

Fairview Town Council Meeting
November 12, 2012
7:00 p.m.

The following Council members were present: Mayor Elizabeth Long, Bradley Purser, Arnold Price, Jerry Clontz and B.B. Haigler.

Others present: Joe McCollum, Town Attorney; Darrell Baucom, Finance Officer; Tana Mcconnaughey, Tax Collector and Ed Humphries, Land Use Administrator and Town Clerk

Mayor Long opened the meeting by recognizing all Veterans and the general elections that were held in November. She thanked all veterans for their service and recognized all Veterans in the audience.

Agenda Changes Approval

Bradley Purser wanted to discuss/update the Council on the Park and Recreation Advisory Committee (under New Business D (F)).

Mayor Long suggested that the Council discuss D (E) Public Comment before (B) Public Comments.

Jerry Clontz made a motion to approve the agenda as amended. B.B. Haigler seconded the motion. Councilmen Haigler, Clontz, Purser and Price voted yes (4-0).

Public Comment

Bradley Purser thought it might be helpful if there were rules printed regarding the 'Public Comment' section of the meeting. Bradley Purser stated that this would prevent getting into a long "Question and Answer" period.

Arnold Price stated that he thought the Council needed to hear from the citizens.

Bradley Purser will Talk with the Town Attorney and Town Clerk to see what other towns do regarding 'Public Comments' and then bring it back to the Board for their consideration.

Public Comments

Andrew Queen, with T.K. Brown Construction, had heard about the construction of the Park and wanted to offer his company's services.

Paul Petrea who lives on Highway 218 stated that he would like to see the speed limit changed (lowered) on 218 from Mill Grove Road to Goose Creek. Jerry Clontz stated the Town had already asked NCDOT and they were not interested in changing it.

There was discussion about the speed on 218. BB Haigler stated that he had driven from 485 to the Goose Creek bridge and there were only two speed limit signs—one near Brief road @ 55mph and one near Mill Grove Road @ 35mph approaching the curve and creek.

Mayor Long stated that she had talked with Lewis Mitchell, the new District 10 Engineer, and John Underwood about the bridge over Goose Creek and the speed limits on 218. The DOT will clean up the storm water function at the 218/601 intersection.

Bill Thomas stated that he had several points to make:

1. He agreed that speed on 218 was a concern. He stated that he thought the new flashing light at Mill Grove and 218 were not a good idea. Several of the poles are in the line of vision.
2. He had heard rumors regarding a large developer coming to Fairview, and he suggested that the Town should have the subdivision regulations up-to-date. He did not want to see a “sea of plastic” in Fairview.

Allen Rabb stated that he also had problems with the speed on 218. Jerry Clontz stated if the community brought the Town a petition, the Town could pass it along to the DOT. Rabb also stated his opinion regarding placing the ‘Public Comment’ section of the agenda at the end of the meeting in order for the public to make comments on items passed by Council.

Randy Cook agreed with speed concerns. He stated that the public should be part of the meeting.

New Business

- A) Conduct Public Hearing #CUP-11-050A : Taggio

Mayor Long **opened** the ‘Public Hearing’:

A request by **Anthony Taggio** for an Amendment to **Conditional Use Permit (Permit # CUP 11-050)** to build a kennel/boarding facility for dogs on approx two acres of parcel # 08192011C. Property is located at: 401 Clontz Long Road Monroe 28110. The amendment is to change the size and building materials of the proposed building. The amendment # is TC 12-036A

Ed Humphries, Land Use Administrator, stated that this was a Quasi-Judicial procedure and everyone wanting to speak would need to be sworn in. Humphries explained the Taggio request as an amendment to the Conditional Use Permit approved by the Council in March of 2012. Taggio is requesting an increase in the square footage of the building and a change in the building material. The Planning Board approved the request (7-0).

Hearing no public comment, Mayor Long **closed** the Public Hearing.

Mayor Long stated that motions needed to be made on the Finding of Fact. Humphries distributed a copy of the Findings of Fact to Council on the original CUP Request. See below:

The Council addressed the Facts of Finding:

1. Jerry Clontz made a motion that the conditional use would not endanger the public health or safety due to the removal of waste, and the applicant would not accept dangerous dogs. Arnold Price seconded the motion. Councilmen Clontz, Price, Haigler and Purser voted yes (4-0).
2. Jerry Clontz made a motion that the conditional use permit would not substantially injure the value of adjoining or abutting property due to eight surrounding property owners' support of the use and location of the building. Bradley Purser seconded the motion. Councilmen Purser, Haigler, Price and Clontz voted yes (4-0).
3. B.B. Haigler made a motion that the proposed Conditional Use Permit would be in harmony with the area in which it is to be located because of the commercial operations in the area. Arnold Price seconded the motion. Councilmen Price, Haigler, Clontz and Purser voted yes (4-0).
4. Arnold Price made a motion that the proposed Conditional Use Permit would be in general conformity with the Land Use Plan, Thoroughfare Plan or other plan because of the conditions on the request. BB Haigler seconded the motion. Councilmen Haigler, Price, Purser and Clontz voted yes (4-0).

New Finding of Fact: for TC12-036A

Arnold Price made a motion that the proposed Conditional Use Permit Amendment would not materially endanger the public health or safety for the same reasons of the original finding. Jerry Clontz seconded the motion. Councilmen Clontz, Haigler, Price and Purser voted yes (4-0).

B.B. Haigler made a motion that the Proposed Conditional Use Permit Amendment would not substantially injure the value of adjoining or abutting property for the same reasons of the original finding. Jerry Clontz seconded the motion. Councilmen Haigler, Clontz, Price and Purser voted yes (4-0).

Jerry Clontz made a motion that the Proposed Conditional Use Permit would be in harmony with the area in which it is to be located for the same reasons of the original findings. B.B. Haigler seconded the motion. Councilmen Haigler, Clontz, Purser and Price voted yes (4-0).

Jerry Clontz made a motion that the Proposed Conditional Use Permit will be in general conformity with the Land Use Plan, Thoroughfare Plan or other plan for the same reasons for the original findings. Arnold Price seconded the motion. Councilmen Price, Purser, Haigler and Clontz voted yes (4-0).

Decision on CUP-11-050A

Jerry Clontz made a motion to approve CUP-11-050A and to include the following 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)

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

Appoint/Reappoint Planning Board Members

Bradley Purser made a motion to reappoint the following members to the Planning Board for a term to end in 2015:

Phil Thomas
Nancy Randall
Ed Huntley (Alternate)
Edwin Shaver (Alternate)

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

Board of Adjustment Appointment

The Council agreed to “leave open” the alternate member position on the Board of Adjustment.

Park and Recreation Advisory Committee

Bradley Purser stated that Scott King who was appointed to the Park and Recreation Committee by Purser wanted to be replaced due to commitment conflicts.

Bradley Purser made a motion to appoint John Biggers to the Committee (Purser appointee). B.B. seconded the motion. Councilmen Clontz, Purser, Price and Haigler voted yes (4-0).

Jerry Clontz stated the next Park and Recreation Committee meeting was Monday, November 19, 2012 at 7:00 p.m.

Council Comments

Arnold Price stated that he had talked with Brian Wilson, president of the Fire Department Board, regarding having a joint meeting (Fire Department Board and Town Council) in order to discuss how the Town and the Fire Department could work together on the needs of the Department.

Mayor Long stated she thought that a special meeting should be called for next Tuesday and if that did not work out, a meeting could be called for the Monday after Thanksgiving.

The Town attorney stated that this meeting would be a ‘special meeting’.

Bradley Purser stated he would prefer the meeting to be set up with an alternate date.

Price made a motion to have the Town Clerk set up the meeting with the Fire Department Board and Town Council as a Special Meeting. Two possible dates are:

Tuesday, November 20 at 7:00 p.m. at the school
Monday, November 26 at 7:00 p.m. at the school

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

The Town Clerk will notify everyone by email on the meeting date after talking to Brian Wilson.

Council Comments

Bradley Purser wanted to respond to the earlier 'Public Comment' item on the agenda. He stated that we are all citizens of the Town and it is "your town". He explained that you "the citizen" elect people to make decisions. He stated that he appreciates comments from citizens and would meet with anyone to discuss their concerns.

Arnold Price stated that he wants to hear comments from residents. Price stated that Larry Carter would make a good Park and Recreation Committee member.

Jerry Clontz stated that the Park and Recreation Committee met last month and will not meet again next week (Monday, November 19, 2012 at 7:00 p.m.) in the meeting room.

B.B. Haigler stated the grass is growing on our property, and Mr. Kelly is planning to fix the ditch within the next couple of weeks.

Minutes

Jerry Clontz made a motion to approve the minutes of October 8, 2012 as corrected. Bradley Purser seconded the motion. Councilmen Haigler, Clontz, Purser and Price voted yes (4-0).

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

Closed Session (to approve minutes of October 8, 2012)

Mayor Long reopened the Regular Meeting.

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

Respectfully submitted,

Ed Humphries
Town Clerk

Elizabeth B. Long
Mayor

Approved this 10th day of December, 2012.