



**Town of Fairview
Regular Town Council Meeting
October 11, 2022**

The following Council members were present: Mayor Phil Thomas, Jerry Clontz, Patricia Kindley, and Gary Wilfong. John Biggers was absent.

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

Agenda Changes/Approval

Mayor Thomas stated that he would like to add a discussion regarding a Grant Application Proposal on the Park as Item #4.

Jerry Clontz stated that he would like to add a discussion on Reviewing Park Rules as Item #5.

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

Public Comments

None

Consent Agenda

- a) Financial and Tax Reports--- *Report Accepted as Information*
- b) Land Use Report---*Report Accepted as Information*
- c) Fund Balance Worksheet 2022-2023 --- *Report Accepted as Information*
- d) Fairview Park Event September Draft Minutes (*Minutes Accepted as Information*)
- e) Fairview Park Facility September Draft Minutes (*Minutes Accepted as Information*)
- f) Planning Board September Draft Minutes (*Minutes Accepted as Information*)
- g) Approve Council Minutes for September 13, 2022
- h) Approve October 2022 Domestic Violence Awareness Proclamation

Jerry Clontz made a motion to approve the consent agenda. Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).

Items of Business

Item 1: Discuss Major Development Permit, Eagle Ridge, #MDP 22-077

Ed Humphries presented a Major Development Permit, Eagle Ridge, #MDP 22-077 requested by Ben Russell, Pinnacle Homes to develop nine (9) lots zoned RA-40 on 22 acres located on Old Ferry Road, Parcel #08120025B. The Council discussed.

**Mayor Opened Public Hearing
Public Comments By: Cameron Howie and David Webb
Mayor Closed Public Hearing**

Finding of Facts:

1. Gary Wilfong made a motion that the proposed special use will not materially endanger the public health or safety because there has been no public health or safety concerns reported in the past to his knowledge. Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).
2. Patricia Kindley made a motion that the proposed special use will not substantially injure the value of adjoining or abutting property because the use fits the standards set forth in our land use plan. Gary Wilfong seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).
3. Jerry Clontz made motion that the proposed special use will be in harmony with the area in which it is to be located because it is a rural area with single family homes. Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).
4. Gary Wilfong made a motion that the proposed special use will be in general conformity with the land use plan, thoroughfare plan, or other plan based on current knowledge of the site. Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).

Approval of Request:

Gary Wilfong made a motion to approve Major Development Permit, Eagle Ridge, #MDP 22-077 requested by Ben Russell, Pinnacle Homes to develop nine (9) lots zoned RA-40 on 22 acres located on Old Ferry Road, Parcel #08120025B with the addition of county water and clearing tree line at the septic drain field. The proposed zoning amendment under consideration is 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). Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).

Item 2: Discuss Non-Conforming (Special Use Permit) #NC 22-075

Ed Humphries presented a Non-Conforming (Special Use Permit) #NC 22-075 requested by Jerry Connell, to build an 800 sq. ft. home zoned RA-40 on 4.6 acres located at the end of Joe Lee Helms Road, Parcel #08219007F. The Council discussed.

Mayor Opened Public Hearing
Public Comments: None
Mayor Closed Public Hearing

Finding of Facts:

1. Gary Wilfong made a motion that the proposed special use will not materially endanger the public health or safety based on information currently available. Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).
2. Patricia Kindley made a motion that the proposed special use will not substantially injure the value of adjoining or abutting property because it fits the land use plan. Gary Wilfong seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).
3. Jerry Clontz made a motion that the proposed special use will be in harmony with the area in which it is to be located because the accessory buildings were erected before the town incorporated. Gary Wilfong seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).
4. Patricia Kindley made a motion that the proposed special use will be in general conformity with the land use plan, thoroughfare plan, or other plan because it is a minor change to accommodate buildings that were grandfathered before the town incorporated. Jerry Clontz seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).

Approval of Request:

Gary Wilfong made a motion to approve the non-Conforming (Special Use Permit) #NC 22-075 requested by Jerry Connell, to build an 800 sq. ft. home zoned RA-40 on 4.6 acres located at the end of Joe Lee Helms Road, Parcel #08219007F. The proposed zoning amendment under consideration is 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 motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).

Item 3: Appoint New Members to the Planning Board Committee

Ed Humphries presented applications for the openings on the Planning Board as follows: Sharon Clontz as a regular member with term expiring October 2025 and Rodney Stephens as an alternate member with term expiring October 2025. The Council discussed.

Gary Wilfong made a motion to approve the appointment of Sharon Clontz as a regular member and Rodney Stephens as an alternate member of the Planning Board with their terms expiring

October 2025. Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).

Item 4: Benesch Park Grant Writing Proposal

Mayor Thomas presented the grant writing proposal from Benesch that the Council requested in the September meeting when the Park Master Plan was presented. The grant writing for PARTF grant and RTP grant assistance will be \$13,600 with an additional reimbursable expense allowance of \$500. The Council discussed.

Gary Wilfong made a motion to approve the grant writing proposal from Benesch and give the mayor authority to sign all documents. Jerry Clontz seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).

Item 5: Park Rules

Jerry Clontz reported that he received a complaint about fireworks at the park scaring horses in the area. He suggested that the park rules be reviewed. Council discussed and suggested that the Park Facility Committee review the current rules and make any necessary changes before bringing to the Council for approval.

Council Comments

Gary Wilfong stated that the USO Show, that has performed in the past, will be having its last performance (A Tribute to Vets) on November 19th at 7:00 PM at Benton Heights Elementary Auditorium.

Jerry Clontz stated that he had purchased a timer for the flagpole light. He also suggested that before we submit any PARTF grant applications the town should cut off the front portion of the new property (wooded picnic area to the road) so it would not be tied to the term limits of any PARTF grants.

Spencer Thomas reminded everyone of the Winter Festival on December 10th from 4:00 – 7:00.

Mayor Thomas reminded everyone that October is breast cancer awareness month. He has spoken to several companies that will be giving bids for the roof replacement. Mayor Thomas stated that he had received a phone call from Representative Dean Arp concerning Broadband expansion in Union County. Each county in NC received a \$4 million "Great Grant" for Broadband expansion. Broadband companies were asked to present a plan for expansion, and Spectrum was chosen. Spectrum will contribute \$7.7 million as their share. Buildout of the system is supposed to take place within 2 years. This will affect 1943 homes and businesses. Fairview is included as part of this expansion. See the link <http://www.nconemap.gov/pages/broadband> for details of the planned expansion. There is also another program coming to further expand Broadband. The state is contributing \$400 million, with \$4 million allotted to each county. This is the CAB (Completing Access to Broadband) program. Each county will administer these funds. Rep Arp has asked that Mayor Pro Tem Wilfong and Mayor Thomas meet with him and county officials when this program begins.

Jerry Clontz made a motion to adjourn. Patricia Kindley seconded the motion. Council members Clontz, Kindley and Wilfong voted yes (3-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Phil Thomas
Mayor

Approved this 8th day of November 2022