

**THE TOWN OF LONG VIEW
TOWN ALDERMEN MEETING
May 9, 2005**

The Town of Long View Board of Aldermen met on Monday, May 9, 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, Firefighter Ronnie Sigmon, Major Jim Worrell, Police Officer Brian Collins, Town Planner Russ Cochran, Water Plant Superintendent Rani Holland, Code Enforcement Officer Dan Weeks, and Finance Director Jamie Cozart.

OTHERS PRESENT: The following names represent other persons present at the meeting: Mr. and Mrs. Jack White, Henry Thomas, Judy Whaley, Phyllis Pennington, Wayne Reese, Janet Reese, Charles and Anna Goble, James Beam, Jr., Joyce Beam, D. Watford, A. Perez, Amanda Manasco, Jan Coffey, Sonya Oxentine, Justin Oxentine, Doug Marlow, Sue and Larry Favil, Jason Cady, Charles Coleman, Robert Feldman and others.

MEETING CALLED TO ORDER: Mayor Norman Cook called the meeting to order and the invocation was given by Reverend Richard Schwandt of Christ Lutheran Church of Hickory. Reverend Schwandt is the pastor of Alderman Randall Mays.

APPROVAL OF MINUTES: Motion was made by Alderman Mays and seconded by Alderman Bumgarner to approve the April 11, 2005 Board meeting minutes. The vote was unanimous.

ORDINANCE FOR AUTO REPAIR AND SIMILAR BUSINESSES PUBLIC HEARING: Mayor Norman Cook declared the public hearing open for comments on the Ordinance for Auto Repair and Similar Businesses.

Town Planner Russ Cochran briefly went over changes addressed at the last meeting. Alderman Bumgarner asked a question if existing Gasoline Service or Filling Stations were required to locate at least forty (40) feet from any street or road right of way. He was informed that this regulation only applied to new establishments and not existing operations. Existing gasoline service or filling stations would be grandfathered in.

At this time the meeting was open for more public comments.

Robert Feldman of Robert's Express wanted to clarify that his business would be grandfathered in concerning the 40 foot rule. He was informed that his business would be grandfathered in.

Phyllis Pennington informed the Board that because of all the junk yards, etc., her area of town was infested with large rats. She asked the Board what they could do to get rid of them. She was informed that situation would be addressed with the new ordinance, and the property owner had six months to comply.

Ms. Pennington and various property owners asked what could be done now to assist with the problem. She was informed that they could go to the Health Department for assistance or file a lawsuit against the property owner.

Mr. Jack White questioned (k) on page 9 in the proposed ordinance for Auto Repair and Similar Businesses. It stated that automobile graveyard; automobile wrecking, junkyard and salvage yards must obtain a permit from the Zoning Office. He was informed that should have been taken out of the ordinance because none of the above would be allowed in the city limits. The Planning Director noted that was an error and would be corrected.

The definition of "salvage yard" was discussed. Alderman Mays noted that the ordinance did not have a classification for salvage or junk. There was a brief discussion on why junk yards had five years to comply and gas stations only 6 months?

It was noted by a citizen that the junk yard on Highway 70 was in violation and the question was asked who would be enforcing the new ordinance. It was stated that the Code Enforcement Officer would be enforcing the code as soon as the ordinance was adopted.

Phyllis Pennington informed the Board that Main Ave. Drive behind her home had been cleared off and the lot was vacant with a large pile of brush lying across the creek covering the drains causing a problem with mosquitoes.

Following a brief discussion the Town Administrator was asked to look into the mosquito problem and have it addressed.

Following further comments, Mayor Cook declared the public hearing closed at 7:45 p.m.

Motion was made by Alderman Mays to adopt Ordinance No. 5-03-05 for Auto Repair and Similar Businesses with the above noted changes including the deletion of (k) on page 9. The motion was seconded by Alderman McDaris and the vote was unanimous. (See pages 81 - 90 of these minutes for a copy of the ordinance.)

REPEAT OFFENSES ORDINANCE – SET PUBLIC HEARING: The Planning Director presented to the Board a draft ordinance to allow the Code Enforcement officer to cite repeat offenders without completely restarting the process for each new offense. He informed the Board that the ordinance would provide for a more effective method of dealing with repeat offenders. The draft ordinance is as follows:

Repeat Offense. Any violation reoccurring on the same property by the same violator more than once within a 36-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Article of this Ordinance. A notice of violation shall be issued by the Administrator or his/her designee and shall have an immediate civil penalty of \$50.00. No warning period shall be granted since this provision applies only to violations that occur more than once in a 36-month period and proper notice was given for the initial violation as prescribed under Section 10.99 for each day the repeat violation remains, the violator shall be subject to a civil penalty of \$50.00. Should a violation continue to exist and /or the violator fails to pay the penalties, the City shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. Procedures for issuance, service, and collection of non-paid penalties shall be as set forth in the Code Enforcement Policy (Adopted September 2004) of the Town of Long View Code of Ordinances. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in Section 10.99 .

Following the Planning Director's presentation and a brief discussion by the Board, motion was made by Alderman Ken Bumgarner, seconded by Alderman John McDaris to set Monday, June 13, 2005 at 7:30 p.m. as the public hearing date. The vote was unanimous.

CATAWBA COUNTY EROSION AND SEDIMENTATION CONTROL PROGRAM INTERLOCAL AGREEMENT: The Administrator informed the Board that in the past North Carolina has provided erosion and sedimentation control to counties and cities. Due to requests by members of the building community, citizens and the Foresight Committee, Catawba County has established a local erosion and sedimentation control program. They are willing to provide erosion and sedimentation control within the corporate limit boundaries of Long View if the Town so desires.

It was noted that there would be no cost to the Town of Long View because Catawba County would generate enough funds through fees to pay for the service. It was added that it was a one year renewable agreement, and if at some point the program did not pay for itself then the Town of Long View could revert back to the State for the service.

An Interlocal Agreement for Enforcement Services of the Catawba County Soil Erosion and Sediment Control Ordinance was presented for the Board's review and approval.

Following a brief discussion, motion was made by Alderman Vernon Moyer and seconded by Alderman Ken Bumgarner to adopt the Interlocal Agreement for Enforcement Services of Catawba County Soil Erosion and Sediment Control Ordinance. The vote was unanimous. (See pages 91 – 93 of these minutes for a copy of the agreement.)

CITY OF HICKORY AGREEMENT FOR EMERGENCY BULK WATER SALES: The Administrator informed the Board that he had successfully negotiated a new agreement for emergency bulk water purchases with the City of Hickory.

He informed the Board that when he was hired the Town had an agreement to purchase emergency water from Hickory at a rate of \$1.70 per thousand gallons. In 2002, the City of Hickory proposed an emergency water agreement at a purchase price of \$2.36 per thousand gallons which was an exorbitant rate.

Mr. Epley stated that he finalized an agreement with the City of Hickory that will allow the Town to purchase emergency water at a rate of \$1.18 per thousand gallons.

The agreement will commence on June 1, 2005 and run through the 30th day of June, 2007. At the time of expiration the agreement can be extended under the same terms and conditions on a yearly basis.

Following a time of questions and answers the Board commended the Administrator for negotiating such a good contract. Alderman Randall Mays made a motion to approve the Agreement for Emergency Bulk Water Sales with the City of Hickory. Alderman Bumgarner seconded the motion and the vote was unanimous. (A copy of the agreement is located on pages 94 - 101 of these minutes).

ADMINISTRATOR'S REPORT: The Administrator informed the Board that the new **Code Codification Book** was in and copies were provided to each Board Member. It was also noted that the new **Town flag** had arrived.

The Board was reminded of the **Budget Work Session** on Monday, May 16, 2005 at 6:00 p.m. in the Conference Room at Town Hall.

The Administrator gave the Board an update on **Tailored Foam**. It was noted that the Town's engineers had requested information on Tailored Foam's influent water and that

information had not been received to date. When it is received it will be reviewed by the engineer to see it can be used. Another meeting will be scheduled with Tailored Foam.

The Board was informed that the **Generator Project** was not complete. The Engineer prepared a punch list of items that needed to be addressed. There was discussion with the Board about the finished work on the wall. The Administrator asked the Board if they had any recommendations about the finished work. Mr. Epley noted that the project was structurally sound, but the aesthetics were terrible. There was discussion about whether to use brushed stucco or brick veneer. It was noted that the original plans did not call for brick, but called for quality work on the concrete pad. If the Town decides to go with the brick veneer it was noted that the contractor should share in the cost.

Following further discussion it was the consensus of the Board to use the brick veneer.

Citizens Concerns: John Watford from **Western Ridge Subdivision** informed the Board that the residents in his subdivision had serious problems with erosion and drainage. They were told that the Town of Long View was supposed to apply for a grant to assist with correcting the erosion and drainage three years ago. Mr. Watford stated that they had not heard anything about it.

The Administrator agreed with the residents that there was a problem and that a grant application had recently been submitted and that several other problem areas have been added to the application. The grant announcement would be made in August. Mr. Epley apologized to the citizens for the delay, but he wanted them to be aware that the problem was with the developer. Also, it was noted that this was not free money; the Town had to match the grant.

Another Citizen, Jason Cady asked the Board if new construction could be stopped in the development to help with the erosion problem. He informed the Board that they have spent hundreds of dollars on their lawn and the erosion continues.

The citizens were informed that the Town had a new subdivision ordinance that addressed the drainage problems for future development but did not apply to the old subdivisions.

The Town Attorney stated that the Town has contracted with Catawba County to administer the soil and erosion plan locally.

Charles Coleman informed the Board that he would like to see the Town put out another **newsletter**. He noted that they use to get one every quarter and it provided valuable information. The Administrator informed Mr. Coleman that the Town now had a website that provided information about the Town and its services. Mr. Epley informed the Board that he would be glad to start the newsletter back.

CLOSED SESSION: At this time the Mayor noted that the Board needed to go into closed session in regards to a legal matter. Motion was made by Alderman Moyer and

seconded by Alderman Mays to adjourn regular session at 8:05 p.m. and go into closed session. The vote was unanimous.

Motion was made by Alderman Bumgarner, seconded by Alderman McDaris to adjourn closed session and return to regular session at 8:25 p.m. The vote was unanimous.

Mayor Norman Cook called the regular meeting back to order and asked if the Board members had any comments.

At this time Alderman Randall Mays who in the past served 12 years on the Planning Board had heard that by his attendance at the Planning Board meetings he was influencing Planning Board decisions. He wanted the Board of Aldermen and those present to know that he attends the Planning Board meetings because of his interest and support of what goes on in Long View. Mr. Mays also stated that there has not be a lot of interest in what goes on in the Planning Board meetings and he lends his support to the Planning Director to try to get more commitment from the Board members. Alderman Mays expressed his concern that the Planning Board does not meet on a regular basis due to a lack of quorum.

There was detailed discussion on what the staff and Board needed to do to get more committed Planning Board members who would support the Town and the Planning Director.

Alderman Bowman stated that he felt the Planning Board needed to stand alone and should not have a member of the Board of Alderman going to the meetings and influencing the decisions made. He felt like the Board of Alderman needed an unbiased opinion from the Planning Board when it comes to recommendations.

It was the consensus of the Board of Aldermen that if the Planning Board members were not showing up then the Planning Director needed to recruit new members.

The Planning Director stated that the new bylaws were in the process of being drafted and they will address board membership and their responsibilities. The new bylaws would spell out the requirements of membership. It was noted that the Planning Board also acts as the Town's Board of Adjustment.

Alderman Moyer stated that he was glad to see that a member of the Board of Aldermen had interest in the Town's Planning Board because the open meetings law allows anyone to attend the meetings.

Alderman Bowman noted that he did not mind Alderman Mays being at the Planning Board meetings he just felt like it was a conflict of interest when he participated in discussions and influenced Planning Board decisions.

Alderman Mays stated that his participation in discussion was only when he was asked questions or if he remembered past Planning Board actions.

Following further comments Mayor Cook asked the Planning Director to come up with new bylaws and to get a commitment from the members of the Planning Board.

There being no further discussion motion was made by Alderman Moyer, seconded by Alderman Bumgarner to adjourn the meeting at 8:55 p.m. The vote was unanimous.

Town Clerk

Mayor