

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
AUGUST 5, 2019**

The Town of Valdese Town Council met on Monday, August 5, 2019, 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 Courtney Kennedy, 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:

TROOP 192 EAGLE SCOUT PROJECT-BEN TEFFETELLER, 308 HILL STREET SE, VALDESE: Mr. Teffeteller informed Council that he is completing his Eagle Scout project on Main Street. Mr. Teffeteller shared that he would like to clean out the flag pole holes in the sidewalk, and create a permanent solution to keep them clean, to assist the Boy Scouts with placing 80 American flags throughout downtown each year. Mr. Teffeteller shared that he will also fix damaged flags and flag poles as part of this project and has secured funding through a private donor.

WILDERNESS GATEWAY STATE TRAIL-BETH HEILE, 5291 MINERAL SPRINGS MOUNTAIN AVE, VALDESE: Ms. Heile provided an update on the Wilderness Gateway State Trail which will connect South Mountains to Valdese Lakeside Park, and other state parks. Ms. Heile shared that, on June 3, 2019, the Wilderness Gateway State Trail was signed into law. Ms. Heile expressed her appreciation for Representative Hugh Blackwell and Mayor Black for their efforts to assist with making this trail happen.

ARTIMUS PYLE MEET AND GREET-TERESA CARSWELL, 812 MAIN STREET W, VALDESE: Ms. Carswell shared that she is speaking on behalf of Myra's. Myra's held a meet and greet with Artimus Pyle over the weekend, and with assistance from the Town, had a very successful event. Ms. Carswell shared that a last minute request was submitted to staff on Thursday before the event, and everyone was helpful and provided assistance to accommodate their request. Ms. Carswell finished by stating how appreciative she and Myra's are for everything the Town did to help.

ANIMAL CONTROL ORDINANCE-RICHARD MOORE, 1040 ORCHARD STREET, VALDESE: Mr. Moore informed Council that he has been an advocate for dogs in the town and expressed frustration with the amount of time that has passed since an issue was first brought to the attention of Town staff. Mr. Moore requested additional language and regulations in the Town's animal control ordinance to require dog owners to provide housing that is adequate and appropriate for the dog's size and breed.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING AND CLOSED SESSION MINUTES OF JUNE 24, 2019

APPROVED BURKE THEATER GUILD, INC. REQUEST TO SELL ALCOHOL AT OLD ROCK SCHOOL: Request from Burke Theater Guild, Inc. to sell beer and wine at the Marty Burns Experience on Saturday, September 14, 2019 at the Old Rock School.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF FIRE CHIEF AND NEW EMPLOYEE: Town Manager Seth Eckard announced the promotion of Fire Chief Greg Stafford. Fire Chief Greg Stafford introduced Fire Engineer Reed Bowman.

WPCOG CODE ENFORCEMENT UPDATE: Code Enforcement Officer Billy Rickles informed Council that a majority of the code issues he has enforced are related to abandoned vehicles, junk, and tall grass. Through the enforcement process, Mr. Rickles provides a timeline to property owners with violations and provides guidance on how to address each issue. Mr. Rickles provided Council with an updated report of code enforcement cases and encouraged Council to review the list and call him with any questions about any property that is on the list. Mr. Rickles introduced Code Enforcement Officer Brad Moody; Mr. Moody will be assisting with code enforcement efforts.

Councilwoman Hildebran expressed concerns with the website and form to submit a complaint. Mr. Rickles informed Ms. Hildebran that the issue occurred due to staffing changes and technology issues. Ms. Hildebran shared that many citizens are unable to, or do not feel comfortable, filing a complaint through the website and asked what the best way would be to get the information to the appropriate individuals. Mr. Rickles shared that Ms. Hildebran and citizens can send an email to him or call him directly if they prefer. Ms. Hildebran shared that she was confused about the process as she thought WPCOG would survey the entire town to identify areas that needed to be addressed and after that, enforcement would be on a complaint basis. Mr. Rickles shared that because the Town selected reactive enforcement instead of proactive, he is not authorized to identify and enforce issues if the issue is not identified in North Carolina General Statutes. Mr. Rickles shared that he is available to hold additional public meetings to educate citizens on the services he provides.

Councilman Ogle explained that he understands the process takes time and enforcement issues cannot be corrected overnight. Mr. Ogle shared that numerous properties requiring enforcement have been identified and need to be addressed. Mr. Ogle requested permission to drive through town with Mr. Rickles to make him aware of the nuisances.

RESOLUTION APPROVING FINANCING TERMS FOR POLICE CARS: Finance Director Bo Weichel informed Council that funds for the purchase of police vehicles were identified in the FY 19-20 Budget. Mr. Weichel shared that BB&T was the only bank that submitted a proposal for the financing of three patrol vehicles. Mr. Weichel informed Council that borrowing will not exceed \$85,000 and will be financed over a term of 60-months with an annual interest rate of 2.83%.

Councilman Ogle asked if the purchase of three patrol cars was identified in the budget. Finance Director Bo Weichel said the funds were identified under "Debt Service-Cars." Town Manager Seth Eckard shared that two cars were budgeted but due to purchasing the cars at a cheaper price and receiving a lower than expected interest rate, the Town has an opportunity to purchase three vehicles, instead of only two. This will change the purchasing cycle from buying two cars, every two years to buying three cars, every three years.

Mr. Weichel presented the following resolution:

Resolution Approving Financing Terms

WHEREAS: The TOWN OF VALDESE, NC ("City") has previously determined to undertake a project for the financing of police vehicles, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated July 1, 2019. The amount financed shall not exceed \$85,000 the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.83%, and the financing term shall not exceed five (5) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers.

The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 5th day of August, 2019

By: /s/ Mayor

By: /s/ Town Clerk

Councilman Sweezy made a motion to approve the aforementioned resolution, seconded by Councilwoman Stevenson. The motion passed, with voting as follows: Ayes-Hildebran, Stevenson, Thompson, and Sweezy; Nays-Ogle.

POLICE DEPARTMENT REQUEST TO PURCHASE TASERS: Police Chief Jack Moss informed Council that tasers have been needed at the Police Department for many years, but have not been included in the departmental Capital Improvements Plan due to higher priority items. Mr. Moss shared that the new financing terms and purchasing cycle for police vehicles, and adjustment of department supplies, has identified additional funds in the department's budget. Mr. Moss informed Council that Axon Enterprise, Inc. has provided a contract for the purchase of ten tasers at a cost of \$13,310, to be financed over five years, with zero percent interest.

After discussion, Councilwoman Stevenson made a motion to approve the contract with Axon Enterprise, Inc., in the amount of \$13,310 for the purchase of ten tasers, seconded by Councilman Sweezy. The motion passed, with voting as follows: Ayes-Hildebran, Stevenson, Thompson, and Sweezy; Nays-Ogle.

BUDGET AMENDMENTS: Finance Director Bo Weichel presented the following budget amendments to Council:

Valdese Town Council Meeting Monday, August 05, 2019

Budget Amendment # 1
 Subject: To roll Abatement revenues from FY 18-19 into the new budget year, increasing the available funds for abatement purposes.

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
10.3990.000	Fund Balance Appropriated		195
Total		\$0	\$195

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4900.451	Abatements	195	
Total		\$195	\$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.

Valdese Town Council Meeting Monday, August 05, 2019

Budget Amendment # 2
 Subject: Installation loan from BB&T for patrol vehicles

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
10.3995.001	Proceeds from Financing		85,000
Total		\$0	\$85,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5100.740	Capital Outlay	85,000	
Total		\$85,000	\$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.

August 5, 2019, MB#31

Valdeese Town Council Meeting

Monday, August 05, 2019

Budget Amendment #

4

Subject:

Old Rock School painting of Auditorium
(approved in FY 19-20 general fund CIP)

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdeese 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	From Old Debt Service		40,000
Total		\$0	\$40,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.150	Maint & Repair Buildings	40,000	
Total		\$40,000	\$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.

Valdeese Town Council Meeting

Monday, August 05, 2019

Budget Amendment #

5

Subject:

Recreation - Pool Resurfacing
(approved in FY 19-20 general fund CIP)

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdeese 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	From Old Debt Service		73,200
Total		\$0	\$73,200

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6200.150	Maint & Repair Buildings	73,200	
Total		\$73,200	\$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.

Valdeese Town Council Meeting

Monday, August 05, 2019

Budget Amendment #

6

Subject:

Recreation - Pool Decking Repair
(approved in FY 19-20 general fund CIP)

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdeese 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	From Old Debt Service		4,235
Total		\$0	\$4,235

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6200.150	Maint & Repair Buildings	4,235	
Total		\$4,235	\$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 Budget Amendment #1, seconded by Councilwoman Stevenson. The vote was unanimous.

Councilman Sweezy made a motion to approve Budget Amendment #2, 4, 5, 6, seconded by Councilwoman Stevenson. The vote was unanimous.

RESOLUTION ACCEPTING FUNDS FOR WATER PLANT UPGRADES-MCC REPLACEMENT PROJECT: Water Resources Director Greg Padgett informed Council that this project has been identified in the CIP, with funding being secured through a grant and loan.

**TOWN OF VALDEESE
WATER TREATMENT PLANT UPGRADES
MCC RAW AND FINISHED WATER (H-SRP-D-17-0151)
RESOLUTION ACCEPTING FUNDS**

WHEREAS,

the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$210,692, and a State Reserve Loan in the amount of \$632,078 for the replacement of the existing motor control centers (MCC) at the Raw Water and Finished Water pumping stations, including replacement of motor feeders and related appurtenances, and reconfiguration of electric conduits and junction boxes to protect against flooding

WHEREAS, the Town of Valdese intends to construct said project in accordance with the approved plans and specifications,

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

That the Town of Valdese does hereby accept the State Reserve Grant offer of \$210,692 and accepts the State Reserve Loan offer of \$632,078.

That the Town of Valdese does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the grant and loan offer, Section II - Assurances will be adhered to.

That Mr. Seth Eckard, Valdese Town Manager, 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 Town of Valdese 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 the 5th day of August, 2019.

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

/s/ Frances Hildebran, Town Clerk

Councilwoman Stevenson made a motion to approve the aforementioned resolution, seconded by Councilman Sweezy. The vote was unanimous.

RESOLUTION ACCEPTING FUNDS FOR WATER TREATMENT PLANT DISINFECTION CONVERSION PROJECT: Water Resources Director Greg Padgett informed Council that this project has been identified in the CIP, with funding being secured through a grant and loan.

**TOWN OF VALDESE
WATER TREATMENT PLANT DISINFECTION CONVERSION PROJECT
DWI PROJECT NO.: H-SRP-D-18-0163
RESOLUTION ACCEPTING FUNDS**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$164,575, and a State Reserve Loan in the amount of \$493,725 for the removal of existing gaseous chlorine disinfection equipment and replacement with sodium hypochlorite ('bleach') disinfection equipment including: a chemical storage building with overhead door, a fill station, bulk storage tanks and day tanks with appropriate secondary containment, transfer and

metered-dose chemical feed pumps and related HVAC, instrumentation and control equipment.

WHEREAS, the Town of Valdese intends to construct said project in accordance with the approved plans and specifications,

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

That the Town of Valdese does hereby accept the State Reserve Grant offer of \$164,575 and accepts the State Reserve Loan offer of \$493,725.

That the Town of Valdese does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the grant and loan offer, Section II - Assurances will be adhered to.

That Mr. Seth Eckard, Valdese Town Manager, 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 Town of Valdese 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 the 5th day of August, 2019.

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

/s/ Frances Hildebran, Town Clerk

Councilwoman Hildebran made a motion to approve the aforementioned resolution, seconded by Councilman Sweezy. The vote was unanimous.

AIA STATE FUNDING RESOLUTION – WATER DISTRIBUTION SYSTEM ASSESSMENT PROJECT:

RESOLUTION BY TOWN OF VALDESE

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 (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project), and

WHEREAS, The Town of Valdese has need for and intends to conduct an Asset Inventory Assessment of the Town’s Drinking Water Distribution System project described as to develop asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for water, and

WHEREAS, The Town of Valdese intends to request state AIA grant funding assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE 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 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.

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 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 5th day of August, 2019 at Valdese Town Hall, 102 Massel Avenue SW, Valdese, North Carolina.

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

Councilwoman Stevenson made a motion to approve the aforementioned resolution, seconded by Councilwoman Hildebran. The vote was unanimous.

AWARD OF BID FOR 2018 WATER SYSTEM IMPROVEMENTS PROJECT (WIF-1933): Water Resources Director Greg Padgett presented a bid tabulation prepared by West Consultants for the 2018 Water System Improvements Project (WIF-1933). The lowest bidder was Classic City Mechanical, Inc., in the amount of \$731,481.00. (Other bids: Piedmont Utility Group, Inc.-\$782,240.88; Apple Tuck & Associates, Inc.-\$814,435.00; Fuller & Co. Construction, LLC-\$817,976.77; Iron Mountain Construction-\$1,135,853.50)

Councilman Sweezy made a motion to award the bid for the 2018 Water System Improvements Project (WIF-1933) to Classic City Mechanical, Inc. in the amount of \$731,481.00, seconded by Councilwoman Stevenson. The vote was unanimous.

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

The 44th Annual Waldensian Festival and Footrace is scheduled for August 9 & 10, 2019.

The Family Friday Nights Summer Concert Series Finale is scheduled for Friday, August 30, 2019 at 7:00 p.m.

Town offices will be closed on Monday, September 2, 2019 in Observance of Labor Day.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran expressed her appreciation for Fire Chief Greg Stafford's assistance with an issue she recently experienced and for the service the Fire Department continues to provide to citizens.

Councilman Sweezy shared that he expressed his concerns to Burke County Public Library Director Jim Wilson, regarding the budget reduction being applied only to the Valdese Library. Mr. Wilson informed Mr. Sweezy that Valdese would see a reduction in the budget totaling \$5,000; instead of the previously discussed \$10,000 reduction.

ADJOURNMENT: At 7:12 p.m., there being no further business to come before Council, Councilwoman Stevenson made a motion to adjourn, seconded by Councilman Sweezy. The vote was unanimous.

The next regular Council meeting scheduled for Tuesday, September 3, 2019, 6 p.m., due to Labor Day Holiday.

Town Clerk
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Mayor