

**TOWN OF LONG VIEW  
TOWN ALDERMEN MEETING  
March 13, 2006**

The Town of Long View Board of Aldermen met on Monday, March 13, 2006 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 Vernon Moyer, Alderman John McDaris, Alderman Jackie Bowman and Alderman Randall Mays.

**STAFF PRESENT:** The following members of staff were present: Town Administrator David Epley, Town Clerk Frances Hildebran, Town Attorney Redmond Dill, Finance Director James Cozart, Police Major Jim Worrell, Officer Brian Collins, Fire Chief Eric Shepherd, Town Planner Charles Mullis, Public Works Director David Draughn, and Water Plant Superintendent Rani Holland.

**OTHERS PRESENT:** Mr. and Mrs. Jack White, Phyllis Pennington, Mr. Hauss Hudson, Kelly Edwards, Don Shook and a number of other citizens were present.

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

**APPROVAL OF MINUTES:** Mayor Cook asked for approval of the minutes. Motion was made by Alderman McDaris, seconded by Alderman Bowman to approve the February 13, 2006 regular session and closed session minutes. The vote was unanimous.

**RESCHEDULE PUBLIC HEARING DATE FOR AMENDMENTS TO THE STATES NEW LAND USE PLANNING LAWS:** Town Planner Chuck Mullis requested permission from the Board to reschedule the public hearing to April 10, 2006 at 7:30 p.m. in the Council Chambers. He stated that he needed more time to review the new planning laws before he presented them to the Board.

Motion was made by Alderman Mays, seconded by Alderman Moyer to set Monday, April 10, 2006 at 7:30 p.m. as the public hearing day. The vote was unanimous.

**RAW WATER PUMP STATION RENOVATIONS:** The Administrator informed the Board that before any improvements could be made to the raw water pump Station staff had to meet with the Local Government Commission and fill out an application.

Mr. Epley told the Board that he and the Finance Director would be going to Raleigh on March 17 to discuss the renovation plans, and to get authorization to put Long View on the agenda for the next LGC meeting to get approval to do the repairs to the raw water pump station.

Staff presented to the Board costs for new and rebuilt pumps, motors new and rebuilt, Carbon Feeding System and the amortization schedule for Options One and Four.

There was detailed discussion about Options One and Four. Staff told the Board that the Local Government Commission had to approve the financial package for the renovations.

There was further discussion about how much the Town had already spent on repairs. Staff informed them that a budget amendment would need to be brought to the Board for the repairs already made.

Aldermen Moyer and Mays asked if the Town would see a payback from the renovations to the raw water pump station and they were informed that there was not payback for these improvements.

The Town's debt service was reviewed by the Board and it was noted that two substantial debts would be coming off in the near future.

Mr. Epley informed the Board that they did not have to make a final decision, however the LGC may want to know what direction the Board was leaning toward. It was also noted by the Administrator that the Town would need to show how the money being borrowed for the improvements would be paid back and how much the utility rates would need to go up.

Following further comments the Administrator was directed to present Option One and Option Four to the Local Government Commission.

**FINANCE REPORT:** The Finance Director informed the Board that the budget was 58% complete and that the General Fund was over projected revenues by \$442,555.55 and that the Utility Fund revenues were below the expenditures by \$198,358.28, however, staff informed the Board that they were reviewing the utility account posting for several line items to see if there was an error made by a former employee.

**14<sup>TH</sup> Avenue Appraisal Update:** The Administrator passed out a copy of the appraisal of a 10 foot easement on the David and Kay Clark property located at 14<sup>th</sup> Avenue, Drive, SW. Mr. Epley noted that he would make a formal offer to the property owners in the amount of \$425.00.

**Fine Sheer Update:** Mr. Epley informed the Board that the Fine Sheer Property has been posted as condemned. It was noted that the County was in the process of doing a title search and scheduling a condemnation hearing. The Property Owners have been contacted and they have expressed a desire to bring closure to the project without a public hearing.

**Budget Schedule:** The Administrator passed out the 2006 – 2007 Budget Schedule and noted that the Budget Retreat was set for Monday, March 20, 2006 at 9:00 a.m. at the Community House in Morganton.

**ABANDONED AND JUNK VEHICLE ORDINANCE AMENDMENT:** Mr. Epley informed the Board that staff was having a difficult time enforcing the Abandoned and Junk Vehicle Ordinance due to the junk vehicle definition. The following amended ordinance was presented for the Board’s review and approval.

**ABANDONED AND JUNK VEHICLE  
ORDINANCE AMENDMENT  
GENERAL PROVISIONS  
CHAPER 90, SECTION 90.05 DEFINITIONS**

**Chapter 90, Section 90.05 – DEFINITIONS – JUNK VEHICLE of the Town of Long View Code of Ordinance Book** reads as follows:

**JUNK VEHICLE.** Any motor vehicle that does not display a current license plate **and** that is:

- (1) Partially dismantled;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move;
- (3) Is more than 5 years old and appears to be worth less than \$100; **or**
- (4) **Does not display a current license plate.**

**BE IT ORDAINED by the Board of Aldermen that Chapter 90, Section 90.05 Definitions be amended** to read as follows:

**JUNK VEHICLE.** Any motor vehicle that does not display a current license plate or that is:

- (1) Partially dismantled;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move;
- (3) Is more than 5 years old and appears to be worth less than \$100.

This amendment will be in full force and effect upon its adoption. This the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor

Attest:

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Town Clerk

Approved as to form:

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Attorney

Following discussion by the Board, motion was made by Alderman Bowman, seconded by Alderman Moyer to approve the foregoing ordinance. The vote was unanimous.

**CITIZEN COMPLAINTS:** Mr. Hauss Hudson addressed the Board with concerns about four wheelers running over his property and along the sewer lines and right of ways. He noted that he called the police and the violators would stop, but then they would start right back riding. He asked that something more needed to be done to stop the problem. Lt. Jim Worrell of the Police Department informed Mr. Hudson that staff would address the problem.

Kelly Edwards spoke on behalf of himself and a number of property owners in the neighborhood of 2<sup>nd</sup> Avenue, SW. He stated that there was traffic going in and out of the neighborhood all hours of the day and night especially on weekends. Neighbors have been threatened, homes broken into; eggs thrown at homes and citizens have been threatened by young boys and gang like people. Mr. Edwards noted he has tried to stay out of it, but it has gotten so much worse that the citizens were asking for help. The police have been called and the problems were addressed for a short time then it starts right back up.

The citizens were assured that the Police Department was doing everything they could for the problem; however the community needed to step up and take warrants out on the offenders and contact social services if there were juveniles involved.

Don Shook also noted that this problem has been going on for years with people coming and in and out of the neighborhood. He stated that the loud foul language had become unbearable.

Mayor Cook asked Lt. Worrell to work on this problem and report back to the Board at the next meeting of steps done to help alleviate the problems.

**CLOSED SESSION:** At this time motion was made by Alderman Bumgarner, seconded by Alderman McDaris to adjourn regular session and go into Closed Session at 8:20 p.m. The vote was unanimous.

Motion was made by Alderman Mays, seconded by Alderman Bumgarner to adjourn closed session and return to regular session at 8:35 p.m.

Mayor Cook called the regular session back to order.

**PERSONNEL POLICY AMENDMENTS:** Motion was made by Alderman Moyer, seconded by Alderman Bowman to amend the following Articles (VIII, IX, X, XI) as recommended by staff. The vote was unanimous.

## **ARTICLE VIII. SEPARATION AND REINSTATEMENT**

### **Section 9 – Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the **Administrator** (Board), and may be regarded as a new employee, subject to all the provisions of rules and regulations of this Policy.

## **ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT**

### **Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance (Paragraph 3).**

If the employee's performance continues to be unsatisfactory, then the supervisor should make a written recommendation to the **Administrator** (Board) for disciplinary action such as suspension, demotion or dismissal.

### **Section 4. Disciplinary Action for Detrimental Personal Conduct (1<sup>st</sup> Paragraph)**

An employee may be placed on disciplinary suspension, demoted or dismissed by the **Department Head** (add) or Administrator without prior warning for causes relating to personal conduct detrimental to Town service in order to

- (a) Avoid undue disruption of work;
- (b) protect the safety of persons or property; or
- (c) for other serious reasons.

### **Section 6. Types of Disciplinary Actions and Pre-disciplinary Conference. (1<sup>st</sup> Paragraph)**

Employees may be disciplined for unsatisfactory job performance or detrimental personal conduct. The decision on the recommended appropriate discipline is made by the department head, with the approval of the **Administrator** ((Board).

## **ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL**

**Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination (1<sup>st</sup> Paragraph)**

When an employee, former employee, or applicant, believes that any employment action discriminates illegally – i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related handicap – he or she has the right to appeal such action using the grievance procedure outlined in this Article (section 4 above). **Delete (While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the full Board of Aldermen.)**

**ARTICLE XI. RECORDS AND REPORTS**

**Section 2. Access to Confidential Records (g)**

The **Administrator** (Board) may inform any person of the employment, nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or information the **Administrator** (Board) shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Administrator’s office, is a record for public inspection and shall become a part of the employee’s personnel file.

The **Administrator** (Board) shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have the material removed from the file or may place in the file a statement relating to the material.

**ADJOURNMENT:** There being no further business, motion was made by Alderman McDaris, seconded by Alderman Bumgarner to adjourn the meeting at 8:37 p.m. The vote was unanimous.

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**Town Clerk**

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**Mayor**