

Fairview Town Council Meeting
October 8, 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 and Ed Humphries, Land Use Administrator / Town Clerk

Agenda

Jerry Clontz stated he wanted to add a discussion regarding a town sign. This will be added to D. item (E) **Sign Discussion**.

Jerry Clontz made a motion to approve the agenda with the addition of D. item (E) Sign Discussion. Bradley Purser seconded the motion. Councilmen Haigler, Purser, Price and Clontz voted yes (4-0).

Reports

Darrell Baucom gave the financial and tax report. Ed Humphries gave the zoning permit report. Humphries also explained that each Council member received a copy of a Text Amendment to the LUO concerning SIGNS. This Text Amendment will be on the December, 2012 agenda for approval.

New Business

Mayor Long opened the Public Hearing on the proposed Text Amendment.

Section 180 Q DEFINE AND REGULATE ELECTRONIC GAMING OPERATIONS

Except as authorized herein, electronic gaming operations are prohibited.

ELECTRONIC GAMING OPERATIONS. Any for-profit business or enterprise, as a principle use, where persons utilize electronic machines, including but not limited to, computers and gaming terminals, to conduct games of chance, including but not limited to, sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes: or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. This term electronic, **Gaming Establishments** include, but are not limited to, internet cafes, internet sweepstakes, video sweepstakes or cybercafés, who have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina.

A. Electronic gaming operations are permitted as a Conditional Use (C) in the Light Industrial (LI)

- B.** In addition to the regulations provided for elsewhere in this code, electronic gaming operations shall be subject to the following requirements:
1. Hours of Operation. Electronic gaming operations may operate from 8:00 a.m. until 10:00 p.m., seven (7) days per week;
 2. Spacing Requirements.
 - a. Not more than one (1) electronic gaming operation may be located within 2000 feet from any building being used as a dwelling.
 - b. Each electronic gaming operation must be a minimum of ½ mile from any other gaming operation.
 - c. For the purposes of subsections (a) and (b) above, the distance shall be measured in a straight line from the closest point between the building housing the electronic gaming operation and the building housing the dwelling or other electronic gaming operation;
 - d. No electronic gaming operation establishment shall be located within two thousand (2000) feet (determined by straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of school, residence, public park, playground, recreation area daycare and church or other religious institution as measured by a horizontal
 - e. distance from the closest boundary line of the electronic gaming operation.
 3. All applicable State and local permits and business licenses must be issued to the applicant prior to the opening of the business.
 4. If food and/or beverages are served, the establishment must meet any State requirements and the requirements of the Union County Health Department.
 5. No person or entity engaged in Electronic Gaming Operations shall allow, permit or condone any person under the age of 18 upon the premises while patrons on the premises are engaged in Electronic Gaming Operations.
 6. The use shall be a principal use, not an accessory use.
 7. Electronic game area may not occupy floor area of over 2,000 square feet.
 8. No sign may be posted on or near windows that may be visible from the exterior of the building.
- C.** All provisions of any Fairview town ordinance or resolution in conflict with this ordinance are repealed.

This Amendment shall become effective upon adoption.

Amendment will be **Article XI Section 180 Q** in the Fairview Land Use Ordinance

Ed Humphries explained the change/addition and read the proposed text change.

Jerry Clontz made a motion to approve Text Change #TC-12-030 to **Define and Regulate Electronic Gaming Operations**.

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

Jerry Clontz made a motion to add the following zoning statement to his previous motion.

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

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

Public Comments

Beth Rabb spoke and made the following statements:

1. Does the Town have proper insurance on the property we just purchased?
2. Why did the Town not inspect the Park Pond before they bought the property? Could the State have done this for free?
3. Using a consultant is a bad way of using our money. Money could be better spent.

Sign Discussion

Jerry Clontz showed the council a picture of the sign proposed for the Town. This sign would be placed on the existing sign for the Old Fairview School. Two rows of “changeable message” will be at the bottom of the sign. (picture—appendix. A.)

Jerry Clontz made a motion that the Town purchase the sign with two rows of changeable letter at the bottom. The cost of the signage (two sided) will be approximately \$800.00. Arnold Price seconded the motion. Councilmen Haigler, Price, Purser and Clontz voted yes (4-0).

Approval of Minutes

B.B. Haigler made a motion to approve, with corrections, the meeting minutes of August 20, 2012. Arnold Price seconded the motion. Councilmen Haigler, Price, Clontz and Purser voted yes (4-0).

Bradley Purser made the motion to approve, with corrections, the meeting minutes of September 10, 2012. B.B. Haigler seconded the motion. Councilmen Haigler, Clontz, Price and Purser voted yes (4-0).

Arnold Price made a motion to approve, with corrections, the meeting minutes of September 17, 2012. Jerry Clontz seconded the motion. Councilmen Haigler, Clontz, Price and Purser voted yes (4-0).

Council Comments

Bradley Purser made a motion that a Council member could add his/her phone to the website if they chose to do so. B.B. Haigler seconded the motion. Councilmen Haigler, Purser, Price and Clontz voted yes (4-0).

B.B. Haigler explained that the open ditch (in the property the town purchased) had been inspected by NCDENR (Mr. Michael Burkhard in the water quality division) and found it **NOT** to be “Waters of the State”; and could be filled in. Haigler explained that Frank Kelly had

agreed to fill the ditch for \$600 to \$800. This should be done within a couple of weeks. Haigler also stated that the property (about nine acres) behind the Fire Station has been planted in Fescue (grass). Haigler also explained that while Mr. Burkhard (NCDENR Water Quality) was here, he did look at the pond and ditch connected to the spring. Mr. Burkhard stated that he was responsible for nine counties and could not inspect everyone's water concerns and therefore could not give us a report. He stated that the company that we had hired would give us the information we needed as to what we needed or wanted to do around the pond.

Bradley Purser made a motion to go into Closed Session to discuss Real Estate. He requested the Attorney, Clerk and Finance officer to remain for the session.

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

Closed Session

Mayor Long reopened the Regular Meeting.

B.B. Haigler continued the Fire Department discussion by saying he would not be in favor of selling any property to the Fire Department.

Bradley Purser stated that he was under the impression that Brian Wilson, the President of the Fire Department Board of Directors, did not think we (the Town) wanted to build a new station.

Jerry Clontz stated that he would like to have a fire department building paid for in 15 years.

There was continued discussion about a motion.

Mayor Long suggested that she contact the Fire Department and invite them to our next meeting. She indicated that at that meeting we could set up a "workshop" with them to discuss future plans of the department.

Jerry Clontz stated that he feels that the department needs to know where they are and communicate this to the Council.

B.B. Haigler stated that we needed to get the wire out of the woods around the pond.

Jerry Clontz stated that the Forestry Service could get close to the wire and we could remove it. Most of the wire is on adjacent property.

Bradley Purser made a motion to have the President of the Fire Department Board of Directors come to our next meeting (and if he cannot attend, then the Vice Chairman) to talk with us (Council) and indicate if they wanted the Town to assist them in building a new station.

There was no second. The motion failed.

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

Respectfully, submitted,

Ed Humphries
Town Clerk

Elizabeth Long
Mayor

Approved this 12th day of November, 2012.