

## Agenda

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# *Town of Fairview*



## Agenda

Town Council Meeting

**October 8, 2018**

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 (including Pending Bills documentation provided at meeting)*
- b) Land Use Report---*Report Accepted as Information*
- c) Park & Rec September Draft Minutes *(Minutes Accepted as Information)*
- d) Planning Board September Draft Minutes *(Minutes Accepted as Information)*
- e) Approve Council Minutes for September 10, 2018

# Agenda

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## 4. Items of Business:

**Item 1: Conduct Public Hearing:** Conditional Use Permit #CUP-S 18-097 requested by Bethlehem Presbyterian Church to add a LED scrolling sign within the present church Monument sign --- *Ed Humphries*

**Mayor to Open Public Hearing**

**Hear public comments**

**Mayor 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)

**Item 2: Review** Rules of Procedures Policy --- *Mayor Thomas*

**Item 3: Update** on New Office Space ---*Ed Humphries*

**Item 4: Update** on Fairview Fall Festival --- *Teresa Gregorius*

**Item 5: Update** on Haigler Property Purchase ---*Ed Humphries*

## Agenda

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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**

**Town of Fairview**  
**Balance Sheet**  
 As of September 30, 2018

	Sep 30, 18
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
American Community Bank	418,070.15
<b>Total Checking/Savings</b>	418,070.15
<b>Other Current Assets</b>	
Franchise Tax Receivable	33,813.84
<b>Investments</b>	
Investments NCCMT	985.48
<b>Total Investments</b>	985.48
Prepaid assets	981.00
Sales Tax Receivable	4,189.16
Taxes receivable	2,733.22
Taxes receivable - ad valorem	-2,344.81
Taxes receivable - motor veh	946.31
<b>Total Other Current Assets</b>	41,304.20
<b>Total Current Assets</b>	459,374.35
<b>Fixed Assets</b>	
Accumulated Depreciation	-33,477.45
Building and Improvements	1,181,642.75
Computer Equipment	12,688.66
Furniture and Equipment	1,698.00
Land	202,216.33
Land improvements	10,145.00
Leasehold improvements	2,500.00
Park equipment	138,960.55
<b>Total Fixed Assets</b>	1,516,373.84
<b>TOTAL ASSETS</b>	<b>1,975,748.19</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
Accounts Payable	21,640.39
<b>Total Accounts Payable</b>	21,640.39
<b>Other Current Liabilities</b>	
Accrued payroll	3,524.87
Deferred revenue - ad valorem	2,962.15
Payroll Liabilities	825.80
Prepaid tax interest	36.58
Prepaid taxes	199.84
<b>Total Other Current Liabilities</b>	7,549.24
<b>Total Current Liabilities</b>	29,189.63
<b>Total Liabilities</b>	29,189.63
<b>Equity</b>	
Equity	
Fixed assets	1,516,328.84
<b>Total Fund Balance</b>	397,520.00
<b>Total Equity</b>	1,913,848.84
Fund Balance - Park project	810,048.00
Retained Earnings	-693,960.23
Net Income	-83,378.05

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10/01/18

Accrual Basis

Town of Fairview  
**Balance Sheet**  
As of September 30, 2018

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	Sep 30, 18
Total Equity	1,946,558.56
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>1,975,748.19</b>

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10/01/18

Accrual Basis

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

	Jul '18 - Jun 19	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Ad Valorem taxes	1,037.75	74,500.00	-73,462.25	1.4%
Alcoholic beverage	0.00	16,200.00	-16,200.00	0.0%
Cable TV franchise taxes	0.00	3,200.00	-3,200.00	0.0%
Donation	3,098.75			
Donation - vendors	975.00			
Fund balance appropriated	0.00	-4,000.00	4,000.00	0.0%
Interest on delinquent taxes	173.94			
Investment income	442.65	0.00	442.65	100.0%
Motor vehicle taxes	2,595.89	9,200.00	-6,604.11	28.2%
Park rental income	900.00	2,500.00	-1,600.00	36.0%
Sales and use tax	6,823.43	27,000.00	-20,176.57	25.3%
Sales and use tax refund	1,070.76			
Utility franchise taxes	33,317.39	145,000.00	-111,682.61	23.0%
Zoning fees	4,130.00	7,000.00	-2,870.00	59.0%
<b>Total Income</b>	<b>54,565.56</b>	<b>280,600.00</b>	<b>-226,034.44</b>	<b>19.4%</b>
<b>Expense</b>				
Advertising and Promotion	721.40	500.00	221.40	144.3%
Audit fees	0.00	8,050.00	-8,050.00	0.0%
Bank Service Charges	108.49			
Capital Outlay - Office Reno	16,389.56	0.00	16,389.56	100.0%
Capital outlay - Park	51,250.00	9,634.98	41,615.02	531.9%
Dues and Subscriptions	5,095.00	5,520.00	-425.00	92.3%
Festival expense	306.75	10,000.00	-9,693.25	3.1%
Fire Dept Grant	2,499.99	10,000.00	-7,500.01	25.0%
Fire Dept Truck Payment	13,142.31	52,569.00	-39,426.69	25.0%
Insurance Expense	2,573.01	4,900.00	-2,326.99	52.5%
Internet and website	1,746.16	6,500.00	-4,753.84	26.9%
Legal fees	1,330.56	7,200.00	-5,869.44	18.5%
Miscellaneous Expense	10.00	0.00	10.00	100.0%
Office expense	1,490.33	10,736.00	-9,245.67	13.9%
Office utilities	526.01	2,880.00	-2,353.99	18.3%
Park Maintenance	3,017.45	19,300.00	-16,282.55	15.6%
Park Utilities	380.25	3,300.00	-2,919.75	11.5%
Payroll Expenses	24,484.99	92,345.58	-67,860.59	26.5%
Payroll taxes	0.00	7,064.44	-7,064.44	0.0%
Postage and Delivery	7.25			
Professional Fees	0.00	3,000.00	-3,000.00	0.0%
Rent Expense	11,750.00	12,000.00	-250.00	97.9%
Repairs and Maintenance	125.00	1,000.00	-875.00	12.5%
Solid Waste Manage cost share	0.00	8,000.00	-8,000.00	0.0%
Tax collection fees	114.44	1,400.00	-1,285.56	8.2%
Telephone Expense	792.86	3,000.00	-2,207.14	26.4%
Training expense	0.00	500.00	-500.00	0.0%
Travel Expense	81.80	1,200.00	-1,118.20	6.8%
<b>Total Expense</b>	<b>137,943.61</b>	<b>280,600.00</b>	<b>-142,656.39</b>	<b>49.2%</b>
<b>Net Ordinary Income</b>	<b>-83,378.05</b>	<b>0.00</b>	<b>-83,378.05</b>	<b>100.0%</b>
<b>Net Income</b>	<b>-83,378.05</b>	<b>0.00</b>	<b>-83,378.05</b>	<b>100.0%</b>

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10/01/18

Accrual Basis

**Town of Fairview  
Transactions by Account  
As of September 30, 2018**

Type	Date	Num	Adj	Name	Memo	Debit	Credit	Balance
<b>American Community Bank</b>								403,647.14
Bill Pmt -Check	09/01/2018	102324		Brian C. Austin	Light fixtures for office		1,125.00	402,522.14
Bill Pmt -Check	09/01/2018	102325		Byrum Heating & AC.	New office HVAC		9,786.21	392,735.93
Bill Pmt -Check	09/01/2018	102326		Contractors Building ...	Office renovation		2,509.72	390,226.21
Bill Pmt -Check	09/01/2018	102327		Hill Paint and Walco...	office renovation		1,975.00	388,251.21
Deposit	09/06/2018				Deposit	150.00		388,401.21
Bill Pmt -Check	09/07/2018	102328		CompuNetworkid	Hosting and support		260.00	388,141.21
Bill Pmt -Check	09/07/2018	102329		Darrell H. Baucom_	reimburse expenses		69.54	388,071.67
Bill Pmt -Check	09/07/2018	102330		Ed Humphries_	Postage and supplies		64.41	388,007.26
Bill Pmt -Check	09/07/2018	102331		Fairview VFD and R...			1,083.33	386,923.93
Bill Pmt -Check	09/07/2018	102332		Great American Fina...	Copier payment		83.19	386,840.74
Bill Pmt -Check	09/07/2018	102333		Union County_	Fire fee		10.00	386,830.74
Deposit	09/07/2018				Deposit	823.00		387,653.74
Deposit	09/07/2018				Deposit	348.75		388,002.49
Deposit	09/07/2018				Deposit	300.00		388,302.49
Paycheck	09/10/2018	102334		Darrell H. Baucom			537.59	387,764.90
Paycheck	09/10/2018	102335		Doug Buchanan			46.17	387,718.73
Paycheck	09/10/2018	102336		Edward D Humphries			2,227.95	385,490.78
Paycheck	09/10/2018	102337		Gary H Wilfong			138.52	385,352.26
Paycheck	09/10/2018	102338		Gary M Medlin			46.17	385,306.09
Paycheck	09/10/2018	102339		Jerry C. Clontz			863.72	384,442.37
Paycheck	09/10/2018	102340		John A Biggers, Jr.			138.52	384,303.85
Paycheck	09/10/2018	102341		Kelvin L. Baucom			46.18	384,257.67
Paycheck	09/10/2018	102342		Nancy H Randall			46.17	384,211.50
Paycheck	09/10/2018	102343		Patricia H. Kindley			138.52	384,072.98
Paycheck	09/10/2018	102344		Phillip C Thomas			184.70	383,888.28
Paycheck	09/10/2018	102345		Richard E Pigg			46.18	383,842.10
Paycheck	09/10/2018	102346		Sara Furr			46.18	383,795.92
Paycheck	09/10/2018	102347		Tony FD Helms			46.18	383,749.74
Paycheck	09/10/2018	102348		Teresa Gregorius			1,201.46	382,548.28
Bill Pmt -Check	09/10/2018	102349		Performance Lawn & ...			1,075.00	381,473.28
Check	09/10/2018	102350		FNB Commercial Cr...			131.75	381,341.53
Check	09/10/2018	102351		Enquirer Journal	Public hearing advertising exp		303.48	381,038.05
Check	09/10/2018	102352		Spectrum	Office internet		320.83	380,717.22
Check	09/10/2018	102353		Jerry C. Clontz	Reimbursement for park maintena...		262.65	380,454.57
Liability Check	09/11/2018	To Print		IRS	55-0789092		2,016.10	378,438.47
Deposit	09/14/2018				Deposit	175.00		378,613.47
Deposit	09/14/2018				Deposit	50.00		378,663.47
Deposit	09/14/2018				Deposit	200.00		378,863.47
Deposit	09/15/2018				Deposit	2,225.21		381,088.68
Bill Pmt -Check	09/15/2018	102354		Teresa Clontz	Cleaning office		100.00	380,988.68
Deposit	09/15/2018				Deposit	862.24		381,850.92
Deposit	09/17/2018				Deposit	747.86		382,598.78
Deposit	09/17/2018				Deposit	2,405.83		385,004.61
Deposit	09/17/2018				Deposit	33,317.39		418,322.00
Deposit	09/21/2018				Deposit	50.00		418,372.00
Deposit	09/21/2018				Deposit	50.00		418,422.00
Check	09/21/2018				Deposit	100.00		418,522.00
Check	09/25/2018	Draft		Frontier Telephone	Office phone		261.04	418,260.96
Check	09/25/2018	Draft		Duke Energy_	Office		190.81	418,070.15
<b>Total American Community Bank</b>						<b>41,805.28</b>	<b>27,382.27</b>	<b>418,070.15</b>
<b>TOTAL</b>						<b>41,805.28</b>	<b>27,382.27</b>	<b>418,070.15</b>

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10/01/18

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 maintena...	262.65		2,876.70
Bill	09/25/2018	09252018	William Riffle	Park walkie talkies	140.75		3,017.45
Total Park Maintenance					3,017.45	0.00	3,017.45
<b>TOTAL</b>					<b>3,017.45</b>	<b>0.00</b>	<b>3,017.45</b>

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10/01/18

Accrual Basis

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

Type	Date	Num	Adj	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	07092		Ed Humphries	postage	50 00		63 12
Bill	07/10/2018	16263		Performance Lawn & ...	Office mowing	225 00		323 98
Check	07/16/2018	Draft		Great American Fina...	Duplicate payment for copier...	35 86		288 12
Bill	08/01/2018	2846		FNB Commercial Cre...	Office and Amazon prime me...	81 30		323 98
Bill	08/09/2018	0000001		All-Points Waste Serv...	Office garbage service	174 80		405 28
Bill	08/14/2018	16340		Performance Lawn & ...	Office maintenance	225 00		580 08
Check	08/15/2018	Draft		Great American Fina...	copier lease	89 20		805 08
Check	08/15/2018	Draft		Great American Fina...	Copier lease	0 00		894 28
Bill	08/21/2018	23220		Great American Fina...	Copier payment	83 19		894 28
Bill	09/01/2018	89112		All-Points Waste Serv...	Garbage service	22 09		977 47
Bill	09/06/2018	09062		Ed Humphries	Postage and supplies	64 41		999 56
Bill	09/10/2018	16606		Performance Lawn & ...		225 00		1 063 97
Check	09/10/2018	102350		FNB Commercial Cre...		13 12		1 288 97
Bill	09/15/2018	09132		Teresa Clontz	Cleaning office	100 00		1 302 09
Bill	09/20/2018	23399		Great American Fina...	Copier charge	88 24		1 402 09
Total Office expense						1,490.33	0.00	1,490.33
<b>TOTAL</b>						<b>1,490.33</b>	<b>0.00</b>	<b>1,490.33</b>

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10/01/18

Accrual Basis

### Town of Fairview Transaction Detail By Account

July 2018 through June 2019

Type	Date	Num	Adj	Name	Memo	Debit	Credit	Balance
<b>Capital Outlay - Office Reno</b>								
Bill	08/10/2018	30848A		Byrum Heating & AC, Inc	New office HVAC	9,786.21		9,786.21
Bill	08/29/2018	902500		Contractors Building Supply	Office renovation	2,509.72		12,295.93
Bill	08/29/2018	160697		Hill Paint and Walcovering ...	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 Credit Card		118.63		15,514.56
Bill	09/25/2018	90252...		William Riffe	Security system	875.00		16,389.56
Total Capital Outlay - Office Reno						16,389.56	0.00	16,389.56
<b>TOTAL</b>						<b>16,389.56</b>	<b>0.00</b>	<b>16,389.56</b>

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# Permits for month of September 2018

二

4-Sep	3572	H-18-103	Home	\$75	AmericasHome-Phipps	1318 Earl Duncan	08255009L
6-Sep	3142	A-18-104	Addition	\$50	Southern Home	615 Woodbridge	8213077
11-Sep	Paid	A-18-105	Addition	Paid	Bryum Construction	1727E. Brief Road	08114008L
13-Sep	200	H-18-106	Home	\$125	Dan Kachula	109 Brief Road	8177002
13-Sep	4853	H-18-107	Home	\$75	Carolina Custom	9320 Heritage Lane	08213038H
18-Sep	Not Pd	MS 18-108	Minor Sub	Not Pd	Greg Carroll	Berry Mullis Road	08219003A
20-Sep	cash	Comp-18-109	compliance	\$100	Betty Morgan	1455 Biggers Cemtery	08114009U
24-Sep	1112	A-18-110	Accessory	\$50	Austin Faile	2304 Brief	8117029
30-Sep	335134	CUP 18-111	CUP Tower	\$325	Faulk & Foster	Brief Road West	08210001E
Total		9		\$800			



**Town of Fairview  
Park-Rec & Event Committee Meeting  
September 6, 2018**

The following Parks & Recreation Advisory Committee members were present: Lisa Thomas, Larry Carter, Scott Cuthbertson, Theresa Donaldson, Todd Donaldson, Mike Medlin, Wendy Nielsen, Rita Price and Bill Riffle

Others present: Teresa Gregorius, Town Clerk

**Public Comments**

None

**Items of Business**

A. Sub-Committee Updates

Advertising/Lisa Thomas: Flyers will be ready on Friday and delivered to schools and churches by September 17<sup>th</sup>. Festival signs are up and Ms. Thomas has 5 more signs and asked for placement suggestions.

Children's Entertainment/Theresa Donaldson: 14 activities for the kids. McGee Brothers will be purchasing and donating 13 tents to be used for the kids' activities. The passport system will be used again this year for the children to move from one activity to another.

Craft Vendors/Wendy Nielsen: 17 vendors have signed up.

Custodian/Bill Riffle: He purchased two-way radios and they worked well as long as you were in line of sight when using. Consensus was to purchase 10 radios.

Decorating/Rita Price: Her committee will be decorating the picnic shelter, bridge area, bathroom area, stage and park entrance.

Parking/Mike Medlin: Council approved additional overflow parking area and that entrance has been completed. Vendors and workers will be directed to this parking area leaving the main parking area for the public. Larry Carter will check with the fire department and see about additional volunteers to help with parking cars.

Food Vendors/Todd Donaldson: 5 food vendors

Music/Lisa Thomas: Brian Hinson and Southern Express has been added to the entertainment list to make 9 musical acts. Scott Cuthbertson will get the stage in place in the next two weeks. He has seen the stage and there will be a few minor repairs to be made.

Ms. Thomas noted that there will also be a pie baking contest (apple pie and pumpkin pie) with judging at 2:00 PM. Local pastors and Council members will be the judges. There will be various categories (i.e. crust, appearance, taste) and 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place ribbons will be awarded.

Volunteer Coordinator: Ms. Thomas set up a “signup genius account” so that volunteers can go and signup to work. All of the events are posted and how many people are needed.

Transportation/Scott Cuthbertson: He has a couple of UTVs and if anyone knows anyone else with a UTV let him know. Golf carts are available for \$125 a day. Mr. Scoggins has a trolley that is pulled behind a tractor that will be able to pick up and deposit individuals at the entrance to the festival. Mr. Cuthbertson will go and check it out.

Ms. Thomas expressed her appreciation to Mr. Medlin, Mr. Carter and Mr. Riffle for their work in keeping the park looking good and reiterated that this is the Park-Rec & Event Committee. Although everyone is focusing on the festivals now, come January the Committee will start focusing on the park and what needs to be done. She asked everyone to start thinking of ideas and needs for the park that the Committee can start addressing.

The Committee will have a cleanup day at the park on September 15<sup>th</sup> at 7:00 AM.

B. Minutes

Wendy Nielsen made a motion to approve the August 2, 2018 minutes. Larry Carter seconded the motion. Committee members Thomas, Carter, Cuthbertson, T. Donaldson, T. Donaldson, Medlin, Nielsen, Price and Riffle voted yes (9-0).

The Committee discussed having a final meeting before the festival. It was decided to meet at the park picnic shelter on October 2<sup>nd</sup> at 6:30 PM.

Lisa Thomas adjourned the meeting.

Respectfully submitted,

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

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

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



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

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

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

**Public Comments**

None

**Reports**

Ed Humphries reported that at the September meeting the Council:

- Approved the Sikes Mill Crossing II major development permit
- Approved Blossman Gas conditional use permit
- Conducted public hearing on park property financing
- Received update on the Fairview Fall Festival which will be October 6<sup>th</sup> from 10:00 AM till 5:00 PM
- Received update that the move in date to the new town office will be the first week of October

**Items of Business**

A. Review Conditional Use Permit #CUP-S 18-097

Ed Humphries stated that Bethlehem Presbyterian Church applied for a conditional use permit to add a LED scrolling sign within the present church monument sign. Mr. Humphries presented the permit information and the Board discussed. The Board requested a change in the condition regarding the frequency of changing the message from 30 seconds to 1 minute. The church committee members agreed.

Tony Helms made a motion to recommend approval of Conditional Use Permit #CUP-S 18-097 with amended condition change to the Council. Kelvin Baucom seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Pigg and Randall voted yes (6-0).

B. Minutes

Doug Buchanan made a motion to approve the August 21, 2018 minutes. Mike Medlin seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Pigg and Randall voted yes (6-0).

C. New Business

Ed Humphries opened a discussion with the Board regarding tiny houses. He suggested to the Board that they should research and discuss this in the near future and think about adding it to the town ordinances. The Board briefly discussed and requested that Mr. Humphries bring back several examples of ordinances from other towns for their review.

Rick Pigg made a motion to adjourn. Tony Helms seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Pigg and Randall voted yes (6-0).

Respectfully submitted,

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

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

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



**Town of Fairview  
Regular Town Council Meeting  
September 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**

Representative Mark Brody, NC House of Representatives 55<sup>th</sup> District addressed the Council

**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 January Draft Minutes --- Minutes Accepted as Information
- e) Planning Board January Draft Minutes --- Minutes Accepted as Information
- f) Approve Council Regular Minutes for August 13, 2018

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

## Items of Business

**Item 1: Public Hearing:** Major Development Permit MDP 18-082 requested by Helms Partners Inc. to develop a subdivision of 8 lots at the corner of Sikes Mill Road and Brief Road. Subdivision name is Sikes Mill Crossing II. Nancy Randall, Chair of the Planning Board, presented information regarding the major development permit to the Council.

Mayor Thomas opened the public hearing

No public comments

Mayor Thomas closed the public hearing

**Discuss Approval of request:** Council members discussed the permit.

John Biggers made a motion to approve MDP 18-082 with noted conditions (Exhibit A). 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 August 11, 2014), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). Patricia Kindley seconded the motion. Council members Biggers, Kindley and Wilfong voted yes, Clontz did not vote (4-0).

**Item 2: Public Hearing:** Conditional Use Permit request CUP 18-057 by Blossman Gas Company to install a propane gas and storage facility on Brent Haigler Road. Nancy Randall, Chair of the Planning Board, presented information regarding the conditional use permit to the Council.

Mayor Thomas opened the public hearing

No public comments

Mayor Thomas closed the public hearing

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

- 1) John Biggers made a motion that conditional use permit CUP 18-057 will not endanger the public health or safety because it is a heavily regulated industry. Gary Wilfong seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 2) Gary Wilfong made a motion that conditional use permit CUP 18-057 will not substantially injure the value of adjoining or abutting property because of it adds to business in our community. Jerry Clontz seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

- 3) Patricia Kindley made a motion that the conditional use permit CUP 18-057 will be in harmony with the area in which it is located because the use proposed is congruent with the area. John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 4) Jerry Clontz made a motion that the proposed conditional use for CUP 18-057 will be in general conformity with the land use plan, thoroughfare plan or other plan because the property has been zoned for this type of business. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

John Biggers made a motion to approve conditional use permit CUP 18-057 with the conditions noted (Exhibit B). 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 August 11, 2014), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). Gary Wilfong seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Item 3: Public Hearing:** Financing agreement to purchase 65 acres for \$650,000 from Sandra and Harry Haigler adjacent to the Fairview Park (parcel # 08189031) for future development of the park. The terms of the agreement will be a loan amount of \$600,000 for a term of 15 years at a rate of 3.9% and financed by the Haiglers. Ed Humphries presented the documentation regarding the financing agreement to the Council and noted that minutes of this public hearing will be sent to the Local Government Commission (LGC) as required for the approval of the loan.

Mayor Thomas opened the public hearing

No public comments

Mayor Thomas closed the public hearing

**Item 4:** Teresa Gregorius gave the Council a brief update on the Fairview Fall Festival scheduled for October 6<sup>th</sup>.

**Item 5:** Ed Humphries updated the Council on the new office space, noting that he hoped to be in the new space by the first of October.

### **Council Comments**

Patricia Kindley informed the Council that she is working on a Holiday Lighting Contest with the winners being announced at the Winter Festival.

Jerry Clontz stated that he is not happy with the mowing service (mower tracks on the concrete walkways, fire ant control, missed a week mowing). Mr. Clontz asked Attorney McCollum to research and see if there was a recorded easement along the Keziah property to the park. Mr.

Clontz asked the Council to start thinking about what to do with the farmland once ownership of the land purchased is transferred to the Town.

John Biggers asked everyone to remember all those that lost family and friends on September 11<sup>th</sup>.

Gary Wilfong informed everyone that Unionville's town clerk fell and broke her wrist last week and will have surgery on Thursday.

Mayor Thomas thanked Mr. Clontz for filling in for him at the August meeting. He noted that he and Patricia Kindley participated in the Fairview Elementary Open House held the end of August.

John Biggers made a motion to adjourn. Gary Wilfong 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

**Town of Fairview  
Staff Report for:**

Planning Board

DATE: Jan. 16 2018

<b>CASE #: CUD-S 18-097</b>	Church Sign
<b>Applicant(s):</b>	Bethlehem Presbyterian Church 7608 Concord Highway Monroe NC 28110
<b>Property Owner(s):</b>	Same
<b>Requested Action:</b>	To install new led scrolling message sign
<b>Existing Zoning:</b>	RA-40
<b>Requested Zoning:</b>	N/A
<b>Location:</b>	7608 Concord Highway Monroe NC 28110
<b>Property Size:</b>	
<b>Tax Parcel(s):</b>	Parcel # 08250002
<b>Purpose/Narrative:</b>	To install a new LED scrolling message sign within the present church monument sign
<b>Surrounding Area Zoning:</b>	Residential, Farming
<b>Existing Conditions:</b>	Church
<b>Land Use Plan Recommendation:</b>	RA-40 Residential
<b>Compliance with Zoning Ordinance:</b>	Complies with present Zoning Ordinance Requires a Commercial Use Permit (see section 279 (5)) of the Land Use Ordinance
<b>Conditional Use Permit Conditions:</b>	The Church wants the ability to change the frequency of the message anytime between one minute to once each week.
<b>Staff Recommendation on Application:</b>	Staff recommends approval with Conditions.

SIGN

Revised 8/25/16

# Town of Fairview

7400 Concord Highway  
Monroe NC 28110

## CONDITIONAL USE PERMIT APPLICATION

Fees: ~~(\$325~~ to \$500

Application Number: S 18-0907 Date of Application: 8/28/18

### I. Applicant / Owner Information

- A. Applicant's Name: BETHLEHEM PRESBYTERIAN CHURCH  
 Address: 7608 CONCORD HIGHWAY, MONROE, N.C. 28110  
 Phone: 704.753.4223 Email: BETHLEHEM@BETHLEHEMCHURCH.NET
- B. Owner's Name: SAME  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### II. Property Information

- A. Property Location: 7608 CONCORD HIGHWAY  
MONROE NC 28110
- B. Tax Parcel Number: # 08250002
- C. Deed Book \_\_\_\_\_ Page \_\_\_\_\_
- D. Existing Zoning \_\_\_\_\_ Proposed Zoning \_\_\_\_\_
- E. Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_
- F. Property Size \_\_\_\_\_ (Sq. Ft./Acres)
- G. Is a Rezoning Application being submitted with CUP Application? \_\_\_\_\_

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

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

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

- (1) All existing easements, reservations, right-of-way and all yard requirements for the zoning district.
- (2) A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, proposed size layout and setbacks of land and proposed structures, and proposed number, type, and location of signs. For residential uses this shall include the number of units and an outline of the area here the structures will be located. For nonresidential uses, this shall include the approximate square footage of all structures and an outline of the area where the structures will be located.
- (3) Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets. (Shopping Centers, having two (2) or more individual uses shall show the parking spaces, channelization and ratios shown, service areas, off-street loading facilities, service drives and dimensions thereon; and all pedestrian ways.)
- (4) Landscape plan at the same scale as the site plan showing existing and proposed trees, ground cover and landscape material, proposed screening, and buffering (if applicable) including walls, fences or planted areas as well as treatment of any existing natural features.

N/A

N/A

N/A

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.

N/A

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

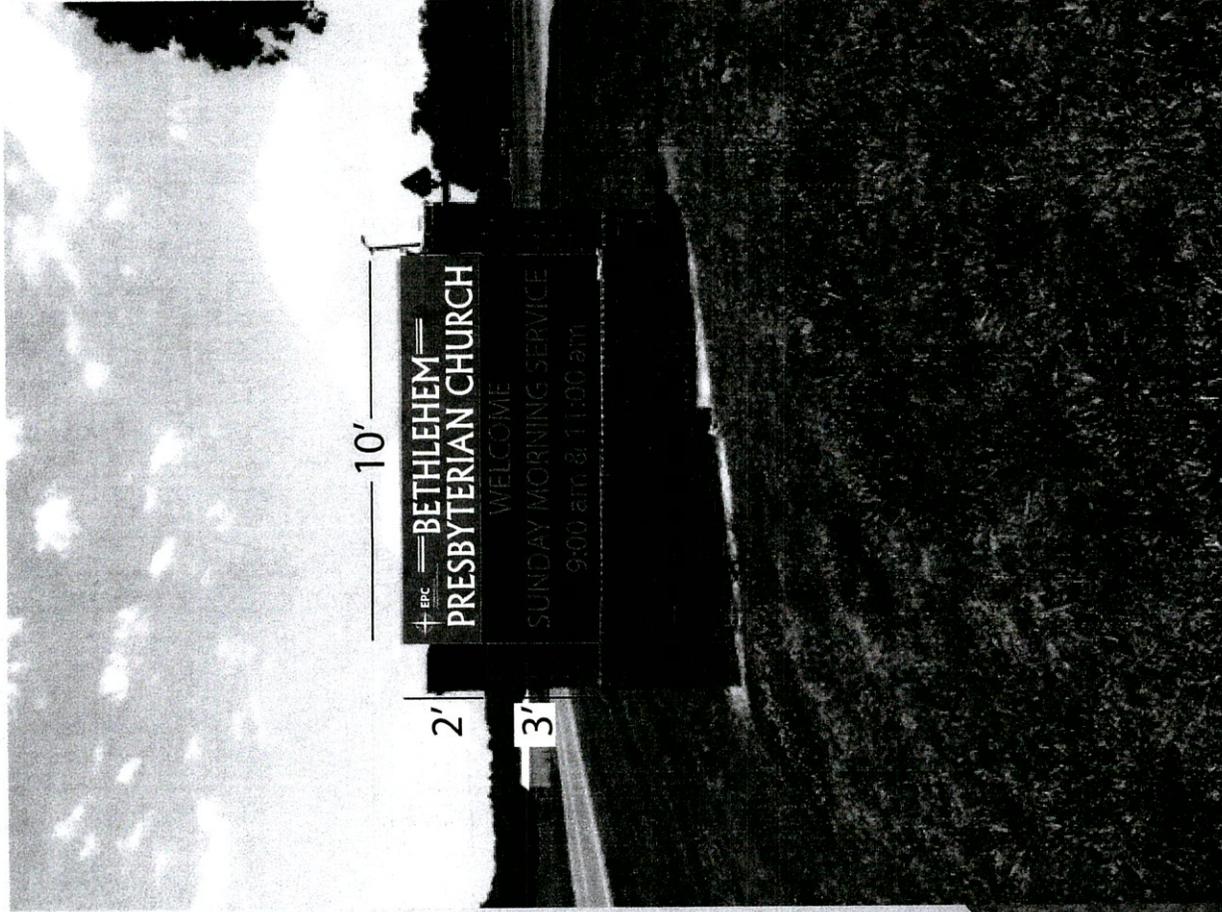
I, the undersigned owner or authorized representative, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

8/28/18  
DATE

✓ Bethlehem Presbyterian Church  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE  
C. A. Hyatt

Proposed New LED Sign 7608 Concord Hwy.  
Monroe NC (Fairview)





Bethlehem Backlit Sign with embossed Faces 1 color  
 (Topper LED Sign)  
 24"x120"

Bethlehem Complete Led Digital Signs p10  
 (10mm) Single Color RED  
 with wifi 36"x120"  
 Double sided Sign

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SALESMAN Tamara  
 DRAWN BY Tamara  
 THIS DRAWING IS A PROPERTY OF

FILE  
 DATE Aug 28, 2018  
 REVISION

CUSTOMER Bethlehem Presbyterian  
 CUSTOMER APPROVAL

2. Signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.
3. Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on, over, or across any public street or right-of-way, or any banner, placed on stakes on a property, unless otherwise permitted. A Banner shall be permitted on buildings and existing signs only.
4. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing property.
- 5. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color. Signs with electrically scrolled messages must go through the Conditional Use Permit process. (see Section 273,B,(1))
6. Pole Signs
7. Portable signs
8. Vehicular signs
9. Rotating or moving signs (see Section 273,B,(1))
10. Roof signs that extend above the highest point of a pitched roof, mansard roof, or parapet.
11. Off premise advertising signs (i.e., billboards)
12. Inflatable signs [including inflated balloons] having a diameter of greater than two (2) feet.
13. Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "free-standing" sign as herein defined.

**Section 280 Other Commercial and Campaign signs regulated by S-315 passed by the General Assembly Session 2011**

1. **Commercial Signs:** No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising: or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected

Bethlehem Backlit Sign with embossed Faces 1  
color (Topper LED Sign)

24"x120"

Bethlehem Complete Led Digital Signs p10  
(10mm) Single Color RED

with wifi 36"x120"

## **Town of Fairview Rules of Procedure for the Town Council**

The following policy of the rules and regulations OF THE TOWN OF FAIRVIEW, is hereby adopted and approved as stated below:

### **Rule 1 . Regular Meetings**

The Town Council (“Council”) shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the Town of Fairview Council Chambers and shall begin at 7:00 p.m. A copy of the Council’s current meeting schedule shall be filed with the town clerk.

### **Rule 2. Special, Emergency, and Recessed Meetings**

**(a) Special Meetings.** The mayor, the mayor pro tempore, or any two members of the Council may at any time call a special Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each Council member or left at his or her usual dwelling place; (2) posted on the Council’s principal bulletin Board, or if none, at the door of the Council’s usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. Even in such a case, the Council shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

A special meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the Council’s principal bulletin Board, or if none, at the door of the Council’s usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled and to the mayor if he or she was not present at that meeting. Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice, and the Council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

**(b) Emergency Meetings.** Emergency meetings of the town Council may be called only because of generally unexpected circumstances that require immediate consideration by the Council. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Council.

1. The mayor, the mayor pro tempore, or any two members of the Council may at any time call an emergency Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered (email is acceptable) to the mayor and each Council member or left at his/her or her usual dwelling place at least six hours before the meeting.
2. An emergency meeting may be held at any time when the mayor and all members of the Council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the Council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire services, or station's telephone number, with the town clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the Council members and shall be given at the expense of the party notified.

**(c) Recessed Meetings.** A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed session of a properly called regular, special, or emergency meeting.

### **Rule 3. Organizational Meeting**

On the date and at the time of the first regular meeting in December following a general election in which Council members are elected, or at an earlier date, if any, set by the incumbent Council, the newly elected members shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the council will appoint a new Mayor Pro Tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

### **Rule 4. Agenda**

**(a) Proposed Agenda.** The town clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least seven calendar days before the meeting, except that requests by a Council member may be made on shorter time. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as

much background information on the subject as is available and feasible to reproduce. Each Council member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and distribution or copying when they are distributed to the Council members.

**(b) Adoption of the Agenda.** As its first order of business at each meeting, the Council shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the Council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Council members.

The Council may by majority vote add items to or subtract items from the proposed agenda, except that (a) the Council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two Council members, unless those calling the meeting consent to the deletion, (b) the Council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two Council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The Council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

The Council may designate certain agenda items “for discussion and possible action.” Such designation means that the Council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

**(c) Consent Agenda.** The Council may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

**(d) Open Meetings Requirements.** The Council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Council to understand what is being deliberated, voted, or acted on. The Council may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

### **Rule 5. Public Address to the Council**

Any individual or group who wishes to address the Council shall make a request to be on the agenda to the town clerk. However, the Council shall determine at the meeting whether it will hear the individual or group.

## **Rule 6. Order of Business**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

1. Invocation and Pledge of Allegiance
2. Revision and adoption of the proposed agenda
3. Public comment on agenda items
4. Reports from Planning Board, Council, Departments and other town staff
5. Public hearings, if any
6. Action items
7. Approval of Minutes
8. Council Comments
9. Closed Session (if one is planned or added)
10. Adjournment

By general consent of the Council, items may be considered out of order. By majority vote of Council, new agenda items may be added at any time during the meeting.

Public comment on agenda items shall be as follows: A signup sheet will be provided in the meeting room prior to the meeting's call to order. Those desiring to speak on issues on that meeting's agenda will sign their name on the signup sheet. At the time of public comments, the Mayor will call out the names of those who have signed the signup sheet to speak, and at that time the speaker will approach the podium, give their name (for purposes of later identification on the tape recording) and may speak for up to three minutes. The Mayor, in his/her discretion, may extend the time allotted for each speaker.

The public may also speak on Agenda items during the meeting prior to any voting by Council should the Mayor elect. If the Mayor elects to allow public comments prior to voting on any Agenda items, the person desiring to speak on said items shall raise their hand, and if recognized by the Mayor, approach the podium, announce their name (for purposes of later identification on the tape recording) and speak for up to three minutes. The Mayor, in his/her discretion, may extend the time allotted for each speaker and may to allow citizens to address the Council more than one time on any agenda item.

In the event any citizen unduly interrupts the business of the meeting, fails to comply with these rules of procedure, or continues to speak after the time allotted when the time is not extended by the Mayor, the Mayor may request law enforcement to escort the citizen from the premises.

A consent agenda is for items the Clerk deems non-controversial, such as adoption of minutes, standard resolutions (particularly those adopted every year by the Town), and citizen requests. All items on the Consent Agenda may be adopted by one motion. In the event any member of

Council desires an item on the Consent agenda removed from the Consent Agenda and moved to a regular agenda item for further discussion that Motion should be made during the revision and adoption of the agenda (item 3 above).

### **Rule 7. Office of Mayor**

The mayor shall preside at all meetings of the Council but shall have the right to vote only when there is a tie. In order to address the Council, a member must be recognized by the mayor.

The mayor or other presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her or her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the Council upon motion of any member, pursuant to Rule 18(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

A mayor or other presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time.

### **Rule 8. Office of Mayor Pro Tempore**

A Council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the Council may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his/her or her office, the Council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When the mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the mayor shall resume the exercise of his/her or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting, the Council may elect from among its members a temporary chairman to preside at the meeting.

### **Rule 9. When the Presiding Officer Is in Active Debate**

The mayor or other presiding officer shall be allowed to actively engage in debate while presiding.

**Rule 10. Action by the Council**

The Council shall proceed by motion, except as otherwise provided for in Rule 4 and in Rule 30. Any member may make a motion.

**Rule 11. Each Motion Requires a Second.**

**Rule 12. One Motion at a Time**

A member may make only one motion at a time.

**Rule 13. Substantive Motions**

A substantive motion is out of order while another substantive motion is pending.

**Rule 14. Adoption by Majority Vote**

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 26 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

**Rule 15. Voting by Written Ballot**

The Council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the town clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

**Rule 16. Debate**

The mayor and Council shall be allowed to discuss agenda items prior to a motion being made. Once a motion and second have been made, the mayor shall state the motion and then open the floor to further debate on it. The mayor shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure

### **Rule 17. Ratification of Actions**

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

### **Rule 18. Procedural Motions**

**(a) Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

**(b) Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his/her or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of Council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).

**Motion 3. To Take a Brief Recess.**

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

**Motion 5. To Suspend the Rules.** The Council may not suspend provisions of the rules that state requirements imposed by law on the Council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the Council.

**Motion 6. To Go into Closed Session.** The Council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a) (1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the Council expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 7. To Leave Closed Session.** A motion is made to come out of closed session.

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration.** The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 18(b), Motion 14], or else move to suspend the rules [Rule 18(b), Motion 5].

**Motion 10. Motion for the Previous Question.** The motion is not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 18(b), Motion 5].

**Motion 12. To Refer a Motion to a Committee.** The Council may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.

**Motion 13. To Amend.**

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance, order, policy, or resolution shall be reduced to writing before the vote on the amendment.

**Motion 14. To Revive Consideration.** The Council may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 18(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

**Motion 15. To Reconsider.** The Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side

except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

**Motion 16. To Rescind or Repeal.** The Council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

**Motion 17. To Prevent Reintroduction for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the Council, whichever occurs first.

#### **Rule 19. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

#### **Rule 20. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

#### **Rule 21. Duty to Vote**

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his/her or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the Council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

#### **Rule 22. Introduction of Ordinances**

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council.

#### **Rule 23. Adoption of Ordinances and Approval of Contracts**

**(a) Generally.** An affirmative vote equal to a majority of all the members of the Council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the town. In addition, no

ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the Council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the Council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken, although an ordinance already in writing may be adopted with clear directives to add minor changes.

**(b) Zoning Protest Petitions.** A written petition of protest may be filed with reference to any proposed change or amendment to the zoning map. If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the town council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

#### **Rule 24. Adoption of the Budget Ordinance**

Notwithstanding the provisions of any town charter, general law, or local act:

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Council by a simple majority of those present and voting, a quorum being present;
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the Council has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive sessions by the Council if it is otherwise prohibited by law from holding such a meeting or session.

#### **Rule 25. Closed Sessions**

The Council may hold closed sessions as provided by law. The Council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or

citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Council shall terminate the closed session by a majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

### **Rule 26. Quorum**

A majority of the actual membership of the Council plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. Therefore, since there are four members of Council, plus the Mayor (total of five), a quorum shall be three members of Council (if in the absence of the Mayor) or two members of Council (if Mayor is present), assuming there are no vacant seats. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

### **Rule 27. Public Hearings**

Public hearings required by law or deemed advisable by the Council shall be organized by a special order (adopted by a majority vote) that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to Council meetings shall also apply to public hearings at which a majority of the Council is present; such a hearing is considered to be part of a regular or special meeting of the Council. These requirements also apply to hearings conducted by appointed or elected committees of the Council, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Council is present.

The Council may vote to delegate to town staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law or the Council. The Council shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it

shall not delegate the responsibility in cases where the Council itself is required by law to call, schedule, or give notice of the hearing.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

### **Rule 28. Quorum at Public Hearings**

A quorum of the Council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Council meeting without further advertisement.

### **Rule 29. Minutes**

Full and accurate minutes of the Council proceedings, including closed sessions, shall be kept. The Council shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Council, the “ayes” and “nos” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes if the Council approves.

Minutes and general accounts of closed sessions may be sealed by action of the Council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session. All Closed session minutes must be approved by the Council to be open to the public.

### **Rule 30. Appointments**

The Council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Council may not consider or fill a vacancy among its own membership except in open session.

Recommendations to council shall be presented by the Town Clerk to fill vacancies on established boards and commissions.

Council can approve appointments as part of the consent agenda if there is only one qualified candidate for a vacancy.

Where there is more than one qualified candidate, the names submitted shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast his or her vote. The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his/her votes and cast them for different nominees. The

voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed.

### **Rule 31. Committees and Boards**

**(a) Establishment and Appointment.** The Council or the mayor, if the mayor is delegated that power by the Council, may establish and appoint members for such temporary and standing town committees and Boards as are needed to help carry on the work of town government. Any specific provisions of law relating to particular committees and Councils shall be followed.

**(b) Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of the town that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the town's professional staff or city employees.

### **Rule 32. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the town charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the Council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the Council.

### **Rule 33. Inclement Weather**

The Mayor or Mayor Pro Tem has the authority to cancel meetings due to inclement weather.

Approved and adopted this 8<sup>th</sup> day of February, 2016