

Agenda

Town of Fairview



Agenda Council Meeting September 9, 2025 @ 6:30 pm

Meeting will be in the Fairview Town Hall Meeting Room

Live Stream the meeting on YouTube.com, search: Town of Fairview NC - Council

- 1. Call the meeting to order: --- Mayor Wilfong**
- 2. Invocation**
- 3. Pledge of Allegiance**
- 4. Agenda Changes**
 - 4.A. Approval of Agenda
- 5. Approval of Consent Agenda:**
 - 5.A. Financial and Tax Reports--- *Report Accepted as Information (including Pending Bills documentation provided at meeting)*
 - 5.B. Land Use Report---*Report Accepted as Information*
 - 5.C. Fairview Park Facility August Draft Minutes (*No August Meeting*)
 - 5.D. Planning Board August Draft Minutes (*No August Meeting*)
 - 5.E. Approve Council Special Meeting Minutes for August 5, 2025
 - 5.F. Approve Council Minutes for August 12, 2025

Agenda

6. Public Comments

7. Presentations: NONE

8. Items of Business:

- 8.A. **Discuss Non-Conforming #NC 25 070** request from Pamala M. Rowell to enlarge Barn on her property at 9702 Heritage Lane, Parcel # 08246029 --- *Ed Humphries*

Mayor to Open Public Hearing

Public Comments

Mayor to Close Public Hearing

Approve "Finding of Fact": Motion on Each:

1. The proposed special use will not materially endanger the public health or safety because _____.
2. The proposed special use will not substantially injure the value of adjoining or abutting property because _____.
3. The proposed special use will be in harmony with the area in which it is to be located because _____.
4. The proposed special use will be in general conformity with the land use plan, thoroughfare plan, or other plan because _____.

Decision: Approve/Not Approve the Non-Conforming #NC 25 070 request from Pamala M. Rowell to enlarge barn on her property at 9702 Heritage Lane, Parcel # 08246029

(Motion to approve would include the following zoning statement): The proposed zoning amendment under consideration is/is not found to be reasonable and consistent with the recommendations of the Town's adopted Comprehensive Plan, the Town of Fairview Land Use Plan (Revised March 9, 2021), and the Town of Fairview Land Use Ordinance (effective July 1, 2005)

8.B. Re-appoint Planning Board Members---*Teresa Gregorius*

Re-appoint Sharon Clontz and Rodney Stephens (Alt.) to the Planning Board with terms to expire October 2028.

Agenda

9. Council Comments:

10. 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, 2025

	Aug 31, 25	Aug 31, 24
ASSETS		
Current Assets		
Checking/Savings		
First National Bank	113,741.13	973,372.72
Total Checking/Savings	113,741.13	973,372.72
Other Current Assets		
Franchise Tax Receivable	29,370.52	29,370.52
Investments		
Investments NCCMT	513,226.12	1,173.71
Total Investments	513,226.12	1,173.71
Prepaid assets	9,309.00	3,116.00
Sales Tax Receivable	9,490.46	9,490.46
Sales tax refund	1,141.36	1,078.64
Sales tax refund - Park grant	2,148.54	1,356.75
Taxes receivable	1,571.66	1,571.66
Taxes receivable - ad valorem	-808.07	-541.31
Taxes receivable - motor veh	1,350.31	1,350.31
Total Other Current Assets	566,799.90	47,966.74
Total Current Assets	680,541.03	1,021,339.46
Fixed Assets		
Accumulated Depreciation	-726,892.15	-726,892.15
Building and Improvements	1,425,017.90	1,425,017.90
Computer Equipment	8,962.00	8,962.00
Construction in Progress	42,615.27	42,615.27
Furniture and Equipment	1,698.00	1,698.00
Land	734,289.94	734,289.94
Land improvements	75,870.00	75,870.00
Park equipment	191,230.76	191,230.76
Rental House	137,436.59	137,436.59
Total Fixed Assets	1,890,228.31	1,890,228.31
TOTAL ASSETS	2,570,769.34	2,911,567.77
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
Accounts Payable	14,149.31	11,922.81
Total Accounts Payable	14,149.31	11,922.81
Other Current Liabilities		
Accrued payroll	8,104.25	7,939.35
Deferred revenue - ad valorem	1,571.66	1,571.66
Payroll Liabilities	22.02	24.38
Prepaid taxes	0.00	27.03
Security deposit - rental house	1,450.00	1,450.00
Total Other Current Liabilities	11,147.93	11,012.42
Total Current Liabilities	25,297.24	22,935.23
Long Term Liabilities		
Cumulative rent reserve	46,901.50	26,701.50
Note payable on park land	360,000.00	400,000.00
Total Long Term Liabilities	406,901.50	426,701.50
Total Liabilities	432,198.74	449,636.73
Equity		
Allocated equity rent reserve	-46,901.50	-26,701.50

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9:21 AM
09/01/25
Accrual Basis

Town of Fairview
Balance Sheet
As of August 31, 2025

	Aug 31, 25	Aug 31, 24
Amount to be provided for LTD	-360,000.00	-400,000.00
Equity		
Fixed assets	1,890,228.31	1,890,228.31
Total Fund Balance	1,207,568.00	1,207,568.00
Total Equity	3,097,796.31	3,097,796.31
Retained Earnings	-475,904.76	-135,068.46
Net Income	-76,419.45	-74,095.31
Total Equity	2,138,570.60	2,461,931.04
TOTAL LIABILITIES & EQUITY	2,570,769.34	2,911,567.77

Town of Fairview
Operating Actual vs Budget
Year ended 06/30/26

	<u>Operating</u>	Budget	Actual Fav to Budget
Ordinary Income/Expense			
Income			
Ad Valorem taxes	197.56	179,000.00	-178,802.44
Alcoholic beverage		17,000.00	-17,000.00
Donation		0.00	0.00
Festival income - vendors, etc	40.00	0.00	40.00
Fund balance appropriated		36,612.00	-36,612.00
Interest on delinquent taxes	56.33		56.33
Investment income	1,884.04	17,500.00	-15,615.96
Motor vehicle taxes	2,977.16	15,000.00	-12,022.84
Rent reserve for park capital items	3,260.00	17,500.00	-14,240.00
Sales and use tax	9,887.97	60,000.00	-50,112.03
Summer camp fees	2,835.00		2,835.00
Utility Franchise taxes		128,250.00	-128,250.00
Zoning fees	2,225.00	15,000.00	-12,775.00
Total Income	<u>23,363.06</u>	485,862.00	-462,498.94
Expense			
Advertising and Promotion	119.40	1,000.00	880.60
Audit fees		11,400.00	11,400.00
Bank Service Charges		500.00	500.00
Capital outlay - Park		0.00	0.00
Capital outlay - Park 2		0.00	0.00
Debt repayment		54,040.00	54,040.00
Dues and Subscriptions	629.00	6,500.00	5,871.00
Elections expense		5,000.00	5,000.00
Festival expense	9,274.95	17,500.00	8,225.05
Grants	500.00	3,000.00	2,500.00
Insurance Expense	7,298.00	11,000.00	3,702.00
Internet and website	1,111.58	10,000.00	8,888.42
Legal fees	2,475.00	15,000.00	12,525.00
Miscellaneous Expense	519.95	2,000.00	1,480.05
Office expense	3,148.92	37,000.00	33,851.08
Office utilities	1,013.81	9,000.00	7,986.19
Park Maintenance	4,076.55	50,000.00	45,923.45
Park Utilities	987.22	8,000.00	7,012.78
Payroll Expenses	31,242.01	78,776.00	47,533.99
Payroll Taxes		13,504.00	13,504.00
Planning and zoning		60,000.00	60,000.00
Professional Fees		7,500.00	7,500.00
Rental house repairs, etc		2,500.00	2,500.00
Salaries - Park		37,742.00	37,742.00
Solid Waste Manage cost share		8,000.00	8,000.00
Tax collection fees	54.21	3,000.00	2,945.79
Telephone Expense	87.74	1,000.00	912.26

Town of Fairview
Operating Actual vs Budget
Year ended 06/30/26

	<u>Operating</u>	<u>Budget</u>	<u>to Budget</u>
Training expense		500.00	500.00
Travel expense		0.00	0.00
Zoning administration	704.27	10,000.00	9,295.73
Zoning code update	5,600.00	22,400.00	16,800.00
Total Expense	<u>68,842.61</u>	<u>485,862.00</u>	417,019.39
Net Ordinary Income	-45,479.55	0.00	-45,479.55
Net Income	<u><u>-45,479.55</u></u>		

9:26 AM

09/01/25

Accrual Basis

Town of Fairview
Transactions by Account
As of August 31, 2025

Type	Date	Num	Name	Memo	Debit	Credit	Balance
First National Bank							169,225.31
Check	08/01/2025	Draft	Spectrum			250.00	168,975.31
Deposit	08/05/2025			Deposit	200.00		169,175.31
Bill Pmt -Check	08/09/2025	104933	Alfred Benesch & Company	Amphitheater admin		2,268.75	166,906.56
Bill Pmt -Check	08/09/2025	104934	CompuNetwork			361.58	166,544.98
Bill Pmt -Check	08/09/2025	104935	Cox Law Firm, PLLC	Legal bills		2,475.00	164,069.98
Bill Pmt -Check	08/09/2025	104936	Ed Humphries	Ed's cell phone		43.87	164,026.11
Bill Pmt -Check	08/09/2025	104937	Gary Wilfong	Vacuum cleaner for office		203.75	163,822.36
Bill Pmt -Check	08/09/2025	104938	Gayle Brock	Food for Music in the Park band		18.95	163,803.41
Bill Pmt -Check	08/09/2025	104939	N Focus	1st installment of UDO		5,600.00	158,203.41
Bill Pmt -Check	08/09/2025	104940	Rushing Contracting Group, ...	2nd installment of Amphitheater pro...		14,655.65	143,547.76
Bill Pmt -Check	08/09/2025	104941	School of Government Foun...	dues for 25-26		574.00	142,973.76
Bill Pmt -Check	08/09/2025	104942	Taylor's Landscaping Servic...	Mowing office and park		4,358.33	138,615.43
Bill Pmt -Check	08/09/2025	104943	Taylor Stegall	Cleaning		100.00	138,515.43
Deposit	08/11/2025			Deposit	215.82		138,731.25
Check	08/11/2025	Debit	citizens	Refund of summer camp fee		165.00	138,566.25
Paycheck	08/12/2025	104950	Marley L Riffle			408.88	138,157.37
Paycheck	08/12/2025	104951	Michael L Starnas			1,635.20	136,522.17
Paycheck	08/12/2025	104953	Spencer L Thomas			940.40	135,581.77
Paycheck	08/12/2025	104955	Teresa Gregorius			1,808.65	133,773.12
Paycheck	08/12/2025	104944	Darrell H. Baucom			2,183.75	131,589.37
Paycheck	08/12/2025	104945	David M Link			147.76	131,441.61
Paycheck	08/12/2025	104946	Edward D Humphries			2,709.50	128,732.11
Paycheck	08/12/2025	104947	Gary H Wilfong			193.94	128,538.17
Paycheck	08/12/2025	104948	John A Biggers, Jr.			147.76	128,390.41
Paycheck	08/12/2025	104949	Kerry K Price			147.76	128,242.65
Paycheck	08/12/2025	104952	Patricia H. Kindley			147.76	128,094.89
Paycheck	08/12/2025	104954	Tania Hernandez Virgili			765.22	127,329.67
Liability Check	08/12/2025	To Print	IRS	55-0789092		4,141.78	123,187.89
Liability Check	08/12/2025	To Print	NC Dept of Revenue	600391020		395.00	122,792.89
Bill Pmt -Check	08/12/2025	104956	FNB Commercial Credit Card	Credit card payment		1,572.31	121,220.58
Bill Pmt -Check	08/12/2025	104957	Brown Creek Graphics LLC	Signage for utility building		647.35	120,573.23
Check	08/12/2025	104959	Turning Point			500.00	120,073.23
Check	08/13/2025	104958	Mandi Maione	Summer camp instruction		7,400.00	112,673.23
Bill Pmt -Check	08/14/2025	104960	Rushing Contracting Group, ...	Retainage payment on Amphitheater		11,200.22	101,473.01
Deposit	08/14/2025			Deposit	925.00		102,398.01
Deposit	08/14/2025			Deposit	40.00		102,438.01
Deposit	08/14/2025			Deposit	1,305.00		103,743.01
Deposit	08/15/2025			Deposit	75.00		103,818.01
Deposit	08/15/2025			Deposit	4,948.06		108,766.07
Check	08/18/2025	Draft	Duke Energy	Park utilities		425.61	108,340.46
Check	08/18/2025	Draft	Duke Energy	Office		417.48	107,922.98
Deposit	08/21/2025			Deposit	75.00		107,997.98
Check	08/22/2025	Draft	Spectrum	Telephone and internet		250.00	107,747.98
Deposit	08/22/2025			Deposit	75.00		107,822.98
Deposit	08/22/2025			Deposit	1,305.00		109,127.98
Deposit	08/22/2025			Deposit	3,000.00		112,127.98
Deposit	08/22/2025			Deposit	100.00		112,227.98
Check	08/25/2025	Draft	Union County Public Works	Office		103.10	112,124.88
Check	08/25/2025	Draft	Union County Public Works	Park		116.79	112,008.09
Deposit	08/25/2025			Deposit	1,558.04		113,566.13
Deposit	08/25/2025			Deposit	100.00		113,666.13
Deposit	08/28/2025			Deposit	75.00		113,741.13
Deposit	08/29/2025			Deposit			
Total First National Bank					13,996.92	69,481.10	113,741.13
TOTAL					13,996.92	69,481.10	113,741.13

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09/01/25

Accrual Basis

Town of Fairview
Transaction Detail By Account
 July 2025 through June 2026

Type	Date	Num	Name	Memo	Clr	Debit	Credit	Balance
Festival expense								
Bill	07/13/2025	07132025	Gayle Brock	Food for Music in the Park band		18.95		18.95
Bill	08/01/2025	4760	FNB Commercia...	Credit card payment		126.00		144.95
Bill	08/06/2025	BO 2535794	Swank Motion Pi...	Widescreen DVD		380.00		524.95
Check	08/13/2025	104958	Mandi Maione	Summer camp instruction		7,400.00		7,924.95
Bill	08/25/2025	51358101	Big Dave's Inflat...	Rental of inflatables		1,350.00		9,274.95
						9,274.95	0.00	9,274.95
Total Festival expense						9,274.95	0.00	9,274.95
TOTAL						9,274.95	0.00	9,274.95

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Accrual Basis

Town of Fairview
Transaction Detail By Account
July 2025

Type	Date	Num	Name	Memo	Debit	Credit	Balance
Office expense							
Bill	07/07/2025	07072025	Taylor Stegall	Cleaning	100.00		100.00
Check	07/08/2025	Draft	Waste Management	Garbage pick up	118.79		218.79
Bill	07/22/2025	07222025	Gary Wilfong_	Vacuum cleaner for office	203.75		422.54
Total Office expense					422.54	0.00	422.54
TOTAL					422.54	0.00	422.54

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09/01/25

Accrual Basis

Town of Fairview
Transaction Detail By Account

July 2025 through June 2026

Type	Date	Num	Name	Memo	Class	Clr	Debit	Credit	Balance
Park Maintenance									
Bill	08/01/2025	4760	FNB Commercial Cr ...	Credit card payment			1,143.22		1,143.22
Bill	08/06/2025	1824	Taylor's Landscapin ...	Mowing office and park			2,933.33		4,076.55
Total Park Maintenance							4,076.55	0.00	4,076.55
TOTAL							4,076.55	0.00	4,076.55

Town of Fairview
Park Budget versus Actual
Grant 10441 - No expiration date
6/30/2026

	<u>Budget</u>	<u>Actual</u>	<u>Budget Variance</u>
Income:			
Grant from SCIF	250,000.00	250,000.00	-
Interest income on Grant funds		3,270.43	3,270.43
Sales tax refund		1,316.03	1,316.03
Total income	250,000.00	254,586.46	4,586.46
Expenditures:			
Design and estimate	35,000.00	33,500.27	1,499.73
Walking trail	30,000.00	15,825.00	14,175.00
Other construction	185,000.00	109,797.46	
Install lights around pond		19,562.80	
Install receptacles around pond		26,000.00	
Tree removal		16,500.00	
Total expenditures	250,000.00	221,185.53	28,814.47

Town of Fairview
Park Budget versus Actual
Grant 10442 Expires 06/30/2026
6/30/2026

	<u>Budget</u>	<u>Actual</u>	<u>Budget Variance</u>
Income:			
Grant from OSMB	250,000.00	250,000.00	-
Interest income on Grant Funds		1,010.59	1,010.59
Sales tax refund		1,356.75	1,356.75
Total income	250,000.00	252,367.34	2,367.34
Expenditures:			
Site plan for stage area	30,000.00	36,293.53	(6,293.53)
Stage and site improvements	114,000.00	132,211.61	(18,211.61)
RTV for maintenance	22,000.00	21,456.75	543.25
Utility building for Park	32,000.00	30,000.00	2,000.00
Parking improvements for Town Hall	37,000.00	16,863.00	20,137.00
Install HVAC unit at Town Hall	15,000.00	15,542.45	(542.45)
Total expenditures	250,000.00	252,367.34	(2,367.34)

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09/01/25

Accrual Basis

Town of Fairview
Transaction Detail By Account

July 2021 through June 2026

Type	Date	Num	Adj	Name	Memo	Class	Clr	Debit	Credit	Balance
Capital Outlay - SCIF, Park										
Bill	06/24/2022	215667		Alfred Benesch & ...	Project 17000514.00	Park		8,123.05		8,123.05
Bill	07/22/2022	218141		Alfred Benesch & ...	Master Plan Update for Pa...	Park		4,839.25		12,962.30
Bill	08/19/2022	220959		Alfred Benesch & ...	Master plan update	Park		644.00		13,606.30
Bill	08/23/2022	08232...		Patricia Kindley_	Reimburse for open house...	Park		45.00		13,651.30
Bill	09/15/2022	223239		Alfred Benesch & ...	Master Plan update	Park		4,275.00		17,926.30
Bill	10/14/2022	226566		Alfred Benesch & ...	Master plan update	Park		2,198.13		20,124.43
Bill	11/10/2022	228291		Alfred Benesch & ...		Park		3,662.00		23,786.43
Bill	12/09/2022	231524		Alfred Benesch & ...	Update Master Plan	Park		1,764.00		25,550.43
Bill	01/06/2023	233349		Alfred Benesch & ...	Master Plan update	Park		2,608.75		28,159.18
Bill	02/05/2023	236334		Alfred Benesch & ...	Master plan update and R...	Park		2,254.00		30,413.18
Bill	03/03/2023	238866		Alfred Benesch & ...	RTP Grant assistance	Park		2,535.09		32,948.27
Bill	03/08/2023	N480...		Duke Energy_	1316.03 sales tax	Park		19,562.80		52,511.07
Bill	03/29/2023	240819		Alfred Benesch & ...	RTP assistance	Park		552.00		53,063.07
General Journal	06/30/2023				Record sales tax refund for...	Park			1,316.03	51,747.04
Bill	08/09/2023	6254...		Hinson Electric Inc.	Receptacles around pond ...	Park		26,000.00		77,747.04
Bill	09/12/2023	7553		Samson Tree LLC	Tree removal at Park	Park		16,500.00		94,247.04
Bill	10/06/2023	419		T&J Land Mainten...	Mulch out Walking trail	Park		8,000.00		102,247.04
Check	02/13/2024	104389		Across Town Dum...	Clear out debris from Park	Park		5,825.00		108,072.04
Bill	04/07/2024	518		T&J Land Mainten...	Weedcat and remove trees	Park		2,000.00		110,072.04
Bill	06/25/2025	1		Rushing Contractin...	1st installment of Amphithe...	Park		81,672.84		191,744.88
Bill	07/16/2025	327672		Alfred Benesch & ...	Amphitheater admin	Park		2,268.75		194,013.63
Bill	07/24/2025	2		Rushing Contractin...	2nd installment of Amphith...	Park		14,655.65		208,669.28
Bill	08/14/2025	3		Rushing Contractin...	Final payment on amphith...	Park		11,200.22		219,869.50
Total Capital Outlay - SCIF, Park								221,185.53	1,316.03	219,869.50
TOTAL								221,185.53	1,316.03	219,869.50

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Town of Fairview



**Town of Fairview
Special Council Meeting
August 5, 2025 @ 6:30 pm**

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

The following Council members were present: Mayor Gary Wilfong, John Biggers, Patricia Kindley, and David Link. Absent: Kerry Price

Others present: Melanie Cox Town Attorney, Ed Humphries, Land Use Administrator; Teresa Gregorius, Town Clerk and Spencer Cox, Administrative Assistant

2. Items of Business:

2.A. Mayor Opens Public Hearing

Mayor Wilfong explained that speakers would be limited to three minutes each and should announce their name and address when called to speak.

2.B. Ed Humphries Provides Background Information Regarding the Meeting

Ed Humphries explained that the meeting was being held to address a CLOMR (Conditional Letter of Map Revision).

Mr. Humphries provided background on the bridge over Goose Creek that accesses Michael Macon's property. He explained that last year, the Town entered into an agreement with Mr. Macon regarding the bridge. Due to non-conformance with the Town's ordinance, Mr. Macon was required to apply to FEMA for an exception in his section to allow him to build another bridge that would not meet the Town's standards. Mr. Humphries noted that two property owners upstream who would be affected by the bridge construction had been notified about the possible increase in flood levels if the CLOMR is approved. He explained that after CLOMR approval, Mr. Macon would need to apply for a LOMR (Letter of Map Revision) to locate and build the bridge.

2.C. Applicant (Michael Macon) Present the CLOMR Application

Michael Macon, the property owner, presented his CLOMR application. He began by explaining that his property has only one way in and one way out, and during a flood event, anyone on the property would be trapped if they did not have a bridge that could withstand floodwaters.

Mr. Macon explained that a CLOMR only addresses the 1% (100-year) flood or the 0.2% (500-year) flood possibilities. He cited a 2003 flood event where his strawberry plantings were washed away, resulting in approximately \$7,000 worth of equipment loss.

Mr. Macon described the CLOMR application process, explaining that it asks FEMA "can I do this?" and that FEMA typically approves if the request complies with the National Flood Insurance Program (NFIP) regulations. He detailed the Federal Code of Regulations (60, 65, and 70) that govern the process. He explained that the application form requires three certifications:

- From the requester (himself), certifying property ownership and responsibility for obtaining permits
- From the community (Town), certifying awareness of the project and understanding of impacts
- From engineers, certifying they have used standard engineering practices

Regarding potential impacts, Mr. Macon stated that during a 100-year flood, upstream of the proposed bridge the water surface elevation would increase by 9.8 inches, with the impact decreasing to less than half an inch downstream of Howey Bottom Road Bridge. He noted that the impact would primarily affect the golf course and one neighboring property (the Seen family), and that the affected areas were within the Goose Creek buffer where improvements cannot be made anyway.

Mr. Macon concluded by stating that the application was completed on June 1st, and he was waiting for the letters to affected neighbors and the MT-2 form to be executed to complete the package.

2.D. Questions to applicant (Michael Macon) from Council Members

Council members asked several questions of Mr. Macon:

When asked about the buffer, Mr. Macon explained it was 200 feet on both sides of the creek. He clarified that the projected 9.8-inch water rise during a flood would be within this 200-foot buffer zone, and there are no structures that would be impacted. Council members inquired about the height increase, and Mr. Macon explained that fill would be added to raise the bridge from its current elevation of 518 feet to 525 feet. This fill, during a 100-year flood event, would cause the water to back up by 9.8 inches at that location.

When asked about the 500-year flood projections, Mr. Macon indicated that the analysis only covered the 100-year flood scenario.

A council member asked about neighbor notifications, and Ed Humphries clarified that two upstream property owners had been notified by mail that they may experience a potential impact during a flood, though not a structural impact.

2.E. Ed Humphries Presents New River Engineering Report

Ed Humphries explained that the Town had obtained an independent engineer to review Mr. Macon's hydraulic report. He reported that according to the engineer's findings, the existing Macon Family Farm bridge is still in violation of the Fairview Flood Damage Prevention Ordinance, Article 5, Section 4, Section F.1.(a)(b.) This was the reason Mr. Macon was applying to FEMA to have the condition changed in that particular section.

Mr. Humphries referenced page 18 of the engineering report, which stated that the report models two separate scenarios: the existing temporary bridge and future conditions bridge. The report showed that each scenario has a rise in the base flood elevation. In North Carolina, a "no rise" flood study shows rises in the BFE less than 0 feet. Therefore, based on the hydraulic report, a "no rise" flood study cannot be obtained, and a CLOMR must be approved prior to the construction of the new bridge. Council members asked whether the CLOMR application was ready, and Mr. Macon confirmed it had been ready since June, but was waiting for the MT-2 form to be signed by the Town and the letters to impacted property owners to be included.

The council and staff discussed the process moving forward, with John Biggers clarifying that Mr. Macon could submit the application to FEMA without Town approval, but FEMA would make a decision and then it would come back to the Town for a decision on whether to accept the change to the floodplain.

2.F. Public Hearing Comments

Alan Rosenberg (105 George Watkins Trail) expressed concerns about ongoing activities at the property affecting homeowners but noted he would address these at the next regular council meeting.

Andrea Deshinko (6904 West Duncan) stated he did not believe the presented report and felt an independent engineer should verify the study.

Brad Davis (6816 West Duncan) expressed confusion and concern about the decision-making process. He pointed out that the area already floods regularly, noting that residents had to take detours that day due to flooding. He was concerned about the potential impact on his property, including property values and flood insurance needs, if exceptions were made to allow a bridge that could worsen flooding.

Chuck Honeycutt (6806 West Duncan Road) objected to the application, stating that the Town has a responsibility to protect residents' safety and the floodplain. He emphasized that the 9.8-inch rise is significant, especially when combined with the dirt already dumped in the flood zone, which he claimed violates town ordinances and puts residents at risk of losing federal flood insurance subsidies.

Katherine Honeycutt expressed her familiarity with FEMA and flooding issues from previous experiences. She stated that raising the property would cause water displacement and exacerbate existing flooding problems on West Duncan Road. She expressed concern about residents' ability to obtain flood insurance and sell their homes if flooding worsens.

Michael Snitko (6905 West Duncan Road) disputed Mr. Macon's claims about previous berry plantings on the property. He stated that the property has been built up 10-12 feet, causing more water to remain in the roadways during floods. He expressed concerns about the bridge construction process and its impact on the neighborhood.

Serge Kalashnik (6919 West Duncan) noted that some questions remained unanswered, including the impact on downstream water levels. He questioned whether there had been any enforcement of violations regarding the temporary bridge and expressed concern about the notification process to affected community members.

Mr. Macon briefly responded that if there's a flood and he puts a home on his property, he would be trapped without a proper bridge, while emergency crews could still reach other homes if Howey Bottom floods.

2.G. Mayor Closes Public Hearing

2.H. Council Discusses Requirements for the Community Concurrence Section on CLOMR

The Council discussed the requirements for the community concurrence section on the CLOMR form. During the discussion, it was noted that the engineering report had not been stamped and verified by an engineer, which was a concern raised by the Town's third-party engineer.

Council members referenced the Town's Ordinance Section F, which addresses floodways and non-encroachment areas. The ordinance states that no encroachments shall be permitted unless:

- a) it is demonstrated that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge, or
- b) a CLOMR has been approved by FEMA and a LOMR must be obtained within 6 months of completion.

The Council discussed whether homes were currently in the floodplain and how FEMA's decisions might affect property owners. Ed Humphries clarified that FEMA would only change the regulations for that specific section of the creek, not the entire floodplain.

David Link made a motion that based on the information provided tonight associated with the engineering reports, the Town will not sign in affirmative the letter of concurrence but provide an explanation as to why we're not. John Biggers seconded the motion. Council members Biggers, Kindley, and Link voted yes (3-0).

2.I. Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney and preserve the attorney-client privilege discussing Macon Family Farms

John Biggers made a motion to go into closed session. David Link seconded the motion. Council members Biggers, Kindley, and Link voted yes (3-0).

CLOSED SESSION

John Biggers made a motion to return to open session. David Link seconded the motion. Council members Biggers, Kindley, and Link voted yes (3-0).

3. Adjournment

David Link made a motion to adjourn. Patricia Kindley seconded the motion. Council members Biggers, Kindley, and Link voted yes (3-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Gary Wilfong
Mayor

Approved this _____ day of _____, 2025

Town of Fairview



Town of Fairview Regular Council Meeting August 12, 2025 @ 6:30 pm

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

The following Council members were present: Mayor Gary Wilfong, Patricia Kindley, David Link and Kerry Price. Absent: John Biggers

Others present: Darrell Baucom, Financial Officer; Ed Humphries, Land Use Administrator; Teresa Gregorius, Town Clerk and Spencer Cox, Administrative Assistant

2. Invocation

3. Pledge of Allegiance

4. Agenda Changes/Approval of Agenda

Mayor Wilfong requested one agenda change regarding item 8.C. He explained that they would be discussing adding water availability to the utility building, along with the concrete floor, at an additional cost.

Patricia Kindley made a motion to approve the agenda as amended. David Link seconded the motion. Council members Kindley, Link and Price voted yes (3-0).

5. Approval of Consent Agenda:

- 5.A. Financial and Tax Reports--- *Report Accepted as Information*
- 5.B. Land Use Report---*Report Accepted as Information*
- 5.C. Fairview Park Facility July Draft Minutes *(No July Meeting)*
- 5.D. Planning Board July Draft Minutes *(No July Meeting)*
- 5.E. Approve Council Minutes for July 8, 2025

David Link made a motion to approve the consent agenda as submitted. Patricia Kindley seconded the motion. Council members Kindley, Link and Price voted yes (3-0).

6. Presentations: Robert Cook, CRTPO (Charlotte Regional Transportation Planning Organization)

7. Public Comments

Charles Ralph (6316 Howey Bottoms Road) expressed concerns about development on West Duncan Road that has been ongoing since 2021. He stated that the property owner has violated the 200-foot creek buffer, filled in approximately 36 acres of wetland with 6 feet of dirt, and built a road across the floodplain using a railroad car as a bridge. Mr. Ralph said that despite contacting state offices, no action has been taken.

Michael Snitko (6905 West Duncan Road) echoed Mr. Ralph's concerns, adding that the fill material includes household demolition debris, brick, and asbestos. He also mentioned safety concerns with West Duncan Road, citing dangerous potholes, no fire hydrants despite houses being close together, and the need for sidewalks with the current 50-55 mph speed limit.

Lee Runquist (9013 Indian Trail Fairview Road) asked if FEMA or the EPA were aware of the floodplain being filled in, causing ramifications to West Duncan and Howie Bottoms homes. She stated that tributaries of Goose Creek, a protected waterway, had been filled in, the course of Goose Creek had been altered, and erosion and sediment were flowing into the creek. She mentioned that a DEQ representative had commented about a "landfill" being built on what was supposed to be a farm.

Wes Runquist (9013 Indian Trail Fairview Road) stated it was wrong for someone to call themselves a farm without creating agricultural income while enjoying the benefits of farm status. He suggested the property owners were planning to eventually develop the land and asked the council to stop all activities on the property until a proper investigation could be completed.

Chuck Honeycutt (6806 West Duncan Road) stated he lives adjacent to Macon Farms and witnesses dump trucks arriving as early as 6 AM to dump materials in the flood zone. He noted there had been at least 5-6 notices of violations from the town and DEQ that had not been followed up on and questioned the purpose of ordinances if they weren't being enforced. He added that since the council's vote last week regarding the CLOMAR application, there has been increased dumping activity, even in the rain.

Mayor Wilfong responded to the public comments by explaining that following the special meeting last week, the council had voted not to endorse the CLOMAR application, which was a required step. He noted that discussions were taking place between the town, FEMA, and DEQ, primarily through the town attorney. He asked for patience, acknowledging that while it might appear nothing was being done, the town was working through proper legal channels with agencies that have enforcement authority.

Councilman Link and Ed Humphries clarified that the town is aware of the situation and actively working with state agencies, but that these processes take time, especially given the focus on Hurricane Helene recovery in western North Carolina. Mr. Humphries mentioned that a meeting between DEQ and Mr. Macon was scheduled to address violations, and that the town was focusing on the bridge issue while DEQ handles water quality and buffer concerns.

8. Items of Business:

8.A. Overview and UDO Project Kickoff

Michael Harvey, Vice President of InFocus and Community Planner presented an overview of the Unified Development Ordinance (UDO) project. He explained that his team considers themselves part of the town's planning department rather than separate consultants, bringing 30 years of experience in land use development issues and ensuring consistency with state law.

8.B. Re-appoint Planning Board Members

Teresa Gregorius reported that three Planning Board members: Josh Pressley, Fred Rogers, and Alex Karakowski, have terms expiring in September. All three had expressed willingness to serve another three-year term.

Patricia Kindley moved to reappoint Josh Pressley, Greg Rogers, and Alex Karakowski to the Planning Board with terms to expire in September 2028. David Link seconded the motion. Council members Kindley, Link and Price voted yes (3-0).

8.C. Discuss Estimates for Utility Building Concrete Floor

Ed Humphries discussed the need for a concrete floor in the utility building that was purchased from the county, which currently has a gravel floor. He presented two quotes and recommended accepting the lower-priced option. He also mentioned adding a water connection at an additional cost of \$1,400. He noted that these expenses would be covered by the grant the town had received, with some funds still remaining afterward.

Mayor Wilfong added that the lower estimate included a greater thickness, greater strength, and the use of rebar. The contractor would also address a soft area in the back of the building by digging it out and reinforcing it properly.

Kerry Price made a motion to accept the quote from Crimson Clear Construction for the concrete work and the quote from PMC Plumbing to install a water tap. David Link seconded the motion. Council members Kindley, Link and Price voted yes (3-0).

8.D. Discuss Request for Funds from Turning Point, Inc. in the amount of \$500.00

Teresa Gregorius presented a request from Turning Point for a \$500 donation, noting that the town had provided the same amount in the past. Ed Humphries confirmed that funds were available in the budget.

David Link made a motion to authorize the payment of \$500 to Turning Point as a donation. Patricia Kindley seconded the motion. Council members Kindley, Link and Price voted yes (3-0).

8.E. Discuss Fairview Fall Festival

Spencer Cox explained that although the council had previously decided to cancel the Fall Festival due to expected construction at the park, a church that has reliably assisted with parking at town events in the past had offered to provide full staffing support for the festival for a donation of \$2,000. Mr. Cox noted that hiring a company to provide similar services would cost approximately \$30,000.

Mr. Cox emphasized that the town would still be in charge of the festival, with the church simply providing volunteers to handle parking and staffing the booths. Mayor Wilfong identified the church as The Gathering of Monroe, led by Pastor Brian Miner.

Patricia Kindley made a motion to allow the event planner to work with the pastor and congregation of The Gathering in facilitating the Fall Festival on October 4th. David Link seconded the motion. Council members Kindley, Link and Price voted yes (3-0).

9. Council Comments:

Patricia Kindley reported that the mobile library (Olive) had visited Fairview on July 30th and had the best participation to date, with many families and children checking out books.

Spencer Cox announced upcoming events: a family movie night showing Inside Out 2 on September 6th at 7:00 PM (with the movie starting at 7:45 PM), and another community yard sale on September 27th from 8:00 AM to 12:00 PM with 20 participants already signed up.

Mayor Wilfong reported on a visit to inspect the new stage pad at the park. He noted that it included features he hadn't expected, including a cement pad for line dancing in front of the stage, followed by a grassy area, then another section for wheelchair seating, with sidewalks already installed.

Ed Humphries provided additional information about the ongoing situation with Macon Farms, mentioning that a meeting between DEQ and Mr. Macon had been scheduled to address violations related to water quality and buffer requirements. He emphasized that the town's primary concern is the bridge, while DEQ handles water quality issues. He also noted that the town will need to review the one-year permit for the bridge use around October 1st.

10. Adjournment

Patricia Kindley made a motion to adjourn. David Link seconded the motion. Council members Kindley, Link and Price voted yes (3-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Gary Wilfong
Mayor

Approved this _____ day of _____, 2025

DRAFT

Discuss Non- Conforming #NC 25 070

Town of Fairview Staff Report for: Council DATE: Sept 9 2025	
CASE : Special use permit NC 25 070	QUASI Judicial Hearing required
Applicant(s):	Pamala M Rowell 9702 Heritage Lane Indian Trail Nc 28079
Property Owner(s):	Same
Requested Action:	Obtain a -Special Use Permit to enlarge a non-Conforming existing barn on Parcel 082460239 under Section 124 'Extension or enlargement of nonconforming Situations' in The Fairview Land Use Ordinance. (Section 124 e (2)(g))
Existing Zoning:	RA-40
Requested Zoning:	Special Use Permit- Extension or enlargement of nonconforming Situations' (Section 124)
Location:	9702 Heritage Lane
Property Size:	Same
Tax Parcel(s):	08246029
Purpose/Narrative:	Obtain a -Special Use Permit to enlarge a non-Conforming existing barn on Parcel 082460239 under Section 124 'Extension or enlargement of nonconforming Situations' in The Fairview Land Use Ordinance(Section 124 e(2)(g))
Surrounding Area Zoning:	Residential/Farming
Existing Conditions:	Lot is being farmed at present
Land Use Plan Recommendation:	As per Ordinance
Compliance with Zoning Ordinance:	Received all documentation as required by ordinance Section 124 e (2)(g) (page 109)
SPECIAL Use Permit Conditions:	1. As shown on drawing 2. Must have Public Hearing 3. Approved in Quasi Judicial Hearing
Staff Recommendation on Application:	Approve As shown on Drawing Order will be filed with Register of deeds

Town of Fairview

NC 25070

7516 Concord Highway
Monroe NC 28110

Change in Use, Non-Conforming (Special Use Permit)

FEE: \$500 CK# 7079

Date of Application 8/7/25

Applicant's Name Pamela M. Rowell
Applicant's Mailing Address 9702 Heritage Lane Indian Trail NC 28079
Business Phone # Retired Home Phone # 704-753-9086
Cell # 704-301-5294 Email: prowell08@carolina.rr.com

Property Owner's Name Same as above
Property Owner's Mailing Address
Business Phone # Home Phone #
Cell # Email Address

Relationship of Applicant to Property Owner Self

Property Information

Location 9702 Heritage Lane Indian Trail
Tract #4 Heritage Estates PH 1
Tax Map Parcel Number 08246029
Deed Book & Page Number Book 7 Page 104 Acreage 5.28
Current Zoning District RA140 Flood Hazard Area (Y/N) N
Proposed Zoning District RA140

Attachments – The following shall be attached to this application:

- 1) If the property proposed for rezoning is less than the entire lot or tract as currently recorded in the Union County Register of Deeds Office, then three (3) copies of a survey and a legal description for the area to be re-zoned should be attached; OR, if an entire lot or tract is proposed for rezoning, then three (3) copies of a survey map or Union County Tax Map for the property should be attached;
- 2) The names and addresses of all adjoining property owners including those across streets and highways as currently registered in the Union County Tax Assessor's Office.
- 3) Any other information that may be needed to insure that this application is in compliance with all provisions of the Land Use Ordinance.
- 4) A fee (in cash or a check made payable to the Town of Fairview) in the amount of \$500.00 shall be submitted to the Town of Fairview, 7516 Concord Highway, Monroe, NC 28110.

- (c) For purposes of subsection (b), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- (d) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 126.
- (e) Reserved

Section 124 Extension or Enlargement of Nonconforming Situations.

- (a) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- (b) A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may be extended to additional buildings or to land outside the original building only in accordance with subsection (e) or Section 128 (Nonconforming Projects).
- (c) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming only in accordance with subsection e) or Section 128 (Nonconforming Projects).
- (d) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.
- (e) Subject to subsection (f), the Town Council may issue a special use permit to allow:
 - (1) A structure within which a nonconforming use is conducted to be enlarged; or
 - (2) Additional structures to be built on the lot where the nonconforming use is located, within which structures the nonconforming use can be enlarged; or

- (3) A nonconforming use of land to be extended beyond geographical bounds in which it has been conducted.
- (f) A complete application for a special use permit shall be submitted to the Administrator for a public evidentiary hearing and decision by the Town Council. The public hearing shall be advertised by Section.
- (g) The Town Council shall have the authority to issue the special use permit, along with any fair and reasonable conditions to assure conformance with this Ordinance, other plans adopted by the Town Council, and compatibility with surrounding properties. All additional conditions imposed by the Council in association with the special use permit shall be agreed upon by the applicant prior to final consideration.

Notice of the public hearing shall be given as follows:

- Such notice shall be published once a week for two successive weeks in a newspaper having general circulation in the Town. The first notice shall be published not less than ten days nor more than twenty-five days before the date fixed for the hearing. In computing this period the date of publication shall not be counted but the date of the hearing shall be.
 - The owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing shall be mailed a notice of the public hearing by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.
- (h) Once the public hearing has been concluded, The Town Council may issue the permit described if it finds that:
- (1) The action authorized would not adversely affect the health or safety of persons residing or working in the neighborhood of the nonconforming use; and
 - (2) The action authorized would not substantially impair the value of nearby properties; and
 - (3) No useful purpose would be served by the strict application of the provisions or requirements of this ordinance to which the use does not conform; and
 - (4) The permittee will comply with the provision of Section 125(d)(2).

Without limiting the foregoing, the Town Council may attach to a permit a condition limiting the permit to a specified duration. All additional conditions or requirements

I, as the owner of the above-referenced property, or as the applicant duly authorized by the owner to submit this application in regard to the above-referenced property, do hereby certify that all of the information provided as part of this application is, to the best of my knowledge, accurate and complete.

Date 8/7/25

Signature of Land Use Administrator

Date 8/7/25

Date of Planning Board Review: N/A

Date for First Class Notice to Parties for Planning Board Review: N/A

Date for Posting of Property for Planning Board Review: N/A

Planning Board Recommendation: N/A

Approval

Approval with Comments

Disapproval

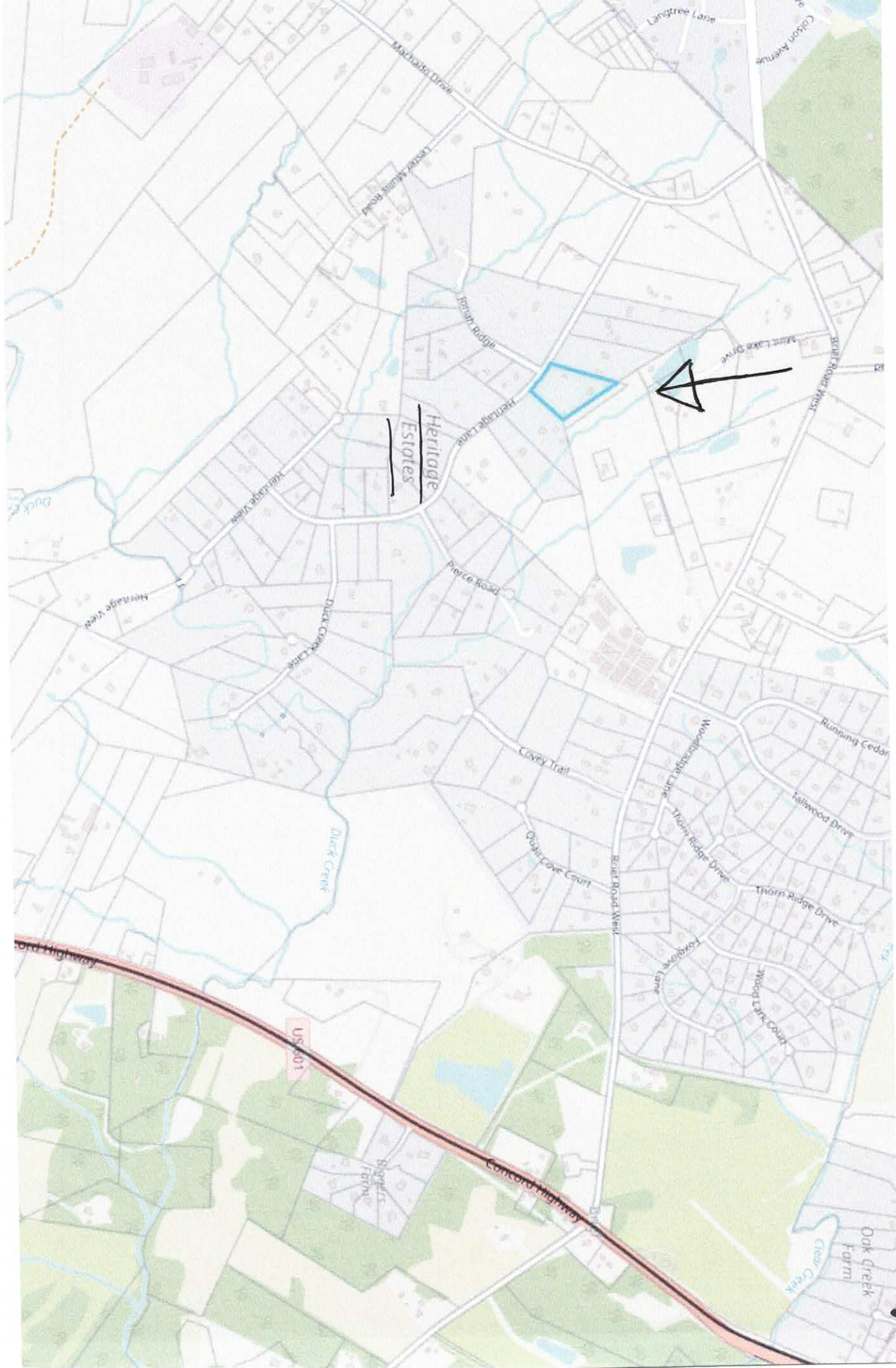
Date of Map Change (if any): _____

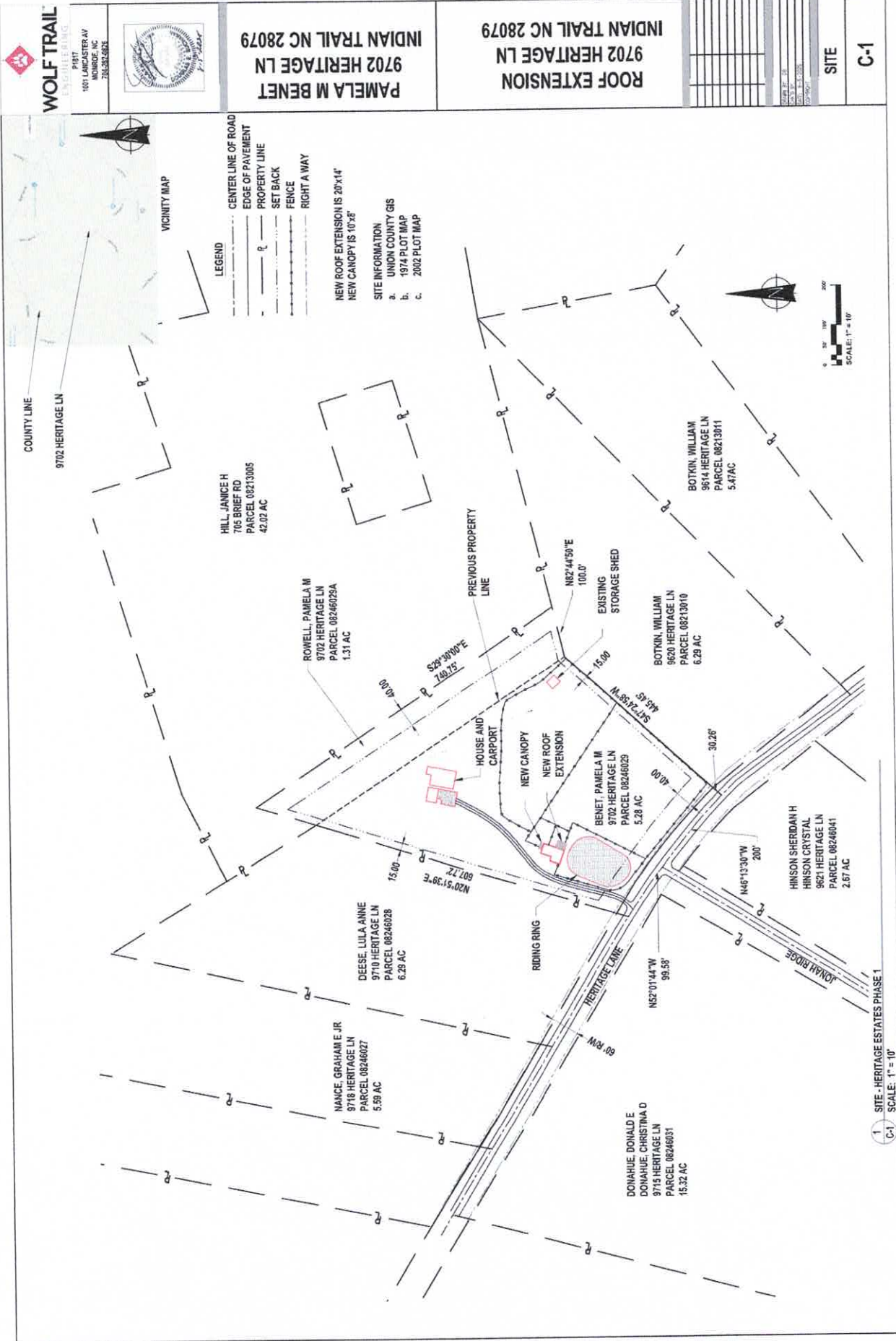
By:

Comments: Council Review Sept 9 w/ Approve
Disapprove

Land Use Administrator

Date _____



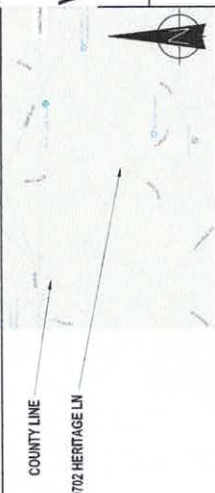




INDIAN TRAIL NC 28079
 9702 HERITAGE LN
 PAMELA M BENET

ROOF EXTENSION
 9702 HERITAGE LN
 INDIAN TRAIL NC 28079

DATE: 12/28/23	BY: P. BENET
CHECKED: 12/28/23	SCALE: AS SHOWN
PROJECT: 28079	
EXISTING	C-2



VICINITY MAP

NEW ROOF EXTENSION IS 20'x14'
 NEW CANOPY IS 10'x8'

NEW CANOPY LOCATION



2 NEW CANOPY
C-2 SCALE: NONE

10'x8'



1 ROOF EXTENSION
C-2 SCALE: NONE

20'x14'

BOTH ARE OPEN
 WITH POST

LOCATION OF
ROOF EXTENSION

Names and Addresses of Adjoining Property Owners

Bill Botkin
9620 Heritage Lane
Indian Trail, NC 28079

Luanne Deese
9710 Heritage Lane
Indian Trail, NC 28079

Don Donahue
9715 Heritage Lane
Indian Trail, NC 28079

Sheridan Hinson
9621 Heritage Lane
Indian Trail, NC 28079

MICHAEL + CECILIA PARKER 6009 D ✓
9226 MINT ^{LAKE} ~~LAKE~~ DR INDIAN TRAIL

MATTHEW SJOESMITH 6009 C ✓
9221 MINT ^{LAKE} ~~LAKE~~ DR

JANICE H. HILL
705 BRIER RD WEST 3005 ✓

RODNEY WITKOE 3005 E ✓
707 BRIER RD WEST

MICHAEL PERRY ✓
9613 HERITAGE LANE

PUBLIC HEARING NOTICE

The Fairview Town Council will conduct a Public Hearing starting at 6:30 pm on Tuesday, September 9, 2025, during the Council Regular monthly meeting at Town Hall (location address: 7516 Concord Highway, Monroe, N.C. 28110). The purpose of this hearing is to:

Hear public comment on:

A request by Pamala M Rowell to enlarge Barn on her property at 9702 Heritage Lane

Parcel # 08246029 with approval of Fairview Council under

Section 124 (e)(2) (g) Extension or Enlargement of Nonconforming Situations
in the Fairview Land Use Ordinance

The Public is invited to attend the public hearing and make comments. As a result of comments, the Town council reserves the right to make changes to the proposed Amendment prior to adoption. For More information, call Ed Humphries, Land Use Administrator at (704) 564.3412 during business hours. (Tuesday and Thursday 9:00 am to 3:00 pm)

The Town of Fairview does not discriminate based on disability. If you need auxiliary aid or service or other accommodation to attend or fully participate in this meeting, please contact the Town Clerk at (704) 753.1981 as far in advance of the meeting as possible so that your request can be considered.

Aug. 30, Sept. 3, 2025

Public Hearing

#NC 25 070

Re-appoint Planning Board Members