



**Town of Fairview
Regular Meeting
December 12, 2016**

The following Council members were present: Mayor Phil Thomas, 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

Mayor Thomas requested that pay application #6 be added to Item #3 Park Update.

Approval of Agenda

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

Public Comments

Mike Semones spoke regarding excessive engine brake noise and asked if Council had discussed the issue.

Consent Agenda

- a) Accept Financial and Tax Reports as Information
- b) Accept Land Use Report as Information
- c) CRTPO --- *No Report*
- d) Monroe/Union County Economic Development Committee Report--- *No Report*
- e) Approve Meeting Dates and Holiday Closures for 2017
- f) Approve Council Regular Minutes for November 14, 2016

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

Items of Business

Item 1: Conduct Public Hearing for Conditional Use permit #CUP-16-055

Ed Humphries explained that the Conditional Use Permit was to subdivide a residential lot (1.326 ac) from parcel #08282019H and create a conforming lot allowing a barn in the northwest corner of the lot to remain on the property.

Mayor Thomas to open Public Hearing

Public Comments

None

Mayor Thomas closed the Public Hearing

Below are “Findings of Fact” for the above Conditional Use Permit with individual motions on each:

Bradley Purser made a motion that the proposed conditional use permit will not endanger the public health or safety because it is not a safety issue. Jerry Clontz seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Jerry Clontz made a motion that the proposed conditional use permit will not substantially injure the value of adjoining or abutting property because it is already a rural area. Bradley Purser seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Gary Wilfong made a motion that the proposed conditional use permit will be in harmony with the area in which it is located because of the research conducted by the Land Use Administrator. Jerry Clontz seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Jerry Clontz made a motion that the proposed conditional use will be in general conformity with the land use plan, Thoroughfare plan or other plan because it conforms to the town’s land use plan. Gary Wilfong seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Item 2: Approve Conditional Use permit #CUP-16-055

Gary Wilfong made a motion to approve the Conditional Use permit to subdivide a residential lot (1.326 ac) from parcel #08282019H and create a conforming lot allowing a barn in the northwest corner of the lot to remain on the property with the following conditions:

1. Located at 9606 Mill Grove Road, Indian Trail, NC 28079 in the Fairview Zoning District.

2. Owner desires to subdivide the property creating a lot 1.326 ac in size from Parcel # 08282019H.
3. Owner desires to keep the barn which is shown on the proposed survey.
4. The applicant may use barn for any farm related or home use activity. Owner may maintain the barn, but not enlarge the footprint of the structure.
5. The barn can be removed from the lot at any time.
6. The lot would be a conforming residential lot.
7. If damage happened beyond normal repair, barn would **not** be rebuilt.

Jerry Clontz seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Item 3: Park Update

Jerry Clontz updated the Council on the park construction progress:

- Restroom building has been installed
- All benches and trash receptacles have been installed
- Picnic shelter is up and picnic tables are in place
- Waiting on Duke Power to finalize line work
- Fence around the pond dam has not been installed
- Park & Rec Committee is in the process of finalizing signage that will be placed within the park (playground area, shelter area, etc.)
- Aqua shade will be purchased to be put in the pond

Mr. Clontz stated that there will be a walk-thru inspection on December 22, 2016 at 1:00 PM and invited Council members to attend if available. He stated that the park completion date is set for January 6, 2017.

Jerry Clontz made a motion to approve the fifth Application and Certificate for Payment totaling \$171,505.50 and the sixth Application and Certificate for Payment totaling \$240,275.08 to Eagle Wood Inc. Gary Wilfong seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Council Comments

Gary Wilfong discussed the traffic problems at the intersection of Lawyers Road and Highway 601. He asked the Council about the possibility of approaching NCDOT about the feasibility of a traffic light at the intersection. The Council discussed the situation and asked Mr. Wilfong to speak with the Town of Unionville regarding the intersection to see if both towns might come together and approach NCDOT. Mr. Wilfong will update the Council once he has reached out to the Town of Unionville.

Bradley Purser stated that he had been informed that the retention pond (BMP) behind the fire department can be moved or reconfigured.

Mayor Thomas addressed the engine brake noise problem that resident Mike Semones asked about during the public comments segment. Mayor Thomas stated that in 2015 the Council reviewed information gathered regarding engine brake noise. At that time one of the major

concerns was the ability of the Town to enforce any ordinance put in place regarding engine brake noise since the Town does not have their own police department and the particular streets in question (Hwy. 218 and Hwy 601) are governed by NCDOT and NCDMV. The Council asked Attorney McCollum to check and see if there were other towns that had an engine brake ordinance and how they enforced it.

Mayor Thomas asked the Council if they would like to have a Council Retreat again this year. After discussion, Bradley Purser made a motion to schedule a Council Retreat for 2017. Jerry Clontz seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0). Mayor Thomas asked Ed Humphries to check with N-Focus regarding scheduling and securing a contract to bring back to the Council at the January meeting.

Bradley Purser made a motion to give Darrell Baucom, Ed Humphries and Teresa Gregorius a \$50 check for Christmas. Gary Wilfong seconded the motion. Councilmen Clontz, Purser and Wilfong voted yes (3-0).

Mayor Thomas adjourned the meeting.

Respectfully submitted,

Teresa Gregorius
Town Clerk

Phil Thomas
Mayor

Approved this 9th day of January, 2017