

Town of Fairview



**Town of Fairview
Regular Town Council Meeting
April 9, 2024 @ 6:30 pm**

Meeting will be in the Fairview Town Hall Meeting Room

1. Call the meeting to order: ---Mayor Wilfong

The following Council members were present: Mayor Gary Wilfong, John Biggers, Patricia Kindley, and Kerry Price. Absent: David Link

Others present: Darrell Baucom, Financial Officer; Ed Humphries, Land Use Administrator; Teresa Gregorius, Town Clerk and Spencer Cox, Administrative Assistant

2. Invocation

3. Pledge of Allegiance

4. Agenda Changes/Approval of Agenda

Mayor Wilfong stated there will be a Closed Session after the Council Comments this evening.

Patricia Kindley made a motion to approve the agenda as amended. John Biggers seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

5. Approval of Consent Agenda:

5.A. Financial and Tax Reports (*Report Accepted as Information*)

5.B. Land Use Report (*Report Accepted as Information*)

5.C. Fund Balance Worksheet 2023-2024 (*Report Accepted as Information*)

- 5.D. Fairview Park Event March Draft Minutes (*Report Accepted as Information*)
- 5.E. Fairview Park Facility March Draft Minutes (*Report Accepted as Information*)
- 5.F. Planning Board March Draft Minutes (*No March Meeting*)
- 5.G. Approve Council Minutes for March 12, 2024
- 5.H. Capital Project Ordinance for State Grant of \$250,000
- 5.I. T&J Land Maintenance Quote of \$2,000 – Removal of Trees/Brush from Drainage Ditch Beside Town Hall

John Biggers made a motion to approve the consent agenda. Patricia Kindley seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

6. Public Comments: Gary Sides, Board of Education/County Commissioner Elect

7. Presentations: None

8. Items of Business:

8.A. Discuss Non-Conforming #NC 24 019 Request

Ed Humphries presented the Non-Conforming #NC 24-019 request from Jeffrey C. Wallace to add a pool in the front yard of his home at 1108 Lester Mullis Road to the Council. The home was built at the back of the property in 1997 before the Town of Fairview was established, and there is no room for the pool to be installed behind or beside the home. The Council discussed.

Mayor Opened Public Hearing

No Public Comments

Mayor Closed Public Hearing

“Finding of Facts”

1. John Biggers made a motion that the proposed special use will not materially endanger public health or safety because of the way it is designed and the fencing around the pool. Patricia Kindley seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).
2. John Biggers made a motion that the proposed special use will not substantially injure the value of adjoining or abutting property because of the design and the fencing around the pool. Kerry Price seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).
3. Kerry Price made a motion that the proposed special use will be in harmony with the area in which it is to be located because the home pool in a fenced in yard will not change the harmony of the yard or surrounding area. John

Biggers seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

4. Patricia Kindley made a motion that the proposed special use will be in general conformity with the land use plan, thoroughfare plan, or other plan because the landowner has no other choice on the location of the pool and the required fencing will take care of conforming to the ordinance. John Biggers seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

Approval of Request:

John Biggers made a motion to approve the Non-Conforming #NC 24 019 request to add a pool in the front yard of 1108 Lester Mullis Road with the condition that the pool be fenced in. The zoning amendment 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 March 9, 2021), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). Patricia Kindley seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

8.B. Discuss Park Site Plan (Amphitheater Area) Quote from Benesch for \$30,300

Ed Humphries presented the quote from Benesch & Co. for the detailed site plan for the Park Amphitheater area. The Council discussed.

Patricia Kindley made a motion to approve the Benesch & Co. park site plan quote of \$30,300 and authorize the mayor to sign. John Biggers seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

8.C. Discuss Brooks Sales Inc. Quote of \$20,100 for ATV for Park

Mayor Wilfong presented a quote from Brooks Sales Inc. in the amount of \$20,100 for the purchase of a RTV (Rough Terrain Vehicle) for the park. With the nature trail due to open shortly, there is a need to be able to patrol the park for trash and routine maintenance issues. The Council discussed.

Kerry Price made a motion to purchase the RTV for \$20,100 from Brooks Sales Inc. John Biggers seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

9. Council Comments: None

Patricia Kindley made a motion to go into closed session to include the following: Mayor and Council, Ed Humphries, Teresa Gregorius and Darrell Baucom. John Biggers seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

10. Closed Session: N.C.G.S. 143-318.11 Section 85

Patricia Kindley made a motion to come out of closed session. Kerry Price seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

Patricia Kindley made a motion to open up regular meeting. Kerry Price seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

11. Adjournment

John Biggers made a motion to adjourn. Kerry Price seconded the motion. Council members Biggers, Kindley, and Price voted yes (3-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Gary Wilfong
Mayor

Approved this 14th day of May 2024