



**Town of Fairview
Regular Meeting
July 10, 2017**

The following Council members were present: Mayor Phil Thomas, John Biggers, Jerry Clontz, Bradley Purser, and Gary Wilfong.

Others present: Joe McCollum, Town Attorney; Darrell Baucom, Financial Officer, Ed Humphries, Land Use Administrator / Deputy Clerk and Teresa Gregorius, Town Clerk

Agenda Changes

None

Approval of Agenda

Bradley Purser made a motion to approve the agenda. John Biggers seconded the motion. Council members Biggers, Clontz, Purser and Wilfong voted yes (4-0).

Public Comments

None

Consent Agenda

- a) Accept Financial and Tax Reports as Information
- b) Accept Land Use Report as Information
- c) Accept CRTPO Report as Information
- d) Approve Council Regular Minutes for June 12, 2017

Gary Wilfong made a motion to approve the consent agenda. Jerry Clontz seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

Items of Business

Item 1: Amend decision to give land to Fairview Fire & Rescue

Council discussed adding a deed restriction to the land given to Fairview Fire & Rescue indicating that the property would revert back to the Town if the fire department did not build the addition to the fire station. Attorney McCollum was asked to word the restriction for the deed.

John Biggers made a motion to have Attorney McCollum add a restriction stipulating that the land given to Fairview Fire & Rescue must be used to build/renovate the fire station and if not the land will revert back to the Town. Jerry Clontz seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

Item 2: Request from Piedmont High School Band Boosters

Shelley Holt, Piedmont High School Band Booster, addressed the Council. Council discussed the request and asked Ms. Holt to provide the Band Booster 2016-2017 financial statement.

John Biggers made a motion to table the request from the Piedmont High School Band Boosters until the August meeting. Bradley Purser seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

Item 3: Discuss amendment to noise ordinance

Attorney Joe McCollum presented an amendment to the current noise ordinance (See Exhibit A). Council discussed the amendment.

Jerry Clontz made a motion to adopt the amendment to the noise ordinance. John Biggers seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

Item 4: Festival Update

Gary Wilfong informed the Council that the Festival Committee had chosen “Fairview Fall Festival” as the festival name.

Mr. Wilfong stated that the Festival Committee would like electrical hookups available for the music needs during the Festival. He will be working with Mr. Clontz and an electrician to explore the possibilities.

Item 5: Park Update

a) **Stock** Park Pond

Jerry Clontz stated that the Park & Rec Committee would like to stock the pond so that the Town can sponsor a “Kids Fishing Day” a couple of Saturdays during the spring and summer. He shared the quote from Carolina Fish Hatchery.

Bradley Purser made a motion that the Park & Rec Committee could determine what species of fish to purchase to stock the pond not to exceed \$1,665.00. Gary Wilfong seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

b) **Appoint** 2 members for Park & Rec Committee

Jerry Clontz stated that there were two positions on the Committee (Stan Smith's term is up and Rachel Outen has moved out of the Fairview area). The Council reviewed the applications submitted.

John Biggers made a motion to appoint Wendy Nielsen to the Park & Rec Committee with her term expiring July 2020. Gary Wilfong seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

Gary Wilfong made a motion to appoint Bill Riffle to fill Ms. Outen's term expiring May 2019. John Biggers seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

c) **Review** Park maintenance contract

Jerry Clontz informed the Council that there have been numerous problems with Refined Outdoors opening the park on time and also cleaning the restrooms per their contract. Mr. Clontz has talked with the owner, Jordan Edwards several times. Mr. Edwards expressed that he would like to continue mowing the park. The Council discussed re-negotiating the contract with Refined Outdoors to mow only and appoint Mr. Clontz as Park Department Head and he would take over opening/closing the park, clean restrooms, empty trashcans, and empty ash from grills for a fee. Bradley Purser stated "I have a pretty strong feeling about Refined Outdoors. I'm at the point this company contracted to Fairview and agreed to do this, this, this and this. It's all or nothing the way I see it. They have not delivered. I say we wash our hands of them and open it up for bids. I have lost confidence in them. They should have been up front with us from the get go and said no we can't bid on this because we won't be able to do this part. They agreed to and they have not been able to deliver. We need to open this up for bids and go with someone else". Regarding appointing Mr. Clontz as Park Department Head, Mr. Purser stated "I also have an opinion on that. I think we should be extremely cautious even if the laws of North Carolina allows us to hire a council member. I think we should be very, very cautious and really consider this and what consequences it could have before we employ a town council member by the Town of Fairview. I think we really need to think this through and could certainly in the least really display a bad image. We probably want to really consider this very seriously before we go that route".

John Biggers made a motion as follows: (1) Have Jerry Clontz re-negotiate contract with Refined Outdoors to "mow only" at a price of \$1318.00 per month; (2) Appoint Jerry Clontz Park Department Head; (3) Pay Jerry Clontz \$750.75 per month to "daily" open/close the park, unlock/lock and clean restrooms, check picnic shelter/grills [empty grill ash buckets as needed], walk trail to collect litter and empty trash cans); (4) Give Jerry Clontz authority to give Refined Outdoors 30 notice if contract could not be re-negotiated). Gary Wilfong seconded the motion. Councilmen Biggers, Clontz and Wilfong voted yes, Purser voted no (3-1).

Council Comments

Bradley Purser stated that he would not be seeking reelection when his term expires in December. He expressed his appreciation for the opportunity to serve the residents of Fairview and he has enjoyed working with the Mayor and Council members.

Mayor Thomas, Councilmen Biggers, Clontz and Wilfong expressed their appreciation to Mr. Purser for his service.

Gary Wilfong stated that he would like for the Council to continue looking at purchasing additional property to add to the park.

John Biggers made a motion to adjourn. Jerry Clontz seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Phil Thomas
Mayor

Approved this 14th day of August, 2017

EXHIBIT A

AMENDMENT TO TOWN OF FAIRVIEW NOISE ORDINANCE

The Town of Fairview Noise Ordinance adopted August 10, 2015 is amended by adding to Section 2 the following:

4. MOTOR VEHICLES To operate or allow the operation of any motor vehicle in the Town of Fairview under the following conditions:
- (a) The vehicle has had its muffler-exhausts and/or noise –control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises or;
 - (b) The vehicle is being operated in a manner so as to create unreasonably loud and disturbing noises by engaging in jackrabbit starts, spinning tires and other such activities or;
 - (c) The vehicle is being driven off road for racing or other activities or other operations that create unreasonably loud and disturbing noises.

This amendment becomes effective upon adoption.

Adopted by council this _____ day of _____, 2017.

Mayor

Attest:

Clerk