

FAIRVIEW TOWN COUNCIL  
PUBLIC HEARING MEETING  
NOVEMBER 19, 2007  
7:00 PM –TOWN HALL

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

Personnel: Town Clerk Jan Carter, Finance Officer Christine Surratt, Attorney Joe McCollum

The Mayor Williams opened the meeting at 7:00 PM. Minutes were discussed and after some changes, Bill Thomas made a motion to approve the minutes. Elizabeth Long seconded it. It passed unanimously.

Christine Surratt, Finance Officer stated that the new software is not complete. She said that Tana McConnahey is getting taxes as usual. Christine stated that she made some other purchases that the Council requested and she will get a Financial reports as soon as possible.

Mayor Williams opened the Public Hearing for the Text Change Application TC-07-002. This would amend Section 180M of the Fairview Land Use Ordinance to allow reduced setbacks for radio towers owned and operated by Union County. This is used solely for the purposes of public safety. Jason Wager, Administrator explained the Text Change and the setback. The tower is owned by the County and it could be as close as 40feet. He proposed that the Council should accept the changes. The Planning Board was to recommend denial of the petition on Sept. 18, 2007. Another application that is in RA40, then it would be the 40 feet. Jesse Hargett stated that the tower is used for emergency communication and any tower could be that way. Jesse Hargett says that this is misleading.

High speed internet is something County Commissioners wants to use this tower for. Wireless internet helps with wireless connections, like computers in the police cars. Bill Thomas discussed another tower and the situation there. They discussed using a date in the Text change and Jason asked Attorney Joe McCollum if this was normal. He said they could use a certain date and designate the Union County Schools in the Fairview area. Jerry Clontz asked if the Text change is approved, what would happen if the Schools Board wants to put up another tower at the new school.

Pat Beekman noted that the Text Change variance is needed by the School Board. The tower will have to be on the edge of the land because the school buildings may be used in the future. Next they discussed 50 feet setbacks.

Attorney Joe McCollum stated that the people need to identify themselves. Bradley Purser made a motion to close the public hearing. Elizabeth Long seconded it. It passed unanimously.

Bradley Purser made a motion to accept the text change TC-07-002 section 180M adding that as of Nov 19, 2007, Union County and U.C. Public Schools can use the 50 feet setback to the side or the rear of the property. The front setback is 200 feet. No one seconded the motion.

Jerry Clontz made a motion to table this until next month and work on this text change. TC-07-002. Jerry Clontz made a motion to accept the suggestions tonight and give it to the Planning board and get their recommendations for the next month in December. Elizabeth Long seconded it. It passed unanimously. Attorney Joe McCollum noted that the Public Hearing be used again tonight. Bill Thomas made a motion to continue the Public Hearing and get the report back from the Planning Board at the December 17th meeting. Jerry Clontz seconded it. It passed unanimously.

Mayor Williams opened the Public Hearing for CUP Application C-07-003 from Union County communications that propose to construct a 380 ft. Radio Tower at the Old Fairview Elementary School site for emergency communications purposes. Bill Thomas says they want to do away with the Conditional Use Permit. He discussed some meetings he has attended. Jason Wager says the School Board wants to do this quickly and provide the conditions of each county. Bill Thomas made a motion to send this to the Planning Board on tomorrow's meeting and get it by January 15<sup>th</sup>, 2008. Bradley Purser seconded it. It passed unanimously. The Public Hearing meeting was closed and the regular meeting was opened.

Adequate Public Facilities Ordinance:

Bill Thomas talked about considering the MOU. Attorney Joe McCollum says the town can do their own and the County can do their own. He says this is a complicated ordinance. Jerry Clontz asked if the county can affect our subdivisions. Elizabeth Long asked about development questions. Bill Thomas wants us to control the overloading of the County.

Mr. McCollum said that the law has been changed in Moritorium. Jason Wager explained health issues. Bill Thomas says that we need to go with the MOU. Joe McCollum says the Council will need to amend your Land Use Ordinance and have a Public Hearing for it. Joe McCollum has the MOU that he got today. He passed copies out. Bill Thomas made a motion to approve the MOU. Elizabeth Long seconded it. After some discussion, the motion passed. Mr. McCollum said that they may need to change their ordinance.

With the Planning Board's issues, Bill Thomas made a motion to have Planning Board approve the MOU as a text change. Elizabeth Long seconded. It passed unanimously. We will need a Public Hearing. Bill Thomas made a motion to get the Planning Board to approve APFO at their January 15<sup>th</sup> 2008 meeting, and present it to the Council at their January meeting. Elizabeth Long seconded it and it passed.

Bill Thomas discussed the Heelsplitter mussel. Jason Wager talked about Habitat regulation. Next they discussed Union County Public Schools Standardize Zoning Regulation Request.

Attorney McCollum talked about the law suit of the Junk Car residence. Her son will clean up the area by getting rid of the cars. They have moved some of the cars. Elizabeth Long talked about the natural gas line. Jerry Clontz next discussed the speaker system. He had some quotes and he explained them. It has a CD burner and it cost \$5990.88. Elizabeth Long made a motion to get the Holloways Microphones. Bradley Purser seconded it. It passed unanimously. Jerry Clontz said he was told that this building will be used in the future. We may have to find another meeting place. We may need some land to build a Town Hall on. Mayor Williams wants to talk to someone about this issue.

Mayor Williams opened the floor for public comments. Charles Nichols spoke to the Council about the Rocky River development. He talked about wells. He asked what will the town do if his well goes out. His property is adjacent to the development. Jason Wager noted that there will be public water. Mr. McCollum says the Town would not have much control over the private systems. Mr. Nichols wants the Council to request that he have a connection to the water of the development. The Council will do some more work on this.

Jerry Clontz made a motion to adjourn the meeting. Bradley Purser seconded it. It passed unanimously and the meeting closed.

Respectfully submitted:

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Mayor ProTem Elizabeth Long

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Town Clerk, Jan Carter