

**TOWN OF LONG VIEW  
TOWN ALDERMEN MEETING  
April 12, 2010**

The Town of Long View Board of Aldermen met on Monday, April 12, 2010 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: Mayor Pro Tem Vernon Moyer, Alderman Ken Bumgarner, Alderman John McDaris, Alderman Randall Mays, and Alderman Jackie Bowman.

**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, Police Major Jim Worrell, and Police Officer Justin Roberts.

**OTHERS PRESENT:** Sherry Long with the Western Piedmont Council of Governments, Anna Grindstaff from the Children's Protection Council, John Kenny from the Western Piedmont Council of Governments, Town resident Bonnie Cambell, and other Town resident were present.

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

**APPROVAL OF MINUTES:** Mayor Pro Tem Vernon Moyer asked for approval of the minutes. Motion was made by Alderman Ken Bumgarner, seconded by Alderman Randall Mays to approve the March 8, 2010 minutes; March 24, 2010 minutes; March 25, 2010 minutes; and March 30, 2010 minutes. The vote was unanimous, by all board members present at the respective meetings.

**CHILD ABUSE PREVENTION MONTH PROCLAMATION – ANNA GRINDSTAFF**

Anna Grindstaff explained that she was present on behalf of the Children's Protection Council to make a request of the Town of Long View a proclamation designating April 2010 Prevention of Child Abuse Month. She also wished to thank the local law enforcement and the Long View community for making child abuse prevention programs possible.

At this time the Child Abuse Prevention Proclamation was read by Anna Grindstaff.

See Resolutions and Proclamations: Book 1 for full copy of "2010 Child Abuse Prevention Month Proclamation."

Motion was made by Alderman Jackie Bowman, seconded by Alderman Ken Bumgarner to approve the 2010 Child Abuse Prevention Month Proclamation. The vote was unanimous.

**REQUEST BY PARENTS OF AUTISTIC CHILDREN TO USE THE RECREATION CENTER**

Town Clerk Stephanie Watson informed the Board that the group called Parents for Autistic Children of Catawba County requested the use of the Town of Long View Recreation Center on October 16, 2010 with a rain day on October 23, 2010 for the 2<sup>nd</sup> Annual Walk for Autistic Children. She

informed the Board that those days have been checked and are available for use. She added that this would be the same group that requested the use of the Recreation Center for the same event last year.

Motion made by Alderman Randall Mays, seconded by Alderman John McDaris to allow the Parents for Autistic Children of Catawba County to use the Recreation Center for the 2<sup>nd</sup> Annual Walk for Autistic Children on October 16, 2010 with the rain date being on October 23, 2010. The vote was unanimous.

**PUBLIC HEARING ON PROPOSED RE-ZONING OF PROPERTY AT 800 28<sup>TH</sup> ST SW – TOWN PLANNER CHARLES MULLIS**

Town Planner Charles Mullis informed the Board that the Town of Long View has received the Rezoning Petition 01-10 to rezone the property at 800 28<sup>th</sup> St SW by the owner/applicant Mr. James Mitchell, certified property manager for Boyd and Hassell. The purpose is to rezone the property from the current Residential Zoning District (R-4) to the Economic Development (ED) zoning district.

The Planning Board recently discussed this property at their March 18, 2010 meeting. The 3.43 acres property is on a town maintained paved residential street. It has R-2 single family zoning to the immediate North and East, R-4 Multifamily zoning to the South, and C-5 Mixed-Use Commercial Zoning to the West. The zoning of this property should not provide an excess or burdensome use of any town used facilities including roads, water, and sewer lines.

Uses allowed within the Economic Development District are within the capabilities of the Town of Long View to serve with its existing facilities. Areas within the immediate area of the parcel are currently served or could be served by the Town of Long View. The property currently zoned R-4 does have a reasonable economic use.

The Planning Board looked at the issue of spot zoning. It is not automatically illegal to spot zone in North Carolina but it can only be done if it is reasonable. It was determined by the Planning Board that this property is much larger than the surrounding properties. At the current time the Town of Long View does not have a comprehensive land use plan in which the property rezoning must be compatible.

If the impact of the zoning decision on the owner is a great benefit and on the neighbors is a mild inconvenience the zoning may be considered reasonable. A zoning decision that harms the neighbors while only modestly being beneficial to the owner would be considered unreasonable. Some of the uses for an ED zoning district may be reasonable such as a warehouse for private use, while others may be unreasonable for this particular tract such as a manufacturing and processing plant. Both uses are permitted in an ED zoning district.

The greater the difference between the current allowed uses and the allowed uses in the new zoning district, the more likely it will be considered unreasonable. Although the property is currently zoned for residential use, it has never been used that way.

In North Carolina, contract zoning is illegal. It is when a land owner requests a rezoning for a specific project and it is only considered for that project and not for a full range of uses. Once the property is rezoned the property may be used for anything that the new zoning district allows. The owner is not subject to honor any promise made in regards to use. The same is true for anyone that may buy from the owner in the future.

Based upon these considerations (the potential uses of the property, and the past uses of the property), the Town of Long View Planning Board voted that the property be rezoned to the ED district.

Alderman Jackie Bowman spoke briefly about rezoning the other surrounding lots to ED so that the property would be contiguously connected to Hwy 70. Town Planner Charles Mullis explained that the properties between the 800 28<sup>th</sup> St SW and Hwy 70 could not be rezoned to ED because they are not wide enough.

Mr. Mullis explained that the Planning Board did look at other zoning districts to zone the property to but rezoning to other zoning districts would not allow the owner to use the property as he intended.

Alderman Randall Mays requested information as to whether 28<sup>th</sup> St SW would be able to handle the increased traffic. Mr. Mullis explained that the road is wide enough and in good enough shape to handle the traffic. He added that increased traffic flow would cause more wear and tear to the road. Alderman Mays explained that he is concerned with the high traffic that could possible come with the rezoning.

At this time the public hearing was open for public comment.

A member of the community informed the Board that he did not believe that the road would be wide enough to handle the constant traffic. The traffic is already problematic. He believed it would be hazardous. He is against the rezoning.

Another member of the community explained that there is a family beside the property that would be affected by the noise. He was also worried about any children being hurt because of the possible high volume of traffic. He is against the rezoning.

Jim Mitchell, the representative for the property, explained that he understands the concern of possible resale after the property has been rezoned. He also understands the worry dealing with high truck traffic. He explained that he was just trying to find a way to put the building on the property back in use. If the property is not rezoned, the building will stay in the shape it is in currently.

At this time, the public hearing was declared closed.

**CONSIDERATION OF ORDINANCE TO RE-ZONE PROPERTY AT 800 28<sup>th</sup> ST SW**

Motion was made by Alderman Jackie Bowman, seconded by Alderman Ken Bumgarner to deny the rezoning of the property located at 800 28<sup>th</sup> St SW. The vote was unanimous.

0 :Votes for the re-zoning of the property located at 800 28<sup>th</sup> St SW

5 :Votes against the re-zoning of the property located at 800 28<sup>th</sup> St. SW

**CALL FOR PUBLIC HEARING FOR REZONING OF THE PROPERTY AT 3725 2<sup>ND</sup> AVENUE SW – TOWN PLANNER CHARLES MULLIS**

Town Planner Charles Mullis informed the Board that the Town of Long View has received a petition to rezone the property at 3725 2<sup>nd</sup> Avenue SW.

Mr. Mullis requested the Board of Alderman call for a public hearing at the May 10, 2010 Board of Aldermen Meeting in order to receive public input on this rezoning. He added that at that time the Planning Board will have a recommendation for that request.

Motion made by Alderman Randall Mays, seconded by Alderman Ken Bumgarner to call for a public hearing dealing with the re-zoning of the property located at 3725 2<sup>nd</sup> Avenue SW. The vote was unanimous.

**CALL FOR PUBLIC HEARING ON THE ADOPTION OF THE CATAWBA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLANS – TOWN PLANNER CHARLES MULLIS**

Town Planner Charles Mullis informed the Board that the Town of Long View had joined with Catawba County and other municipalities in the county to adopt a Multi-Jurisdictional Hazard Mitigation Plan. These are plans that the Town can do in order to prevent a natural disaster of some sort from being worse than it could be.

Without being involved in the plan, if a natural disaster were to hit the Town of Long View, the town would not be eligible to request FEMA and state money.

The Planning Board has looked at these plans. The plans have been submitted to the state and to FEMA and have been approved. Only local approval is needed.

Motion was made by Alderman Ken Bumgarner, seconded by Alderman John McDaris to call for a public hearing on the adoption of the Catawba County Multi-Jurisdictional Hazard Mitigation Plan. The vote was unanimous.

**PRESENTATION OF COMPREHENSIVE PLAN BY WESTERN PIEDMONT COUNCIL OF GOVERNMENTS – JOHN KENNY**

John Kenny informed the Board that a comprehensive plan provides general policy guidance to the Planning Board and the Board of Aldermen. It looks at existing land use patterns, as well as transportation, parks and recreation, and water and sewer access. It looks into the future 10 to 15 years. It provides the information to the Board as to whether in case of a rezoning if it makes sense.

It is a citizen based process in which the Board will appoint 10 to 15 citizens who will engage in a process that will last 16 to 18 months. It educates both citizens involved and the Board. It also involves Town wide meetings where citizens may come and give their opinion on what they would like to see happen in the Town.

It is a step by step process starting with the presenting to the Planning Board for approval and working towards presenting to the Board of Aldermen for approval.

It would cost approximately \$22,000 for the 18 month plan. The plan would include seven or eight maps with GIS software. It would draw on the resources from the Western Piedmont Council of Governments (WPCOG) which includes its personnel.

Mr. Kenny explained that it would be a really valuable process to the Town of Long View.

Mr. Kenny explained that the WPCOG would be responsible for most of the leg work and would handle presentations and other information dealing with the comprehensive plan.

Mr. Kenny explained that the Town would be able to negotiate how the project would be paid. He explained it could be paid for on a monthly basis, half up front and half later, or all at one time.

Mayor Pro Tem Vernon Moyer asked Town Planner Charles Mullis to get together a proposal for the Comprehensive Plan.

Alderman Randall Mays expressed that he hoped that we would be able to work this into this year's budget.

**AWARD CONTRACT FOR RELOCATION OF SEWER LINE ON MAPLE SPRINGS LAUNDRY PROPERTY**

Town Administrator David Epley informed the Board that at 2:00 p.m. on April 12, 2010 the Town of Long View opened four bids for the relocation of the sewer lines on the Maple Springs Laundry property.

The bid amounts were as follows:

Wilkie Construction Company, Inc.	\$27,660
Hickory Sand Company, Inc.	\$29,955
Neil Grading & Construction Co., Inc.	\$35,650
Ronny Turner Construction Co., Inc.	\$33,420

It was the recommendation from the Town of Long View's engineer to award the contract to Wilkie Construction Company, Inc. in the amount of \$27,660.

Mr. Epley explained that once the contracts are signed by both Wilkie Construction Company, Inc. and the Town of Long View, the project will start.

Town Administrator David Epley explained to the Board that the contracts will take a couple of days before work will begin. Maple Springs Laundry's grading people are on site now and have put fencing and retention pond on the end of the building.

Mr. Epley explained that Long View is on track with the timeline. He wished to thank the engineers for getting enough bids together within the required time.

Mr. Epley recommended the Board award the contract to Wilkie Construction Company, Inc.

Motion made by Alderman Randall Mays, seconded by Alderman Ken Bumgarner to award the relocation of the sewer line on the Maple Springs Laundry property contract to Wilkie Construction Company, Inc. The vote was unanimous.

**ADOPT PROJECT BUDGET FOR MAPLE SPRINGS LAUNDRY BUILDING REUSE GRANT FROM RURAL CENTER**

Sherry Long from the Western Piedmont Council of Governments (WPCOG) was present to inform the Board about the Budget for Maple Springs Laundry Building Reuse Grant from the Rural Center.

She informed the Board that the Town of Long View received \$480,000 from the North Carolina Rural Center. She explained that the funds will be given to the Town and the Town in turn will

provide them to Maple Springs. Maple Springs Laundry as part of the program will create 40 new jobs.

She requested that the Board adopt the ordinance. She noted that the ordinance has \$480,000 from the North Carolina Rural Center and a \$14,400 contribution from the Town of Long View.

Alderman Randal Mays wished to thank Sherry Long for her hard work.

Sherry Long wished to add that the \$480,000 received was the max that any town can receive for a project and the Town of Long View is very fortunate.

Motion made by Alderman Ken Bumgarner, seconded by Alderman John McDaris to adopt the project budget Ordinance #2-10: Amendment 6 for the Maple Springs Laundry Building Reuse Grant from the North Carolina Rural Center. The vote was unanimous.

### **CONTRACT WITH THE WESTERN PIEDMONT COUNCIL OF GOVERNMENTS FOR ADMINISTRATION OF MAPLE SPRINGS LAUNDRY BUILDING REUSE GRANT FROM THE RURAL CENTER**

Sherry Long requested that the Board adopt the contract with the Western Piedmont Council of Governments for Administration of Maple Springs Laundry Building Reuse Grant from the Rural Center.

Motion made by Alderman Randall Mays, seconded by Alderman Jackie Bowman to adopt the contract with Western Piedmont Council of Governments for Administration of Maple Springs Laundry Building Reuse Grant from the Rural Center. The vote was unanimous.

### **FINANCE REPORT**

#### **Finance Report**

Finance Director James Cozart informed the Board that in the General Fund with 67% of the Fiscal Year complete, Revenues are \$2,046,586.95. Revenues are down approximately eight percent from last year mainly because the state is withholding the Town's portion of the local government sales tax which is to be reimbursed at a later date. Also, the Town's interest earnings are down from last year. Expenditures are \$1,822,771.59. Revenues exceeded Expenditures by \$223,815.36.

The Town still has \$102,319.00 in outstanding debt payments that must be paid before year end.

In the Utility Fund, Revenues are \$1,205,025.68. Revenues in the Utility Fund are up approximately 2% over last year. Expenditures are \$990,222.44. The Town still has \$355,797 worth of debt payments as of February 28, 2010. Revenues exceeded Expenditures by \$214,803.42.

From Burke County the Town of Long View is due \$72, 662. From the City of Hickory the Town is still due \$9,154. The Town has received payment on April 12, 2010 from the Town of Hildebran for \$29,163. Burke County and the City of Hickory are to pay the Town of Long View by April 26, 2010 so the money will be available when the Town of Long View makes the debt payment on May 1, 2010.

### **ADMINISTRATOR'S REPORT**

### **Project's Report**

**Maple Springs Laundry Project** – Town Administrator David Epley explained to the Board that he would continue to keep the Board updated on the progress of the Maple Springs Laundry Project.

**Long View Budget Preparation** – Town Administrator David Epley informed the Board that he has his meetings with the Department Heads on their portion of the budget on Friday, April 16, 2010. The first Budget Work Session will be on May 17, 2010.

### **OTHER BUSINESS**

Town resident Bonnie Cambell informed the Board of some issues in her neighborhood that she wished to bring to the Board's attention. She added that she lives on 30<sup>th</sup> Street S.W.

These items were:

- Grass not being mowed
- Limbs not picked up
- Lack of payment for garbage pickup on 30<sup>th</sup> Street S.W. between 10<sup>th</sup> and 11<sup>th</sup> Avenue
- Dogs running around without a leash
- Cats everywhere that are not vaccinated
- Too many people living in a four room house with their belonging in the front and back yards
- Rabbits in yard
- House burnt that has not been taken care of
- Wood stack on or near carport that is a possible fire hazard as well as a home for snakes and termites
- Request for trees to be trimmed
- Request for junk to be picked up

Alderman Ken Bumgarner requested that the Town look into the issue with the residents in that area not paying a tipping fee.

Alderman Ken Bumgarner asked Mrs. Cambell if she would allow the Town to set traps in her yard for the catching of the wild cats. Mrs. Cambell agreed she would allow it and sign for it.

Mayor Pro Tem Vernon Moyer thanked Mrs. Cambell for bringing these matters to the Board and explained that the Town would look into each of them.

Another town resident from 30<sup>th</sup> Street S.W. added that on the property in which the house caught on fire, the yard is a complete mess. The sewer is only half fixed. There are also limbs that have been cut down and not picked up. There are also satellite dishes that are a eye sore.

Alderman Ken Bumgarner and Town Administrator David Epley explained that those issues were under Code Enforcement and they would have the Code Enforcement Officer look into these matters.

Another resident from 30<sup>th</sup> Street S.W. added that the wild cats need to be caught. They damage her flowers.

Mayor Pro Tem Vernon Moyer explained that the Town would follow up on these issues.

**ADJOURNMENT**

Alderman Jackie Bowman wished to thank the Narcotics Officer for the fine job that is being done. He also thanked staff for the job they have done and wished to apologize for not being able to make it to the budget retreat.

Alderman Randal Mays wished to thank Town Administrator David Epley and Sherry Long for their work on the Maple Springs Laundry Project.

Alderman Ken Bumgarner wished to thank the staff for their hard work. He also wished to thank the citizens for bringing important issues to the Town's attention.

Alderman John McDaris wished to thank Town Administrator David Epley and Sherry Long for their work in dealing with the Maple Springs Laundry Project.

Mayor Pro Tem Vernon Moyer suggested that the Town consider budgeted for an Easter parade in the future.

There being no further business, motion was made by Alderman Ken Bumgarner, seconded by Alderman John McDaris to adjourn the meeting at 8:28 p.m. The vote was unanimous.

---

**Stephanie C. Watson**  
**Town Clerk**

---

**Vernon Moyer**  
**Mayor Pro Tem**