

Agenda

Town of Fairview



Agenda

Town Council Meeting

April 11, 2016

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:**

3. Consent Agenda:

- a) Financial and Tax Reports--- *Report Accepted as Information*
 - 1: Approve Budget Amendment #1 for budget year 2015-2016
- b) Land Use Report---*Report Accepted as Information*
- c) CRTPO --- *Report Accepted as Information*
- d) Monroe/Union County Economic Development Committee Report--- *Report Accepted as Information*
- e) Approve Council Minutes for March 14, 2016

4. Items of Business:

Item 1: Conduct Public Hearing on Text Amendment TC 16-007

Agenda

Mayor Thomas to open Public Hearing

Ed Humphries presents Text Amendment TC 16-007

Public Comments

Mayor Thomas to Close Public Hearing

Item 2: Approve Text Amendment TC 16-007 to include the 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)” --
- *Ed Humphries*

Item 3: Park and Recreation Report --- *Jerry Clontz*

Item 4: Award contract for the construction of Fairview’s Park --- *Jerry Clontz*

Item 5: Appoint 2 members to Park & Rec Committee (These appointments are for the positions currently held by Sharon Smith and Ronald Thomas –these terms will expire April 2019) --- *Jerry Clontz*

Item 6: Appoint Designated Official to Complete Form for ABC Commission “Local Government Opinion for Alcoholic Beverage Permits” --- *Ed Humphries*

Item 7: Discuss starting a mayoral monthly blog being added to the town website --- *Mayor 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 March 31, 2016**

	Mar 31, 16	Jun 30, 15
ASSETS		
Current Assets		
Checking/Savings		
American Community Bank	221,030.75	387,855.57
Bank of NC	957,307.08	955,069.87
Total Checking/Savings	1,178,337.83	1,342,925.44
Other Current Assets		
Franchise Tax Receivable	43,188.53	43,188.53
Investments		
Investments NCCMT	965.68	964.95
Total Investments	965.68	964.95
PARTF Grant receivable	0.00	12,527.50
Prepaid assets	0.00	3,288.50
Sales Tax Receivable	4,001.24	4,001.24
Taxes receivable	3,601.33	4,635.53
Total Other Current Assets	51,756.78	68,806.25
Total Current Assets	1,230,094.61	1,411,531.69
Fixed Assets		
Accumulated Depreciation	-7,474.08	-7,474.08
Computer Equipment	12,643.66	12,643.66
Furniture and Equipment	1,698.00	1,698.00
Land	219,516.33	219,516.33
Land improvements	10,145.00	10,145.00
Leasehold improvements	2,500.00	2,500.00
Total Fixed Assets	239,028.91	239,028.91
Other Assets		
Park development costs	25,055.00	25,055.00
Total Other Assets	25,055.00	25,055.00
TOTAL ASSETS	1,494,178.52	1,675,615.60
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
Accounts Payable	8,000.00	18,235.46
Total Accounts Payable	8,000.00	18,235.46
Other Current Liabilities		
Accrued payroll	3,436.07	3,436.07
Deferred revenue - ad valorem	4,635.53	4,635.53
Payroll Liabilities	507.49	482.37
Total Other Current Liabilities	8,579.09	8,553.97
Total Current Liabilities	16,579.09	26,789.43
Total Liabilities	16,579.09	26,789.43
Equity		
Equity		
Fixed assets	264,083.91	264,083.91
Total Fund Balance	1,244,247.72	1,244,247.72
Total Equity	1,508,331.63	1,508,331.63
Retained Earnings	140,494.54	0.23
Net Income	-171,226.74	140,494.31
Total Equity	1,477,599.43	1,648,826.17
TOTAL LIABILITIES & EQUITY	1,494,178.52	1,675,615.60

Town of Fairview
Profit & Loss Budget vs. Actual
 July 2015 through March 2016

	Jul '15 - Mar 16	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Ad Valorem taxes	70,029.64	69,100.00	929.64
Cable TV franchise taxes	2,064.37	2,100.00	-35.63
Interest on delinquent taxes	202.46		
Investment income	2,321.32	1,800.00	521.32
Motor vehicle taxes	7,875.56	5,175.00	2,700.56
PARTF Grant reimbursement	5,505.00	240,000.00	-234,495.00
Sales and use tax	17,626.83	18,751.00	-1,124.17
Sales and use tax refund	130.26		
Utility Franchise taxes	117,005.47	112,500.00	4,505.47
Zoning fees	2,035.00	3,600.00	-1,565.00
Total Income	224,795.91	453,026.00	-228,230.09
Expense			
Advertising and Promotion	472.62	585.00	-112.38
Audit fees	6,800.00	6,800.00	0.00
Bank Service Charges	24.51	180.00	-155.49
Capital outlay	21,460.00	476,325.00	-454,865.00
Charitable Contributions	211,836.67	225,000.00	-13,163.33
Collection fees	1,216.06	1,080.00	136.06
Computer and Internet Expenses	6,471.15	5,251.00	1,220.15
Dues and Subscriptions	5,143.00	5,000.00	143.00
Elections expense	2,721.33	3,145.00	-423.67
Grants	4,000.00	7,500.00	-3,500.00
Insurance Expense	4,706.98	6,000.00	-1,293.02
Legal fees	4,482.24	4,500.00	-17.76
Meals and Entertainment	178.05		
Miscellaneous Expense	233.92	0.00	233.92
Office Supplies	1,458.74	2,250.00	-791.26
Park Maintenance	100.00	18,000.00	-17,900.00
Park start-up and nonreimburse	35,037.40	35,000.00	37.40
Payroll Expenses	23,486.15	24,829.00	-1,342.85
Payroll taxes	3,886.06	4,325.00	-438.94
Planning and zoning	30,463.59	31,515.00	-1,051.41
Professional Fees	2,225.00	0.00	2,225.00
Public Safety	22,500.00	22,500.00	0.00
Rent Expense	2,250.00	2,250.00	0.00
Repairs and Maintenance	479.29		
Telephone Expense	2,529.20	2,700.00	-170.80
Training fees	1,065.00	1,000.00	65.00
Travel Expense	795.69	1,000.00	-204.31
Total Expense	396,022.65	886,735.00	-490,712.35
Net Ordinary Income	-171,226.74	-433,709.00	262,482.26
Net Income	-171,226.74	-433,709.00	262,482.26

8:56 AM

04/02/16

Accrual Basis

Town of Fairview Transactions by Account As of April 2, 2016

Type	Date	Num	Name	Memo	Debit	Credit	Balance
American Community Bank							200,783.99
Check	03/12/2016	101536	Frontier Telephone	Land line phone exp		165.36	200,618.63
Bill Pmt -Check	03/12/2016	101551	Alfred Benesch & Comp...	Construction administrat...		2,300.00	198,318.63
Bill Pmt -Check	03/12/2016	101552	Clark, Griffin and McColl...	Legal retainer and fees		622.50	197,696.13
Bill Pmt -Check	03/12/2016	101553	Computer Network	Monthly server and emai...		260.00	197,436.13
Bill Pmt -Check	03/12/2016	101554	Darrell H. Baucom_	Expense reimbursement		69.30	197,366.83
Bill Pmt -Check	03/12/2016	101555	Ed Humphries_	expense reimbursement		312.56	197,054.27
Bill Pmt -Check	03/12/2016	101556	EZ Task.Com Inc.	Annual support and mai...		1,250.00	195,804.27
Bill Pmt -Check	03/12/2016	101557	Great American Financia...	Copier lease payment		64.59	195,739.68
Bill Pmt -Check	03/12/2016	101558	Holloway's Music	Electronics		479.29	195,260.39
Bill Pmt -Check	03/12/2016	101559	N Focus	Training for Planning Bo...		825.00	194,435.39
Bill Pmt -Check	03/12/2016	101560	Teresa Gregorius_	expense reimbursement		16.99	194,418.40
Paycheck	03/14/2016	101550	Teresa Gregorius			959.92	193,458.48
Paycheck	03/14/2016	101538	Bradley W Purser			138.52	193,319.96
Paycheck	03/14/2016	101537	Darrell H. Baucom			533.59	192,786.37
Paycheck	03/14/2016	101538	Edward D Humphries			1,975.42	190,810.95
Paycheck	03/14/2016	101539	Gary H Wilfong			138.52	190,672.43
Paycheck	03/14/2016	101540	Greg Morgan			46.18	190,626.25
Paycheck	03/14/2016	101541	Jerry C. Clontz			161.62	190,464.63
Paycheck	03/14/2016	101542	Jesse L. Hargett			69.26	190,395.37
Paycheck	03/14/2016	101543	John A Biggers, Jr.			138.52	190,256.85
Paycheck	03/14/2016	101544	John H. Crowell			46.18	190,210.67
Paycheck	03/14/2016	101545	John T Phifer			46.17	190,164.50
Paycheck	03/14/2016	101546	Nancy H Randall			46.18	190,118.32
Paycheck	03/14/2016	101547	Patricia H. Kindley			46.18	190,072.14
Paycheck	03/14/2016	101548	Patricia L Freeman			46.17	190,025.97
Paycheck	03/14/2016	101549	Phillip C Thomas			184.70	189,841.27
Paycheck	03/14/2016	101551	Tony FD Helms			46.18	189,795.09
Paycheck	03/14/2016	101562	Edwin E Shaver, III			46.17	189,748.92
Liability Check	03/14/2016	To Print	IRS	55-0789092		1,780.66	187,968.26
Bill Pmt -Check	03/14/2016	101563	Fairview VFD and Rescue			2,750.00	185,218.26
Check	03/14/2016	101564	N Focus	Council retreat facilitatio...		1,400.00	183,818.26
Deposit	03/14/2016			Deposit	32,797.35		216,615.61
Deposit	03/14/2016			Deposit	2,242.32		218,857.93
Deposit	03/14/2016			Deposit	1,645.14		220,503.07
Deposit	03/21/2016			Deposit	677.68		221,180.75
Bill Pmt -Check	03/28/2016	101565	NC department of Enviro...	Permit fee		150.00	221,030.75
Total American Community Bank					37,362.49	17,115.73	221,030.75
TOTAL					37,362.49	17,115.73	221,030.75

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Town of Fairview
 Park Related costs

<u>Date</u>	<u>Services</u>	<u>Payee</u>	<u>Check Number</u>	<u>Amount Paid</u>
2/9/2015	Design development - initial bill	Benesch	101245	8,370.00
4/13/2015	Design development - second bill	Benesch	101268	1,335.00
5/11/2015	Design development - third bill	Benesch	101292	4,610.00
6/8/2015	Design development - fourth bill	Benesch	101321	1,010.00
6/23/2015	NC DOT driveway permit application fee	NC DOT	101329	50.00
6/23/2015	NC DENR erosion and sedimentation app fee	NC DENR	101330	260.00
7/10/2015	Construction documents - June 28, 2015	Benesch	101335	9,420.00
8/10/2015	Construction documents - July 26, 2015	Benesch	101359	2,355.00
8/27/2015	NC DENR storm water permit	NC DENR	101383	505.00
9/14/2015	Construction docs - Aug 18 and perc test	Benesch	101385	1,895.00
10/12/2015	Const docs, permitting and bidding	Benesch	101411	6,255.00
11/9/2015	Bidding on park	Benesch	101437	3,100.00
12/7/2015	Amendment #1 for turn lane design	Benesch	101488	4,900.00
3/14/2016	Construction administration	Benesch	101552	2,300.00
3/28/2016	NC DENR for revisions to plan	NC DENR	101565	150.00
Total incurred costs-to-date				46,515.00

Park Budget			
Design and construction management			47,100.00
Cost to develop park			560,000.00
Contingency			28,000.00
Total park costs			
			635,100.00

Town of Fairview
Pond Related Costs

<u>Date</u>	<u>Services</u>	<u>Payee</u>	<u>Check Number</u>	<u>Amount Paid</u>
3/9/2015	Foster Lake and Pond - lowering pond level	Foster Lake	101248	2,450.00
	Total for 14/15 fiscal year			2,450.00
8/10/2015	Foster Lake and Pond - pond renovation	Foster Lake	101356	22,833.59
9/14/2015	Warlick Trucking - Grading, etc on pond site	Warlick Trucking	101386	9,500.00
	Total paid-to-date on pond renovation and maintenance			34,783.59

The Town of Fairview
AN ORDINANCE TO AMEND THE
BUDGET FOR FISCAL YEAR 2015-2016
BUDGET AMENDMENT 2

WHEREAS, an ordinance establishing an annual budget for the Town of Fairview for the 2015-2016 fiscal year has been prepared and approved by the Town Council in conformance with North Carolina General Statute 159-8; and

WHEREAS, North Carolina General Statute 159-15 provides for the amendment of the budget ordinance by the Town Council as determined appropriate; and

WHEREAS, an amendment to the budget ordinance for fiscal year 2015-2016 is needed to reflect certain alterations to the authorized revenues and expenditures of the General Fund since the beginning of the budget year:

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Fairview at this meeting of the Town Council held on April 11, 2016, that the following amendments be made to the budget ordinance for fiscal year 2015-2016.

SECTION 1. GENERAL FUND

	FROM	TO
ANTICIPATED REVENUES		
Fund balance appropriated	\$ 512,673	\$ 516,973
TOTAL ANTICIPATED REVENUES	\$1,091,223	\$1,095,523
ANTICIPATED EXPENDITURES		
Computer & Internet	\$ 7,000	\$ 8,300
Miscellaneous	\$ 0	\$ 500
Professional Fees	\$ 0	\$ 2,500
TOTAL ANTICIPATED EXPENDITURES	\$1,091,223	\$1,095,523

Ordinance adopted this ____ day of _____, 2016

 Phil Thomas, Mayor

Attest:

 Teresa Gregorius, Town Clerk

Town of Fairview Amendments to 15-16 Budget

Revenue:	Original	Increase/	Adjusted	Increase/	Adjusted	Explanation
	Budget	Decrease	Budget	Decrease	Budget (2)	
Fund balance appropriated	470,855	41,818	512,673	4,300	516,973	
Investment income	2,400	-	2,400	-	2,400	
Miscellaneous	-	-	-	-	-	
Ad valorem taxes	69,100	-	69,100	-	69,100	
Cable TV Franchise taxes	2,800	-	2,800	-	2,800	
Franchise taxes	150,000	-	150,000	-	150,000	
PARTF grant reimbursement	317,550	-	317,550	-	317,550	
Motor vehicle taxes	6,900	-	6,900	-	6,900	
Sales and use tax	25,000	-	25,000	-	25,000	
Zoning fees	4,800	-	4,800	-	4,800	
Estimated revenue	1,049,405	41,818	1,091,223	4,300	1,095,523	
Advertising	780	-	780	-	780	
Audit fees	6,800	-	6,800	-	6,800	
Bank service charges	240	-	240	-	240	
Capital outlay	635,100	-	635,100	-	635,100	
Charitable contributions	225,000	-	225,000	-	225,000	
Collection fees on ad valorem	1,440	-	1,440	-	1,440	
Computer and internet	7,000	-	7,000	1,300	8,300	EZ Task annual support and maint
Dues and subscriptions	5,000	-	5,000	-	5,000	
Education and training	1,000	-	1,000	-	1,000	
Elections expense	3,145	-	3,145	-	3,145	
Grants	7,500	-	7,500	-	7,500	
Liability insurance	6,000	-	6,000	-	6,000	
Legal fees	6,000	-	6,000	-	6,000	
Miscellaneous	3,000	-	3,000	500	500	Expenses related to park celebration and retreat
Office supplies	24,000	-	24,000	-	24,000	
Park maintenance	35,000	-	35,000	-	35,000	
Park start-up and nonreimburse	24,680	6,320	31,000	-	31,000	
Payroll expenses	5,102	498	5,600	-	5,600	
Payroll taxes	-	-	-	2,500	2,500	N Focus retreat and training session for Planning Board
Professional fees	30,000	-	30,000	-	30,000	
Public safety and fire protection	3,000	-	3,000	-	3,000	
Rent	8,000	-	8,000	-	8,000	
Solid waste cost sharing	3,600	-	3,600	-	3,600	
Telephone	1,000	-	1,000	-	1,000	
Travel	42,018	-	42,018	-	42,018	
Zoning administration	-	-	-	-	-	
Total expense	1,049,405	41,818	1,091,223	4,300	1,095,523	

Zoning Permits 2016

2016

<u>Date</u>	<u>CK#</u>	<u>Permit #</u>	<u>Type</u>	<u>Fee \$</u>	<u>Name</u>	<u>Address</u>	<u>Parcel#</u>
12-Jan	4353	A-16-001	Accessory	\$50	Tomberlin Inc	9716 Tallwood Dr. IT	8210037
Totals		1		\$50			

11-Feb	4353	S-16-002	Sign	\$35	Union County Schools	Fairview Elem School	08219010b
9-Feb	167	C-16-003	Comp	\$100	Breعه	1225 Crowell Dairy Road	0825513A

Totals 2 \$135

3-Mar	3493	A-16-004	Accessory	\$50	Matthew Antone	1731 Garrett Road	8285064
10-Mar	2062	H-16-005	Home	\$50	John Beard-Schumacher	116 George Watkins Tr	8255004
10-Mar	13948	H-16-006	Home	\$50	Kelly Thomas--Helms	1032 Biggers Farm	0818004D
22-Mar	N/A	TC-16-007	Farm	N/A	Fairview	Bona Fide Farms	N/A
22-Mar	167	C-16-008	Compliance	\$100	Tomberlin--Spidel	741 Roy Kindley Road	08150013B
24-Mar	Cash	U-16-009	Uplit	\$50	Starnes Const--Hinson	9216 Concord Highway IT	8183007
29-Mar	1114	H-16-010	Home	\$50	Livarchuk	1615 Crowell Dairy Road	8282020
31-Mar	597	C-16-011	Compliance	\$100	Chad Julka-Contractor	402 Duck Creek Lane	8216027

Totals 8 \$450

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Ed Humphries

From: Burke, Neil [nburke@ci.charlotte.nc.us]
Sent: Thursday, March 17, 2016 8:29 AM
Subject: March MPO meeting results & Request for April 7 TCC Agenda Items

April TCC Meeting

The next TCC meeting is scheduled for Thursday, April 7 in Room 267 of the Charlotte-Mecklenburg Government Center.

If you would like to have an item placed on the agenda, the following information must be e-mailed to me no later than close of business on Wednesday, March 30:

- The name of the item as it should appear on the agenda
- A brief description of the topic
- Presenter's name
- Estimated presentation length

March 16 MPO Meeting Results

Transportation Alternatives Program Recommended Projects: The MPO the final TAP project list that was developed by the Bicycle and Pedestrian Work Group, and recommended by the TCC.

Miscellaneous 2016-2025 TIP Amendments: The MPO approved amendments to the 2016-2025 Transportation Improvement Program for two Iredell County intersection projects that were listed in the STIP but inadvertently omitted from CRTPO's MTIP.

FY 2017 Unified Planning Work Program: The MPO approved the FY 2017 Unified Planning Work Program as presented.

Prioritization 4.0: The MPO endorsed the P4.0 local input points methodology as presented.

Bonus Allocation Reprogramming Recommendation: The MPO approved the reprogramming of Bonus Allocation funds based upon a proposal developed by the Project Oversight Committee and recommended by the TCC.



Neil Burke, AICP PTP | Planning Coordinator
Charlotte Regional Transportation Planning Organization
704-353-0198 | nburke@charlottenc.gov

Ed Humphries

From: Tony Helms [tfhelms6@gmail.com]
Sent: Tuesday, April 05, 2016 8:09 PM
To: Teresa Gregorius; Ed Humphries
Subject: County Meeting March 15th.

Hi Guys,

Listed below are items that were discussed.

1. Union County has the lowest unemployment rate in the Charlotte region at 4.4 %
2. Chris attended the speed news conference in California and National farm show in Louisville.
3. Active projects 21 suspects, 11 prospects, and 19 projects. Six were lost due to lack of available buildings.
4. Work plans were given to review.
5. Speculative building 4 is still moving forward and bidding should began soon. Location has shifted and may shift again due to interest in planned location.



**Town of Fairview
Regular Meeting
March 14, 2016**

The following Council members were present: Mayor Pro Tem Jerry Clontz, Bradley Purser, 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

Bradley Purser made a motion to approve the agenda. Gary Wilfong seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Public Comments

None

Presentation

Brian Austin, Board President of Fairview Volunteer Fire Department, informed the Council that the new fire truck purchased, Engine 30, is now in service and housed in the main fire department. The department has formed a committee to look into purchasing additional land to set up a substation.

Reports

- a) Darrell Baucom gave the financial report.

Mr. Baucom stated that he will be doing a budget adjustment in April.

- b) Ed Humphries distributed his Land Use Report in the agenda packet.
- c) Jerry Clontz gave the Park and Recreation report.

The bidding for the park project is open and a pre-bid meeting will be held March 17, 2016 at 10:00 AM at the fire department. Bids will be open March 31, 2016 at 2:00 PM at the fire department.

- d) The CRTPO report was distributed in the agenda packet.
- e) Tony Helms distributed his Monroe/Union County Economic Development Committee report in the agenda packet.

Items of Business

A. Appoint 2 members to Park & Rec Committee:

Jerry Clontz stated that since the Mayor and Councilman Biggers were not present he would like to postpone appointing new members until the April meeting. Mr. Clontz made a motion to table the appointment of two new Park & Rec Committee members until the April meeting. Bradley Purser seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

B. Minutes

Gary Wilfong made a motion to approve the minutes of the February 8, 2016 regular Council meeting. Bradley Purser seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Council Comments

Gary Wilfong stated that the Festival Committee will be meeting shortly. They are currently working on securing a location. The committee would welcome the Council's input regarding what type of festival they would like to see or a possible theme.

Bradley Purser stated that the planning retreat held on March 12th was beneficial and hopes that the Council will continue to do the retreats.

Jerry Clontz stated that the retreat was very beneficial and the best thing the council has done in the 12 years he has been on the Council.

Gary Wilfong made a motion to adjourn. Bradley Purser seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Jerry Clontz
Mayor Pro Tem

Approved this _____ day of _____, 2016

Public Hearing

Text Amendment TC 16-007

ARTICLE I: GENERAL PROVISIONS

Section 1 Short Title.

This ordinance shall be known and may be cited as the Town of Fairview Land Use Ordinance.

Section 2 Authority.

- (a) This ordinance is adopted pursuant to the authority contained in North Carolina General Statutes Chapter 160A, Article 19 (Planning and Regulation of Development); Chapter 143, Article 21 (Watershed and Floodway Regulation), Chapter 113A, Article 4 (Sedimentation Pollution Control), and 1987 Session Laws, Chapter 604.
- (b) Whenever any provision of this ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 3 Jurisdiction.

This ordinance shall be effective within the planning jurisdiction of the Town of Fairview.

Section 4 Bona Fide Farms Exempt.

- (a) The provisions of this ordinance shall not apply to bona fide farms, except that:
 - (1) farm property used for non-farm purposes shall not be exempt from regulation; and
 - (2) the provisions of Article XVI, Part I regulating development in floodways and floodplains, as required for participation in the National Flood Insurance Program, shall apply to bona fide farms.
- (b) For purposes of this ordinance, a bona fide farm is any tract (or tracts of land under common ownership or control) ten acres in size or greater on which a party is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry.

Town of Fairview

7400 Concord Highway Monroe NC 28110

BONA FIDE FARM CERTIFICATION

I certify that I have reviewed and am familiar with the requirements for what constitutes a bona fide farm under the Fairview Land Use ordinance. I certify that my parcel, tax ID(s): _____ meets these requirements to be considered a bona fide farm under the Fairview Land Use ordinance.

Applicant

Date

Section 4 Bona Fide Farms Exempt.

- (a) The provisions of this ordinance shall not apply to bona fide farms, except that:
- (1) farm property used for non-farm purposes shall not be exempt from regulation; and
 - (2) the provisions of Article XVI, Part I regulating development in floodways and floodplains, as required for participation in the National Flood Insurance Program, shall apply to bona fide farms.
- (b) For purposes of this ordinance, a bona fide farm is any tract (or tracts of land under common ownership or control) ten acres in size or greater on which a party is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry with a least one of the following:*
1. A farm sales tax exemption certificate issued by the Department of Revenue;
 2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program, pursuant to NCGS 105-277.3;
 3. A copy of the farm owner's or operator's most recent Schedule F federal income tax return;
 4. A forest management plan—according to NC Statute 105-277.2; or
 5. A farm identification number issued by the United States Department of Agriculture.

* Please attach copy of certificate to application

PUBLIC HEARING NOTICE

The Fairview Town Council will conduct a Public Hearing starting at 7:00pm on Monday, **April 11th 2016 during the Council Regular monthly meeting** at the Old Fairview School (location address: 7514 Concord Highway, Monroe, N.C. 28110). The purpose of this hearing is to:

Hear public comment on:

Text Amendment #TC 16-007

Amending: **Section 4 'Bona Fide Farms Exempt'**

The requirements for a property to be classified as a "bona-fide farm" in the Town of Fairview

The Public is invited to attend the public hearing and make comments. As a result of comments, the Town council reserves the right to make changes to the proposed Amendment prior to adoption. For More information, call Ed Humphries, Land Use Administrator at (704) 564.3412 during business hours. (Tuesday and Thursday 8:00am to 3:00pm)

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 Ed Humphries at (704) 564.3412 as far in advance of the meeting as possible so that your request can be considered.

Award Contract for Construction of Fairview Park

Appoint 2 Park & Rec Members

Appoint Designated Official to Complete Form for ABC Commission

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION**

4307 Mail Service Center
Raleigh, NC 27699-4307
(919)779-0700 FAX: (919)662-3583

**LOCAL GOVERNMENT OPINION
for ALCOHOLIC BEVERAGE PERMITS**

APPLICANT SHOULD COMPLETE THIS SECTION ONLY

Applicant's Name _____
Corporate or LLC Name *(if applicable)* _____
Trade Name of Business _____
Former Trade Name *(if any)* _____
Business Address _____
City/State _____
Date of Birth _____
NC Driver's License # _____
Last 4 of Social Security # _____

TYPE OF ABC PERMIT(S) BEING APPLIED FOR:

_____ On Premise
Indicate Type *(if any)*
_____ Off Premise
Indicate Type *(if any)*

REMAINDER OF FORM FOR OFFICIAL USE ONLY

Date Form 001 Mailed or Delivered _____
Designated Official's Name _____
Title _____
City/County _____
Address _____
Contact Telephone # _____

NOTICE: The Alcoholic Beverage Control Commission shall give notice of a permit application to the Governing body of a city or county prior to issuing a retail ABC permit. Designated Officials are expected to process this form within 15 days of receipt. The applicant will be required to provide proof of mandatory compliance with all applicable building and fire codes. The Inspection/Zoning Compliance form (Form 002) is for this purpose and will be completed by the appropriate local agencies.

FACTORS IN ISSUING A PERMIT: Pursuant to N.C.G.S. 18B-901(c), before issuing a permit, the ABC Commission shall be satisfied the applicant is a suitable person and that the location is a suitable place.

18B-901(c)

Factors in Issuing Permit

Before issuing a permit, the Commission shall be satisfied that the applicant is a suitable person to hold an ABC permit and that the location is a suitable place to hold the permit for which the applicant has applied. To be a suitable place, the local governing body shall return a Zoning and Compliance Form to the Commission on a form provided by the Commission to show the establishment is in compliance with all applicable building and fire codes and, if applicable, has been notified that it is located in an Urban Redevelopment Area as defined by Article 22 of Chapter 160A of the General Statutes and as required by G.S. 18B-904(e)(2). Other factors the Commission shall consider in determining whether the applicant and the business location are suitable are all of the following:

- (1) The reputation, character, and criminal record of the applicant.
- (2) The number of places already holding ABC permits within the neighborhood.
- (3) Parking facilities and traffic conditions in the neighborhood.
- (4) Kinds of businesses already in the neighborhood.
- (5) Whether the establishment is located within 50 feet of a church, public school, or any nonpublic school as defined by Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes.
- (6) Zoning laws.
- (7) The recommendations of the local governing body.
- (8) Any other evidence that would tend to show whether the applicant would comply with the ABC laws.
- (9) Whether the operation of the applicant's business at that location would be detrimental to the neighborhood, including evidence admissible under G.S. 150B-29(a) of any of the following:
 - a. Past revocations, suspensions, and violations of ABC laws by prior permittees related to or associated with the applicant, or a business with which the applicant is associated, within the immediate preceding 12-month period at this location.
 - b. Evidence of illegal drug activity on or about the licensed premises.
 - c. Evidence of fighting, disorderly conduct, and other dangerous activities on or about the licensed premises.

PLEASE INDICATE YOUR ANSWER TO THE FOLLOWING:

Do you approve of the applicant and location for the ABC permit?

YES ____ Applicant _____ NO ____ Applicant _____
Location _____ Location _____

Disapprovals: Pursuant to N.C.G.S. 18B-901 (b), to be considered by the ABC Commission, the objections shall state the facts upon which it is based. If you have indicated disapproval by answering "NO", please explain your reason(s) based on the factors outlined in N.C.G.S. 18B-901(c) on the attached page. Use extra sheets if additional space is required and attach all records and/or documents used to arrive at your decision. The mere indication of "NO" without an explanation is an insufficient basis for rejection and cannot be considered by the Commission.

Signature of Designated Official Date

Title of Designated Official

State of North Carolina
_____ County

_____ Being duly sworn says that the contents of the foregoing Local Government Opinion are true to his/her own knowledge, except as to matters stated on information and belief, and as to those matter(s) he/she believes them to be true.

Sworn to and subscribed before me this:

Day Month Year

(Notary Public's Signature)

§ 18B-604. Timing and effect of subsequent elections.

(a) Time Limits. - No county alcoholic beverage election may be held within three years of the certification of the results of a previous election on the same kind of alcoholic beverages in that county. No city alcoholic beverage election may be held within three years of the certification of the results of a previous election on the same kind of alcoholic beverage in that city. Otherwise, alcoholic beverage elections may be held at any time, subject to the applicable provisions of this Chapter and Chapter 163.

* (b) Effect of Favorable County Vote on City or Township. - If a majority of voters vote in favor of certain alcoholic beverage sales in a county election, sale of that kind of alcoholic beverage shall be lawful throughout the county, regardless of the vote in any city or township at that or any previous or subsequent election, and regardless of any local act making sales unlawful in that city or township, unless the local act was ratified before the effective date of Article II, Section 24(1)(j) of the Constitution of North Carolina. A county malt beverage or unfortified [wine] election in favor of a particular ballot proposition which is more restrictive than the form of sale already allowed in a city or township within that county shall not affect the legality of those previously authorized sales in the city or township.

(c) Effect of Negative County Vote on City or Township. - If a majority of voters vote against certain alcoholic beverage sales in a county election, sale of that kind of alcoholic beverage shall be unlawful throughout the county, except that sale of that alcoholic beverage shall remain lawful in any city or township in which sale is lawful because of a city or township election or a local act.

(d) Effect of City or Township Election on County. - A city or township alcoholic beverage election shall not affect the lawfulness of sale in any part of the county outside that city or township.

(e) Repealed by Session Laws 2003-218, s. 2, effective June 19, 2003.

(f) When Sales Stop. - When the sale of any alcoholic beverage that was previously lawful becomes unlawful because of an election, the sale of that alcoholic beverage shall cease 90 days after certification of the results of the election. (1937, c. 49, ss. 25, 26; c. 431; 1947, c. 1084, ss. 1, 2, 4; 1951, c. 999, ss. 1, 2; 1957, c. 816; 1963, c. 265, ss. 1-3; 1965, c. 506; 1969, c. 647, s. 1; 1971, c. 872, s. 1; 1973, cc. 32, 33; 1977, c. 149, s. 1; c. 182, s. 2; 1977, 2nd Sess., c. 1138, s. 15; 1979, c. 140, ss. 2, 3; c. 609, s. 1; c. 683, s. 13; 1979, 2nd Sess., c. 1174; 1981, c. 412, s. 2; 1993, c. 415, s. 29; 2003-218, s. 2.)

**Discuss
Mayoral Blog
On Town
Website**