

**TOWN OF LONG VIEW
TOWN ALDERMEN MEETING
August 9, 2010**

The Town of Long View Board of Aldermen met on Monday, August 9, 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, and Alderman Randall Mays.

BOARD MEMBERS NOT PRESENT: The following member of the Board was not present: 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, and Police Chief Cecil Rogers.

OTHERS PRESENT: Larry Yount, Ralph Yount, Andy Hines, Mike Barger and others were present.

MEETING CALLED TO ORDER: Mayor Pro Tem Vernon Moyer called the meeting to order and Alderman Ken Bumgarner 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 John McDaris to approve the June 28, 2010 minutes and June 28, 2010 Closed Session Minutes. The vote was unanimous, by all Board members present at the respective meeting.

Motion was made by Alderman Randall Mays, seconded by Alderman John McDaris to approve the August 2, 2010 Special Meeting Minutes and the August 2, 2010 Closed Session Minutes. The vote was unanimous, by all Board members present at the respective meeting.

**PUBLIC HEARING TO DISCUSS THE CLOSING OF THAT PORTION OF 19TH STREET
SOUTHWEST BETWEEN 1ST AVENUE SOUTHWEST AND THE NORFOLK SOUTHERN
RAILROAD RIGHT-OF-WAY**

Mayor Pro Tem Vernon Moyer declared open the public hearing to discuss the closing of that portion of 19th Street Southwest between 1st Avenue Southwest and the Norfolk Southern Railroad Right-of-way.

Town Planner Charles Mullis informed the Board that N.C. General Statute (G.S) 160A-299 governs when a city or town proposes to close any street or public alley whether they have been dedicated for public use or not, whether they have been open or not.

At the June 28, 2010 Meeting, the Board of Aldermen adopted a resolution of intent as is required by statute. A public hearing was called for the August 9, 2010 meeting that was advertised for four consecutive weeks in the Hickory Daily Record.

Mr. Mullis explained that the street is unopened and the right-of-way extends from 1st Avenue Southwest to the Norfolk Southern Railroad right-of-way. The G.S. states that if this street is to be deemed to be closed by the Board of Aldermen, than all right, title, and interest in the right-of-way shall be presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley.

To the West of the street is the Nelson Oil Company and to the East of the Street is the Yount Attorney's Office. They are the only two property owners that would be affected by this street closure.

The G.S. further stated that the Board of Aldermen upon hearing the street closing resolution, that the closing of this street will not be contrary to the public interest. No individual owning property in the vicinity of this street or alley can be denied reasonable means of ingress and egress to the property.

Mr. Mullis explained that Nelson Oil Company was the group who submitted the application requesting that the street be closed. All requirements have been met with the advertising.

Mayor Pro Tem Vernon Moyer requested information regarding the terrain of the street. Mr. Mullis explained that there is a slight incline but it is a mostly level street.

Alderman Randall Mays asked whether there were any easements. Mr. Mullis said that there were no water or sewer line easements that would be affected. Nelson Oil does have a water meter to their facility and the Town will still have access to it.

Mayor Pro Tem Vernon Moyer requested if there were any comments from the public.

Mr. Larry Yount, the owner of one of the properties beside the road was concerned that he would not be able to access the back of his property if the road was closed. This would be a problem for him if he decided to rent the property out to a business or started his own business. He added that the road is still being used by transfer trucks.

Mr. Ralph Yount, the brother of Larry Yount, explained that there is a drop-off behind the building which would make it hard to access the back of the property if the street were to be closed. He asked about the possibility, if the road was closed, of the two property owners coming to an agreement about how the road would be used. He asked about allowing an easement to Mr. Yount.

Andy Hines from Nelson Oil Company stated that the purpose of the request to close the road was to prevent further erosion on their property. There is a huge retaining wall that has been moving because of erosion. The company feels the need to stop the erosion before major damage is done. As of now it if the wall collapses it would damage the parking lot, but it may also affect the building. The company is not able to fix the erosion problem under current conditions.

Alderman Ken Bumgarner asked for information about the retaining wall.

Rick Hollyfield explained that a retaining wall already exists.

Alderman Ken Bumgarner asked if the plans that Nelson Oil Company has would block Mr. Yount from access to the back of his building by the road.

Mr. Hines stated that Nelson Oil Company would have to have a culvert in place to stop the water from further eroding the base of the wall. He was not sure how big it would have to be. He said that there might have to be some encroachment onto the road but he was not certain. Something has to be done before it collapses. There is an issue with the large amount of erosion.

Mr. Yount explained that he had no problem with Nelson Oil Company fixing their erosion issue as long as he is allowed access to the back of his property by the street.

Mr. Hines and Mr. Yount explained how the drainage flows on both of their properties.

After some discussion, Alderman Randall Mays suggested working toward an agreement to benefit all parties. He suggested allowing Nelson Oil Company to slightly encroach on the right-of-way so that they may fix their erosion problem.

Mayor Pro Tem Vernon Moyer asked Town Attorney Redmond Dill if there would be any issues with allowing the Nelson Oil Company to encroach on the right-of-way to repair their erosion issue.

Mr. Dill said that should not be a problem on the unopened street.

Alderman Randall Mays said that he would be willing to allow Nelson Oil Company to encroach on the right-of-way to fix the erosion issue. The Town would still maintain the integrity of the street. If the street were to be closed, future access to the back of the property would be an issue. Mr. Mays asked the two property owners if this was acceptable.

Mr. Hines said that he would have to discuss the issue with his attorney. He was worried about making a repair on a property that does not belong to the company.

Alderman Ken Bumgarner suggested that the Town table this issue to give time to Mr. Hines to talk to his attorney.

It was the consensus of the Board to allow Nelson Oil Company to encroach on the right-of-way to allow for repairs as long as it does not cause an issue with Mr. Yount's property.

Mayor Pro Tem Vernon Moyer requested that Public Works Director David Draughn review the 1st Ave drainage issue.

There being no further discussion, Mayor Pro Tem Vernon Moyer declared the public hearing closed.

Motion was made by Alderman Ken Bumgarner, seconded by Alderman Randall Mays to table the discussion until the September 13, 2010 meeting in which time adequate information could be gathered. The vote was unanimous.

Ayes: 4 Noes: 0

A RESOLUTION ORDERING THE CLOSING OF THAT PORTION OF 19TH STREET SOUTHWEST BETWEEN 1ST AVENUE SOUTHWEST AND THE NORFOLK SOUTHERN RAILROAD RIGHT-OF-WAY

The discussion was tabled. See above.

DRAFT RESOLUTION FOR THE TOWN OF LONG VIEW'S SUPPORT FOR INTERLOCAL AGREEMENT WPCOG-OWNED OFFICE FACILITY AND COPY OF INTERLOCAL AGREEMENT

The Agreement is intended to demonstrate to the Local Government Commission (LGC) that the Western Piedmont Council of Governments (WPCOG) is a stable organization, capable of repaying the financing being requested from the US Department of Agriculture (USDA).

To read the full resolution: "Resolutions and Proclamations"

Motion was made by Alderman Randall Mays, seconded by Alderman Ken Bumgarner to adopt the "Resolution for the Town of Long View's Support for Interlocal Agreement WPCOG-Owned Office Facility". The vote was unanimous.

Ayes: 4 Noes: 0

REQUEST FROM LONG VIEW LION'S CLUB FOR PERMISSION TO SET UP AT LOCATIONS IN TOWN TO COLLECT MONEY FOR ANNUAL WHITE CANE DRIVE

Mayor Pro Tem Vernon Moyer informed the Board of the request from the Long View Lion's Club to collect money for their annual White Cane Drive to raise funds to help the blind and handicapped citizens of the community and state.

The time will be from 9:30 A.M. until 2 P.M. and the dates and locations will be as follows:

- Saturday, September 11, 2010 at the intersection of 1st Ave. S.W. and 33rd St. SW
- Saturday, October 16, 2010 at the intersection of 2nd Ave. NW and 27rd St. NW
- Request on rain dates on October 2, 2010 and October 23, 2010 for any of the above
- Saturday, March 12, 2011 at the intersection of 1st Ave. SW and 33rd St. SW
- Saturday, April 16, 2011 at the intersection of 2nd Ave. NW and 27th St. NW
- Rain dates on March 19, 2011 and April 23, 2011

Motion by Alderman Ken Bumgarner, seconded by Alderman John McDaris to approve the request by the Long View Lion's Club for permission to collect money for their annual White Cane Drive to raise funds to help the blind and handicapped citizens of the community and state. The vote was unanimous.

Ayes: 4 Noes: 0

FINANCE REPORT

Finance Director James Cozart informed the Board that there would not be a Finance Report for the August Board Meeting. The information that was presented at the June 28, 2010 meeting was the information that would have been presented in August. The reports will continue at the September meeting.

ADMINISTRATOR'S REPORT

Maple Springs Project – Town Administrator David Epley informed the Board that the Maple Springs Project is making progress. Wilke Construction Company has some projects that will need to be completed.

Mayor Pro Tem Vernon Moyer asked about the status of replacing the walking track and playground equipment.

Public Works Director David Draughn informed the Board that the repaving of the sidewalk is part of the road paving portion of the overall project. The paving of the sidewalk and placement of the playground equipment will not occur until the Maple Springs project is closer to completion.

19th Street NW Project – Town Administrator David Epley informed the Board that on August 2, 2010 the Town received official approval for the sewer improvements on 19th St NW. Engineer Doug Chapman has done some preliminary design work.

OTHER BUSINESS

No Parking Sign

Town resident Mike Barger requested that a “No Parking Sign” be placed on 1st Ave Place NW. He explained that residents from the apartments across the street have been parking in the road. He is concerned that when he leaves his driveway that he might accidentally hit one of the cars.

Alderman Ken Bumgarner requested that the Police Department investigate this matter and report back to the Board.

CLOSED SESSION (LEGAL MATTER)

Motion was made by Alderman John McDaris, seconded by Alderman Ken Bumgarner to go into a closed session at 8:12 p.m. to discuss a potential legal matter. The vote was unanimous.

Motion was made by Alderman Randall Mays, seconded by Alderman Ken Bumgarner to adjourn the closed session at 8:26 p.m. The vote was unanimous.

Motion was made by Alderman Randall Mays, second by Alderman John McDaris to approve the “Temporary Wastewater Agreement Between the Town of Long View and Tailored Chemical”. The vote was unanimous.

Ayes: 4 Noes: 0

ADJOURNMENT

Alderman Randall Mays wished to thank Town Administrator David Epley, Town Attorney Redmond Dill, and Engineer Doug Chapman for their work towards the completion of the agreement between the Town of Long View and Maple Springs Laundry.

Alderman Randall Mays wished to show his support for the return of Alderman Ken Bumgarner from his absence due to an illness. The rest of the Board was in agreement.

There being no further business, motion was made by Alderman Ken Bumgarner, seconded by Alderman Randall Mays to adjourn the meeting at 8:31 p.m. The vote was unanimous.

Stephanie C. Watson
Town Clerk, CMC

Vernon Moyer
Mayor Pro Tem