

**TOWN OF LONG VIEW
TOWN ALDERMEN MEETING
December 14, 2009**

The Town of Long View Board of Aldermen met on Monday, December 14, 2009 at 7:30 p.m. in the Town Council Chambers of the Government Center in Long View, North Carolina.

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

BOARD MEMBERS NOT PRESENT: The following member of the Board was not present: Mayor Norman Cook

STAFF PRESENT: The following members of staff were present: Town Administrator David Epley, Town Clerk Stephanie Watson, Town Attorney Redmond Dill, Finance Director James Cozart, Town Planner Charles Mullis, Public Works Director David Draughn, Water Plant Superintendent Rani Holland, Fire Chief Eric Shepherd, and Police Chief Cecil Rogers.

OTHERS PRESENT: No others were present.

MEETING CALLED TO ORDER: Mayor Pro Tem Vernon Moyer called the meeting to order and Alderman John McDaris gave the invocation.

APPROVAL OF MINUTES: Mayor Pro Tem Vernon Moyer asked for approval of the minutes. Motion was made by Alderman Randall Mays, seconded by Alderman Ken Bumgarner to approve the November 9, 2009 minutes. The vote was unanimous.

SWEARING IN OF ELECTED OFFICIALS (MAYOR NORMAN COOK, ALDERMAN KEN BUMGARNER, AND ALDERMAN JOHN MCDARIS)

Mayor Pro Tem Vernon Moyer explained that Mayor Norman Cook could not be present at this meeting but he had been sworn in as the Mayor earlier in the day.

At this time Attorney Redmond Dill swore in Ken Bumgarner as Alderman for Ward 5 and John McDaris as Alderman for Ward 2.

The rest of the Board of Aldermen and staff congratulated Mayor Norman Cook, Alderman Ken Bumgarner and Alderman John McDaris for their re-election.

Town Clerk Stephanie Watson explained the new ruling for elected officials:

Session Law 2009-403 enacts a new statute, G.S. 160A-82, which requires all North Carolina cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties to adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of their official duties as

members of that governing Board. The resolution or policy must be adopted on or before January 11, 2011.

Town Clerk Stephanie Watson explained that Session Law 2009-403 also enacts new G.S. 160A-84, which requires all members of the local governing boards covered by G. S. 160A-83 to receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to office and again within 12 months after each subsequent election or appointment to office. The clerk to each governing board must maintain a record verifying receipt of the ethics education by each board member.

Town Clerk Stephanie Watson explained that there would be a webinar available in March that the newly re-elected officials could participate in to get their two credit hours.

APPOINT WESTERN PIEDMONT COUNCIL OF GOVERNMENTS 2010 POLICY BOARD DELEGATE AND ALTERNATE

Mayor Pro Tem Vernon Moyer requested nominations for the position of the 2010 Policy Board Delegate and Alternate.

After a brief discussion, it was the decision of the Board to nominate Alderman Vernon Moyer as the 2010 Policy Board Delegate and Alderman Randall Mays as the 2010 Policy Board Alternate.

Motion was made by Alderman Jackie Bowman, seconded by Alderman Ken Bumgarner to elect Alderman Vernon Moyer as the 2010 Policy Board Delegate and Alderman Randall Mays as the 2010 Policy Board Alternate for the Western Piedmont Council of Governments. The vote was unanimous.

RESOLUTION APPROVING AMENDMENTS TO THE WPCOG CHARTER

Mayor Pro Tem Vernon Moyer explained that in the past, Council of Government agencies were not allowed to own property. Recently that rule has changed to allow ownership. As such the Council of the Western Piedmont Council of Governments would like to amend their bylaws in order to allow them to be able to own property.

Currently the Western Piedmont Council of Governments is located on 4th St SW in the City of Hickory and the building is not large enough to house all their employees. They are now looking for a location to build and have three to five possible sites in which they may choose from. One of these locations is on 2nd Ave NW in Long View.

Mayor Pro Tem Vernon Moyer proceeded to read the Resolution Approving Amendments to the WPCOG Charter.

See "Resolution and Proclamations" for complete version of the "Resolution Approving Amendments to the WPCOG Charter."

Motion made by Alderman Jackie Bowman, seconded by Alderman John McDaris to adopt the Resolution Approving Amendments to the WPCOG Charter. The vote was unanimous.

DISCUSSION OF GRAFFITI ORDINANCE

Town Administrator David Epley informed the Board that he had for review the definition of graffiti as defined in several other Towns' Graffiti Ordinances. He explained that the definition in Long View's drafted Graffiti Ordinance was as good as any of the definitions used in other towns.

Town Planner Charles Mullis explained that the current definition of graffiti was the most comprehensive definition that the Town could find.

Town Administrator David Epley explained that also under the graffiti ordinance, the owner of the property would need to be responsible for the removal of the graffiti from their building unless the vandal was caught in the act of defacing the property.

Upon a request from Alderman Jackie Bowman, Police Chief Cecil Rogers explained what would happen to someone who was caught defacing property by means of graffiti. Chief Rogers said that if the person was caught they would be charged with damage to the property. He also noted that if person was convicted and if they weren't given any jail time then they may be ordered to pay some restitution. He explained that a conviction would only cover that one instance to that one property owner.

Upon a request by Alderman Randall Mays, a brief discussion was held to discuss the emergency removal portion of the ordinance. After the discussion the Board asked the Town to look into the possibility of adding a possible amendment about removal of vulgar graffiti.

Motion by Alderman Ken Bumgarner, seconded by Alderman John McDaris to call for a Public Hearing on the Graffiti Ordinance that will be held on Monday, January 11, 2009 at 7:30 p.m. The vote was unanimous.

ADMINISTRATOR'S REPORT

Project's Report

Maple Springs Laundry – Town Administrator David Epley informed the Board that Attorney Redmond Dill had completed the closing statements and the Town has issued a check.

The owners of Maple Springs are planning to close on their property purchase on December 15, 2009 as long as there are not any complications.

Attorney Redmond Dill informed the Board that the deed should be recorded within the week.

Tailored Chemical – Town Administrator David Epley informed the Board that the City of Hickory has completed their assessment of Tailored Chemical's wastewater discharge and have placed some requirements on Tailored Chemical. These requirements include but are not limited to the limiting of the amount of backlog material that will be allowed to run per day through the pre-treatment system. With the compliance of these requirements by Tailored Chemical, approval from the City of Hickory has been obtained.

Tailored Chemical plans to start the pretreatment process on Wednesday, December 16, 2009. The Town Engineer will be there at start up of the process and the Town plans to continue to monitor the system to make sure that it maintains compliance.

Town of Long View Christmas Party – Town Administrator David Epley reminded the Board that the Town of Long View Annual Christmas Party was on Thursday, December 17, 2009 at 6:00 p.m.

CLOSED SESSION

Mayor Pro Tem Vernon Moyer noted that there would not be a closed session.

OTHER BUSINESS

Fire Chief Eric Shepherd noted that on November 14, 2009 the Fire Department had a call near the Recreation Center in which the AED (Automatic External Defibrillator) was used to save a gentleman. He added that without the AED and the hard work of his staff the gentleman would not be alive today.

ADJOURNMENT

Alderman Jackie Bowman wished everyone a Merry Christmas. He added that it has been a joy working with the rest of the Board.

Alderman Randall Mays wished everyone a Happy Holiday.

Alderman Ken Bumgarner wished to thank the staff and employees for their hard work. The rest of the Board was in agreement.

Alderman John McDaris wished to thank the staff for their hard work and wished everyone a Merry Christmas.

Mayor Pro Tem Vernon Moyer wished to thank the re-elected Board members for their wisdom in the past and he looked forward to their wisdom in the future.

Motion was made by Alderman Ken Bumgarner, seconded by Alderman John McDaris to adjourn the meeting at 8:03 p.m. The vote was unanimous.

Stephanie C. Watson
Town Clerk

Vernon Moyer
Mayor Pro Tem