

**TOWN OF LONG VIEW
BOARD OF ALDERMEN
MEETING MINUTES
MARCH 9, 2020**

The Town of Long View Board of Aldermen met in the Council Chambers of Long View Town Hall on Monday, March 9, 2020 at 6:30 p.m.

BOARD MEMBERS PRESENT: 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.

STAFF MEMBERS PRESENT: 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, Major Charlie Morris, Deputy Fire Chief Tyler Keener, Police Officer Jordan Massagee.

OTHERS PRESENT: Steve Ward, David Long, Dave Spears, and Brittany Higgins were present.

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

APPROVAL OF MINUTES: Motion was made by Alderman Thurman VanHorn, seconded by Alderman David Elder to approve the February 10, 2020 Regular Meeting Minutes and February 10, 2020 Closed Session Minutes. The vote to approve was unanimous.

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

NOES: None

**SUGGESTED RULES OF PROCEDURE FOR THE TOWN OF LONG VIEW BOARD OF ALDERMEN MEETINGS
– TOWN ADMINISTRATOR DAVID DRAUGHN AND TOWN CLERK STEPHANIE WATSON**

Town Administrator David Draughn informed the Board that they have given the Board a draft copy of the suggested rules based on the general statutes of North Carolina in regards to Board Meetings. Ms. Watson wrote this based on the information from the School of Government. This is a good thing to consider having in place to govern the Town's Board meetings. It covers quorums, open meetings, etc.

Mr. Draughn explained that the goal was to present the draft at tonight's meeting, let the Board have time to review it and then bring it back up for discussion during the April Meeting.

Alderman Randall Mays stated that he noticed that a second to a motion is no longer required. Ms. Watson stated that Alderman Mays is correct. A motion and a vote on that motion is all that is needed. However, the Board may continue to do the motion and a second when voting if they so choose to do so.

Mr. Draughn added that if the Board wished to have a second for motions, the Board could add that to the procedure. Having a procedure in place would be good in cases where a question comes up in regards to a meeting or in the case that a new person is elected into office. The Board would have their own set of rules in place that are based on the General Statutes.

SUGGESTED RULES OF PROCEDURE FOR THE TOWN OF LONG VIEW BOARD OF ALDERMEN

PART I. APPLICABILITY

Rule 1. Applicability of Rules

These rules apply to all meetings of the Town of Long View Board of Aldermen.¹ For purposes of these rules, a meeting of the Board of Aldermen occurs whenever a majority of the Board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

PART II. QUORUM

Rule 2. Quorum

The presence of a quorum is necessary for the Board of Aldermen to conduct business. A majority of the Board's actual membership plus the Mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

PART III. OPEN MEETINGS

Rule 3. Remote Participation in Board of Aldermen Meetings

No member who is not physically present for a Board of Aldermen meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the Board. Although a member who attends a meeting electronically pursuant to such a policy may take part in debate, the member may neither be counted toward a quorum nor vote on any matter before the Board.

Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5, all meetings of the Board of Aldermen shall be open to the public, and any person may attend its meetings.

Rule 5. Closed Sessions

(a) **Motion to Enter Closed Session.** The Town Board of Aldermen may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to

¹ In North Carolina, the legal status and authority of a municipality is the same, regardless of whether it is denominated a city, town, or village. See G.S. 160A-1(2) (defining the term "city" as used in Chapter 160A to mean "a municipal corporation . . . having the powers, duties, privileges, and immunities conferred by law on cities, towns, and villages"). The same is true of a municipal governing board, which may be known as a council, board of aldermen, or board of commissioners. See G.S. 160A-1(3) (noting that the term "council" as used in Chapter 160A is interchangeable with the terms "board of aldermen" and "board of commissioners").

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enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under subparagraph (b)(1) or (b)(2) must contain the additional information specified in those provisions.

(b) Bases for Closed Session. A closed session is permissible under the following circumstances and no others:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.
 - (2) To consult with the Town attorney or another attorney employed or retained by the Town in order to preserve the attorney-client privilege. If the Board of Aldermen expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.
 - (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the Town or (b) the closure or realignment of a military installation. The Board of Aldermen may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.
 - (4) To establish or instruct staff or agents concerning the Town's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease.
 - (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.
 - (6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the Town Board of Aldermen or other public body or is being considered to fill a vacancy on the Town Board of Aldermen or other public body. Final action to appoint or employ a public officer or employee must take place in open session.
 - (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.
 - (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
 - (9) To view a law enforcement recording released pursuant to G.S. 132-1.4A.
 - (10) On any other basis permitted by law.
- (c) Closed Session Participants.** Unless the Board of Aldermen directs otherwise, the Town manager, Town attorney, and Town Clerk may attend closed sessions of the Board. No other person may attend a closed session unless invited by majority vote of the Board.
- (d) Motion to Return to Open Session.** Upon completing its closed session business, the Board of Aldermen shall end the closed session by adopting a duly made motion to return to open session.

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Rule 6. Meeting Minutes

(a) **Minutes Required for All Meetings.** The Board of Aldermen must keep full and accurate minutes of all of its meetings, including closed sessions. To be "full and accurate," minutes must record all actions taken by the Board of Aldermen. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the Board of Aldermen, though the Board of Aldermen in its discretion may decide to incorporate such details into the minutes.

(b) **Record of "Ayes" and "Noes."** At the request of any member of the Board of Aldermen, the minutes shall list each member by name and record how each member voted on a particular matter.

(c) **General Accounts of Closed Sessions.** In addition to minutes, the Board of Aldermen must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The Board of Aldermen may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) **Sealing Closed Session Records.** Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board of Aldermen or, if the Board of Aldermen delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the Board of Aldermen. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

(a) **Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a Board of Aldermen meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board of Aldermen meeting.

(b) **Advance Notice.** Any radio or television station that plans to broadcast any portion of a Board of Aldermen meeting shall so notify the Town Clerk no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Board of Aldermen meeting.

(c) **Equipment Placement.** The Town Administrator may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Board of Aldermen meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Town Administrator determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Town Administrator may require the pooling of the equipment and the personnel operating it.

(d) **Alternative Meeting Site.** If the news media request an alternative meeting site to accommodate news coverage, and the Board of Aldermen grants the request, the news media making the request shall pay the costs incurred by the Town in securing an alternative meeting site.

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PART IV. ORGANIZATION OF THE BOARD OF ALDERMEN

Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

(a) **Scheduling Organizational Meeting.** The Board of Aldermen must hold an organizational meeting following each general election in which the Mayor and/or Board of Aldermen members are elected. The organizational meeting must be held either (1) on the date and at the time of the Board of Aldermen's first regular meeting in December following the election or (2) at an earlier date, if any, set by the incumbent Board of Aldermen. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.

(b) **Oath of Office.** As the first order of business at the organizational meeting, all newly elected members of the Board of Aldermen must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the Town Clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

(c) **Selection of Mayor Pro Tempore.** As the second order of business at the organizational meeting, the Board of Aldermen shall elect from among its members a Mayor Pro Tempore using the procedures specified in Rule 38. The Mayor Pro Tempore shall serve at the Board of Aldermen's pleasure.

PART V. TYPES OF MEETINGS

Rule 9. Regular Meetings

(a) **Regular Meeting Schedule.** The Board of Aldermen shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday. If the regular meeting falls on a legal holiday, the Board of Aldermen will vote to reschedule the meeting to another day following procedures specified in Rule 9(b). The meeting shall be held in the Council Chambers of Long View Town Hall and begin at 6:30 p.m. The Board of Aldermen shall adopt a meeting schedule each year consistent with this rule. A copy of the Board of Aldermen's current meeting schedule shall be filed with the Town Clerk and posted on the Town's website.

(b) **Change to Meeting Schedule.** Notwithstanding paragraph (a) of this rule, the Board of Aldermen may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the Town Clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the Town's website.

(c) **Canceling a Meeting Due to Inclement Weather.** If it is possible for a quorum to attend, the Board of Aldermen will convene the regularly scheduled meeting and then immediately recess the meeting to another time.

If it is not possible for a quorum to attend, the meeting will not happen at the regularly scheduled time. In this case, the Town Administrator and/or Town Clerk will notify the Board of Aldermen, Town staff, and anyone on the sunshine list that the meeting has been cancelled. A notice will be placed on the Town's website and at Town Hall stating that the meeting has been cancelled due to inclement weather. The Town Clerk will document that there was no quorum and that no meeting occurred.

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Rule 10. Special Meetings

(a) **Calling Special Meetings.** A special meeting of the Board of Aldermen may be called by the Mayor, the Mayor Pro Tempore, or any two Board of Aldermen members. A special meeting may also be called by vote of the Board of Aldermen in open session during a regular meeting or another duly called special meeting.

(b) **Notice to the Public.** At least forty-eight hours before a special meeting of the Board of Aldermen, notice of the date, time, place, and purpose of the meeting shall be (1) posted on the Board of Aldermen's principal bulletin board or, if the Board of Aldermen has no such board, at the door of the Board of Aldermen's usual meeting room and (2) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Furthermore, if the Board of Aldermen has a website maintained by at least one Town employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.

(c) **Notice to Members.**

(1) *Meeting called by the Mayor, the Mayor Pro Tempore, or any two Board of Aldermen members.* At least forty-eight hours before a special meeting called by the Mayor, the Mayor Pro Tempore, or any two Board of Aldermen members, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered, shall be delivered to the Mayor and each Board of Aldermen member or left at his or her usual dwelling place.

(2) *Meeting called by vote of the Board of Aldermen in open session.* When a special meeting is called by vote of the Board of Aldermen in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose. Written notice of the special meeting's date, time, place, and purpose shall be mailed or delivered at least forty-eight hours before the meeting to each Board of Aldermen member not present for the meeting at which the special meeting was called, and to the Mayor if he or she was not present at that meeting.

(d) **Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to Board of Aldermen members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the Board of Aldermen may take up an item of business not covered by the notice only if the Board of Aldermen first determines in good faith that the item must be discussed or acted upon immediately.

(e) **Cancelling a Special Meeting Due to Inclement Weather.** If a special meeting does not occur due to inclement weather, the Town Administrator and/or Town Clerk will notify the Board of Aldermen, Town staff, and anyone on the sunshine list that the meeting has been cancelled. A notice will be placed on the Town's website and at Town Hall stating that the meeting has been cancelled due to inclement weather. The Town Clerk will document that there was no quorum and that no meeting occurred.

Rule 11. Emergency Meetings

(a) **Grounds for Emergency Meeting.** Emergency meetings of the Town Board of Aldermen may be called only to address generally unexpected circumstances demanding the Board of Aldermen's immediate attention.

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(b) **Calling Emergency Meetings.** There are two methods by which an emergency meeting of the Board of Aldermen may be called.

(1) The Mayor, the Mayor Pro Tempore, or any two members of the Board of Aldermen may at any time call an emergency Board of Aldermen meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Board of Aldermen member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held when the Mayor and all members of the Board of Aldermen are present and consent thereto, or when any absent member has signed a written waiver of notice.

(c) **Notice to Media of Emergency Meetings.** Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the Town Clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, e-mail, or the same method used to notify Board of Aldermen members. Notice must be provided immediately after Board of Aldermen members have been notified and at the expense of the party notified.

(d) **Transaction of Other Business Prohibited.** Only business connected with the emergency may be considered at an emergency meeting.

(e) **Cancelling an Emergency Meeting Due to Inclement Weather.** If an emergency meeting does not occur due to inclement weather, the Town Administrator and/or Town Clerk will notify the Board of Aldermen, Town staff, and anyone on the sunshine list that the meeting has been cancelled. A notice will be placed on the Town's website and at Town Hall stating that the meeting has been cancelled due to inclement weather. The Town Clerk will document that there was no quorum and that no meeting occurred.

Rule 12. Recessed Meetings

(a) **Calling Recessed Meetings.** When conducting a properly called regular, special, or emergency meeting, the Board of Aldermen may recess the meeting to another date, time, or place by a procedural motion made and adopted, as provided in Rule 31, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) **Notice of Recessed Meetings.** If the Board of Aldermen has a website maintained by one or more Town employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

PART VI. AGENDA

Rule 13. Agenda

(a) **Draft Agenda.**

(1) *Preparation.* The Town Clerk shall prepare a draft agenda in advance of each meeting of the Town Board of Aldermen.

(2) *Requesting placement of items on draft agenda.* For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the Town Clerk at least one week before

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the date of the meeting. The Town Clerk must place an item on the draft agenda in response to a Board of Aldermen member's timely request.

- (3) *Supplemental information/materials.* If the Board of Aldermen is expected to consider a proposed ordinance or ordinance amendment, a copy of the proposed ordinance or amendment shall be attached to the draft agenda. An agenda package shall be prepared that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to provide.
- (4) *Delivery to Board of Aldermen members.* Each Board of Aldermen member shall receive a hard or electronic copy of the draft agenda and the agenda package. Except in the case of an emergency meeting, the agenda and agenda package shall be furnished to each member at least twenty-four hours before the meeting.
- (5) *Public inspection.* The draft agenda and agenda package shall be available to the public when the documents are ready to be, or have been, circulated.

(b) Amending the Agenda.

- (1) *Amending the agenda.* The Board of Aldermen may add or subtract agenda items by majority vote of the members present and voting, except that the Board of Aldermen may not add to the items stated in the notice of a special meeting unless the requirements in Rule 10(d) are satisfied and only business connected with the emergency may be considered at an emergency meeting.
- (2) *Designation of items "For Discussion and Possible Action."* The Board of Aldermen may designate an agenda item "for discussion and possible action." The designation signifies that the Board of Aldermen intends to discuss the item and may, if it so chooses, take action on the item following the discussion.

(c) Consent Agenda. The Board of Aldermen may designate part of an agenda for a regular meeting as the *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if the items are judged to be noncontroversial and routine. Prior to the Board of Aldermen's adoption of the meeting agenda under subparagraph (b)(1) of this rule, the request of any member to have an item moved from the consent agenda to unfinished business must be honored by the Board of Aldermen. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

(d) Informal Discussion of Agenda Items. The Board of Aldermen may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 14. Acting by Reference to Agenda or Other Document

The Board of Aldermen shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document with the intention of preventing persons in attendance from understanding what action is being considered or undertaken. The Board of Aldermen may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, provided copies of the agenda are available for public inspection at the meeting and are sufficiently worded to enable the public to understand what is being deliberated or acted upon.

Rule 15. Agenda Items from Members of the Public

If a member of the public wishes to request that the Board of Aldermen include an item on its regular

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meeting agenda, he or she must submit the request to the Town Clerk by the deadline specified in Rule 13(a)(2). The Board of Aldermen is not obligated to place an item on the agenda merely because such a request has been received.

Rule 16. Order of Business

Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- approval of the previous meeting minutes
- public hearings
- administrative / department head reports
- Town administrator's reports
- other business / public comments
- closed sessions
- adjournment

Without objection, the Mayor may call agenda items in any order most convenient for the dispatch of business.

PART VII. ROLE OF THE PRESIDING OFFICER

Rule 17. The Mayor

(a) **Presiding Officer.** When present, the Mayor shall preside at meetings of the Board of Aldermen.

(b) **Right to Vote.** The Mayor may vote only when an equal number of affirmative and negative votes have been cast.

(c) **Recognition of Members.** A member must be recognized by the Mayor (or other presiding officer) in order to address the Board of Aldermen, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1.

(d) **Powers as Presiding Officer.** As presiding officer, the Mayor is to enforce these rules and maintain order and decorum during Board of Aldermen meetings. To that end, the Mayor may

- (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
- (3) entertain and answer questions of parliamentary procedure;
- (4) call a brief recess at any time; and
- (5) adjourn in an emergency.

(e) **Appeals of Procedural Rulings.** A member may appeal a decision made or answer given by the Mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1.

ADOPTED: _____

Rule 18. The Mayor Pro Tempore

(a) **Presiding in Mayor's Absence.** When present, the Mayor Pro Tempore shall preside over Board of Aldermen meetings in the Mayor's absence with all the powers specified in Rule 17(d).

(b) **Delegation of Mayor's Powers/Duties.** In the Mayor's absence, the Board of Aldermen may confer on the Mayor Pro Tempore any of the Mayor's powers and duties. Likewise, if the Mayor becomes physically or mentally unable to perform the duties of his or her office, the Board of Aldermen may by unanimous vote declare the Mayor incapacitated and confer any of the Mayor's powers and duties on the Mayor Pro Tempore. When the Mayor announces that he or she is no longer incapacitated, and a majority of the Board of Aldermen concurs, the Mayor shall resume the exercise of his or her powers and duties.

(c) **Duty to Vote.** Even when presiding over a Board of Aldermen meeting, the Mayor Pro Tempore has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 28.

Rule 19. Other Presiding Officer

If both the Mayor and Mayor Pro Tempore are absent, the Board of Aldermen may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17(d). Service as a temporary presiding officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 28.

Rule 20. When the Presiding Officer Is Active in Debate

If the Mayor becomes active in debate on a particular proposal, he or she may have the Mayor Pro Tempore preside during the Board of Aldermen's consideration of the matter. If the Mayor Pro Tempore is absent or is also actively debating the matter, the Mayor may designate another member to preside until the matter is concluded. Similarly, if the Mayor Pro Tempore or a temporary presiding officer is presiding and takes an active part in debating a topic, he or she may designate another Board of Aldermen member to preside temporarily.

PART VIII. MOTIONS AND VOTING**Rule 21. Action by the Board of Aldermen**

Except as otherwise provided in these rules, the Board of Aldermen shall act by motion. Any member may make a motion, not including the Mayor.

Rule 22. Second Not Required

No second is required on any motion.

ADOPTED _____

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, the debate shall alternate between proponents and opponents of the measure.

Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 27. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 28. Duty to Vote

(a) **Duty to Vote.** Every Board of Aldermen member must vote except when excused from voting as provided by this rule.

(b) **Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to Board of Aldermen members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 160A-381(d) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-388(e)(2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker).

ADOPTED: _____

(c) Procedure for Excusal.

- (1) *At member's request.* Upon being recognized at a duly called meeting of the Board of Aldermen, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
 - (2) *On Board of Aldermen's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining Board of Aldermen members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).
- (d) **Consequence of Non-Excused Failure to Vote.** Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided

- (1) the member is physically present in the Board of Aldermen chamber or
- (2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

(e) **Failure to Vote on Certain Zoning Matters.** A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

Rule 29. Voting by Written Ballot

- (a) **Secret Ballots Prohibited.** The Board of Aldermen may not vote by secret ballot.
- (b) **Rules for Written Ballots.** The Board of Aldermen may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the Town Clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the Board of Aldermen disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 31, Motion 14.

Rule 31. Procedural Motions

- (a) **Certain Motions Allowed.** The Board of Aldermen may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.
- (b) **Priority of Motions.** The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that
- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and

ADOPTED: _____

- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority motion must be voted on first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It is not in order if the Board of Aldermen is in closed session.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the Board of Aldermen is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the Board of Aldermen's actual membership, excluding vacant seats and not counting the Mayor if the Mayor votes only in case of a tie. The Board of Aldermen may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The Board of Aldermen may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Board of Aldermen votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the Board of Aldermen's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Board of Aldermen may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Refer a Motion to a Committee. The Board of Aldermen may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the Board of Aldermen may not take up a new motion raising essentially the same issue

ADOPTED _____

without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the Board of Aldermen must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend.

(a) **Germaneness.** A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) **Limit on Number of Motions to Amend.** When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

(c) **Amendments to Ordinances.** Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The Board of Aldermen may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within 100 days of its vote to defer consideration.

Motion 14. To Reconsider. The Board of Aldermen may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the Board of Aldermen's deliberation on a pending matter.

Motion 15. To Rescind. The Board of Aldermen may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16. To Prevent Reintroduction for [Six] Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive votes equal to at least two-thirds of the Board of Aldermen's actual membership, excluding vacant seats and not counting the Mayor, unless the Mayor may vote on all questions. If this motion is adopted, the ban on reintroduction remains in effect for [six] months or until the Board of Aldermen's next organizational meeting, whichever occurs first.

PART IX. ORDINANCES AND CONTRACTS

Rule 32. Introduction of Ordinances

For purposes of these rules, the "date of introduction" for a proposed ordinance is the date on which the Board of Aldermen first votes on the proposed ordinance's subject matter. The Board of Aldermen votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.

Rule 33. Adoption, Amendment, and Repeal of Ordinances

(a) Adoption of Ordinances.

- (1) *Proposed ordinances to be in writing.* No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.

ADOPTED _____

- (2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two-thirds of the Board of Aldermen's actual membership, excluding vacant seats and not counting the Mayor, unless the Mayor has the right to vote on all questions before the Board of Aldermen.
- (3) *Adoption after date of introduction.* To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all Board of Aldermen members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the Board of Aldermen shall count the Mayor if he or she votes on all questions. If the Mayor votes only in the case of tie, the Mayor's vote counts if there is an equal division.
- (b) **Amendment and Repeal of Ordinances.** The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 34. Adoption of the Budget Ordinance

(a) **Special Rules for the Adoption or Amendment of the Budget Ordinance.** Notwithstanding any provision in the Town charter, general law, or local act,

- (1) the Board of Aldermen may adopt or amend the budget ordinance at a regular or special meeting of the Board of Aldermen by a simple majority of those members present and voting, a quorum being present;
- (2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Board of Aldermen; and
- (3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any Town charter or local act concerning initiative or referendum.

(b) **Notice Requirements for Budget Meetings.** During the period beginning with the submission of the budget to the Board of Aldermen and ending with the adoption of the budget ordinance, the Board of Aldermen may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as

- each member of the board has actual notice of each special meeting called for the purpose of considering the budget and
- no business other than consideration of the budget is taken up.

(c) **No Authority for Closed Sessions.** This rule shall not be construed to authorize the Board of Aldermen to hold closed sessions on any basis other than the grounds set out in Rule 5.

Rule 35. Approval of Contracts and Authorization of Expenditures

(a) **Contracts to be in Writing.** No contract shall be approved or ratified by the Town Board of Aldermen unless it has been reduced to writing at the time of the Board of Aldermen's vote.

(b) **Approval of Contracts.** To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all Board of Aldermen members not excused from voting on the contract, including the Mayor's vote in the event of a tie.

ADOPTED: _____

(c) **Authorization of Expenditure of Public Funds.** The same vote necessary to approve or ratify a contract is required for the Board of Aldermen to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

PART X. PUBLIC HEARINGS AND COMMENT PERIODS

Rule 36. Public Hearings

(a) **Calling Public Hearings.** In addition to holding public hearings required by law, the Board of Aldermen may hold any public hearings it deems advisable. The Board of Aldermen may schedule hearings or delegate that responsibility to Town staff members, as appropriate, except when state law directs the Board of Aldermen itself to call the hearing. If the Board of Aldermen delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

(b) **Public Hearing Locations.** Public hearings may be held anywhere within the Town or within the county where the Town is located.

(c) **Rules for Public Hearings.** The Board of Aldermen may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(d) **Notice of Public Hearings.** Any public hearing at which a majority of the Board of Aldermen is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

(e) **Continuing Public Hearings.** The Board of Aldermen may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the Board of Aldermen is not present for a properly scheduled public hearing, the hearing must be continued until the Board of Aldermen's next regular meeting without further advertisement.

(f) **Conduct of Public Hearings.** At the time appointed for the hearing, the Mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the Board of Aldermen for the hearing. Unless the Board of Aldermen extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the Mayor shall declare the hearing closed, and the Board of Aldermen shall resume the regular order of business.

(g) **Public Hearings by Less Than a Majority of Board of Aldermen Members.** Nothing in this rule prevents the Board of Aldermen from appointing a member or members to hold a public hearing on the Board of Aldermen's behalf, except when state law requires that the Board of Aldermen itself conduct the

ADOPTED: _____

hearing.

Rule 37. Public Comment Periods

(a) **Frequency of Public Comment Periods.** The Board of Aldermen must provide at least one opportunity for public comment each month at a regular meeting, except that the Board of Aldermen need not offer a public comment period during any month in which it does not hold a regular meeting.

(b) **Rules for Public Comment Periods.** The Board of Aldermen may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(c) **Content-Based Restrictions Generally Prohibited.** The Board of Aldermen may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the Board of Aldermen's real or apparent jurisdiction.

PART XI. APPOINTMENTS AND APPOINTED BODIES

Rule 38. Appointments

(a) **Appointments in Open Session.** The Board of Aldermen must consider and make any appointment to another body or, in the event of a vacancy on the Board of Aldermen, to its own membership in open session.

(b) **Nomination and Voting Procedure.** The Board of Aldermen shall use the following procedure to fill a vacancy in the Board of Aldermen itself or in any other body over which it has the power of appointment. The Mayor shall open the floor for nominations, whereupon Board of Aldermen members may put forward and debate nominees. When debate ends, the Mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

(c) **Mayor.** The Mayor may not make nominations or vote on appointments under this rule.

(d) **Multiple Appointments.** If the Board of Aldermen is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same vacancy during a single balloting.

(e) **Duty to Vote.** It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

(f) **Vote by Written Ballot.** The Board of Aldermen may vote on proposed appointments by written ballot in accordance with Rule 29.

ADOPTED: _____

Rule 39. Committees and Boards

(a) **Establishment and Appointment.** The Board of Aldermen may establish temporary and standing committees, boards, and other bodies to help carry on the work of Town government. Unless otherwise provided by law or the Board of Aldermen, the power of appointment to such bodies lies with the Board of Aldermen.

(b) **Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the Town's professional staff.

(c) **Procedural Rules.** The Board of Aldermen may prescribe the procedures by which the Town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the Board of Aldermen, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

PART XII. MISCELLANEOUS**Rule 40. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the Town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the Board of Aldermen's members, excluding vacant seats and counting the Mayor only if the Mayor may vote on all questions.

Rule 41. Reference to Robert's Rules of Order Newly Revised

The Board of Aldermen shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the Mayor shall make a ruling on the issue subject to appeal to the Board of Aldermen under Rule 31, Motion 1.

ADOPTED: _____

APPENDIX A. QUORUM FOR A CITY COUNCIL**Table A1. Number of Members Needed for a Quorum**

Total Number of Council Seats, Plus Mayor	Number of Vacant Seats					
	0	1	2	3	4	5
6	4	3	3	2	2	-

APPENDIX B. NUMBER OF VOTES REQUIRED TO ADOPT AN ORDINANCE OR APPROVE A CONTRACT**Table B1. Number of Votes Required to Adopt an Ordinance Not on Date of Introduction or to Approve a Contract**

Total Number of Council Members **	Number of Members Excused from Voting					
	0	1	2	3	4	5
3	2	2	-	-	-	-
4	3	2	2	-	-	-
5	3	3	2	2	-	-

**Include the Mayor if he or she votes on all questions or if there is a tie and the mayor breaks the tie.

Table B2. Number of Votes Needed to Adopt an Ordinance on the Date of Introduction (Mayor Votes Only in Case of a Tie Vote)

Total Number of Council Members, Excluding Mayor	Number of Vacant Seats					
	0	1	2	3	4	5
3	2	2	-	-	-	-
4	3	2	2	-	-	-
5	4	3	2	2	-	-

ADOPTED: _____

FINANCE REPORT – FINANCE DIRECTOR JAMES COZART

General Fund

Finance Director James Cozart informed the Board that in the General Fund at February 29th with 67% of the budget year complete, revenues totaled \$3,338,814.07. The Town has collected over 100% of its budgeted property taxes. Catawba County is still pushing for prior year collections and that has helped the Town's revenue get a boost.

Expenditures totaled \$2,744,428.11.

Revenues exceeded expenses in the General Fund by \$594,385.96.

Utility Fund

In the Utility Fund, revenues totaled \$1,397,350.04.

Expenditures totaled \$1,153,474.82.

Revenues exceeded expenditures by \$243,875.22.

Alderman Randall Mays commented on the aggressive interest on things versus what was budgeted. It looks very good.

Ordinance No. 02-19-20: Budget Ordinance Amendment #2

Finance Director James Cozart presented to the Board Ordinance No. 02-19-20: Budget Ordinance Amendment #2. The purpose of the amendment is to increase the Fire Department's budget by \$4,518.45. The Town has received a check from Travelers to repair damages to a fire truck that was involved in an incident on January 21, 2020. The amendment will increase the Fire Department's budget to allow for vehicle repairs to be made.

Motion was made by Alderman Randall Mays, seconded by Alderman Thurman VanHorn to adopt Ordinance No. 02-19-20: Budget Ordinance Amendment #2. The vote to approve was unanimous.

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

NOES: None

**ORDINANCE NO. 02-19-20
BUDGET ORDINANCE AMENDMENT NO. 2**

BE IT ORDAINED by the Governing Board of the Town of Long View, that the following Amendment be made to the annual budget ordinance for the fiscal year ending June 30 2020:

Section I: To amend the General Fund budgeted amounts, the budget will be changed as follows:

	<u>Line Item</u>	<u>Increase</u>
Fund Balance	10-399-0000	\$4,518.45

	<u>Line Item</u>	<u>Increase</u>
Maintenance & Repair-Fire Dept.	10-530-1600	\$4,518.45

PURPOSE FOR AMENDMENT:

The Town received a check in the amount of \$4,518.45 from Travelers Insurance to repair damages to a Fire Truck from an incident on January 21, 2020. This amendment will increase the Fire Department budget to allow for vehicle repairs.


Marla Thompson
Mayor

Attest:


Stephanie C. Watson
Town Clerk

Approved by Board of Aldermen on March 9, 2020
Date

014733

THE TRAVELERS - TRAVELERS - MID-ATL
TRAVELERS - MID-ATLANTIC CC
PO BOX 430
BUFFALO NY 14240-0430

SA07356

896D 93581399


TRAVELERS

DATE: 02/05/20
LOSS DATE: 01/21/20
FILE NUMBER: 007 AD FMA3022 J

TOWN OF LONG VIEW
2404 1ST AVE SW
HICKORY NC 28602-2009

AGENT:
PARKS INS & FIN INC

ACCOUNT NAME:
TOWN OF LONG VIEW

THE TRAVELERS INDEMNITY COMPANY

EXPLANATION OF PAYMENT

Collision \$4518.45
TOTAL PAID \$4518.45

REPAIR FOR 4S7AU2F973C043665

FOR ADDITIONAL INFORMATION, CONTACT: JOANN P KINCER AT (610)371-7513

036007377

DETACH CHECK

UNSUMM -11131
OVR/PUN2-121295
DETACH CHECK

THIS DOCUMENT HAS A RED BACKGROUND. BORDER CONTAINS MICRO PRINTING AND AN ARTIFICIAL WATERMARK. HOLD AT AN ANGLE TO VIEW THE WATERMARK.

Citibank N.A.
One Penns Way
New Castle, DE 19720

DATE 02/05/20
ACCOUNT NUMBER J99

FILE NUMBER 007 AD FMA3022 J

FOUR THOUSAND FIVE HUNDRED EIGHTEEN AND 45/100

PAY TO THE ORDER OF
TOWN OF LONG VIEW
2404 1ST AVE SW
HICKORY NC 28602-2009

014733
SA07356

896D 93581399 82-20 311

VOID IF NOT PRESENTED WITHIN
ONE YEAR AFTER DATE OF ISSUE

PAY: \$****4,518.45 JPK

Douglas K. Russell
AUTHORIZED SIGNATURE

⑈93581399⑈

⑈031100209⑈

38622892⑈

Ordinance No. 02-19-20: Budget Ordinance Amendment #3

Finance Director James Cozart presented to the Board Ordinance No. 02-19-20: Budget Ordinance Amendment #3. The purpose of the amendment was to increase the Powell Bill Fund by \$98,598.00. The Town has received notification from the Department of Transportation Powell Bill section that the Town had an excess of its Powell Bill Fund. They have requested that the Town spend that money by June 30th. Some years the Town has spent over the allocation and sometimes under.

The Town needs to spend \$83,672.97 plus the interest earned this year which is \$14,925 in the Powell Bill Fund.

Alderman Mays asked if the Town could get the sidewalk project underway.

Mr. Cozart stated that the Public Works Director had gotten a quote for a tractor to be used to mow rights-of-ways. That is allowed in the Powell Bill program.

The Town also plans to do some additional paving.

The quote for the tractor is \$18,450. That would leave approximately \$80,150 for paving projects. That should get the Town close to what it needs to spend for this current year.

Motion was made by Alderman Thurman VanHorn, seconded by Alderman Gary Lingerfelt to adopt Ordinance No. 02-19-20: Budget Ordinance Amendment #3. The vote to approve was unanimous.

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

NOES: None

**ORDINANCE NO. 02-19-20
BUDGET ORDINANCE AMENDMENT NO. 3**

BE IT ORDAINED by the Governing Board of the Town of Long View, that the following Amendment be made to the annual budget ordinance for the fiscal year ending June 30 2020:

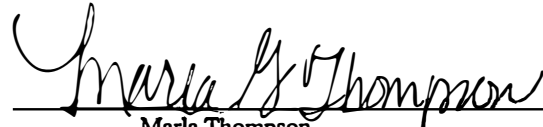
Section 1: To amend the Powell Bill Fund budgeted amounts, the budget will be changed as follows:

	<u>Line Item</u>	<u>Increase</u>
Fund Balance	23-399-0000	\$98,598.00

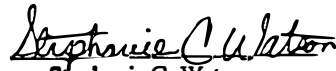
	<u>Line Item</u>	<u>Increase</u>
Capital Outlay	23-570-7400	\$18,450.00
Street Maintenance	23-570-3400	\$80,148.00

PURPOSE FOR AMENDMENT:

The Town of Long View received notification from the NCDOT Powell Bill Section that in past years the town has not spent enough of our Powell Bill funds. We have an excess accumulation of \$98,598 which includes interest earned during the current fiscal year. Per guidance received from the Powell Bill Section, we need to disburse these funds by 6/30/20. This amendment would allow for additional paving to be completed this year and the purchase of a tractor for mowing along town maintained streets.


Marla Thompson
Mayor

Attest:


Stephanie C. Watson
Town Clerk

Approved by Board of Aldermen on March 9, 2020
Date



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

February 4, 2020

Town of Long View
Attention: Mayor
2404 1st AVE SW
Hickory, NC 28602

This letter is to advise you that your municipality's current balance exceeds the sum of the allowed number of allocations by \$83,672.97.

North Carolina law prohibits the accumulation of funds in an amount greater than the sum of the past 10 allocations. The law also provides for the Department to adopt a policy to allow small municipalities to apply for an exception so they may accumulate up to the sum of the past 20 allocations. When there is an excess accumulation, the excess amount must be deducted from the next allocation.

Per the Department's policy, a municipality may qualify for this exception by having a population of less than 5,000. Based on the current population estimate, your municipality meets this requirement. If you would like to be granted this exception, you can email a written request to NCDOT_PowellBill@ncdot.gov by April 30th.

This is just a reminder that your municipality has until June 30, 2020, to spend any excess funds, plus any Powell Bill account interest earned during FY 2019-20. Any expenditures submitted will be subtracted from the current ending balance noted above.

If you have any questions or need further information, please call (919) 707-4586 or email NCDOT_PowellBill@ncdot.gov. You can access the Powell Bill information on our webpage at <https://connect.ncdot.gov/municipalities/State-Street-Aid/>.

Sincerely,

DocuSigned by:

Majed Al-Ghandour

0361048F05E84F2

Majed Al-Ghandour, Ph.D., PE, CPM, M. ASCE
Assistant Director, Division of Planning and Programming
Project Management & Powell Bill

Enclosure -- Powell Bill History Report

cc: Town of Long View Financial Director

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION OF PLANNING AND PROGRAMMING
POWELL BILL UNIT
1534 MAIL SERVICE CENTER
RALEIGH, NC 27699-1534

Telephone: (919) 707-4586

Email: NCDOT_PowellBill@ncdot.gov

Website: <https://connect.ncdot.gov/municipalities/State-Street-Aid/>

Location:
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601

Powell Bill History Report

As of: 1/29/2020

Municipality: TOWN OF LONG VIEW Grantee ID: 1000006761 Status: Excess									
Program Year	Powell Bill Allocation		Yearly Total Appropriation	Expenditure Amount	Penalties	Other Receipts	Interest Amount	Closing Amount	Agreement
	October	January							
1979	\$ 50,825.28		\$ 50,825.28	\$ 50,825.28	\$ -	\$ -	\$ -	\$ -	
1980	\$ 46,841.48		\$ 46,841.48	\$ 4,011.48	\$ -	\$ -	\$ -	\$ 42,830.00	
1981	\$ 46,872.45		\$ 46,872.45	\$ 34,679.42	\$ -	\$ -	\$ -	\$ 55,023.03	
1982	\$ 65,959.36		\$ 65,959.36	\$ 97,766.55	\$ -	\$ -	\$ -	\$ 23,215.84	
1983	\$ 65,879.47		\$ 65,879.47	\$ 54,908.55	\$ -	\$ -	\$ -	\$ 34,186.76	
1984	\$ 67,631.63		\$ 67,631.63	\$ 71,785.42	\$ -	\$ -	\$ -	\$ 30,032.97	
1985	\$ 68,780.64		\$ 68,780.64	\$ 45,655.85	\$ -	\$ -	\$ -	\$ 53,157.76	
1986	\$ 78,554.57		\$ 78,554.57	\$ 82,250.61	\$ -	\$ -	\$ -	\$ 49,461.72	
1987	\$ 88,785.97		\$ 88,785.97	\$ 46,020.20	\$ -	\$ -	\$ -	\$ 92,227.49	
1988	\$ 91,270.92		\$ 91,270.92	\$ 74,455.56	\$ -	\$ -	\$ 4,909.97	\$ 113,952.82	
1989	\$ 90,506.76		\$ 90,506.76	\$ 71,225.79	\$ -	\$ 222.00	\$ 10,523.21	\$ 143,979.00	
1990	\$ 107,479.88		\$ 107,479.88	\$ 121,176.95	\$ -	\$ -	\$ 12,996.51	\$ 143,278.44	
1991	\$ 95,184.26		\$ 95,184.26	\$ 103,068.74	\$ -	\$ -	\$ 4,880.50	\$ 140,274.46	
1992	\$ 102,050.47		\$ 102,050.47	\$ 88,079.24	\$ -	\$ -	\$ 3,736.12	\$ 157,983.81	
1993	\$ 105,231.02		\$ 105,231.02	\$ 156,779.43	\$ -	\$ 10,654.79	\$ 3,082.46	\$ 120,172.65	
1994	\$ 111,715.81		\$ 111,715.81	\$ 99,955.12	\$ -	\$ 180.00	\$ 4,150.96	\$ 136,273.30	
1995	\$ 115,013.64		\$ 115,013.64	\$ 62,580.57	\$ -	\$ -	\$ 4,554.42	\$ 193,260.79	
1996	\$ 139,595.30		\$ 139,595.30	\$ 52,403.48	\$ -	\$ -	\$ 5,005.34	\$ 285,457.95	
1997	\$ 143,561.98		\$ 143,561.98	\$ 162,071.69	\$ -	\$ 4,480.00	\$ 4,645.16	\$ 276,073.40	
1998	\$ 148,303.59		\$ 148,303.59	\$ 61,435.40	\$ -	\$ 725.00	\$ 6,245.71	\$ 379,912.30	
1999	\$ 154,332.02		\$ 154,332.02	\$ 105,859.38	\$ -	\$ 8,025.00	\$ 18,870.87	\$ 453,280.81	
2000	\$ 165,283.91		\$ 165,283.91	\$ 60,778.81	\$ -	\$ -	\$ 32,427.08	\$ 590,212.99	
2001	\$ 165,255.11		\$ 165,255.11	\$ 133,951.67	\$ -	\$ -	\$ 13,229.76	\$ 634,746.19	
2002	\$ 162,284.82		\$ 162,284.82	\$ 73,173.69	\$ -	\$ (2,378.90)	\$ 9,148.87	\$ 730,627.29	
2003	\$ 147,302.26		\$ 147,302.26	\$ 161,234.31	\$ -	\$ -	\$ 6,788.83	\$ 723,484.07	
2004	\$ 159,700.51		\$ 159,700.51	\$ 213,254.45	\$ -	\$ (0.35)	\$ 14,176.79	\$ 684,106.57	
2005	\$ 158,358.01		\$ 158,358.01	\$ 260,685.15	\$ -	\$ (186.20)	\$ 22,360.98	\$ 603,954.21	
2006	\$ 155,244.17		\$ 155,244.17	\$ 192,535.56	\$ -	\$ -	\$ 30,794.31	\$ 597,457.13	
2007	\$ 173,745.23		\$ 173,745.23	\$ 342,066.71	\$ -	\$ -	\$ 22,340.58	\$ 451,476.23	
2008	\$ 158,424.81		\$ 158,424.81	\$ 99,112.07	\$ -	\$ -	\$ 7,618.02	\$ 518,408.99	
2009	\$ 140,463.18		\$ 140,463.18	\$ 206,411.22	\$ -	\$ -	\$ 986.66	\$ 453,445.61	
2010	\$ 141,901.63		\$ 141,901.63	\$ 68,433.31	\$ -	\$ -	\$ 599.86	\$ 527,513.79	
2011	\$ 71,307.46	\$ 71,307.54	\$ 142,615.00	\$ 270,187.33	\$ -	\$ -	\$ 803.23	\$ 400,744.69	
2012	\$ 72,908.07	\$ 72,908.06	\$ 145,816.13	\$ 84,373.95	\$ -	\$ -	\$ 849.60	\$ 482,838.47	2000001311
2013	\$ 73,424.24	\$ 73,424.23	\$ 146,848.47	\$ 269,037.14	\$ -	\$ 114,630.75	\$ 513.57	\$ 455,792.12	2000001814
2014	\$ 73,598.58	\$ 73,598.57	\$ 147,197.15	\$ 180,645.48	\$ -	\$ 38,210.25	\$ 273.96	\$ 460,828.00	2000002791
2015	\$ 73,134.65	\$ 73,134.65	\$ 146,269.30	\$ 83,219.47	\$ -	\$ -	\$ 357.14	\$ 524,234.97	2000003834
2016	\$ 71,955.51	\$ 71,955.51	\$ 143,911.02	\$ 98,843.51	\$ -	\$ -	\$ 468.52	\$ 569,771.00	2000005015
2017	\$ 71,578.68	\$ 71,578.66	\$ 143,157.34	\$ 94,534.40	\$ -	\$ -	\$ 4,340.94	\$ 622,730.88	2000006351
2018	\$ 70,370.34	\$ 70,370.32	\$ 140,740.66	\$ 119,688.12	\$ -	\$ -	\$ 13,963.87	\$ 657,747.29	2000026663
2019	\$ 69,842.51	\$ 69,842.50	\$ 139,685.01	\$ -	\$ -	\$ -	\$ -	\$ 797,432.30	2000032811
Total of last ten (10) allocations:			\$ 713,759.33					\$ 83,672.97	

+ 14,925 est. interest for fiscal year.
98,597.97

Compact tractors with the versatility
to take on real jobs in comfort.



B3350
30.8 HP

B2650*
24.8 HP
*Not equipped with HST

NEW B50 SERIES

The new B2650/B3350 tractors take compact tractor capability to the next level with user-friendly operation and outstanding productivity. Equipped with high quality Kubota engines and transmissions, they deliver the extra durability and reliability you demand for a wide range of jobs. Whether you're mowing, landscaping or doing light utility work, the new B50 Series is the best choice for durability, versatility and comfort.



CLEANER EMISSION KUBOTA DIESEL ENGINES

The B50 series diesel engines are built for greater power with cleaner emissions. The B3350's liquid-cooled E-TVC (Emission-Three Vortex Combustion System) engine delivers increased power and high torque for the tractor strength you need, while significantly lowering emissions. The Diesel Particulate Filter (DPF) further reduces emissions to ensure full compliance with the latest Tier IV emission regulations.



KUBOTA HST TRANSMISSION

Clutch-lever for easy operation, our proven 3-range transmission provides optimal speeds to match your job. Choose Low range when you need extra power at low speeds, Mid range for normal operation, and High range for transporting place to place. In addition, the brake pedal is positioned on the left side.



3-Speed Range

Clutch Control

18,450

Specifications

Model	B2650HSD		B3350HSD	
Engine				
Type	E-TVCS, liquid cooled, 3-cylinder diesel		E-TVCS, liquid cooled, 4-cylinder diesel	
Make, Model	D1305-E4-D26-R		V1505-T-E4-D26-R	
PTO horsepower	HP (kW)	19.5 (14.5)	27.0 (20.1)	
Engine gross horsepower*	HP (kW)	24.6 (18.5)	30.8 (23.0)	
Rated RPM	rpm	2500		
Bore and stroke	in. (mm)	3.1 x 3.5 (78 x 88)		3.1 x 3.1 (78 x 78.4)
Displacement	cu. in. (cc)	77.0 (1281)		91.5 (1498)
Air cleaner	4.0 inch Dual paper element		4.5 inch Dual paper element	
Lubrication			Forced lubrication	
Cooling system			Pressurized radiator	
Radiator fan			Radial air flow	
Capacities				
Fuel tank	gal. (l)			7.3 (27.5)
Cooling system	qts. (l)			4.5 (4.3)
Engine oil	qts. (l)	4.2 (4.0)		5.1 (4.8)
Transmission case	gal. (l)			4.0 (15)
Drive train				
Clutch			N / A	
Transmission			HST (3 ranges)	
Differential lock			Standard	
Final drive			Spur gear	
Brake			Multi-plate wet disc	
PTO				
Type			Independent	
Rear	rpm			540
Mid	rpm			2500
Hydraulics				
Type			Open center	
Pump			Dual pump	
Total pump output	gpm (l/min.)			8.7 (33.1)
Hydraulic outlet			Rear outlet	
3-point hitch			Category I	
Hydraulic control system			Position control valve	
Lift capacity at lift point	lbs. (kg)			2139 (970)
24" behind LP	lbs. (kg)			1878 (760)
Steering			Hydraulic power steering	
Standard tire size				
Front (Farm)			7-12	
Rear (Farm)			12.4-16	
Traveling speeds				
Forward	mph (km/h)	0-11.9 (0-19.1)		0-14.3 (0-23.0)
Reverse	mph (km/h)	0-9.5 (0-15.3)		0-11.4 (0-18.4)
Dimensions				
Overall length (w/o 3P)	in. (mm)			101.2 (2570)
Overall width (min. tread)	in. (mm)			53.7 (1365)
Overall height	in. (mm)			88.4 (2245)
Wheelbase	in. (mm)			85.8 (1666)
Ground clearance	in. (mm)			14.8 (370)
Turning radius with brake	feet (m)			8.9 (2.1)
Weight	lbs. (kg)	1788 (810)		1896 (860)
Other Features	Cruise control, Tilt-steering, Deluxe seat, Parallel link with damper seat suspension, Lower link stabilizer, Drawbar, Tool box, 12V power socket			

542 JOURNAL OF DOCUMENTATION

[illegible]

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New South Tractor, LLC
985 US-70
Newton, NC 28658
Phone: (828) 468-4895
Fax: (828) 468-4899

SALES QUOTATION

Name: <u>Long View</u>	Date: <u>1-29-20</u>	Delivery: ☐ Yes ☐ No
Address:	Phone: <u>828-639-4002</u>	Insurance Policy #:
City, State, Zip:		Tax Exempt #:

New/Used	Equipment	Stock #	Serial #	Price
	R2150 H.S.			14500.00
	RLK 60-30 B A 60" Deck			2757.00
	Canopy	450.00		✓
	with canopy		Term.	1777.00
		1777.00		1210.00
	Tap	1241.50		154970.00
	TOTAL	154970.50		

72" R2150 H.S. 14500.00
 72" RLK 72-30B 3504.00
 Deck 18000.00
 Canopy 450.00 1260.00
 18450.00
 Tap 1291.50
 19741.50 Total

SALES PRICE:
Sales Tax:
Sales Price Including Tax:
Insurance Cost:
Payoff Amount:
Less Trade-In:
Down Payment:
TOTAL DUE:
Deposit:
REMAINING BALANCE:

Financing Information			
Lender	Rate	Term	Monthly Payment

Trade-In Information				
Equipment	Make	Serial #	Model #	Trade Amount

Additional Notes:

OFFER VALID UPON APPROVED CREDIT. DEPOSITS ARE NON-REFUNDABLE UNLESS OTHERWISE NOTED. MANUFACTURER PROGRAMS VALID AT TIME OF QUOTATION.

Written by: _____

EXPIRES: _____

ADMINISTRATOR'S REPORT

41 19th Street SW Property Discussion

Town Administrator David Draughn informed the Board that he had enclosed in the agenda packets a copy of the action form from the Housing Inspector for the property at 41 19th Street SW. He requested that Police Major Charlie Morris give a brief report on the criminal issue involving this property.

Major Morris informed the Board that on or about February 15th of this year, the Police Department received a complaint from a resident on 19th Street that the 41 19th Street SW property had too many dogs at the house. This prompted a response by patrol. One of the officers did investigate and found a number of dogs at the house. At that point the officer and the home owners met and discussed the matter. The home owner indicated they would try to get rid of some of the dogs by taking them to the shelter. Several weeks later, on February 29th, officers followed up with the complaint to see if the home owner had taken action. The home owner had not. The next day, patrol officers worked with Catawba County Animal Control to remove 28 dogs from the house. At this point, there are some criminal charges forthcoming. The Police Department is working with the District Attorney's office to identify the appropriate charges toward not only the home owner but the occupants. There was four people that resided there. The Police Department worked it using two different avenues: the criminal side and the Code Enforcement side which was aided by Code Enforcement Officer Charles Mullis. There are criminal charges forthcoming on the occupants.

Mr. Draughn stated that the condition of this property was so deplorable that Mr. Mullis, the Town Attorney, the Police Chief and himself began the process of declaring the property unfit for human habitation. The property owner has been contacted and the process has begun to work toward demolishing the house. The home owner has told the Town that they will take care of the demolition of the house. The Attorney talked to the owner today and the residents are no longer living in the house. If the owner does not take care of the demolition as promised, the Town has started its process and will do so.

Mr. Draughn stated that it is one of the worst houses that the Town has ever seen. There will be animal cruelty charges about the dogs.

When Alderman Dallas Tester asked if there were people habiting in the house, Major Morris stated that there were.

When asked if there were utilities to the house and if there were any children living there, Major Morris stated that utilities were there and there were no children. There were four adults living there.

Mr. Draughn complimented the Police and Fire Department on their work to help save these animals.

YOUNG, MORPHIS, BACH & TAYLOR, LLP

ATTORNEYS AT LAW

NORTH PARK BUILDING

858 2ND STREET NE, SUITE 200 (28601)

POST OFFICE DRAWER 2428

HICKORY, NORTH CAROLINA 28603-2428

www.hickorylaw.com

CHARLES R. YOUNG, SR. (RETIRED) ♦

THOMAS C. MORPHIS (1947 - 2009)

WAYNE M. BACH

TERRY M. TAYLOR ♦

PAULE. CULPEPPER

KEVIN C. MCINTOSH

JIMMY R. SUMMERLIN, JR.

TIMOTHY D. SWANSON

JOHN W. CRONE, III

JORDAN L. FAULKNER

JAMES R. HAWES

JESSICAM. FRENCH WATSON

JARRYD A. DE BOER

JUSTIN M. ANNAS

TELEPHONE: 828.322.4663

FACSIMILE: 828.324.2431

EMAIL: jlmrys@hickorylaw.com

♦ CERTIFIED MEDIATOR

**♦ BOARD CERTIFIED SPECIALIST IN
REAL PROPERTY LAW-RESIDENTIAL,
BUSINESS, COMMERCIAL &
INDUSTRIAL TRANSACTIONS**

March 3, 2020

Via Certified & 1st Class U.S. Mail:

Gates Residential Leasing, LLC

c/o Mr. James M. Gates

1081 19th Ave PINW

Hickory, NC 28601

**Re: 41 19th St NW, Hickory, NC 28601
Catawba Co. PIN 2792-07-59-8621**

Dear Mr. Gates:

I appreciate your speaking with me today regarding the above property. As discussed, given the deplorable conditions existing inside and around the above property, the Town of Long View has requested that you voluntarily remove the occupants and demolish and remove the structures on this property within thirty (30) days of March 3, 2020. To assist you in this matter, I have enclosed copies of business cards from contractors that have been previously provided to the Town Housing Inspector. Neither the Town nor I make any representation or warranty as to the work of these contractors; their cards are provided for your information only. If you run into problems with completing the requested demolition and removal in the 30 day period, please let me know so that we may discuss accordingly.

In addition, as discussed, in order that another 30 days does not pass without action, the Town has also initiated a minimum housing complaint in accordance with the Town's Code of Ordinances. Enclosed you will find a copy of the Complaint and a Notice of Hearing on the Complaint. I hope that you have taken care of the demolition prior to the scheduled hearing date so that this matter may be dismissed without further action.

YMBT254158.1

Gates Residential Leasing, LLC
March 3, 2020
Page Two

Should you have any questions or concerns, please contact my office.

Very truly yours,

YOUNG, MORPHIS, BACH & TAYLOR, LLP

A handwritten signature in black ink, appearing to read "Jimmy R. Summerlin, Jr.", is written over the printed name.

Jimmy R. Summerlin, Jr.

YMBT 254158.1

JW Grading, Hauling & Demolition, Inc.

Jeff Walker
828-302-9293 or Nextel 150*137132*18



Dirt
Stone
Hauling

Want Something Knocked Down?

Call JW



PO Box 861
828-396-5042
Granite Falls, NC 28630

DICKINSON
HAULING



& GRADING, INC.
828-294-0270

Residential & Commercial WDEMULS Certified
office@dickinsonhaul.com
1672 Dickinson Rd. • Hickory, NC 28602

Contract Hauling
Grading
Demolition
Land Clearing
Stone
Sand
Fill Dirt
Screened Topsoil
Recycled Asphalt
Recycled Concrete
Snow Removal
dickinsonhaul.com



Home Businesses

Michael Enterprises
Foundation • Right of Way • Erection
Land • Grading • Lawn Maintenance
Pressure Washing

211 Highlands Blvd.
Morganton, NC 28655

Cell 828.747.0770
Home 828.231.1461

James Canipe
Owner

Foothills Recycling & Demolition

foothillsrecycling@yahoo.com
Cell 704-300-2799 office 704-538-9070
fax 704-538-1869

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

TOWN OF LONG VIEW
BEFORE THE HOUSING INSPECTOR
FILE NO. 2020-LVHS-001

CHARLES T. MULLIS in his capacity as
Housing Inspector and Code Enforcement
Officer of the TOWN OF LONG VIEW,

v.

GATES RESIDENTIAL LEASING, LLC

*IN RE: 41 19th ST NW, Hickory, North
Carolina 28601 (REID 44790).*

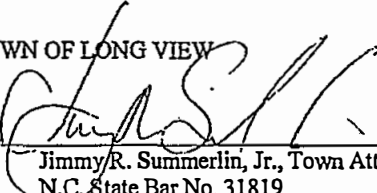
**NOTICE OF HEARING
(Housing Standards)**

TO: Gates Residential Leasing, LLC
c/o Mr. James M. Gates
1081 19th Ave P1 NW
Hickory, NC 28601

PLEASE TAKE NOTICE that a hearing will be held upon the Complaint of the Housing Inspector concerning the above property on April 3, 2020 at 2:00 p.m. at the Long View Government Center, 2404 1st Ave SW, Long View, North Carolina, 28602.

This the 3rd day of March, 2020.

TOWN OF LONG VIEW

By: 

Jimmy R. Summerlin, Jr., Town Attorney
N.C. State Bar No. 31819
Young, Morphis, Bach & Taylor, LLP
P.O. Drawer 2428
Hickory, North Carolina 28603
Telephone: (828) 322-4663
Facsimile: (828) 324-2431

254159.1

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

TOWN OF LONG VIEW
BEFORE THE HOUSING INSPECTOR
FILE NO. 2020-LVHS-001

CHARLES T. MULLIS in his capacity as
Housing Inspector and Code Enforcement
Officer of the TOWN OF LONG VIEW,

v.

GATES RESIDENTIAL LEASING, LLC

*IN RE: 41 19th ST NW, Hickory, North
Carolina 28601 (REID 44790).*

COMPLAINT
(Housing Standards)

CHARLES T. MULLIS in his capacity as Housing Inspector and Code Enforcement Officer for the TOWN OF LONG VIEW, a North Carolina municipal corporation, in accordance with Chapter 152 of its Town Ordinances, complains as follows:

1. The Town of Long View is a North Carolina municipal corporation with its municipal boundaries located in Catawba and Burke Counties, North Carolina.
2. The property commonly known as 41 19th Street NW, Hickory, North Carolina 28601 (Catawba County REID 44790) (the "Property") is located within the municipal boundaries of the Town of Long View and is subject to the applicable provision of the Town Ordinances, including specifically, but without limitation, Chapter 152 thereof applicable to Housing Standards.
3. Upon information and belief, the Property is owned by Gates Residential Leasing, LLC by virtue of that certain Warranty Deed dated July 27, 2009 and recorded July 31, 2009 in Book 02985 at Page 1285 of the Catawba County, North Carolina Public Registry.
4. The Housing Inspector for the Town of Long View, Mr. Charles Mullis, in accordance with Section 152.06 of the Town Ordinances has made a preliminary investigation of the Property and found the Property is a "Dwelling Unfit for Human Habitation", as defined in Section 152.07(A) of the Town Ordinances upon the following grounds and conditions:
 - a. Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe (§ 152.07(A)(1));
 - b. Supporting member or members which show 33% of more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows 50% or more of damage or deterioration (§ 152.07(A)(2));
 - c. Floors and roofs which have insufficient strength to be reasonably safe for the purpose used (§ 152.07(A)(3));
 - d. Damage by wind or other causes {specifically animal waste} as to render the dwelling unsafe (§ 152.07(A)(4));

254159.1

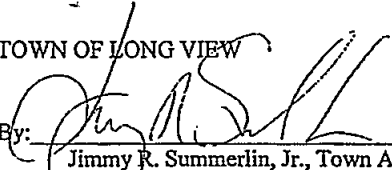
- e. Dilapidation, decay, unsanitary conditions and disrepair which is dangerous to the health, safety or welfare of the occupants or people in the Town (§ 152.07(A)(5));
 - f. Inadequate facilities for egress in case of fire or panic (§ 152.07(A)(6)); and
 - g. Defects significantly increasing the hazards of fire, accident or other calamities (§ 152.07(A)(7));
5. Based upon the above findings, the Housing Inspector believes that conditions exist making the Property a "Dwelling Unfit for Human Habitation" in accordance with Section 152.07(A) of the Town Ordinances.
6. In addition, to the extent the Property is not found to be a "Dwelling Unfit for Human Habitation", the Housing Inspector believes that the Property is in violation of the following provisions of the Housing Standards, thereby subjecting the Property to penalties and enforcement procedures in accordance with Section 152.08 of the Town Ordinances:
- a. Section 152.07(B)(1)(a) – Structural integrity;
 - b. Section 152.07(B)(1)(b) – Supports;
 - c. Section 152.07(B)(1)(d) – Steps;
 - d. Section 152.07(B)(1)(e) – Egress;
 - e. Section 152.07(B)(1)(f) – Interior materials;
 - f. Section 152.07(B)(1)(g) – Weatherization;
 - g. Section 152.07(B)(2)(b) – Maintenance of plumbing facilities;
 - h. Section 152.07(B)(2)(c) – Access to plumbing facilities;
 - i. Section 152.07(B)(3) – Heating standards;
 - j. Section 152.07(B)(4)(c) – Maintenance of electrical facilities;
 - k. Section 152.07(B)(7)(a)-(h) – Safe and sanitary maintenance standards; and
 - l. Section 152.07(B)(8)(a)-(e) – Insect, rodent and infestation control standards.
7. The Housing Inspector reserves the right to amend this Complaint based upon further findings and investigation of the Property.

WHEREFORE, the Housing Inspector asserts that the above violations have deemed the Property a "Dwelling Unfit for Human Habitation" and recommends, after notice and hearing, that one or more of the actions authorized by Section 152.09 of the Town Ordinances be assessed against the Property and its owner, Gates Residential Leasing, LLC, and, in the case of non-compliance, for such orders as authorized by Section 152.10 of the Town Ordinances. In the alternative and in the event the Property is not found to be a "Dwelling Unfit for Human Habitation", for the authorization of action pursuant to Section 152.08 and 10.99 of the Town Ordinances.

This the 3rd day of March, 2020.

TOWN OF LONG VIEW

By:


Jimmy R. Summerlin, Jr., Town Attorney
N.C. State Bar No. 31819

254159.1

Young, Morphis, Bach & Taylor, LLP
P.O. Drawer 2428
Hickory, North Carolina 28603
Telephone: (828) 322-4663
Facsimile: (828) 324-2431

254159.1

OTHER BUSINESS

Comments by David Long off 30th Street SW

Mr. David Long stated that he was reporting a problem that he has with Hickory Spinners. He has lived on 30th Street for 40 years. Four months ago, Hickory Spinners put in a new machine and now sound is coming into his house both day and at night. Something has to be done about the noise as the noise is driving him and his wife crazy. The noise happens 24 hours a day from Monday through Saturday. It sometimes occurs on Sundays. He presented to the Board a tape recording of the sound.

One of Mr. Long's neighbors was present at the meeting and he said that he also had a problem with the noise. The noise happens all day.

Alderman Tester asked Mr. Mullis if there was a noise ordinance in place for noise after a certain time.

Town Planner Charles Mullis stated that there was an ordinance. This case is in its preliminary stages right now as this matter just came to the Town's attention this past Thursday. He did meet with the plant manager and an engineer and the plant manager did recognize that there is a noise issue. They are going to try to identify where the noise is coming from and try to figure out how to muffle the noise. They want to be a good neighbor and get this taken care of. This is in the preliminary stages and will take some time to fix. He was sorry that it was going on as long as it was. The company did an addition to the company back in November and when they finished the addition, that is when the noise began. There is nothing wrong with the addition. The addition was permitted. The Town is looking into the noise. He will follow up with the plant manager in a couple of weeks to see what is being done.

Mr. Draughn stated that Mr. Long will be kept in the loop.

ADJOURNMENT

Comments by Alderman Dallas Tester

Alderman Tester thanked the lord and savior for the opportunity to be able to represent the Town. He thanked the Police and Fire Departments for the things they do; not just the things, the Board sees but also the things the Board doesn't see.

Motion was made by Alderman Thurman VanHorn, seconded by Alderman Dallas Tester to adjourn the meeting at 6:51 p.m. The vote to approve was unanimous.

AYES: Mayor Pro Tem / 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 Thompson
Mayor

