

**TOWN OF VALDESE  
TOWN COUNCIL REGULAR MEETING  
February 3, 2020**

The Town of Valdese Town Council met on Monday, January 6, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and various department heads.

Absent: None.

A quorum was present.

Mayor Black called the meeting to order at 6:00 p.m. He offered the invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**CODE ENFORCEMENT – WILL MUELLER, 610 DIXIE AVE., NW, VALDESE:** Mr. Mueller informed Council concerns regarding dogs that are running loose in his neighborhood. Animal Control from the Town has set out traps, and someone turned the dogs loose. Several of the dogs have had puppies. Mr. Mueller also shared concerns with properties on Bass Street, Main Street, and the "kudzu hill" owned by Meridian and the lack of improvements that have not been made. Town Manager Seth Eckard gave an update on Code Enforcement. WPCOG informed the town that Mr. Rickles is no longer employed. The new Code Enforcement officer will be informed of all the problems that need to be addressed. Mr. Eckard reminded everyone that Council had approved abatement for the Bass property, and that did not happen. Mr. Muller asked what the process is for abatement. Planning Director Larry Johnson shared that the abatement money does come from town funds, and after a period of time, if they do not reimburse the town, then it would move to foreclosure. Mr. Johnson stated that it does take time to move forward with abatement.

**CODE ENFORCEMENT – KAY DRAUGHN, 108 W END ST. SW, VALDESE:** Ms. Draughn stated she noticed the absence of a Code Enforcement update on the agenda. Ms. Draughn provided Council with an update sharing pictures of the Deal property located on Main Street. Ms. Draughn stated that she knows there is a process and time frame, but she recommends condemnation and demolition to the Deal property. Ms. Draughn also informed Council of a non-profit entity named REASON that does spay and neuter for animals for low to moderate-income citizens. Debbie Hawkins is the President, and she would be delighted to give Council a presentation on REASON. Ms. Draughn thought it might be useful with the issue that Mr. Mueller shared with the dogs in his neighborhood. Ms. Draughn will connect Ms. Hawkins to Council.

**100<sup>th</sup> ANNIVERSARY OF VALDESE INCORPORATION PROCLAMATION** Mayor Black presented the following proclamation:

**100<sup>TH</sup> ANNIVERSARY INCORPORATION  
TOWN OF VALDESE**

**WHEREAS**, the Town of Valdese was incorporated on February 17, 1920, by a vote of the people, and marks the 100<sup>th</sup> anniversary of its incorporation in 2020: and

**WHEREAS**, the Town of Valdese honors the hard work of its early citizens and volunteers who loved their thriving community and organized the successful campaign which resulted in incorporation in 1920: and

**WHEREAS**, the Town of Valdese marks its 100<sup>th</sup> anniversary by celebrating its citizens, volunteers, elected officials and staff who strive to preserve and enhance one community; and

**WHEREAS**, the Town of Valdese dedicates 2020 as a year of community-wide celebration to honor our past, celebrate our present and embrace our future.

**NOW, THEREFORE**, I, John F. Black, Jr., Mayor of the Town of Valdese, do hereby proclaim 2020 as a year of celebration of the Town of Valdese 100<sup>th</sup> Anniversary, and I urge all citizens to join in the celebration.

/s/ John F. "Chip" Black, Jr., Mayor

**February 3, 2020, MB#31**

Director of Community Affair Morrissa Angi shared with Council that a reception will be held at the Town Hall on Monday, February 17<sup>th</sup>, 2020, from 9:00 a.m. – 11:00 a.m. honoring the 100<sup>th</sup> Anniversary of Incorporation.

**CONSENT AGENDA:** (enacted by one motion)

**APPROVED REGULAR MEETING MINUTES OF JANAUARY 6, 2020**

**SET PUBLIC HEARING DATE FOR AMENDMENTS TO ZONING ORDINANCE:** Staff received an application from Mark Morgan of MC Morgan & Associates INC, requesting the property located 251 PRALEY ST NW be rezoned from Residential District (R-12) to Residential District (R-12A). The proposed rezoning is for a potential 60 unit elderly/multi-family housing development for elderly 55 yrs. and older. A public hearing will be held on Monday, March 2, 2020 for Zoning Map Amendment 1-1-2020.

**APPROVED REQUEST TO SELL WINE AT APRIL CRAFT MARKET:** Waldensian Style Wines has been authorized to sell wine at the April Craft Market event on April 11, 2020 from 9:00 a.m. to 4:00 p.m. at Old Rock School.

**APPROVED BUDGET AMENDMENTS:**

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Budget Amendment # 14  
 Subject: Public Works - Shop Heater Replacement  
(approved in FY 19-20 general fund CIP)

Proposed Action:  
 BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:  
 The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3970.302	Capital Projects		6,000
Total		\$0	\$6,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4250.150	Maint & Repair Buildings	6,000	
Total		\$6,000	\$0

Section II:  
 Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

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Budget Amendment # 15  
 Subject: Paving at Wastewater Plant  
 Description: Quote of \$46,050 approved 1/6/20 meeting.  
Project is identified in the Utility CIP. The paving is necessary to the upkeep and maintenance of the wastewater facility.

Proposed Action:  
 BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:  
 The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
30.3990.000	Fund Balance Appropriated-Utility		46,050
Total		\$0	\$46,050

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	46,050	
Total		\$46,050	\$0

Section II:  
 Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

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Budget Amendment # 16  
 Subject: Replacement of centrifuge control equipment at the Wastewater Plant  
 Description: Quote of \$219,989 approved 1/6/20 meeting.  
Project is identified in the Utility CIP. The equipment is necessary to the continued operation and compliance of the wastewater plant.

Proposed Action:  
 BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:  
 The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
30.3990.000	Fund Balance Appropriated-Utility		219,989
Total		\$0	\$219,989

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	219,989	
Total		\$219,989	\$0

Section II:  
 Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Councilman Ogle made a motion to approve the aforementioned items on the Consent Agenda, seconded by Councilwoman Hildebran. The vote was unanimous.

**End Consent Agenda**

**ITEMS REMOVED FROM CONSENT AGENDA:**

**SET PUBLIC HEARING DATE FOR AMENDMENTS TO GENERAL NUISANCE FOR WEAPONS-DANGEROUS MISSILES (URBAN ARCHERY):** WPCOG Community and Regional Planner Hunter Nestor

informed Council that the General Nuisance for Weapons-Dangerous Missiles Ordinance was removed from the Town's online Code of Ordinances when updating the last nuisance ordinance. Mr. Nestor reassured Council that the language is the same; it just needs to be placed back in the Book of Ordinances. A public hearing is not needed.

Councilman Sweezy made a motion to reinstate the amendment, seconded by Councilwoman Stevenson. The vote was unanimous.

**#17 BUDGET AMENDMENT:** Chief of Police Jack Moss presented a proposed budget amendment to purchase a patrol vehicle from the Burke County Sherriff's department that they had totaled out due to cosmetic damage. The structure of the vehicle is sound. Chief Moss explained that if we purchase the vehicle, the Town will save approximately \$10,500.00 on the purchase of the vehicle alone. Chief Moss drove the vehicle and found no problems. The vehicle has 38,000 miles and will give us eight to ten years of service. Chief Moss feels that this a good deal and is an opportunity that was not foreseen when doing the budget for the fiscal year. Councilman Thompson asked if this was something we have to have right now. Town Manager Seth Eckard explained to Council that if we purchase this vehicle now, it would be in lieu of buying a new vehicle in the future, and if we get it now, it would be significant savings. Councilman Thompson stated that sometimes insurance companies would not cover totaled vehicles. Chief Moss did contact our insurance company, and they will insure us. Burke County Sherriff's department could not put the totaled vehicle back on the road because they are self-insured. Councilwoman Hildebran asked Chief Moss to define cosmetic. Chief Moss explained that cosmetic is updating the panels of the frame. Councilwoman Hildebran also asked how many years do we keep a vehicle. Chief Moss stated usually around five-six years. Chief Moss called other police departments in the surrounding area, and they are driving salvaged vehicles. Councilman Thompson is concerned about the liability of letting officers drive a vehicle that has been totaled. Town Attorney Marc Mitchell explained that as long as the vehicle has been checked out and we have evidence that there shouldn't be a problem. The liability would be the same as if we bought a new patrol car. Chief Moss confirmed that the vehicle is certified. Councilman Ogle is concerned why the Burke County Sheriff's department is not driving the vehicle. Councilwoman Hildebran asked if the Town's Public Works department checked out the vehicle. Chief Moss is open to letting everyone check it out. Town Manager Seth Eckard asked Public Works Director Bryan Duckworth if the Public Works mechanic would be able to tell us what shape the vehicle is in and according to Duckworth that could be arranged. Mayor Black stated one thing for Council to keep in mind is we have \$4500 of equipment from a prior wrecked police vehicle that we will have to scrap unless we can find a vehicle to use it on. Councilman Sweezy feels that Chief Moss is very qualified to make a decision on purchasing this vehicle.

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Budget Amendment # 17

Subject: Patrol Vehicle

Description: Normally new patrol vehicles are presented using the CIP budget model. An opportunity had arisen for the Town to obtain a good condition used 2017 Pursuit Dodge Charger. This creates a savings over a new vehicle and will allow staff to utilize existing equipment that otherwise will not fit in the newer Chargers. The Town will save around \$10,000 after factoring in the cost difference of a new vehicle with new equipment. The savings realized will be incorporated into future years' CIP. Adding this patrol vehicle to the fleet will enable the department to equip every eligible officer with a take home vehicle.

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 139 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:  
The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
03.3290.000	Investment Income		20,000
	Total	\$0	\$20,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
02.5100.540	Capital Outlay	20,000	
	Total	\$20,000	\$0

Section II:  
Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Councilman Sweezy made a motion to approve the purchase with the contingency that it is checked out before the final purchase. There was no second; motion died.

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**ADOPTED RESOLUTION APPROVING ADMENDMENTS TO THE FIRE PREVENTION AND PROTECTION CODE;** Fire Chief Greg Stafford presented a proposed amendment to the Fire Prevention & Protection Code as a recommendation from the North Carolina State’s Chief Fire Code consultant. The fire consultant did flag Section E-1, Article B, as being not clear in its intent. The current wording needs to be strengthened.

RESOLUTION ADOPTING  
AMENDMENTS TO THE TOWN OF VALDESE  
FIRE PREVENTION AND PROTECTION CODE

WHEREAS, Section 3-2021(e)(1) of the Town of Valdese Fire Prevention and Protection Code reads as follows:

“(1) This Code shall require permits from the fire chief or his designated representative as set forth in Chapter 1, “Administration,” the North Carolina Fire Code.”; and

WHEREAS, the office of the State Fire Marshal has recommended that that sentence be amended to read as follows:

“(1) This Code shall require the issuance of all mandatory and optional permits from the fire chief or his designated representative as set forth in Chapter 1, “Administration,” the North Carolina Fire Code.”; and

WHEREAS, the town council agrees to make this suggested change; and

WHEREAS, on November 4, 2019, the town council amended the Town of Valdese Fire Prevention and Protection Code to provide that only Appendices B,C, and D of the North Carolina Fire Code would be incorporated into the town’s fire code; and

WHEREAS, the town council delayed the effective date of that November 4, 2019 fire code amendment until the North Carolina Building Code Council approved that amendment; and

WHEREAS, the town council likewise does not intend this amendment to become effective until the North Carolina Building Code Council approves this amendment;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. Section 3-2021(e)(1) of the Fire Prevention and Protection Code of Valdese, North Carolina, is amended to read as follows:

“(1) This Code shall require the issuance of all mandatory and optional permits from the fire chief or his designated representative as set forth in Chapter 1, “Administration,” the North Carolina Fire Code.”

2. This amendment shall not take effect until the North Carolina Building Code Council approves this amendment.

Adopted the \_\_\_\_\_ day of February, 2020.

\_\_\_\_\_  
John F. Black, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk  
(corporate seal)

Councilwoman Hildebran made a motion to adopt the amendment, seconded by Councilman Ogle. The vote was unanimous.

**ADOPTED RESOLUTION APPROVING UNIFOUR REGIONAL HAZARD MITIGATION PLAN;** WPCOG Community and Regional Planner Hunter Nestor presented the following resolution:

ADOPTION BY THE LOCAL GOVERNING BODY  
Town of Valdese

RESOLUTION OF ADOPTION

TOWN OF VALDESE  
HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within the Town of Valdese are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the town are particularly vulnerable to such hazards as winter storms, wildfires, flooding, and high winds; and

WHEREAS, the Town desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) "For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the Town of Valdese has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Valdese Town Council to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the Town;

NOW, therefore, be it resolved that the Valdese Town Council hereby:

1. Adopts the Unifour Regional Hazard Mitigation Plan; and
2. Vests the Chief of the Valdese Fire Department with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the Chief of the Valdese Fire Department to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Valdese Town Council for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this 3<sup>rd</sup> day of February, 2020.

\_\_\_\_\_  
John F. Black, Jr., Mayor

Attest: \_\_\_\_\_  
Town Clerk

(SEAL)

Councilman Ogle made a motion to approve the Hazard Mitigation Plan, seconded by Councilwoman Hildebran. The vote was unanimous.

**SET PUBLIC HEARING DATE FOR AMENDMENTS TO GENERAL NUISANCE FOR NOISE:** Mayor Black stated that a public hearing is not required for this Amendment. Chief of Police Jack Moss informed Council of a situation in Town where the police department had received approximately 21 calls and texts, of complaints regarding extremely loud music in a neighborhood at all times of the day. The noise is music and can be heard from the bottom of the homeowner's road. Chief Moss contacted a few other municipalities to see what they have in place for general nuisance ordinances, and most have civil penalties. Chief Moss explained that the proposed civil penalties that he will present at the next Council meeting will start at \$50.00 and increases to \$200.00 up to criminal violation if needed. Councilman Ogle questioned the dollar amount of the penalties and wondered if they should be higher. Chief Moss explained to Council that he does have a decibel code that they can go by, but it is not recommended. Chief Moss would prefer not to give a criminal penalty for this type of situation due to the amount of time staff would have to put into it. The noise ordinance amendment will be proposed at the next meeting for vote.

**MANAGER'S REPORT:** Town Manager Seth Eckard made the following announcements:

OCP Production of Tennessee William's: Cat on a Hot Tin Roof Show Dates are February 6-9, 2020. Visit [www.oldcolonyplayers.com](http://www.oldcolonyplayers.com) for more information and to purchase tickets.

Concerts at the Rock, Nu Blu with Merle Monroe, scheduled on Saturday, February 15, 2020 at 7:30 p.m.

100<sup>th</sup> Anniversary of Valdese Incorporation will be held at the Town Hall, scheduled on Monday, February 17, 2020 from 9:00 a.m. – 11:00 a.m.

At the next Council meeting we will have our first Pet of the Month from the Burke County Animal Shelter.

**MAYOR AND COUNCIL COMMENTS:** Councilman Ogle shared his concerns with the Bass Property, not improving much. The owner has now moved to Church Street and has brought over items that were in his yard. Councilman Ogle stated that the previous Code Enforcement Officer, Mr. Rickles said the house could not be torn down because it is built with cinderblock. Town Manager Seth Eckard will talk with the new Code Enforcement Officer on all of our concerns.

Councilwoman Hildebran expressed her concerns with the Deal Property and the lack of progress that has been made. Councilman Hildebran congratulated Director of Community Affairs Morrissa Angi on the Tourism report she shared with Council and thanked her for the excellent job she and her staff are doing. Councilwoman Stevenson thanked Morrissa Angi as well.

Councilman Sweezy thanked the many department heads for the money they have saved and the efforts they put in their departments.

**ADJOURNMENT:** At 6:51 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday March 2, 2020, 6:00 p.m., Valdese Town Hall.

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Town Clerk

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Mayor

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