

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 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 9th day of September 2025