

**TOWN OF LONG VIEW
TOWN ALDERMEN MEETING
October 10, 2011**

The Town of Long View Board of Aldermen met on Monday, October 10, 2011 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 Lee Little, Alderman Vernon Moyer, Alderman Ken Bumgarner, Alderman Randall Mays, and Alderman Jackie Bowman.

BOARD MEMBERS NOT PRESENT: The following member of the Board was not present: Alderman John McDaris.

STAFF PRESENT: The following members of staff were present: Town Administrator David Epley, Town Clerk Stephanie Watson, Town Attorney Larry W. Johnson, Finance Director James Cozart, Town Planner Charles Mullis, Public Works Director David Draughn, Fire Chief Eric Shepherd, Water Plant Supervisor Rani Holland, Police Major Jim Worrell, and Police Officer Justin Roberts.

OTHERS PRESENT: Town resident Harold Duckworth and others were present.

MEETING CALLED TO ORDER: Mayor Lee Little called the meeting to order and Alderman Vernon Moyer gave the invocation.

APPROVAL OF MINUTES: Mayor Lee Little asked for approval of the minutes.

Motion was made by Alderman Randall Mays, seconded by Alderman Ken Bumgarner to approve the September 12, 2011 Regular Meeting Minutes and Closed Session Minutes. The vote was unanimous.

DISCUSSION OF LONG VIEW RECREATION CENTER

Mayor Lee Little opened the discussion to members of the Board and staff.

Alderman Jackie Bowman stated that he would like to make an adjustment to the current Rules and Regulations for renting the Long View Recreation Center. He requested rental privileges be denied to the Board of Aldermen and staff. He requested that the Recreation Center still be available for rental to "Not for Profit Entities" and "Government Organizations."

Mr. Bowman stated that he did not feel it was right that the citizens cannot rent the Recreation Center but Board Members and Town staff can. He stated that if Board members and staff can rent it, then citizens should be allowed to rent it as well.

Alderman Ken Bumgarner stated that he had heard from citizens that it was a discrimination against the people. He requested a motion to be made to not allow employees or elected officials to rent the Recreation Center.

Mayor Lee Little requested to give a third option to the Board before the motion was made. He explained that there is a nice big building that at one time was rented to the Town's citizens. He realizes that the

Town has had trouble in the past with renting the Recreation Center. His idea was to potentially open the Recreation Center back up. The Town could allow the citizens to rent the building for a deposit of no less than \$500.00 or higher depending on the amount needed to cover costs. The Town could also have an Administration fee that could pay a volunteer employee or an off duty police officer to check after each person that has rented the building. That way the Town would have a sure way of knowing who rented the building and what the condition of the building was after each rental. He suggested the Town update the liability agreement and make the renter sign the agreement to pay for all damages.

Alderman Jackie Bowman stated that in the situation as described by Mayor Little, the Town would also have to deal with lawyer's fees and potential lawsuits.

Alderman Ken Bumgarner stated that there is a lot of damage that is being done that is not being done by the renters. There are property owners that are renting the Recreation Center for other people.

Alderman Jackie Bowman stated that it had been an ongoing issue for years and the Town has to spend the tax payers' money to fix the damages.

Alderman Ken Bumgarner stated that one possibility would be that the Town could rent the Recreation Center if there was a tax increase to cover the costs.

Mayor Little stated that the only thing he wanted to do was the best thing for the Town's citizens.

Alderman Randall Mays stated that the good people pay for the price for the ones that have caused damages. There have been a few bad ones over there, they damaged it, and it is unrecoverable. He added that to make it equitable, no one gets to rent it. There would be no way to weed out who could rent it from those who could not. If the building were to stay open, tax payers would end up having to pay for the damages.

Alderman Jackie Bowman stated that before the Board made the current decision to close the Recreation Center, there were steps taken to properly identify renters and to cover costs of damages.

Alderman Randall Mays stated that there were times that the person actually renting the Recreation Center was not actually on the premises when the event was taking place.

Water Plant Superintendent Rani Holland asked if there was any way that the Town could make the renter responsible and put a lien on their property if there was damage.

Alderman Randall Mays stated that if it were open to the citizens of the Town, not all citizens are property owners and there would be no property to put a lien on. He said that the Town needs to be careful not to be pegged for discrimination. In renting to one person and not the other it opens the Town to a liability. Under the circumstances the Town has done the best it can do. If it is open, it is going to cost the people of the Town money to keep the Recreation Center operating and to fix damages.

Mayor Lee Little asked if the Town makes any money renting the building.

Finance Director James Cozart stated that it depends. The building was not torn up every time it was rented but a lot of times it was. Sometimes the Public Works Department had to work on the damages at the Recreation Center and that took them away from doing other jobs.

Alderman Randall Mays stated that it was more than the monetary expense in fixing the damages, it was the man hours.

Town Administrator David Epley stated that the Town had had a lengthy discussion of rentals at the Recreation Center at the yearly budget retreat. It came down to the fact that if the Town was to continue to rent the Recreation Center, the Town would have to appropriate money to have somebody to be there. If no one is there, it will be torn up.

Mayor Little said that that was what the suggested Administration Fee would be for; to pay for someone to go over there.

Alderman Jackie Bowman stated that the option to close the Recreation Center to the public was not a spur of the moment decision. He stated that if the Town could come up with a system that will not cost tax payers money, then he would be all for opening the Recreation Center back up to the public. Mr. Bowman restated that it would not be right to allow employees and Board members to rent the Recreation Center if it is not open to the public.

Alderman Jackie Bowman requested that the Board could put the discussion of the Recreation Center back on the budget retreat agenda this year. In the mean time, the Town could research into what other Towns have in place to rent their recreation centers. At this point in time he felt there was no other option but to leave the rules as they are with the exception of not allowing employees and Board members to rent the Recreation Center. Not for Profit Entities and Government Organizations would still be allowed to rent it.

Mayor Lee Little stated that he was a steward of the Town and was trying to do what was best for the citizens.

Alderman Randall Mays stated that if the Town wanted to rent it out to the public, then money would have to be appropriated and taxes would have to be increased. He stated that in being a steward for the Town, he was trying to protect the money in the citizens' pockets. The citizens would not like their taxes paying for something that someone else is using and tearing up.

Alderman Jackie Bowman stated that about eighty percent of the Long View population has never rented the Recreation Center.

Mayor Lee Little stated that he has received many comments from citizens who used to rent the Recreation Center and are no longer allowed to rent it. He stated that he was only trying to bring up another option.

Alderman Jackie Bowman stated that the Board had tried to raise the rates in the past and it did not work. If another idea comes up in the future, he would be open to it. At this point in time, he does not see opening the Recreation Center back up to the public.

Alderman Jackie Bowman suggested that the Board discuss this issue at the next budget retreat.

Aldermen Ken Bumgarner requested that the signs be posted at the Recreation Center.

Attorney Larry Johnson stated that when a Town has a facility like the Recreation Center, it is basically a public forum and the law states that it has to be available for everybody equally. If the Town rents it to a church for free, the Town must also rent it to another "Not for Profit Entity" for free. The Town cannot discriminate based on the content of their speech.

Attorney Larry Johnson suggested that the Town charge something to all organizations because of the cost of using it.

Mr. Johnson stated that the Town cannot rent the Recreation Center based on property ownership. It can be based on being inside the Town limits versus being outside the Town limits.

Mr. Johnson stated that if vandalism is the problem, the Town could require off-duty police officers to be there. The police department could assess how many officers are needed based on the type of event. The officer can give the keys to the renter, the officer and renter could do a walk through to check the building, and then both could sign off on the condition of the building before the event. After the event, the officer and the renter could do another walkthrough.

Alderman Jackie Bowman stated that there are probably very few towns that charge civic organizations for use of their Recreation Center.

Alderman Vernon Moyer stated that if the Town has an officer assigned for a given set of hours, the renters would pay the hourly fee for them to be there, the only the officer would have the key to unlock and lock the door, and the hourly fee would have to be paid ahead of time.

Alderman Ken Bumgarner stated that it is not only the inside of the building that is a problem, it is the outside too. Would the Town keep someone at the Recreation Center seven days a week?

Alderman Vernon Moyer stated that renting the building would be a separate process from the outside. The hours posted on the outside grounds would still work and still need to be posted.

Alderman Jackie Bowman stated that this should be placed on the agenda for the budget retreat.

Alderman Vernon Moyer was still concerned about some people using it and others not.

Alderman Randall Mays asked if the Board was doing anything illegal by eliminating public use and only allowing "Not for Profit Entities" and "Government Organizations" to use it. Attorney Larry Johnson stated that the Town could set that rule but once the Town creates that threshold, anyone who fits that criteria should be allowed to rent the Recreation Center.

Alderman Randall Mays asked if only allowing "Not for Profit Entities" and "Government Organizations" to use the Recreation Center would be okay. Mr. Johnson said that it would be okay.

Motion was made by Alderman Jackie Bowman, seconded by Alderman Ken Bumgarner to amend the Rules and Regulation to the Recreation Center to omit allowing employees and elected officials rental of the Recreation Center. The vote was unanimous.

FINANCE REPORT

Finance Report

Finance Director James Cozart informed the Board that in the General Fund as of August 31, 2011 with seventeen percent of the budget year complete, Revenues totaled \$398,238.00. Revenues are down slightly from last year due to Ad Valorem Tax collections being down. Expenses totaled \$485,935.00. Expenses are up slightly over last year due to some capital outlay purchases in our budget this year and not in the last year budget. Expenses exceeded revenues by \$87,697.00. Normally, the Town's breakeven point is in December or January when the majority of our ad valorem taxes have been paid.

In the Utility Fund, Revenues totaled \$297,102.00. The largest difference in the Town's Revenues from last year is that we received an insurance reimbursement last year for lightning damage at the Water Plant. Expenses totaled \$255,960.00 which was down from \$301,672.00 last year. Revenues exceeded expenses by \$41,142.00.

Budget Amendment: Ordinance No. 02-11-12: Budget Ordinance Amendment No. 1

Finance Director James Cozart presented to the Board Budget Ordinance Amendment No. 1 which was to amend the General Fund Budgeted amounts. In Ordinance No. 02-11-12: Budget Ordinance Amendment No. 1, in Revenues the BB&T Loan Proceeds Line Item (10-355-0000) was decreased by \$243,273.00. In Expenditures, the Street Line Item (10-560-7400) was decreased by \$118,977.00 and the Town Complex Line Item (10-470-7400) was decreased by \$124,296.00.

The purpose of the amendment was to record proceeds received from a financing loan from BB&T Governmental Finance for the purchase of a brush truck and heat pump unit for Town Hall.

Motion was made by Alderman Vernon Moyer, seconded by Alderman Ken Bumgarner to adopt Ordinance No. 02-11-12: Budget Ordinance Amendment No. 1. The vote was unanimous.

ADMINISTRATOR'S REPORT

Projects Report

19th Street Sewer Project – Town Administrator David Epley informed the Board that construction is ahead of schedule for the 19th Street Sewer Project. The water line is in, has been tested, and is approved.

2nd Avenue Sidewalk Project - Town Administrator David Epley informed the Board that the project has been completed.

Maple Springs Grant Project - Town Administrator David Epley informed the Board that a pre-construction meeting has been scheduled for Thursday, October 13, 2011. The project should start soon after.

Old Sewer Plant Demolition - Town Administrator David Epley informed the Board that the project is currently underway.

Street Paving List - Town Administrator David Epley informed the Board the Town's Street Committee has come up with a list for streets to be paved. The Town has received a bid for the list from Carolina Paving for the amount of \$111,540.00.

After a brief discussion, Mr. Epley suggested prioritizing the street paving list and paving the higher priority streets first.

The Board was in agreement with Mr. Epley.

Employee Appreciation Lunch - Town Administrator David Epley informed the Board that an Employee Appreciation Lunch will be held on Thursday, October 13,

2011 from 11:00 a.m. to 1:00 p.m. The event is being sponsored by Alderman Randall Mays.

Mr. Epley thanked Mr. Mays for sponsoring the event.

DECLARATION OF SUPPLUS PROPERTY

Public Works Director David Draughn requested that the Board of Aldermen declare the following items as surplus:

<u>Item</u>	<u>Vin Number</u>
1995 Ford Brush Truck	1FDYD80CXTVA10077
1987 Ford Short Bed Dump Truck with Leaf Box	1FDNT74P2HVA00895
1981 Old Dominion Brush Trailer Leaf Machine	
2004 Crown Victoria Police Car	2FAFP71H94X106249
2002 Crown Victoria Police Car	2FAFP71M82X103985
2000 Crown Victoria Police Car	2FAFP71H844109696

Mr. Draughn recommended that bids be received as private sealed bids for each item.

Motion was made by Alderman Ken Bumgarner, seconded by Alderman Randall Mays to declare the listed items as surplus. The vote was unanimous.

Alderman Vernon Moyer requested to know that as this is the last year that the Crown Victoria Police Cars will be made, what will be the new car that the Police Department will purchase. Mr. Epley stated that it would probably be a car in the Dodge line.

OTHER BUSINESS

Alderman Jackie Bowman said that he had spoke with Code Enforcement Officer Tony Cline about the Town's ordinances in regards to motor homes and RVs. Mr. Bowman stated that according to the ordinance, if someone had an RV, it could not be plugged in at their house. During the winter time people like to plug in their RV to run the heater.

Town Planner Charles Mullis informed the Board that the Ordinance says that RVs cannot be connected to any utility. It is like that to prevent people from living in them.

Alderman Randall Mays stated that Catawba County has a similar ordinance.

Alderman Jackie Bowman stated that he did not want to change the ordinance but to modify it to allow for an RV to be plugged in to run the heat system.

Alderman Randall Mays stated that RVs are equipped with a drainage system so that water can be let out of the tank or antifreeze can be used to prevent freezing. Mr. Mays explained that in Catawba County, it is allowed for a RV to be plugged up temporarily to charge the battery as long as it is not continually plugged up for long periods of time.

Alderman Jackie Bowman asked if the Town's ordinance allows for someone to plug up their RV to charge its batteries. Town Planner Charles Mullis said that it does not.

Alderman Randall Mays stated that the Catawba County ordinance does not either. It is under the discretion of the inspector who would come out and check it.

Alderman Jackie Bowman asked the Town of Long View could adjust its ordinance to allow for the plug up of RVs to maintain the batteries.

Alderman Randall Mays stated that it should go to the discretion of the inspector. A few hours a day of charging would maintain the battery but keeping it continuously plugged up would not be acceptable. If the ordinance is changed then there will be people who will take advantage of the system and plug up the RV all the time and live in them. He stated that he does not agree with changing the ordinance. The Town should leave the ordinance as is.

Alderman Vernon Moyer stated that he would be in favor of allowing residents to use it as a guest room but not a permanent living quarters.

Alderman Ken Bumgarner stated if the RV was allowed to be used as a guest room than there would be those that would try to live in it permanently.

Alderman Randall Mays stated that he did not agree with changing the ordinance. Leave it as it is.

Alderman Ken Bumgarner stated that he did not agree with changing the ordinance.

CLOSED SESSION TO DISCUSS LEGAL MATTER

Motion was made by Alderman Jackie Bowman, seconded by Alderman Ken Bumgarner to adjourn to closed session at 8:21 p.m. to discuss a legal matter (Case #: 11CV002921). The vote was unanimous.

Motion was made by Alderman Randall Mays, seconded by Alderman Ken Bumgarner to adjourn the closed session at 8:34 p.m. and return to the regular meeting. The vote was unanimous.

ADJOURNMENT

Alderman Randall Mays invited employees to be present for the Employee Appreciation Lunch on October 13, 2011.

Alderman Vernon Moyer asked if the Town had heard anything from the Department of Transportation about the guardrail on 2nd Ave NW. Public Works Director David Draughn stated that Engineer Doug Chapman had sent an initial request. Mr. Draughn stated that he would send a letter to the new district engineer.

Mayor Lee Little thanked the staff for their hard work.

There being no further business, motion was made by Alderman Randall Mays, seconded by Alderman Ken Bumgarner to adjourn the meeting at 8:36 p.m. The vote was unanimous.

Stephanie C. Watson
Town Clerk, CMC

Lee Little
Mayor