

**TOWN OF VALDESE
TOWN COUNCIL MEETING
OCTOBER 2, 2017**

The Town of Valdese Town Council met on Monday, October 2, 2017, 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 Gary L. Delp and Councilman Roy F. Sweezy. Also present were Town Manager Seth Eckard, Town Attorney Marc Mitchell, 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:

BURKE COUNTY YOUTH COALITION Burke County Youth Health Coalition informed Council of various projects they are working on. The Coalition would like to place signage at McGalliard Falls Park to inform visitors that the park is being monitored and that smoking is prohibited on the premises. Another goal is to place additional garbage receptacles throughout the park and host park clean up days. The Coalition has requested permission and financial support from Council. Town Manager Seth Eckard requested that Burke County Youth Health Coalition provide contact information to Parks and Recreation Director Doug Knight.

CONSENT AGENDA: (enacted by one motion)

APPROVED MINUTES – SEPTEMBER 5, 2017

APPROVED REAPPOINTMENT TO VALDESE HOUSING AUTHORITY Ms. Faith Kaplan was appointed to another five-year-term. The term will expire on October 31, 2022.

APPROVED REQUEST FROM WALDENSIAN STYLE WINES TO SELL WINE AT CHRISTMAS IN NOVEMBER ON SATURDAY, NOVEMBER 11, 2017, 9:00 A.M. – 4:00 P.M., OLD ROCK SCHOOL, WALDENSIAN ROOM

APPROVED AWARD OF BID FOR WATER TREATMENT PLANT GENERATOR ADDITION TO PAGE POWER SYSTEMS, INC. Water Resources Director Greg Padgett presented a bid tabulation prepared by McGill Associates for the Water Treatment Plant Generator Addition project. The lowest bidder was Page Power Systems, Inc., in the amount of \$841,001.00. (Other bids: Fountain Services - \$945,300, Hickory Construction Company - \$957,203, and Smart Electric Company - \$930,000)

APPROVED RESOLUTION OF INTENT TO CLOSE A SECTION OF WHISNANT STREET

RESOLUTION OF INTENT

(A Resolution Declaring the Town Council’s Intent to Close of a section of Whisnant Street)

WHEREAS, the Town Council intends to close a section of Whisnant Street; and

WHEREAS, the Town Council is required by G.S. 160A-299 to call for a public hearing on the matter;

NOW, THEREFORE, be it resolved by the Town Council of the Town of Valdese that:

1. The Town Council intends to close a section of Whisnant Street as shown on an unrecorded plat dated September 12, 2017, and entitled “Town of Valdese (Whisnant Street SE Relocation)”, which is available for inspection at the Valdese Town Hall.

October 2, 2017, MB#31

2. A public hearing on the question will be held at 6:00 p.m. on the 4th day of December, 2017, at the Valdese Town Hall in Valdese, North Carolina.
3. The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks in the Morganton New Herald.
4. The Town Clerk is further directed to send by registered or certified mail a copy of this Resolution of Intent to all owners of property adjoining the street as shown on the county tax records.
5. The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and scheduled public hearing to be posted as required by G.S. 160A-299.

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

ATTEST: /s/ Town Clerk

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

End Consent Agenda

ITEM REMOVED FROM CONSENT AGENDA:

LEASE AGREEMENT AT THE OLD ROCK SCHOOL WITH DAVID HARMON STUDIOS, LLC Lease Agreement for rental space at the Old Rock School in the amount of \$283 per month.

Councilman Ogle made a motion to approve the lease and evaluate an increase in the rent for Fiscal Year 2018, seconded by Councilwoman Hildebran. The vote was unanimous.

125TH ANNIVERSARY – GRETCHEN LANE-COSTNER, EXECUTIVE DIRECTOR, WALDENSIAN HERITAGE MUSEUM Executive Director Gretchen Lane-Costner provided Council with a brief presentation of the upcoming events that are being held to celebrate the 125th Anniversary. Ms. Costner introduced Analia Talmon and Kevin Frederick. Ms. Talmon and Mr. Frederick are assisting with the planning and preparation of the events. The scheduled events are as follows:

- Saturday, February 17th – “Edict of Emancipation”
- Sunday, February 18th – Waldensian Presbyterian Church Service
- Sunday, April 29th – Tour of the Past
- May 26th–June 2nd – Waldensian Archives/Genealogies
- June 1st–June 2nd – A Cultural Symposium – Four Faces of Waldensianism
- July 13th–August 11th – “From This Day Forward”
- June 25th-29th – Community-wide Vacation Bible School
- August 10th-12th – Annual Historic Waldensian Festival Weekend
- December 16th – Moravian Love Feast Service

Mayor Black thanked Ms. Costner, Ms. Talmon, and Mr. Frederick for their hard work in putting these events together.

AGREEMENT WITH DESTINATION BY DESIGN FOR PARK MASTER PLAN DESIGN AND COMMUNITY ENGAGEMENT SERVICES

Town Manager Seth Eckard introduced Eric Woolridge of Destination by Design. Destination by Design has been selected to assist the town with a master plan for the proposed Valdese Lakeside Park and for community engagement services related to the project. Mr. Woolridge provided Council with a presentation on Destination by Design and the services they provide. Beth Heile spoke on behalf of Friends of the Valdese Rec. Ms. Heile stated that Friends of the Valdese Rec is committed to paying \$20,000 towards the park master plan and is in favor of selecting Destination by Design, and Eric Woolridge, to assist with this plan.

Town Attorney Marc Mitchell recommended that Item 6.2 be amended to read as, “Subject to payment by the Owner of all fees and costs owed to the Consultant, the Consultant grants ownership of all Deliverables to the Town of Valdese. All Deliverables and copies thereof in the Client’s possession or control, which have not been paid for in full, shall be returned to the Consultant within 21 days of the notice of termination.

Councilman Sweezy made a motion to approve the contract with Destination by Design, with the aforementioned amendment to Item 6.2, seconded by Councilman Delp. The vote was unanimous.

MCGALLIARD FALLS TENNIS COURT DISCUSSION Council discussed the possibility of creating a dog park at McGalliard Falls Park, where the tennis court is located. Parks and Recreation Director Doug Knight informed Council that the previously received quotes for a dog park did not provide adequate amenities, requiring staff to obtain additional quotes. After careful consideration, Council decided to consider other options for the tennis court.

Councilman Ogle made a motion to approve the removal of the tennis court at McGalliard Falls Park, not to exceed \$18,000.00, seconded by Councilwoman Hildebran. Motion passed with voting as follows: Ayes- Councilman Ogle, Councilwoman Hildebran, Councilman Delp, and Councilman Sweezy. Nays: Councilwoman Stevenson.

RESOLUTION FOR OFFER TO PURCHASE TOWN-OWNED PROPERTY LOCATED AT 1588 DREXEL ROAD

RESOLUTION
(Sale of property at 1588 Drexel Road)

WHEREAS, G.W. Stamey, Trustee of the Stamey Revocable Trust u/a 10-16-2012, (Stamey) has offered to purchase from the Town of Valdese for the sum of \$10,000 that parcel located at 1588 Drexel Road in Valdese, North Carolina (REID 38527, PIN 2723648051), said parcel being Tract 2 as described in that deed recorded in Book 271, page 620, Burke County Registry (hereafter "the property"); and

WHEREAS, one or more Town of Valdese water lines run under the property, and the Town of Valdese will retain easement 25 feet in width, 12 1/2 feet on either side of the centerline of each water line, to allow the town to inspect, maintain, repair, and, if necessary, replace those water lines; and

WHEREAS, the town council proposes to accept Stamey's offer; and

WHEREAS, pursuant to G.S. 160A-269, Stamey is required to deposit with the town clerk an amount equal to 5% of his bid; and

WHEREAS, the town council is required to publish a notice containing a general description of the property, the amount and terms of the offer and notice that within ten (10) days any person may raise the bid as provided by G.S. 160A-269;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The town council intends to accept Stamey's offer to purchase the property for the sum of \$10,000.
2. Stamey shall be required to deposit with the town clerk the sum of \$500, which is 5% of his \$10,000 bid.
3. A notice of the offer shall be published as required by G.S. 160A-269.

This resolution was adopted October 2, 2017.

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

/s/ Town Clerk

Councilman Sweezy made a motion to adopt the aforementioned ordinance, seconded by Councilman Ogle. The vote was unanimous.

PUBLIC HEARING – MCGALLIARD POINTE DEVELOPMENT CONDITIONAL USE PERMIT APPLICATION Mayor Black introduced the Conditional Use Public Hearing and asked if anyone wished to speak either for or against to please come forward and be sworn in by Deputy Town Clerk Courtney Kennedy. Ms. Kennedy administered oaths to Planning Director Larry Johnson and Bart Shaw.

Mayor Black declared the public hearing open.

Planning Director Larry Johnson briefly reviewed highlights of the following report:

Conditional Use Permit for Ten-Acre Exempt Development, McGalliard Pointe Conditional Use Permit 1-9-17:

APPLICANT AND PROPERTY OWNER:

Caldwell Timber Partners, LLC

LOCATION:

Parcel is located at the end of Lakeview Acres Road; no physical address has been assigned. The parcel can be further identified as Burke County Tax Record Number 17374.

REQUEST:

Caldwell Timber Partners, LLC, requests a Conditional Use Permit for a ten-acre exempt development.

LAND USE AND ZONING:

This 99.5 acre parcel is zoned R-12 Residential and is designated on the map with a blue outline.

Surrounding Land Use and Zoning:

- **North** – The property is bordered to the north by Lake Rhodhiss, Essential Services, and single-family residential. The adjacent land is zoned R-12 Residential.
- **South** – Parcels are zoned R-12 Residential and are a combination of residential, vacant, and natural.
- **East** – To the east is natural land, zoned a combination of R-12 Residential and M-1 Manufacturing.
- **West** – Parcels are zoned R-8 Residential and Burke County residential zoning. These parcels are used residentially.

TRANSPORTATION

Lakeview Acres Road NE – Lakeview Acres Road is not part of the Town of Valdese road system. It is maintained by NCDOT. The traffic count reveals 480 trips per day. The proposed development will have minimal to no impact of traffic.

UTILITIES:

Town of Valdese will provide water services. Septic services will be provided by the homeowners.

LAND USE PLAN:

The Valdese Land Use Plan identifies the future land use as natural.

CONDITIONAL USE REQUEST HISTORY:

There is no special use history on this property.

APPLICABLE CODE SECTIONS

Sec. 9-3047 Provisions for Ten-Acre Exempt Developments

- (1) The use will not materially endanger the public health, safety, and general welfare.
- (2) The use will not substantially injure the value of adjoining or abutting property.
- (3) The use is consistent with any adopted area plans that encompass the property subject to the application.
- (4) The development access road—also known as the common drive—shall remain private.
- (5) The development access road—also known as the common drive—shall be constructed in accordance with the North Carolina Fire Prevention Code standards.
- (6) An easement shall be granted to the Town of Valdese to guarantee access for Public Safety, Public Works, and Planning Department.
- (7) An entity other than the Town of Valdese, such as property owners, homeowners association, community group, property management company, or similar type of organizations, shall be responsible for upkeep and maintenance.
- (8) The development shall not exceed 5 (five) building tracts.
- (9) Public Works shall not be responsible for any garbage pick-up, rough trash services, white goods or yard waste, except at a designated area located nearest the entrance to the property, as approved by the Town of Valdese.
- (10) The development shall comply with the requirements outlined in Code of Ordinances, Part 5, Municipal Utilities, Chapter 1, Water Supply and Distribution and Chapter 2, Sewer Collection and Disposal.

Sec. 9-3053 Residential District (R-12)

- (c) Uses permitted with a conditional use permit:
Ten-Acre Exempt Developments

Sec. 9-3147 Conditional Uses.

The Valdese Town Council shall grant in particular cases and subject to appropriate conditions and safeguards, permits for conditional uses as authorized by this Valdese Zoning Ordinance and set forth as Conditional Uses under the various use districts.

POSSIBLE FINDINGS AS RELATED TO THE GENERAL STANDARDS FOUND IN SEC. 9-3147.

- (a) The following general standards shall be met by all applicant for approval of conditional uses pursuant to this chapter:
 - (1) The use will not adversely affect the health, or safety of persons residing or working in the neighborhood of the proposed use.
Applicant Complies (9-3147.4)
 - (2) The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
Applicant Complies (9-3147.4)
 - (3) The use, which is listed as a conditional use in the district in which it is proposed to be located, complies with all required zoning standards.
Applicant Complies (9-3147.4)
- (b) The following specific conditions shall be met by the applicant for approval of the conditional use:
 - (1) The development access road (the common drive) shall remain private.
Applicant will comply. See Declaration of Covenants, Conditions, and Restrictions for McGalliard Pointe Planned Community.
 - (2) The development access road (the common drive) shall be constructed in accordance with the North Carolina Fire Prevention Code standards.
Applicant will comply. See Gravel Access Road Specification.
 - (3) An easement shall be granted to the Town of Valdese to guarantee access for Public Safety, Public Works, and Planning Department.
Applicant will comply.
 - (4) An entity other than the Town of Valdese, such as property owners, homeowners association, community group, property management company, or similar type of organizations, shall be responsible for upkeep and maintenance.
Applicant will comply. See Declaration of Covenants, Conditions, and Restrictions for McGalliard Pointe Planned Community.
 - (5) The development shall not exceed 5 (five) building tracts.
Applicant complies.
 - (6) Public Works shall not be responsible for any garbage pick-up, rough trash services, white goods or yard waste, except at a designated area located nearest the entrance to the property, as approved by the Town of Valdese.
Applicant shall comply.
 - (7) The development shall comply with the requirements outlined in Code of Ordinances, Part 5, Municipal Utilities, Chapter 1, Water Supply and Distribution and Chapter 2, Sewer Collection and Disposal.
Applicant will comply.
- (c) The Valdese Town Council shall make these general and specific findings based upon substantial evidence contained in its proceedings. The council may refer to staff's report to aid in its deliberations. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for approval of a Conditional Use.

REVIEW/DISCUSSION:

October 2, 2017, MB#31

Caldwell Timber Partners, LLC, is requesting approval of a ten-acre exempt development. The development will consist of five 10+ acre waterfront parcels with open space. The development is exempt from subdivision regulations; however, it is not exempt from the regulations of the Valdese Zoning Ordinance.

Proposed Findings of Fact

1. That on September 13, 2017, the applicant (Caldwell Timber Partners, LLC) applied for a Conditional Use Permit to allow a ten-acre exempt development. The proposed development is located at the end of Lakeview Acres Road NE.
2. The parcel on which the 10-acre development is proposed is a 99.58 acre tract of land zoned R-12 Residential and which can be further identified as Burke County Record Number 17374.
3. The Valdese Town Council has heard sworn testimony by the applicant and staff.
4. The Valdese Planning Board reviewed the application on September 18, 2017, and recommends approval by Valdese Town Council.
5. The R-12 Residential district allows Ten-Acre Exempt Developments as a conditional use.
6. The proposed use shall meet all requirements imposed Town of Valdese, Burke County, and the State of North Carolina.
7. The use will not adversely affect the health, or safety of person residing or working in the neighborhood of the proposed use.
8. The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
9. The development access road (the common drive) shall remain private.
10. The development access road (the common drive) shall be constructed in accordance with the North Carolina Fire Prevention Code standards.
11. An easement will be granted to the Town of Valdese to guarantee access for Public Safety, Public Works, and Planning Department.
12. An entity other than the Town of Valdese, such as property owners, homeowners association, community group, property management company, or similar type of organizations, shall be responsible for upkeep and maintenance of the development road.
13. The development shall not exceed 5 (five) building tracts.
14. Public Works shall not be responsible for any garbage pick-up, rough trash services, white goods or yard waste, except at a designated area located nearest the entrance to the property, as approved by the Town of Valdese.
15. The development shall comply with the requirements outlined in Code of Ordinances, Part 5, Municipal Utilities, Chapter 1, Water Supply and Distribution and Chapter 2, Sewer Collection and Disposal.
16. Any gate shall be constructed in accordance with the North Carolina Fire Prevention Code Standards. The gate will be subject to approval by the Valdese Fire Department.

Mayor Black asked if there were additional comments or if anyone wished to speak either for or against the conditional use hearing. There being no one wishing to speak, Mayor Black closed the public hearing.

Councilman Ogle made a motion to approve the Conditional Use Permit, including the General Standards and the Findings of Fact in this case, seconded by Councilwoman Stevenson. The vote was unanimous.

BUDGET AMENDMENTS

Valdese Town Council Meeting Monday, October 2, 2017
Budget Amendment No. 04

Subject: Town Paving Project

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Action Suggested:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that

October 2, 2017, MB#31

the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

<u>Acct.</u> <u>No.</u>	<u>Debit</u>	<u>Credit</u>
10.5600.151 Paving	283,380	
	-----	-----
Total	\$283,380	\$ 0
	=====	=====

This will result in a net increase of \$283,380 in the expenditures of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

<u>Acct.</u> <u>No.</u>		<u>Debit</u>	<u>Credit</u>
10.3995.560 Loan Proceeds			283,380
		-----	-----
Total	\$		\$283,380
		=====	=====

Section 2. 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, October 2, 2017
Budget Amendment No. 05

Subject:

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Action Suggested:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

<u>Acct.</u> <u>No.</u>	<u>Debit</u>	<u>Credit</u>
10.6200.710 Purchase of Property	30,000	
10.6200.150 M&R of Bldgs	5,000	
	-----	-----
Total	\$ 35,000	\$ 0
	=====	=====

This will result in a net increase of \$35,000 in the expenditures of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Acct.

<u>No.</u>		
10.3350.000 Donations		35,000
	-----	-----
Total		\$35,000
	=====	=====

Section 2. 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 two aforementioned budget amendments, seconded by Councilwoman Stevenson. The vote was unanimous.

MAYOR AND COUNCIL COMMENTS: Councilman Ogle shared his concerns regarding the speed limit on Carolina Street SE. Mr. Ogle referenced a recent tractor trailer accident, questioning if the speed limit could be reduced. Staff informed Council that the accident was not a result of speed, Carolina Street was constructed for a speed limit that is higher than currently posted, and the street is governed by North Carolina Department of Transportation (NCDOT). Staff will discuss the possibility of reducing the speed on Carolina Street SE, Valdese with the Department of Transportation.

Councilwoman Hildebran informed Council that she was approached by a citizen who shared their appreciation for all that Council is doing in the parks in town. Another citizen approached Ms. Hildebran to express their gratitude to the town for all the work that was done for the outdoor drama this year. Ms. Hildebran finished by thanking Town Manager Seth Eckard for his most recent update on the community.

MANAGER'S REPORT: Mr. Eckard made the following announcements:

Fratelli Bocce of Valdese is the 2017 North Carolina 4-man Bocce Champions.

Bluegrass at the Rock begins on Saturday, October 7, 2017 at 7:00 p.m.

"Treats in the Streets," will be held on Tuesday, October 31, 2017, 4:00-6:00 p.m. A costume contest will be held at Wells Fargo Parking Lot at 6:00 p.m.

Baptist Association "Love Loud" Lunch for Town Employees will be held at Valdese Family Splash Park Building on Wednesday, October 11, 2017, from 11:30 a.m.-1:00 p.m.

The Thanksgiving/Employee Appreciation Luncheon will be held on Wednesday, November 15, 2017, from 11:30 a.m.-1:00 p.m., in the Waldensian Room at Old Rock School.

The Annual Dinner Meeting with Valdese Merchants is scheduled for Thursday, November 16, 2017 at 6:30 p.m., in the Waldensian Room at Old Rock School.

Closing on the Ribet Property occurred on September 19, 2017.

Reminder of the Draughn High School Homecoming Parade on Tuesday, October 10, 2017 at 6:30 p.m. Council will meet at Fire Department at 6:00 p.m.

ADJOURNMENT

At 7:51 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, November 6, 2017, 6:00 p.m., Valdese Town Hall.

Town Clerk
ck

Mayor