

Fairview Town Council Meeting
February 13 and 14, 2012
7:00 p.m.

The following members were present: B.B. Haigler, Bradley Purser, Jerry Clontz and Arnold Price. Staff members present were Darrell Baucom, Finance Officer and Ed Humphries, Land Use Administrator/Town Clerk.

The Fairview meeting was called to order by Mayor Long. **The Regular scheduled meeting of the Fairview Council convened on February 13 at 7:00 p.m. at the Unionville Town hall.** This meeting consisted of a meeting with the Union County Commissioners. The Fairview and Unionville Councils received updates on County activities and the Council of both towns asked questions regarding their towns. See agenda below:

TOWN OF UNIONVILLE

TOWN COUNCIL

SPECIAL MEETING

WITH TOWN OF FAIRVIEW AND UNION COUNTY

FEBRUARY 13, 2012

7:00 p.m.

AGENDA

1. Pledge of Allegiance to the United States flag
2. Invocation
3. Welcome and Call to Order
4. Discussion regarding Union County Transportation Advisory Committee – Mayor Long
5. Discussion regarding Union County Public Works' provision of water and sewer services – Mayor Long
6. Discussion regarding Union County planning and zoning – Mayor Long
7. Other business
8. Adjournment

At the conclusion of the joint meeting, Mayor Long stated that Fairview would recess their meeting to 7:00 p.m. Tuesday, February 14, 2012 at the Fairview Town Hall.

Reconvened Council meeting in Fairview Feb 14, 2012

Mayor Long reopened the recessed meeting, convening the night before. The following members were present, constituting a quorum: B.B. Haigler, Bradley Purser, Jerry Clontz and Arnold Price.

Jerry Clontz made a motion to approve the agenda of the regular town meeting. Bradley Purser seconded the motion. Councilmen Clontz, Haigler, Price and Purser voted yes (4-0).

Reports

Darrell Baucom gave the financial report.

Ed Humphries gave the zoning report. Humphries thanked the Council for support of his attendance at the Managers Conference in Durham. An update was provided on important topics in the political environment with State government. Humphries explained that Senate Bill 646, Annexation Law Omnibus, was still in Committee and would not come up in the Short Session, but may come up in next year's Long Session. This is the bill that would require towns to provide certain services to its residents or give up their town charter.

Public Hearings

Mayor Long opened one of the two Public Hearings.

The first : **Text Amendment #TC-12-001.**

Nonprofit organizations which are supported primarily by charity and whose principle function is the performance of charitable works or religious activities. This definition should include but not limited to: churches, mosques, synagogues or other religious institutions. Not included in this definition are social organizations and clubs.

Table of uses: Conditional Use Permit required in all Residential Zones (C)

Permitted by Right (Z) in all other zones

Humphries explained that he had a request from a charitable organization to change the use of a "non-conforming" property by using it for a "food storage and pantry". This use is not in the Table of Uses, therefore, would need to be added in order to provide for the use and the rezoning.

There was much discussion as to why a text amendment was needed.

Mayor Long had concerns about why a Text Amendment would be necessary.

Humphries explained that the town ordinance was based on "uses allowed".

The use requested was not in the Table. The text amendment would allow uses that charitable organizations would need.

Mayor Long closed the Public Hearing.

Jerry Clontz made a motion to approve the amendment to the Zoning Ordinance TC-12-001, Charitable Organizations, as presented along with the following zoning statement:

The proposed zoning amendment under consideration is found to be reasonable and consistent with the recommendations of the Town's adopted comprehensive plan, the Town of Fairview Land Use Plan(Revised September 13, 2010), and the Town of Fairview Land Use Ordinance (effective July 1, 2005)

Bradley Purser seconded the motion. Councilmen Clontz, Purser, Haigler and Price voted yes (4-0).

Mayor Long opened the second Public Hearing.

A request was made by **Hopewell Baptist Church for a Conditional Use Permit (Permit CUP-12-002)** to operate a food pantry on Parcel #08186009B. The property is located at 8002 Concord Highway in Fairview.

Humphries explained the request from Hopewell, stating that the church had entered into a contract to lease the "non-conforming" building located at 8002 Concord Highway in order to store food and to prepare "back packs" for children. This would give them more storage and working room as compared to what they were using at the church.

The Pastor, Lee Pigg, met with the Planning Board and explained the operation, offering the following conditions to be used with the permit:

Conditions for Conditional Use Permit # C-12-002 Hopewell Baptist Church

1. Applicant will maintain sufficient parking for the use of a food pantry
2. Primary use of the building will be for food storage and supplies.
No sales or promotions are allowed on the site.
3. Use will include packing backpacks of food to be delivered to local schools.
4. Deliveries will be limited to one main delivery per month with the occasional smaller vehicle deliveries.
5. When a sign is needed, the sign ordinance will be followed.
6. The food pantry will have set hours of operation and will be by appointment only.

Approved by Fairview Planning Board Jan. 17, 2012

This Public Hearing and decision is held under a Quasi-Jurisdictional proceeding. Everyone who wanted to speak during the hearing was sworn in by Humphries.

Pastor Pigg explained the request by the church.

Joe McCollum, town attorney, asked Pastor Pigg two questions for the record:

1. Do you feel this request, if granted, will materially endanger the public health or safety; and would the use injure the value of adjoining or abutting property?
2. The response by Pastor Pigg to both questions was "No".

Beverly Plyler addressed the Council; she was in favor of the activity and efforts of the church, but thought it should be held at the church. She stated she had also offered to purchase parcel #08186009B.

Mr. Jimmie Phillips also spoke. He has lived beside the lot and building for 17 years. Mr. Phillips was concerned about the building being close to his house, about people who might want help after hours and security. He, too, was supportive of the food pantry and what the church was doing, but opposed the use at this location.

Mayor Long closed the Public Hearing. At this point in the meeting, Pastor Pigg asked the Council if they could take a five minute recess in order for him and his committee members to discuss their request.

After a five minute break recess, Pastor Pigg asked if he could address the Board.

Pastor Pigg explained that after hearing the public opinions, the church would like to withdraw their request #CUP-12-002.

The Council honored the church's request and also refunded the application fee.

Council Comments

Mayor Long recognized Angela Elwood, treasurer of Piedmont High School Booster Club, gave an update on the irrigation project at the high school baseball field. Ms. Elwood wanted to publically thank the Town for their help with the project.

Bradley Purser stated that he did not think the Town should charge church and non-profits a fee when asking for a permit.

Jerry Clontz gave an update on using the sign in front of the old school. Union County has no problem with the Town using the sign for town purposes.

Mayor Long stated she exchanged emails with Greg Jones, NCDOT, about the improvements to the Highway 218 Bridge. Planning and design are underway, with a project letting date of June, 2013.

Mayor Long explained that the Girl Scouts would be at our next meeting and asked the town clerk to add to the next agenda.

Mayor Long stated she had met with Brittany Merola, who stated that 400 homes in Union County and Fairview have participated in the “Duke Water Study”. There are several areas with high amounts of arsenic with the highest being on Morgan Mill Road.

Jerry Clontz stated he enjoyed the meeting in Unionville and that the Town of Fairview should have an invocation before each meeting. Mayor Long encouraged everyone to read Matthew 6.

Joe McCollum asked that copies of the Quasi-Judicial procedure of the Town of Cary, North Carolina be given to Council.

B.B. Haigler made a motion to go into “Closed Session – Real Estate” with Darrell Baucom, Ed Humphries and town attorney, Joe McCollum, attending.

Arnold Price seconded the motion. Councilmen Clontz, Haigler, Purser and Price voted yes (4-0).

CLOSED SESSION

Mayor Long reopened the Regular Meeting.

Bradley Purser made a motion to adjourn. B.B. Haigler seconded the motion. Councilmen Haigler, Purser, Price and Clontz voted yes (4-0).

Respectfully submitted,

Ed Humphries
Town Clerk

Elizabeth Long
Mayor

Approved with corrections this 12 day of March, 2012.