

Fairview Town Council Meeting
September 12, 2011
7:00 p.m.

The following members were present, constituting a quorum: Mayor Elizabeth Long, Bradley Purser, B.B. Haigler and Bill Thomas. Jerry Clontz was not present at the beginning of the meeting.

Others present: Joe McCollum, Attorney; Ed Humphries, Land Use Administrator/Town Clerk and Darrell Baucom, Finance Officer.

Agenda/Approval

Mayor Long added adopting a resolution for “Constitution Week” (E under new business).

B.B. Haigler made a motion to approve the agenda as amended. Bradley Purser seconded the motion. Councilmen Thomas, Haigler and Purser voted yes.

Reports

Darrell Baucom gave the monthly financial report.

Bill Thomas explained a recent article in the Charlotte Observer indicating that the Capital Reserve Fund was reported to be helping with the cost of improving the Highway 218 Bridge. It was explained that the information on the minutes could have been misleading. Fairview is not funding any of the bridge improvements. Clerk Humphries suggested that a copy of adopted resolution, etc. should be in the minutes.

Jerry Clontz is now in the meeting.

New Business

Mayor Long opened the **Public Hearing** to hear public comments on a request from (CGX) Evan Crook for a **Conditional Use Permit (#CUP-11-043)** to operate an auto repair, body works and towing operation on parcel #08222011 (Brent Haigler Road). This parcel is a Conditional Use District.

B.B. Haigler asked that he be recused from this hearing and decision because he would gain financially from a favorable decision.

Bradley Purser made the motion to recuse Haigler. Clontz seconded the motion. Councilmen Clontz, Thomas and Purser voted yes.

(Quasi-Judicial) Mr. Crook and B.B. Haigler were sworn in.

Humphries explained the request by Mr. Crook. This property was the former location of H&H Farm Equipment. The parcel is a Conditional Use District and a change of use requires a Conditional Use Permit. The requested use is permitted with a CUP. The applicant presented the following conditions:

Conditions for CGS #CUP 11.043

Evan Crook

1. Auto Repair – Building #1. Office and auto repair for cars and light duty trucks and small equipment. No big trucks. No car sales.
2. Auto Body Work – Building #2. Light body work
3. Storage – Building #3. Supplies and equipment inside storage
4. Paint Shop – Building #4. Certified paint shop for body shop
5. Towing – Fenced Area #5. Constructed by September, 2013. Area used to store vehicles 100' X 100' in size, privacy fence 6' in height with 3 layers of barbwire. Area will be used for vehicle storage.
6. Sign on building only
7. No additions to present footprint

8. All electrical wiring, lights, switches, etc. in the spray paint area must be UL listed for Class I, Division 1 hazardous locations (per NFPA 70 National Electrical Code definitions). Construction and protection of spray finishing facilities must comply with NFPA 33, Spray Application Using Flammable or Combustible Materials, 2011 Edition. **

****Added by Planning Board**

Bill Thomas asked about notification to adjacent property owners.

Mr. Will Simpson (401 Highway 218 West, Indian Trail NC) was sworn in and asked about the hours of operation and stated he had not received a notice (he did receive, but went to his previous address).

Bill Thomas asked where the addresses came from when notifying adjacent property owners. Humphries stated: County Tax information on County Website.

There was a question by Jerry Clontz about junk yards being created on the property. Mr. Haigler assured the Council that no junk yard would be on the property.

Mayor Long closed the Public Hearing.

Bradley Purser made a motion to allow B.B. Haigler to rejoin the Council but withdraw his motion when it was decided NOT to let Haigler rejoin the Council until after a decision was made on the CUP.

Decision

On a request from (CGX) Evan Crook for a **Conditional Use Permit (#CUP-11-043)** to operate an auto repair, body works and towing operation on parcel #08222011 (Brent Haigler Road). This parcel is a Conditional Use District.

Findings (Motions on each)

1. Jerry Clontz made a motion that the proposed conditional use will not materially endanger the public health or safety due to the operations with the proposed conditions. Bradley Purser seconded the motion. Councilmen Purser, Clontz and Thomas voted yes.
2. Bill Thomas made a motion that the proposed conditional use will not substantially injure the value of the adjoining or abutting property due to B.B. Haigler's testimony. Jerry Clontz seconded the motion. Councilmen Purser, Clontz and Thomas voted yes.
3. Jerry Clontz made a motion that the proposed conditional use will be in harmony with the area in which it is to be located due to it being light industrial for many years. Councilmen Purser, Thomas and Clontz voted yes.
4. Bill Thomas made a motion that the proposed conditional use will be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans due to the property being a Conditional Use District. Councilmen Purser, Thomas and Clontz voted yes.

Bill Thomas made a motion to approve the request by Evan Crook (Permit CUP 11-043) with the eight conditions below and the zoning statement:

Conditions for CGS #CUP 11.043

Evan Crook

1. Auto Repair – Building #1. Office and auto repair for cars and light duty trucks and small equipment. No big trucks. No car sales.
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****Added by Planning Board**

Also added to motion:

The proposed conditional Use Permit 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)

Councilman Clontz seconded the motion. Councilmen Clontz, Thomas and Purser voted yes.

Councilman Purser made a motion for Mr. Haigler to rejoin Council. The motion was seconded by Jerry Clontz. Councilmen Clontz, Thomas and Purser voter yes

Discussion --- Possible Town Services

B.B. Haigler explained the possibility of having a horticulturalist and explained a list of activities; more discussion to follow next month. Clerk to place list below in packet next month:

Potential Horticultural Services for Fairview Residents

Jim Monroe, NCCE Agent, Retired

- Hazard tree assessment, tree protection during construction
- Fruit & vegetable production assistance
- Assistance with soil sampling, disease analysis of plants & problem solving
- Basic landscaping advice
- Landscape pest identification and management
- Shrub and turf care
- Water quality and landscape management
- Farm pond management
- Educational programs as determined by residents needs

Bill Thomas stated that he had told Union County that Fairview was interested in participating in a transportation planner for the County.

Jerry Clontz explained possible equipment if we were to build a small park; minimum cost would be \$30,000. Clontz stated he believed we could build what we wanted for \$50,000.

Bradley Purser explained the cost of a contract officer for Fairview; cost \$80,225. The Town would pay approximately \$72,203 for 40/hour week to be negotiated between the Town and the Sheriff.

Discussion -- Lease with Union County School Board

Mayor Long stated that the lease for the Town’s use of the Fairview school building was never signed in 2009. She stated that it was the town’s intent to sign, and she will sign the five year lease(with a 60 day notice of termination) and back date it to 2009. It will then be signed by the Union County Board of Education and a copy returned to us.

Jerry Clontz made a motion to have the Mayor sign the lease with the Union County School for the Fairview meeting room dated in 2009. Bradley Purser seconded the motion. Councilmen Purser, Thomas, Haigler and Clontz voted yes.

Resolution

Jerry Clontz made a motion to adopt a resolution indicating September 17-23 as Constitution Week. Bill Thomas seconded the motion. Councilmen Thomas, Clontz, Purser and Haigler voted yes.

Resolution
Town of Fairview
September 12, 2011

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2011 marks the two hundred twenty-fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week

NOW, THEREFORE I, Elizabeth B. Long, by virtue of the authority vested in me
As Mayor of the Town of Fairview in the State of North Carolina do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through the guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Fairview to be affixed this 12th day of September of the year of our Lord two thousand and eleven.

Signed _____ Mayor Elizabeth B. Long

SEAL

Attest _____ Ed Humphries, Clerk

Joe McCollum attended the Annual Attorneys Conference and explained some of the new laws for 2010-11 passed in the General Assembly. He explained changes in: storm water, e-verify after employees are hired, Town could pay attorney fees and court cost when it is determined the town exceeded their authority, NCDOT sign regulation and annexation.

Bill Thomas was concerned how town data was “backed up” and the Town’s internal security.

B.B. Haigler explained how he thought the town should offer a \$1,000 scholarship to a junior fireman; he wants Council to give it some thought.

Minutes

Bradley Purser made a motion to approve the minutes of August 8, 2011 as corrected. Jerry Clontz seconded the motion. Councilmen Thomas, Clontz, Haigler and Purser voted yes.

B.B. Haigler made a motion to adjourn. Jerry Clontz seconded the motion. Councilmen Clontz, Thomas, Purser and Haigler voted yes.

Respectfully submitted,

Ed Humphries
Town Clerk

Elizabeth Long
Mayor

Approved this 10 day of Oct, 2011.
Re approved this 12 day of Dec., 2011