

**TOWN OF VALDESE
TOWN COUNCIL MEETING
NOVEMBER 7, 2016**

The Town of Valdese Town Council met on Monday, November 7, 2016, 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., 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 Thelda B. Rhoney, and various department heads.

Absent: Councilman Keith Ogle

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: None.

CONSENT AGENDA: (enacted by one motion)

APPROVED MINUTES – OCTOBER 3, 2016

APPROVED RESOLUTION CHANGING DATE OF ANNUAL JOINT COUNCIL/DOWNTOWN MERCHANTS DINNER MEETING

RESOLUTION CHANGING DATE OF NOVEMBER 17, 2016 ANNUAL VALDESE TOWN COUNCIL JOINT DINNER MEETING WITH VALDESE MERCHANTS

WHEREAS, Council adopted its Meeting Schedule for 2016 on December 7, 2015; and

WHEREAS, the Annual Valdese Town Council and Valdese Merchants Joint Dinner Meeting was scheduled for Thursday, November 17, 2016; and

WHEREAS, due to a conflict, staff recommends that the November 17, 2016 Annual Joint Dinner Meeting be held on Tuesday, November 15, 2016, 6:30 p.m., Old Rock School, Waldensian Room.

NOW, THEREFORE, BE IT RESOLVED that the 2016 Annual Valdese Town Council and Valdese Merchants Joint Dinner Meeting be held on Tuesday, November 15, 2016, 6:30 p.m., Old Rock School, Waldensian Room.

This the 7th day of November, 2016

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

ATTEST: /s/ Town Clerk

APPROVED REQUEST FROM WALDENSIAN STYLE WINES TO SELL WINE AT CHRISTMAS IN NOVEMBER EVENT ON SATURDAY, NOVEMBER 12, 2016, 9:00 A.M. – 4:00 P.M., OLD ROCK SCHOOL, WALDENSIAN ROOM

APPROVED VALDESE ABC BOARD FOURTH INSTALLMENT LOAN The fourth installment loan is in the amount of \$30,000.

APPROVED CONTRACT FOR WASTEWATER MANAGEMENT SERVICES WITH THE TOWN OF CONNELLY SPRINGS The three-year contract with the Town of Connelly Springs for Wastewater Management Services to mow 34,000 feet of sewer line, maintain 83 manholes and one flow meter station. Year one the Town of Valdese will receive \$28,000 and years two and three the Town will receive \$23,000 per year.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF NEW PUBLIC WORKS COWORKER Public Works Director Bryan Duckworth introduced Utility Field Technician Robert E. "Robbie" Franklin.

PRESENTATION OF PEDESTRIAN PLAN (Copy of plan on file in the Office of Planning Director.) WPCOG Technical Assistance Planner Erin Schotte offered a brief overview of the plan. The Towns of Valdese/Rutherford College received a grant from NCDOT for a pedestrian/bicycle plan in the summer in 2014. Kostelec Planning, LLC and JM Teague prepared the plan. Ms. Schotte introduced Ms. Kristy Carter of JM Teague Engineering who presented the "WalkRCV Pedestrian Plan." Ms. Carter reviewed the highlights. She said Valdese had a lot of sidewalks compared to other towns. Valdese also had a lot of plans in place such as subdivision, land use, and development policies. She reviewed the following top ten things to do to begin to implement the plan and by adopting the plan that would only leave nine items to implement:

1. Adopt the Plan
2. Pursue Funding for Lovelady Pathway
3. Complete Walk-Friendly Community Application
4. Emphasize Complete Streets Practices & Amend Zoning Ordinances
5. Organize a Pathways Committee
6. Develop Supportive Education & Enforcement Programs
7. Evaluate 20 mph Residential Speed Limit
8. Engage Youth/Seniors to Raise Awareness
9. Incorporate Walkability into Economic Development & Health Messaging
10. Measure Performance

Councilwoman Hildebran said the plan was from Sterling to Eldred and why was Tunnel Road not included in the plan because there were 52 senior adult homes in the subdivision. Ms. Carter said they did look at that area and it would be very expensive because there was no connection to the area and Council could request the area for a short-term project instead of a long-term project.

Councilwoman Stevenson asked if the plan could be changed because some citizens were opposed to the project because it would go through the center of their property. Ms. Carter said the plan could be changed.

Mayor Black thanked Ms. Carter for working on the plan and offering the presentation. He said regarding the Pathways Committee that Mr. Eckard could work with Rutherford College Manager to appoint a Pathways Committee.

Mr. Eckard asked Ms. Carter if there was a professional model for the committee or if every committee was different and perhaps the Friends of the Valdese Rec could serve as the committee. Ms. Carter said recreation committees do not always understand DOT funding and they have different reasons for greenways and walkability.

Councilman Sweezy made a motion to adopt the Pedestrian Plan, seconded by Councilman Delp. The vote was unanimous.

PRESENTATION REGARDING FUTSAL COURT (OLD TENNIS COURTS) AT MCGALLIARD FALLS PARK Parks & Recreation Director Doug Knight said staff looked at Futsal Courts at the current location of the old tennis courts at McGalliard Falls Park and after further investigation it was cost prohibitive. The cost to crack seal was \$8,500 and would probably last only one year; futsal goals and nets would cost \$3,600 - \$6,380; painting new lines would cost \$800 - \$2,000. The total project estimate for futsal courts - \$12,986 - \$16,880. The estimate to demolish the current old tennis courts - \$9,350 and use for future activities such as a dog park and other opportunities. Staff recommended demolishing the courts but keep the fence.

Mayor Black recommended Staff obtain additional information for the demolition of the courts and to leave fencing and bring back to council.

Town Manager Seth Eckard recommended this item be a budget item for next year and staff would obtain a price and e-mail the information to Members of Council.

PUBLIC HEARING – AMENDMENTS TO RESIDENTIAL PLANNED UNIT DEVELOPMENTS (#03-09-16) Mayor Black opened the Public Hearing and asked if anyone wished to speak either for or against the proposed amendments.

Ms. Erin Schotte said the proposed amendment came about at a Planning Board Meeting and it was the Manager's idea to work on the pedestrian facilities and require the developers to develop where possible which would be less for

the town to fund. She said there were residential sections and commercial sections and the commercial sections require sidewalks and defines what the sidewalks should be like and where they should be and the residential section currently says they shall install adequate pedestrian facilities. The Planning Board recommended that the Residential section mirror the Commercial section and she briefly reviewed the proposed amendments. **(Amendments may be found in Ordinance Book No. 9, page 137.)**

Mr. Jeff Morse said he still maintained a residence at 133 Morgan Trace Drive. He said Lake Rhodhiss LLC had approximately 400 acres to be developed and he said the cost to install sidewalks on both sides of the street, especially along a lake front with topography issues, would be cost prohibitive.

Planning Director Larry Johnson said the Planning Board discussed large parcels and a private, gated, lake front would not be applicable. He said the taxpayers would not share in the cost to install sidewalks but the developers would pay for the cost.

Ms. Rose Mueller had questions. Town Manager Seth Eckard addressed her concerns and said the developers would pay to install sidewalks and not the taxpayers.

There being no one else wishing to speak, Mayor Black closed the public hearing.

Councilwoman Hildebran asked could there be exceptions if a developer wanted to develop a nice subdivision but did not want the expense of installing sidewalks. Mayor Black said that was purpose of the ordinance. Mr. Eckard said Council could always change its mind and change the ordinance.

Councilman Sweezy made a motion to approve the amendments to the Residential Planned Unit Developments to become effective immediately, seconded by Councilman Delp. The vote was unanimous.

RESOLUTION APPROVING PARKING ORDINANCE AMENDMENTS Mr. Eckard reviewed the proposed ordinance amendments as discussed at the October Council meeting. Mr. Eckard said signs would be installed and warnings would be issued for one month before fineable tickets were issued.

AMENDMENTS TO TOWN OF VALDESE PARKING ORDINANCES

WHEREAS, the Valdese Code of Ordinances (the Code) limits parking on Main Street between Morgan Street and Columbo Street to two (2) hours between the hours of 6:00 a.m. and 6:00 p.m. on any day except Sundays and public holidays; and

WHEREAS, the town council desires to amend the Code to provide that parking on Main Street between Eldred Street and Praley Street shall be limited to three (3) hours between the hours of 8:00 a.m. and 5:00 p.m. on any day except Saturdays, Sundays and public holidays; and

WHEREAS, the town council also desires to limit parking on North and South Rodoret Street and on Faet Street SW to three (3) hour parking as hereafter provided; and

WHEREAS, the town council desires to make certain technical corrections to the parking ordinances;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF VALDESE ADOPTS THE FOLLOWING ORDINANCE AMENDMENTS:

1. "Section 7-1184 Parking Time Limited on Certain Streets" of the Code is amended to read as follows:

"Section 7-1184 Parking time limited on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of the streets described in Appendix I, sections 103 through 105 and 138 through 140, hereby made a part hereof."

2. Section 103 of Appendix I is amended to read as follows:

"Section 103 Parking limited to three hours between the hours of 8:00 a.m. and 5:00 p.m. on any day except Saturday, Sunday and public holidays within the district or upon any of its streets as follows (see Section 7-1184).

Street	Location
Main Street	between Eldred Street and Praley Street
Rodoret Street	both north and south Rodoret Street
Faet Street	Faet Street SW.”

3. Section 7-1230 of Article S of the Code of Ordinances is amended to read as follows:

“Section 7-1230 Civil penalty procedure.

(a) The violation of any ordinance restricting, regulating or prohibiting parking shall subject the offender to a civil penalty as hereafter enumerated. Such violation shall not constitute a criminal offense or an infraction.

(b) Whenever a member of the police department or other person charged with the enforcement of the provision of the chapter regulating parking of vehicles shall find any of such provisions are being, or have been, violated by the owner or operator of any vehicle, such officer or person shall notify such owner or operator or such vehicle of such violation by conspicuously attaching to such vehicle a parking violation notice or citation in such form as the chief of police may direct.

(c) Such parking violation or notice shall, among other things:

(1) State upon its face that the amount of such penalty for the specified violation shall be \$25 if such penalty is paid within forty-eight (48) hours from and after such violation;

(2) Notify such offender that a failure to pay the penalty within the prescribed time shall subject such offender to a civil action in the nature of a debt for the stated penalty plus an additional penalty in the amount of \$25, together with the costs of the action to be taxed by the court;

(3) Further provide that such offender may answer the town parking citation by mailing the citation and the stated penalty to the Town of Valdese, Valdese, North Carolina 28690, or may pay the amount at the Valdese Town Hall and that upon payment the claim by the town will be deemed compromised and settled;

(4) State that such penalty must either be paid or such failure to pay must be cleared with the Town of Valdese within forty-eight (48) hours of issuance of the citation;

(5) The notice shall further state that if the parking violation citation is not cleared within forty-eight (48) hours, court action by the filing of a civil complaint for collection of the penalty may be taken. As used upon the parking violation citation, the work “cleared” shall mean either: payment, arrangements for payment to be made; or a prima facie showing that such parking citation was received as a result of mistake, inadvertence or excusable neglect.

(d) The town is authorized to accept such payments in full and final settlement of the claim or claims which the town may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims arising out of such contended violation or violations.

(e) All penalties paid to the town or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the general fund of the town as such time and under such regulations as may be prescribed by the town manager. (Ord. of 4/2/90; as amended by Ord. of 6/6/94).”

4. These amendments to shall become effective upon adoption; however, for a period of thirty (30) days from the date of the adoption of these ordinance amendments warning tickets shall be given for violations of these amended parking ordinances.

ADOPTED THIS, THE 7TH DAY OF NOVEMBER, 2016.

/s/ JOHN F. BLACK, JR., MAYOR

ATTEST: /s/ TOWN CLERK

After a brief discussion, Councilwoman Stevenson made a motion to adopt the aforementioned Resolution Approving Parking Ordinance Amendments, seconded by Councilman Delp. The vote was unanimous.

DISCUSSION REGARDING THE SETTINGS AMENDMENT Mayor Black introduced The Settings Representative Jeff Morse.

Mr. Morse requested that Mr. Eckard review the Amendment.

Mr. Eckard presented the following:

The developer (Bond Safeguard Insurance Company) of the residential subdivision "The Settings" is requesting an extension to the Settlement Incentive Agreement. The requested extension is for April 29, 2017, and it will only be an extension for very specific elements of the current agreement. All requirements of the incentive agreement are still to be completed by December 31, 2016, unless otherwise mentioned in this memo.

The justification for an extension to the agreement is to provide the very best outcome possible related to the quality of the infrastructure for future property owners and citizens of the aforementioned subdivision. Jeff Morse (the appointed representative of the Bond Safeguard Insurance Company) will be on hand to explain the specific details of the request and provide further clarification of the need to amend the current agreement.

Staff negotiated with representatives of Bond Safeguard Insurance Company last week and we agreed in good-faith on the following elements to be included in a formal amendment that will be considered for adoption during the December 5, 2016 Town Council Meeting.

General Requirements

- No incentive money or escrow funds will be released to the developer until after the April 29, 2017 date. These funds will only be released if all elements of the original agreement and any amendments are met. Specifically, the Town will use the adopted plats, planned unit development ordinance and engineering specifications to determine if all infrastructure improvement requirements have been met. Town Engineer Benjie Thomas will use the above criteria to recommend completion or not to the Town.
- The approval of any new amendment will be contingent upon the completed transfer and recording of the parcel of land that is dedicated to be the home of a future fire substation by 5:00 p.m., December 31, 2016. Evidence of the completion of this land transfer is to be submitted to the Town Manager.
- Specific information submitted to the Town of Valdese related to T&K's (contractor) one-year warranty for all work performed at the site. The one-year warranty will begin on April 30, 2017. This document needs to be submitted to the Town Manager by December 31, 2016 at 4:00 p.m.
- Provide the Town Manager by December 31, 2016, with an official offer or rejection of the Town's request for a donation of land from Bond Safeguard Insurance Company to be used as a public park. The possible donation of land has no bearing on the incentive.

Specific Elements to be Considered for Inclusion in the Amended Agreement (April 29, 2017)

- Installation of one-inch of asphalt for all streets in the subdivision
- Subdivision entrance turning lane as detailed in the approved plans and specs
- Grass to be satisfactorily planted back in areas of the development detailed in the approved plans and specs (one year warranty)
- Convey to the Town of Valdese satisfactory right-of-way access as detailed in sections 17 and 18 of the adopted PUD
- Revision of the final plat to reflect appropriate buffering as shown on all attached exhibits (contained in the settlement memorandum) of the formal settlement agreement and settlement agreement memorandum

Councilwoman Hildebran asked about the delay for the property owners. Mr. Morse said they had a contract with the town and the completion of five phases was December 31. He said one element the bonding company did not have to consider but did any way was the installation of power. The power contract took over one year dealing with Pike and Duke Energy. The Town allowed the bonding company to use the reserve to install power (still \$100,000 remaining). The bonding company then contracted for power installation and the challenge was the power company never went to the site to look at the right-of-way but prepared by maps. Pike discovered there was not enough right-of-way to construct and they did everything possible to avoid damage. Pike pulled off the job and there were 2-inches of asphalt. Mr. Morse met with Town staff and all agreed for Pike to continue the installation then come back and do repairs and add the 1-inch of asphalt at a cost to the bonding company. He said the bonding company's obligation

was December 31, 2016 and they were not holding up any citizen and they were requesting April 29, 2017 as a final date for the last 1-inch of asphalt. Mr. Morse said road, water and sewer was basically complete. He said the turn lanes would be completed in two days.

Mr. Morse thanked Members of Council for their perseverance in working with staff, Attorney Mitchell, and Campbell Shatley from Asheville to file the lawsuit to complete the development which will not turn into a Zombie Development. The Settings plan to sell the remaining 150 lots.

Attorney Mitchell asked if the bonding company completed the work and requested funds, for example in March 2017, would they be expected to receive funds. Mr. Morse said no the funds would only be paid April 29, 2017.

Mr. Morse recommended using the escrow account of \$100,000 for the warranty.

Attorney Mitchell asked about the contract with Duke or Pike (subcontract with Duke) and Mr. Morse said that agreement was between Duke and the LLC. Mr. Morse said the power will be installed by April 29. Their goal is to have everything completed by April 29.

Mr. Eckard said the Town would like for an extension of the conveyance of the utilities to the Town by the State. Mr. Morse said when they get certification they will turn over to the Town on April 29.

Mayor Black said Council needed to provide information to the Town Attorney that it was in agreement that if the amendment is prepared and contains the provisions that has been discussed and in favor to be adopted at the December 5 meeting.

After a brief discussion, Mayor Black recommended that the Town Attorney prepare an amendment for the December 5 agenda.

EMERGENCY REPLACEMENT OF CHILLER – OLD ROCK SCHOOL Community Affairs Director Morrissa Angi said the 31 year old chiller was down and not repairable as parts were no longer available. She presented three quotes for a new, four compressor chiller. Pyatt Heating and Air Conditioning, Marion, NC - \$ 46,814 for a 55 ton Carrier chiller. (Other quotes: Wm. C. Reynolds Co., Hickory, NC - \$55,450 for a 55 ton Daikin and Triangle Contractors - \$68,617.50 for a 50 ton York.)

Mr. Eckard said there was a Duke Energy Rebate that staff would apply for that could bring the cost down an additional \$3,000. The quotes also included the privacy fencing around the chiller.

Ms. Angi said there may be a Duke Energy Rebate available in January for the Carrier chiller from Pyatt Heating & Air Conditioning.

After a brief discussion, Councilwoman Hildebran made a motion to award the quote to Pyatt Heating and Air Conditioning, Marion, NC - \$ 46,814, seconded by Councilwoman Stevenson. The vote was unanimous.

ADOPTION OF LOAN RESOLUTION WITH BB&T FOR PUBLIC WORKS EQUIPMENT Finance Director Jerry LaMaster presented the following resolution:

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Valdese has previously determined to undertake a project for the financing of vehicles and equipment, (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. Valdese hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal October 29, 2016. The amount financed shall not exceed \$256,899.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.00%, and the financing term shall not exceed four (4) 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 Valdese 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 Director 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 Director is authorized to approve changes to any Financing Documents previously signed by Valdese 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 Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

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

6. All prior actions of Valdese 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 7th day of November, 2016.

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

/s/ Town Clerk

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

APPROVAL OF VEHICLE AND EQUIPMENT PURCHASE – PUBLIC WORKS DEPARTMENT Public Works
 Director Bryan Duckworth recommended the following items be purchased with the aforementioned financing terms:

Two Ford F150 4 x 4 trucks (\$27,807.81 each) State Contract – Capital Ford, Raleigh	\$ 55,615.62
60 inch Grasshopper Front Deck Mower – Diesel West End Sales - \$14,600 plus \$685.50 tax and tag (Other bids: Southern Farm - \$14,995 and New South 'Kubota' - \$20,800)	15,285.50
Brush Truck, Brush Hawg Model G2224C Public Works Equipment - \$138,990 plus \$1,000 accessories and \$4,169.17 tax and tag (Other bids: Environmental Products Georgia - \$147,997 and Cavalier Equipment - \$148,976)	144,159.17
60 HP Tractor 4 x 4 – Enclosed Cab with 6 ft Bushhog and front loader New South Tractor - \$34,900; accessories - \$4,200; tax and tag - \$2,737 (Other bids: West End Sales- Kioti Tractor – \$38,245 Parker Farm Service - Kabota Tractor – \$38,410)	<u>41,837.00</u>
TOTAL	<u>\$256,897.29</u>

Mr. Duckworth also requested to purchase one Ford F250 4 x 4 truck on State Term Contract with Piedmont Ford, Greensboro, NC in the amount of \$36,172; accessories - \$1,000; tax and tag - \$1,085.16 for a total of \$38,257.16. Note: Funding in the amount of \$24,000 would come from the budget line item and \$14,257.16 would come from unbudgeted Connelly Springs Sewer Revenue.

Councilman Sweezy made a motion to approve the aforementioned equipment and vehicle purchases including the Ford F250 4 x 4 truck to be paid for out of current budget \$24,000 plus funds in the amount of \$14,256.16 from the Connelly Springs Contract for wastewater management services (contract approved under consent agenda), seconded by Councilwoman Stevenson. The vote was unanimous.

RESOLUTION FOR OFFER TO PURCHASE TOWN-OWNED PROPERTY LOCATED AT 508 MAIN STREET EAST

Mr. Eckard said this property was known as The Flowers Building and the couple that is offering to purchase the property plan to open a Mexican Restaurant. The funds from the sale will go to the Street Light Project.

**RESOLUTION
(Sale of property at 508 Main Street East)**

WHEREAS, Donna Zamora has offered to purchase from the Town of Valdese for the sum of \$120,000 that parcel containing .52 acres more or less located at 508 Main Street East in Valdese, North Carolina (REID 13890, PIN 2743143886), said parcel being more particularly described in that deed recorded in book 1382, page 705, Burke County Registry (hereafter "the property"); and

WHEREAS, the Town of Valdese would retain an easement 20 feet in width running along the entire west margin of the property to allow the town to maintain the town's existing underground water line and to provide a means of ingress and egress to and from the town property that lies west of the property; and

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

WHEREAS, pursuant to G.S. 160A-269, Donna Zamora is required to deposit 5% of her bid with the town clerk; 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 Donna Zamora's offer to purchase the property for the sum of \$120,000.
2. Donna Zamora shall be required pursuant to G.S. 160A-269 to deposit with the town clerk the sum of \$6,000, which is 5% of her \$120,000 bid.
3. A notice of the offer shall be published as required by G.S. 160A-269.

This resolution was adopted November 7, 2016.

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

/s/ Town Clerk

Councilman Delp made a motion to approve the aforementioned Resolution, seconded by Councilman Sweezy. The vote was unanimous.

BUDGET AMENDMENTS Finance Director Jerry LaMaster presented the following five Budget Amendments:

BUDGET AMENDMENT NO. 05R1 - PURCHASE OF THE BOBBY NELSON HOUSE

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.

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, 2017:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
10.4900.720 Capital Outlay – Property	26,500	
10.4900.720	<u>13,500</u>	

November 7, 2016, MB#31

Total	<u>\$40,000</u>	<u>\$ 0</u>
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This will result in a net increase of \$40,000 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.

10.3350.000 Donations		26,500
10.3350.000 Donations		<u>13,500</u>
Total	<u>\$ 0</u>	<u>\$40,000</u>

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.

BUDGET AMENDMENT NO. 11 - ROCK SCHOOL REPAIRS

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.

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, 2017:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
10.6250.150 Maint & Repair	<u>50,000</u>	
Total	<u>\$50,000</u>	<u>\$ 0</u>

This will result in a net increase of \$50,000 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.

10.3970.302 From Capital Project Funds		<u>50,000</u>
Total	<u>\$ 0</u>	<u>\$50,000</u>

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.

BUDGET AMENDMENT NO. 12 - MISC CAPITAL PROJECT FUNDINGS

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.

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, 2017:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
10.6200.150 Pool Heater	20,000	
10.6200.150 Rec Fitness Room	5,000	
10.4900.721 WiFi Project	10,000	
10.4200.450 WPCC – VR	3,000	
10.4200.040 Phase I – Robinson Hosiery	<u>2,500</u>	
Total	<u>\$40,500</u>	<u>\$ 0</u>

This will result in a net increase of \$40,500 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.

10.3970.302 From Capital Project Funds		<u>40,500</u>
Total	\$	<u>\$40,500</u>

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.

BUDGET AMENDMENT NO. 13 - PUBLIC WORKS VEHICLES AND EQUIPMENT

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.

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, 2017:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
10.5600.740 Capital Outlay	<u>256,899</u>	
Total	<u>\$256,899</u>	<u>\$ 0</u>

This will result in a net increase of \$256,899 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.

10.3995.001 Loan Proceeds		<u>256,899</u>
Total	<u>\$ 0</u>	<u>\$256,899</u>

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.

BUDGET AMENDMENT NO. 14 - OLD ROCK SCHOOL CHILLER

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.

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, 2017:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
10.6250.150 Maint & Repair Building	<u>48,000</u>	
Total	<u>\$48,000</u>	<u>\$ 0</u>

This will result in a net increase of \$ 70,000 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.

10.3990.000 Fund Balance		<u>48,000</u>
Total	<u>\$ 0</u>	<u>\$48,000</u>

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 Hildebran made a motion to approve the aforementioned five budget amendments as presented, including Budget Amendment No. 14 from \$70,000 as presented to \$48,000 to cover the installation of the chiller, seconded by Councilwoman Stevenson. The vote was unanimous.

MAYOR AND COUNCIL COMMENTS:

CHILDREN AT PLAY SIGNS Councilman Delp said he received a request for a sign on Cline Avenue "Children at Play." Mr. Duckworth said the Town no longer installs those signs.

RICHARD DEAL PROPERTY LOCATED AT 909/913 MAIN STREET WEST Councilwoman Hildebran said Pastor King, neighbor of Richard Deal, sent her an e-mail with several concerns that an occupant was living in the garage apartment, and with the occupant, there was loud noises and music all hours of the night; increased traffic in the pastor's driveway; occupant had a pit bull dog which was unleashed and roaming the neighborhood; and the house was still a blight to the Valdese landscape because it is uninhabitable. She forwarded the e-mail to the Town Manager and asked him to follow up on the complaints.

Mr. Eckard said he forwarded the e-mail to Planning Director Larry Johnson who sent a certified letter to Mr. Deal reminding him of the occupancy rules for the property. Staff saw no evidence that there were any current violations. Valdese Police increased patrol in the area and had not observed any noise violations. Animal Control visited the property numerous times and did not find a pit bull dog or any unleashed dog on the property. Staff continues to monitor the property for solid waste violations. Mr. Eckard said he sent an e-mail to Pastor King letting him know staff had addressed his concerns and when they were checked.

Councilwoman Hildebran requested that the record reflect the update.

Mr. Eckard said Pastor King did not respond to his e-mail. Councilwoman Hildebran said twice she responded to Pastor King and did not get a response from him as well.

CHURCH AND NONPROFIT RECYCLING Councilman Delp said his church asked for recycling containers and he would like an answer for the record. Mr. Eckard said he developed a new Administrative Policy with the assistance of Public Works Director Bryan Duckworth and requested Mr. Duckworth address the issue.

Mr. Duckworth said there were several users in town who were not paying the small users fee and staff was obtaining a list of the businesses and nonprofits of who were and were not paying. A letter would be sent out the first of December notifying them of the policy and that they need to sign up for the small user fee. Hopefully, the issue would be addressed by January 1. If they would like to go ahead and sign up for the small user fee, they can contact Town Hall to be placed on the program. The small user fee is for businesses and nonprofits that do not generate enough trash to constitute a monthly fee for a dumpster or do not have space for a dumpster. He said the fee is \$13.30 per month which offers two town regular trash cans and one recycle container.

Mayor Black said they could go through GDS for a private pickup. Mayor Black requested that the policy be in writing and presented to the churches and nonprofits. Mr. Eckard said letters would be sent out and the Public Housing Authority had questions as well.

TREATS IN THE STREETS Councilwoman Stevenson thanked the Community Affairs Department and Downtown Merchants for "Treats in the Streets."

PAVING PROJECT UPDATE Councilwoman Stevenson asked about the street paving project. Mr. Eckard said the second half of the crack sealing would happen in mid-December. The street paving would begin late spring, when it warms up. The Town received a lower bid by waiting until spring due to the NCDOT contracts.

ZELINE WATERLINE PROJECT UPDATE Councilwoman Stevenson asked about the waterline project on Zeline. Mr. Duckworth said the project would be completed in a few weeks and paved by wintertime.

MOVIE PROJECTOR PROJECT UPDATE Councilwoman Hildebran asked how the movie projector project was going at the Old Rock School. Community Affairs Director Morrissa Angi said sponsorships were steady for seats and it was a slow process and they receive calls on a regular basis. They received a lot of interest on social media. Mr. Eckard said we need to give it at least a year to raise funds.

MANAGER'S REPORT:

November Events: Town Manager Seth Eckard reviewed the following:

Event	Day	Date	Location	Note
Town Hall – Voter Precinct	Tuesday	November 8, 2016 6:30 a.m.- 7:30 p.m.	Valdese Town Hall	
Town Offices Closed	Friday	November 11, 2016	Observance of Veterans Day	

November 7, 2016, MB#31

Christmas in November	Saturday	November 12, 2016, 9:00 a.m. – 4:00 p.m.	Old Rock School	Entry \$1 or free with one can good donation (first 250 shoppers get complimentary shopping tote)
Annual Dinner Meeting with Valdese Merchants	Tuesday	November 15, 2016, 6:30 p.m.	Old Rock School, Waldensian Room	
Chamber Annual Business Showcase	Thursday	November 17, 2016 3:30 – 6:00 p.m. 6:30 p.m. – Dinner	Waldensian Mill	Hosted by the Town of Valdese
Employee Thanksgiving Luncheon	Friday	November 18, 2016, 11:30 a.m. – 1:00 p.m.	Old Rock School, Waldensian Room	
Trail of Faith Lighting Ceremony	Tuesday	November 22, 2016, 6:00 p.m. (lights will be on 6:00 p.m. – 9:00 p.m., through December 24)	Trail of Faith	
Town Offices Closed	Thursday & Friday	November 24 and 25, 2016	Observance of Thanksgiving	
Opening Reception for Holiday Art & Handcrafted Gifts – Hosted by Pilot Club of Valdese	Sunday	November 27, 2016 2:00 p.m. – 4:00 p.m.	Old Rock School	

ANNOUNCEMENT OF GRAND MARSHAL FOR VALDESE CHRISTMAS PARADE, SATURDAY, DECEMBER 3, 2016, 10:00 A.M. Mr. Eckard said Pat Draughn was chosen as the Grand Marshal. Mr. Draughn is Principal at Draughn High School and he would be retiring at the end of the school year.

BEST OF BURKE Mr. Eckard thanked Community Affairs Director Morrissa Angi and her Team for being voted by the people of Burke County as Burke’s Best Music Venue for 2016.

TOWN’S NEW WEBSITE Mr. Eckard said the Town’s new website is live as of this date and he requested that Council check out the website and notify staff if they have any recommendations for updates. The website address is: townofvaldese.com.

ADJOURNMENT At 7:52 p.m., there being no further business to come before Council, Councilwoman Stevenson made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Tuesday, November 15, 2016, 6:30 p.m., Joint Dinner Meeting with the Downtown Merchants, Old Rock School, Waldensian Room.

Town Clerk

Mayor

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