



**Town of Fairview
Regular Town Council Meeting
June 9, 2020**

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, Spencer Thomas, Intern

Agenda Changes

None

Approval of Agenda

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

Public Comments

Ken Worthy, 8911 Mill Grove Road (Event Venue)
Hal Weill, 6911 Concord Highway (Flooding on his property)

Consent Agenda

- a) Accept Financial and Tax Reports as Information
- b) Accept Land Use Report as Information
- c) Accept Fund Balance Worksheet 2019-2020 report as Information
- d) Fairview Park Event (No May Meeting)
- e) Fairview Park Facility (No May Meeting)
- f) Planning Board May Draft Minutes --- Minutes Accepted as Information
- g) Approve Council Regular Minutes for May 12, 2020

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

Items of Business

Item 1: Approve/Disapprove Conditional Use Permit CUP 20-013

Nancy Randall, Chair of Planning Board, presented the Conditional Use Permit CUP 20-013 (with amended conditions noted) request by Richard Laney and Danielle Duval to operate an “Event/Venue” (Bella Terra) on their property at 8920 Mill Grove Road. The public hearing for this Conditional Use Permit was conducted on March 10, 2020. The Council discussed.

“Finding of Facts”

- 1) Patricia Kindley made a motion that Conditional Use Permit CUP 20-013 will not endanger the public health or safety because any issues have been thoroughly studied and addressed by the Planning Board and are reflected in the conditions. John Biggers 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 20-013 will not substantially injure the value of adjoining or abutting property because the due diligence of the Planning Board and applicants to make sure it does not impact the value of adjoining properties. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 3) Jerry Clontz made a motion that the Conditional Use Permit CUP 20-013 will be in harmony with the area in which it is located because it retains the rural atmosphere with no big buildings and no land clearing. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 4) John Biggers made a motion that the Conditional Use Permit CUP 20-013 will be in general conformity with the land use plan, thoroughfare plan or other plan because the venue will add to the area and conform to our land use plan. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

Approval of Request:

John Biggers made a motion to approve Conditional Use Permit CUP 20-013 with the following conditions:

- To operate Friday, Saturday, Sunday, and holidays (State and Federal)
- In any month, two weekday dates may be booked for events
- Up to but not exceeding 200 guests at any one event
- Staff for event, caterer, photographer, and other person(s) or equipment needed for event will be contracted (with proper insurance) either by Bella Terra or by the customer
- Security for the event and for traffic control preceding and following event is required

- Music or any loud noise will end at 9:00 PM on weekends/Holidays and will end at 8:00 PM on weekdays
- Events will close at 10:00 PM on weekends/Holidays and 9:00 PM on weekdays
- All events to be held outside using rental tents, mobile restrooms, food truck/caterers, tables/chairs anything else that is needed for the event to be self-sufficient. Supply proper Handicap restroom/s (ADA compliant) per Union County requirements
- Any event that plans to serve alcohol will have a licensed bartender to serve the beverages and all proper alcohol permits
- If signage is necessary, a proper permit will be obtained
- Proper insurance will be obtained for events as needed
- There will be approximately 92 parking spaces with handicap parking (approx. 12,000 sq. feet)
- Must meet Fire Marshall requirements for each event
- Event areas will be approximately 3,000 sq. feet in area. There will be two event areas as shown on map
- Lighting for parking lot area will be provided with approximately 20 low-voltage LED light fixtures under plantings (trees and bushes) with lighting directed upward to a height of no more than 75 feet. These lights will be able to be turned off when not in use. Also 40 LED path lights will be installed and maintained to facilitate foot traffic at night on walkways.

John Biggers made a motion to approve Conditional Use Permit CUP 20-013 with the noted conditions. 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 November 11, 2018), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

Item 2: Discuss/Approve budget amendments for the 2019-2020 Budget

Darrell Baucom presented the 2019-2020 budget amendments. The Council discussed.

Gary Wilfong made a motion to approve the 2019-2020 budget amendments. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

Item 3: Public Hearing on proposed 2020-2021 Town Budget

Darrell Baucom presented the 2020-2021 budget to the Council.

Mayor Thomas opened the Public Hearing

No Public Comments

Mayor Thomas closed the Public Hearing

Item 4: Discuss/Adopt 2020-2021 Budget Ordinance for fiscal year

Darrell Baucom presented the 2020-2021 budget ordinance. The Council discussed.

John Biggers made a motion to adopt the 2020-2021 Budget Ordinance. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

Item 5: Request for funds from Turning Point, Inc.

Jessie Lindberg, Executive Director, Turning Point, Inc. presented a request for funds in the amount of \$950.00. The Council discussed.

Gary Wilfong made a motion to approve \$500.00 for Turning Point, Inc. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

Council Comments

Gary Wilfong spoke about Hal Weill's flooding problem and questioned if there was anything the town would be responsible for. Further investigation will be done as needed.

Jerry Clontz informed the Council that the Park Facility Committee will be setting a date to work on the new wooded area that has been cleared at the Park. They will also be setting a date to walk the creek area so they can start working on a plan for the natural walking trail. There are still 2 open positions on the Park Facility Committee, and he would like to advertise it on the website and Facebook.

Spencer Thomas, Fairview Park Event Committee, updated the Council about the Fairview Fall Festival noting that the Committee decided to go forward with the Festival in some form pending stipulations from the Governor.

Attorney McCollum updated the Council regarding the lawsuit against E.C. Davis.

Mayor Thomas stated that Mayor Kilgore contacted him regarding the League of Municipalities sending a letter to the congressional delegation asking for consideration to be given to municipalities because of the lack of money due to COVID. Mayor Thomas asked that Fairview be included in the letter.

Jerry Clontz made a motion to adjourn. John Biggers 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 14th day of July 2020