

**THE TOWN OF LONG VIEW
TOWN ALDERMEN MEETING
June 13, 2005**

The Town of Long View Board of Aldermen met on Monday, June 13, 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 Jackie Bowman and Alderman John McDaris.

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

OTHERS PRESENT: The following names represent other persons present at the meeting: Luther Rudicill, David and Kay Clark, Doug Marlowe and other citizens.

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 and seconded by Alderman John McDaris to approve the May 9, 2005 Regular Meeting and Closed Session Minutes and the May 16, 2005 Board meeting minutes. The vote was unanimous.

REPEAT OFFENCES ORDINANCE: The Board was informed that the Repeat Offences Ordinance Public Hearing has been set for Monday, June 27, 2005 at 7:30 p.m.

The Board was also informed that the June 27th meeting will take the place of the regular July Board of Aldermen meeting.

PROPOSED FISCAL YEAR 2005 – 2006 BUDGET PUBLIC HEARING: Mayor Norman Cook called the 2005 – 2006 proposed Budget Public Hearing open.

SUMMARY OF FISCAL YEAR 2005 - 2006 PROPOSED BUDGET

Section I. The following amounts are hereby appropriated to the fund set forth for the operation of the Town Government and its activities for the fiscal year beginning July 1, 2005 and ending June 30, 2006 in accordance with the Chart of Accounts heretofore established for this Town:

| | |
|---------------------|--------------------|
| General Fund | \$2,535,475 |
|---------------------|--------------------|

| | |
|----------------------------|-----------|
| Governing Board | \$ 21,191 |
| Administration | 493,754 |
| Town Complex | 176,603 |
| Planning & Development | 86,965 |
| Police Department | 686,318 |
| Fire Department | 411,902 |
| Street Department | 350,131 |
| Powell Bill | 134,500 |
| Recreation Department | 19,500 |
| Recreation - Swimming Pool | 20,600 |
| Contingency Breakdown | - |
| Risk Management | 9,300 |
| Medical Center | 43,711 |
| Garage - General Fund | 81,000 |

Utility Fund **\$1,940,058**

| | |
|-----------------------|-----------|
| Debt Service | \$368,433 |
| Public Utilities | 814,176 |
| Water Plant | 413,449 |
| Wastewater Plant | 331,000 |
| Garage-Utility Fund | 13,000 |
| Contingency Breakdown | - |

Total Expenditures **\$ 4,475,533**

Section II. It is estimated, and therefore appropriated, that the following revenues will be made available to the respective funds for the fiscal year beginning July 1, 2005, as follows:

| | |
|-----------------------|---------------------|
| GENERAL FUND | \$2,535,475 |
| UTILITY FUND | \$1,940,058 |
| TOTAL REVENUES | \$ 4,475,533 |

Administrator Epley read the Budget Message. He informed the Board that the tax rate of \$.40 per \$100 will remain the same. Revenues were projected to be up \$93,750 from last year. Insurance cost has only gone up 6% so the same coverage will be provided to the employees. The Utility Fund revenues are projected to be up \$156,500 from last year. It was noted that this increase in revenue is due to the increase in sewer rates that were implemented last year. It was noted that the sewer rates from the City of Hickory were

increasing and an additional \$2.00 increase in sewer rates was proposed. Mr. Epley noted that a \$1.00 increase for garbage collections was also being requested. The Board was informed that the fund balance appropriation for the Utility Fund was \$244,036 which is down from last year's appropriation of \$450,112. A 3% cost of living for all employees was recommended. Overall the Administrator informed the Board the budget was up \$17,326 from last year which is less than 1%.

Following a brief discussion, Mayor Cook declared the public hearing closed.

Motion was made by Alderman Mays, seconded by Alderman Bowman to approve the budget on the first reading. The second reading and adoption of the 2005 – 2006 budget was set for Monday, June 27, 2005 at 7:30 p.m.

COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING: Mayor Norman Cook declared the public hearing open on the Community Development Block Grant (CDBG) program.

Ms. Nancy Coley with Western Piedmont Council of Governments noted that the purpose of the public hearing was to receive citizen input in the development of Community Development Block Grant applications for the coming year.

These applications are to be submitted to the NC Department of Commerce. Funds from the program can be used for many different activities such as:

- (1) Community Revitalization
- (2) Scattered Site Grants
- (3) Infrastructure Grants
- (4) Economic Development Funds
- (5) Housing Development Grants
- (6) Urgent Needs grants
- (7) Capacity Building Grants

Ms. Coley informed the Board that before a grant application can be submitted two public hearings must be held and this public hearing meets the requirements for one of them. The second public hearing would be more specific and identify the project the grant is being applied for.

There was a brief discussion on specific projects and Ms. Coley noted that the grant had to be used to assist low/moderate income families.

There being no further discussion or comments the public hearing was declared closed by Mayor Cook.

HICKORY REGIONAL PLANNING COMMISSION APPOINTMENT: The Hickory City Council was in the process of making appointments to boards and commissions and they needed a recommendation from the Town of Long View for the

Hickory Regional Planning Commission to serve a three-year term beginning July 1, 2005. It was noted that Alderman Randall Mays, who currently serves in that position is eligible for reappointment.

Motion was made by Alderman Bumgarner, seconded by Alderman Moyer to reappoint Randall Mays for another three-year term to the Hickory Regional Planning Commission. The vote was unanimous.

PLANNING BOARD BYLAWS: Administrator Epley presented to the Board proposed Bylaws as approved by the Long View Planning Board. The Bylaws were reviewed and it was noted that the term "Town Council" needed to be changed to "Board of Aldermen" throughout the bylaws and the last line in 9-6 needed to be revised to state that, any non-excused member who abstains from voting shall be counted as having made an aye or affirmative vote.

It was recommended that the bylaws be approved contingent upon the corrections as noted by the Board of Aldermen.

Motion was made by Alderman Moyer, seconded by Alderman Bumgarner to approve the bylaws as presented with the minor changes as noted above. The vote was unanimous.

TOWN OF LONG VIEW PLANNING BOARD PROPOSED BYLAWS

ARTICLE I

Establishment

- 1-1 The Town of Long View Planning Board, having been created by the Town of Long View Board of Alderman, shall be hereafter referred to as the "Planning Board".
- 1-2 The Planning Board shall be considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings regulation (i.e., Chapter 143, Article 33C of the North Carolina General Statutes).

ARTICLE II

Duties and Powers

- 2-1 The primary objective of the Planning Board is to develop and maintain a continuing cooperative planning program to benefit the residents of the Town Long View.
- 2-2 The purposes of the Planning Board are as follows:
- a. To make studies of the Town and its environs;
 - b. To determine objectives to be sought in the development of the areas under study;
 - c. To prepare and recommend plans for achieving these objectives;
 - d. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 - e. To keep the Town Board of Alderman and the general public informed and advised as to these matters.
 - f. To review and make recommendations to the Town of Long View Board of Alderman (hereinafter

referred to as the " Board of Alderman ") regarding proposed changes to the Town of Long View Zoning Ordinance text and map.

- g. To review and make recommendations to the Board of Alderman regarding the Town of Long View Land Use Plan.
- h. To elect officers from its membership.
- i. To perform any other related duties contained in the Zoning Ordinance, Storm Water ordinance "Manual" and Subdivision Ordinance or as directed by the Board of Aldermen such requests by the Council shall be in writing.

ARTICLE III

Appointment and Terms

- 3-1 The Planning Board shall consist of seven (5) regular members and two (2) alternates, all of whom are residents of the Town of Long View and who have been duly appointed by the Board of Aldermen.
- 3-2 All regular and alternate Planning Board members shall be appointed for three (3) year staggered terms. Terms shall begin on July 1 and expire on June 30.
- 3-3 If vacancy on the Planning Board occurs by reason of death, resignation, change of residence, Board of Aldermen removal, or any other cause, the seat shall be filled by the in an expeditious manner for the duration of the unexpired term.
- 3-4 The Town Clerk shall be responsible for maintaining a current list of Planning Board members, including the effective date of their appointment and the expiration date of their term. The Clerk shall keep the Board of Aldermen informed as to when any term is to expire, at least sixty (60) days prior to the expiration date.

ARTICLE IV

Alternate Members

- 4-1 Alternate members of the Planning Board shall be requested to attend all regular and special meetings and shall be able to cast a vote when a regular member of the Planning Board is absent or if any Planning Board member has a conflict of interest. When seated, alternate members shall have the same powers and duties of any regular member.
- 4-2 The alternate members shall annually be assigned the numbers "1" or "2" by the Board of Aldermen. The following system shall be employed for using an alternate member to replace a regular member who is absent, whose seat is temporarily vacant, or who has been excused by the Planning Board from voting due to a conflict of interest:
- 4-3 Initially, Alternate "1" shall first be asked to serve. If he is absent or has a conflict of interest, Alternate "2" shall be asked to serve. If Alternate "1" does serve, Alternate "2" will be first asked to serve at the next meeting. If Alternate "2" serves, Alternate "1" will be first asked to serve at the next meeting.

ARTICLE V

Election of Officers

- 5-1 A Chairman and Vice Chairman shall be elected by the regular Planning Board members. Only regular

members are eligible to serve as officers. Each officer shall serve for a one (1) year term, but may be elected by the Planning Board membership for successive terms to the same office. Annually, in the regular meeting of the Planning Board held in the month of June, a Chairman and Vice-Chairman shall be elected. **Each officer shall serve from July 1 until relieved of his duties as herein provided.**

- 5-2 The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Planning Board. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman.
- 5-3 In the event of the absence of both the Chairman and the Vice-Chairman from a Planning Board meeting, the regular members present may elect a temporary Chairman for that meeting and proceed with the order of business.

ARTICLE VI

Minutes

- 6-1 The Planning Board minutes shall be kept at the Town of Long View Town Hall and shall be available for inspection during normal working hours.

ARTICLE VII

Rules of Conduct for Members

- 7-1 Members of the Planning Board may be removed by the Board of Aldermen for cause, including violation of the rules stated below herein.
- 7-2 In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. **If any regular or alternate member is absent for three (3) consecutive regular meetings or fails to attend five (5) or more of the regular meetings within any twelve-month period, such member may be removed by the Board of Aldermen and a replacement made for the unexpired portion of the term.** Alternate members may be removed by the Board of Aldermen for repeated failure to attend or participate in meetings when requested to do so pursuant to Section 4-2 as set forth above. The Planning Board may make a recommendation to the Board of Aldermen regarding removal of a member for duly cited causes and the request must be in writing, signed by the Chairman of the Planning Board.
- 7-3 A member may be excused from voting on a particular issue by a majority vote of the remaining regular members present under the following circumstances:
1. If the member has a direct financial interest in the outcome of the matter at hand; or
 2. If the matter at hand involves the member's own official conduct; or
 3. If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.
- 7-4 If a Planning Board member determines that he may have a conflict of interest on a particular issue, he shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining regular members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. If a member is excused from voting, he shall seat himself in the audience and not participate in any further discussion on said matter or he shall remove himself from the meeting room during all deliberation pertaining to such matter. In no instance may a

member be excused from voting merely due to an unwillingness or where no conflict of interest is found to exist. **Other extraordinary circumstances may also be considered by general consensus of remaining board members.**

- 7-5 A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interest party with the Planning Board. Such a challenge may be an appeal for a review of the findings of the Planning Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Planning Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Planning Board. The Planning Board shall hear all evidence and shall, by majority vote of the remaining regular members, make the final determination as to the existence of a conflict of interest.
- 7-6 In the event a Planning Board member is found to have a conflict of interest and is excused from voting by the Planning Board, he shall be replaced by alternate member for that business associated with the conflict of interest.
- 7-7 **Members may be chosen at large without regard to Town of Long View Board of Alderman wards or districts.**

ARTICLE VIII

Meetings

- 8-1 Regular meetings of the Planning Board shall be held on the third Thursday of each month at 6:30 PM at the Town of Long View Town Hall Building, provided that the meetings may be held at any other convenient place in the Town nearby area if directed by the Chairman in advance of the meeting. Each member (including the alternate members) shall receive an agenda packet for each meeting by mail or hand delivery at least forty-eight (48) hours prior to the meeting. An agenda notice shall be conspicuously placed at the Town of Long View Town Hall at least forty-eight (48) hours prior to the meeting.
- 8-2 Special meetings of the Planning Board may only be called by the Chairman. At least forty-eight (48) hours notice of the time and place of special meetings shall be given, by the Secretary, to each member of the Planning Board including the alternate members. Notice of such meeting shall also be conspicuously placed at the Town of Long View Town Hall at least forty-eight (48) hours prior to the meeting.
- 8-3 Whenever there is no business to come before the Planning Board, or whenever so many regular and alternate members notify the Planning Director of their inability to attend that a quorum will not be available, the Planning Director shall notify the Chairman who may dispense with a regular meeting by having the Planning Director give written or oral notice to all members prior to the time set for the meeting. Notice of meeting cancellation shall also be conspicuously posted at the Town of Long View Town Hall.

ARTICLE IX

Quorum and Voting

- 9-1 **No more than five (5) regular and alternate members may vote on any matter, except with regard to the adoption and/or amendment of these Rules of Procedure as provided in Article X.**
- 9-2 A quorum of the Planning Board shall be required before any vote is taken. A quorum shall consist of four (4) regular or alternate members. Alternate members may replace members on all voting issues as prescribed

in Article IV.

- 9-3 Only unexcused Planning Board members present at a duly convened meeting shall be eligible to vote.
- 9-4 Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the Planning Board shall be by a duly made motion and second.
- 9-5 Aside from making and seconding motions, the Chairman shall be able to vote on all matters.
- 9-6 It is the duty *of* all regular Planning Board members *to* vote on all issues coming before the Planning Board unless such member has been specifically excused from voting on an issue. **Any non-excused member who abstains from voting shall be counted as having made an affirmative vote with the majority on the issue at hand.**
- 9-6.1 All meetings shall be open *to* the public. The order *of* business at regular meetings shall generally be as follows:
- a) Determination *of* Quorum
 - b) Approval *of* Minutes *of* Previous Meetings
 - c) Unfinished Business
 - d) New Business
 - e) Other Business
 - f) Adjournment

9-6.2 General Meeting Procedures:

For consideration of rezoning requests, preliminary plats, and similar type uses the Planning Board shall conduct their review of the item accordingly:

- **Introduction of the item by the Chair;**
- **Staff description of item, including identifying the location and surrounding characteristics of the neighborhood and any other pertinent information;**
- **Presentation by the applicant;**
- **Comments by public in support or opposition to the proposal. If a large number of citizens wish to comment on one item, it would be appropriate for the Chair to request a spokesperson, or set a reasonable time limit for each speaker. (Note: Questions by non Board members should be directed to the Chair).**
- **Presentation of staff recommendation;**
- **Discussion by the Board members (Note: no additional discussion by the public will be considered unless the Board members ask for clarification or request additional information).**
- **Board votes on item.**

- 9-7 Items *of* business for discussion at the meeting shall appear on the agenda. Business which is not identified on the agenda may be considered ***only after*** approval *of* a majority vote *of* the regular membership.

ARTICLE X

Adoption of Amendments

- 10-1 These Rules shall at all times be consistent with all ordinances *of* the Town of Long View and the State *of* North Carolina. Should any provision *of* these Rules be inconsistent with such ordinances or laws of the State of North Carolina, said ordinances and laws shall control.

Approved by the Long View Board of Aldermen on June 13, 2005.

Mayor

Attest:

Town Clerk

QUITCLAIM DEED – MICHAEL AND TIMOTHY MILLER: Attorney Redmond Dill informed the Board that Mike and Tim Miller who own property (car lot) adjacent to the Town Hall Complex have requested that the Town abandon .1752 acres of property represented on the plat as presented in the form of a quitclaim deed.

Attorney Dill informed the Board that the Town of Long View did not have lawful claim to the property, therefore the Millers could quitclaim it. It was the Attorney's recommendation that the Town do this to help the Miller's clean up their property lines.

Following a brief discussion the Board unanimously voted to quitclaim the .1752 acres of property to Mike and Tim Miller upon motion by Alderman Moyer and seconded by Alderman Bowman. The vote was unanimous.

CATAWBA COUNTY PROPERTY TAX REFUNDS: Finance Director Jamie Cozart informed the Board that Catawba County Tax Office requested tax refunds on Poteat Motors Lines, Inc. in the amount of \$22.04 for 2001 and Joshua Chapman for 2003 and 2004 in the amount of \$22.40. Both of the refunds were due to over assessments by the tax office. The grand total of the refunds was \$44.44.

Motion was made by Alderman Mays, seconded by Alderman Moyer to grant the tax refunds for Poteat Motor Lines and Joshua Chapman in the amount of \$44.44. The vote was unanimous.

FINANCE REPORT: Finance Director Jamie Cozart informed the Board that as of April 30, 2005 83 percent of the budget year was complete. In the Utility Fund 78.93 percent of the budget has been expended this year compared to 64.71% last year.

In the General Fund 87.23% has been spent compared to last year's 83.08%

The Board thanked the Finance Director for the report. It was noted that the year-end budget amendment will be presented at the next meeting.

ADMINISTRATOR'S REPORT: The Administrator informed the Board that the **grant** application for assistance with the soil and erosion problem in the **Western Ridge Subdivision** was submitted on June 1, 2005. It was noted that the application was available for public inspection.

Mr. Epley passed out a letter dated June 9th from the Town to **Tailored Foam**. The letter noted the sample they gave the Town Engineer exceeded the sewer ordinance specifications on the chemical and solids concentration. The only thing not in violation was the ph level of the effluent water. It was noted that the Town's engineer has requested that they give him more information to evaluate. Mr. Epley stated that Tailored Foam was working with the Town but what they had decided to install would not work. The Town will follow up on the problem and make them aware of what they need to do.

At this time the **23rd Street Culvert** was discussed. It was noted that the metal piping in the bottom of the culvert has deteriorated away. The estimated cost to replace the culvert was \$300,000.

Public Works Director David Draughn discussed other alternatives with the Board since a new box was not cost effective. He noted that two pipes could be put in and it may give more flow. The two pipes would cost approximately \$200 per foot. He has been working with a contractor on this project and was informed that it was structurally sound on the sides, but the box will get worse.

Staff will have the Town's Engineer to do some flow calculations on the current pipe and see what it would take to put in two pipes and then have contractors submit cost estimates on the project.

At this time there was detailed discussion among the Board and it was agreed upon to have the engineer to do the calculations and for staff to get quotes to install two pipes.

CLOSED SESSION: Mayor Cook informed the Board that they needed to go into closed session at 8:05 p.m. to discuss a personnel matter. Motion was made by Alderman Bowman, seconded by Alderman Moyer. The vote was unanimous.

Motion was made by Alderman Mays, seconded by Alderman Bumgarner to adjourn Closed Session and return to regular session at 8:15 p.m.

Mayor Cook called the regular session back to order.

OTHER BUSINESS: Luther Rudicill, Vice Chairman of the Town of Long View Planning Board stated that the **Planning Board** approved the bylaws at their meeting and according to the bylaws anyone was welcome to attend their meetings due to the open meetings law. He also noted how much they appreciate Alderman Randall Mays being at the Planning Board meetings.

Fire Chief Eric Shepherd informed the Board that the Town of Long View **Fire Department received a 50/50 grant from the NC Forest Resources** in the amount of \$3,900. The Town's share of the grant was \$1,950. The purpose of the grant was for financial assistance to help purchase forestry fire proof pants, coats and gloves.

At this time a citizen asked if anything had been done on the **Housing Occupancy Ordinance** that was brought up several months ago. He was informed that the Board had reviewed all options and it was determined that the Town's current policy was sufficient and the housing occupancy will be handled on an individual basis.

It was also reported that trees and **brush** were stacked up following a storm that blew up a transformer on **8th Avenue, 19th and 21st Streets**. It was noted that they were brown and looking very dried and could possibly pose a fire hazard. Staff was instructed to contact Duke Power officials to check into having the brush removed.

Alderman Bowman brought up the **14th Avenue drainage problem**. He was informed that the Public Works Department was going to do the work on that project, but they have not had the time. He recommended that the Board authorize staff to take outside bids on the project. Following a brief discussion, it was the consensus of the Board to authorize staff to get bids on the 14th Avenue drainage problem. The Administrator noted that Powell Bill funds can be used.

Alderman Mays questioned the status of the new **generator**. It was reported that construction was complete and the employee service training was done, however it has been found that there were some wiring problems and a panel needed to be replaced. Administrator Epley informed the Board that the contractor will not be paid until the punch list is complete.

ADJOURNMENT: There being no further business, motion was made by Alderman Mays, seconded by Alderman Bumgarner to adjourn the meeting at 8:30 p.m. The vote was unanimous.

Town Clerk

Mayor