

Fairview Town Council Meeting
November 14, 2011
7:00 p.m.

The following members were present, constituting a quorum: Mayor Elizabeth Long, Bradley Purser, B.B. Haigler, Bill Thomas and Jerry Clontz.

Others present: Joe McCollum, Attorney; Ed Humphries, Land Use Administrator/Town Clerk; Darrell Baucom, Finance Officer and Tana McConnaughey, Tax Collector

Agenda / Approval

B.B. Haigler requested a Closed Session on Real Estate be added to the Agenda. Mayor Long stated that the minutes of September 12, 2011 would need further correction and reapproved (under Old Business). Bill Thomas made a motion to approve the agenda with the additions. Bradley Purser seconded the motion. Councilmen Haigler, Clontz, Thomas and Purser voted yes. (4-0)

Public Comment / Presentations

There was no public comment.

Eddie Cathey, Union County Sherriff, gave a presentation to the Council regarding how Fairview could add additional law enforcement by contracting with the Union County Sherriff's Office. Sherriff Cathey stated that Fairview had approximately 13.5 calls per month. Cathy stated that a contracted officer would work a 40 hour week (not 24/7). The Town would be billed quarterly by the County for \$72,203 a year. This cost would include everything the officer needed, including a car. The town could adjust times that the officer works to some degree. Sherriff Cathey suggested that we use the UCSO.US website to view the County's crime mapping to see what is happening in Fairview.

Reports

Darrell Baucom presented the Financial Report.

Tana McConnaughey gave the Tax Report.

Ed Humphries presented the Zoning Report. Humphries stated that the Planning Board was meeting at the Fire Station beginning with the November meeting.

Old Business

Mayor Long stated that she contacted the Union County Public Works Department about the waste management agreement with Unionville, Fairview and the County. The cost to Fairview would be approximately \$8,000. The rates at the drop off sites have increased and the County

has new cost numbers. The County wants to bring a new interlocal agreement to both towns (Unionville and Fairview) for approval.

Bill Thomas made a motion to continue with the agreement with Union County Public Works for waste management services. BB Haigler seconded the motion. Councilmen Haigler, Thomas, Purser and Clontz voted yes. (4-0)

Mayor Long has talked with Brittney Merola (a student at Duke University, who along with the Union County Environmental and Duke University) about testing for arsenic in wells here in Fairview. They will test ground wells at no cost and also want to study the effects of arsenic on residents.

BB Haigler said he would help advertise the study in his church.

Bill Thomas made a motion to support the study and help promote the service. Bradley Purser seconded the motion. Councilmen Haigler, Thomas, Purser and Clontz voted yes (4-0).

Mayor Long stated that the Transportation Advisory Board did not meet.

Jerry Clontz did not have further information on parks as a service the town could provide.

Bill Thomas had received information that Indian Trail had received information that a town needed 4 ¾ acres of park or open space per 1000 residents. The Town of Stallings is spending \$1MM on their parks first phase and will spend \$1.4MM on the second.

Neal Speer, Union County Fire Marshall, explained the resolution that he asked Fairview to sign which is a Memorandum of Agreement for the Development of a Regional Hazard Mitigation Plan for Cabarrus, Stanly and Union Counties.

B.B. Haigler made a motion to join Union, Cabarrus and Stanly Counties in developing a regional mitigation plan with the help of a grant. Bradley Purser seconded the motion. Councilmen Haigler, Purser, Thomas and Clontz voted yes (4-0).

Bill Thomas made a motion to adopt a resolution consenting to application of Union County's State of Emergency Ordinance (see below). Jerry Clontz seconded the motion. Councilmen Thomas, Purser, Clontz and Haigler voted yes (4-0).

**TOWN OF
FAIRVIEW**

7400 Concord Highway, Monroe, NC 28110

**TOWN OF FAIRVIEW
RESOLUTION CONSENTING TO APPLICATION**

OF UNION COUNTY’S STATE OF EMERGENCY ORDINANCE

WHEREAS, pursuant to N.C.G.S 14-288.13, Union County has enacted An Ordinance Authorizing the Proclamation of a State of Emergency and the Imposition of Prohibitions and Restrictions During a State of Emergency (“Union County’s Emergency Ordinance”), a copy of which is attached and incorporated by reference herein; and

WHEREAS, paragraph (c) of N.C.G.S. 14-288.13 provides that a county ordinance enacted under authority of this section is applicable within the corporate limits of a municipality or within any area of the county over which the municipality has jurisdiction to enact general police power ordinance if the municipality consents, by resolution, to its application; and

WHEREAS, the Town of Fairview recognizes the ongoing threat of natural or manmade disasters and our responsibility to respond promptly and appropriately to minimize loss of life and property; and

WHEREAS, the recognizable threat of disaster does not adhere to municipal boundaries and most likely would require a county wide response; and

WHEREAS, the Town of Fairview due to limited municipal resources recognizes the need to partner with Union County to provide these services, and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town of Fairview consents to application of Union County’s Emergency Ordinance, as that Ordinance may be amended from time to time by the Union County Board of Commissioners, within the corporate limits of the Town of Fairview.
2. This Resolution shall become effective upon adoption.

This Resolution adopted this _____ day of _____, 2011.

Elizabeth Long, Mayor

Ed Humphries, Town Clerk

Tana McConnaughey explained the Memorandum of Understanding and Agreement for the NC Government Debt Setoff Clearinghouse Program. This program allows towns to submit balances owed to them (\$50 or greater) that are past due to this clearinghouse to be paid with State tax refunds of the debtors. It does require the town to obtain Social Security numbers from an outside company before submitting to the State for collection.

It was decided that Tana would bring back before the Council after the first of the year after obtaining further information.

Bradley Purser discussed the Hemby Bridge Fire Department and several homes and a business that are in Fairview, but also in their fire district. Bradley Purser made a motion to pay \$100 to Hemby Bridge Fire Department for an area in Fairview that Hemby Bridge protects as part of their fire department. BB Haigler seconded the motion. Councilmen Purser and Haigler voted yes. Councilmen Clontz and Thomas voted no. Mayor Long voted no. The motion failed (3-2).

Council Comments

Bill Thomas explained how he was disappointed in how the Planning Board member was selected at the last meeting.

Mayor Long read an “Open Letter” to the citizens of Fairview and stated she is sending it to the newspaper (see below).

AN OPEN LETTER TO TOWN OF FAIRVIEW:

I want to thank the voters of Fairview for giving me the opportunity to serve them for the next 4 years. Even though I ran unopposed and voter turnout was low, I still value the affirmation of support from those of you who took the time to vote in this election year.

I have waited until after election to comment on some of the activities of Council over the last few months so that my comments would not be construed to be of a campaign nature.

On any given day, I could bring to Council 15 emails from my Fairview web address promising anywhere from \$5 to \$12 million from some diplomat’s daughter/wife/next-of-kin, but I know it is lie. I could bring in 15 emails to Council about how great it would be to stop traffic on Highway 601 to have a Christmas parade, but I know that can’t happen because of the traveling public, nor would the emails necessarily be from people who live in Fairview. The State of North Carolina has given the Town of Fairview a certified population count of 3,346, so 15 emails can in no way be construed as a majority of what the Town of Fairview wants.

Therefore, 15, 20 or even 100 emails will not be accepted as any indication of the majority approval on any issue and as the presiding officer of Council, I will not allow emails to be presented unless there are at least over 2,000 emails which would represent an approximate 2/3 majority of our certified population and these are confirmed to all be from Fairview residents. Signed, dated and confirmed petitions that represent the majority of our taxpayers will also be accepted. If there is an item that you feel Fairview should consider, there is a public comment section on the agenda of each meeting, so please come to the meeting and state your name and address and give your comments. By law, the Town of Fairview has been given the right to levy taxes and our tax rate is currently at \$.02 per \$100 valuation. By Law, we are to provide our citizens with services in return for their taxes. Nowhere on the list of services that the town is to consider providing is Charitable Contributions. It is not up to the Council to decide where to give away the taxpayers’ money – we are to provide services. I believe our taxpayers can make up their own minds about charitable contributions. Why am I bringing this up? Recently, the Council was presented with the idea of providing a scholarship for a junior fireman. The councilman who brought this up presented 15 emails to back his case. The Town of Fairview already gives a grant to the Fire Department to provide Fire Service. Since the Town of Fairview and The Fairview Volunteer Fire Department are two separate entities, the Town Council cannot tell the Fire Department how to spend our grant to them; however,

we can monitor their use of our funds thru the financial statement that we ask them to provide to the Town. When the Fire Department experienced some financial problem due to a legal issue, the Town was there to help them through it. As two separate entities, we do have one goal in mind – to provide for the safety, security, health and welfare of our citizens. The Town did give a gift of \$1,000 to the Fire Department with a request that it be used for the scholarship, but the Fire Department is in no way legally bound to use the money for that purpose. I found it most odd that if this was a favored issue for the councilman that he did not make the motion to use the monthly stipends of council members for that donation. I now challenge that councilman that brought in the emails to contact each of the writers of those 15 emails for a donation to match the amount that the Town gave – then the Fire Department would have twice as much to use for that scholarship. Again, he could also request that just one month of the stipends for council members could be used and that would add again to the amount of the scholarship.

But not everyone in Fairview has an interest in using his or her taxes for this scholarship and that is my objection. Why not a scholarship for Boy Scouts, Girl Scouts, Woodsmen of the World, etc. This has set a very dangerous precedent. For the members of our council who feel we have so much money available to be given away, and then they should check our last few audited financial statements and then they would realize that revenue from all sources has diminished somewhat due to this recession. In fact, total revenue from all sources for fiscal year ending June 30, 2009 was \$294,472; for the year ending June 30, 2010, total revenue dropped to \$264,939; for the year ending June 30, 2011, total revenue did increase to \$283,268, but still short of the 2009 figure. We are still very much up and down with our revenue received, and as our attorney has advised us, there is still Senate Bill 646 that we may have to contend with, as it requires a town of our size to provide more services.

This past summer, money was given to Fairview Elementary School to purchase computers and also to Piedmont High School for irrigation equipment for ball fields. Not all of the residents of the Town of Fairview have children attending either school. And there has been no reporting back to Council as to whether this money has been used for the purpose intended. Money for the schools is and should rightly be a county issue since a great deal of your county tax is earmarked for education. As long as the Town of Fairview is picking up the tab for the schools in our area, then the money from your county taxes will go elsewhere in the County. This is entirely a case of equitable distribution and the schools in the northern end of the county are just as deserving as the western end, southern end, or eastern end for county funding.

While these donations by the Town may appear to be noble causes, they take away from the real purpose of the Town of Fairview in providing viable services for **all** our citizens.

Due to the uncertainty of the economy and to allow more funds in our budget to sustain future services as well as keeping administrative costs low, I am appointing a citizens group to review all staff members' job descriptions and salary requirements to make sure that the salaries are in line with what other towns are paying for the same duties and if staff member salary requirements are justified. They are also to review all monthly stipends for Town Council and the Planning Board to see if these expenditures are warranted. I am asking each Council member to present a name of a Fairview resident and taxpayer at next month's meeting to serve on this committee. And this committee's recommendations will be included and acknowledged in our next year's budget. I am also asking Mr. Arnold Price as Council-Member

Elect to serve on this committee and keep the records as one of his first duties.

The Town of Fairview was not incorporated as a means to provide employment for your neighbor, relative, or golfing buddy. We do not own our building – we lease the Town Hall from Union County Public Schools and our office at the Fire Department from the Fairview Volunteer Fire Department. I do not think either organization would be at all pleased at the prospect of the Town hiring someone to do work at either facility in the space we use without insuring that the company doing the work has the proper license and insurance. This is not a matter of procedure, but a pure matter of common sense! Likewise, any staff member hired by the Town of Fairview must have the proper qualifications in order to do the job, and their wage? requirements must be justified!

The Town of Fairview is a Mayor-Council form of local government. It does not have a town manager – we do not have anything to manage. We have three part-time employees - a Finance Director, a Tax Collector, and a Land Use Administrator/Town Clerk. Per the job descriptions drawn up and approved by Council for each position, only one of our part-time employees has been given any signature authority, and that would be our Finance Director who has access to our financial accounts and these accounts required two signatures. There is no need for any other staff members to have access to our financial accounts, and there is no reason for any staff member to have verbal or signature authority to hire or to enter into any contracts or agreements. If you have been told differently or if a staff members states he has the authority to speak for the Town, then you need to contact the Mayor or a Town Council Member directly and immediately.

In a few short months, we will be entering into a new budget session. I urge all residents to take a look at the itemization of their tax bill that is now due. Most probably, the least amount listed on that bill is taxes to the Town of Fairview. Regardless of the amount, this is your money, not the Town Council's money. If the Council feels that we have money to give away, then any gift should be in the form of a Revenue Neutral Tax so that there would be a savings across the board to all taxpayers for the Town of Fairview. No part-time staff member should have or be granted a greater voice than you – the taxpayer – at our budget session as to how YOUR MONEY is to be spent. You, the taxpayer, have the right to demand accountability from you're elected officials and the staff of the Town of Fairview. After all, it is YOUR TOWN AND YOUR TAX MONEY!

I imagine that this letter will generate some discussion and it should. As Mayor, I do not have a vote unless it is to break a tie. But you, as a resident and taxpayer, do have a voice and you need to be at the meetings to judge for yourself if the Council's actions are carried out correctly and for your benefit. The Town Council regularly meets at 7 on the second Monday night of each month and any special meetings are advertised. You can request the Town Clerk to notify you of any Special Meetings. REMEMBER, IT IS YOUR MONEY!

Respectfully submitted,
Elizabeth B. Long, Mayor
Town of Fairview

Minutes

B.B. Haigler made a motion to approve the minutes of the October 10, 2011 meeting as corrected. Jerry Clontz seconded the motion. Councilmen Clontz, Haigler, Thomas and Purser voted yes (4-0).

Bradley Purser made a motion to go into Closed Session with the financial officer, attorney, clerk and Councilman Elect Price attending. Jerry Clontz seconded the motion. Councilmen Haigler, Thomas, Purser and Clontz voted yes (4-0).

[CLOSED SESSION]

Jerry Clontz made a motion to adjourn. Bradley Purser seconded the motion. Councilmen Purser, Clontz, Haigler and Thomas voted yes (4-0).

Respectfully submitted,

Ed Humphries
Town Clerk

Elizabeth Long
Mayor

Approved this 9th day of Jan., 2012.