



TOWN OF LONG VIEW
BOARD OF ALDERMEN
REGULAR MEETING MINUTES
MONDAY, MAY 10, 2021 AT 6:30 PM

The Town of Long View Board of Aldermen met in the Council Chambers of Long View Town Hall on Monday, May 10, 2021 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 David Elder, Alderman Gary Lingerfelt, Alderman Dallas Tester, and Alderman Thurman VanHorn.

BOARD MEMBERS PRESENT (Electronically): None.

STAFF MEMBERS PRESENT (Physically): The following members of staff were present: Town Administrator David Draughn, Town Clerk Stephanie Watson, Finance Director James Cozart, Town Planner Charles Mullis, Public Works Director Chris Eckard, Fire Chief James Brinkley, and Deputy Fire Chief Tyler Keener.

STAFF MEMBERS PRESENT (Electronically): The following member of staff participated electronically: Police Chief T.J. Bates.

OTHERS PRESENT (Electronically): None.

OTHERS PRESENT (Physically): The following member of the public was present: Brittany Carroll.

MEETING CALLED TO ORDER: Mayor Marla Thompson called the meeting to order, and Alderman Dallas Tester gave the invocation.

APPROVAL OF MINUTES: Motion was made by Alderman Thurman VanHorn, seconded by Alderman Randall Mays to approve the April 12, 2021 Regular Meeting Minutes and April 12, 2021 Closed Session 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

DISCUSSIONS OF AMENDMENT TO THE NO PARKING ORDINANCE IN THE TOWN OF LONG VIEW'S CODE OF ORDINANCES – POLICE CHIEF T.J. BATES AND TOWN ADMINISTRATOR DAVID DRAUGHN

Town Administrator David Draughn informed the Board that the following was about a request from Alderman Dallas Tester regarding the parking on 1st Ave Cir NW. Alderman Tester has received numerous complaints from residents in that area and requested that this issue be studied. It turns out that most of the issues on this road revolve around one inconsiderate resident. Per the Police

Department's new policy, any time there is a new "No Parking Street" request, a study is done by the Police Department. For the study, the department considers a variety of factors which include width of street, emergency service, access, complaints, etc.

Police Chief T.J. Bates stated that enclosed in the Board's packet is a memo to Town Administrator David Draughn from Chief Bates and memo from one of police officers to Chief Bates. The department, in researching this street, followed the same guidelines as what was done with Image Printing. This issue seems to involve one resident causing issues. Alderman Tester may have more information about what is occurring on this street, but Chief Bates based his conclusions on random checks that were done by his officers. During the period of March 15th through March 26th, the department did 48 random checks and there were three vehicles out on the streets in front of this one particular residence. During the period of April 8th to April 23rd, the department did 64 random checks and there were 8 different times where cars were in front of that same residence. It appears that this may be one of the widest streets in Town. It does not matter to the Police Department what the Town decides to do with it, but the department now has a standard in which to follow for studying the street. With the measurements obtained and the allowance of emergency vehicle passage, there seems to not be an issue as far as public safety. The issue seems to be the other residents not liking this resident parking on the street.

Alderman Tester stated that on this past Friday, the resident's vehicle was blocking the driveway of another resident. The resident's RV was also out on the road again. This particular resident laughs at the police and takes advantage of the existing laws. The width of the street is not an issue even though there was a concern about emergency vehicles being able to get through. The issue is that the resident is parking his vehicles in front of other people's houses and not giving any regard to other residents at all. Alderman Tester requested that the Board call for a public hearing to get the residents of that street's input. He is sick of getting the complaints over and over and there not being a solution.

Mr. Draughn stated that having a public hearing may be good idea.

Chief Bates stated that looking back on his years of experience, he suggested having his officers going door to door and asking residents if they want to make this street a "No Parking Street". If they make it a "No Parking Street", it would have to include the residents own cars. After the department finishes the survey, the Board could decide what to do based on the numbers that come back. The Police Department hasn't been getting the complaints, Alderman Tester has. The reason the department went about the study the way it was done was a concern that a fire apparatus would not be able to get around the parked cars. The department can do anything that the Board recommends but it needs direction.

Alderman Tester stated that this is a matter of trying to figure something out. The street width is not an issue. He did not know what else to do.

Mayor Thompson asked if there was an ordinance about blocking driveways.

Mr. Draughn stated that a resident can't block someone else's driveways.

Mayor Thompson asked if someone could get a ticket for blocking the driveway.

Mr. Draughn asked Chief Bates if the resident could be cited for parking in front of a driveway of another resident.

Chief Bates stated that it was at the officer's discretion. A violation of a Town ordinance very rarely gets a conviction in court. When an ordinance comes into play, it subjects the Mayor, Board, and the manager to be subpoenaed to appear in court for that ordinance. The department can go that route if the officers elect to do that, but he didn't feel that many officers would want to push down that road because they have been beat down so much in the court due other ordinance violations for loud music and dogs. He could have a conversation with the district attorney and see what he recommends.

Alderman Mays asked if there was somewhere in the Town's ordinance where you can limit a length of vehicle parked on a residential street.

Chief Bates stated that there is an ordinance for weight that they have found. The department can certainly look at an ordinance to limit length on the street. The Town needs to decide if this needs to be a police department issue. The officers do not necessarily have time to constantly measure vehicles. They can do that if the Board so decides but to him, this is a code enforcement issue. He understands that parking does involve the police, but he felt that initially that is a code enforcement issue. If it becomes repetitive issue and you need a law enforcement officer to do a charge, an officer can step in to help. The department does not have much success with the district attorney's office with Town ordinance violations.

Alderman Tester stated that it is not usually the length of the car, with the exception of the RV, that is the problem. The main issue is the number of vehicles this resident has and that they are spread out and blocking other residents' driveways. He would rather the police not be involved if possible. He just wants a solution.

Alderman VanHorn stated that with it being multiple cars, maybe the Board should leave it up to the residents to help decide. Just let them know that if it is something that they vote for, it will apply to them as well. That would be the only way to fix it.

Alderman Tester stated that the other side to that is sometimes he himself likes to place his car on the road when his grass is being mowed.

Alderman Lingerfelt stated that he mows four yards on that street. If the road is made no parking, he would have no place to park his truck and equipment. He would not be able to back his trailer into peoples' driveways.

Alderman Tester stated that he didn't know what to do. He is fed up with it. He wished those residents would speak with the police but the last comment he has heard from residents is that the police aren't going to do anything about it. He disagrees with that comment.

Chief Bates stated that the reason the department isn't doing anything about it was because it doesn't have a clear direction to go in. If Board wants the department's officers to go with a survey door to door, he felt that would be a good way to start. There needs to be a clear line drawn. The police department is in a situation with parking that they are dealing with one house basically. His reports reflect one house. He felt that they needed to find a way to take care of that one house somehow and then reanalyze it.

Alderman Tester stated that he agreed. The last thing he wants to do is tie up the police with something so stupid, but it is a problem.

Town Planner Charles Mullis stated that visibility and intersections are the only things he can enforce. He did not think there was something in the ordinance that addresses blocking driveways or number of cars parking on the street that is not a "No Parking Street". The no parking ordinance would affect everyone on the street whether a resident or not. The Town would have to come up with something about blocking someone else's driveway.

Mr. Mullis added that he had warned the resident about folks living in the RV as that is prohibited and he believes that that issue has been taken care of. He hadn't seen the RV blocking the driveway and he hasn't seen it in the street recently. Maybe the Planning Board could investigate something about blocking driveways.

Mr. Draughn stated that Chief Bates, Mr. Mullis and himself along with Alderman Tester could study the issue further and come up with some options. If making it "No Parking Street" a way to go, maybe the Town can have a public hearing later to get the thoughts of the people living along that street.

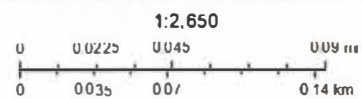
Alderman Tester stated that he would prefer to not to make the street a "No Parking Street" but he is not sure what to do.

Mr. Draughn stated that he would include other department heads in the discussion and see what they would come up with.

Chief Bates stated that he would meet with other Police Chiefs at his conference and maybe get some ideas too.



May 6, 2021





T. J. Bates
Chief of Police

LONG VIEW POLICE DEPARTMENT

2404 1ST AVENUE SW, HICKORY, N.C. 28602
PHONE: (828) 327-2343 | FAX: (828) 578-6703



TO: Town Administrator David Draughn

FROM: T.J. Bates, Chief of Police 

REFERENCE: Traffic Study on 1st Avenue Circle NW

DATE: March 29, 2021

On March 11, 2021, I had a conversation with Town Alderman Dallas Tester in regards to parking issues on 1st Avenue Circle NW. During the conversation, I determined the best course of action would be a traffic study and random checks of the area to address the complaint from Alderman Tester to ensure a fair and consistent approach to the complaint.

Attached to this memo you will find a copy of the Traffic study prepared by Patrolman John Gibson. This study was completed in line with the previous study in relation to the Image Printing parking issues. Even though these incidents are not related, the police department has adopted this form of study for consistency on parking concerns on the Town streets.

It is my recommendation as the Chief of Police that we do not make 1st Avenue Circle NW a no parking street due to the large width of the street and the parking issues being isolated to one area at this point. Patrolman Gibson has documented a total of 17 width measurements during this traffic study and the street appears to be one of the largest width streets in the Town limits. I would recommend that Alderman Tester speak with Charles Mullis for any Town Ordinance or Code concerns with the parking issues if he feels further action is needed at this point.



T. J. Bates
Chief of Police

LONG VIEW POLICE DEPARTMENT

2404 1ST AVENUE SW, LONG VIEW, N.C. 28602
PHONE: (828) 327-2343 | FAX: (828) 578-6703



To: Lt. M. Ford

From: Ptl. J. Gibson

1st Avenue Circle NW Traffic Project

03/28/2021

On 03/27/2021 at 1340 hours I, Ptl. J. Gibson, conducted a traffic project on 1st Avenue Circle NW. A complaint had been filed in reference to vehicles parking in the street and the subject was concerned that emergency vehicles would not be able to pass them while responding to calls. At your direction the patrol division has conducted special checks on 1st Avenue Circle NW to monitor vehicles parking in the road. The general consensus of all Officers that monitored the street was that even though there were as many as four vehicles parked in front of one house there was still sufficient room for emergency vehicles to pass.

1st Avenue Circle NW is 3 tenths of a mile long and measures out at 1578 feet. I measured the mouth of the road at 145 34th Street NW across for width and that measurement was 38 feet 8 inches wide. I then measured the width of the street at every 100 feet except the last measurement and that was at 78 feet. The width of the road is very consistent and has a concrete curb on both side of the street. I took a total of 17 width measurements from the beginning of the street to the end of the street. The widest measurement was 35 feet 5 inches and the smallest measurement was 34 feet 5 inches.

After I measured the width of the street I had Lt. M. Ford meet with me and park his vehicle across from my patrol vehicle. Lt. M. Ford has a 2021 Chevrolet Silverado 1500 and I drive a 2017 Chevrolet Tahoe. Both of these vehicles are large and should account for the widest stock vehicle on the road without aftermarket additions. With Lt. M. Ford's vehicle across from my patrol vehicle and the distance between the vehicles was 20 feet.

I then went to the Long View Fire Department and measured the width of their equipment. The smallest fire truck was 8 feet 2 inches wide and the largest truck was 9 feet wide. When considering there was a 20 foot opening between Lt. M. Ford's vehicle and mine my opinion is that there is 11 feet to spare or 5 feet 6 inches on each side of the largest fire truck to pass through. When conducting the checks most vehicles were on the same side of the road and it was rare to find that two were parked across from each other.

In conclusion my recommendation is to not make 1st Avenue Circle NW a no parking zone. There is no evidence to prove that allowing parking on the street will make it difficult for emergency vehicles to pass.

PTL. J. Gibson
3/28/21

DRAFT

Ordinance No: CO-03-2021

AN ORDINANCE TO AMEND CHAPTER 72, TRAFFIC SCHEDULES OF THE CODE OF ORDINANCES OF THE TOWN OF LONG VIEW, NORTH CAROLINA

WHEREAS, SCHEDULE III. NO PARKING ZONES shall be updated to include a new location; and

WHEREAS, the new "No Parking Zone" shall be at:

1st Avenue Circle Northwest

WHEREAS, the North Carolina General Statute 160A-77(b) permits amendments provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF LONG VIEW THAT the section of the Code of Ordinances, Chapter 72 Traffic Schedules: III. No Parking Zones shall now include:

CHAPTER 72: TRAFFIC SCHEDULES

SCHEDULE III: NO PARKING ZONES

(A) NORTHWEST SIDE

DESCRIPTION
19 th St N between 1 st Ave – 2 nd Avenue E/W sides of street
23 rd St at Main Avenue Drive N – 1 st Avenue PL NW E side
23 rd St S from 2 nd Ave – 1 st Ave W side
24 th St N/S 1 st Ave PL – 2 nd Ave E/W sides
21 st St / 4 th Ave one sign in curve traveling W
24 th St N/S Main Ave – Main Ave Dr E/W sides
25 th St N/S Main Ave – Main Ave Dr E/W sides
26 th St N from Main Ave one sign E side of street
28 th St S from 1 st Ave W side
28 th St S along Johnson Hosiery Building W side to Main Ave
2800 BLK 1 st Ave W 30 th St PL N side only past 30 th St N/S otherwise
38 th St 100 BLK N on E side around curve to 2 nd Ave N side
1 st Avenue Circle Northwest

(B) SOUTHWEST SIDE

DESCRIPTION
22 nd St N to railroad tracks E side of street
22 nd St S 300 BLK to 8 th Ave SW 0600-1800 daily both sides of street (M-F)
22 nd St N at vacant lot to Circus Hall of Cream (only one side posted here)
23 rd St S to US 70 SW both sides of street; signs very faded and face wrong direction
24 th St N from 1 st house on E side to just N of 4 th Ave SW both sides
24 th St 150' N on W side around turn to 2 nd Ave SW to school entrance
2400 BLK 2 nd Ave S side; selected parts of N side
2400 BLK 6th Ave S side corner of lot, 1 st house facing E; N side of road, to 25 th St SW
26 th St N/S both sides, to 26 th St PL SW from 1 st Ave SW

DRAFT

2500 BLK 4 th Ave one sign on S side of street, in 2500 BLK of E bound traffic
30 th ST 100 BLK N to 1 st Ave SW E side
3000 BLK 1 st Ave PL entire length N/S sides
2900 BLK 2 nd Ave from curve E to 29 th St PL SW S side
29 th ST PL E/W sides, 2 nd Ave – 4 th Ave SW
2900 BLK 6 th Ave N/S sides (covers curve @ 6 th Ave & 29 th St PL SW)
30 th St 300 BLK – intersection of 31 st ST SW both sides
31 st ST E side of street going N
31 st ST W side one sign only in middle of block
3200 BLK 3 rd Ave N/S sides to 33 rd ST
3600 BLK 2 nd Ave N side 100' E of intersection of 37 th ST; S side from same location E to curve
US 70 both sides entire length
19 th ST SW N from 1200 BLK, one sign E side of road in curve to Town limits
31 st Street SW, from 2 nd Avenue SW south to 30 th Street SW
39 th St SW from 1 st Avenue SW to 2 nd Ave SW

This ordinance amendment shall be effective upon adoption.

Adopted by motion of Alderman _____, seconded by
Alderman _____, and approved on a vote of _____ in favor
and _____ against.

This the _____ day of _____, 2021.

Town of Long View

By: _____
Marla G. Thompson
Mayor

ATTEST:

Stephanie C. Watson
Town Clerk, CMC, NCCMC

FINANCE REPORT – FINANCE DIRECTOR JAMES COZART

General Fund

Finance Director James Cozart stated that in the General Fund as of April 30th with 83% of the budget year complete, revenues totaled \$3,702,277.40. The Town has collected 94.51% of its budgeted revenues.

Expenditures totaled 3,155,239.68. That is 80.54% of budgeted expenditures for the year.

At the end of April, revenues exceeded expenditures \$547,037.72.

Utility Fund

Finance Director James Cozart stated that as of April 30th, revenues totaled \$1,777,569.09. The Town had collected 69.63% of its revenues. Investment earnings are down.

Expenses totaled \$1,531,307.14. That is 59.98% of expenditures for the year.

Revenues exceeded expenses in the Utility Fund by \$246,261.95.

ADMINISTRATOR'S REPORT – TOWN ADMINISTRATOR DAVID DRAUGHN

Parking Along 1st Ave Cir

Town Administrator David Draughn stated that he and the group would do some brainstorming for ideas about the 1st Ave Cir parking issue and would bring what they come up with back to the Board for review.

Update on Town Elections

Town Administrator David Draughn stated that this past week he met with all the managers of Catawba County and Amanda Duncan of the Board of Elections. There is still no clear guidance as for what to do. This is only affecting the City of Hickory and the Town of Long View within Catawba County because of our Ward situation.

We now know for a fact that the Census is not going to be turned in until September.

There are two options. The Town could have the election and there is a possibility that it could be contended if somebody could prove to a judge that the Town's Wards changed more than 5%. The other option is to ask for a local bill to move the elections to next year. The Town would extend the current term one more year and then the next term would be three years.

Nobody knows what to do. Mr. Draughn brought Attorney Jimmy Summerlin, Jr. in and asked him to research the General Statutes. Attorney Summerlin, Jr. is also going to talk with the General Council for the Board of Elections for the State. Then Attorney Summerlin, City Manager Warren Wood, Mr. John Chrome and Mr. Draughn are going to meet and try to come up with some type of recommendation. Mr. Draughn is of the mind to go ahead and have the election this year, but he wants to make sure that he is not missing anything. To contest the elections, someone would have to prove to a judge that the Wards have changed more than 5%. With the numbers the Town has received from the State, even if not Census data, the numbers show the Town went down minus 6 in that nine-year period.

If the Board agrees, he will vet the process with Town Attorney Jimmy Summerlin, Jr. play out and then meet with Warren Wood. Warren and himself felt that Towns should try to do the same thing as if the Town's do something different it may cause issues. Attorney Summerlin, Jr. works with Hickory's attorney and they will research these General Statutes. This will come back before the Board for review before filling times and in time to get a local bill done if needed. The general assembly has taken the position that because only 60 towns in NC are affected, they are not going to deal with it. Towns must make their own decision.

They have separated Long View and Hickory's filing time from other Towns this year because of this issue. The filing time for Hickory and Long View is July 26th to August 8th.

The Town hoped to get some guidance, but it has never come. Attorney Summerlin, Jr. is double checking to make sure there are no other legal issues the Town needs to consider.

COVID-19 Re-opening Discussion

Town Administrator David Draughn informed the Board that the governor is supposed to make some decisions and changes in early June. At that time, Department Heads and himself will make recommendations to bring before the Board. It is projected that the Town might be able to start opening buildings back up to the public on the first of July.

On July 1st or whenever the Town opens the lobby, the Town will try to get people paying for their utility bills as much as possible at the drive thru window. Plans are to place sign at the drive thru area to help accomplish this. Having residents pay through the drive thru as much as possible helps when the department is short staffed.

The Town has already opened a few things at the Recreation Center such as the gazebo and bathrooms. The rest of the Town's openings would include the opening the lobby at town hall and recreation center building.

Mr. Draughn stated that depending on guidance from the governor, the Town would bring back its suggestions during one of the June meetings.

OTHER BUSINESS

Alderman Tester asked if there was any further information about the potential market on the interstate. Mr. Draughn and Mr. Mullis stated that they had not yet heard anything. Mr. Draughn added that the Town is making arrangements with McGill Associates about extending the water line to Old Shelby Road. They have a meeting tomorrow with the League of Municipalities to hopefully learn about the money that the Town is supposed to be getting. The Town needs to know what it can be used for.

CLOSING COMMENTS BY THE BOARD OF ALDERMEN

Comments by Alderman Dallas Tester

Alderman Tester wished to thank his Lord and savior Jesus Christ for his ability to serve the Town. He wished to thank every employee for everything that they do for the Town. He especially wanted to thank the Police Department for their service.

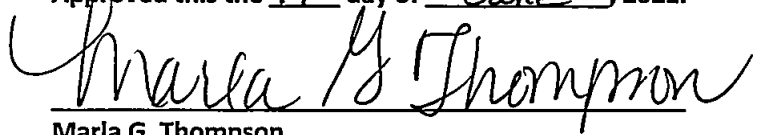
ADJOURNMENT

Motion was made by Alderman Thurman VanHorn, seconded by Alderman Dallas Tester to adjourn the meeting at 6:56 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

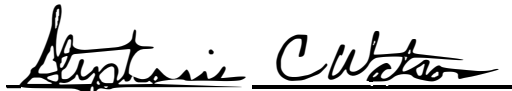
NOES: None

Approved this the 14th day of June, 2021.



Marla G. Thompson
Mayor

ATTEST:



Stephanie C. Watson
Town Clerk, CMC, NCCMC