

**TOWN OF VALDESE  
TOWN COUNCIL REGULAR MEETING  
May 4, 2020**

The Town of Valdese Town Council met electronically via Zoom on Monday, April 6, 2020, at 6:00 p.m. The following were electronically 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 6:02 p.m.

**OPEN FORUM/PUBLIC COMMENT:** Citizens were asked to submit their public comments through a form on the Town’s website. No public comments were submitted to the Deputy Town Clerk.

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

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

**SET PUBLIC HEARING DATE FOR CONDITIONAL USE PERMIT APPLICATION #1-3-20 PINE CROSSING (CROWHILL PARK)** Staff requests Monday, June 1, 2020, as the date to hold a public hearing for Conditional use permit application #1-3-20.

**SET PUBLIC HEARING DATE FOR CONDITIONAL USE PERMIT APPLICATION #2-3-20 TRON PLACE (STROUP)** Staff requests Monday, June 1, 2020, as the date to hold a public hearing for Conditional use permit application #2-3-20.

**APPROVED UPDATED PERSONNEL POLICY** David Hill from Piedmont Triad Regional Council consulted with the Town Manager and HR Director on updating the Town of Valdese Personnel Policy.

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:** None

**PUBLIC HEARING FOR TEXT AMENDMENT TO VALDESE ZONING ORDINANCE-OFF STREET PARKING** Mayor Black opened the Public Hearing. Planning Director Larry Johnson presented the following proposed changes in red and definitions to the Valdese Zoning Ordinance for Off-Street Parking. Mr. Johnson explained that this would not impact existing parking for residential. Mr. Johnson said this would apply to new housing construction going forward if approved. Mr. Johnson explained that this represents the minimal parking spaces, but the developer can increase the parking space number.

**9-3074 Schedule of Parking Spaces**

Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following types of property uses as follows:

<u>Use Classification</u>	<u>Parking Space Requirement</u>
<b>Single Family Residential</b>	2 spaces-for each dwelling unit
<b>Duplex</b>	2 per unit
<b>Group Living Facility</b>	1 per 4 residents
<b>Senior Housing</b>	1 per unit
<b>Multi-family</b>	1.5 per unit
Commercial	1 space for each 500 square feet of gross floor area
Industrial	1 space for each 500 square feet of gross floor area
Office	1 space for each 500 square feet of gross floor area
Warehouse	1 space for each 4,000 square feet of gross floor area
Civic (i.e. churches, fraternal organizations, etc.)	1 space for each 500 square feet of gross floor area
High Schools or Colleges and Universities campuses (auditoriums, Stadiums, gymnasiums, assembly halls)	1 space for each 10 fixed seats and 1 space for each 10 moveable seats in the largest assembly area

**9-3012 Definitions**

Definitions to be added are as follows:

**Group Living:** The residential occupancy of a structure by a group of people, who do not meet the characteristics of Dwelling, multiple or multi-family. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for shorter periods are generally not considered group living. Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training or treatment, as long as they also reside at the site.

**Senior Housing:** Multi-family housing designed for and occupied by persons 55 years of age or older.

**Parking, Off-Street:** Space located outside of any street right-of-way or easement and designed to accommodate the parking of motorized domestic and commercial vehicles.

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Councilman Ogle asked Mr. Johnson if there would be two parking spaces available at the housing across from the BP station. Mr. Johnson shared if that housing were approved, they would have to provide one and a half parking spaces. Mr. Johnson shared that the possible Senior Housing on Praley St. would have to provide one parking space. Councilwoman Stevenson expressed concern that one parking space would not be enough. Mr. Johnson shared that this would be the minimum requirement that the developer could provide more. Councilwoman Hildebran stated that she had a conversation with Mr. Johnson about her concern with the definition of Single Housing. Councilwoman Hildebran used the example of having a family with two teenagers, four cars but only having two parking spaces for each dwelling unit. Councilwoman Hildebran asked Mr. Johnson to explain the parking space requirement for Single-family housing. Mr. Johnson explained that if a new home is going up, they must provide a minimum of two parking spaces and that this does not affect what is currently built. Councilwoman Hildebran asked Mr. Johnson to define what one and a half spaces per unit means. Mr. Johnson used the example if a Multi-family, 60 unit housing was built under the current ordinance they would have to provide a minimum of 120 spaces, with the proposed new ordinance they would be required to provide 90 parking spaces.

Mayor Black asked Planning Director Larry Johnson and Deputy Town Clerk Jessica Lail if they received any public comments. No comments were received. Mayor Black closed the public hearing.

Councilman Sweezy made a motion to approve the Text Amendment to the Valdese Zoning Ordinance – Off-Street Parking, as presented, seconded by Councilman Ogle. The vote was unanimous.

**AWARD OF BID – MAIN STREET WATERLINE PROJECT** Public Service Director Greg Padgett presented a Resolution for an award of bid for the Main Street Waterline Replacement Project. Staff and McGill Associates, P.A., recommends awarding the bid to Iron Mountain Construction Co., Inc. in the amount of \$2,088,886.00. (Other bids: Hickory Sand Company, Inc. - \$2,762,965.00, Classic City Mechanical, Inc. - \$2,141,720.00, and Fuller & Co. Construction, LLC - \$2,068,457.05)

**TOWN OF VALDESE**

**RESOLUTION OF TENTATIVE AWARD OF THE BID  
MAIN ST. WATERLINE REPLACEMENT  
PROJECT (WIF-1955)**

**WHEREAS**, the Town of Valdese, North Carolina has received bids, pursuant to duly advertised notice therefore, for purchase and installation of the Approx. 3,000ft 8-inch Ductile- Iron Pipe (DIP) to Replace-in-Kind (RIK) Approx. 3,000 FT of existing 8-inch Cast-Iron Pipe (CIP);

- 2)Install Approx. 3,800 FT of Proposed 6-inch DIP to RIK Approx. 3,800 FT of Ex. 6-inch CIP and.,
- 3)Install Approx. 190 FT of Proposed 6-inch DIP to RIK Approx. 190 Feet of Ex. 2-inch Galvanized Steel, and

**WHEREAS**, the McGill Associates, P.A., (Engineer) has reviewed the bids; and

**WHEREAS**, the consulting Engineer recommends **TENTATIVE AWARD OF THE BID** to Iron Mountain Construction Co. Inc. as the lowest responsible bidder.

**WHEREAS**, the council has considered the basis for the consulting Engineer’s recommendations as presented by the consulting Engineer to the council at its May 4, 2020, meeting; and

**WHEREAS**, the council has considered information presented to the council relating to the town’s prior experience with Iron Mountain Construction Co. Inc.; and

**WHEREAS**, Iron Mountain Construction Co. was the lowest responsible bidder for the project to 1) Install Approx. 3,000ft 8-inch Ductile-Iron Pipe (DIP) to Replace-in-Kind (RIK) Approx. 3,000 FT of existing 8-inch Cast-iron Pipe (CIP); 2) Install Approx. 3,800 FT of Proposed 6-inch DIP to RIK Approx. 3,800 FT of Ex. 6-inch CIP and; 3) Install Approx. 190 FT of Proposed 6-inch DIP to RIK Approx. 190 Feet of Ex. 2-inch Galvanized Steel, in the total bid amount of \$2,088,886.00 and

**NOW, THEREFORE, BE IT RESOLVED that TENTATIVE AWARD OF THE BID** is made to Iron Mountain Construction Co. Inc. as the lowest responsible bidder with the Total Bid Amount of \$2,088,886.00.

<b>Name of Contractor</b>	<b>Amount</b>
1 <u>Classic City Mechanical</u>	<u>\$2,141,720.00</u>

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|-----------------------------------------------|-----------------------|
| 2. <u>Fuller &amp; Co., Construction, LLC</u> | <u>\$2,068,457.05</u> |
| 3. <u>Hickory Sand Company Inc.</u>           | <u>\$2,762,965.00</u> |
| 4. <u>Iron Mountain Construction Co. Inc.</u> | <u>\$2,088,886.00</u> |

**BE IT FURTHER RESOLVED that such AWARD** be contingent upon the approval of the North Carolina Department of Environmental Quality.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above **RESOLUTION** was unanimously adopted.

This is 4th day of May, 2020.

\_\_\_\_\_  
John F. Black, Jr., Mayor  
(Seal)

**Attest:**

\_\_\_\_\_  
Town Clerk

Councilwoman Hildebran asked why we were not awarding the bid to the lowest bidder. Mr. Padgett explained that we were awarding the bid to the lowest responsible bidder after reviewing and per the recommendation of the engineer. R.J. Mozeley with McGill Associates, P.A. shared with Council how critical the Main Street Project will be for the Town and that the nature of the project is complex and will require strict adherence to the bid and contract documents. Mr. Mozeley explained he has had experience with Fuller & Co. Inc., with projects dealing with the City of Shelby. He explained there was some difficulty with Fuller not adhering to the contract documents. Mr. Mozeley also stated that the Main Street Bid documents required a list of references from all bidders to establish their responsibility. In reaching out to some of the references, one in particular, was related to a project in the Town of Fallston and in conjunction with Cleveland County Water that had issues with Fuller from early on in the project with maintaining the contract documents. In looking further, Fuller had two instances where they had liquidated damages assessed for their projects, one being for the project in Fallston and the other for a project in the City of Charlotte. Mr. Mozeley explained with the Town's project, time is of the essence because it is located on Main Street. Town Manager Seth Eckard also contacted one of the references, and it was in line with Mr. Mozeley's findings. Councilman Ogle asked Town Attorney Marc Mitchell if he was comfortable with this legally. Town Attorney Marc Mitchell shared that it is within the Town's discretion as to who the responsible lowest bidder would be. He shared that Council is supposed to take into consideration skill judgment, integrity, financial resources, and ability. The Courts give the Council discretion on deciding this as long as there is a reasonable basis for deciding to go with the second-lowest bidder. Mr. Mitchell asked Public Service Director Greg Padgett to share what his experience has been with Iron Mountain in the past. Mr. Padgett shared that the Town just finished a project on St. Germain that Iron Mountain completed and no issues or phone calls from citizens were received. Iron Mountain also completed a large valve installation on the water transmission main from the Water Plant, and no issues occurred. Iron Mountain finished both projects on time, and the Town staff is very pleased with the work they have completed. Mayor Black reminded Council that issues have come up in the past where they went with the lowest bidder, and it did not turn out well. Councilwoman Hildebran expressed that she feels comfortable with the consultant's and staff's recommendation. Councilwoman Stevenson feels that this is an important street in Town, and it must be done correctly with good quality.

Councilwoman Hildebran made a motion to award the bid to Iron Mountain, Inc., in the amount of \$2,088,886.00, seconded by Councilwoman Stevenson. The vote was unanimous.

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING – CLINE PUMP STATION**

Public Service Director Greg Padgett presented a Resolution authorizing Town Manager Seth Eckard to sign for an application for grant funding from NC NEQ for the upgrading/refurbishment of the Cline Pump Station. Mr. Padgett shared that the pump station has had issues for many years and that the manholes would also be addressed.

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**RESOLUTION BY GOVERNING BODY OF APPLICANT**

**WHEREAS**, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater collection system and

**WHEREAS**, The Town of Valdese has need for and intends to construct a, wastewater collection system, project described as Cline Avenue Basin & Pump Station Upgrades, and

**WHEREAS**, The Town of Valdese intends to request state (loan or grant) assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE VALDESE TOWN COUNCIL OF THE TOWN OF VALDESE:**

That Town of Valdese, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Valdese to make scheduled repayment of the loan, to withhold from the Town of Valdese any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Seth Eckard, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the May 4, 2020 at Valdese, North Carolina.

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John F. Black, Jr., Mayor

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting Deputy Town Clerk of the Town of Valdese does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Valdese Town Council duly held on the 4th day of May, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of May, 2020.

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Jessica Lail, Deputy Town Clerk

Councilman Ogle made a motion to approve Resolution to apply for grant funding for the Cline Pump Station, seconded by Councilman Sweezy. The vote was unanimous.

**FY 20-21 BUDGET GENERAL DISCUSSION & RECOMMENDATIONS** Mayor Black asked that this item be put on the agenda since the Budget Workshop was cancelled due to COVID-19. Mayor Black shared that one of the biggest issues right now is health insurance and introduced Dwayne Wilson of Dwayne

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Wilson Insurance & Financial Services to share what he knows right now with insurance renewals. Mr. Wilson discussed Blue Cross Blue Shield's tentative renewal quote at 17% and informed Council that our coverage is also being discussed with United Healthcare. Mr. Wilson shared that some larger claims have come in for April, which will have some effect on the quote. There are options to bundle medical, dental, and eye insurance to get a discount. Mr. Wilson will update staff as soon as the final quotes are received for Council and Staff to make a decision.

Mayor Black asked Council if they had any other questions regarding the budget. Councilman Sweezy shared for consideration that a one-cent increase in taxes would add \$36,000 to the budget. A three-cent increase would add \$108,000, which would give the Town more money to work with, and we would not have to cut anything else. Councilman Thompson asked the Mayor and Council how the citizens would feel about getting a three-cent tax increase. Councilwoman Stevenson thinks it would be very difficult at this time for citizens. Mayor Black shared that he has been in contact with Burke County in regards to their budget and understands that there may be money out there for Municipalities. Mayor Black shared that we may have to relook at our budget in January and adjust because we do not know how COVID-19 is going to affect us. Councilwoman Hildebran asked Town Manager Seth Eckard to explain our paving plan and asked if we would be getting any State money. Seth Eckard does not want to delay the capital project of paving due to the NC DOT projects being low and bids coming in low and feels this same trend with continue. Mr. Eckard knows that the federal government passed funding for cities with at least 500,000 citizens, which we would not qualify for. Mr. Eckard shared we may be eligible for some FEMA reimbursements, but it would not be a lot of money.

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

Community Affairs has created a new Downtown Valdese website. The website can be found at [www.downtownvaldese.com](http://www.downtownvaldese.com).

The Old Rock School's Waldensian Room is currently under renovations.

Town Offices Will Be Closed Monday, May 25, 2020, in observance of the Memorial Day.

Town Manager Seth Eckard asked Planning Director Larry Johnson to give Council an update on the Deal property at 909 Main St. SW. Mr. Johnson shared that the sale of the property is complete. The new property owner is aware of the violations on the house and has already started making plans for renovation. The new owner has shared that the renovations will take approximately 12 – 18 months. His immediate attention will be given to the exterior. Mr. Johnson shared that he spoke with Code Enforcement Officer Todd Justice, and he has a seven-step process to go through with the new owner since there are current violations on the property.

Town Manager Seth Eckard asked Public Service Director Greg Padgett to give Council an update on the dog issue on Dixie Ave. Mr. Padgett shared that one of the dogs had been caught this morning. Mr. Padgett's understanding is the dogs have been hidden inside the house and is hopeful that the issue will be resolved this week.

**MAYOR AND COUNCIL COMMENTS:** None

**ADJOURNMENT:** At 7:17 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, June 1, 2020, 6:00 p.m.

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Town Clerk

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Mayor

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