

**TOWN OF LONG VIEW
TOWN ALDERMEN MEETING
December 12, 2005**

The Town of Long View Board of Aldermen met on Monday, December 12, 2005 at 7:30 p.m. in the Town Council Chambers of the Government Center in Long View, North Carolina.

BOARD PRESENT: The following members of the Board were present: Mayor Norman Cook, Alderman Ken Bumgarner, Alderman Randall Mays, Alderman Vernon Moyer, Alderman John McDaris, and Alderman Jackie Bowman.

STAFF PRESENT: The following members of staff were present: Town Administrator David Epley, Town Clerk Frances Hildebran, Town Attorney Redmond Dill, Police Sgt. Mike Ford, Fire Chief Eric Shepherd, Town Planner Charles Mullis, Public Works Director David Draughn, Water Plant Superintendent Rani Holland, and Finance Director Jamie Cozart.

OTHERS PRESENT: The following names represent other persons present at the meeting; Mr. and Mrs. Jack White and others.

MEETING CALLED TO ORDER: Mayor Norman Cook called the meeting to order and the invocation was given by Alderman John McDaris.

APPROVAL OF MINUTES: Motion was made by Alderman Vernon Moyer, seconded by Alderman Randall Mays to approve the November 14, 2005 regular and closed session minutes. The vote was unanimous.

MAYOR AND ALDERMEN OATH OF OFFICE: Mayor Norman Cook and Aldermen Ken Bumgarner and John McDaris were re-elected to the Long View Board.

Town Attorney Redmond Dill administered the following Oath of Office to Mayor Norman Cook:

OATH OF OFFICE

I, **Norman Cook**, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as **Mayor** of the Town of Long View, so help me God.

I, **Norman Cook**, do solemnly swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established

for government thereof; and that I will endeavor to support, maintain, and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

Signed this 12th, day of December, 2005.

Norman Cook
Mayor

Sworn and subscribed before me this 12th day of December, 2005.

(Official Seal)

Notary Public

Notary Commission expires: _____

Attorney Redmond Dill administered the Oath of Office to Aldermen Ken Bumgarner and John McDaris as follows:

OATH OF OFFICE

I, **Ken Bumgarner**, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Alderman of the Town of Long View, so help me God.

I, **Ken Bumgarner**, do solemnly swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for government thereof; and that I will endeavor to support, maintain, and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

Signed this 12th, day of December, 2005.

Ken Bumgarner
Alderman

Sworn and subscribed before me this 12th day of December, 2005.

(Official Seal)

Notary Public

Notary Commission expires: _____

OATH OF OFFICE

I, **John McDaris**, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Alderman of the Town of Long View, so help me God.

I, **John McDaris**, do solemnly swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for government thereof; and that I will endeavor to support, maintain, and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

Signed this 12th, day of December, 2005.

John McDaris
Alderman

Sworn and subscribed before me this 12th day of December, 2005.

(Official Seal)

Notary Public

Notary Commission expires: _____

APPOINTMENT OF MAYOR PRO TEM: Mayor Cook noted that it was customary that the Alderman with the highest number of votes be appointed as Mayor Pro Tem. Alderman Bumgarner had the highest number of votes this election, but stated he would accept the position as Mayor Pro Tem, but he has served in that capacity before and if the Board so wished he would pass the title to another Board member.

It was noted that Vernon Moyer has served faithfully as Mayor Pro Tem for the past few years and has done an excellent job. Alderman Moyer stated that he would be glad to continue as Mayor Pro Tem if that was the Board's desire.

Motion was made by Alderman Bowman, seconded by Alderman Bumgarner to re-appoint Vernon Moyer as the Mayor Pro Tem for the Town of Long View. The vote was unanimous.

APPOINTMENT OF WPCOG POLICY BOARD DELEGATE AND ALTERNATE: The Administrator informed the Board that a Delegate and Alternate to the Western Piedmont Council of Governments Policy Board needed to be appointed.

It was noted that Vernon Moyer was the Delegate and Randall Mays the Alternate. It was the consensus of the Board that these men continue to be the Delegate and Alternate representatives to the WPCOG Policy Board.

WESTERN NC RAILWAY STUDY PUBLIC HEARING: Mayor Cook declared the Public Hearing open on the Western NC Railway Study. Town Planner Chuck Mullis gave the Board an update on the project.

He informed the Board that Gannett Fleming Incorporated in conjunction with the NC Department of Transportation Rail Division has conducted a number of grade crossing studies in Western North Carolina including the Town of Long View.

As a result of the study it was noted that the Town had several railway crossings along a relatively short segment of track. The NCDOT believes that any railway crossing that could possibly be removed should be and other crossings made safer for both the motoring public and train crews.

Mr. Mullis informed the Board that the first thing DOT has proposed would be to close and remove the railway crossing at 31st Street, SW. This includes removing the grade crossing and the automatic warning devices, as well as removing all railroad pavement markings and all remaining abandoned pavement.

The second phase of the project would be to relocate and reconstruct the 33rd St, SW grade crossing. This would include constructing a new crossing of the railroad including a concrete crossing surface approximately 200 feet west of the current crossing to align with 34th Street, NW. 33rd Street South of First Avenue would be realigned to connect to the new crossing. It was added that the realignment of 33rd Street conforms to the Transportation Improvement Program Project which proposes to create a connector roadway from I-40 to the Hickory Regional Airport. Other modifications were also discussed by the Planner.

The proposal calls for the closing of Main Avenue, NW approximately 175 feet east of the new crossing adjacent to the church driveway, as well as the cul-de-sac at Main Avenue, NW approximately 300 feet west of the new crossing. The remaining abandoned pavement would be removed. It was noted that West bound motorists on Main Avenue would no longer have direct access to 34th Street, but instead will have to access 34th Street from Main Avenue Drive requiring them to drive one or two blocks further than they would under current conditions. It was suggested that westbound motorists on Main Avenue can cross over to First Avenue at 27th or 28th Street and then turn North or South at the traffic sign relocated at 33rd Street.

Mr. Mullis stated that highway/rail at-grade crossings were significant obstacles to the safe and sufficient movement of passenger and freight traffic and by removing the rail crossing at 31ST Street and realigning the crossing at 33rd Street the possibility of collisions and the results of accidents and fatalities would be eliminated.

In conclusion it was noted that the prime objective of this project was to improve public safety.

The Town Planner informed the Board that Mr. Robert Pressley Senior Project Manager with Gannett Fleming, Inc. was available to answer questions.

Mr. Pressley stated that this project was expected to take place around 2011. However, if the program proves to be worthwhile the project may be moved up to an earlier date upon approval of the General Assembly.

At this time there was detailed discussion among the Board about various aspects of the closings and realignment. The Board did express its concern for the safety of the citizens and thought the project was worthwhile.

There being no further discussion or questions, Mayor Cook declared the Public Hearing closed.

Motion was made by Alderman Mays, seconded by Alderman Bowman to approve the following resolution of support. The vote was unanimous.

RESOLUTION OF SUPPORT WESTERN NORTH CAROLINA AREA CROSSING STUDY RECOMMENDATIONS

WHEREAS, the North Carolina Department of Transportation (NCDOT) has been studying the Salisbury-Asheville railroad corridor for an extension of conventional rail passenger service to Western North Carolina and the necessary related track and crossing safety improvement; and

WHEREAS, the North Carolina Board of Transportation approved a resolution at its meeting on October 6, 1995, directing that the number of highway/rail at-grade crossings be reduced on the State Highway System, adopted procedures by which to do so, and encouraged municipalities to implement crossing consolidation projects; and

WHEREAS, NCDOT, and its professional engineers and transportation planners have made certain safety and crossing consolidation recommendations in the **Municipality of Long View**, attached as “Exhibit A” as part of the Western North Carolina Area Crossing Studies; and

WHEREAS, NCDOT has stated its intent to fund these crossing safety projects through the Federal-Aid Crossing Hazard Elimination Program as eligible and available, and future funding that may be appropriated for development of Western North Carolina rail passenger service; and

WHEREAS, utilization of our rail network offers significant economic development, environmental, and safety benefits, and is a solution to increasing highway congestion; and

WHEREAS, public safety is a prime objective of NCDOT in planning and improving transportation facilities, including rail passenger service extensions; and

WHEREAS, highway/rail at-grade crossings are a significant obstacle to the safe and efficient movement of passenger and freight traffic; and

WHEREAS, that safety and integrity of a freight and passenger rail corridor is diminished with each additional at-grade crossing limiting the ability of the corridor to serve these useful purposes for present and future users; and

WHEREAS, it is in the public interest for NCDOT and the **Municipality of Long View** to adopt and implement policy that reduces the number of at-grade crossings, and

WHEREAS, grade separated intersections eliminate the possibility of collisions and the resulting accidents and fatalities.

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The **Municipality of Long View** endorses the recommendations made by NCDOT in “Exhibit A” and will make a best effort to work with NCDOT to implement said improvements and crossing closures as part of initiatives to improve crossing safely and extend rail passenger service to Western North Carolina.
- (2) The **Municipality of Long View** will continue to work with NCDOT to reduce the number of at-grade crossings to the minimum number possible along the Salisbury-Asheville corridor through the transportation planning process.
- (3) The **Municipality of Long View** will encourage land development that is harmonious with the development of the Salisbury-Asheville corridor for future freight and passenger rail options.

This, the 12th day of December, 2005.

Mayor Norman Cook

Attest:

Town Clerk

DISPOSITION OF TOWN OWNED HOMES ON 8th AVENUE (Airport Road):

The Town Administrator passed out a copy of the asbestos inspection on the two houses owned by the Town on Airport Road. It was reported that positive asbestos was found by Unifour Asbestos Company at 2333 and 2335 8th Avenue, NW. The asbestos found was a crysatile non-friable that would not crumble into a powder form. It would have to be removed separately from demolition and disposed of properly but did not require the stringent handling regulations of friable asbestos reported the Administrator.

The Board was informed that staff has contacted four companies who are certified in asbestos removal for quotes on the demolition of the house at 2333 8th Ave. Quotes should be available at the January Board meeting.

FINANCE REPORT: Finance Director James Cozart gave the finance report. It was reported that the year was 33% complete and the General Fund revenues were over expenditures by \$294,921.34. In the Utility Fund the expenditures were over revenues by \$230,419.86. It was noted that the reason the Utility Fund was overspent was due to the repairs to the raw water pump station.

ADMINISTRATOR'S REPORT: Alderman Moyer asked staff at the last meeting to report to the Board on the Town's disaster contingency plan. Administrator Epley informed the Board that the Town received mutual aid from Catawba County. The Town's minutes were on microfilm in Raleigh. The payroll, finance records and utility records are backed up daily and taken off site. The auditors have copies of financial records and the Town's computer company has files. The Administrator informed the Board that he would get with the Police Chief and Fire Chief to come up with a plan for their records.

23rd STREET UPDATE: Public Works Director David Draughn gave the Board an update on the 23rd Street Project. It was noted that the contractor found a 12 inch water line and an 8 inch line that was not recorded on the map and these lines have slowed the project down.

OTHER BUSINESS: At this time the Mayor asked the Board members if they had any comments or concerns.

Alderman Bowman congratulated Ken and Pat Bumgarner on their 50th Anniversary and wished everyone a Merry Christmas.

Alderman Mays asked the Public Works staff if they could place a dead end street sign on 15th Avenue at the lower end of the 1700 block. He also noted that he had received several complaints about dogs barking off 19th Avenue and he wanted the Town to check into this. There was detailed discussion about what the Town's ordinance said and if it could be enforced. There was discussion if the number of dogs represented a kennel and the Administrator informed the Board that the Town had an ordinance already on the books that would address the problem. Also, the barking violates the noise ordinance and the police department can enforce that.

Following further discussion the Town Attorney stated that the Ordinance may need to be revisited.

Mayor Cook recommended that the Town Planner, Code Enforcement Officer, Town Administrator, Attorney and Police Chief review the ordinance and see what can be done to address the dog problem.

Alderman McDaris asked the Administrator what the status was on Harold Duckworth's project and he was informed that the engineers were working on the design.

ADJOURNMENT: There being no further business motion was made by Alderman Bumgarner, seconded by Alderman Mays to adjourn the meeting at 8:10 p.m. The vote was unanimous.

Town Clerk

Mayor