

**TOWN OF LONG VIEW
BOARD OF ALDERMEN
MEETING MINUTES
DECEMBER 14, 2020**

The Town of Long View Board of Aldermen met in the Council Chambers of Long View Town Hall on Monday, December 14, 2020 at 6:30 p.m. Due to social distancing guidelines regarding COVID-19, the meeting was held over Zoom software and attendees were both physically present and electronically present.

BOARD MEMBERS PRESENT (Physically): The following members of the Board were present: Mayor Marla Thompson, Mayor Pro Tempore/ Alderman Randall Mays, Alderman Gary Lingerfelt, Alderman Dallas Tester, and Alderman Thurman VanHorn.

BOARD MEMBERS PRESENT (Electronically): The following member of the Board participated electronically: Alderman David Elder.

STAFF MEMBERS PRESENT (Physically): The following members of staff were present throughout the entire meeting: Town Administrator David Draughn, Town Clerk Stephanie Watson, Finance Director James Cozart, Town Planner Charles Mullis, and Public Works Director Chris Eckard.

STAFF MEMBERS PRESENT (Electronically): The following members of staff participated electronically: Fire Chief James Brinkley, Police Chief TJ Bates, and Deputy Fire Chief Tyler Keener.

OTHERS PRESENT (Electronically): The following people were present over Zoom: None.

OTHERS PRESENT (Physically): The following people were present: Rick Hammer of Lowdermilk, Church and Co, L.L.C

MEETING CALLED TO ORDER: Mayor Marla Thompson called the meeting to order and Alderman David Elder gave the invocation.

APPROVAL OF MINUTES: Motion was made by Alderman David Elder, seconded by Alderman Gary Lingerfelt to approve the November 9, 2020 Regular Meeting Minutes. The vote to approve was unanimous.

AYES:	Mayor Pro Tempore / Alderman Randall Mays Alderman David Elder Alderman Gary Lingerfelt Alderman Dallas Tester Alderman Thurman VanHorn
NOES:	None

PUBLIC HEARING TO RECEIVE PUBLIC INPUT FOR THE PROPOSED AMENDMENT TO THE CODE OF ORDINANCES – TOWN PLANNER CHARLES MULLIS

Motion was made by Alderman Thurman VanHorn, seconded by Alderman Gary Lingerfelt to open the public hearing to receive public input for the proposed amendment to the Code of Ordinances. The vote to approve was unanimous.

AYES: Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn

NOES: None

Town Planner Charles Mullis informed the Board that the following pages are for the potential adoption of Chapter 98 and an amendment to Chapter 119 of the Long View Code of Ordinances.

These ordinances are to put more “teeth” into the Town’s code. Due to COVID-19 protocols, the following will go before the Board during the January 2021 Board of Aldermen Meeting.

Mr. Mullis stated that these changes will help his department and the Long View Police Department to enforce some stricter regulations.

Alderman Mays asked if the Town’s attorney had been thoroughly through the new Chapter 98 and the Chapter 119 amendment.

Mr. Mullis stated that all of the proposed changes/additions have been reviewed by the Town’s attorney and are enforceable in court.

There being no further comments or questions, motion was made by Alderman Thurman VanHorn, seconded by Alderman Dallas Tester to close the public hearing. The vote to approve was unanimous.

AYES: Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn

NOES: None



TOWN OF LONG VIEW

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Planning Board Analysis of Long View Code of Ordinances Amendment No. 12-20

December 14, 2020

The Town of Long View Planning Board at a regularly scheduled meeting on November 19, 2020, discussed amending Chapter 119 of the Long View Code of Ordinances regarding the Registration of Residential Rental Property. The Planning Board also discussed the adoption of Chapter 98 entitled Nuisance Regulations. After much thought and deliberation, the Planning Board adopted by a unanimous vote, to recommend to the Long View Board of Aldermen to amend Chapter 119 and adopt Chapter 98 to the Long View Code of Ordinances.

Conclusion: The Town of Long View Planning Board believes the amendment to Chapter 119 and the adoption of Chapter 98 to the Long View Code of Ordinances are consistent with other regulations of a similar nature and that these newly adopted regulations will continue to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the Town of Long View.

Shirley Lowman, Chairman, Planning Board

Charles Mullis, Town Planner

AMENDMENT TO THE TOWN OF LONG VIEW CODE OF ORDINANCES

TITLE IX: GENERAL REGULATIONS

CHAPTER 98: NUISNANCE

Section

98.01 Definitions

98.02 Conditions Constituting Nuisance

98.03 Investigation; Notice of Abatement

98.04 Abatement by Town

98.05 Provision of Chapter Cumulative

98.06 Cost of Abatement to be Charged to Owner; Charges to be Lien

98.07 Exception of Vehicles Stored at Approve Junkyards

§ 98.01 DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Other definitions may be found in the chapters referred to in this chapter.

CODE or **CODE OF ORDINANCES** means the Town of Long View Code of Ordinances, as the same may be amended, modified, or replaced, from time to time.

CODE ENFORCEMENT OFFICER means the person or persons appointed by the Town Administrator and/or the Board of Aldermen to carry out the administration and enforcement of this chapter.

RUBBISH means matter that is worthless or useless or of no substantial, practical value or matter that is of value only when it has decayed or has been recycled. Rubbish shall include leaves, pine needles, twigs, limbs and other such parts of trees not useful as timber and shall include the trunks and limbs of trees, even though useful for timber, when the same have been blown down or felled, either partially or totally, and which have become dried and flammable.

TOWN means the Town of Long View, or its agents.

§ 98.02 CONDITIONS CONSITUTING NUISANCE

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits of the Town is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) Whatever is dangerous to human life or health or is in violation of any Town, county, or state health regulation.
- (2) Whatever renders the air, food or water unwholesome.
- (3) Whatever building, erection, structure or part of cellar thereof is overcrowded or not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, drained, cleaned or lighted.
- (4) All pools of stagnant water, all cellars and foundations of houses whose bottoms contain stagnant or putrid water.
- (5) All business organizations, such as public motor vehicle garages, service stations, dry cleaning establishments, and any other businesses or industrial organizations which shall discharge any petroleum products, chemicals or other such substances which would or could pollute any creek or stream within the zoning jurisdiction of the Town.
- (6) Any building or premises which is constructed or maintained in such a manner so as to provide food, shelter or protection for rats, mice, snakes or vermin of any kind.
- (7) The obstruction of the flow of water in any stream or drainage way within the Town by throwing or placing stumps, brush, rubbish, litter or other material within or along the banks of any such stream or natural drainage way.
- (8) Any accumulation of rubbish, trash or junk causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind.
- (9) The abandonment of junked motor vehicles on public grounds and private property.
- (10) An occupied or used improvement thereon without utility services resulting in conditions which are detrimental to the health, safety or welfare of citizens and the peace and dignity of the Town.
- (11) To allow primitive camping on any vacant lot or other parcel within the corporate limits of the Town for a period of more than seven (7) consecutive days or for a period of more than ten (10) cumulative days in any thirty (30) day period.
- (12) To reside or allow other persons to reside in any structure for which a residential certificate of occupancy has not been issued and is valid.

(13) To reside or allow others persons to reside in any crawl space, cellar, attic, garage, or storage container, storage unit, or building, or other structure, unless such spaces have been approved for human habitation by the Code Enforcement Officer.

(14) Any violation of Chapter 50, Garbage and Refuse; Chapter 90, Abandoned, Nuisance, and Junked Motor Vehicles; Chapter 91, Animals; Chapter 92, Fire Prevention and Protection; Chapter 93, Noise Control; Chapter 97, Graffiti; Chapter 113, Massage Establishments; Chapter 117, Garage Sales; Chapter 118, Sexually-Oriented Business; Chapter 119, Residential Rental Registration Remedial Action Program; Chapter 150, Building Regulations; Chapter 151, Flood Damage Prevention; Chapter 152, Housing Standards; Chapter 153, Subdivision Regulations; Chapter 154, Zoning Code; and/or Chapter 155, Nonresidential Building Maintenance Standards, of this Code.

(15) The frequenting or congregating thereon by persons in a manner and under circumstances manifesting the purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, currently G.S. ch. 90, art. 5, and the keeping or maintaining thereon of drug paraphernalia as defined by the General Statutes.

(16) The maintaining of any condition on the premises that is detrimental to the property of others, including, but not limited to, keeping or deposition on the premises or scattering over the premises any of the following:

- a. Waste, lumber, junk, trash, debris; or abandoned, discarded, unused, or deteriorating materials, objects or equipment, such as furniture, bedding, machinery, packing boxes, cans, or containers; or an accumulation of substantial quantities of loose earth, rocks, pieces of concrete or cement or pieces of metal;
- b. Construction materials, earth, sand or gravel on construction sites where the work is discontinued for a period of 60 days;
- c. Any earth or sand that has eroded and sloughs onto an adjoining sidewalk, street, or property. This provision does not preempt any applicable federal, state, or county regulations applicable to said events.

(17) Any act, omission, or condition that is a nuisance as defined in Chapter 19 of the North Carolina General Statutes, G.S. § 19-1, *et seq.*

(18) Exceptions. The provisions contained in subsection 98.02(16) a. and b. shall not apply to commercial property owners, including, but not limited to, junk yard dealers, salvage companies, yard waste recycling operations, cement, quarry or other mining type businesses, whose operations include the accumulation, storage, sale, repair, or maintenance of such materials or objects and who have obtained all applicable zoning and operating permits and privilege licenses permits and are following all applicable ordinances contained within the Code of Ordinances and other applicable codes or ordinances. In addition, the provision contained in subsection 98.02(16) b. shall not apply to stockpiled rock, stone,

gravel, sand, earth, or other similar materials on sites utilized and maintained by the North Carolina Department of Transportation or the Town.

§ 98.03 INVESTIGATION; NOTICE OF ABATEMENT

(1) The Code Enforcement Officer, or his or her designee, upon notice from any person of the existence of any of the conditions described in Section 98.02, shall cause to be made, by the appropriate county health department or Town official, such investigation as may be necessary to determine whether, in fact, such conditions exist as to constitute a public nuisance as declared in such section. If such investigating officer or official shall be of the opinion that such a nuisance does exist, he shall set out in writing a report of the conditions which he believes constitute a nuisance and shall notify the Code Enforcement Officer or his or her designee and shall further notify the owner, occupant or person in possession of the premises, or each of them to the extent the same can reasonably be done, of the date, time and place of a hearing to be held before the Code Enforcement Officer or their designee for the purpose of determining whether or not such a nuisance shall be declared to exist, such notice to be given at least ten days prior to the time of such hearing. At such hearing, the investigating official shall present his evidence of the facts and situation concerning such property and the owner, occupant or person in possession of the premises shall have the right to cross examine such official or other witnesses, as may be offered to testify; all testimony shall be under oath; the owner, occupant, or person in possession of the premises shall have the right to have an attorney present and a right to present evidence, and the Code Enforcement Officer or his or her designee shall determine that a condition exists constituting a public nuisance only upon such fact being determined by the greater weight of the evidence. However, such hearing shall not be required to be held in accordance with the rules of evidence as required for judicial hearings.

(2) Upon a determination by that such conditions constituting a public nuisance exist, the Code Enforcement Officer or his or her designee shall notify, in writing, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within ten days from the receipt of such written notice.

(3) The Town may notify a chronic violator of the Town's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the Town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns or resides in a property whereupon, in the previous eighteen (18) calendar months, the Town gave notice of violation at least three times under any provision of this Chapter.

§ 98.04 ABATEMENT BY TOWN

If any person, having been ordered to abate a public nuisance pursuant to this chapter, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of such order, the Code Enforcement Officer or his or her designee may cause such condition to be removed or otherwise remedied by having employees of the Town go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Code Enforcement Officer or his or her designee. Any person who has been ordered to abate a public nuisance may, within the time allowed by this chapter, request the Town, in writing, to remove such condition, the cost of which shall be paid by the person making such request. The Town may require such requestor to deposit some or all of the estimated cost of such removal prior to doing the work or may require the requestor to execute an agreement giving security for the payment of such costs.

§ 98.05 PROVISIONS OF CHAPTER CUMULATIVE

The procedure set forth in this chapter shall be in addition to any other remedies that may exist under law for the abatement of public nuisances, and this chapter shall not prevent the Town from proceeding under any other applicable chapter of the Code of Ordinances, in a civil or criminal action against any person violating the provisions of this chapter, as provided in Chapter 10, Section 10.99 in reference to G.S. § 14-4(a) and or G.S. § 14-4(b), or as provided in Chapter 19 of the North Carolina General Statutes, G.S. § 19-1, *et seq.* The Town may seek enforcement of this chapter concurrently with enforcement of any other applicable chapter of the Code of Ordinances or any other applicable local, state, or federal law, including specifically, but without limitation, G.S. § 19-1, *et seq.*

§ 98.06 COSTS OF ABATEMENT TO BE CHARGED TO OWNER; CHARGES TO BE A LIEN

(1) The actual cost incurred by the Town in removing or otherwise remedying a public nuisance and any penalties imposed by the Code of Ordinances shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the finance department or public services department to mail a statement of such charges to the owner or other person in possession of such premises, with instructions that such charges are due and payable within 30 days from the receipt thereof. Actual costs shall include any professional fees that the Town may incur as a result of the public nuisance, including reasonable attorneys' fees.

(2) If charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes.

§ 98.07 EXCEPTION OF VEHICLES STORED AT APPROVED JUNKYARDS

Nothing in this chapter shall be construed to require the removal or disposal of a motor vehicle kept or stored at an approved and proper "automobile graveyard" or "junkyard" as defined in G.S. § 136-143, in accordance with the "Junkyard Control Act", G.S. §§ 136-141, *et seq.*

AMENDMENT TO THE TOWN OF LONG VIEW CODE OF ORDINANCES

It being the intent of the Board of Aldermen to make the provisions of Chapter 119 of the Code of Ordinances applicable to multi-family dwelling units only, the Town of Long View Code of Ordinances is amended as follows:

TITLE IX: GENERAL REGULATIONS

CHAPTER 119: REGISTRATION OF RESIDENTIAL RENTAL PROPERTY

Section 119.02 Definitions

Residential Rental Property: Property that contains multi-family dwelling units for use by residential tenants, including but not limit to, the following:

- (a) mobile homes, mobile home spaces and/or mobile home parks;
- (b) town homes (where two or more town home units are owned and/or operated by a common owner);
- (c) condominiums (where two or more condominium units are owned and/or operated by a common owners); and
- (d) apartments.

Residential Rental Property includes all multi-family dwelling units provided to an individual or entity for residential purposes, regardless of whether rent or any other consideration is paid.

Section 119.11 PROVISION OF CHAPTER CUMULATIVE

The procedure set forth in this chapter shall be in addition to any other remedies that may exist under Code of Ordinances or other applicable law, and this chapter shall not prevent the Town from proceeding under any other applicable chapter of the Code of Ordinances, in a civil or criminal action against any person violating the provisions of this chapter, as provided in Chapter 10, Section 10.99 in reference to G.S. § 14-4(a) and or G.S. § 14-4(b).

The Police Official, in consultation with the Code Enforcement Officer (as defined in Section 98.01), may (a) elect enforcement action under this chapter, (b) elect to allow the Code Enforcement Officer to proceed with enforcement action under Chapter 98, Nuisance, or (c) elect concurrent enforcement action under both this chapter and Chapter 98 or other applicable local, state, or federal law.

AUDIT REPORT – RICK HAMMER OF LOWDERMILK CHURCH AND COMPANY

Auditor Rick Hammer informed the Board that the report had been submitted to the Local Government Commission and has been approved. This is an unmodified opinion on the financial statements which means that in the auditor's opinion there are no material misstatements. Everything that is reported in the report is materially correct in the auditor's opinion.

The auditor also did a compliance audit because the Town had over \$500,000 in state grants this year. There were no findings.

The only finding was for the segregation of duties issues and the Town has had that finding in previous years. He has spoken with Mr. Cozart about that and with the changes that have been made this year, the Town may no longer have that finding next year.

Mr. Hammer presented to the Board the Year End Financial Highlights. (See the following page.)

Mr. Draughn stated that in the Utility Fund it shows an Operating loss for the year, it includes depreciation which the auditors have to add in. It is an accounting thing. The Town's cash improved by \$290,000 but once they add in depreciation it shows the Town operating at a loss. The Town actually did not operate at a loss.

Mr. Cozart stated that the depreciation number is a little over \$300,000 and that money comes out off the top.

Mr. Draughn stated that the Town increased its cash position by \$294,000.

Motion by Alderman Randall Mays, seconded by Alderman Gary Lingerfelt to accept the audit report. The vote to approve was unanimous.

AYES:	Mayor Pro Tempore / Alderman Randall Mays Alderman David Elder Alderman Gary Lingerfelt Alderman Dallas Tester Alderman Thurman VanHorn
NOES:	None

TOWN OF LONG VIEW

**Financial Highlights
Years Ended June 30, 2020 and 2019**

<u>General Fund</u>	<u>2020</u>	<u>2019</u>	<u>Inc/(Dec)</u>
Cash and investments	\$ 2,799,965	\$ 2,453,168	\$ 346,797
Total assets	\$ 3,184,144	\$ 2,837,794	\$ 346,350
Fund balance	\$ 3,056,307	\$ 2,690,095	\$ 366,212
Total revenue	\$ 4,379,291	\$ 3,906,844	\$ 472,447
Total expenditures	\$ 4,225,456	\$ 3,998,779	\$ 226,677
Revenues over (under) expenditures	\$ 153,835	\$ (91,935)	245,770
Proceeds from long term debt	\$ 152,377	\$ 535,000	(382,623)
Transfers in (out)	\$ 60,000	\$ -	60,000
Increase (decrease) in fund balance	\$ 366,212	\$ 443,066	\$ (76,854)
Ad valorem taxes collected current year levy	\$ 1,703,696	\$ 1,560,561	\$ 143,135
Percent of taxes collected	96.90	97.23	(0.33)
Investment income	\$ 22,651	\$ 27,939	\$ (5,288)
<u>Utility Funds</u>			
Cash and investments	\$ 870,434	\$ 575,800	\$ 294,634
Current assets	\$ 1,166,057	\$ 878,752	\$ 287,305
Total assets	\$ 9,296,442	\$ 9,393,770	\$ (97,328)
Net position	\$ 8,947,817	\$ 9,036,654	\$ (88,837)
Operating revenue	\$ 2,036,003	\$ 2,084,019	\$ (48,016)
Operating expenses	\$ 2,073,402	\$ 2,215,695	\$ (142,293)
Operating income (loss)	\$ (37,399)	\$ (131,676)	\$ 94,277
Nonoperating income (expenses)	\$ 12,686	\$ 8,232	\$ (4,454)
Capital contributions	\$ -	\$ 1,343,439	\$ (1,343,439)
Change in net position	\$ (88,837)	\$ 1,219,995	\$ (1,308,832)
Accounts receivable	\$ 175,652	\$ 168,068	\$ 7,584
<u>All Funds</u>			
Cash and investments and restricted cash	\$ 3,670,399	\$ 3,028,968	\$ 641,431
Net position	\$ 13,204,839	\$ 13,208,503	\$ (3,664)

WESTERN PIEDMONT COUNCIL OF GOVERNMENTS (WPCOG) POLICY BOARD APPOINTMENTS

Mayor Thompson stated that she had served as the Policy Board Delegate for the last three years and would be happy to continue to do so unless someone else wants to.

There being no discussion, motion was made by Alderman Randall Mays, seconded by Alderman Thurman VanHorn to re-appoint Marla Thompson as the Western Piedmont Council of Governments Policy Board Delegate. The vote to approve was unanimous.

AYES: Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn
NOES: None

When asked if he would like to continue to be the Policy Board Alternate, Alderman VanHorn stated that he would not mind doing so.

Motion was made by Alderman Dallas Tester, seconded by Alderman Gary Lingerfelt to re-appoint Thurman VanHorn as the Western Piedmont Council of Governments Policy Board Alternate. The vote to approve was unanimous.

AYES: Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn
NOES: None

WESTERN PIEDMONT COUNCIL OF GOVERNMENTS (WPCOG) POLICY BOARD

(Previously Appointed Term Expires December 2020. One-year term.)

The appointed members of this board will serve on behalf of the Town of Long View on the Board for the WPCOG and make appropriate presentations to the Board of Alderman regarding WPCOG activities that affect the Town. This Board meets monthly. The Western Piedmont Council of Governments serve all local, government members with professional assistance on a variety of local, regional, state and federal issues and programs.

Previous Appointments:

- Mayor Marla Thompson - Delegate
- Alderman Thurman VanHorn - Alternate

TRANSPORTATION ADVISORY COMMITTEE (TAC) APPOINTMENTS

When asked, Alderman VanHorn stated that he would not mind continuing to be the Town's Delegate for the Transportation Advisory Committee.

Motion was made by Alderman Randall Mays, seconded by Alderman Gary Lingerfelt to re-appoint Thurman VanHorn as the Transportation Advisory Committee Delegate. The vote to approve was unanimous.

AYES: Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn

NOES: None

TRANSPORTATION ADVISORY COMMITTEE (TAC)

(Previously Appointed Term Expires December 2020. One-year term.)

The Transportation Advisory Committee (TAC) is a separate committee requiring a local appointment. This committee participates in transportation planning process with NCDOT for the greater metropolitan area and the NCDOT Transportation Improvement Plan.

Previous Appointment:

- Alderman Thurman VanHorn - Delegate

FIREFIGHTERS RELIEF FUND APPOINTMENTS

Fire Chief James Brinkley informed that Board that it is once again time for the Board to appoint members to the Firefighters Relief Fund Board. As you may recall, last January the Board appointed Firefighter Cates and Firefighter Ford to the board per NC General Statute. The board consists of five members, two appointed by the fire department members, two by the local elected board and one member appointed by the Fire Insurance Commissioner.

Since January 2016, the General Assembly passed House Bill 19 which changed some appointment rules. General Statute 58-84-30 was rewritten and basically removed the terms of appointments made to this Board, meaning they can now serve indefinite terms or serve at the pleasure of the Governing Board.

Current Relief Fund Board Members are as follows:

- Chairman - Justin Austin
- Senior FF Richard Moody
- Senior FF Cates
- Senior FF Michael Ford
- James Cozart as the Insurance Commissioner Representative/Treasurer

Current balance as of October 30, 2020 are as follows:

- Savings - \$22,864.03
- CD's - \$33,100.36

At this time there has been no applications submitted to the Relief Fund Board nor has there been any activity in regards to the Relief Fund.

Motion was made by Alderman Thurman VanHorn, seconded by Alderman Dallas Tester to re-appoint Firefighter Cates and Firefighter Ford to Firefighter Relief Fund Board. The vote to approve was unanimous

AYES: Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn
NOES: None

TOWN OF LONG VIEW'S EMERGENCY PAID SICK LEAVE POLICY FOR ISSUES RELATED TO COVID-19

Town Clerk/Human Resources Officer Stephanie Watson presented to the Board a draft copy of the Town of Long View's Emergency Paid Sick Leave Policy for Issues Related to COVID-19.

After December 31, 2020, the Emergency Paid Sick Leave Act/CARES Act, the act that allows employees to take up to two weeks' time for issues related to COVID-19, will expire. While there is a possibility that the federal government will extend it, nothing has been approved yet. After consulting with the School of Government, their opinion is that if Towns wish to continue offering the program or something similar, they must adopt their own policy that will begin January 1, 2021.

Included is the draft of the Town's policy. It closely resembles the federal mandated one with a few changes that include removing the tax portion as the Town is mandated by IRS Tax Code in regard to how employees are taxed. If approved by the Board, this policy will go into effect on January 1, 2021.

The reasons for the Town to request this policy are as follows:

- The COVID-19 vaccine is not available to the public yet. When it does become available, it will be released in stages and some of our employees may not have access to it until later months.
- If an employee does have COVID-19 symptoms, the Town can send the employee home and to be tested immediately. This helps to reduce the chances of spreading COVID-19 to other employees.

As an added note, if the federal government does decide to extend their policy or if they institute a new version, at that time the Board will need to rescind the included policy and follow the federally mandated one.

Motion was made by Alderman Thurman VanHorn, seconded by Alderman Randall Mays to adopt the Town of Long View's Emergency Paid Sick Leave Policy for Issues Related to COVID-19. The vote to approve was unanimous.

AYES: Mayor Pro Tempore / Alderman Randall Mays
 Alderman David Elder
 Alderman Gary Lingerfelt
 Alderman Dallas Tester
 Alderman Thurman VanHorn

NOES: None

Mr. Draughn spoke briefly about when the Town is going to have its employees vaccinated; in particular the police and fire departments. The first group to get vaccinated are EMTs which includes the whole fire department. The vaccine should be available within a week. For the Police Department, the vaccine should be available in the third phase. Everyone else will be after that.

Mr. Draughn sent out a survey to the Town's employees to see what their thoughts are about getting the vaccine. A lot of towns are debating on whether to mandate it. Mr. Draughn stated that he was not wanting to do that. The School of Government is currently working on an opinion for whether or not a Town can mandate the COVID-19 vaccine.

Employee responses from the survey on whether they are interested in taking the vaccine:

- 20 Yes
- 15 No
- 8 Maybe

One thing that was discussed was to use an incentive to encourage employees to take the vaccine. The Town could offer a vacation day if they took it. The vaccination is a two-shot vaccination. He asked for the Board's thoughts.

Alderman Randall Mays asked for an estimated cost if the Town were to offer that incentive.

Mr. Draughn stated that it would depend on the department. Police and Fire would be the costliest as someone would have to fill in for the person's shift.

Mr. Draughn stated that when the Town gets more information about the shot, he would send out that information to Town staff because he does want to encourage employees to take the shot. He does not want to make the shot mandated.

Alderman Tester stated that he did not want the employees to feel pressured to get the shot either even if the Town says it is not mandated.

Mr. Draughn stated that no one would be pressured to get it. It will be totally the decision of the employee.

Alderman Tester stated that as long as the Town makes it free choice, he does not have a problem with it.

Alderman VanHorn stated that the only issue he has had with the vaccine is they still have not nailed down any real side effects. He is on the side of letting it be the person's choice. It gives him pause when the Town wants to incentivize a vaccination that has went through the system at lightning speed

when many vaccinations take many years to perfect. If he has pause, he can see how other people would have pause too. Especially since we do not have all the facts from the federal government yet. It should be the employees' choice.

Alderman Mays stated that someone he knows was in on the trials of the vaccine. After the first dosage, there was no effects. After the second dose, he had a mild fever for four to six hours but nothing severe.

Alderman VanHorn stated that he was concerned about the long-term side effects. Whether true or not, one of the things he has seen was the discussion on how it affects your ability to reproduce and have children. It could make people sterile. Another article talked about how it gives false positives for HIV. It is things like that that gives him pause.

Alderman Mays stated that it is like the flu vaccine, some people will have a reaction to it and some people don't. It can happen for any vaccine. There are people that have taken the flu vaccine for years and then one year, it can affect them.

Alderman Lingerfelt stated that they change the flu vaccine all the time. That is why it will react differently. That is why you should not force someone to take the vaccine. It should be strictly their choice.

Alderman Tester agreed. There is a scientist on one side saying one thing and a scientist on the other side saying something different. Just leave it to everybody's choice.

Mr. Draughn stated that the idea of giving a free vacation day was being discussed by other Town's. The Town had talked about it and thought it might promote people that are on the fence about taking the shot. It might encourage people that are on the fence. If they don't want to take it, it would not matter.

Alderman Tester stated that he would go along with the Town's idea as long as the option to take the shot is choice based. An incentive is fine.

Mayor Thompson asked if Mr. Draughn wanted an answer during tonight's meeting. Mr. Draughn said that he did not have to have one tonight.



TOWN OF LONG VIEW

2404 1ST AVENUE SOUTHWEST
LONG VIEW, NC 28602
TELEPHONE: (828) 322-3921 FAX: (828) 578-6637

**RESOLUTION TO ADOPT THE TOWN OF LONG VIEW'S EMERGENCY PAID SICK LEAVE POLICY
FOR ISSUES RELATED TO COVID-19**

WHEREAS, the Emergency Family Leave Expansion Act which went into effect on April 1, 2020 will expire on December 31, 2020; and

WHEREAS, the Town of Long View Board of Aldermen recognize that as public servants, Long View personnel still have the potential to be exposed to COVID-19; and

WHEREAS, the COVID-19 vaccine is not currently available to all Town of Long View personnel or the public in general and as such, the risk of contracting COVID-19 is increased.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Long View Board of Aldermen adopt the following policy to be effective on January 1, 2021:

LONG VIEW EMERGENCY PAID SICK LEAVE POLICY FOR ISSUES RELATED TO COVID-19

Employer Town of Long View
Employee Name _____
Employee SSN/ID _____

Requested Leave Information:

I am applying for (please read included documentation for qualifications):

_____ Emergency Paid Sick Leave _____ Emergency Family Leave _____ Accrued Leave

Start of Leave: _____ End of Leave: _____

If this is an intermittent leave request (e.g. certain days, partial day), please describe:

In accordance with the Long View Emergency Paid Sick Leave Policy for Issues Related to COVID-19 created by the Town of Long View that went into effect on January 1, 2021, I am unable to work from home and request leave for the following reason(s):

- ☐ 1. I am subject to a federal, state, or local quarantine or isolation order related to COVID-19
- ☐ 2. I have been ordered to be quarantined by my medical professional (note attached) due to a positive test result or exposure to COVID-19
- ☐ 3. I have symptoms related to COVID-19 and have requested medical treatment which is scheduled at the following day and time
- ☐ 4. I am caring for family member(s) quarantined by order of a medical professional (note attached)
- ☐ 5. I am solely responsible to care for my minor children who are 17 years of age or younger because their school and/or day care is closed (print website or email, or provide other proof related to closing)
- ☐ 6. I am experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

*NOTE: A "child care provider" is one who provides child care services on a regular basis and receives compensation for those services. It excludes family members who have been providing child care and are no longer available.

Documentation Requested: Please include any documentation with this form. Examples include but are not limited to documentation provided by a health care provider advising you to self-quarantine due to COVID-19.

By submitting this request for leave, I am confirming that I am unable to work for the reasons checked above.

Signature: _____
Date Submitted: _____
Phone Number: _____

EMPLOYER DETERMINATION

EPL: Employee is ☐ NOT eligible for Emergency Paid Leave
☐ is eligible for Emergency Paid Leave effective: _____ and is entitled to be paid:
☐ Reasons 1-3: 100% of their average pre-leave compensation (up to \$511 per day)
☐ Reasons 4-6: 66.7% of their average pre-leave compensation (up to \$200 per day)

EFMLA: Employee is ☐ eligible for Emergency FMLA effective: _____, entitled to be paid 66.7% of their pre-leave compensation up to \$200/day
*** Reason 5

☐ NOT eligible for Emergency FMLA effective

☐ Employee is not eligible for benefits under EPL/EFMLA since leave is due to:
☐ Employee's position deemed essential as medical provider or emergency responder
☐ Employer exempt under exception granted _____
☐ Employee was laid off/furloughed effective _____
☐ Other: _____

Signature: _____ Date: _____

Please use the following as a guide

Long View Emergency Paid Sick Leave for COVID-19 Information

This policy goes into effect on January 1, 2021 and I can apply for Emergency Paid Sick Leave for the following reasons:

1. I am subject to a federal, state, or local quarantine or isolation order related to COVID-19
2. I have been ordered to be quarantined by my medical professional (note attached) due to a positive test result or exposure to COVID-19
3. I have symptoms related to COVID-19 and have requested medical treatment which is scheduled
4. I am caring for family member(s) quarantined by order of a medical professional (note attached)
5. I am solely responsible to care for my minor children who are 17 years of age or younger because their school and/or day care is closed (print website or email, or provide other proof related to closing)
6. I am experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

1. Emergency Paid Sick Leave will pay me up to 2 weeks of my regular rate of pay according to the following reasons:

Reasons 1 – 3: 100% of my regular rate of pay, capped at \$511/day or \$5,110 aggregate

Reasons 4 – 6: 66.7% of my regular rate of pay (66.67%) capped at \$200/day or \$2,000 aggregate

2. It is solely my responsibility to complete the necessary Certification of a Healthcare Professional or provide other like documentation either in person or by email to Payroll or Human Resources, in order to certify my need for Emergency Paid Sick Leave. This is confidential HIPAA protected information and will be treated as such.

3. I CAN supplement Emergency Paid Sick Leave with accrued leave of any kind.

4. Emergency Paid Sick Leave time will count towards my FMLA entitlement of 12 weeks in a fiscal year 12-month period for all FMLA qualified reasons.

5. Emergency Paid Sick Leave may be taken intermittently only for Reason 5 shown above. I will coordinate my work and Emergency Paid Sick Leave schedule with my immediate supervisor. I am responsible for clearly noting my Emergency Paid Sick Leave time and my hours of work, if any, on my timecard.

6. All other provisions of the Town of Long View FMLA policy apply.

7. This policy is in effect until it is rescinded by the Long View Board of Aldermen.

8. My request for Emergency Paid Sick Leave is conditionally approved. Human Resources will write to me further regarding any clarification needed on my application and my approval status.

Contacts:

Town Hall: (828) 322-3921

Human Resources: Stephanie Watson stephanie.watson@mail.ci.longview.nc.us

Payroll: Crystal Buchanan crystal.buchanan@mail.ci.longview.nc.us

Long View Emergency Family Leave Information

This policy goes into effect on January 1, 2021 and I can apply for Emergency Family Leave for the following reasons:

5. I am solely responsible to care for my minor children who are 17 years of age or younger because their school and/or day care is closed (print website or email, or provide other proof related to closing)

1. The first 10-days of Emergency Family Leave is unpaid, and I may choose to apply for Emergency Paid Sick Leave under the Long View Emergency Paid Sick Leave for COVID-19 Policy, which I will apply for under a separate application.

2. I may choose to use my accrued compensatory time, sick time or vacation time for the 10-days of unpaid Emergency Family Leave instead of applying Emergency Paid Sick Leave under the policy. It is solely my responsibility to complete the necessary Request for Leave documentation or provide other like documentation such as an email to Human Resources or Payroll, in order to notify Payroll of how I plan to be compensated for the 10-day unpaid period of Emergency Family Leave.

3. Following the first 10-days unpaid under this policy, Emergency Family Leave will compensate me at 2/3 (66.67%) of my regular rate of pay for up to 10-weeks or as long as a federal, state, local COVID-19 state of emergency is in effect. My pay will be capped at \$200 per day (or \$10,000 in aggregate).

I CAN supplement Emergency Family Leave with accrued leave of any kind.

4. Emergency Family Leave time will count towards my FMLA entitlement of 12 weeks in a fiscal year 12-month period for all FMLA qualified reasons.

5. Emergency Family Leave may be taken Intermittently. I will coordinate my work and Emergency Family Leave schedule with my immediate supervisor. I am responsible for clearly noting my Emergency Family Leave time and my hours of work, if any, on my timecard.

6. All other provisions of the Town of Long View FMLA policy apply.

7. This policy is in effect until it is rescinded by the Long View Board of Aldermen.

8. My request for Emergency Family Leave is conditionally approved. Human Resources will write to me further regarding any clarification needed on my application and my approval status.

Contacts:

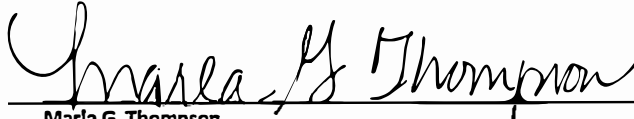
Town Hall: (828) 322-3921

Human Resources: Stephanie Watson stephanie.watson@mail.ci.longview.nc.us

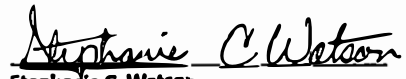
Payroll: Crystal Buchanan crystal.buchanan@mail.ci.longview.nc.us

Adopted, this the 14th day of December, 2020.

Policy effective January 1, 2021.


Marla G. Thompson
Mayor

ATTEST:


Stephanie C. Watson
Town Clerk, CMC, NCCMC

ADMINISTRATOR'S REPORT

Social Media Policy Discussion

Town Administrator David Draughn informed the Board that the included policy is the one that he brought before the Board in the previous meeting. It is a pretty basic policy that the Town has come up with. He asked if the Board has any questions about it. If they want to adopt it tonight, they can. The resolution for adoption is included in their agenda.

Alderman Mays stated that he has no concerns with it. This policy is something the Town has not had, and it needs to be put in place. The Town can always amend the policy at a later date if changes are needed. You need to have a starting point. He would like to put it in place.

Alderman Mays asked if the Acknowledgement Form would be for everyone.

Mr. Draughn stated that it would. After adopted, the Department Heads will give it to all employees for a chance to review it and sign that they have read it.

Motion was made by Alderman Randall Mays, seconded by Alderman Dallas Tester to adopt the Town of Long View's Social Media Policy. The vote to approve was unanimous.

AYES: Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn

NOES: None



TOWN OF LONG VIEW

2404 1ST AVENUE SOUTHWEST

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TELEPHONE: (828) 322-3921 FAX: (828) 578-6637

**RESOLUTION:
SOCIAL MEDIA POLICY
FOR TOWN OF LONG VIEW PERSONNEL**

WHEREAS, the Town of Long View does not currently have a Social Media Policy in its Personnel Policy; and

WHEREAS, the Long View Board of Aldermen and staff recognize the need for a Social Media Policy due to current advancements in technology and the popular use of social media.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Long View Mayor and Board of Aldermen that the following Social Media Policy will be included in the Town of Long View's Personnel Policy:



Social Media Policy

SUBJECT: Social Media Use

ADOPTION DATE:

PURPOSE:

To establish uniform practices for all personnel regarding the use of social media tools.

This General Order consists of the following numbered sections:

- I. DEFINITIONS
- II. PRECAUTIONS
- III. PROHIBITIONS

TOWN OF LONG VIEW SOCIAL MEDIA POLICY

The Town of Long View recognizes the role that social media tools play in the personal lives of some personnel. However, the personal use of social media can have an impact on personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by personnel. Barring any applicable law or policy to the contrary, personnel shall abide by the following when using social media.

I. DEFINITIONS

- A. **Posting:** The act of creating, uploading, editing, or adding content to any social media outlet. This may include text, photographs, audio, video, or any other multimedia file.
- B. **Social Media:** Forms of communication (such as websites and applications) that enable users to create and share content or to participate in social networking. (Examples of social media include but are not limited to Facebook, Twitter, Snapchat, Instagram, LinkedIn, Weblogs "blogs", YouTube, Second Life, Delicious, Flickr, TikTok, MySpace, WhatsApp, Pinterest, media pages, personal webpages, etc.).
- C. **Social Networking:** The use of internet websites and applications to interact with other users, or to find people with similar interests to oneself.

II. PRECAUTIONS

- A. Town personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not:
 - 1. Impair working relationships of the Town for which loyalty and confidentiality are important.
 - 2. Impede the performance of duties.
 - 3. Impair discipline and harmony among coworkers; or,
 - 4. Negatively affect the public perception of the Town.
- B. As public employees, personnel are cautioned that speech on- or off-duty, made pursuant to their official duties - that is, that owes its existence to the employee's professional duties and responsibilities - is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Town. Personnel should assume that their speech and related activity on social media sites will reflect upon their office and the Town.
- C. For safety and security reasons, personnel are cautioned to carefully consider disclosure of their employment with the Town on social media. Personnel shall not post information pertaining to any other member of the Town without their permission. As such, personnel are cautioned not to do the following:
 - 1. Display Town/department logos, uniforms, or similar identifying items on personal web pages.

TOWN OF LONG VIEW SOCIAL MEDIA POLICY

2. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as an employee of the Town/department.
- D. Personnel should be aware that they may be subject to civil litigation for:
 1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
 2. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
 3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- E. Long View personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- F. Long View personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Town at any time without prior notice.
- G. Violations of this policy may result in disciplinary action up to and including termination.

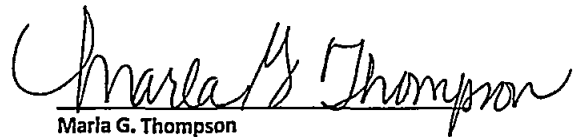
III. PROHIBITIONS

- A. Long View personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from their Department Head.
- B. When using social media, personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Town's code of conduct is required in the personal use of social media. In particular, personnel are specifically prohibited from the following:
 1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 2. Speech involving themselves or other personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- C. Town personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Town without express authorization.

TOWN OF LONG VIEW SOCIAL MEDIA POLICY

- D. Use of or posting to social media in a non-work-related capacity while on duty is prohibited.
- E. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

Adopted this the 14th day of December, 2020.


Maria G. Thompson
Mayor

ATTEST:


Stephanie C. Watson
Town Clerk, CMC, NCCMC

Approval of Board of Aldermen Regular Meeting Schedule for 2021

Town Administrator David Draughn presented to the Board a draft schedule of the Town of Long View's Regular Meeting Schedule. The calendar has been checked to see if any holidays interfere with the selected dates and they do not.

Motion was made by Alderman Randall Mays, seconded by Alderman Gary Lingerfelt to approve the Board of Aldermen Regular Meeting Schedule for 2021. The vote to approve was unanimous.

AYES: Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn
NOES: None



**Board of Aldermen Regular Meeting /
Invocation Schedule
January – December 2021**

<u>Date</u>	<u>Time</u>	<u>Invocation</u>
Monday, January 11, 2021	6:30 p.m.	Mayor Marla Thompson
Monday, February 8, 2021	6:30 p.m.	Alderman Thurman VanHorn
Monday, March 8, 2021	6:30 p.m.	Alderman Gary Lingerfelt
Monday, April 12, 2021	6:30 p.m.	Alderman Randall Mays
Monday, May 10, 2021	6:30 p.m.	Alderman Dallas Tester
Monday, June 14, 2021	6:30 p.m.	Alderman David Elder
Monday, June 28, 2021	6:30 p.m.	Mayor Marla Thompson
Monday, August 9, 2021	6:30 p.m.	Alderman Thurman VanHorn
Monday, September 13, 2021	6:30 p.m.	Alderman Gary Lingerfelt
Monday, October 11, 2021	6:30 p.m.	Alderman Randall Mays
Monday, November 8, 2021	6:30 p.m.	Alderman Dallas Tester
Monday, December 13, 2021	6:30 p.m.	Alderman David Elder

*****With Board approval, the regularly scheduled July Meeting will be moved to June 28, 2021.**

OTHER BUSINESS & CLOSING COMMENTS BY THE BOARD OF ALDERMEN

There was no other business.

Comments by Alderman Thurman VanHorn

Alderman Thurman VanHorn wished to thank the ones that were present during the meeting for the job that they do day in and day out. He asked everyone to be safe. He wished everyone a Merry Christmas, Happy Holidays, and what ever else you may accept as your holiday. He appreciated the Town of Long View as a whole. The Town has a great bunch of people working for it. They have been able to roll with the punches this year and they have done an outstanding job. It makes the Board's job a lot easier.

He wished everyone a great holiday and hoped everyone had a great start to 2021.

Comments by Alderman Randall Mays

Alderman Mays asked that everyone be careful and safe over the holidays. He wished everyone a Merry Christmas and a fruitful new year.

Comments by Alderman Dallas Tester

Alderman Tester wished to thank his Lord and Savior for the opportunity to serve his citizens and to serve on the Board. He also thanked everyone that participated in the water crisis that the Town had. What a wonderful job everybody did. He also suggestion that other members of the Board take time to look at the improvements to the EOC room to see how everything works. He was originally skeptical about it but once he sees how everything works, he is now impressed.

He wished everyone a Merry Christmas and a Happy New Year.

Comments by Alderman Gary Lingerfelt

Alderman Lingerfelt wished for everyone to be safe. He stated that while his dad was in the hospital, he spoke with one of the nurses and she said that just because you are wearing a mask, you still need to be careful. He continued on to say that he recently lost a family member due to COVID-19. Please be safe.

Comments by Alderman David Elder

Alderman Elder thanked the Town Administrator and staff for putting the Town before themselves so many times. He thanked all the other Aldermen for all the fine work that they are doing. This has been a trying year and he for one wishes it to be over. He wished everyone a Merry Christmas and a Happy New Year.

Comments by Mayor Marla Thompson

Mayor Thompson thanked everyone for being present and wished everyone a Merry Christmas.

ADJOURNMENT

Motion was made by Alderman Thurman VanHorn, seconded by Alderman Dallas Tester to adjourn the meeting at 7:05 p.m. The vote to approve was unanimous.

AYES:

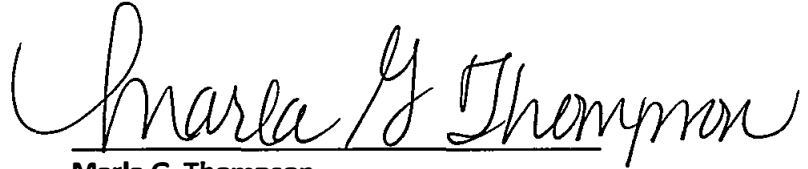
Mayor Pro Tempore / Alderman Randall Mays
Alderman David Elder
Alderman Gary Lingerfelt
Alderman Dallas Tester
Alderman Thurman VanHorn

NOES:

None



Stephanie C. Watson
Town Clerk, CMC, NCCMC



Marla G. Thompson
Mayor

