

**FAIRVIEW TOWN COUNCIL MEETING**

**FEBRUARY 18, 2008- TOWN HALL**

**7:00 PM**

The following members were present, constituting a quorum: Mayor Richard Williams, Mayor ProTem Elizabeth Long, Bradley Purser, Bill Thomas and Jerry Clontz

Personnel: Attorney Joe McCollum, Town Clerk Jan Carter, Finance Officer Christine Surratt, Tax Collector Tana McConnaughey and Bill Dustin.

The meeting was opened by the Mayor Williams. The minutes were discussed. Council Woman Long made a motion to approve the minutes. Bill Thomas seconded it. It passed unanimously. Councilman Thomas made a motion to change the time for the Public Comments. Council woman Long seconded it. It passed unanimously.

Tana McConnaughey, Tax Collector gave her report and stated that only 9% of the bills were delinquent.

Next the Council discussed the Internet connection. Christine Surratt next explained the service expense for her Town Work. Councilman Thomas next discussed the use of the Internet for the Town Clerk, the Finance Officer and the Tax Collector. Councilman Thomas made a motion to provide up to \$45.00 a month for use of the internet with Time Warner to be in the individuals name. Council woman Long seconded it and it passed unanimously.

The Public Hearing Meeting was opened by Mayor Richard Williams.

**TC-07-003-TEXT CHANGE APPLICATION**

**Union County Public School Proposal.** Bill Dustin from Centralina was sworn in by the Town Clerk. He explained the Proposal because he is taking Jason Wager's place tonight. He discussed the School Board regulations. If traffic is a problem, schools may need Conditional Use Permits. Bill Dustin discussed the changes about the schools situations and he discussed trailers and locations of the schools.

Don Hughes, Director for Facilities for Construction for Schools, discussed what the school systems want, traffic studies and trailers and exterior building stucco. Special inspections are done for this synthetic stucco which is cheaper. He discussed the lights of the schools. Bill Thomas wants a turn lane at Fairview Elementary School. Mr. Hughes explained that 7 or more trailers would need a CUP. Developments near a school and traffic are a major issue with this. He also stated that this puts a lot of pressure on the Administrator for a Conditional Use Permits authority. He discussed all the updates of other areas of Union County and how they have responded to this. Mayor Williams asked the public for comments. Councilman Purser moved to close the public hearing meeting. Councilman Thomas seconded it and it passed unanimously.

Councilman Thomas made a motion to move on to the other public hearings and come back to the action later. Council Woman Long seconded it. It passed unanimously.

**C-07-004 CONDITIONAL USE PERMIT APPLICATION For 16 Acres**

**Development on Old Ferry Road.** The Public Hearing was opened by the Mayor and the Town Clerk swore in all witnesses. Bill Dustin, Land Use Administrator, explained this was a conditional use subdivision by Noel Williams and showed the Council a plat that was submitted by Williams and stated the application was complete. He also asked that the exhibits in the Council's package be introduced as part of the record.

Noel Williams, from Carriker Williams Road, stated that he would like to have this approved. Bill Dustin further testified that the Planning Board had recommended approval of the subdivision with certain conditions being added and Dustin recommended they be put on the recorded plat. Mr. Williams noted that the state has to approve this and the soil has been approved. Each homeowner would pay a fee. Enviroteck is the company that handles this. The Council discussed the development and water and sewer problems and size and costs of the homes. Bill Dustin further discussed what the Planning board has recommended and that there has to be a Homeowners Associations.

Next Will Fenner with Envirotech testified that they were new in this area, but had installed this system in other areas. He explained to the Council how the system works. He noted that the Homeowners Association pays for sewage control. BIOCLERE handles concerns of the waste water sewage treatments. Councilman Thomas discussed arsenic water in the area. Attorney McCollum stated that the Town does not control the private water. After some discussion, the floor was opened to the public.

There being no other person wanting to testify, the Mayor closed the public discussion. The regular meeting was reconvened by the Mayor. Councilman Thomas asked if the comments that the Planning Board approved could be included in this condition. Bill Dustin further stated that these conditions recommended by the Planning Board were as follows:

1. Sewer can be handled by on-site facility treatment and it must meet all State and local environmental regulations.
2. All homes are to be with brick with concrete driveways and
3. Garages must be located side or rear.

Bill Dustin further said that Mr. Williams had agreed to these conditions. Noel Williams testified that he was the developer of the subdivision and he agreed to add these conditions. He testified that the sewage system he had chosen is approved by the state.

The size of the homes are to be 1800 feet heated floor space, and Homeowners Associations that will handle the regular testing for common facilities. Councilman Thomas made a motion to add that the following conditions would apply to the subdivision.

1. The houses must be 1800 square feet
2. The Homeowners must handle regular maintenance of common facilities in the area

Councilman Clontz seconded the motion and it passed unanimously

Councilman Clontz stated that sewage in the subdivision would be monitored and since there was no other concern he had, he made a motion to find that the proposed conditional use would not materially endanger the public health or safety. The Town Council shall have the authority to issue the conditional use permits, along with any fair and reasonable conditions to assure conformance with this Ordinance. The applicant shall agree with this prior to final consideration. The Finding of Facts were discussed now.

#### Findings of Facts:

Number 1. Councilman Clontz stated that sewage in the subdivision would be monitored and since there was no other concern he, he made a motion to find that the proposed conditional use will not materially endanger the public health or safety in Fairview. Councilman Purser seconded the motion and Councilmen Clontz and Purser and Long voted for the motion and Councilman Thomas voted against it.

Number 2. Councilman Thomas said he did not see any evidence that the subdivision would harm property values, so he made a motion that the proposed conditional use will not substantially injure the value of adjoining or abutting property. Councilman Clontz seconded it and it passed unanimously.

Number 3. Council Woman Long stated that the property in the area was already RA 40 so this would be the same and made a motion that the conditional use will be in harmony with the surrounding area. Councilman Thomas seconded it and it passed unanimously.

Number 4. Councilman Thomas said that the proposed subdivision was in accordance with Fairview's land use plan, so he made a motion to find that the conditional use was in conformity with the town's land use plan. Councilman Clontz seconded it. It passed unanimously.

Council Woman Long then made a motion based upon the Findings Of Fact to grant the Conditional Use Permit upon the conditions that were approved by the Council. Councilman Thomas seconded it, and it passed unanimously. The mayor closed the hearing on this matter.

### **C-07-003 UNION COUNTY COMMUNICATIONS CUP APPLICATION**

Gary Thomas, Director for Communications for Union County, discussed the future Tower. There were letters sent out and changes made to the tower. The 200 feet setback is still correct. They have a property owner that had correct land issues. Mr. Thomas will come to the Planning Board meeting in April to talk with them about the approval for the CUP. Attorney McCollum stated that they will need a new application. Gary Thomas will make a new application. Councilman Bradley Purser made a motion to continue the Text Change and Condition Use Permit for the Tower until the April meeting. Councilman Bill Thomas seconded it. It passed unanimously.

### **APFO- ADEQUATE PUBLIC FACILITIES ORDINANCE**

The MOU was approved in November, 2007 by the Town Council. Bill Dustin says the Land Use Text Change will be a Public Hearing Meeting in March. Councilwoman Long made a motion to set this up in the March meeting. Councilman Thomas seconded it. It passed unanimously.

### **Back to the Text Change Application TC-07-003 for Union County Public Schools.**

Mayor Williams asked for public comments. After some discussion, Councilman Thomas noted that he is not ready to approve it. Councilman Purser discussed brick and synthetic stucco for homes and schools. Councilwoman Long made a motion to have the Planning Board discuss the building of schools at their next meeting which is tomorrow night. Councilman Thomas seconded it. It passed unanimously.

### **MONROE NATURAL GAS PIPE LINE**

Councilwoman Long next discussed the Natural Gas Pipe Line. She and Mary Lou Starnes discussed the media coverage, the hillsplitter mussel and the cost. Councilwoman Long made a request that Monroe give a map to the Council to show the gas line. She has contacted Secretary of State about this issue. Some of the public want to know what they can do to stop it. Councilman Purser asked if the Council could do anything about this matter. The property owners may need a lawyer. Mary Lou Starnes stated that this line will only benefit Allvac. Attorney McCollum said the Council could pass a resolution against this. Councilman Thomas made a motion to make a resolution that we are not willing to let the gas line come through Fairview. Councilwoman Long seconded it. It passed unanimously.

### **DISCUSSION OF TOWN HALL PURCHASE**

The Council discussed this. Councilman Clontz wants to send a letter to the School Board to buy this building. He made a motion to send a letter and have a meeting with the School Board to discuss the purchase of the town hall and the entire property. Councilman Thomas seconded it, and it passed unanimously.

### **PUBLIC COMMENTS**


There were a few comments again about the Monroe Natural Gas Line. Public comments will be limited to 3 minutes and will be on the first part of the future meetings.

**CLOSING OF MINUTES**

Councilman Clontz made a motion to close the meeting. Councilwoman Long seconded it. It passed unanimously and the meeting closed.

Respectfully Submitted:

  
Town Clerk Jan Carter

  
Mayor Richard Williams

