

**Fairview Town Council Meeting**  
**June 11, 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, Attorney; Darrell Baucom, Finance Officer; Tana McConnehey, Tax Collector and Ed Humphries, Land Use Administrator and Town Clerk

A. **Agenda**

Jerry Clontz stated he would like to amend the agenda by adding an amendment to the budget before the Public Hearing on the Budget (item B-1).

Mayor Long stated that she wanted to add discussion of the bridge over Goose Creek located on Highway 218 under New Business (B).

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

B. There were no public comments.

C. **Reports**

Finance Officer Darrell Baucom gave the monthly financial report. Ed Humphries explained the zoning report and stated that Charlotte National Golf Club is building a new clubhouse. Tana McConnehey presented the tax report.

D. **Public Hearings**

Mayor Long opened the Public Hearing on a conditional use permit request #CUP 12-015.

Hear public comments on the requested Conditional Use Permit # CUP-12-015 by Neil Ferrentino to operate a general auto repair business on parcel # 08252011B. Property was formally 'Denny's Muffler Shop' located at 811 Old Dutch Road Indian Trail NC 28079. This property is zoned RA-40 –Non-Conforming

Ed Humphries explained the request. Humphries swore in all present who wanted to speak as this hearing is Quasi-Judicial. Neil Ferrentino explained why he is requesting the permit.

Humphries read the conditions presented by Ferrentino and approved by the Planning Board.

B.B. Haigler asked Ferrentino if he would prefer “up to six (6) employees” as a condition instead of four (4).

Arnold Price suggested that the condition regarding tires being stored for disposal should also include covering the tires.

Both of these conditions were added.

There was no public comment. Mayor Long closed the Public Hearing.

Mayor Long stated that the “facts of finding” must be voted on.

### **LIST FACTS OF FINDING**

#### Findings

- (1) The proposed conditional use will not materially endanger the public health or safety; and
- (2) The proposed conditional use will not substantially injure the value of adjoining or abutting property; (NOTE: Refer to Section 162 with respect to how this finding is to be interpreted for manufactured housing) and
- (3) The proposed conditional use will be in harmony with the area in which it is to be located; and
- (4) The proposed conditional use will be in general conformity with the land use plan, thoroughfare plan, or other plan.

1. Jerry Clontz made a motion to approve the proposed conditional use; as it would not really endanger the public health or safety due to the conditions and environmental safeguards. Bradley Purser seconded the motion. Councilmen Haigler, Purser, Price and Clontz voted yes (4-0).
2. B.B. Haigler made a motion that the proposed conditional use would not substantially injure the value of adjoining or abutting property because a similar operation had been at the location, and a petition was obtained by Ferrentino and signed by neighbors supporting the permit. Arnold Price seconded the motion. Councilmen Haigler, Price, Contz and Purser voted yes (4-0).
3. 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 because it had been in the neighborhood for some time and because of the petition Ferrentino obtained from neighbors. Councilman Price seconded the motion. Councilmen Price, Haigler, Clontz and Purser voted yes (4-0).
4. B.B. Haigler made a motion that the proposed conditional use would be in conformity with the Land Use Thoroughfare Plan or other plans because of the zoning requirements of the Land Use Ordinance and the previous business on the site. Jerry Clontz seconded the motion. Councilmen Haigler, Clontz, Purser and Price voted yes (4-0).

## **DECISION – PERMIT #CUP 12-015**

Jerry Clontz made a motion to approve Permit #CUP 12-015 with the conditions presented with the two amendments added by Council and including 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)

Councilmen Clontz, Haigler, Price and Purser voted yes (4-0).

### **B-1 Amendment to Budget**

Jerry Clontz made a motion to amend the proposed 2012-13 Budget to show \$30,000 rather than \$60,000 in the Public Safety Line Item and to draft a contract with the fire department.

The motion did not receive a second.

Chief McBryde explained the fire department's budget process with the County and why it was important to have a contract with the Town showing what the fire department would receive. McBryde also stated that the County Manager had requested information on having a County-wide tax service district. If this change was made, it would be some time in the future.

The Town Attorney suggested that the budget and the contract with the fire department be two separate items.

Mayor Long opened the **Public Hearing on the proposed 2012-13 Annual Budget**. Darrell Baucom went over the budget.

There was no public comment on the budget. Mayor long closed the Public Hearing.

Bradley Purser made a motion to approve the proposed 2012-13 budget with this change: Leave \$60,000 in the Public Safety and Fire Protection Line Item. This would also include changing the Line Item name from "Public Safety & Fire Protection" to "Public Safety". B.B. Haigler seconded the motion. Councilmen Haigler, Purser and Price voted yes. Councilman Clontz voted no. The motion passed (3-1).

Darrell also asked the Council to approve the auditor for the annual audit. Jerry Clontz made a motion to contract with Moyer, Smith and Roller to conduct the 2011-12 audit for the Town at the price paid for the previous audit (\$6,200). Arnold Price seconded the motion. Councilmen Haigler, Price, Purser and Clontz voted yes (4-0).

### **E. New Business**

#### **a. Approve budget amendments for the 2011-12 budget**

Darrell Baucom explained the budget amendment process.

Arnold Price made a motion to approve the amendment for the 2011-12 budget presented. B.B. Haigler seconded the motion. Councilmen Haigler, Price and Purser voted yes. Councilman Clontz voted no. The motion passed (3-1).

b. **218 Bridge**

Mayor Long has received information from Mr. Jones(NCDOT), and Pete Larson an engineer from Mint Hill, stated that in his opinion the bridge on 218 would not last until next year when it was scheduled to be repaired. The repair construction date was June 2013, but now has been pushed back to January 2014 with a completion date of June 2014. NCDOT states that the new construction is now in the “design stage” and the bridge is safe. NCDOT will continue to inspect the bridge. Mayor Long wants to push NCDOT to start the replacement construction of the bridge to a date earlier than January 2014.

**Contract with Fire Department**

Mayor Long asked if everyone had reviewed the last “fire Suppression Contract” dated March 7, 2005.

Jerry Clontz made a motion to renew the Town’s contract with Fairview Fire and Rescue, and to add a monthly amount of \$2,500 (total \$30,000 per year) paid to them for providing fire protection to the residents of Fairview. B.B. Haigler seconded the motion.

Hal Weil, president of the Fire Department Board of Directors, discussed the need and importance of a contract.

Councilmen Haigler, Clontz, Price and Purser voted yes (4-0).

**Council Comments**

Mayor Long stated she had attended a workshop on Waste Management with the County. Mayor Long stated that Fairview was too rural for curb-side collection of garbage at this time.

Mayor Long and Jerry Clontz attended a meeting where Union County Public Works explained water and sewer for this area within the next five to ten years. Sewer will be extended to the center of town within five years provided the Town comes up with a business plan showing the need.

The county has a “short line water extension” policy: \$500,000 on a first come/first serve basis and you must be within 1,000 feet of existing service; customer would pay “tap fee”.

Jerry Clontz stated that we need to decide where the center of our town will be. The current future Land use Plan has the center at the intersection of the 218 and 601 highways.

B.B. Haigler brought up the town park. He stated he would like to decide what we wanted and hire a consultant to state the project. It was decided that Council members would send the Clerk

what they would like to see in the park. The Clerk would compile this information and place on the next agenda.

Mayor long stated: A park advisory committee should be appointed; the public needs to be involved in the process; the Council had some liability if the low bidder was not chosen and She had visited the park in Indian Trail. The cost of the one acre park was approximately \$250,000.

Jerry Clontz thought it was a good idea to form a committee. Arnold Price asked about grants for the park. Jerry Clontz stated that there was some money out there. Bradley Purser made the statement that a fire station and town park could happen at the same time.

B.B. Haigler asked everyone to send the Clerk what they would like to see happen. The Clerk will place this on the next agenda.

Arnold Price explained he would like to see Fairview offer scholarships to Fairview students. Mayor Long explained the Union County School Foundation. Arnold Price would still like to award scholarships.

Mayor Long asked Fire Chief McBryde about the grant that the department was to award with the \$1,000 grant given by the town. Chief McBryde stated no, not yet.

Bradley Purser asked the Town Attorney if the Town could give money as Arnold had requested. The attorney stated no; they could not by State Statute, but towns do give money to various things.

### **Minutes, May 14, 2012**

Jerry Clontz made a motion to approve the minutes of May 14, 2012, with corrections. Arnold Price seconded the motion. Councilmen Haigler, Price, Clontz and Purser voted yes (4-0).

Mayor Long stated the unapproved Closed Session minutes for the last year be placed on the next agenda (Closed Session) for approval.

Mayor Long asked the clerk to check to see if the Board of Adjustment needed to have a meeting.

Mayor Long requested that the List of Town Assets be updated.

Mayor Long requested that the “Actions of the Council for 2011-12” be completed.

Bradley Purser requested that we place any Public Hearing that we have before Reports on future agendas.

Respectfully submitted,

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Ed Humphries  
Town Clerk

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Elizabeth Long  
Mayor

Approved this 9th day of July, 2012.