



**Town of Fairview
Regular Town Council Meeting
April 12, 2022**

The following Council members were present: Mayor Phil Thomas, John Biggers, Jerry Clontz, and Gary Wilfong. Patricia Kindley was absent.

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

Agenda Changes

Mayor Thomas stated that he would like to add Grant Project Ordinance as Item #6

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

Public Comments

None

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) Fund Balance Worksheet 2021-2022 --- *Report Accepted as Information*
- d) Fairview Park Event March Draft Minutes (*Minutes Accepted as Information*)
- e) Fairview Park Facility March Draft Minutes (*Minutes Accepted as Information*)
- f) Planning Board March Draft Minutes (*Minutes Accepted as Information*)
- g) Council Minutes for March 8, 2022
- h) Council Retreat Minutes for March 12, 2022
- i) ARPA Grant Funds in the amount of \$133,598.25 and approve the use as revenue replacement as allowed by the final rule of the US Treasury and put in the fund balance.
- j) Re-Approve Text Amendment #TC 22-005 Land Use Ordinance Section 113 (a) (d) previously on 3/8/22 without Planning Board recommendation. On 3/15/22 the Planning Board made a recommendation (6-0) to approve Text Amendment #TC 22-005
- k) Letter to Secretary Pete Buttigieg regarding CRTPO

Gary Wilfong made a motion to approve the consent agenda. John Biggers seconded the motion. Council members Biggers, Clontz, and Wilfong voted yes (3-0).

Items of Business

Item 1: Discuss/Approve TC 22-016 text change in Land Use Ordinance

Ed Humphries presented Text Change TC 22-016 in the Fairview Land Use Ordinance (per 160D, the definition page (32)). Per G.S. 143-145(7) the following has been removed:

Removed “constructed after July 1, 1976” in:
Manufactured Home, Class A and Manufactured Home, Class C

Removed Manufactured Home, Class E “A manufactured home that does not meet the 1976 criterion”

Mayor Opened Public Hearing

No Public Comments

Mayor Closed Public Hearing

The Council discussed. Jerry Clontz made a motion to approve TC 22-016 text change in ordinance (per 160D, the definition page (32)). 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). John Biggers seconded the motion. Council members Biggers, Clontz, and Wilfong voted yes (3-0).

Item 2: Discuss/Approve the Fairview Comprehensive Plan

Ed Humphries presented a change to the Fairview Comprehensive Plan to delete verbiage in red regarding higher density housing. The Planning Board reviewed the change and recommended approval at their March meeting unanimously.

Housing-Objectives

“To maintain the existing quality of residential neighborhoods through enforcement of land use and building codes. Since housing demand is more likely on the western side of Fairview due to proximity to I-485 and the Charlotte Metro area, higher density housing would be considered in this area, but only with proper conditions, adequate sewer, adequate water, adequate open spaces, adequate recreational facilities, and adequate transportation infrastructure.

The Council discussed. John Biggers made to motion to approve the removal of the verbiage regarding higher density housing in the Fairview Comprehensive Plan. Gary

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

Item 3: Discuss/Approve Nuisance Ordinance Amendment: Definition Section 1

Ed Humphries presented a verbiage addition to the Nuisance Ordinance definition section noted in red below. Patricia Kindley has been sitting in on the Union County 2050 Comprehensive Plan litter task force meetings and suggested that we enhance our ordinance. Attorney Melanie Cox suggested using verbiage from G.S. 14-399i(4).

1. When determined by the Land Use Administrator, it shall be unlawful to dispose or discard any litter on private property owned by someone else or on public property.
 - a. It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the town any litter in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property, or private property. Any unauthorized accumulation of litter is declared to be a public nuisance and is prohibited. "Litter" means any garbage, rubbish, trash, refuse, junk, mattresses, boxes, old clothes, rags, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, or any other combustible material or objects of like kind causing an accumulation of stagnant water; or causing or threatening to cause the inhabitation therein of mosquitoes, rats, mice, snakes or vermin of any kind. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina per G.S. 14-399i(4).

The Council discussed. Gary Wilfong made a motion to approve the additional verbiage to the Nuisance Ordinance. Jerry Clontz seconded the motion. Council members Biggers, Clontz, and Wilfong voted yes (3-0).

Item 4: Discuss Proposal for Phase 2 Park Design

Mayor Thomas reported that he had spoken to Jeff Ashbaugh, Benesch Co. and asked him to revise the proposal he presented and have it ready to review at the May meeting.

Item 5: Discuss Date for Budget Workshop

Mayor Thomas asked the Council if April 26th at 6:30 PM would work with their schedules for the Budget Workshop. Everyone agreed.

Item 6: Adopt Grant Project Ordinance for ARP Funds

Mayor Thomas reported that the Council needed to adopt the grant project ordinance for the American Rescue Plan of 2021 that he and Darrell Baucom would complete by filling in the costs for 2021 so that it can be submitted by April 30th.

Jerry Clontz made a motion to adopt the grant project ordinance for the American Rescue Plan of 2021 and authorize Darrell Baucom and Mayor Thomas to fill in the necessary costs. Gary Wilfong seconded the motion. Council members Biggers, Clontz, and Wilfong voted yes (3-0).

Council Comments

Gary Wilfong stated that the Council should continue to talk to Dean Arp about the possibility of additional monies from the state budget in the coming year.

John Biggers reported that the Easter Egg Hunt at the park was great.

Jerry Clontz reported that there was a cleanup day at the park on April 2nd. The Piedmont High School band had a great representation of members there to help.

Mayor Thomas reported that he thought the Easter Egg Hunt went great and everyone had fun. He attended the Union County Chamber Elected Officials Reception and met with several state and local officials. He reported that the new Board of Adjustments members will be meeting on April 19th.

John Biggers made a motion to adjourn. Jerry Clontz seconded the motion. Council members Biggers, Clontz, and Wilfong voted yes (3-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Phil Thomas
Mayor

Approved this 10th day of May 2022