

# Agenda

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## *Town of Fairview*



### **Agenda**

Town Council Meeting  
**February 11, 2019**  
7:00 pm

*(Meeting to be held at the Old Fairview School)*

**1. Call the meeting to order: ---Mayor Thomas**

Invocation  
Pledge of Allegiance

- a) Agenda Changes
- b) Approval of Agenda

**2. Public Comments / Presentations:**

**3. Consent Agenda:**

- a) Financial and Tax Reports--- *Report Accepted as Information (including Pending Bills documentation provided at meeting)*
- b) Land Use Report---*Report Accepted as Information*
- c) CRTPO --- *No Report*
- d) Park & Rec January Draft Minutes (*Minutes Accepted as Information*)
- e) Planning Board Draft Minutes (*No January Meeting*)
- f) Approve Council Minutes for January 14, 2018

# Agenda

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## 4. Items of Business:

**Item 1: Discuss** forming a Park Facility Committee and a Fairview Event Committee to replace the current Park-Rec & Event Committee ---  
*Mayor Thomas*

**Item 2: Discuss** changing Council meeting date and time to second Tuesday in the month at 6:30 PM --- *Gary Wilfong*

**Item 3: Discuss/Recommend** preferred Fire Service Funding --- *Mayor Phil Thomas*

**Item 4: Review/Approve Amended** Noise Ordinance --- *Mayor Phil Thomas*

## 5. Council Comments:

## 6. 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 January 31, 2019

	Jan 31, 19
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
American Community Bank	400,423.05
<b>Total Checking/Savings</b>	400,423.05
<b>Other Current Assets</b>	
Franchise Tax Receivable	33,317.39
Investments	
Investments NCCMT	992.19
<b>Total Investments</b>	992.19
<b>Prepaid assets</b>	
Sales Tax Receivable	981.00
Taxes receivable	4,417.60
Taxes receivable - ad valorem	2,096.90
Taxes receivable - motor veh	-314.23
	838.25
<b>Total Other Current Assets</b>	42,329.10
<b>Total Current Assets</b>	442,752.15
<b>Fixed Assets</b>	
Accumulated Depreciation	-122,554.13
Building and Improvements	1,181,642.75
Computer Equipment	12,688.66
Furniture and Equipment	1,698.00
Land	683,039.94
Land improvements	10,145.00
Leasehold improvements	2,500.00
Park equipment	148,928.88
Rental House	125,000.00
<b>Total Fixed Assets</b>	2,043,089.10
<b>TOTAL ASSETS</b>	<b>2,485,841.25</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
Accounts Payable	11,841.79
<b>Total Accounts Payable</b>	11,841.79
<b>Other Current Liabilities</b>	
Accrued payroll	4,565.66
Deferred revenue - ad valorem	2,096.90
Payroll Liabilities	248.16
Prepaid tax interest	11.38
Prepaid taxes	305.58
Security deposit - rental house	850.00
<b>Total Other Current Liabilities</b>	8,077.68
<b>Total Current Liabilities</b>	19,919.47
<b>Long Term Liabilities</b>	
Note payable on park land	600,000.00
<b>Total Long Term Liabilities</b>	600,000.00
<b>Total Liabilities</b>	619,919.47
<b>Equity</b>	
Fixed assets	1,440,720.49
<b>Total Fund Balance</b>	1,207,568.00

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02/01/19

Accrual Basis

**Town of Fairview**  
**Profit & Loss Budget vs. Actual**  
**July 2018 through June 2019**

	Jul '18 - Jun 19	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Ad Valorem taxes	54,927.77	74,500.00	-19,572.23
Alcoholic beverage	0.00	16,200.00	-16,200.00
Cable TV franchise taxes	0.00	3,200.00	-3,200.00
Donation	4,098.75		
Donation - vendors	125.00		
Fund balance appropriated	0.00	15,200.00	-15,200.00
Interest on delinquent taxes	164.56		
Investment income	1,376.14	0.00	1,376.14
Motor vehicle taxes	5,436.31	9,200.00	-3,763.69
Park rental income	1,000.00	2,500.00	-1,500.00
Rental house income	850.00		
Sales and use tax	15,680.54	27,000.00	-11,319.46
Utility Franchise taxes	71,892.65	145,000.00	-73,107.35
Zoning fees	9,555.00	7,000.00	2,555.00
<b>Total Income</b>	<b>165,106.72</b>	<b>299,800.00</b>	<b>-134,693.28</b>
<b>Expense</b>			
Advertising and Promotion	1,154.24	500.00	654.24
Audit fees	7,800.00	8,050.00	-250.00
Bank Service Charges	191.30		
Capital Outlay - Office Reno	19,891.37	0.00	19,891.37
Capital outlay - Park	53,550.00	9,634.98	43,915.02
Capital outlay - rental house	5,737.25	10,000.00	-4,262.75
Dues and Subscriptions	5,486.00	5,520.00	-34.00
Festival expense	11,844.66	19,200.00	-7,355.34
Fire Dept Grant	5,833.31	10,000.00	-4,166.69
Fire Dept Truck Payment	39,426.93	52,569.00	-13,142.07
Grants	50.00	0.00	50.00
Insurance Expense	3,048.01	4,900.00	-1,851.99
Internet and website	3,882.34	6,500.00	-2,617.66
Legal fees	4,105.56	7,200.00	-3,094.44
Miscellaneous Expense	355.00	0.00	355.00
Office expense	6,047.46	10,736.00	-4,688.54
Office utilities	1,550.36	2,880.00	-1,329.64
Park Maintenance	9,812.89	19,300.00	-9,487.11
Park Utilities	1,217.79	3,300.00	-2,082.21
Payroll Expenses	57,969.35	92,345.58	-34,376.23
Payroll taxes	147.94	7,064.44	-6,916.50
Postage and Delivery	7.25		
Professional Fees	1,500.00	3,000.00	-1,500.00
Rent Expense	11,750.00	12,000.00	-250.00
Rental utilities	149.70		
Repairs and Maintenance	125.00	1,000.00	-875.00
Solid Waste Manage cost share	0.00	8,000.00	-8,000.00
Tax collection fees	630.33	1,400.00	-769.67
Telephone Expense	897.36	3,000.00	-2,102.64
Training expense	0.00	500.00	-500.00
Travel Expense	188.14	1,200.00	-1,011.86
Utilities	35.54		
<b>Total Expense</b>	<b>254,385.08</b>	<b>299,800.00</b>	<b>-45,414.92</b>
<b>Net Ordinary Income</b>	<b>-89,278.36</b>	<b>0.00</b>	<b>-89,278.36</b>
<b>Net Income</b>	<b>-89,278.36</b>	<b>0.00</b>	<b>-89,278.36</b>

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Accrual Basis

**Town of Fairview**  
**Transactions by Account**

As of January 31, 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>American Community Bank</b>							
Deposit	01/07/2019			Deposit	365.00		431,138.28
Deposit	01/08/2019			Deposit	1,700.00		433,203.28
Deposit	01/10/2019			Deposit	2,224.71		435,427.99
Bill Pmt -Check	01/12/2019	102497	All-Points Waste S...	Monthly garbage service		82.62	435,345.37
Bill Pmt -Check	01/12/2019	102498	Allison Plyler	Winter festival decorations		400.50	434,944.87
Bill Pmt -Check	01/12/2019	102499	Autism Society of NC	Donation for Boy Scout as...		200.00	434,744.87
Bill Pmt -Check	01/12/2019	102500	BB Haigler	Appliances for rental house		1,907.44	432,837.43
Bill Pmt -Check	01/12/2019	102501	Clark, Griffin and M...	January retainer		350.00	432,487.43
Bill Pmt -Check	01/12/2019	102502	CompuNetwork	Server and email hosting ...		277.69	432,209.74
Bill Pmt -Check	01/12/2019	102503	Darrell H. Baucom_	Travel and internet		103.82	432,105.92
Bill Pmt -Check	01/12/2019	102504	Ed Humphries_	Office expense reimburse...		83.69	432,022.23
Bill Pmt -Check	01/12/2019	102505	Enquirer Journal	Public hearings etc		303.48	431,718.75
Bill Pmt -Check	01/12/2019	102506	Fairview VFD and ...			13,975.64	417,743.11
Bill Pmt -Check	01/12/2019	102507	FNB Commercial C...	Credit card bill		621.02	417,122.09
Bill Pmt -Check	01/12/2019	102508	Keith Heckman	Office cabinet repair and u...		775.00	416,347.09
Bill Pmt -Check	01/12/2019	102509	Kyle McConnaughey	Upfit of rental house		569.92	415,777.17
Bill Pmt -Check	01/12/2019	102510	Phil Thomas	Reimbursement for festiva...		78.79	415,698.38
Bill Pmt -Check	01/12/2019	102511	Rita Price	Winter festival expenses		162.92	415,535.46
Bill Pmt -Check	01/12/2019	102512	Spectrum	Internet and phone		216.79	415,318.67
Bill Pmt -Check	01/12/2019	102513	Taylor's Landscapi...	Lawn maintenance for 12/...		1,234.60	414,084.07
Bill Pmt -Check	01/12/2019	102514	Teresa Clontz	Office cleaning		100.00	413,984.07
Bill Pmt -Check	01/12/2019	102515	Union County Publi...			66.29	413,917.78
Paycheck	01/14/2019	102516	Bill F. Thomas			46.17	413,871.61
Paycheck	01/14/2019	102517	Darrell H. Baucom			925.84	412,945.77
Paycheck	01/14/2019	102529	Teresa Gregorius			1,241.69	411,704.08
Paycheck	01/14/2019	102518	Doug Buchanan			46.17	411,657.91
Paycheck	01/14/2019	102519	Edward D Humphries			2,243.95	409,413.96
Paycheck	01/14/2019	102520	Gary H Wilfong			138.52	409,275.44
Paycheck	01/14/2019	102521	Gary M Medlin			46.17	409,229.27
Paycheck	01/14/2019	102522	Jerry C. Clontz			869.73	408,359.54
Paycheck	01/14/2019	102523	John A Biggers, Jr.			138.52	408,221.02
Paycheck	01/14/2019	102524	Kelvin L. Baucom			46.17	408,174.85
Paycheck	01/14/2019	102525	Nancy H Randall			46.17	408,128.68
Paycheck	01/14/2019	102526	Patricia H. Kindley			138.52	407,990.16
Paycheck	01/14/2019	102527	Phillip C Thomas			184.70	407,805.46
Paycheck	01/14/2019	102528	Richard E Pigg			46.17	407,759.29
Paycheck	01/14/2019	102530	Tony FD Helms			46.17	407,713.12
Check	01/14/2019	102531	RLI Surety Bond	Bond for Ed Humphries; L...		100.00	407,613.12
Check	01/14/2019	102532	Clark, Griffin and M...	Closing costs for purchase...		2,323.61	405,289.51
Check	01/14/2019	102533	Union County Crim...	Donation in memory of Mr...		50.00	405,239.51
Check	01/15/2019	Draft	Great American Fin...	Copier charges		124.55	405,114.96
Liability Check	01/15/2019	To Print	IRS	55-0789092		2,084.64	403,030.32
Bill Pmt -Check	01/15/2019	102534	Contractors Buildin...	Carpet for rental house		2,979.93	400,050.39
Deposit	01/23/2019			Deposit	713.04		400,763.43
Deposit	01/25/2019			Deposit	275.00		401,038.43
Check	01/28/2019	Draft	Duke Energy_	Park		133.39	400,905.04
Check	01/28/2019	Draft	Duke Energy_	Office		424.95	400,480.09
Check	01/28/2019	Draft	Duke Energy_	Rental house		57.04	400,423.05
Total American Community Bank					5,277.75	35,992.98	400,423.05
<b>TOTAL</b>					<b>5,277.75</b>	<b>35,992.98</b>	<b>400,423.05</b>

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02/01/19

Accrual Basis

**Town of Fairview**  
**Transaction Detail By Account**

July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Office expense</b>							
Bill	07/01/2018	4760	First National Bank	Amazon prime fee	13.12		13.12
Bill	07/09/2018	07092018	Ed Humphries_	postage	50.00		63.12
Bill	07/10/2018	16263	Performance Lawn &Land...	Office mowing	225.00		288.12
Check	07/16/2018	Draft	Great American Financial ...	Duplicate payment for copier; to ...	35.86		323.98
Bill	08/01/2018	2846	FNB Commercial Credit C...	Office and Amazon prime memb...	81.30		405.28
Bill	08/09/2018	0000001	All-Points Waste Service, I...	Office garbage service	174.80		580.08
Bill	08/14/2018	16340	Performance Lawn &Land...	Office maintenance	225.00		805.08
Check	08/15/2018	Draft	Great American Financial ...	copier lease	89.20		894.28
Check	08/15/2018	Draft	Great American Financial ...	Copier lease	0.00		894.28
Bill	08/21/2018	23220912	Great American Financial ...	Copier payment	83.19		977.47
Bill	09/01/2018	89112721	All-Points Waste Service, I...	Garbage service	22.09		999.56
Bill	09/06/2018	09062018	Ed Humphries_	Postage and supplies	64.41		1,063.97
Bill	09/10/2018	16606	Performance Lawn &Land...		225.00		1,288.97
Check	09/10/2018	102350	FNB Commercial Credit C...		13.12		1,302.09
Bill	09/15/2018	09132018	Teresa Clontz	Cleaning office	100.00		1,402.09
Check	09/17/2018	Draft	Great American Financial ...	Draft for copier charge	83.19		1,485.28
Bill	10/01/2018	8A102889	All-Points Waste Service, I...	Garbage pickup	82.62		1,567.90
Bill	10/01/2018	4760	FNB Commercial Credit C...	credit card expenses	198.96		1,766.86
Bill	10/04/2018	10042018	Ed Humphries_	Office supplies	85.79		1,852.65
Bill	10/09/2018	S-24411	Byrum Heating & AC, Inc.	Diagnostic on HVAC Unit	69.39		1,922.04
Bill	10/11/2018	351793	Killingsworth Environmental	Monthly pest control	125.00		2,047.04
Check	10/15/2018	Draft	Great American Financial ...	Copier charges	88.24		2,135.28
Bill	10/16/2018	10162018	Ed Humphries_	expense reimbursement	82.97		2,218.25
Bill	10/16/2018	S24503	Byrum Heating & AC, Inc.	Diagnostic on HVAC	101.41		2,319.66
Check	10/22/2018	Draft	Duke Energy		206.12		2,525.78
Bill	11/01/2018	8B101564	All-Points Waste Service, I...	Garbage service	82.95		2,608.73
Bill	11/01/2018	4778	FNB Commercial Credit C...	Credit card bill	36.08		2,644.81
Check	11/12/2018	102450	Ed Humphries_	Reimburse office supplies	81.92		2,726.73
Bill	11/13/2018	11132018	Teresa Clontz	Cleaning Town Hall	100.00		2,826.73
Check	11/15/2018	Draft	Great American Financial ...	copier charges	132.37		2,959.10
Bill	11/26/2018	11262018	Keith Heckman	Repair office desk units	775.00		3,734.10
Bill	12/06/2018	12062018	Teresa Clontz	October	100.00		3,834.10
Bill	12/06/2018	12062018	Teresa Clontz	December cleaning	100.00		3,934.10
Check	12/10/2018	102489	All-Points Waste Service, I...	Garbage service	82.62		4,016.72
Check	12/10/2018	102491	FNB Commercial Credit C...	Amazon monthly fee	13.12		4,029.84
Bill	12/13/2018	929108-2	Killingsworth Environmental	Monthly pest control	125.00		4,154.84
Bill	12/13/2018	351793	Killingsworth Environmental	Chemical for pest control	125.00		4,279.84
Bill	12/13/2018	24315	Sign Masters	Holiday light contest	66.19		4,346.03
Check	12/15/2018	Draft	Great American Financial ...	Copier	139.04		4,485.07
Bill	12/21/2018	12212018	Ed Humphries_	Office expense reimbursement	83.69		4,568.76
Bill	01/01/2019	91101588	All-Points Waste Service, I...	Monthly garbage service	82.62		4,651.38
Bill	01/01/2019	4760	FNB Commercial Credit C...	Prime charge plus postage	113.12		4,764.50
Bill	01/08/2019	01082019	Teresa Clontz	Office cleaning	100.00		4,864.50
Bill	01/08/2019	01082019	Keith Heckman	Office cabinet repair and upfit	775.00		5,639.50
Bill	01/12/2019	01122019	Darrell H. Baucom_	Travel and internet	26.10		5,665.60
Check	01/15/2019	Draft	Great American Financial ...	Copier charges	124.55		5,790.15
Bill	01/29/2019	24345	Sign Masters	Zoning sign	122.76		5,912.91
Check	02/15/2019	Draft	Great American Financial ...	Copier	134.55		6,047.46
Total Office expense					6,047.46	0.00	6,047.46
<b>TOTAL</b>					<b>6,047.46</b>	<b>0.00</b>	<b>6,047.46</b>

2:02 PM

02/01/19

Accrual Basis

**Town of Fairview**  
**Transaction Detail By Account**  
**July 2018 through June 2019**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Festival expense</b>							
Bill	08/24/2018	08242018	Teresa Gregorius_	Reimburse for PB&J Entert...	200.00		200.00
Bill	09/06/2018	2246	Piedmont Signs	Signs	106.75		306.75
Bill	09/10/2018	41235	Austin Printing	Fall festival advertising	269.54		576.29
Bill	10/04/2018	10042018	Lisa Thomas	Festival decorations	346.59		922.88
Bill	10/04/2018	10042018	Lisa Thomas	Festival expense	711.85		1,634.73
Bill	10/05/2018	10052018	Scott Cuthbertson	Fall festival - golf car rental	125.00		1,759.73
Bill	10/06/2018	10062018	John Ashley Ingani	Deputy for festival event	210.00		1,969.73
Bill	10/06/2018	10062018	Allison Plyler	Festival expense	61.49		2,031.22
Check	10/08/2018	102402	Village Greene Band	Performance at Fall Festival	0.00		2,031.22
Check	10/08/2018	102402	Allison Plyler	Festival expenses	391.22		2,422.44
Check	10/08/2018	102404	John A Biggers, Jr.	Reimburse expenses	213.66		2,636.10
Check	10/08/2018	102405	Tracy Biggers	Reimburse expenses	393.17		3,029.27
Check	10/08/2018	102406	Theresa Donaldson	Reimburse expenses	917.84		3,947.11
Bill	10/09/2018	10092018	Southern Express	Sounds system for Festival	1,500.00		5,447.11
Deposit	10/16/2018		citizens	Deposit of currency and coi...		226.00	5,221.11
Bill	11/01/2018	4778	FNB Commercial Cr...	Various Festival expenses	786.55		6,007.66
Check	11/12/2018	102451	Tracy Biggers	Reimburse Winter Festival ...	281.93		6,289.59
Bill	11/15/2018	11152018	Rick Greene	Fall Festival music	500.00		6,789.59
Bill	12/05/2018	12082018	Jimmy Huntley	DJ for Winter Festival	400.00		7,189.59
Bill	12/05/2018	12082018	Dennis Rushing	Santa for Winter Festival	100.00		7,289.59
Bill	12/05/2018	12052018	Lisa Thomas	Reimburse winter festival e...	1,592.29		8,881.88
Bill	12/06/2018	12062018	Scott Cuthbertson	Fire pits for winter festival	725.85		9,607.73
Check	12/10/2018	102491	FNB Commercial Cr...	Credit card charges	369.05		9,976.78
Check	12/10/2018	102492	John A Biggers, Jr.	Festival expense reimburse...	1,035.28		11,012.06
Bill	12/18/2018	12182018	Rita Price	Winter festival expenses	162.92		11,174.98
Bill	12/20/2018	12202018	Allison Plyler	Winter festival decorations	400.50		11,575.48
Bill	01/03/2019	01032019	Phil Thomas	Lunch for volunteers	69.18		11,644.66
Bill	01/07/2019	01072019	Autism Society of NC	Donation for Boy Scout ass...	200.00		11,844.66
Total Festival expense					12,070.66	226.00	11,844.66
<b>TOTAL</b>					<b>12,070.66</b>	<b>226.00</b>	<b>11,844.66</b>

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02/01/19

Accrual Basis

# Town of Fairview Transaction Detail By Account

July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Park Maintenance</b>							
Bill	07/01/2018	2154	Piedmont Signs	Signs for award winners	64.05		64.05
Bill	07/10/2018	16262	Performance Lawn ...	Park mowing	850.00		914.05
Bill	08/14/2018	16339	Performance Lawn ...	Park maintenance	850.00		1,764.05
Bill	09/10/2018	16606	Performance Lawn ...		850.00		2,614.05
Check	09/10/2018	102353	Jerry C. Clontz	Reimbursement for park maintenance	262.65		2,876.70
Bill	09/25/2018	09252018	William Riffle	Park walkie talkies	140.75		3,017.45
Bill	09/28/2018	31615	Kiker Plumbing Ser...	Park repairs	136.64		3,154.09
Bill	10/01/2018	4760	FNB Commercial Cr...	Flags and hardware	506.60		3,660.69
Check	10/08/2018	102403	Jerry C. Clontz	Supplies	131.26		3,791.95
Check	10/08/2018	102404	John A Biggers, Jr.	Reimburse expenses	368.15		4,160.10
Bill	11/09/2018	11092018	Performance Lawn ...	Final payment on bill to Performance	1,020.00		5,180.10
Bill	11/13/2018	11132018	Gene Helms	Removal of 14 dead trees	1,040.00		6,220.10
Bill	12/06/2018	1267	Taylor's Landscapin...	Mowing for 11/12; 11/19 and 11/26	925.95		7,146.05
Check	12/10/2018	102491	FNB Commercial Cr...	Credit card charges	61.00		7,207.05
Bill	12/11/2018	31940	Kiker Plumbing Ser...	Repair park commode	136.64		7,343.69
Bill	01/03/2019	1276	Taylor's Landscapin...	Lawn maintenance for 12/3, 12/10, ...	1,234.60		8,578.29
Bill	01/25/2019	1281	Taylor's Landscapin...	lawn maintenance	1,234.60		9,812.89
Total Park Maintenance					9,812.89	0.00	9,812.89
<b>TOTAL</b>					<b>9,812.89</b>	<b>0.00</b>	<b>9,812.89</b>

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02/01/19

Accrual Basis

**Town of Fairview**  
**Transaction Detail By Account**  
 July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Capital Outlay - Office Reno</b>							
Bill	08/10/2018	30848A	Byrum Heating & AC,...	New office HVAC	9,786.21		9,786.21
Bill	08/29/2018	902500	Contractors Building ...	Office renovation	2,509.72		12,295.93
Bill	08/29/2018	160697	Hill Paint and Walcov...	office renovation	1,975.00		14,270.93
Bill	08/29/2018	EL828	Brian C. Austin	Light fixtures for office	1,125.00		15,395.93
Check	09/10/2018	102350	FNB Commercial Cre...		118.63		15,514.56
Bill	09/25/2018	90252018	William Riffle	Security system	875.00		16,389.56
Bill	10/02/2018	10022018	Teresa Gregorius_	office upfit	184.65		16,574.21
Bill	10/15/2018	EL829	Brian C. Austin	Office renovation	120.00		16,694.21
Bill	10/16/2018	10162018	Ed Humphries_	expense reimbursement	393.49		17,087.70
Bill	11/12/2018	4655	CompuNetworld	Setting up new office	1,037.37		18,125.07
Bill	11/18/2018	EL 831	Brian C. Austin	Office renovations	145.00		18,270.07
Check	12/10/2018	102491	FNB Commercial Cre...	Credit card charges	274.32		18,544.39
Bill	12/20/2018	EL833	Brian C. Austin	Light fixtures in Council Mee...	650.00		19,194.39
Bill	01/01/2019	4760	FNB Commercial Cre...	Posters, etc.	182.90		19,377.29
Bill	01/17/2019	24334	Sign Masters	renovations	405.65		19,782.94
Bill	01/31/2019	01312019	Gary Wilfong_	Office renovations	108.43		19,891.37
Total Capital Outlay - Office Reno					19,891.37	0.00	19,891.37
<b>TOTAL</b>					<b>19,891.37</b>	<b>0.00</b>	<b>19,891.37</b>

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2:01 PM

02/01/19

Accrual Basis

**Town of Fairview**  
**Transaction Detail By Account**  
July 2018 through June 2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Capital outlay - Park</b>							
Bill	08/10/2018	08102018	Local Government Co...	Loan app fee to LGC	1,250.00		1,250.00
Bill	08/20/2018	08202018	Sandra Haigler	Down payment on land purchase	25,000.00		26,250.00
Bill	08/20/2018	08202018	Harry T. Haigler	Down payment on land purchase	25,000.00		51,250.00
Bill	10/15/2018	5213	Cash Grading Compa...	Drainage piping for parking for Park	2,300.00		53,550.00
Total Capital outlay - Park					53,550.00	0.00	53,550.00
<b>TOTAL</b>					<b>53,550.00</b>	<b>0.00</b>	<b>53,550.00</b>

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# Zoning permits 2019

2019

<u>Date</u>	<u>CK#</u>	<u>Permit #</u>	<u>Type</u>	<u>Fee \$</u>	<u>Name</u>	<u>Address</u>	<u>Parcel #</u>
1-Jan	1066	comp19-001	Comp	\$100	Rushing Group	9616 Mill Grove Road	08279011G
8-Jan	N/A	NR 19-002	Comp	N/A	MooreMorton Prop	6920 Howey Bottoms	8288005
9-Jan	1248	H-19-003	Home	\$75	Max Solodyakin	9122 Mill Grove	08282020A
10-Jan	13512	comp 19-004	Comp	\$100	Anthony Lenhaver	1125 Crowell Dairy Road	08282012C
17-Jan	N/A	A 19-005	Accessory	N/A	David Griffin	1310 Brief Road	08114010C
22-Jan	830	NRComp 19-006	Comp	\$100	Mercy Baptist	Brief Road	08210001e
24-Jan	2691	Comp 19 00 7	Comp	\$100	Blake Center	618 Lawyers Road W	08228021B
29-Jan	14048	Comp 19-008	Compliance	\$100	Helms Partners	5921 Sikes Mill Road	08087035M
<b>Totals</b>	<b>8</b>			<b>\$575</b>			





**Town of Fairview  
Park-Rec & Event Committee Meeting  
January 10, 2019**

The following Parks & Recreation Advisory Committee members were present: Lisa Thomas, Larry Carter, Theresa Donaldson, Todd Donaldson, Mike Medlin, Rita Price, Bill Riffle and Spencer Thomas

Others present: Teresa Gregorius, Town Clerk

**Public Comments**

None

**Items of Business**

A. New Committee Member

Chairman Thomas reported that Wendy Nielsen has resigned from the Committee due to family commitments. Per Council approval of alternates on 4/9/18, Spencer Thomas will step in and complete the term that will expire May 2021.

B. Recap 2018 Fall Festival

The Committee discussed the festival and made the following suggestions for the 2019 festival:

- Purchase an additional banner each year
- Add craft vendors and food vendors list to advertising flyers
- Change out some of the kid's activities from year to year and not have the exact same ones all of the time
- Work on some activities for kids 10 – 13 years old
- Find a location for passports to be given out so that no children are missed OR put passports at all activity locations
- Keep food vendors to no more than 5
- Possibly start decorating earlier than Friday
- Figure out how to attract more volunteers

Chairman Thomas noted that the Town of Midland has graciously said Fairview can keep and use the stage if we would like to, but they are not interested in selling the stage at this time. She also stated that the entertainers all agreed that they would be willing to come back in 2019.

The Committee all agreed to have a 2019 Fairview Fall Festival on October 5<sup>th</sup>.

C. Recap 2018 Winter Festival

The Committee discussed the festival and made the following suggestions for the 2019 festival:

- If using area around the pond would suggest having lighting or possibly starting festival earlier to take advantage of daylight
- Have all activities in a smaller area

The Committee all agreed to have a 2019 Winter Festival on December 7<sup>th</sup>.

D. Additional Events

Chairman Thomas opened a discussion regarding several additional events for the Committee to discuss: movie nights, music nights or Easter egg hunt. The band Village Green expressed interest in having a music night like what the Town of Unionville does. Simpson Eggs offered to bring their trucks and supply a dozen eggs and dye for each child. The Town would be purchasing plastic eggs for the egg hunt. The egg hunt would require no decorations.

The Committee discussed and decided to move forward with an Easter egg hunt on April 6<sup>th</sup> and further research two music nights in June.

E. Wish List for Future Park Projects

The Committee discussed the need for electricity around the pond and graveling an additional parking area.

F. Minutes

Mike Medlin made a motion to approve the November 1, 2018 minutes. Todd Donaldson seconded the motion. Committee members Carter, Theresa Donaldson, Todd Donaldson, Medlin, Price, Riffle, L. Thomas and S. Thomas voted yes (8-0).

Chairman Thomas adjourned the meeting.

Respectfully submitted,

\_\_\_\_\_  
Teresa Gregorius  
Town Clerk

\_\_\_\_\_  
Lisa Thomas  
Chairman

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019



**Town of Fairview  
Regular Town Council Meeting  
January 14, 2019**

The following Council members were present: Mayor Phil Thomas, John Biggers, Jerry Clontz, Patricia Kindley, 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**

Mayor Thomas stated that he would like to add as Item 5 consideration of a donation in memory of Ann Cathey.

Lisa Thomas stated that she would like to add as Item 6 regarding park items.

Gary Wilfong stated that he would like to move Meeting Dates for 2019 from the Consent Agenda and add as Item 7.

**Approval of Agenda**

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

**Presentation:**

Michael James, Asst. County Manager gave a presentation on Fire Service Funding

**Public Comments**

None

**Consent Agenda**

- a) Accept Financial and Tax Reports as Information

- b) Accept Land Use Report as Information
- c) CRTPO – No Report
- d) Fairview School Choice Week Proclamation
- e) Park & Rec December Draft Minutes --- No December Meeting
- f) Planning Board December Draft Minutes --- Minutes Accepted as Information
- g) Approve Council Regular Minutes for December 10, 2018

Patricia Kindley made a motion to approve the consent agenda. Gary Wilfong seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

### **Items of Business**

#### **Item 1: Appoint Mayor Pro-Tem**

Gary Wilfong made a motion to re-appoint Jerry Clontz as Mayor Pro-Tem. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

#### **Item 2: Conduct Public Hearing:** Conditional Use Permit CUP 18-133 request by David Griffin to increase the size/operation of his business Griffin Surveying which is non-conforming. Nancy Randall, Chair of Planning Board presented the permit information to the Council.

Mayor Thomas to open Public Hearing

No Public Comments

Mayor Thomas to Close Public Hearing

#### **“Finding of Facts”**

- 1) Jerry Clontz made a motion that Conditional Use Permit #18-133 will not endanger the public health or safety because it is an addition no more than an outside storage building like others in the neighborhood. John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 2) Patricia Kindley made a motion that Conditional Use Permit #18-133 will not substantially injure the value of adjoining or abutting property because there is very little change to the landscape or the use of the property. Jerry Clontz seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 3) John Biggers made a motion that Conditional Use Permit #18-133 will be in harmony with the area in which it is located because it is an addition to the existing property. Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).
- 4) Gary Wilfong made a motion that Conditional Use Permit #18-133 will be in general conformity with the land use plan, thoroughfare plan or other plan because

it is basically the same as previously grandfathered. John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Discuss Approval of Request:** Council members discussed the permit.

Gary Wilfong made a motion to approve Conditional Use Permit #18-133 with the following conditions (1) Building must be used as part of business, (2) Building will be 30 x 30 in size, (3) Will be used for storage, supplies, equipment and a small portion (12 x 12) is to be set aside for exercise equipment for employees only, (4) Building will have power, heat and air, but no bathroom or running water. 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 August 11, 2014), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). Patricia Kindley seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Item 3: Public Hearing** Text Change TC 18-138 Regulations for Small (Tiny) Houses. Nancy Randall, Chair of the Planning Board, presented information regarding the text change to the Council.

Mayor Thomas to open Public Hearing

Public Comment: Wendell Long

Mayor Thomas to Close Public Hearing

**Discuss Approval of Request:** Council members discussed the text change.

Patricia Kindley made a motion to approve Text Change TC 18-138 as amended. 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 August 11, 2014), and the Town of Fairview Land Use Ordinance (effective July 1, 2005). John Biggers seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

**Item 4: Review** Noise Ordinance

Mayor Thomas tabled reviewing the ordinance until the February meeting.

**Item 5: Donation In Memory of Anne Cathey**

Mayor Thomas suggested that the Council consider making a donation in memory of Anne Cathey, Sheriff Cathey's wife, who passed away in December. The Council discussed and agreed to donate to Crime Stoppers in the amount of \$50.

## **Item 6: Park Update**

Lisa Thomas, Chairman of the Park-Rec & Event Committee updated the Council regarding needs discussed and possible events at the park that the Committee discussed at their last meeting. The Committee agreed to do a Fall (October 5<sup>th</sup>) and Winter Festival (December 7<sup>th</sup>) in 2019. Items that the Committee would like the Council to be aware of are as follows: (1) The Town of Midland is not interested in selling their stage to the town, but we are welcome to keep the stage. He did not foresee that Midland would need the stage but did not want to give it up, (2) Additional lighting around the pond, (3) Drainage issue at the walking trail, (4) Need to gravel an overflow parking area.

Ms. Thomas stated the Committee discussed the purpose of the Park-Rec & Event Committee going forward would be God centered, show pride in our community, make sure that every event planned be a partnership between the citizens of Fairview and the businesses in the area, and our citizens instill a sense of ownership.

She presented two additional items the Committee had discussed doing at the park (1) Easter egg hunt in April and (2) Two music nights in June (13<sup>th</sup> and 20<sup>th</sup>). The Council was in favor of the additional items.

John Biggers made a motion to move the donations of \$4,098.75 made to the town for the Fall and Winter festivals to the Festival Expense Fund. Gary Wilfong seconded the motion. Council members Biggers, Clontz, Kindley and Wilfong voted yes (4-0).

## **Item 7: Discuss changing Council meeting date**

Gary Wilfong opened the discussion to change the Council meeting date from the second Monday to the second Tuesday of each month. The Mayor suggested that a list of Tuesday dates be compiled and brought back to the February meeting for review.

## **Council Comments**

Jerry Clontz reported that the walking trail around the pond has a drainage issue in two areas. He is in the process of getting quotes for fixing the problem.

John Biggers noted that the Christmas trees in the pond and Christmas signage at the park will be taken down on Thursday.

Gary Wilfong advised that while at Lowes he saw one of the landowners from Victoria Estates and he told Mr. Wilfong he was in the process of building now and was very excited and happy to be part of the Fairview community.

Mr. Wilfong suggested that the Council think about forming a committee to research and compile a "bucket" list of amenities to add to the park and recruit individuals/businesses to support these improvements.

Joe McCollum reported that the purchase of the Haigler property is complete.

Mayor Thomas stated that the Council Retreat will be January 26<sup>th</sup>. He also invited council members to sign up and attend the Union County Chamber Elected Officials Reception at Rolling Hills Country Club on February 7<sup>th</sup> and the Monroe-Union County Economic Summit at the Historic Monroe Armory on February 1<sup>st</sup>. He announced the Crimestoppers BBQ will be Friday, January 18<sup>th</sup> starting at 11:00 AM.

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

Respectfully submitted,

\_\_\_\_\_  
Teresa Gregorius  
Town Clerk

\_\_\_\_\_  
Phil Thomas  
Mayor

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019

# Discuss Forming New Park Committee

**Discuss  
Council  
Meeting  
Date & Time**

## TOWN OF FAIRVIEW COUNCIL MEETING DATES --- 2019

The second **Tuesday** night of each month at 6:30 PM

March 12<sup>th</sup>

April 9<sup>th</sup>

May 14<sup>th</sup>

June 11<sup>th</sup>

July 9<sup>th</sup>

August 13<sup>th</sup>

September 10<sup>th</sup>

October 8<sup>th</sup>

November 12<sup>th</sup>

December 10<sup>th</sup>

Administrative Office will be closed on the following dates:

- Independence Day, July 4<sup>th</sup> (Thursday)
- Thanksgiving Day, November 28<sup>th</sup> (Thursday)

# Discuss Fire Service Funding

# SELF-FUNDING TAX DISTRICT

## Methodology Attributes

- ❖ Removes any redistribution of revenue between Fire Service Districts
- ❖ Dependent on & reflective of the density, development and tax value of each district
- ❖ Districts with lower density and lower property values will experience much higher rates of taxation.
- ❖ No Countywide Fire Service Tax Revenue needed
- ❖ Requires Municipal Approval (*Bakers, Unionville, Fairview, Wingate, Beaver Lane*)

	Revenue Requirement	Taxable Value	Self-Funding Districts
Allen Crossroads	\$ 238,292	\$ 177,354,174.66	\$ 0.1042
Bakers	\$ 794,235	\$ 1,489,936,622.40	\$ 0.0433
Wingate	\$ 728,646	\$ 420,232,489.05	\$ 0.1335
Wesley Chapel	\$ 2,278,209	\$ 5,436,467,245.35	\$ 0.0348
Beaver Lane	\$ 615,689	\$ 458,971,981.54	\$ 0.1040
Fairview	\$ 347,274	\$ 469,413,254.44	\$ 0.0588
Griffith Road	\$ 105,039	\$ 126,873,646.87	\$ 0.0655
Hemby Bridge	\$ 1,646,247	\$ 2,637,759,239.00	\$ 0.0502
Jackson	\$ 206,420	\$ 289,461,388.57	\$ 0.0568
Lanes Creek	\$ 300,602	\$ 195,447,485.25	\$ 0.1188
New Salem	\$ 488,239	\$ 533,352,152.46	\$ 0.0720
Sandy Ridge	\$ 310,726	\$ 271,446,861.85	\$ 0.0892
Springs	\$ 805,731	\$ 1,182,585,317.00	\$ 0.0545
Stack Road	\$ 313,136	\$ 236,002,516.35	\$ 0.1029
Stallings	\$ 1,570,309	\$ 2,573,286,884.00	\$ 0.0530
Unionville	\$ 631,481	\$ 770,274,556.21	\$ 0.0649
Waxhaw	\$ 1,520,005	\$ 2,288,839,731.00	\$ 0.0532
Monroe	n/a	n/a	
Weddington	n/a	n/a	

# SELF-FUNDING + 20% COUNTY SUBSIDY

## Methodology Attribute

- ❖ Fire Service Districts who would historically not require County subsidy would receive a proportion of County Tax
- ❖ Commission can balance revenue redistribution across Districts AND maintain reasonable taxation rates.
- ❖ County subsidy would provide an equal percentage to every VFD, in direct relation to their total budget

	Revenue Requirement	Taxable Value	80% District Tax	20% Countywide Tax	Total
Allen Crossroads	\$ 238,292	\$ 177,354,174.66	0.0837	0.0133	0.097
Bakers	\$ 794,235	\$ 1,489,936,622.40	0.0348	0.0133	0.0481
Wingate	\$ 728,646	\$ 420,232,489.05	0.1073	0.0133	0.1206
Wesley Chapel	\$ 2,278,209	\$ 5,436,467,245.35	0.0279	0.0133	0.0412
Beaver Lane	\$ 615,689	\$ 458,971,981.54	0.0836	0.0133	0.0969
Fairview	\$ 347,274	\$ 469,413,254.44	0.0473	0.0133	0.0606
Griffith Road	\$ 105,039	\$ 126,873,646.87	0.0526	0.0133	0.0659
Hemby Bridge	\$ 1,646,247	\$ 2,637,759,239.00	0.0403	0.0133	0.0536
Jackson	\$ 206,420	\$ 289,461,388.57	0.0457	0.0133	0.059
Lanes Creek	\$ 300,602	\$ 195,447,485.25	0.0955	0.0133	0.1088
New Salem	\$ 488,239	\$ 533,352,152.46	0.0579	0.0133	0.0712
Sandy Ridge	\$ 310,726	\$ 271,446,861.85	0.0717	0.0133	0.085
Springs	\$ 805,731	\$ 1,182,585,317.00	0.0438	0.0133	0.0571
Stack Road	\$ 313,136	\$ 236,002,516.35	0.0827	0.0133	0.096
Stallings	\$ 1,570,309	\$ 2,373,286,884.00	0.0426	0.0133	0.0559
Unionville	\$ 631,481	\$ 770,274,556.21	0.0521	0.0133	0.0654
Waxhaw	\$ 1,520,005	\$ 2,288,839,731.00	0.0427	0.0133	0.056
Monroe	n/a	n/a		0.0133	
Weddington	n/a	n/a		0.0133	

# Review Noise Ordinance

**TOWN OF FAIRVIEW  
NOISE ORDINANCE**

WHEREAS, pursuant to G.S. §160A-184, the Town of Fairview may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, pursuant to G.S. §160A-174, the Town of Fairview may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances;

AND WHEREAS the Town of Fairview wishes to put limits on the times that certain noises may be emitted;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fairview as follows:

Section 1. It shall be unlawful and shall constitute a nuisance for any person or group of persons, regardless of number, to willfully make, continue, or cause to be made or continued any loud, raucous and disturbing noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within Union County. The term "loud, raucous and disturbing noise" shall be limited to loud, raucous and disturbing noises heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof.

In determining whether a noise is unreasonably loud, raucous and disturbing, the following factors incident to such noise shall be considered: (i) time of day; (ii) proximity to residential structures; (iii) whether the noise is recurrent, intermittent or constant; (iv) the volume and intensity; (v) whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; (vi) the character and zoning of the area; and (vii) whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

Section 2. The following acts are declared to be nuisances in violation of this Ordinance, but such enumeration shall not be deemed to be exclusive:

- (1) Horns and Signal Devices. The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.
- (2) Radios, Stereos, and Sound Reproduction. The playing, use, or operation, either from a motor vehicle or by a pedestrian, of any radio, tape or CD player, or other sound amplification device emitting sound that is audible from a distance of fifty (50) or more feet from the source of the sound.
- (3) Pets. The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the vicinity; provided, however, that this Ordinance shall not apply to a dog or dogs being used in a lawful hunt;
- (4) Vehicles.
  - (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. (Items a, b, c amended 7/10/17)
  - (d) To employ unmuffled engine compression brakes within the municipal limits of Fairview.
  - (e) To operate or cause to be operated a motor vehicle unless the exhaust system is free from defects which affect sound reduction.
  - (f) To remove or render inoperative or cause to be removed or rendered inoperative other than for maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
  - (g) To modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle which has been so modified. (Items d, e, f, g amended 9/11/17)

Section 3. The following shall be exempt from the application of this Ordinance:

- (1) Noise resulting from any military or law enforcement activities of the federal, state, or any local government, to include military observances.
- (2) Noise resulting from construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and from 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or for which building permits are not required; provided that all equipment is in proper operating condition and properly equipped with the manufacturers' mufflers and noise-reducing equipment.
- (3) Noise from lawn mowers and other landscape maintenance equipment used between the hours of 7:00 a.m. and 9:00 p.m., provided that all equipment is in proper operating condition and properly equipped with the manufacturers' mufflers and noise-reducing equipment.
- (4) Noise resulting from any event held in recognition of a community celebration, or national, state, or county events or public festivals or parades from 8:00 A.M. until 11:00 P.M. If a special event permit has been issued, then such hours that are stated in the special event permit, if any, shall be controlling.
- (5) Noise from lawful fireworks and noise makers on holidays and at religious ceremonies.
- (6) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- (7) Noise of any bell or chime from any building clock, school, or church.
- (8) Noise created by any public recreational activity.
- (9) Noise from dogs and firearms while being used in a lawful hunt.
- (10) Noise resulting from the normal and lawful operations of any (i) industrial enterprise, (ii) commercial enterprise, or (iii) governmental facility or function between the hours of 6:00 A.M. and 9:00 P.M. on weekdays and 7:00 A.M. and 11:00 P.M. on weekends. If a special event permit has been issued, then such hours that are stated in the special event permit, if any, shall be controlling.
- (11) Noise resulting from agricultural and horticultural operations conducted in a reasonable manner on property classified as a

bona fide farm or ad valorem tax purposes from 6:00 A.M. until 10:00 P.M. If a special event permit has been issued, then such hours that are stated in the special event permit, if any, shall be controlling.

- (12) Noise resulting from any authorized emergency or public safety vehicle, when responding to an emergency call or acting in the time of an emergency.
- (13) Noise of safety signals, warning devices and emergency pressure relief valves.
- (14) Noise resulting from emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from imminent danger.
- (15) Noise resulting from motor vehicles in proper operating condition and properly equipped with the manufacturers' standard mufflers and noise-reducing equipment.

Section 4. Violation of any provisions of this Ordinance shall subject the offender to one or more of the following enforcement actions. Each day that any violation continues after notification by the Town of Fairview that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

- (1) Violations (except for Section 2-4) shall constitute a Class 3 misdemeanor pursuant to North Carolina General Statute 14-4(a), punishable by a fine of up to \$500.00 and imprisonment in the discretion of the court; (Amended 11/13/17)
- (2) If any person shall violate the provisions regulating the operation or parking of vehicles, that person shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00) pursuant to North Carolina General Statute 14-4(b). (Amended 11/13/17)
- (3) The Town of Fairview may apply for an appropriate equitable remedy from the General Court of Justice, including but not limited to mandatory and prohibitory injunctions and orders of abatement as allowed pursuant to G.S. § 160A-175. Such civil actions may name as defendants any person or persons creating, allowing the creation of, or assisting in the creation of any unlawful noise, including the owner of the premises from which the noise emanates and the person having actual control of the premises from which it emanates. (Amended 8/10/15)

Section 5. If any provision of this Ordinance is adjudged invalid or if the application thereof to any person or in any circumstance is adjudged invalid; such invalidity shall not affect the validity of this Ordinance as a whole or of any part, subpart, sentence or clause thereof not adjudged invalid.

Section 6. This Ordinance is amended (Section 4-2) 10<sup>th</sup> day of August, 2015, and shall become effective the 10<sup>th</sup> day of August, 2015. This ordinance replaces any previous noise ordinance.

This Ordinance is amended (Section 2-4 a,b,c) 10<sup>th</sup> day of July, 2017, and shall become effective the 10<sup>th</sup> day of July, 2017. This ordinance replaces any previous noise ordinance.

This Ordinance is amended (Section 2-4 d,e,f,g,) 11<sup>th</sup> day of September, 2017, and shall become effective the 11<sup>th</sup> day of September, 2017. This ordinance replaces any previous noise ordinance.

This Ordinance is amended (Section 4-1 & 2) 13<sup>th</sup> day of November, 2017, and shall become effective the 13<sup>th</sup> day of November, 2017. This ordinance replaces any previous noise ordinance.

DRAFT