percent of increase in income over 2017 43%

# TOWN OF FAIRVIEW COUNCIL MEETING DATES --- 2019

The second Monday night of each month at 7:00 PM

January 14<sup>th</sup>

February 11<sup>th</sup>

March 11<sup>th</sup>

April 8<sup>th</sup>

May 13<sup>th</sup>

June 10<sup>th</sup>

July 8<sup>th</sup>

August 12<sup>th</sup>

September 9<sup>th</sup>

October 14<sup>th</sup>

November 11<sup>th</sup> (Veterans Day)

December 9<sup>th</sup>

Administrative Office will be closed on the following dates:

- Independence Day, July 4<sup>th</sup> (Thursday)
- Thanksgiving Day, November 28<sup>th</sup> (Thursday)



# PROCLAMATION

## Fairview School Choice Week

WHEREAS all children in Fairview should have access to the highest-quality education possible; and,

WHEREAS Fairview recognizes the important role that an effective education plays in preparing all students in Fairview to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of Fairview; and,

WHEREAS Union County is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS Fairview has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, do hereby recognize January 20-26, 2019 as Fairview School Choice Week, and I call this observance to the attention of all of our citizens.

---

Phillip Thomas, Mayor of Fairview



**Town of Fairview  
Planning Board Meeting  
December 18, 2018**

The following Planning Board members were present: Kelvin Baucom, Doug Buchanan, Tony Helms, Mike Medlin, Rick Pigg, Nancy Randall and Bill Thomas

Others present: Ed Humphries, Land Use Administrator / Deputy Clerk, Teresa Gregorius, Town Clerk

**Public Comments**

None

**Reports**

Ed Humphries introduced Bill Thomas, the new alternate on the Planning Board. The Council approved Mr. Thomas' appointment at the December 10<sup>th</sup> meeting.

**Items of Business**

A. Discuss and Recommend TC 18-138 Regulations for Small (Tiny) Houses

Ed Humphries presented TC 18-138 regulations and the Board discussed the verbiage. Fairview resident Wendall Long spoke to the Board regarding the tiny house regulations. The Board agreed to the following verbiage:

*Article XII Density and Dimensions*

*Section 191 Small (Tiny) Houses*

a) *A home can be any size, if:*

1) *Meets the minimum construction and design standards as required by the North Carolina State Residential Code*

b) *Administrative Requirements:*

1) *Must be permitted by the local building official having jurisdiction over the building site.*

- 2) *Must be of open construction so unit can be fully inspected by the local building official.*
- 3) *May be constructed of closed construction at an off-site location if the off-site construction is inspected and certified under the NC Modular Construction Program.*
- 4) *Must meet local zoning and set-back requirements as applicable.*
- 5) *Must meet community protective covenant requirements as applicable.*

Rick Pigg made a motion to recommend approval of TC 18-138 as amended to the Council. Kelvin Baucom seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Pigg, Randall and Thomas voted yes (7-0).

B. Discuss and Recommend Conditional Use Permit CUP 18-133

Ed Humphries presented a conditional use permit request from David Griffin to increase the size/operation of his business Griffin Surveying which is non-conforming. The Board discussed the permit request and amended the wording regarding the usage of the structure from storage to mixed use.

Tony Helms made a motion to recommend approval of CUP 18-133 as amended to the Council. Kelvin Baucom seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Pigg, Randall and Thomas voted yes (7-0).

C. Minutes

Kelvin Baucom made a motion to approve the November 20, 2018 minutes. Rick Pigg seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Pigg, Randall and Thomas voted yes (7-0).

Mike Medlin made a motion to adjourn. Rick Pigg seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Pigg, Randall and Thomas voted yes (7-0).

Respectfully submitted,

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

\_\_\_\_\_  
Nancy Randall  
Chair

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018



**Town of Fairview  
Regular Town Council Meeting  
December 10, 2018**

The following Council members were present: Mayor Phil Thomas, John Biggers, Jerry Clontz, Patricia Kindley, and Gary Wilfong.

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

**Agenda Changes**

None

**Approval of Agenda**

Patricia Kindley made a motion to approve the agenda. Jerry Clontz seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Public Comments**

None

**Consent Agenda**

- a) Accept Financial and Tax Reports as Information
- b) Accept Land Use Report as Information
- c) Accept CRTPO Report as Information
- d) Park & Rec November Draft Minutes (*Minutes Accepted as Information*)
- e) Planning Board November Draft Minutes (*Minutes Accepted as Information*)
- f) Approve Council Regular Minutes for November 12, 2018

Patricia Kindley made a motion to approve the consent agenda. Gary Wilfong seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

## **Items of Business**

### **Item 1: Discuss Application for Alternate Member to Planning Board**

Ed Humphries informed the Council that Planning Board Alternate member Sara Furr had moved out of the Town of Fairview leaving an alternate position open. The Town received an application for the opening from Bill Thomas. Council discussed the application.

Jerry Clontz made a motion to appoint Bill Thomas to replace Sara Furr with the term to expire September 2019. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

### **Item 2: Approve Town of Fairview Credit Card Line Increase**

John Biggers requested that the Council consider increasing the town credit card limit. He noted that with the recent festivals some items had to be purchased by members of the Park-Rec & Event Committee members because the credit card limit had been exceeded. Mr. Humphries noted that the current credit limit was \$1,500.00 which is normally enough, but during festival time an increase is needed. Council discussed.

Gary Wilfong made a motion to increase the town credit card limit to \$5,000.00 and authorize Ed Humphries to sign the necessary documentation with First National Bank. John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

### **Item 3: Renew Order Granting Temporary Permit #TP 14-037**

Ed Humphries presented the renewal of the temporary permit # TP 14-037 for six months (new permit will expire May '19) in the name of Gregory Morgan, 6508 Morgan's Cove Road, Monroe, NC 28110 to add a manufactured home to his property (Parcel #08192012) for the purpose of caring for a relative—under Section 179 of the Fairview Land use Ordinance.

John Biggers made a motion to renew the temporary permit # TP 14-037 for six months to expire May '19. Gary Wilfong seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

### **Item 4: Review Junk Vehicle Ordinance**

Mayor Thomas presented the current Abandoned and Junk Vehicle Ordinance for review. The Council discussed.

Patricia Kindley made a motion to approve the Abandoned and Junk Vehicle Ordinance as amended. Jerry Clontz seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Council Comments**

Gary Wilfong noted two items regarding the park that the Council should start thinking about: lighting around the pond and graveling an overflow parking area. He also questioned if the town should consider renting out the entire park for corporate functions. It was noted that since it is a public park it should not be closed to the public and Attorney McCollum also stated that you must be careful if renting the entire park because it becomes a proprietary function rather than a governmental function and the rules of liability change.

Jerry Clontz stated he has a possible resource for lights that could be used around the park pond when the decision is made to do so.

Patricia Kindley stated the Holiday Lights Contest was a success. She noted she attended the ribbon cutting for the Monroe Expressway.

Mayor Thomas updated the Council on the Haigler house.

The Mayor and Council complimented the Park-Rec & Event Committee and volunteers on the excellent job they did on the Winter Festival.

Ed Humphries reminded the Council of the January 26, 2019 retreat.

Gary Wilfong made a motion to give Darrell Baucom, Ed Humphries and Teresa Gregorius a \$100 gift card to Amazon for Christmas. John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

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

Respectfully submitted,

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018

# Appoint Mayor Pro Tem

# Public Hearing

## CUP 18-133

**Town of Fairview  
Staff Report for:**

Fairview Council

DATE—1-14-2019

<b>--CASE #: CUP 18-133</b>	Planning Board recommended that Council with conditions with a vote of 7-0
<b>Applicant(s):</b>	David Griffin 9310 Unionville Brief Road Monroe NC 28110
<b>Property Owner(s): N/A</b>	Same
<b>Requested Action:</b>	Owner request: to add a mixed use building (30x30) to a property that is non-conforming under the present Fairview Ordinance to be used in business
<b>Existing Zoning:</b>	RA-40 Non-conforming
<b>Requested Zoning:</b>	RA-40 CUP to add mixed use building to property that will be used in owner's business
<b>Location:</b>	9310 Unionville Brief Road Monroe NC 28110
<b>Property Size:</b>	1.26 Ac.
<b>Tax Parcel(s):</b>	08114010C
<b>Purpose/Narrative:</b>	Owner wants to add a mixed-use building (30x30) to a property that is non-conforming under the present Fairview Ordinance. Building will be used in connect with Griffin Surveying '
<b>Surrounding Area Zoning:</b>	Residential and Farming
<b>Existing Conditions:</b>	Business: RA-40 Non-conforming Use: Griffin Surveying Inc.
<b>Land Use Plan Recommendation:</b>	Must have CUP under the present Fairview Land use ordinance. See Article VIII Non-conforming situations Section 123 requiring Conditional Use Permit
<b>Compliance with Zoning Ordinance:</b>	Business-- non-conforming use
<b>Staff Comments on Conditional Use Permit Application:</b>	Business has been in operation for some time by owner. Was at one time part of his home parcel but now has been subdivided

<b>Staff Recommendation on Conditional Use Permit Application:</b>	Staff recommends recommending to Council approval with conditions <ol style="list-style-type: none"><li>1. Building must be used as part of Business</li><li>2. Building will be 30 x 30 in size</li><li>3. Will be used for storage, supplies, equipment and a small portion (12x12) is to be set aside for exercise equipment for employees only</li><li>4. Building will have power, heat and air, but no bathroom or running water</li><li>5. See site plan</li></ol>

- (c) For purposes of subsection (b), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- (d) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 126.
- (e) Reserved

### **Section 123A Developed Nonconforming Lots**

Where two or more uses existed on a lot before the enactment of this ordinance and said lot cannot be subdivided to meet all minimum dimensional and lot area requirements, a subdivision may be permitted as long as minimum standards are adhered to as closely as possible. As an example, in an R-40 district, if two single-family residences occupy a 40,000 square foot lot, two 20,000 square foot lots may be created in order to facilitate the transfer of title for each home. If this is not feasible, a rezoning to a R-20 district would be needed to make the structures conforming with regard to lot size.

### **Section 124 Extension or Enlargement of Nonconforming Situations.**

- (a) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- (b) A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may be extended to additional buildings or to land outside the original building only in accordance with subsection (e) or Section 128 (Nonconforming Projects).
- (c) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming only in accordance with subsection e) or Section 128 (Nonconforming Projects).
- (d) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar

changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

- (e) Subject to subsection (f), the Town Council may issue a special exception to allow:
- (1) A structure within which a nonconforming use is conducted to be enlarged; or
  - (2) Additional structures to be built on the lot where the nonconforming use is located, within which structures the nonconforming use can be enlarged; or
  - (3) A nonconforming use of land to be extended beyond geographical bounds in which it has been conducted.
- (f) A complete application for a special exception shall be submitted to the Administrator for a public hearing and decision by the Town Council. The public hearing shall be advertised by citing the appropriate Section.
- (g) The Town Council shall have the authority to issue the conditional use permit, along with any fair and reasonable conditions to assure conformance with this Ordinance, other plans adopted by the Town Council, and compatibility with surrounding properties. All additional conditions imposed by the Council in association with the Conditional Use Permit shall be agreed upon by the applicant prior to final consideration.

Notice of the public hearing shall be given as follows:

- Such notice shall be published once a week for two successive weeks in a newspaper having general circulation in the Town. The first notice shall be published not less than ten days nor more than twenty-five days before the date fixed for the hearing. In computing this period the date of publication shall not be counted but the date of the hearing shall be.
  - The owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing shall be mailed a notice of the public hearing by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.
- (h) Once the public hearing has been concluded, The Town Council may issue the permit described if it finds that:

# Town of Fairview

7400 Concord Highway  
Monroe NC 28110

## CONDITIONAL USE PERMIT APPLICATION

Fees: \$325 to \$500

Application Number: CUP18133

Date of Application: 11/13/2018

### I. Applicant / Owner Information

- A. Applicant's Name: David Griffin  
Address: 9310 Unionville Brief Rd  
Phone: 704-641-7169 Email: david@griffinsurveying.net
- B. Owner's Name: David Griffin  
Address: 9310 Unionville Brief Rd  
Phone: 704-641-7169 Email: david@griffinsurveying.net

### II. Property Information

- A. Property Location: 1310 East Brief Rd Monroe NC 28110  
Monroe, Nc
- B. Tax Parcel Number: 08114010C
- C. Deed Book 6677 Page 545
- D. Existing Zoning Residential Proposed Zoning Residential
- E. Existing Use Surveying Office Proposed Use Surveying Office
- F. Property Size 1.26 (Acres)
- G. Is a Rezoning Application being submitted with CUP Application? No

### 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 where 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 7400 Concord Highway Monroe NC 28110

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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.

11/13/18  
 DATE

  
 SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

RECOMMENDATIONS OF THE PLANNING BOARD: 12-18-2018  
See ARTICLE VIII NONCONFORMING SITUATIONS  
SECTION 124 (Page 107)  
EXTENSION OR ENLARGEMENT OF NONCONFORMING  
SITUATIONS

**PUBLIC HEARING DATE:** \_\_\_\_\_

Notice of Public Hearing Published On: 12-21 and 12-28-2018

Notices to Applicant and Adjoining Property Owners Mailed on: 12-27  
 (Verification Attached)



**GRIFFIN SURVEYING SERVICES, PA**

SBE - Certified

704-753-5008

FAX 704-753-9041

New Storage Building:  
December 6, 2018  
Page 1 of 1

- LIMITED USE -

**Griffin Surveying Services, PA** is proposing to build a new storage building behind the existing office building. The proposed building will be no greater than a 30'x 30', with a look that will try to match the existing office.

We have a total of 10 employees and the additional space is needed. It will have a garage door, for cleaning and small repairs to the vehicles. The storage building will also have power, heat and air, but no bathroom or running water. The intent of the new building will be to store supplies, equipment, and a small portion 12'x12'+/- is to be set aside for exercise equipment, for employees only. The drive area will be extended for coverage in and out of the building.

Please feel free to give me a call if you have any questions.

Respectfully Submitted,  
*David E Griffin, PLS*  
President

Mailing Address:  
PO Box 98 Monroe, NC 28111-0098

Shipping Address:  
1310 Brief Rd. E. Monroe, NC 28110  
[david@griffinsurveying.net](mailto:david@griffinsurveying.net)

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# Public Hearing

TC 18-138

## Article XII Density and Dimensions

### Section 191 Small (Tiny) Houses

- a) A home can be any size, if:
  - 1) Meets the minimum construction and design standards as required by the North Carolina State Residential Code
  
- b) Administrative Requirements:
  - 1) Must be permitted by the local building official having jurisdiction over the building site.
  - 2) Must be of open construction so unit can be fully inspected by the local building official.
  - 3) May be constructed of closed construction at an off-site location if the off-site construction is inspected and certified under the NC Modular Construction Program.
  - 4) Must meet local zoning and set-back requirements as applicable.
  - 5) Must meet community protective covenant requirements as applicable.

# Review Noise Ordinance

**TOWN OF FAIRVIEW  
NOISE ORDINANCE**

WHEREAS, pursuant to G.S. §160A-184, the Town of Fairview may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, pursuant to G.S. §160A-174, the Town of Fairview may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances;

AND WHEREAS the Town of Fairview wishes to put limits on the times that certain noises may be emitted;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fairview as follows:

Section 1. It shall be unlawful and shall constitute a nuisance for any person or group of persons, regardless of number, to willfully make, continue, or cause to be made or continued any loud, raucous and disturbing noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within Union County. The term “loud, raucous and disturbing noise” shall be limited to loud, raucous and disturbing noises heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof.

In determining whether a noise is unreasonably loud, raucous and disturbing, the following factors incident to such noise shall be considered: (i) time of day; (ii) proximity to residential structures; (iii) whether the noise is recurrent, intermittent or constant; (iv) the volume and intensity; (v) whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; (vi) the character and zoning of the area; and (vii) whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

Section 2. The following acts are declared to be nuisances in violation of this Ordinance, but such enumeration shall not be deemed to be exclusive:

- (1) Horns and Signal Devices. The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.
- (2) Radios, Stereos, and Sound Reproduction. The playing, use, or operation, either from a motor vehicle or by a pedestrian, of any radio, tape or CD player, or other sound amplification device emitting sound that is audible from a distance of fifty (50) or more feet from the source of the sound.
- (3) Pets. The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the vicinity; provided, however, that this Ordinance shall not apply to a dog or dogs being used in a lawful hunt;
- (4) Noise resulting from the normal and lawful operations of any (i) industrial enterprise, (ii) commercial enterprise, or (iii) governmental facility or function between the hours of 6:00 A.M. and 9:00 P.M. on weekdays and 7:00 A.M. and 11:00 P.M. on weekends. If a special event permit has been issued, then such hours that are stated in the special event permit, if any, shall be controlling.
- (5) Noise resulting from agricultural and horticultural operations conducted in a reasonable manner on property classified as a bona fide farm or ad valorem tax purposes from 6:00 A.M. until 10:00 P.M. If a special event permit has been issued, then such hours that are stated in the special event permit, if any, shall be controlling.
- (6) Noise resulting from any authorized emergency or public safety vehicle, when responding to an emergency call or acting in the time of an emergency.
- (7) Noise of safety signals, warning devices and emergency pressure relief valves.
- (8) Noise resulting from emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from imminent danger.

- (9) Noise resulting from motor vehicles in proper operating condition and properly equipped with the manufacturers' standard mufflers and noise-reducing equipment.
- a) The vehicle has had its muffler-exhausts and/or noise – control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises or;
  - b) The vehicle is being operated in a manner so as to create unreasonably loud and disturbing noises by engaging in jackrabbit starts, spinning tires and other such activities or;
  - c) The vehicle is being driven off road for racing or other activities or other operations that create unreasonably loud and disturbing noises.  
(Items a, b, c amended 7/10/17)
  - d) To employ unmuffled engine compression brakes within the municipal limits of Fairview.
  - e) To operate or cause to be operated a motor vehicle unless the exhaust system is free from defects which affect sound reduction.
  - f) To remove or render inoperative or cause to be removed or rendered inoperative other than for maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
  - g) To modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle which has been so modified.  
(Items d, e, f, g amended 9/11/17)

Section 3. The following shall be exempt from the application of this Ordinance:

- (1) Noise resulting from any military or law enforcement activities of the federal, state, or any local government, to include military observances.
- (2) Noise resulting from construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and from 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or for which building permits are not required; provided that all

equipment is in proper operating condition and properly equipped with the manufacturers' mufflers and noise-reducing equipment.

- (3) Noise from lawn mowers and other landscape maintenance equipment used between the hours of 7:00 a.m. and 9:00 p.m., provided that all equipment is in proper operating condition and properly equipped with the manufacturers' mufflers and noise-reducing equipment.
- (4) Noise resulting from any event held in recognition of a community celebration, or national, state, or county events or public festivals or parades from 8:00 A.M. until 11:00 P.M. If a special event permit has been issued, then such hours that are stated in the special event permit, if any, shall be controlling.
- (5) Noise from lawful fireworks and noise makers on holidays and at religious ceremonies.
- (6) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- (7) Noise of any bell or chime from any building clock, school, or church.
- (8) Noise created by any public recreational activity.
- (9) Noise from dogs and firearms while being used in a lawful hunt.

Section 4.

Violation of any provisions of this Ordinance shall subject the offender to one or more of the following enforcement actions. Each day that any violation continues after notification by the Town of Fairview that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

- (1) Violations (except for Section 2) shall constitute a Class 3 misdemeanor pursuant to North Carolina General Statute 14-4(a), punishable by a fine of up to \$500.00 and imprisonment in the discretion of the court; (Amended 11/13/17)
- (2) If any person shall violate the provisions regulating the operation or parking of vehicles, that person shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00) pursuant to North Carolina General Statute 14-4(b). (Amended 11/13/17)
- (3) The Town of Fairview may apply for an appropriate equitable

remedy from the General Court of Justice, including but not limited to mandatory and prohibitory injunctions and orders of abatement as allowed pursuant to G.S. § 160A-175. Such civil actions may name as defendants any person or persons creating, allowing the creation of, or assisting in the creation of any unlawful noise, including the owner of the premises from which the noise emanates and the person having actual control of the premises from which it emanates. (Amended 8/10/15)

Section 5. If any provision of this Ordinance is adjudged invalid or if the application thereof to any person or in any circumstance is adjudged invalid; such invalidity shall not affect the validity of this Ordinance as a whole or of any part, subpart, sentence or clause thereof not adjudged invalid.

Section 6. This Ordinance is amended (Section 4-2) 10<sup>th</sup> day of August, 2015, and shall become effective the 10<sup>th</sup> day of August, 2015. This ordinance replaces any previous noise ordinance.

This Ordinance is amended (Section 2-9 a,b,c) 10<sup>th</sup> day of July, 2017, and shall become effective the 10<sup>th</sup> day of July, 2017. This ordinance replaces any previous noise ordinance.

This Ordinance is amended (Section 2-9 d,e,f,g,) 11<sup>th</sup> day of September, 2017, and shall become effective the 11<sup>th</sup> day of September, 2017. This ordinance replaces any previous noise ordinance.

This Ordinance is amended (Section 4-1 & 2) 13<sup>th</sup> day of November, 2017, and shall become effective the 13<sup>th</sup> day of November, 2017. This ordinance replaces any previous noise ordinance.