

Agenda

Town of Fairview



Agenda

Town Council Meeting

September 11, 2017

7:00 pm

(Meeting to be held at the Old Fairview School)

1. Call the meeting to order: ---Mayor Thomas

Invocation
Pledge of Allegiance

- a. Agenda Changes
- b. Approval of Agenda

2. Public Comments / Presentations:**

Presentation: Andy Williams, Chief, Fairview Fire & Rescue

3. 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) CRTPO --- *No Report*
- d) Monroe/Union County Economic Development Committee Report--- *No Report*
- e) Proclamation for National Suicide Prevention Week
- f) Approve Council Minutes for August 14, 2017

Agenda

4. Items of Business:

Item 1: Discuss/Approve Major Development Permit #MDP 17-056 request from 601 Investments and Nest Homes to develop a subdivision, The Estates at Fairview Farms, at the corner of Hwy. 601 and Hopewell Church Rd. --- *Ed Humphries and David DeCaron, Piedmont Designs*

Item 2: Approve amendment to noise ordinance

- Approve encroachment agreement with NCDOT and authorize Mayor to sign
- Approve estimate for purchasing and installing proper signage for “unmuffled compression brakes prohibited” in the amount of \$903.47

Item 2: Festival Update --- *Gary Wilfong*

Item 3: Park Update --- *Jerry Clontz*

- Approve contract for additional lighting for the park and authorize Jerry Clontz to sign

5. Council Comments:

6. Adjournment

AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS

**** Public Comments are limited to 3 minutes**

Consent Agenda

A consent agenda is an effective means of managing the length of a meeting. It is normally made up of routine items that are not controversial in nature and upon which no further discussion is anticipated. Action on the consent agenda usually occurs early in the meeting with all items listed being approved by one motion and vote.

If any member of the governing body feels the need to discuss one or more of the items more fully, the item may be removed from the consent agenda and placed on the regular agenda.

Town of Fairview
Balance Sheet
 As of August 31, 2017

	Aug 31, 17
ASSETS	
Current Assets	
Checking/Savings	
American Community Bank	420,690.14
Total Checking/Savings	420,690.14
Other Current Assets	
Accounts Receivable - State Gov	897.83
Due From Fairview VFD	-20.00
Franchise Tax Receivable	34,697.37
Investments	
Investments NCCMT	971.64
Total Investments	971.64
Prepaid assets	1,124.00
Sales Tax Receivable	4,083.70
Taxes receivable	2,462.18
Total Other Current Assets	44,216.72
Total Current Assets	464,906.86
Fixed Assets	
Accumulated Depreciation	-9,717.68
Computer Equipment	12,643.66
Furniture and Equipment	1,698.00
Land	202,216.33
Land improvements	10,145.00
Leasehold improvements	2,500.00
Total Fixed Assets	219,485.31
Other Assets	
Park development costs	56,201.15
Total Other Assets	56,201.15
TOTAL ASSETS	740,593.32
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	10,640.79
Total Accounts Payable	10,640.79
Other Current Liabilities	
Accrued payroll	3,533.01
Payroll Liabilities	463.10
Total Other Current Liabilities	3,996.11
Total Current Liabilities	14,636.90
Total Liabilities	14,636.90
Equity	
Fixed assets	276,948.81
Total Fund Balance	1,359,212.89
Total Equity	1,636,161.70

1:17 PM
09/01/17
Accrual Basis

Town of Fairview
Balance Sheet
As of August 31, 2017

	Aug 31, 17
Prior period adjustment	-22,833.59
Retained Earnings	-839,102.40
Net Income	-48,269.29
Total Equity	725,956.42
TOTAL LIABILITIES & EQUITY	740,593.32

1:24 PM

09/01/17

Accrual Basis

Town of Fairview
Profit & Loss Budget vs. Actual
July through August 2017

	Jul - Aug 17	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Ad Valorem taxes	289.06	0.00	289.06	100.0%
Cable TV franchise taxes	929.27	0.00	929.27	100.0%
Interest on delinquent taxes	50.19			
Investment income	244.65	0.00	244.65	100.0%
Motor vehicle taxes	1,848.41	1,470.00	378.41	125.7%
Park rental income	550.00			
Sales and use tax	4,189.16	4,250.00	-60.84	98.6%
Zoning fees	1,430.00	1,000.00	430.00	143.0%
Total Income	9,530.74	6,720.00	2,810.74	141.8%
Expense				
Advertising and Promotion	0.00	200.00	-200.00	0.0%
Audit fees	0.00	1,500.00	-1,500.00	0.0%
Capital outlay	6,092.72	0.00	6,092.72	100.0%
Computer, internet and website	3,110.00	1,545.00	1,565.00	201.3%
Dues and Subscriptions	4,813.00	5,000.00	-187.00	96.3%
Fire Dept Allocation	2,499.99	1,666.70	833.29	150.0%
Fire Dept Truck Payment	13,142.31	13,142.31	0.00	100.0%
Grants	2,500.00	0.00	2,500.00	100.0%
Insurance Expense	3,214.53	5,275.00	-2,060.47	60.9%
Legal fees	1,351.00	1,200.00	151.00	112.6%
Miscellaneous Expense	10.00	0.00	10.00	100.0%
Office Supplies	443.36	500.00	-56.64	88.7%
Park Maintenance	4,524.22	6,055.04	-1,530.82	74.7%
Park Utilities	129.40	636.32	-506.92	20.3%
Payroll Expenses	6,750.52	5,703.30	1,047.22	118.4%
Payroll taxes	1,040.14	960.34	79.80	108.3%
Planning and zoning	6,850.16	6,850.16	0.00	100.0%
Rent Expense	750.00	500.00	250.00	150.0%
Repairs and Maintenance	0.00	170.00	-170.00	0.0%
Tax collection fees	55.19	50.00	5.19	110.4%
Telephone Expense	459.25	600.00	-140.75	76.5%
Travel Expense	64.24	200.00	-135.76	32.1%
Total Expense	57,800.03	51,754.17	6,045.86	111.7%
Net Ordinary Income	-48,269.29	-45,034.17	-3,235.12	107.2%
Net Income	-48,269.29	-45,034.17	-3,235.12	107.2%

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Town of Fairview Transactions by Account

As of August 31, 2017

Type	Date	Num	Adj	Name	Memo	Debit	Credit	Balance
American Community Bank								
Deposit	08/09/2017				Deposit	465.00		411,941.21
Bill Pmt -Check	08/11/2017	101969		Carolina Fish Hatch...	Stock pond in park		1,585.00	412,406.21
Bill Pmt -Check	08/11/2017	101970		Clark, Griffin and Mc...	Various legal fees		1,001.00	410,821.21
Bill Pmt -Check	08/11/2017	101971		CompuNetworkid	Monthly host fees		260.00	409,820.21
Bill Pmt -Check	08/11/2017	101972		Darrell H. Baucom_	Mileage and internet		77.12	409,560.21
Bill Pmt -Check	08/11/2017	101973		Fairview VFD and R...			1,083.33	409,483.09
Bill Pmt -Check	08/11/2017	101974		FNB Commercial Cr...	Supplies for park		228.22	408,399.76
Bill Pmt -Check	08/11/2017	101975		Great American Fin...	Copier payment		110.65	408,171.54
Bill Pmt -Check	08/11/2017	101976		Refined Outdoors	Lawn maintenance		1,318.00	408,060.89
Bill Pmt -Check	08/11/2017	101977		Union County Public...	water for park		65.79	406,742.89
Deposit	08/11/2017				Deposit	2,032.76		406,677.10
Paycheck	08/14/2017	101979		Darrell H. Baucom			811.94	408,709.86
Paycheck	08/14/2017	101982		Jerry C. Clontz			843.92	407,897.92
Paycheck	08/14/2017	101985		Teresa Gregorius			1,291.28	407,054.00
Paycheck	08/14/2017	101978		Bradley W Purser			138.53	405,762.72
Paycheck	08/14/2017	101980		Edward D Humphries			2,097.06	405,624.19
Paycheck	08/14/2017	101981		Gary H Wilfong			138.53	403,527.13
Paycheck	08/14/2017	101983		John A Biggers, Jr.			138.53	403,388.60
Paycheck	08/14/2017	101984		Phillip C Thomas			184.70	403,250.07
Liability Check	08/14/2017	To Print		IRS	55-0789092		2,092.44	403,065.37
Deposit	08/14/2017				Deposit	229.13		400,972.93
Check	08/14/2017	101986		PHS Band Boosters	Donation		2,500.00	401,202.06
Deposit	08/15/2017				Deposit	100.00		398,702.06
Deposit	08/15/2017				Deposit	19,762.11		398,802.06
Deposit	08/15/2017				Deposit	100.00		418,564.17
Deposit	08/21/2017				Deposit	871.34		418,664.17
Deposit	08/23/2017				Deposit	275.00		419,535.51
Deposit	08/23/2017				Deposit	200.00		419,810.51
Check	08/25/2017			Duke Energy_			31.55	420,010.51
Check	08/25/2017			Frontier Telephone	Office phone		195.82	419,978.96
Deposit	08/30/2017				Deposit	907.00		419,783.14
Total American Community Bank						24,942.34	16,193.41	420,690.14
TOTAL						24,942.34	16,193.41	420,690.14

Permits Aug 2017



23-May	2101	A-17 041	Addition	\$50	Tim Clontz	2107 Shepherds Cove	08279011C
23-May	cash	C-17-042	Accessory	\$100	Boy Scout	9408 Belt Rd	821005
Totals		7		\$700			

6-Jun	1802	H-17-043	Home	\$75	Matt Tucker	9023 Unionville Brief Rd	08147004D
13-Jun	2700	BFF-17-044	Farm	\$50	Pat Furgerson	212 W Old Dutch	8213019
22-Jun	1209	A-17-045	Accessory	\$50	Holeman Builders	1416 Brief Rd East	8114011
27-Jun	15677	C-17-046	Compliance	\$100	Pinnacle Homes	1809 West Highway 218	08252001F
29-Jun	1078	A-17-047	Addition	\$50	Jeff Dulin	9319 Heritage Lane	8213019
Totals		5		\$325			

6-Jul	6084	U-17-048	Upfit	\$50	Matthew Cox Sr	9719 Tallwood Drive	8210054
6-Jul	120108	C-17-049	Compl	\$100	Gala Homes	8907 Noah Helms	8285030
6-Jul	1764	H-17-50	Home	\$125	Richard Lancy	8920 Mill Grove	8282026
13-Jul	4085	H-17-45-1	Home	\$75	Mike Hallman	Pasterview lane	8117006
18-Jul	1401	A-17-051	Addition	\$50	Byrum Const. Haverly	1727 E. Brief Road	08114008L
13-Jul	1444	Sub 17 -051-1	Sub	\$65	Honeycutt Serveying	Monroe NC	8156011
25-Jul	1999	U-17-052	Electical	\$50	tony D'Aprile	7816 W. Duncan Road	08255008E
27-Jul	0	Sub-17-053	Sub	\$325	Andrew Helms	Sikes Mill Crossing	8087035
27-Jul	1090	Sub 17-054	Sub	\$65	Alan Griffin	Sikes at Biggers	08057002-80
Totals		9		\$905			

3-Aug	Cash	H-17-055	Home	\$75	Jordan Huntley	1469 Biggers Ceme	08114009C
3-Aug	3725	MDP-17-056	Major	\$150	601 Investments	Concord hwy-Hopewell Church	8186006

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10-Aug	2120	A-17-057	Accessory	\$50	Herando Mejie	1006 Highway 218	8222017
10-Aug	2121	BF 17--058	B Farm	\$50	Herando Mejie	1006 Highway 218	8222017
17-Aug	1391	H 17--059	Home	\$75	Amanda Elliott	619 Cortz long	08156004A
22-Aug	Cash	A-17-060	Electric Ser	\$50	Michael	8110 Concord Highway	08186009C
29-Aug	1084	H 17--061	Home	\$75	Andy Helms	9112 Blue Rock Rd	08216005D
29-Aug	1084	A 17-062	Accessory	\$50	Andy Helms	9112 Blue Rock Rd	08216005D
31-Aug	14012	H-17-063	Home	\$75	Helms Partners	3103 East Brief Road	08087035J
31-Aug	1066	BF 17--064	B Farm	\$50	Kay Simmions	8319 Barry Mullis Road	8219003
Totals		10		\$700			



National Suicide Prevention Week Proclamation

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals between the ages of 10 to 34; and

WHEREAS, in the United States, one person completes suicide every 12.3 minutes, resulting in more than 44,000 suicides each year (Centers for Disease Control; 2015 data); and

WHEREAS, suicide is the only leading cause of death in the United States that has increased every year for the past decade; and

WHEREAS, it is estimated that there are over 1.1 million suicide attempts each year; and

WHEREAS, in 2015, North Carolina experienced 1,406 deaths by suicide; and

WHEREAS, over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, although often that condition is not recognized or treated; and

WHEREAS, suicide results in an estimated \$51 billion in combined medical and work loss costs nationally (Centers for Disease Control; 2015 data); and

WHEREAS, suicide results in an estimated \$1.39 million in combined medical and work loss costs in North Carolina annually (Centers for Disease Control; 2015 data); and

WHEREAS, the stigma associated with mental health conditions and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide loss and people with lived experience of suicide; and

WHEREAS, organizations such as The American Foundation for Suicide Prevention envision a world without suicide, and are dedicated to saving lives and bringing hope to those affected by suicide, through research, education, advocacy and resources:

NOW, THEREFORE, I, Phillip C. Thomas do hereby proclaim September 10-16, 2017, as

“NATIONAL SUICIDE PREVENTION WEEK”

In the Town of Fairview and commend its observance to all citizens.

WITNESS MY HAND and the official Seal

Phillip C. Thomas, Mayor



**Town of Fairview
Regular Meeting
August 14, 2017**

The following Council members were present: Mayor Phil Thomas, Jerry Clontz, Bradley Purser, and Gary Wilfong. John Biggers was not present.

Others present: Joe McCollum, Town Attorney; Darrell Baucom, Financial Officer, Ed Humphries, Land Use Administrator / Deputy Clerk and Teresa Gregorius, Town Clerk

Agenda Changes

None

Approval of Agenda

Bradley Purser made motion to approve the agenda. Jerry Clontz seconded the motion. Council member Clontz, Purser and Wilfong voted yes (3).

Public Comments

None

Consent Agenda

- a) Accept Financial and Tax Reports as Information
- b) Accept Land Use Report as Information
- c) Accept CRTPO Report as Information
- d) Monroe/Union County Economic Development Committee – No Report
- e) Approve Alzheimer Proclamation
- f) Approve Constitution Weed Proclamation

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g) Approve Fire Academy Program Resolution

h) Approve Council Regular Minutes for July 10, 2017 as amended

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

Items of Business

Item 1: Request from Piedmont High School Band Boosters for \$5,000.00 for funds to help with instrument repair/replacement, transportation costs, contract labor and help cover band fees for students that cannot pay.

Shelley Holt with the Piedmont High Band Boosters provided the Council with the financial statement information requested by the Council at a previous meeting. Council members reviewed the information and discussed the request. Gary Wilfong made a motion to give \$2,500.00 to the Piedmont High School Band Boosters. Bradley Purser seconded the motion. Council members Purser and Wilfong voted yes and Clontz voted no (2-1).

Item 2: Discuss NCDOT Suggestion about signage (Unmuffled Compression Brakes)

Ed Humphries reported that he contacted NCDOT regarding approval of signage for the amendment to the noise ordinance on compression brakes that was approved in July. NCDOT stated that the signage we requested would not be permitted and suggested alternative verbiage for our noise ordinance and signage that met their criteria. This alternative would require an encroachment agreement with NCDOT for the signage; and the Town would be responsible purchasing and installing the signs. Council discussed the NCDOT information.

Gary Wilfong made a motion to approve four (4) signs to be erected on Highways 218 and 601 and amend the current noise ordinance. Jerry Clontz seconded the motion. Council members Clontz, Purser and Wilfong voted yes (3-0).

Item 3: Union County Tax Collection for Fairview

Ed Humphries presented the 2016-17 Settlement information and Tax Charge for fiscal year 2017-18 received from Union County Tax Office. Council discussed the information.

Jerry Clontz made a motion to accept the 2016-17 Settlement and approve the 2017-18 Charge from the Union County Tax Office. Gary Wilfong seconded the motion. Council members Clontz, Purser and Wilfong voted yes (3-0).

Item 4: Festival Update

Gary Wilfong reported that plans are moving along on the Festival. Two acts have been confirmed. Several craft and food vendors have signed on. He is currently working on getting flag poles ordered and ready for installation. He will be working

with Mr. Clontz to finalize plans for running electricity to horse shoe pit and flag pole areas.

Item 5: Park Update

Jerry Clontz reported that the lights have been installed at the park. The pond has been stocked with fish. At the last Park and Rec meeting the committee discussed (1) installing solar lights at the entrance to the park and around the walking trail, (2) installing features that teenagers/adults can do at the park, i.e. basketball, volley ball, (3) fish feeder for pond. Piedmont High School student, Alex Smith has donated a Little Library for the park that will be installed shortly.

Council Comments

Bradley Purser suggested that the town consider providing the Town Clerk with a cell phone in the future if needed.

Attorney Joe McCollum reported that he attended the Municipal Attorney Conference last week.

Mayor Thomas reported that he attended the annual Fairview fire department meeting last week. He suggested that the next time you see a fire fighter to thank them. Fairview Fire & Rescue reported responding to over 400 calls last year.

Jerry Clontz made a motion to go into closed session to discuss real estate to include Joe McCollum, Darrell Baucom, Ed Humphries, Teresa Gregorius and Patricia Kindley. Gary Wilfong seconded the motion. Council members Clontz, Purser and Wilfong voted yes (3-0).

Closed Session

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

Respectfully submitted,

Teresa Gregorius
Town Clerk

Phil Thomas
Mayor

Approved this _____ day of _____, 2017

Major
Development
Permit
#MDP 17-056

**Town of Fairview
Staff Report for:**

Planning Board

DATE: August 15th 2017

CASE #: MDP-17-056

Applicant(s):	Piedmont Design Associates, PA 125 East Plaza Drive Suite 101 Mooresville NC 28115 David DeCaron
Property Owner(s):	601 Investments, LLC 13860 Ballantine Corp Park Suite 120 Charlotte NC 28277 Glenn Chambers
Requested Action:	To obtain a Major Development Permit # MDP-17-056
Existing Zoning:	RA-40
Requested Zoning:	RA-40 with Major Development Permit To be called "The Estates at Fairview Farms "
Location:	Corner of Hopewell Church Road and Concord Highway In Fairview
Property Size:	The owner owns approximately 200 acres on the east and west sides of Highway (Concord Road) at the Hopewell Church Road intersection. The property is in three parts. The part being developed is on the south east corner of the intersection and approximately 63 acres. The area to be developed is boarded on the north by Hopewell Church Road, the west by Concord Highway and the south by Goose creek. There is no development planned for the south side of Goose Creek
Tax Parcel(s):	08186006
Purpose/Narrative:	The applicant is proposing to develop a Subdivision (Approx 28 ac.) consisting of 11 lots ranging in size from 51,000 sq feet to 119,252 with two streets (with a community lot to support 11 septic fields). The homes will be built by : Nest Homes, LLC 236 Raceway Drive Suite 7 Mooresville NC 28117 There will be a Home Owners Association for maintenance of common areas and open space (1.21 ac).
Surrounding Area Zoning:	Residential/ Farming--- All adjoining properties are zoned RA-40.
Existing Conditions:	Farming—The owner understands that there is a 200 foot buffer on both sides of Goose Creek. No development is planned for the buffer or the flood plain on the north side of the creek

Land Use Plan Recommendation:	Residential and or Highway Commerical
Compliance with Zoning Ordinance:	The Town's adopted land use plan recommends low density, single-family residential development throughout the town with densities limited to maximum of approximately 1 house 40,000 sq feet. The subject property is indicated on the Town's Future Land Use Map as residential/highway commercial and is comprised of agricultural uses There is a single-family home on the property but it is across Concord highway.
Major Development Permit Conditions:	See Attached
Staff Recommendation on Application:	Development should be approved when all conditions are met**

**Planning Board meeting on Aug 15th 2017

Planning Board recommended approval if Major Development Permit # MDP-17-056

"The Estates at Fairview Farms" with added conditions of county water; a landscaped berm on the 601 side of the property and decorative lighting. The vote was 7 yes and 0 no's. (7-0)

Town of Fairview

7400 Concord Highway
Monroe NC 28110

MAJOR DEVELOPMENT PERMIT APPLICATION

Name of Development: The Estates at Fairview Farms	Date of Submission: AUG 3 2017	Check if Conditional Use Permit is associated with this application: <u>NO</u>
--	--	--

Applicant Information	
Contact Name: Nest Homes	
Contact Phone/Fax: (704) 208-4251	Email: ewood@nesthomes.com
Address: 236 Raceway Drive, Suite #7, Mooresville, NC 28117	
Engineer/Surveyor: Piedmont Design Associates, PA	Phone: (704) 664-7888

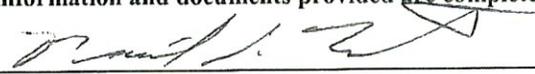
Owner Information	
If different from applicant, specify legal relationship of the applicant to the owner that entitles the applicant to make application and provide contact info below:	
Contact Name: 601 Investment, LLC	
Address: 13860 Ballantine Corporate Park, Suite #120, Charlotte, NC 28277	
Contact Phone/Fax/email: Glen Chambers - gchambers@usgventures.com	

Provide summary statement of the development proposed:
Proposed residential subdivision with twelve 1+ Acre Lots with water and septic systems.
Streets are proposed to be constructed to NCDOT standards.

Property Information	
Property Location: SE Quadrant of Highway 601 and Hopewell Church Road	
Tax Parcel Number: 081-86-006	
Existing Zoning: RA-40	Proposed Zoning: RA-40
Existing Use: SFR / Farm	Proposed Use: SFR Subdivision
Existing Buildings Floor area: 2,329 Sq. Ft.	Proposed Buildings Floor area:
Property Size (square feet) 8,716,791.60 Sq. Ft.	

Fee amounts: (per Land Use Administrator)
Attached? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Checklist Completed and attached? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

I, the undersigned owner or authorized representative, hereby submit this application with the attached information and understand that any engineering review fees incurred by the Town will be paid by me. The information and documents provided are complete and accurate to the best of my knowledge.

	8-1-17
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE	DATE

BELOW TO BE COMPLETED BY TOWN OF FAIRVIEW	
It is anticipated that this plat will be reviewed by (date):	
Anticipated Planning Board Date: 8/15/2017	
This Permit is [approved / denied] by Town Council on (date):	
Signature of Authorized Town Official:	

601→INVESTMENTS

A US Global Ventures Company

August 9, 2017

To whom it may concern,

As Manager of 601 Investments, LLC, I hereby authorize Mr. David Decaron of Piedmont Design Associates, P.A. to act on my behalf with respect to the Fairview project.

Please feel free to contact me at 704 564 6282 if you need any additional information.

Kind Regards

A handwritten signature in black ink, appearing to read "Glenn Chambers", with a long, sweeping horizontal line extending to the right.

Glenn Chambers

Manager

601 Investments, LLC

Town of Fairview

MAJOR DEVELOPMENT PERMIT CHECKLIST

Please complete the following MAJOR DEVELOPMENT PERMIT CHECKLIST developed from Appendix A of the Town of Fairview Land Use Ordinance.

If the item is included in the development site plan, check the space provided. If the item is not applicable or not included, please write N/A in the space provided and make any explanation in the comments area following each section.

Graphic Materials Required for Plans

- ✓1. Name of development
- ✓2. Title block containing the subdivision name and the name of the owner
- ✓3. The name, address and phone # of the subdivider/preparer of plat
- ✓4. The names, addresses and telephone number of all owners, mortgages, registered land surveyors, developers, land planners, architects, landscape architects, and professional engineers responsible for the subdivision.
- ✓5. Location (including address, township, county and state)
- N/A6. Date or dates survey was conducted and plat prepared
- ✓7. A scale drawing in feet per inch listed in words and figures (drawing shall not be at a scale less than 1" equals 200')
- ✓8. A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area at a scale of 1" = 2000'
- ✓9. A Bar graph scale
- ✓10. North Arrow and orientation (North arrow shall be oriented to the top of the plat where applicable)

<u>Comments/Explanation for items not checked in section above:</u>
Boundary survey of subject tract is currently in progress.

Existing Natural, Man-Made and Legal Features

- ✓1. Tree line of wooded areas.
- ✓2. Individual tree eighteen inches in diameter or more identified by common or scientific name.
- ✓3. Orchards or other agricultural groves by common or scientific name.
- ✓4. Streams, ponds, drainage ditches, swamps, boundaries of floodways and floodplains.
- ✓5. (If the proposed development is a subdivision or mobile home park of more than fifty lots or if more than five acres of land are to be developed), base flood elevation data (See Article XVI, Part I).
- ✓6. Contour lines (shown as dotted lines) with no larger than five foot contour intervals. (As indicated in Subsection A-6 (2t), proposed contour lines shall be shown as solid lines.)
- ✓7. Vehicle accommodation areas (including parking areas, loading areas and circulation areas, see Section 290), all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.
- ✓8. Streets, private roads, sidewalks, and other walkways, all designated by surface material.
- ✓9. Curbs and gutters, curb inlets and curb cuts, and drainage grates.
- ✓10. Other storm water or drainage facilities, including manholes, pipes, and drainage ditches.
- ✓11. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television.

Town of Fairview - Major Development Permit Checklist

- ✓12. Above ground utility lines and other utility facilities.
- ✓13. Fire hydrants.
- ✓14. Buildings, structures and signs (including dimensions of each).
- ✓15. Location of exterior light fixtures.
- ✓16. Location of dumpsters.
- ✓17. The zoning of the property, including zoning district lines where applicable.
- ✓18. Property lines (with dimensions identified).
- ✓19. Street right-of-way lines.
- ✓20. Utility or other easement lines.

Comments/Explanation for items not checked in section above:

Proposed Changes in Existing Features or New Features

- ✓1. The number of square feet in every lot created by a new subdivision.
- ✓2. Lot dimensions, including lot widths measured in accordance with Section 183.
- N/A**3. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines (see Section 184).
- N/A**4. Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights (see Section 186) and proposed wall sign or window sign area;
- N/A**5. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
- N/A**6. Elevation in relation to means sea level to which any non-residential structure will be flood-proofed.
- N/A**7. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- ✓8. The location and dimensions of all recreational areas provided, with each area designated as to type of use;
- ✓9. Areas intended to remain as open space or designated buffer areas (Section 265.)
- ✓10. Streets, labeled by classification (see Section 210) and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private roads in subdivisions shall also be shown and clearly labeled as such.
- ✓11. Curbs and gutters, curb inlets and curb cuts, drainage grates, and other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.
- ✓12. Sidewalks and walkways, showing widths and surface material.
- N/A**13. Bridges.
- N/A**14. Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with Section 242.
- ✓15. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television. Water and sewer pipeline signs shall be labeled.
- N/A**16. Aboveground utility lines and other facilities.
- ✓17. Fire hydrants.
- N/A**18. Dumpsters.
- N/A**19. New contour lines resulting from earth movement (shown as solid lines) with no larger than five foot contour intervals (existing lines should be shown as dotted lines).
- N/A**20. Scale drawings of all signs requiring permits pursuant to Article XVII, together with an indication of the location and dimensions of all such signs.
- N/A**21. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, see Section 290), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel of lanes, aisles, and driveways.

Town of Fairview - Major Development Permit Checklist

- ✓ 22. Proposed plantings or construction of other devices to comply with the screening requirements of Article XIX, Part I, as well as proposed plantings of trees to comply with the shading requirements of Article XIX, Part II. Plans shall label shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, show the circles of the mature crowns (major trees shall be drawn at diameter = 30'; dwarf or decorative trees shall be drawn at their actual mature crown), and indicate the height at the time of planting.

Comments/Explanation for items not checked in section above:

See attached sheet.

Documents and Written Information in Addition to Plans

- ✓ 1. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.
- ✓ 2. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, as set forth in Article XV, and that all necessary easements have been provided.
- N/A 3. For proposed non-residential flood proofed structures, or for enclosed areas below the lowest floor that are subject to flooding, certification from a registered professional engineer or architect that the proposed structure meets the criteria in Article XVI, Section 254(d), (f).
- N/A 4. Certification and supporting technical data from a registered professional engineer demonstrating that any proposed use within a floodway if permitted under Article XVI, Section 253, shall not result in any increase in flood levels during occurrence of the base flood discharge.
- ✓ 5. Legal documentation establishing homeowners associations or other legal entities responsible for control over required common areas and facilities.
- N/A 6. Bonds, letters of credit, or other surety devices.
- N/A 7. Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent to comply with Section 22, 102, or 323.
- N/A 8. Complete documentation justifying any requested deviation from specific requirements established by this ordinance as presumptively satisfying design standards.
- N/A 9. Written evidence of permission to use satellite-parking spaces under the control of a person other than the developer when such spaces are allowed pursuant to Section 298.
- N/A 10. Written evidence of good faith efforts to acquire satellite parking under the circumstances set forth in Section 299.
- N/A 11. Verification that Manufactured Goods, Class 1 and 2 uses will meet the supplementary standards set forth in Article XI. Such verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent from the nature of the proposed development that such expert verification is unnecessary.
- ✓ 12. Time schedules for the completion of phases in staged development, as required by Section 61.
- N/A 13. The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas.
- N/A 14. The traffic of a development, including its effect on pedestrian or vehicular traffic or congestion.

Comments/Explanation for items not checked in section above:

See attached sheet.

Proposed Changes in Existing Features or New Features

3. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines (see Section 184). **There are no existing or new commercial buildings or signs pertaining to this development. All new residential structures will be constructed within the setbacks shown on the site plan.**

4. Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights (see Section 186) and proposed wall sign or window sign area. **There are no proposed buildings on site, nor are there any existing commercial buildings on site.**

5. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures. **At this time, the elevations of the residential structures are not known. None will be constructed within the floodplain shown on the site plan.**

6. Elevation in relation to means sea level to which any non-residential structure will be flood-proofed. **No non-residential structures are planned for this development.**

7. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. **No watercourses will be altered or relocated for this proposed development.**

13. Bridges. **There are no bridges pertaining to this project.**

14. Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with Section 242. **There is no existing or proposed outdoor lighting on this site other than at the individual proposed residences.**

16. Aboveground utility lines and other facilities. **All utilities are proposed to be underground for this project. All existing poles on this site have been shown on this plan.**

18. Dumpsters. **There are no existing or proposed dumpster for this project. All garbage will be handled by rollout carts by individual residences.**

19. New contour lines resulting from earth movement (shown as solid lines) with no larger than five foot contour intervals (existing lines should be shown as dotted lines). For the purpose of this plan, no new contours have been shown. **Proposed roads will be graded to NCDOT standards. Lots will be graded by individual home builders. No mass grading will take place on this site.**

20. Scale drawings of all signs requiring permits pursuant to Article XVII, together with an indication of the location and dimensions of all such signs. **There are no requiring permit signs proposed for this site.**

21. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, see Section 290), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel of lanes, aisles, and driveways. **No existing or new parking areas as described proposed for this project.**

Documents and Written Information in Addition to Plans

3. For proposed non-residential flood proofed structures, or for enclosed areas below the lowest floor that are subject to flooding, certification from a registered professional engineer or architect that the proposed structure meets the criteria in Article XVI, Section 254(d), (f). **No non-residential structures are proposed on this site.**

4. Certification and supporting technical data from a registered professional engineer demonstrating that any proposed use within a floodway if permitted under Article XVI, Section 253, shall not result in any increase in flood levels during occurrence of the base flood discharge. **No portion of this project is proposed to impact floodway in any way.**

6. Bonds, letters of credit, or other surety devices. **Not required for staff review and comment.**

7. Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent to comply with Section 22, 102, or 323. **No public hearing required for this development.**

8. Complete documentation justifying any requested deviation from specific requirements established by this ordinance as presumptively satisfying design standards. **No deviation from ordinance is proposed for this project.**

9. Written evidence of permission to use satellite-parking spaces under the control of a person other than the developer when such spaces are allowed pursuant to Section 298. **No satellite parking is proposed with this development.**

10. Written evidence of good faith efforts to acquire satellite parking under the circumstances set forth in Section 299. **No satellite parking is proposed with this development.**

11. Verification that Manufactured Goods, Class 1 and 2 uses will meet the supplementary standards set forth in Article XI. Such verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent from the nature of the proposed development that such expert verification is unnecessary. **Not applicable.**

13. The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas. **None. Setbacks have been adhered to as shown.**

14. The traffic of a development, including its effect on pedestrian or vehicular traffic or congestion. **None.**

SUGGESTIONS FROM ED HUMPHRIES

- Decide whether you will have County water or not. It is my opinion you should. There has always been concern about arsenic in our water. Each well needs to be tested for that if you use wells. **Water will be extended to serve this site from Clontz Road/Hwy 601.**
- I will also need approval (in written form) for the septic systems from the Environmental Health in Union County. **Upon approval, Nest Homes plans on making application to Union County Health Department upon approval from Planning. Currently they are 8 weeks out and the process will need to begin immediately.**
- We need to apply to NCDOT for a driveway permit on Hopewell Church Road to see if improvements need to be made. There may need to be right of way given on 601 and Hopewell church Road **Upon approval, Nest Homes plans on making application to NCDOT for the driveway entrance to the subdivision upon approval from Planning**
- I did not see a BMP on the site. Do you have to have one? If so who will maintain it? **This site is being designed at low impact to minimize the amount of runoff impact from this site.**
- I would like to see a picture if possible of what the streets might look like to show how they will handle storm water. **Attached.**
- Can you give me information about the street trees and the street lights. A picture if the decorative lights/trees would be great. **Attached.**

QUESTIONS ADDRESSED BY DEVELOPER

- Will Nest be constructing all of the homes or will they opt to sell to other builders?
Nest is planned to be primary builder
- I know you will but he wanted to know if you will have deed restrictions on these lots.
YES- single family site built homes, With CCR's to dictate style and building materials
- Do you have a similar product that you can share the CC&Rs with? I was thinking Twin Sisters or Homer Lane.
Sister's Cove and Langtree Plantation are good examples
- I have pulled in the COS on the back of the lots and created a 15 ft COS to have the walking trail. He really liked than amenity to the subdivision. He also asked that we add a few streetlights. Those could be leased out to the HOA.
If available by local service provider to be leased to HOA we will add
- I assume you will have a set of structured CC&Rs for this neighborhood.
Yes similar to Langtree and/or Sisters Cove

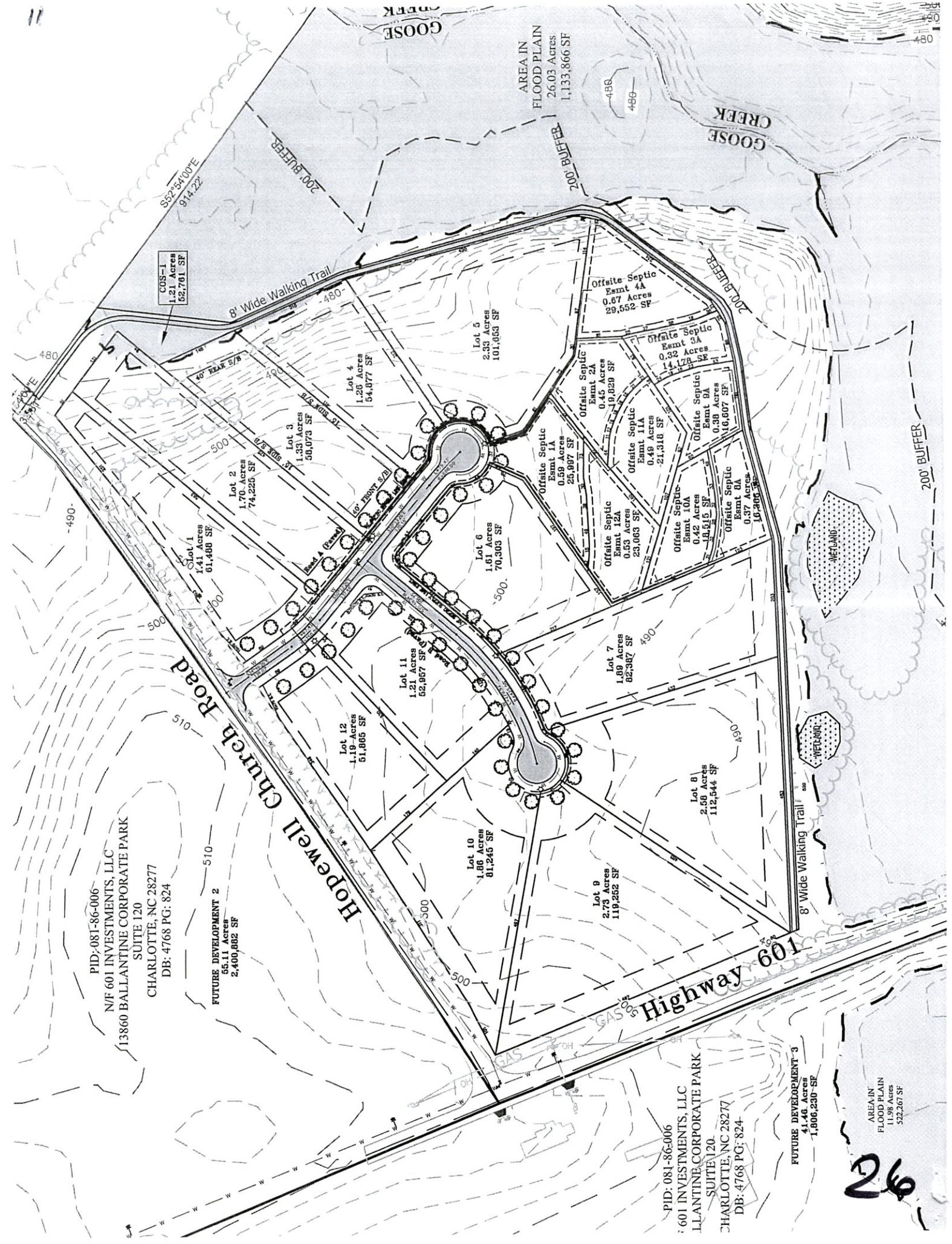
PID: 081-86-006
N/F 601 INVESTMENTS, LLC
13860 BALLANTINE CORPORATE PARK
SUITE 120
CHARLOTTE, NC 28277
DB: 4768 PG: 824

FUTURE DEVELOPMENT 2
55.11 Acres
2,400,882 SF

PID: 081-86-006
601 INVESTMENTS, LLC
BALLANTINE CORPORATE PARK
SUITE 120
CHARLOTTE, NC 28277
DB: 4768 PG: 824

FUTURE DEVELOPMENT 3
41.46 Acres
1,806,230 SF

AREA IN
FLOOD PLAIN
11.98 Acres
522,267 SF



26

SITE NOTES

- * TOTAL SITE SIZE: 200.11 ACRES (THIS PHASE OF DEVELOPMENT: 27.98 AC)
- * TAX PARCEL: 081-86-006, GOOSE CREEK TWP, UNION COUNTY, NC.
- * SITE ZONING: RA-40
- * TOTAL LOTS PLANNED: 13.
12 OF THESE ARE BUILDING LOTS & 1 IS A COMMON OPEN SPACE LOT.

A PORTION OF THE 200.11 ACRES IS FUTURE DEVELOPMENT.
THIS DEVELOPMENT: 27.98 AC | (AREA IN FLOODPLAIN: 0.53 AC)
FUTURE DEVELOPMENT 1: 75.56 AC | (AREA IN FLOODPLAIN: 26.03 AC)
FUTURE DEVELOPMENT 2: 55.11 AC | (AREA IN FLOODPLAIN: 0.00 AC)
FUTURE DEVELOPMENT 3: 41.46 AC | (AREA IN FLOODPLAIN: 11.98 AC)

- * A PORTION OF THIS SITE LIES IN A SPECIAL FLOOD HAZARD ZONE PER FIRM COMMUNITY PANEL #3710554100J (10/16/2008).
- * NCGS GRID MONUMENTS WERE FOUND WITHIN 2000 FT OF PROPERTY

ZONING NOTES

- * SETBACKS (See lot 3 for typicals)
FRT: 40'
SIDE: 15'
REAR: 40'
MAX HEIGHT: 35'
MIN. LOT WIDTH AT BLDG LINE: 120'
MIN. LOT SIZE: 40,000 SF
LOT 12 = SMALLEST BUILDABLE LOT = 51,865 SF
LOT 8 = LARGEST BUILDABLE LOT = 119,252 SF

NOTE: THERE IS A 10' UTILITY EASEMENT ALONG ALL COMMON SIDE LOT LINES WITHIN THIS SUBDIVISION, A 10' UTILITY EASEMENT ALONG ALL REAR LOT LINES, AND A 10' UTILITY EASEMENT ALONG ALL ROAD RIGHT OF WAYS IN THIS SUBDIVISION.

- * TOTAL NEW ROADS = 1,052 LF; 1.39 ACRES IN RW. ALL STREETS TO BE CONSTRUCTED TO NCDOT STANDARDS AND WILL BE DEDICATED TO THE NCDOT PUBLIC STREET SYSTEM.
- * SUBDIVISION AND ROAD NAMES HAVE NOT BEEN APPROVED.
- * STREET LIGHTING IS PROPOSED FOR THIS SUBDIVISION. 5 STREET LIGHTS AS SHOWN.
- * COMMON OPEN AREA WILL BE DEEDED TO THE PROPERTY OWNERS ASSOCIATION WHICH WILL BE RESPONSIBLE FOR THEIR MAINTENANCE.
- *
- * ALL LOTS IN THIS SUBDIVISION WILL BE SERVED BY INDIVIDUAL SEPTIC SYSTEMS AND UNION COUNTY PUBLIC WORKS OR WELLS. SOME LOTS, AS NOTED, WILL HAVE OFF-SITE SEPTIC SYSTEMS EASEMENTS.
- * AS OF THE DATE OF THIS RECORDING, THE LOTS REPRESENTED ON THIS PLAT HAVE NOT BEEN INSPECTED OR APPROVED BY THE UNION CO. HEALTH DEPT. UNTIL INSPECTED, THERE IS NO ASSURANCE THAT A BUILDING PERMIT WILL BE ISSUED. THE SITE AND THIS PRELIM PLAN HAVE BEEN EVALUATED IN TERMS OF SOILS AND SEPTIC SYSTEM LOCATIONS BY A PRIVATE SOILS CONSULTANT NOTED BELOW.
- * AN EROSION CONTROL PLAN WILL BE SUBMITTED TO NCDENR FOR PERMITTING UPON APPROVAL OF THE PRELIM PLAN. A COPY OF THE EC PLAN WILL BE PROVIDED PRIOR TO FINAL PLAT.
- * THIS SITE WILL BE CONSTRUCTED IN A TIMELY MANNER AND ALL DISTURBED AREAS WILL BE STABILIZED PER NCDENR-LAND QUALITY SECTION

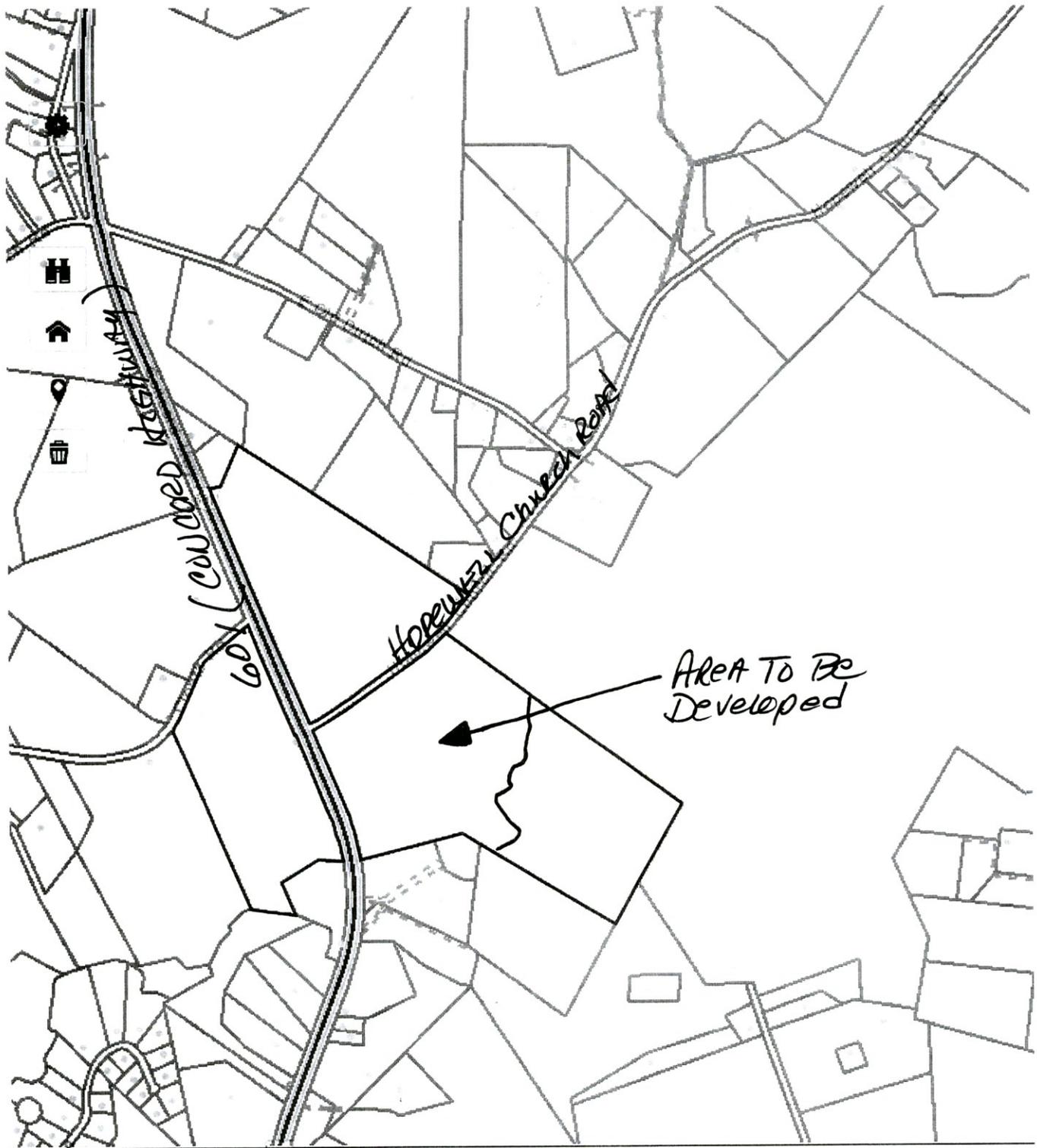
TOTAL COMMON OPEN SPACE (THIS PHASE) = 1.21 ACRES (4.32%)

AERIAL TOPOGRAPHIC INFORMATION PROVIDED BY:
NCDOT LIDAR DATA



LANDSCAPE NOTES:

46 STREET TREES SHALL PLANTED NO MORE THAN 50 FEET ON CENTER. TREE SHALL BE A MIN. OF 2-INCH CALIPER AT 8 FT HT AT TIME OF PLANTING. TREES SHALL BE APPROVED BY TOWN OF FAIRVIEW LAND USE ORDINANCE LATEST EDITION.



1 Results 0.2mi 0.4km



28

Ed Humphries

From: Fahim, Neda [nfahim@ncdot.gov]
Sent: Friday, August 25, 2017 10:53 AM
To: David Decaron
Cc: Donald Munday; Paul Penninger; Ed Humphries
Subject: RE: Hopewell Church Road and Highway 601 Residential Subdivision

David,

The District Office has reviewed your submitted sketch plan and based on the number of proposed lots and the existing AADT on Hopewell Church Road, we will not require any improvements. However, please note that the future development may warrant a left turn lane on HWY 601 N.

Should you have any questions, please feel free to call me at the number shown below.

Thanks,

Neda Fahim
Assistant District Engineer
10th Highway Division – District 3
North Carolina Department of Transportation

704-218-5100 – Office
704-292-1800 – Fax
nfahim@ncdot.gov

130 South Sutherland Ave.
Monroe, NC 28112



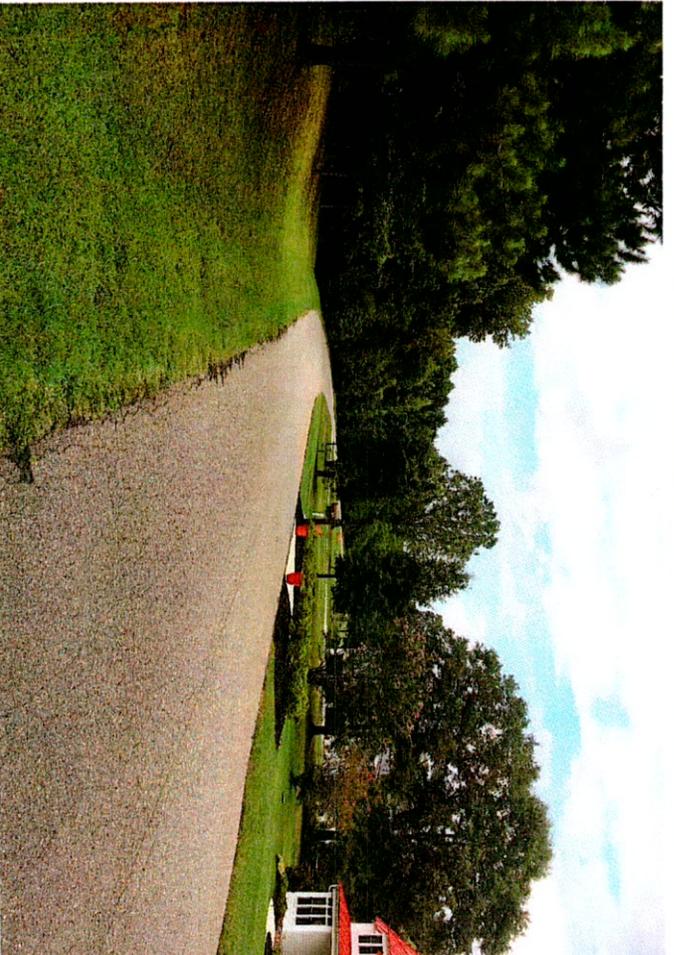
Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: David Decaron [<mailto:ddecaron@pdapa.com>]
Sent: Wednesday, August 23, 2017 1:48 PM
To: Fahim, Neda <nfahim@ncdot.gov>
Cc: Donald Munday <dmunday@pdapa.com>; Paul Penninger <ppenninger@nesthomes.com>; Ed Humphries <ehumphries@fairviewnc.gov>
Subject: Hopewell Church Road and Highway 601 Residential Subdivision

Neda,
Thank you for returning my call from earlier. Attached is the plan that we submitted to Town of Fairview planning board last week. We were granted approval from them and we are now seeking comments from your office on the project. Please feel free to contact myself or Donald Munday (cc'ed) if you have any questions or concerns.

David DeCaron

Photographic Examples of Nest Homes Subdivisions & Homes



Roadside ditches along NCDOT paved road



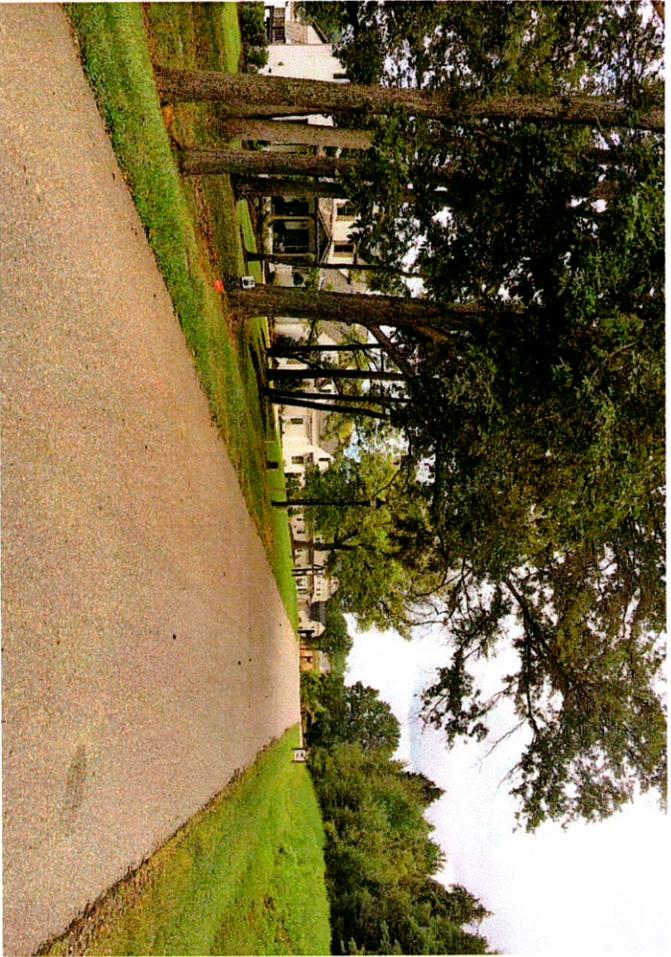
Example of home constructed by Nest Homes



Subdivision Entrance by Nest Homes



Example of home constructed by Nest Homes



Roadside ditches along NCDOT paved road



Subdivision Entrance by Nest Homes



Subdivision Entrance by Nest Homes



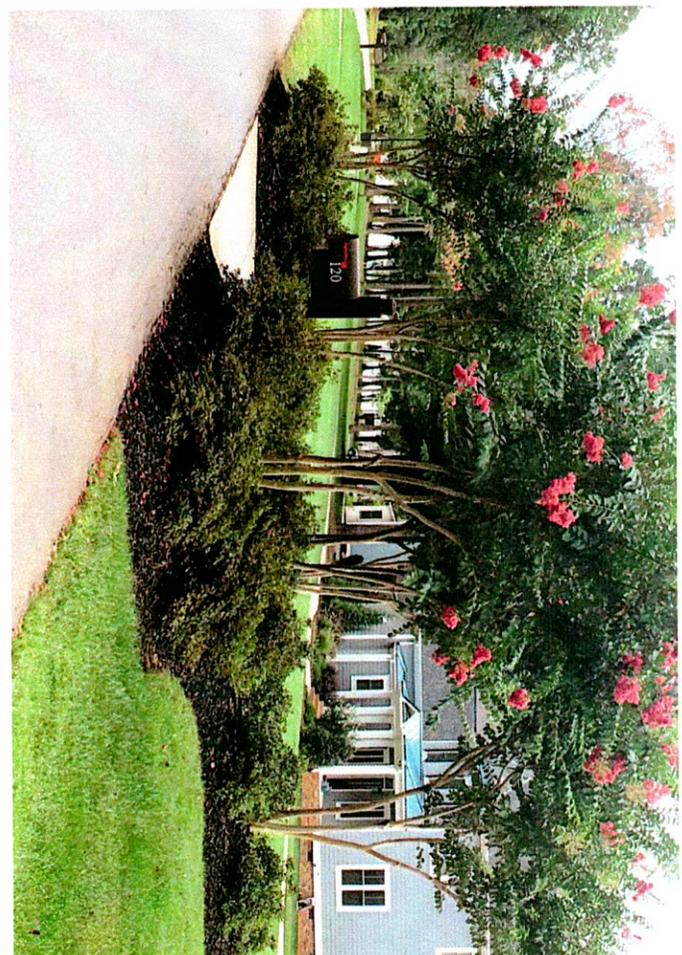
Nest Homes behind landscaped berm along existing highway



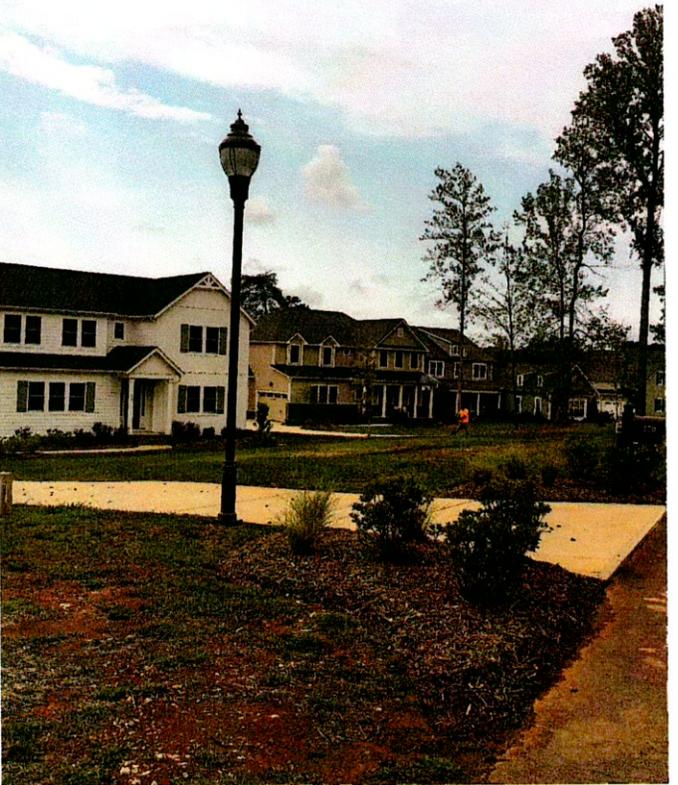
Subdivision Entrance by Nest Homes



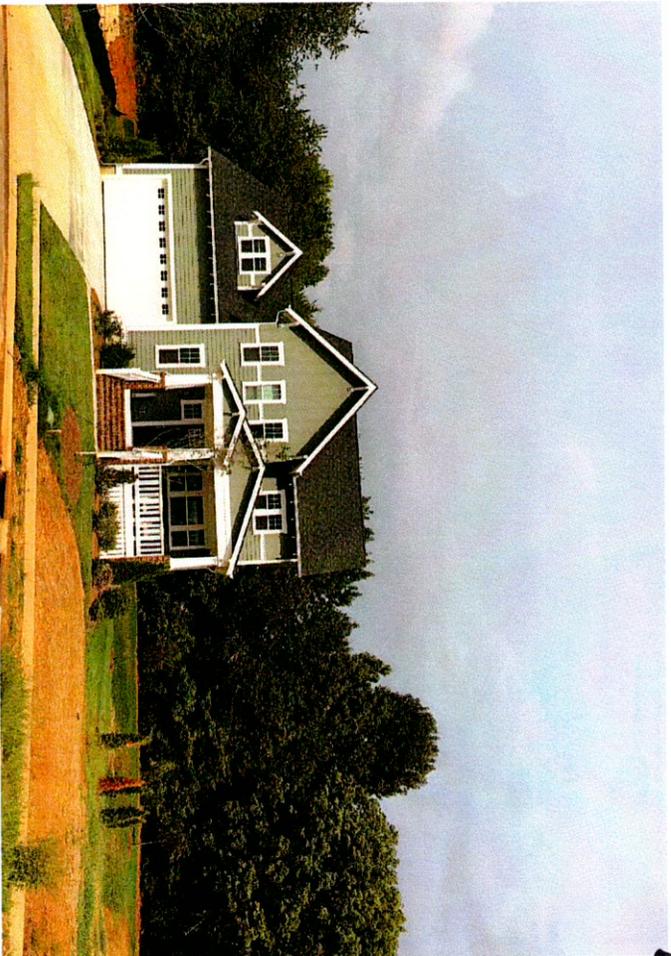
Example of home constructed by Nest Homes



Landscaping at of home constructed by Nest Homes



Street Lighting in Subdivision by Nest Homes



Example of home constructed by Nest Homes



Subdivision Entrance by Nest Homes



Landscaping along existing highway

Amend Noise Ordinance

**AMENDMENT TO
TOWN OF FAIRVIEW NOISE ORDINANCE**

The Town of Fairview Noise Ordinance adopted August 10, 2015 is amended by adding to Section 2 the following:

4. MOTOR VEHICLES To operate or allow the operation of any motor vehicle in the Town of Fairview under the following conditions:
- (a) The vehicle has had its muffler-exhausts and/or noise –control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises or;
 - (b) The vehicle is being operated in a manner so as to create unreasonably loud and disturbing noises by engaging in jackrabbit starts, spinning tires and other such activities or;
 - (c) The vehicle is being driven off road for racing or other activities or other operations that create unreasonably loud and disturbing noises.
 - (d) To employ unmuffled engine compression brakes within the municipal limits of Fairview.
 - (e) To operate or cause to be operated a motor vehicle unless the exhaust system is free from defects which affect sound reduction.
 - (f) To remove or render inoperative or cause to be removed or rendered inoperative other than for maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
 - (g) To modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle which has been so modified.

This amendment becomes effective upon adoption.

Adopted by council this _____ day of _____, 2017.

Mayor

Attest:

Clerk

North Carolina Department of Transportation
 Division of Highways
 Transportation Mobility and Safety Division

STANDARD PRACTICE

for

County/Town/City, North Carolina to Install

Sign Prohibiting Use of Unmuffled Engine Compression Brakes

The purpose of this Standard Practice is to provide guidance on this issue and specify the requirements for installation of a sign within a county/city/town limits prohibiting use of unmuffled engine compression brakes. Establishment of a prohibitory sign is not required for law enforcement to enforce G.S 20-128: "Exhaust system and emissions control devices." Therefore; we see these signs as discretionary and will allow others to pay to have them installed when approved and if space is available.

For the purpose of this standard practice, engine compression brakes are defined as a device primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. They are incorrectly referred to as "Jake" brakes (Jacobs ©brake). When not muffled, engine compression braking may cause excessive noise and vibration in violation with Federal Motor Carrier Safety Regulations 40 CFR 2002.10 and North Carolina G.S. 20-128.

The North Carolina Department of Transportation (NCDOT) considers appropriate engine braking an essential safety practice, and prohibiting use of engine brakes may have negative impacts. However, a properly installed muffler will reduce the excessive noise and vibration emitted. Therefore, NCDOT will allow the installation of "Unmuffled Engine Braking Prohibited" signs on NCDOT right-of-way inside municipal limits if all requirements herein are met. Additional criteria will be required for establishment of these signs outside a municipal limit. The compliance of these signs is analogous with installation of a no speeding sign.

This sign shall not apply to emergency driving situations requiring the utilization of an engine or exhaust brake to protect the safety and property of motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

Requirements prior to requesting NCDOT approval to allow prohibitory sign within municipal limit:

- 1) An ordinance must be first adopted by a county, city, or town prohibiting the excessive noise due to unmuffled engine compression brakes within the official limits specifying the limits of the restriction.

2) A speed limit sign must be in place at the municipal limit, regardless of any statutory speed limit in effect. If speed reduction signs are required outside the municipal limits to notify the motorist and allow gradual braking, these signs must be installed prior to request. See MUTCD for requirements. If speed reduction signs are warranted, this request should be made prior to the request to allow the prohibitory engine braking sign.

Other Requirements:

3) Establishment of these signs outside a municipal limit on NCDOT right of way will require a completed NCDOT encroachment agreement by requesting party. The requesting party will be responsible for installation of sign and maintenance.

4) An NCDOT encroachment agreement is required for any request for signs to be installed within NCDOT right-of-way.

5) Signs must be installed by NCDOT or an NCDOT approved contractor, if outside municipal limits.

6) The county/town/city will be responsible for payment of sign, installation, enforcement, and sign maintenance.

7) The sign design will be provided by the NCDOT.

8) All sign requests should be made to the appropriate Division Engineer with required documentation.

9) NCDOT is not responsible for theft, damage, or destruction of the sign.

Guidance on information that may be included (or modified to fit the specific location) in ordinance:

- It shall be unlawful for any person to employ unmuffled engine compression brakes within the municipal limits on [route name] or such that can be detected within [distance] of sign.
- The penalty for usage of unmuffled engine compression brakes.
- This sign shall not be enforced when engine or exhaust braking is required due to an emergency driving situation such as to protect the safety and property of motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.
- It shall be unlawful for any person to operate or cause to be operated a motor vehicle unless the exhaust system is free from defects, which affect sound reduction.
- No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
- It shall be unlawful for any person to modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle which has been so modified.

Reference information:**GS 160A-187: "Noise Regulation"**

A city may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens. (1971, c. 698, s. 1; 1973, c. 426, s. 25.)

§ 153A-133. Noise regulation.

A county may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens. (1973, c. 822, s. 1.)

GS 20-128: "Exhaust system and emissions control devices"

(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler, or other exhaust system of the type installed at the time of manufacture, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and smoke screens.

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

(c) No motor vehicle registered in this State that was manufactured after model year 1967 shall be operated in this State unless it is equipped with emissions control devices that were installed on the vehicle at the time the vehicle was manufactured and these devices are properly connected.

(d) The requirements of subsection (c) of this section shall not apply if the emissions control devices have been removed for the purpose of converting the motor vehicle to operate on natural or liquefied petroleum gas or other modifications have been made in order to reduce air pollution and these modifications are approved by the Department of Environment and Natural Resources. (1937, c. 407, s. 91; 1971, c. 455, s. 1; 1983, c. 132; 1989, c. 727, s. 9; 1997-443, s. 11A.119(a); 2000-134, s. 6.)

40 CFR 202.20: STANDARDS FOR HIGHWAY OPERATIONS.

§ 202.20 Standards for Highway Operations.

(a) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 86dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 90 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

(b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 83 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 87 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

[39 FR 38215, Oct. 29, 1974, as amended at 51 FR 852, Jan. 8, 1986]

(f) The provisions of § 202.20(a) and § 202.21(a) of Subpart B apply only to applicable motor vehicles manufactured prior to the 1986 model year.

(g) The provisions of § 202.20(b) and § 202.21(b) apply to all applicable motor vehicles manufactured during or after the 1986 model year.

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY ENCROACHMENT AGREEMENT
FOR NON-UTILITY ENCROACHMENTS ON
PRIMARY AND SECONDARY HIGHWAYS

-AND-
Town of Fairview

7400 Concord Highway
Monroe, NC 28110

THIS AGREEMENT, made and entered into this the _____ day of _____, 20____, by and between the Department of Transportation, party of the first part; and _____ party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) 601 and 218, located At entrance to town

with the construction and/or erection of: Signs "Unmuffled Compression Brakes Prohibited"

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities, within the highway rights of way limits, in carrying out its construction and maintenance operations.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all

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R/W (161A) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (161A) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
Asst. Manager of Right of Way

ATTEST OR WITNESS:

Ed Humphries

Land Use Administrator

Phillip C. Thomas

Mayor, Town of Fairview
Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

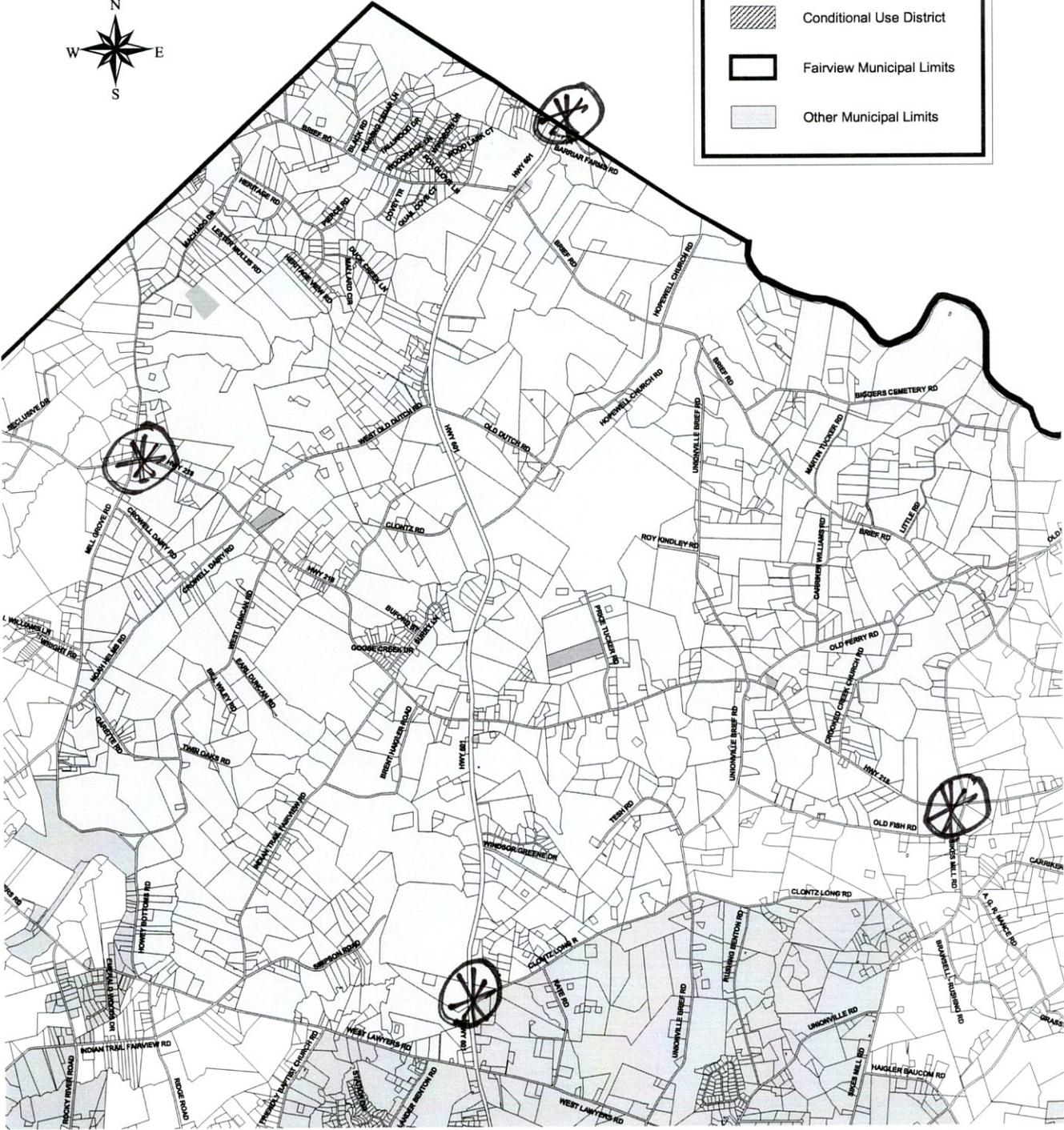
1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the proposed encroachment.
4. Length and type of encroachment.
5. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
6. Drainage structures or bridges if affected by encroachment.
7. Typical section indicating the pavement design and width, and the slopes, widths and details for either a curb and gutter or a shoulder and ditch section, whichever is applicable.
8. Horizontal alignment indicating general curve data, where applicable.
9. Vertical alignment indicated by percent grade, P.I. station and vertical curve length, where applicable.
10. Amount of material to be removed and/or placed on NCDOT right of way, if applicable.
11. Cross-sections of all grading operations, indicating slope ratio and reference by station where applicable.
12. All pertinent drainage structures proposed. Include all hydraulic data, pipe sizes, structure details and other related information.
13. Erosion and sediment control.
14. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on

Town of Fairview

Land Use Ordinance Zoning Map

Fairview Zoning

-  B-4
-  LI
-  RA-40
-  Conditional Use District
-  Fairview Municipal Limits
-  Other Municipal Limits



NOTE: See Zoning Administrator for location of Floodplain (FP), Floodway (FW), and Mining (M) Overlay Districts.



Estimate



Artisan Signs & Graphics

18335 Old Statesville Rd. "L"
Cornelius, NC 28031
ph. 704-655-9100
fax 704-655-9121
email: sales@artisansignsandgraphics.com

Estimate: 19465

Printed 8/22/2017 9:09:22AM

Description: **Unmuffled Engine DOT sign**

Prepared For: Ed Humphries

ph: (704) 564-3412

Company: Town of Fairview

Estimate Date: 8/21/2017 10:00:43AM

email: ehumphries@fairviewnc.gov

Dear Ed:

Please review your estimate. Thanks for the opportunity to earn your business!

Sincerely,

Scott Crosbie

Product	Font	Qty	Sides	Height	Width	Unit Cost	Install	Item Total
1 Traffic Control	*	4	1	30	24	\$98.70	\$0.00	\$394.80

Color: Black on White Reflective

Description: 080 Aluminum - Diamond Grade Reflective

Text: Unmuffled Engine Braking Prohibited

2 8' Galvanized U Channel Post	*	4	1	96	0	\$111.90	\$0.00	\$447.60
--------------------------------	---	---	---	----	---	----------	--------	----------

Color: Silver

Description: Galvanized U Channel Post - BREAKAWAY Unchannel with 3' base - UP-8BPG
sign and stand to be assembled
Customer to install

Text:

Notes:

Line Item Total:	\$842.40
Subtotal:	\$842.40
Taxes:	\$61.07
Total:	\$903.47

Company: Town of Fairview
7400 Concord Hwy
Monroe, NC 28110

Received/Accepted By: _____

/ /

Festival Report

Park Report

ACCOUNT NAME TOWN OF FAIRVIEW SERVICE ADDRESS 7350 CONCORD HIGHWAY MONROE NC 28110 Account Number 1866133929

Duke Energy Carolinas LLC
Duke Energy Corporation - Electronic Form Repository
Electric Distribution form for North Carolina Only

NC Service Agreement - Government Lighting

Customer Name TOWN OF FAIRVIEW Project Name TOWN OF FAIRVIEW Duke Energy Carolinas LLC Employee
Service Address 7350 CONCORD HIGHWAY, MONROE, NC, 28110 Contractor working for Duke Energy Carolinas, LLC
Mailing Address 7400 CONCORD HIGHWAY, MONROE, NC, 28110 Date 9-5-2017
Service Requested By MIR JERRY CLONITZ PARKS DIRECTOR 7042543168 * Total Monthly Charges \$23.24
Title Phone One Time Payment (incl. tax) \$0.00

Total Cost (Initial Term plus One Time Payment Charges) \$836.64
* Subject to change per KWH as shown on effective rate schedule

This agreement, when signed by the Customer and by an authorized representative of Duke Energy Carolinas LLC (Duke) will be a contract under which Duke agrees to furnish the outdoor lighting service indicated below to the Customer and the Customer agrees to pay for the service in accordance with the terms of Rate Schedule -GL and Dukes Service Regulations on file with the North Carolina Utilities Commission, and on file in Dukes offices. (AS THE RATE SCHEDULE AND SERVICE REGULATIONS MAY BE MODIFIED FROM TIME TO TIME) which Rate Schedule and Service Regulations are hereby incorporated as part of this agreement

Duke will provide the outdoor lighting service indicated below, but if the service is wholly or partially interrupted or suspended or fails because lamps burn out or are broken, because of any cause beyond Dukes reasonable control or because Duke needs to suspend the service for the purpose of inspecting or making repairs or alterations to its lines or other equipment, then Duke shall not be obligated to provide the service during any such interruption, suspension or failure, and Duke shall not be liable for any damage or loss resulting therefrom. Duke will replace burned out lamps and otherwise maintain the fixture during regular daytime working hours as soon as practical following notification by the Customer of such problems.

It is further agreed that Duke reserves the right to discontinue service and remove the fixtures from the Customers premises if the Customer violates any of the terms of the Service Regulations, Rate Schedule or this Agreement. **The initial term of this Agreement shall be 3 Years,** and thereafter it shall continue until terminated by either party given 90 days written notice to the other party. IN THE EVENT OF TERMINATION DURING THE INITIAL TERM OF THIS AGREEMENT THE CUSTOMER AGREES TO PAY DUKE 40% OF THE TOTAL MONTHLY CHARGE FOR THE NUMBER OF MONTHS REMAINING IN THE INITIAL TERM.

Customer Signature :  _____ Date  _____
Special Instructions : _____ Work Request Number : 22022387
SA ID : 20170817131358538

Basic Luminaires :

Description	Existing Pole		New Pole w/OH		New Pole w/LG		Total Prepayment
	Rate	#Units	Rate	#Units	Rate	#Units	
150W/12500 Lumens LED Area	\$12.10	0	\$18.50	0	\$23.24	1	\$0.00
			Monthly Charge	Monthly Charge	Monthly Charge	Monthly Charge	
			\$0.00	\$0.00	\$23.24	\$23.24	\$0.00

Additional Monthly Charges

Additional Monthly Charge for underground conductor \$.07 for each increment of 10 feet or less, over 150 service feet per pole	Existing Pole		New Pole w/OH		New Pole w/LG	
	Rate	#Units	Rate	#Units	Rate	#Units
Total Secondary L/G installed (in feet)		88				
			Monthly Charge	Monthly Charge	Monthly Charge	Monthly Charge
			\$0.00	\$0.00	\$0.00	\$0.00
10' increments over 150' per pole						
					\$0.00	\$0.00
					Sub Total	Sub Total
					\$0.00	\$0.00

Additional One Time Payment Total Amount: \$0.00
 One Time Payment Tax: \$0.00
 Additional Monthly Payment Total Amount: \$0.00
 Total Prepayment: \$0.00
 Total Cost (Initial Term plus One Time Payment Charges) \$836.64
 Are any old facilities to be removed? No

Electric Service Installation Provisions

WO# 22022387
(Internal Use Only)

I, JERRY CLONTZ FOR THE TOWN OF FAIRVIEW, have requested that Duke Energy install above ground or underground electric service conductors at my home/business located at: 7350 CONCORD HIGHWAY. In making this request, I agree to the following checked provisions:

1. While Duke Energy is responsible for locating publicly owned underground utility lines (telephone, CATV, gas) I am responsible for identifying for Duke Energy or its agent the correct location of all privately-owned underground objects that might be damaged by or cause damage to Duke Energy's equipment or its contractor's equipment in the process of installation. Underground objects include, but are not limited to: **septic tanks, drain lines, drain fields, designated repair areas, water lines, irrigation lines and electrical lines not owned by Duke Energy or other publicly owned utilities.**
2. Once I have physically marked the privately-owned underground objects, within + or - 24 inches, using paint, flags, or stakes, Duke Energy or its contractor will assume responsibility for avoiding damage to said objects.
3. I assume full responsibility for any damage to privately-owned underground objects caused by my failure to notify or incorrectly notify Duke Energy of the location of the underground objects.
4. Duke Energy or its contractor will assume responsibility for performing said installation in a professional manner by avoiding damage to obvious above ground objects such as curbs, gutters, shrubbery, sidewalks, and buildings.
5. I understand the specific route of the proposed above ground or underground conductors and location of poles and/or apparatus as described by the Duke Energy representative.
6. In the course of installing underground lines and equipment in areas with landscape trees, there is the probability of some root damage and I will not hold Duke Energy or its contractor responsible for damage to or the health of any trees.
7. Equipment tracks and ground disturbance will result from the use of equipment necessary for the installation of above ground or underground facilities.
8. Duke Energy or its contractor **will not** be responsible for providing non-standard erosion control measures, reseeding lawns or replacing gravel in the area(s) disturbed due to the installation of poles, apparatus (such as transformers or pedestals) or underground facilities.
9. I understand that I am responsible for complying with any state or federal requirements related to stormwater discharge including any site stabilization measures.
10. I may be required to pay a contribution in aid of construction if rock or other adverse conditions are encountered. Refer to the Line Extension Plan (copy available upon request). Costs associated with lighting installations may vary from those listed below or could potentially be less if your project involves joint installation with other utilities. These conditions include, but are not limited to, the following examples (applicable sales tax not included):

<u>Examples of Charges</u>	<u>Unit Cost</u>
Rock removal	\$ 41.54 per cubic foot
Place clean sand/clay backfill in a standard trench	\$ 3.02 per linear foot
Provide clean sand/clay backfill from on-site or offsite	\$ Actual Cost plus 15%
Provide conduit in trench	\$ 5.39 per linear foot
Punching under roads/driveways/sidewalk	\$ 23.28 per linear foot
Mechanical tamping to avoid settling of trench	\$ 2.71 per linear foot
Crew delay due to customer or site conditions	\$ 70.97 per hour (\$125 min)
Engineering costs	\$ 65.00 per hour
Other: (Ex: rock hole for pole or anchor)	\$ _____

11. To meet National Electric Safety Codes, work site grading, and landscaping must be at final grade or within 6 inches of final grade (Duke Representative to initial appropriate item) before installation of underground facilities. Refer to the Line Extension Plan (copy available upon request).
12. I understand that I may be responsible for any additional costs incurred by Duke due to Duke's inability to perform work on schedule as a result of my failure to have the site ready or remain ready until all work has been completed (\$125 minimum charge).
13. I have requested that Duke Energy install underground facilities on the property listed above. In making this request, I agree to be the single point of contact for Duke Energy and agree that I may be financially responsible to Duke Energy for any damage to Duke Energy's equipment that is caused by a contractor retained by me who is uninsured or otherwise does not have the financial ability to pay for said damages.
14. I have provided Duke Energy with the correct load information to size the electrical facilities required by this request for service. I understand that there may be charges if the actual load requires Duke Energy to alter electrical facilities installed for this request for service.
15. I assume full responsibility to determine if any lighting ordinances or restrictions that would prohibit the installation of the service requested.
16. I agree to allow Duke Energy or its contractor to drive vehicles/equipment on my concrete drive or walkway and I will not hold Duke Energy or its contractor responsible for damage to my concrete drive or walkway.
17. Duke Energy or its contractor will not be responsible for providing remediation or environmental control measures for preexisting environmental hazards or contaminants discovered during the installation of poles, apparatus (such as transformers or pedestals) or underground facilities.
18. These provisions have been explained to me and I have received a copy of this document

Owner/Customer Signature _____


 Duke Energy Representative Phone Number Fax Number

Date _____


 Date

ELEVATION

USUAL 37' UNDERGROUND CABLE

WOOD POLE

1100' 150W STAINLESS STEEL FLOOR
LEI

1100 20002387

FOR QUESTIONS CALL

JEFF TREMBLAY

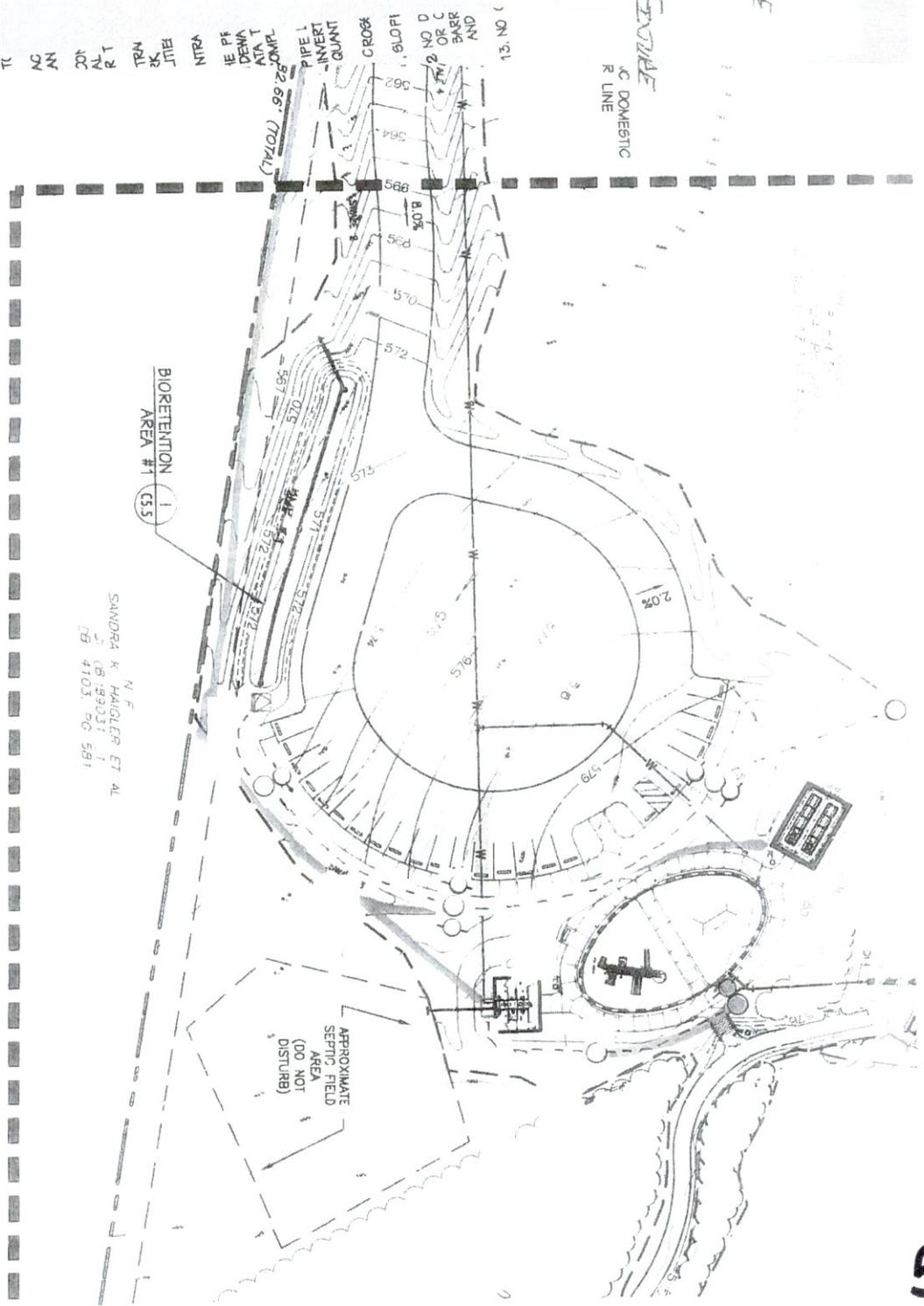
704 582 8267

PER CUSTOMER OK

TO CUT DOUBLE LINES
AT LIGHT.

IG AND DRAINAGE NOTES

- 13. NO 11
- NO D
- OK C
- BARR
- AND
- PIPE 1
- INVERT
- QUANT
- CROSS
- SLOPE
- NO D
- OK C
- BARR
- AND
- IE PF
- DEWA
- AN T
- COMP
- 22.66' (TOTAL)
- TRM
- JTIE
- SK
- AL T
- R
- AC
- AN
- EL
- 1
- 1



N.F.
SANDRA K. HAIGLER ET AL
CB 18031
CG 581
4103