

**TOWN OF VALDESE
TOWN COUNCIL MEETING
NOVEMBER 6, 2017**

The Town of Valdese Town Council met on Monday, November 6, 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:

MYRA'S-TERESA CARSWELL, 1590 MOUNTAIN SHADOWS DRIVE, MORGANTON Ms. Carswell informed Council that she is speaking on behalf of Myra's. Myra's would like to hold four cruise-ins next year, on the following Saturdays; April 21, May 19, September 15, and October 27, 2018 and would like to close streets in the town to provide enough space for individuals, with and without cars, to attend. Ms. Carswell stated that she had discussed this with town staff previously and was given a cost estimate which included the cost of supplying safety personnel. Ms. Carswell wondered if they could provide their own safety professionals. Mayor Black thanked Ms. Carswell for her time and informed her that this matter will be discussed, evaluating all options. A decision will be provided in a timely manner.

FRATELLI BOCCE PROCLAMATION Mayor Black presented the following proclamation to the members of Fratelli Bocce:

PROCLAMATION HONORING TEAM FRATELLI BOCCE

WHEREAS, bocce has been a Valdese tradition ever since the earliest settlers arrived; and

WHEREAS, founded in 2016, the members of Fratelli Bocce are; Rob Martinat, Grayson Turner, Tim Pons, and Nelson Turner; and

WHEREAS, Le Phare des Alpes held the Western North Carolina State Tournament bocce game on Saturday, August 12, 2017; and

WHEREAS, the top three teams qualified to compete in the North Carolina State Championship bocce game; and

WHEREAS, the hard work, dedication, sportsmanship, talent, and exceptional team chemistry of the team qualified Fratelli Bocce to compete in the State Championship; and

WHEREAS, the North Carolina State Championship bocce game was held on Saturday, September 16, 2017; and

WHEREAS, fourteen teams from four regions across North Carolina participated in the tournament; and

WHEREAS, Fratelli Bocce went through the double elimination tournament undefeated; and

WHEREAS, Fratelli Bocce made history by being the first team from Valdese to win a State Championship.

NOW, THEREFORE, BE IT RESOLVED that I, John F. "Chip" Black, Jr., by the authority vested in me as Mayor of Valdese, North Carolina, and on behalf of the entire Town Council recognizes Fratelli Bocce for their success.

November 6, 2017, MB#31

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the Town of Valdese to be affixed this 6th day of November, 2017.

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

CONSENT AGENDA: (enacted by one motion)

APPROVED MINUTES – OCTOBER 2, 2017 AND OCTOBER 30, 2017

APPROVED APPOINTMENTS TO PLANNING BOARD Ms. Jean Dalmas, a planning board member for over 14 years, has resigned. Mr. Carlton "Carley" Caruso has been appointed to complete the unexpired term of Jean Dalmas. This term will end on December 31, 2018. Mr. Caruso is currently serving as an alternate planning board member; Ms. Libby Braswell has been appointed to complete the unexpired term of Carlton "Carley" Caruso. This term will end on December 31, 2017.

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

End Consent Agenda

ITEM REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF NEW EMPLOYEES Public Works Director Bryan Duckworth introduced Samuel "Adam" Bates, Utilities Field Technician. Police Chief Jack Moss introduced Tyler Angley, Reserve Officer.

APPROVAL OF CLEAN WATER MANAGEMENT TRUST FUND GRANT CONTRACT Mr. Tom Kenney of Foothills Conservancy informed Council that the town has been awarded \$673,247 for the purchase of 302-acres for the proposed Valdese Lakeside Park. Mr. Kenney provided a brief presentation on the Clean Water Grant Agreement.

Councilman Sweezy made a motion to approve the Clean Water Management Trust Fund Grant Contract, seconded by Councilman Delp. The vote was unanimous.

CENTURYLINK UNIFIED COMMUNICATIONS SOLUTION CONTRACT This item will be discussed at a later date, as requested by staff.

RESOLUTION FOR OFFER TO PURCHASE TOWN-OWNED PROPERTY, CROWHILL PARK, LOCATED AT 605 PINEBURR AVENUE SW

RESOLUTION
(Sale of Property at 605 Pineburr Ave SW)

WHEREAS, Western NC Housing Partnership (Western) has offered to purchase from the Town of Valdese for the sum of \$60,000 that parcel containing 5.62 acres more or less as described in that deed recorded in Book 479, page 483, Burke County Registry (REID 38598) and that adjoining parcel containing 0.38 acres more or less as described in that deed recorded in Book 499, page 19, Burke County Registry (REID 35899) (the property); and

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

WHEREAS, pursuant to G.S. 160A-269, Western is required to deposit with the town clerk an amount equal to 5% of its 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:

November 6, 2017, MB#31

1. The town council authorizes the sale of the property described above through the upset bid procedure of N.C. General Statute §160A-269.
2. The town clerk shall cause a notice of the proposed sale to be published as required by G.S. 160A-269.
3. Any person may submit an upset bid to the office of the town clerk within ten (10) days after the notice of sale is published. Once a qualifying high bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, the town clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the town council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and 5% of the remainder of that offer.
6. A qualifying higher bid must be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made by cashier's check or certified check. The town will return any deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The town will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that: (a) the town council must approve the final high offer before the sale is closed, (b) title will be conveyed by special warranty deed subject to all existing easements, if any, and (c) the buyer must pay the entire purchase price at the time of closing.
8. The town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the town reserves the right to reject all bids at any time.

Councilman Sweezy made a motion to adopt the aforementioned ordinance, seconded by Councilman Delp. The motion did not pass, with voting as follows: Ayes- Councilman Sweezy and Councilman Delp. Nays: Councilman Ogle, Councilwoman Hildebran, and Councilwoman Stevenson.

APPROVAL OF RESOLUTION FOR SALE OF PROPERTY, 1588 DREXEL ROAD

RESOLUTION APPROVING SALE OF PROPERTY
(1588 Drexel Road)

WHEREAS, G.W. Stamey, Trustee of the Stamey Revocable Trust u/a 10-16-2012, (Stamey) 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

WHEREAS, at its October 2, 2017, regular meeting, the town council adopted a resolution proposing to accept Stamey's offer; and

WHEREAS, the town council directed town representatives to publish notice of the town's intent to accept the offer and notice that any person could raise the bid as required by G.S. 160A-269, and that notice was published; and

WHEREAS, more than ten (10) days expired without there being an upset bid and Stamey's bid is the last and high bid for the Property; and

WHEREAS, the town does not need the Property, and the town therefore desires to accept the offer made by Stamey and sell the Property upon the terms hereafter set forth:

IT IS THEREFORE RESOLVED pursuant to G.S. 160A-269 that the sale of the Property to Stamey for the purchase price of \$10,000 is approved. The Property shall be sold subject to any and all existing easements, and the town shall retain an easement twenty-five (25) feet in width, 12½ feet on either side of the centerline, of each water line located on or under the Property to allow the town to inspect, maintain, repair, and, if necessary, replace those water lines. The proper officers of the town are authorized and directed to deliver to Stamey a deed for the Property upon receipt of the \$10,000 purchase price.

This resolution was adopted this 6th day of November, 2017.

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

/s/ Town Clerk

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

APPROVAL OF BB&T RESOLUTION AUTHORIZING SPENDING OF FUNDS

RESOLUTION
(Approving Use of Excess BB&T Loan Funds)

WHEREAS, the Town of Valdese (the Town) financed a paving project (the Project) through BB&T as evidenced by a financing agreement (the Financing agreement) and other related documents dated September 2, 2016 (together, the Project agreements); and

WHEREAS, the Project agreements provided that the Town could borrow up to \$473,273.75 (the BB&T loan funds) to finance the Project; and

WHEREAS, under the Project agreements, the Town was allowed to use the BB&T loan funds for those purposes described in Exhibit A to the Financing agreement; and

WHEREAS, approximately \$60,394.40 in BB&T loan funds (the excess BB&T loan funds) were not needed to complete the Project; and

WHEREAS, the Town desires to use the excess BB&T loan funds to make repairs and improvements to the McGalliard Falls parking lot, the Children's Park parking lot, and the Faet Street–Farmers Market parking lot; to make certain Ribet Avenue storm drain improvements and to patch and make certain street repairs to Cline Avenue, Magnolia Avenue and Faet Street; and

WHEREAS, BB&T has agreed that the excess BB&T loan funds may be used to for these additional repairs and improvements; and

WHEREAS, the town council is of the opinion that these additional repairs and improvements are needed and that it would be in the best interest of the Town if the excess BB&T loan funds were used to pay for these additional repairs and improvements;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Town is authorized to use the excess BB&T loan funds to pay for some or all of the following repairs and improvements:
 - a. Repairs to the McGalliard Falls parking lot;
 - b. Repairs to the Children's Park parking lot;
 - c. Repairs to the Faet Street–Farmers Market parking lot;
 - d. Patching and street repairs along sections of Cline Avenue, Magnolia Avenue and Faet Street; and
 - e. Storm drain improvements to sections of Ribet Avenue.

2. The Town Manager is authorized to execute such documents, if any, that are required in order for the Town to use the excess BB&T loan funds to pay for these repairs and improvements.

ADOPTED THIS 6TH DAY OF NOVEMBER, 2017.

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

ATTEST: /s/ Town Clerk

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

APPROVAL OF REQUEST TO PURCHASE BACKHOE LOADER Funds were allocated in the current budget to replace a piece of excavating equipment; however, due to equipment failure, Public Works Director Bryan Duckworth requested allocation of additional funds to replace a 1996 JCB Backhoe instead.

Councilman Delp made a motion to approve the purchase of a backhoe loader, seconded by Councilman Sweezy. The vote was unanimous.

BUDGET AMENDMENT

Budget Amendment No. 06

Subject: Purchase of Backhoe

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 Utility Fund, the expenditures are to be changed as follows:

<u>Acct.</u> <u>No.</u>	<u>Debit</u>	<u>Credit</u>
30.8120.740 Purchase of Equipment	34,420	
	-----	-----
Total	\$ 34,420	\$ 0
	=====	=====

This will result in a net increase of \$34,420 in the expenditures of the Utility 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>	
30.3970.812 Loan Proceeds	8,439
30.3990.000 Fund Balance	25,981

November 6, 2017, MB#31

Total	\$	\$34,420
	=====	=====

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.

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

MAYOR AND COUNCIL COMMENTS: Councilman Delp informed Council that he was approached by residents that are concerned about the speed limit on a portion of Laurel Street. The residents would like Council to consider increasing the speed limit to 25 mph, instead of the recently approved speed limit of 20 mph.

Councilwoman Hildebran informed Council that she received an update on the library project from Burke County Library Director Jim Wilson. An ad announcing Requests for Qualifications (RFQ) was placed in the Morganton News Herald on Thursday, November 2, 2017, for the expansion and renovation of the Valdese Public Library; with a deadline of Monday, November 20, 2017. Mr. Wilson informed Ms. Hildebran that when three quotes for the Cole House demolition are confirmed a requisition for the demolition will be submitted. Lastly, when the demolition is confirmed, Mr. Wilson will contact everyone that donated to the Expanding Possibilities Campaign to update them on the project.

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

James Queen, Willard Church, Charlie Vinay, Benji Perrou, James Hamby, Richard Lutz, and Joe Mahafee have been invited to be the Grand Marshals for Valdese Christmas Parade being held on Saturday, December 2, 2017, at 10:00 a.m.

A list of upcoming events in November and December has been provided in Reading Material.

CLOSED SESSION PURSUANT TO NC GENERAL STATUTE 143-318.11 (A)(3) To consider and give instructions to the town attorney concerning a possible claim on behalf of the town.

At 7:10 p.m., Councilwoman Stevenson made a motion to recess into Closed Session Pursuant to NC General Statute 143-318.11 (a)(3) to consult with the town attorney with regard to a potential claim. The motion was seconded by Councilwoman Hildebran. The vote was unanimous.

Mayor Black said the Closed Session was only an informational item and there would be no action taken afterwards.

At 7:24 p.m., Councilman Ogle made a motion to return to Open Session, seconded by Councilwoman Stevenson. The vote was unanimous.

ADJOURNMENT

At 7:24 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, December 4, 2017, 6:00 p.m., Valdese Town Hall.

Town Clerk
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Mayor