

FAIRVIEW TOWN COUNCIL MEETING  
OCTOBER 15, 2007- PUBLIC HEARING  
FAIRVIEW TOWN HALL  
7:00 PM

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

Personnel; Jason Wager, Land Use Administrator, Tana McConnaughey, Tax Collector, Christine Surratt, Finance Officer, Jan Carter, Town Clerk, and Attorney Joe McCollum

Others: Alan Biggers, Gerald Gaddy, Vivian Belk, John Biggers, B.B. Haigler, Linda and Charles Nichols, Larry Poore, Richard Weiner, David DeCaron, Michael Black, Louise Black, John Poore, Lee Pigg, Wade Lane, Daren Johnson Hinlal, Gary Thomas, Roger Clontz, Gillie Deese, Jesse Hargett, Pear Blevins, Eric Stine, Jack Griffin and Patricia Kindley

Mayor Richard Williams opened the meeting at 7:05 PM. The minutes were discussed. Bill Thomas made a motion to approve the minutes. Elizabeth Long seconded it. It passed unanimously.

Financial Reports were handed by Christine Surratt. She noted that her financial software had arrived.

Bradley Purser made a motion to add the Nuisance Ordinance and the natural gas pipeline easement to the agenda. Bill Thomas seconded it. It passed unanimously.

Land Use Business:

Jason Wager discussed considering the calling of a Public hearing for Text Change (TC-07-002) to Section 2. He noted that we would need a public hearing in November about the Radio Tower, 180E. Elizabeth Long made a motion to have the public hearing in November. Bradley Purser seconded it. It passed unanimously.

Jason Wager next discussed considering the calling of a Public Hearing for Union County Communication CUP Application (C-07-003) for the Radio Tower. This is conditional use. Elizabeth Long made a motion to call for the public hearing. Bradley Purser seconded it. It passed unanimously.

Jason Wager next talked about the Biggers Farm Subdivision Final Plat. He talked about the DOT taking over the roads. Mr. Biggers stated that DOT would check on this tomorrow for inspection. Bill Thomas made a motion to approve the Subdivision's final

plat with the stipulation that NCDOT will take over the road. Jerry Clontz seconded it. It passed unanimously.

#### Public Hearing Meeting:

Mayor Williams opened the Public Hearing for the Rocky River Farms. Jason Wager discussed the need for a Public Hearing and consideration of Conditional Use Permit Application (C-07-002) for Major Subdivision, Rocky River Farms. Attorney Joe McCollum swore in Jason Wager and Randy Poore. Jason discussed this proposal and noted that this is RA 40 zoning. He explained the sewage area. He showed the creeks in the area. There are 100 foot buffers on secondary streams and 200 feet on primary streams. All adjoining acres are all RA40. He mentioned the Hillsplitter mussel. Water will be provided by wells. Forty feet setbacks are normal for RA40. He discussed turn lanes. Hopewell Church Road will be paved. He discussed the trees also. Utility lines must be underground. He discussed the heavy trucks and that they need to avoid the bridge on Hopewell Church Road. Waste water and walking trails were discussed. A minimum cul-de-sac was discussed. All adjoining neighbors were sent a letter about this meeting. A sign was put up on the property. And advertizing was done in the Charlotte Observer, noted by the Town Clerk, Jan Carter. Jason gave us copies of maps and the application of Rocky River Farms.

Mr. Randy Poore next talked to the Council about the building of the homes. He discussed his experience with buildings. He discussed water, well systems, the heelsplitter, walking trails and a rural atmosphere. The cost of the homes would be \$400,000.00. Bill Thomas asked a question about the garages. Bill Thomas mentioned the sewage and the water, wildlife and storm lines. The state regulates some issues. There is a fifty foot setback all around the area. Bill Thomas noted that this area has a high amount of arsenic. The engineer, David Decaron was sworn in now by Attorney McCollum. Randy Poore next discussed ground water and sewage. David Decaron explained several issues. Cul-du-sacs were discussed. John Poore was sworn in by Attorney Joe McCollum. He is a member of the Mint Hill Fire Department and he noted that the roads will be large enough for turn arounds. Bill Thomas read a response from a letter from the Union County Schools, and then he talked about the community wells and arsenic levels. David Decaron stated that the water has to be tested before the house is done.

Charles Nichols and Patricia Kindley was sworn in by Joe McCollum. Jerry Clontz asked about trees. Randy Poore explained clearing around the houses and wooded lots. David Decaron talked about wells and their testing and backup generators.

Charles Nichols asked a few questions about the school and sewage systems. Mr. Poore stated that each house will have a septic tank. He noted that cars run 60 mph on Hopewell Church Road. He noted that this will cause more traffic. He asked what the speed limit will be. He talked about maintaining Hopewell Church Road. Patricia Kindley discussed the historic issues of the land here. She knew the Morgan family, and she asked about the name of the development: Rocky River Farm. She would like to have the family honored by this property. Street naming could be a possibility, or a marker could

be set up for the family. Randy Poore suggested that the roads could be named after the family. A plaque would be put up in one of the open areas. This could be a condition per Jason Wager. Randy Poore wants the Council to submit names for the roads. The floor was opened for more discussions. Mayor Williams asked if there was anyone else to speak either for or against this conditional use permit. No one else came forth, and Mayor Williams closed the Public Hearing meeting.

The regular meeting was opened again. Randy Poore presented the septic application. Elizabeth Long discussed the Finding Facts. She discussed the sewage system and the steps that Mr. Poore had taken to ensure that the public health or safety would not be endangered and made a motion to accept the Finding Fact #1. Bradley Purser seconded it. It passed unanimously.

Jerry Clontz made a motion to approve the Finding of Fact #2 that the adjoining land would not be substantially affected. Elizabeth Long seconded it. It passed unanimously.

Elizabeth Long made a motion to approve Finding of Fact #3 that this property will be in harmony with the area by maintaining the RA40 zoning through the use of open areas and buffers and to honor the Morgan family name in the use of street names. Bradley Purser seconded it. The motion passed unanimously.

Elizabeth Long made a motion to approve Finding of Fact #4 also. That the proposed conditional use would be in conformity with Fairview's land use plan, stipulating that the driveways do not access directly to Hopewell Church Road or Brief Road. Jerry Clontz seconded it. It passed unanimously.

#### Additions:

Conforming with Plans: C-07-002- Jason Wager discussed private wells and HOA water systems. Fairview's Council will submit street names for the area. New issues were presented by Jason Wager.

With the adjustments, the C-07-002 an Conditional Use Permit with the conditions as spelled out. Elizabeth Long moved to accept this permit. Jerry Clontz seconded it. It passed unanimously.

#### Memorandum of Understanding, MOU:

Richard Weiner with the Union County Public Schools discussed this. Jason Wager explained the Memorandum of Understanding to the Council. Mr. Weiner noted the following dates for meetings: Oct. 26, 31 and Nov. 8<sup>th</sup>. The Council read over the MOU, and discussed restrictions. Jerry Clontz made a motion to approve the MOU and he wants the Council to attend the meetings. Bradley Purser seconded it. It passed unanimously.

Quarterly Report on Planning Activity and General Planning Updates

Jason Wager discussed this to the Council. He explained the changes that the Planning Board had made. The 911 tower and subdivisions were discussed.

Nuisance Ordinance: Attorney McCollum gave out the new Nuisance Ordinance that he improved. Bradley Purser made a motion to approve this ordinance. Bill Thomas seconded it. The motion passed. Jerry Clontz voted against it.

Scot Collins' request for a Minor subdivision Fee being waived:

Joe McCollum asked if the Council wants to waive the fee. Jason Wager suggested that they act on this. Elizabeth Long noted that the fee is \$250.00. Bradley Purser made a motion to deny this request. Jerry Clontz seconded it. It passed unanimously.

Public comments:

Vivian Belk asked about the Natural gas lines and Elizabeth Long discussed this. She is not in favor of it. She discussed the agricultural areas, tying on to the lines and the fact that shrubs can not proceed to over 4 feet within the easement right of way. Attorney Joe McCollum explained the condemnation procedure to the people if City of Monroe pursues this action.

Resolution to request Improvement to Hwy 218

Mayor Williams discussed and read this resolution. Bill Thomas made a motion to approve this resolution. Bradley Purser seconded it. It passed unanimously.

Purchase of speaker system

Jerry Clontz discussed the need and cost of this speaker system. He wants to look at the prices. Mayor Williams wants this also. Jerry Clontz offered to look into this.

Report of Meeting:

N.C. Rural Communities Assistance Workshop was held September 20<sup>th</sup> in Greensboro. Bill Thomas and B.B.Haigler attended this work shop class meeting. It was a training program on infrastructure grants and loans for water and sewer. We met some of the "movers" in grant programs. Some of the presenters were Julie Haigler Cubeta of the NC Rural Center, Bobby Blowe of NC DENR division of Water Quality, Bob Taylor of the NC Rural Communities Assistance Project, Inc. We also met again Alan Hart our Area Specialist with USDA. The mayor and Bill Thomas had met Mr. Hart a few weeks earlier. Also as a result of this meeting the Stanly county Utilities Director who we met also (her job is equal to Christy Putnam's position in Union County) came by Fairview for one and a half hour and discussed with B.B.Haigler, Elizabeth Long and Bill Thomas about her experience with grants and loans in Stanly County. They have a ground water arsenic problem also.

A special Public Hearing Meeting for the tower was discussed.

Mayor Williams opened the floors to everyone. Attorney Joe McCollum suggested a book for Council Members and staff to read. Attorney McCollum said we need to hold

the Public hearing first in the meetings and he discussed the need for a workshop for issues.

Elizabeth Long made a motion to close the meeting. Bill Thomas seconded it. It passed unanimously and the meeting closed.

Respectfully submitted:

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Mayor Richard Williams

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Town Clerk Jan Carter