

**Town of Fairview
Regular Meeting
April 8, 2013
7:00 p.m.**

The following Council members were present: Mayor Elizabeth Long, Bradley Purser, Arnold Price, Jerry Clontz and B.B. Haigler.

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

Agenda Changes and Approval

Jerry Clontz stated he would like to talk about the proposed House Bill 394 and put it under Darrell Baucom's report.

B.B. Haigler stated he would like to add an "Economic Development Report" by Tony Helms under C also.

Jerry Clontz made a motion to approve the agenda with changes. B.B. Haigler seconded the motion. Councilmen Haigler, Clontz, Purser and Price voted yes (4-0).

Public Comments

None

Reports

Jerry Clontz voiced some real concern over the proposed Senate Bill 394(Lower Taxes for a Stronger NC Economy---Tax Reform) and how it will affect the Town's revenue as it concerns franchise and sales taxes which make up two-thirds of the Town's income. The NCLM has stated if changes are made, they want them to be revenue neutral. Both Darrell Baucom and Joe McCollum stated it is still early to know exactly how changes will be made. Darrell Baucom stated that he would budget as normal until he heard otherwise. He also said that the County has still not billed the "trash fee" that had been agreed on with the Town and County.

Ed Humphries, Land Use Administrator, gave his Zoning report and Tax report.

Tony Helms gave his report stating the Monroe/Union County Economic Commission was working on 17 or 18 projects, seven of which are active. The main concern now was to create jobs. Helms thought it was good that we were included in the "work plan" as he thought it would be important with the "Small Area Plan" that the towns plans.

New Business

The Town has been asked by the Sheriff's Department to adopt an ordinance regulating record keeping requirements for cash converter businesses, pawn brokers, precious metals dealers and secondary metals recyclers.

AN ORDINANCE REGULATING RECORDKEEPING REQUIREMENTS FOR CASH CONVERTER BUSINESSES, PAWNBROKERS, PRECIOUS METALS DEALERS AND SECONDARY METALS RECYCLERS

WHEREAS, the **Town of Fairview Council** has determined that the making of pawn loans and the acquisition and disposition of tangible personal property by and through pawnbrokers, pawnshops, cash converters, recycled metals dealers and precious metals dealers affects the general economy of **Town of Fairview** and the health, safety, and welfare of its citizens, and in recognition of these facts, the **Town of Fairview Council** adopts this ordinance for the purpose of preventing unlawful property transactions, particularly in stolen property; and

WHEREAS, the **Town of Fairview Council** also adopts this ordinance for the purpose of assisting the Union County Sheriff's Office with finding stolen property and apprehending persons guilty of theft and other related property crimes; and

WHEREAS, North Carolina General Statute § 66-397 authorizes municipalities to adopt by ordinance the provisions of Part 1 of Article 45 of Chapter 66 of the General Statutes and to adopt such other rules and regulations as the governing body deems appropriate for cash converters and pawnbrokers, provided that no county or city may regulate (1) Interest, fees, or recovery charges; (2) Hours of operation, unless such regulation applies to businesses, generally; (3) The nature of the business or type of pawn transaction; or (4) License fees in excess of rates set by the State; and

WHEREAS, N.C.G.S. § 66-391, N.C.G.S. § 66-392, N.C.G.S. § 66-410, N.C.G.S. § 66-422 all allow for the electronic transmission of records from pawnbrokers, cash converter businesses, precious metals dealers and secondary metals recyclers to local law enforcement agencies; and

WHEREAS, no part of this ordinance is in conflict with any Part or statute in Chapter 66 of the North Carolina General Statutes;

NOW, THEREFORE, be it ordained by the **Town of Fairview Council**:

SECTION 1. Adoption of Part 1 of Article 45 of Chapter 66 of the General Statutes.

The provisions found in Part 1 of Article 45 of Chapter 66 of the North Carolina General Statutes are hereby adopted by this ordinance.

SECTION 2. Definitions.

- (a) "Cash converter" shall have the same meaning as defined in North Carolina General Statute § 66-387.
- (b) "Dealer" shall have the same meaning as defined in North Carolina General Statute § 66-406.
- (c) "Local law enforcement agency" shall have the same meaning as defined in North Carolina General Statute § 66-406.
- (d) "Pawnbroker" shall have the same meaning as defined in North Carolina General Statute § 66-387.
- (e) "Pawnshop" shall have the same meaning as defined in North Carolina General Statute § 66-387.
- (f) "Precious Metal" shall have the same meaning as defined in North Carolina General Statute § 66-406.
- (g) "Precious metals dealer" shall have the same meaning as the term "Dealer" as defined by North Carolina General Statute § 66-406.
- (h) "Secondary metals recycler" shall have the same meaning as defined in Chapter 66 of the North Carolina General Statutes. The exemptions found in North Carolina General Statute §66-427 shall also constitute exemptions to this ordinance's definition of the term "secondary metals recycler."

SECTION 3. Photographs or Video.

Every pawnbroker and every cash converter shall obtain a video or digital photograph of the seller or pledgor together with any property being delivered by the seller or pledgor. The video or photograph required by this section shall be of a quality that is sufficient to allow a person of ordinary faculties to identify the person recorded or photographed. The photograph or video shall be uploaded to the entity or electronic system designated by the Union County Sheriff's Office for receipt of the information on behalf of the Union County Sheriff's Office.

SECTION 4. Electronic transmittal of required records.

- A. Upon designation by the Union County Sheriff of an entity or an electronic system for receipt of the information on behalf of the Union County Sheriff's Office, every pawnbroker shall electronically input/upload and transmit the information that must be made available for the Sheriff's inspection and pickup pursuant to N.C.G.S. §66-391. The input/upload and transmission shall be made to

the entity or electronic system designated by the Union County Sheriff for receipt of the information on behalf of the Union County Sheriff's Office. The input/upload and transmission shall be made each regular workday.

- B. Upon designation by the Union County Sheriff of an entity or an electronic system for receipt of the information on behalf of the Union County Sheriff's Office, every cash converter shall electronically input/upload and transmit the information that must be made available for the Sheriff's inspection and pickup pursuant to N.C.G.S. §66-392. The input/upload and transmission shall be made to the entity designated or on an electronic system designated by the Union County Sheriff for receipt of the information on behalf of the Union County Sheriff's Office. The input/upload and transmission shall be made each regular workday.
- C. Upon designation by the Union County Sheriff of an entity or an electronic system for receipt of the information on behalf of the Union County Sheriff's Office, every precious metals dealer shall electronically input/upload and transmit the information that the precious metals dealer is required to file or report to the local law enforcement agency pursuant to N.C.G.S. §66-410. The input/upload and transmission shall be made to the entity designated or on an electronic system designated by the Union County Sheriff for receipt of the information on behalf of the Union County Sheriff's Office. The input/upload and transmission shall be made within 48 hours of every precious metal(s) transaction.
- D. Upon designation by the Union County Sheriff of an entity or an electronic system for receipt of the information on behalf of the Union County Sheriff's Office, every secondary metals recycler shall electronically input/upload and transmit the information that the secondary metals recycler is required to make available for pickup by the Sheriff pursuant to N.C.G.S. §66-422. The input/upload and transmission shall be made to the entity designated or on an electronic system designated by the Union County Sheriff for receipt of the information on behalf of the Union County Sheriff's Office. The input/upload and transmission shall be made each regular workday.

SECTION 5. ORDINANCE NOT MEANT TO SERVE AS A SUBSTITUTE FOR STATUTORY RECORDKEEPING, RETENTION, ETC. REQUIREMENTS.

Notwithstanding anything in this ordinance to the contrary, this ordinance and the resulting designation by the Sheriff of an entity or electronic system for the receipt of information shall not serve as substitutes for or in satisfaction of the recordkeeping, record retention, record disposal, receipt and ticketing requirements set forth in Chapter 66 of North Carolina General Statutes. Section 4 of this ordinance merely establishes how information is to be transferred to the Union County Sheriff's Office. Pawnbrokers, pawnshops, cash converters, secondary metals recyclers, and precious metals dealers are independently responsible for meeting all statutory requirements. Reliance on the entity or the electronic system designated by the Sheriff for fulfillment of any statutory requirement other than the electronic transfer of information to the Sheriff's Office is at the pawnbrokers', cash converters', precious metals dealers', and secondary metals recyclers' own risk.

SECTION 6. PENALTIES FOR VIOLATION.

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 Sheriff of Union County or his designee that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(a) Violations shall constitute a Class 3 misdemeanor pursuant to G.S. § 14-4, punishable by a fine of up to \$500.00 and imprisonment in the discretion of the court.

(b) **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.

SECTION 7. APPLICABILITY. The provisions of this ordinance shall apply within the corporate limits of **Town of Fairview**.

SECTION 8. AUTHORITY. Whenever any provision of this ordinance refers to or cites a section, part, or chapter of the North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section, part, or chapter, or the section, part, or chapter that most nearly corresponds to the superseded section, part, or chapter.

SECTION 9. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such a holding.

SECTION 10. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

B.B. Haigler made a motion to adopt the ordinance. Jerry Clontz seconded the motion. Councilmen Haigler, Clontz, Price and Purser voted yes (4-0).

Old Business

- A. The Council considered dates to interview firms for the "Small Area Plan" for downtown. Jerry Clontz made a motion to interview the firms at a **Called Special Meeting on April**

22, starting at 6:00 p.m. Each firm would have 45 minutes to interview. Arnold Price seconded the motion. Councilmen Clontz, Haigler, Purser and Price voted yes (4-0).

- B. Appoint **Sub-Committee for “Fire Department Project Committee”**. Three members would be appointed by the Fire Department Board of Directors and the Town would appoint two Council members and coordinator. Mayor Long asked about the Community involvement with this committee. Jerry Clontz stated that the Community would be involved but not with this committee.

Bradley Purser made a motion to establish a **Fire Department Project Committee** with three members appointed by the Fire Department Board and two members from the Council who would be Jerry Clontz and Arnold Price with Ed Humphries being the coordinator for the committee. B.B. Haigler seconded the motion. Councilmen Haigler, Clontz, Price and Purser voted yes (4-0).

- C. Bradley Purser stated that he would like to officially resign from the Board of Adjustment as an alternate member.

B.B. Haigler made a motion to appoint John Biggers as the alternate member to replace Bradley Purser on the Board of Adjustment. Jerry Clontz seconded the motion. Councilmen Haigler, Purser, Price and Clontz voted yes (4-0).

- D. Bradley Purser stated that he thought it important that the Town invest in some retrieval and imaging software for the Town records, and wants the Town to discuss at budget time. The Clerk is to look into a company(s) and the costs involved.

Council Comments

Mayor Long stated that the building of the fire station was a “joint venture” between the town and the fire department. The town was providing the land and money, “What is the Fire Department bringing to the table?”. Brian Nance answered the Mayor, saying that they were not sure at this time, but they were excited to have a committee working on possible options of building a new station.

B.B. Haigler stated that work around the pond had begun and that the big trees that needed to be removed were not included. Jerry Clontz stated that the Park Committee will view the park at their next meeting. Mayor Long stated that shooting was still happening toward the Town property.

Arnold Price made a motion to surplus the three pieces of Town equipment that Tana Mcconnaughey has under 160A-266 and declare the equipment of no value. The Town Clerk is to discard the property and have all town information deleted.

Dell Laptop CN-OK3227-12961-4CA 2116

Inspiron 1150

HP Office jet 6210 CN492BE3N4

6210 Printer

Sharp Calculator 4D036553

1801P

Jerry Clontz seconded the motion. Councilmen Price, Clontz, Haigler and Purser voted yes (4-0).

Mayor Long stated:

1. United Family Services had changed their name to Safe Alliance and that April was 'Child Protection Month'
2. She had attended a meeting of "Women in Politics along with Jennifer Roberts and Lynda Paxton
3. She had talked to Mary Simpson (wife) about Mayor Larry Simpson of Unionville and his recent heart surgery.
Larry is doing well. The Mayor and Larry had discussed the round-a-bout to be constructed by DOT near Piedmont High School.
4. She had talked to Mark Brody's office to speed up construction on the 218 Bridge over Goose Creek.
The 218 Bridge would now need another environmental assessment and the contract to improve the bridge would not be bid until November and work would begin after the first of the year. The Mayor stated the bridge is in bad shape.
5. there continues to be shooting toward the park area and no one has said anything.
(general consensus was to call the Sheriff when it happened)

Jerry Clontz stated that the park Committee would tour the park site next week and give information to the Council at the next meeting.

Jerry Clontz stated that a printer is needed in the meeting room. Jerry Clontz made a motion instructing the Clerk to purchase a printer for the meeting room and pay up to \$125. Bradley Purser seconded the motion. Councilmen Clontz, Purser, Price and Haigler voted yes (4-0).

Mayor Long stated that a **Budget Workshop** needed to be scheduled. It was decided that **Monday, April 29 at 7:00 p.m.** would be the date of the Budget Workshop.

Jerry Clontz stated if the State made changes to our revenue and income dropped that the Town might have to raise taxes to pay for the Fire Department building.

Minutes

B.B. Haigler made a motion to approve the March 11, 2013 minutes of the Regular Meeting with corrections. Arnold Price seconded the motion. Councilmen Haigler, Clontz, Price and Purser voted yes (4-0).

Arnold Price made a motion to go into Closed Session for personnel and to include Joe McCollum, Darrell Baucom and Ed Humphries. B.B. Haigler seconded the motion. Councilmen Price, Haigler, Clontz and Purser voted yes (4-0).

CLOSED SESSION

Mayor Long reopened the Regular Meeting.

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

Respectfully submitted,

Ed Humphries
Town Clerk

Elizabeth Long
Mayor

Approved this 13th day of May, 2013.