

**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
JANUARY 7, 2013**

The Town of Valdese Town Council met on Monday, January 7, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: None.

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He called for a moment of silence; after which, he led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT** No one spoke.

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

**APPROVED MINUTES** – Regular Council Meeting of December 3, 2012

**ADOPTED RESOLUTION CHANGING DATE OF FEBRUARY COUNCIL MEETING TO MONDAY, FEBRUARY 11, 2013**

**RESOLUTION  
Changing Date of February 4, 2013 Valdese Town Council Meeting**

WHEREAS, pursuant to Section 2-1011 of the Town of Valdese Code of Ordinances, there shall be a regular meeting of the council at the town hall, on the first Monday in each month, at 7:00 p.m., unless another place, date or time shall be designated.

WHEREAS, the Valdese Town Council at its meeting on December 3, 2012, adopted a meetings calendar for 2013; and

WHEREAS, due to a conflict, staff recommends that the February 4, 2013, Council Meeting be rescheduled for Monday, February 11, 2013.

NOW, THEREFORE, BE IT RESOLVED that the February 4, 2013, Council Meeting is rescheduled for Monday, February 11, 2013.

This the 7<sup>th</sup> day of January 2013.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

**ADOPTED RESOLUTION TO SUPPORT THE 2013-2015 FUNDING FOR CLEAN WATER MANAGEMENT TRUST FUND**

**RESOLUTION TO SUPPORT THE 2013-2015 FUNDING FOR  
CLEAN WATER MANAGEMENT TRUST FUND**

WHEREAS, the 1996 General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state; and

WHEREAS, the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; and

WHEREAS, the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina communities balance infrastructure needs with environmental protection and to help struggling communities become self reliant with future infrastructure needs; and

WHEREAS, infrastructure needs across the state addressing drinking water, wastewater, and storm water are estimated at \$16.6 billion between 2005 and 2030; and

WHEREAS, the Clean Water Management Trust Fund has leveraged more than \$1billion of private, local and federal funds to support projects; and

WHEREAS, the General Assembly has reduced funding for the Clean Water Management Trust Fund by 78% since 2010; and

WHEREAS, limited funding for the Clean Water Management Trust Fund left 88% of 2012 critical local needs unmet; and

WHEREAS, our economic vitality, health and ability to sustain ourselves and the natural environment all rely on clean water; and

WHEREAS, surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and

WHEREAS, Clean Water Management Trust Fund has provided grant(s) to the Town of Valdese to do one or more of the following; to protect, restore or enhance surface water quality for the benefit of the state's agriculture, military, recreation and tourism economies and to protect our natural heritage for the benefit of all North Carolinians; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Valdese at its meeting on January 7, 2013, that we support Clean Water Management Trust Fund and that the fund receive an increase in recurring funding from the Governor and the North Carolina General Assembly for the 2013-2015 biennial budget.

/s/ James L. Hatley, Mayor

Councilman Ogle 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.**

**PAVING COMMITTEE REPORT AND RECOMMENDATIONS** Public Works Director Bryan Duckworth said there were 21 unpaved/gravel streets in the Town of Valdese. Currently, the Town pays 33 1/3 percent of the cost of paving an unpaved street. The committee recommended a one-time 50 percent payment by the town as an incentive. He briefly discussed Powell Bill eligibility for roads and if roads were brought up to minimum standards they would become Powell Bill eligible.

The committee recommended the following capital paving projects from this year's budget from Powell Bill funding. Projects would come from fund balance at a cost of \$77,000. Following are the paving projects:

1. Phillip Avenue	\$26,000
2. Tron Park Avenue	21,000
3. Dixie Avenue (west of bridge)	4,400
4. Columbo Street SE (curb milling)	9,100
5. Orchard St from Lutz to dead end (utility issue)	<u>\$16,500</u>
Total	\$77,000

Sidewalk improvement, handicap ramps, and repairs for pedestrian traffic from Main Street to Massel and around the Waldensian Mill Project are Department of Transportation maintained and not Powell Bill eligible and funding would have to come from General Fund - Street Division in an estimated amount of \$17,000. Following are sidewalk improvements:

1. Rodoret Street/Arnauld Avenue – sidewalk/handicap ramps
2. Rodoret Street/Janavel Avenue – handicap ramp

3. Janavel Avenue/Faet Street – handicap ramp
4. Saint Germain Avenue/Faet Street – sidewalk/handicap ramps
5. Faet Street SW (Saint Germain to Massel) – sidewalk
6. Saint Germain Avenue @ Praley Street – handicap ramps
7. Faet Street SW/Massel Avenue SW – handicap ramp
8. Praley Street SW (Alba Waldensian) – handicap ramps
9. Massel Avenue SW @ Praley Street SW - handicap ramps
10. Massel Avenue SW – replace curb
11. Main Street – various repairs

Mayor Hatley thanked the Paving Committee (Councilwoman Hildebran and Councilman Delp) for working with staff on this committee.

Councilwoman Hildebran thanked staff for the excellent job. She said they rode through the streets of Valdese and discussed the projects.

After a brief discussion, Councilwoman Hildebran made a motion to approve the aforementioned five paving projects and the aforementioned eleven sidewalk improvement projects, seconded by Councilman Ogle. The vote was unanimous.

#### **TEMPORARY 120 DAY 50 PERCENT PAVING POLICY**

Councilman Black made a motion to approve a temporary modification to the Town's Paving Policy to provide a 50 percent match (instead of 33 1/3 percent) of gravel/unpaved streets for a period of 120 days beginning February 1, 2013, seconded by Councilman Delp. The vote was unanimous.

Mr. Duckworth said the voluntary paving projects would be budgeted in the next fiscal year.

#### **FINAL REPORT – TRIPLE DISTRICT HYDRAULIC MODEL**

Distribution Superintendent Archie Lowman said staff reviewed the final report and recommended Council approval. Cost estimates were included and some projects would be budgeted in the next fiscal year.

Councilwoman Stevenson made a motion to accept the final report, seconded by Councilman Delp. The vote was unanimous.

**APPROVAL OF CONTRACT FOR OPEN-AIR STAGE FOR FAMILY FRIDAY NIGHTS** Community Affairs Director Barbara Hefner distributed photos of the proposed open-air stage. She reviewed current costs. The first year cost with Specialized Sound & Light for the stage, sound and lights (turn-key) would be \$19,500, with options for Year 2 - \$23,400 and Year 3 - \$28,080.

After a brief discussion, Councilman Ogle made a motion to approve the first year cost of an open air stage, lighting, and sound (turn-key) in the amount of \$19,500 and make a decision after one year if the town needs to purchase a stage or continue with the contract, seconded by Councilman Delp. The vote was unanimous.

Councilman Black recommended a permanent place for a stage. Councilman Ogle said this issue had been looked at and there was no permanent place. Mayor Hatley said holding the venue downtown assisted the Downtown Merchants.

Mayor Hatley recommended the Family Friday Nights be continued through September and he asked for a motion to approve.

Councilman Ogle made a motion to extend Family Friday Nights through September.

There being no second, Mayor announced the motion failed due to a second.

Councilman Delp made a motion to investigate the cost to extend the Family Friday Nights through September, seconded by Councilwoman Stevenson. The vote was unanimous.

Mr. Morse said staff would determine the cost to extend the Family Friday Nights through September and poll Members of Council with the cost to extend the concerts.

**PARKING – WALDENSIAN MILL PROJECT** Town Manager Jeff Morse said staff was negotiating with the NC Department of Corrections for approximately 45 full-time employees to move into the Waldensian Mill with an estimated 50 persons receiving training and/or applying for jobs each week at the facility. Additional parking would be needed.

Staff negotiated with L. G. McGillard to lease two parking lots to Clark Erwin and as an economic incentive the town planned to seal the parking lots at a cost of \$7,500.

After a brief discussion, staff was instructed to advertise for a public hearing at the February Council meeting for economic incentives to seal the parking lot for job creation.

Councilman Black made a motion to call a public hearing at the February 11, 2013 Council meeting to determine if there is a viable economic incentive, seconded by Councilwoman Hildebran. The vote was unanimous.

**BUILDING REUSE GRANT – WALDENSIAN MILL PROJECT**

Town Manager Jeff Morse recommended a Building Reuse Grant to assist in the renovation of 1,700 square feet at the Waldensian Mill to accommodate three offices for the NC Department of Corrections. Staff recommended a \$30,000 Building Reuse Grant in next year's budget, if available to assist in renovations. He briefly reviewed Waldensian Mill funding to date.

Councilman Ogle made a motion for commitment of \$30,000 Building Reuse Grant for next year's fund if available, seconded by Councilwoman Hildebran.

Voting aye: Ogle, Hildebran, Stevenson, and Delp

Voting nay: Black

Mayor Hatley said the motion carried.

**PARKING - MAIN STREET** Mr. Morse said Downtown Delights would soon reopen in their new location on Main Street. Staff had received calls regarding additional parking. He spoke with The Rostans and Mr. Ed Hallyburton regarding a five-year lease with first option to purchase the property. This would also address blight issues in the area. It would cost approximately \$46,100 to grade and pave the property for parking lots which would allow approximately 40 parking spaces.

After a brief discussion, Councilwoman Stevenson made a motion to table this issue until the March Council Meeting, seconded by Councilman Delp. After further discussion, Councilwoman Stevenson amended her motion to table this issue and reassess parking after Downtown Delights Restaurant had been open for 30 days, seconded by Councilman Delp. The vote was unanimous.

**TIGER GYM USE FOR BURKE COUNTY RECREATION DEPARTMENT** Recreation Director Doug Knight said there were conflicts in the Drexel community. Some of Valdese older teams play sports with the Drexel Booster Club. Burke County Recreation no longer offers sports at the R.O. Huffman Sports Center in Drexel. The Booster Club had no place to play their home games. Staff recommended in order to be a good neighbor to allow The Drexel Booster Club a discount. The charge is \$35 per hour which would be approximately \$300 per day and he recommended we charge \$200 per Saturday for the month of January. They would provide clean up and staff. The only cost to the town would be for electricity.

Councilman Ogle made a motion to approve \$200 per Saturday for the Drexel Booster Club to use Tiger Gym through the month of January (four Saturdays at a total at \$800 revenue), seconded by Councilwoman Stevenson. The vote was unanimous.

**DELEGATE AND ALTERNATE – NCLM ADVOCACY GOALS CONFERENCE, JANUARY 24, 2013** Mayor Hatley recommended that Town Manager Jeffrey Morse serve as delegate and he serve as alternate.

Councilman Black made a motion to appoint Town Manager Jeffrey Morse to serve as Delegate and Mayor Hatley as alternate to the NCLM Advocacy Goals Conference on January 24, 2013, seconded by Councilman Ogle. The vote was unanimous.

**BUDGET AMENDMENT** Finance Director Jerry LaMaster presented the following budget amendment:

**Budget Amendment No. 10 - Recreation Master Plan**

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, 2013:

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>
10.6200.450 Contract Services	<u>10,000</u>	<u>0</u>
Total	<u>\$10,000</u>	<u>\$ 0</u>

This will result in a net increase of \$10,000 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.

10.3970.300 Contribution From Util Fund	<u>0</u>	<u>10,000</u>
Total	<u>\$ 0</u>	<u>\$10,000</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 budget amendment, seconded by Councilwoman Stevenson. The vote was unanimous.

**MAYOR AND COUNCIL COMMENTS:**

**HOUSE ON SYCAMORE AVENUE** Councilman Ogle asked for an update on this site which was an eyesore. Mr. Morse said he had asked staff to check on this situation.

**ELECTRONIC RECYCLING** Councilman Black said staff does an excellent job picking up trash and he commended staff for working on New Year's Day. He said our citizens place electronics in the trash which ends up in the landfill creating environmental issues. He would like for staff to come up with a plan for the citizens to recycle electronics, computers, televisions, etc.

**LITTER ON GARDIOL AVENUE** Councilwoman Stevenson said there was excessive litter on Gardiol Avenue and it makes our town look bad.

**CAROLINA STREET FOUNTAIN** Councilwoman Stevenson asked if staff could do anything about the fountain on Carolina Street.

**MANAGER'S REPORT:**

**UPDATE ON LEASE AGREEMENT WITH THE ERWINS FOR NC DEPARTMENT OF CORRECTIONS** Mr. Morse said negotiations were ongoing for three divisions to lease at the Waldensian Mill.

**WPCOG ANNUAL MEETING, CROWNE PLAZA IN HICKORY ON TUESDAY, JANUARY 22, 2013, 6:30 P.M.** Mr. Morse requested that Members of Council notify the Deputy Town Clerk if they wished to carpool to the event.

**ENGINEERING AGREEMENT** Mr. Morse reported that he authorized staff to contract with Davis & Floyd for engineering services for switch gear at the wastewater plant in the amount of \$3,700.

**TOWN OFFICES WOULD BE CLOSED ON MONDAY, JANUARY 21, 2013, IN OBSERVANCE OF MARTIN LUTHER KING HOLIDAY**

**HOME LOCATED AT 909/913 MAIN STREET WEST** Mr. Morse gave the following progress report: "This is a progress report through December for 913 West Main Street.

1. Front yard hand raked and groomed.

2. Straw applied for erosion control.
  3. Hand laid rock water breaks in yard to slow storm water.
  4. Underground downspout system advanced toward becoming active.
  5. Steel skeleton components for rock columns, at drive entrances, welded and ready to go into place.
  6. Other steel components acquired for footer supports for West End Drive rock wall.
  7. Paving West End Drive footer should take place this week as weather has improved.
- Celebrated Christmas and New Years. Recovering from back injury.  
Thank you for your consideration.  
Richard Deal"

At 8:07 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilman Delp. The vote was unanimous.

The next meeting is a regularly scheduled Council Meeting on Monday, February 11, 2013, 7:00 p.m.

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Town Clerk

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Mayor

**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
FEBRUARY 11, 2013**

The Town of Valdese Town Council met on Monday, February 11, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: None.

A quorum was present.

Mayor Hatley called the meeting to order at 7:05 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**MR. RICHARD GARRISON – RESIDENT OF MORGANTON, RE: UNTREATED WASTEWATER** Mr. Garrison said he was a member of the news media but appeared before Council as a private citizen. A recent legal notice appeared in the “News Herald” from the City of Morganton saying there were 1,824,000 gallons of untreated sewage discharged into Hunting Creek and the Catawba River. He researched and no other news outlet knew about this. On the City of Morganton’s website it was posted that 24,000 gallons were spilled. NC General Statutes requires a press release if more than 1,000 gallons of untreated sewage was discharged for any reason and a news release was to be issued. Citizens downstream from Morganton were concerned. He further reviewed the statute requirements.

Town Manager Jeff Morse said Mr. Garrison brought this issue to his attention and the Valdese Water Plant staff was informed the same day of the spill.

Mayor Hatley thanked Mr. Garrison for his comments.

**BOMB THREAT AT RECREATION CENTER ON FRIDAY, FEBRUARY 8, 2011** Mayor Hatley commended the following staff from the Recreation Center: Lauren Carroll – Pool/Fitness Counter Attendant, Ashleigh Murphy – Supervisor on Duty, and Ryan Clanton – Athletic Supervisor and from the Police Department: Steve Roper, Steven Kiziah, and Bennett Grout. Recreation Director Doug Knight and Police Chief Jack Moss thanked their employees for their quick response and their professional manner in handling the situation.

**MONETARY AWARD FOR OUTSTANDING JOB** – Councilman Ogle recommended the six employees that were recognized receive a \$25 award and a Certificate of Appreciation.

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

**APPROVED MINUTES** – Regular Council Meeting of January 7, 2013

**ADOPTED RESOLUTION APPROVING MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE**

**RESOLUTION ESTABLISHING RETENTION SCHEDULE FOR RECORDS  
IDENTIFIED WITHIN THE RECORDS RETENTION AND DISPOSITION SCHEDULE PUBLISHED BY THE NORTH  
CAROLINA DEPARTMENT OF  
CULTURAL RESOURCES, DIVISION OF ARCHIVES AND RECORDS, AS  
HAVING “ADMINISTRATIVE VALUE”**

WHEREAS, the North Carolina Department of Cultural Resources, Division of Archives and Records, (“Department”) has published a Records Retention and Disposition Schedule (“Schedule”) within which specific municipal records are assigned retention and disposition schedules; and

WHEREAS, within said schedule, the “Department,” recognizing that certain records hold only brief administrative, fiscal, legal, research and reference value to municipalities, identified such records with retention periods that allowed them to be destroyed at the end of their administrative value to the municipality; and

WHEREAS, because the “administrative value” of records varies among municipalities, the “Department” instructed individual municipalities to establish and internally enforce minimum retention periods for records scheduled by the “Department” with disposition instructions, “destroy when administrative value ends;” and

WHEREAS, the “Department” further directed that any municipality not establishing internal policies and retention periods, would be in noncompliance with the provisions of the “Schedule” and therefore not authorized to destroy said records “when administrative value ends;”

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Valdese, desirous of complying with the directive of the “Department” hereby establishes a minimum retention period of three (3) years for each record series within the “Schedule” for which the “Department” assigned the disposition instructions “destroy when administrative value ends” with the provision that any record series that has met the minimum three (3) year retention period shall be reevaluated by the department owning the records to the end that an additional retention period may be ordered by said department.

All resolutions or portion of resolutions in conflict with the provisions of this resolution are hereby repealed. This resolution shall be in full force and effect upon adoption.

Adopted this 11<sup>th</sup> day of February, 2013.

/s/ James L. Hatley, Mayor

#### **APPROVED UPDATE LANGUAGE ACCESS PLAN FOR CDBG**

##### **Town of Valdese CDBG Language Access Plan 4-1**

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the Town of Valdese must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the Town has to ensure LEP individuals can communicate effectively.

This policy and plan is effective February 11, 2013 for a period of two years.

#### **I. Scope of Policy**

These requirements will apply to the Town of Valdese (herein referred to as “the agency”) including subcontractors, vendors, and subrecipients specific to CDBG funded programs.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

#### **II. Definitions**

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents (within reasonable notice), fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.



- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

III. Providing Notice to LEP Individuals

- A. The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officer:

Jeffrey V. Morse, Town Manager  
Town of Valdese  
PO Box 339  
102 Massell Avenue  
Valdese NC 28690  
828-879-2120

(Note: The agency must notify the DCA compliance office immediately of changes in name or contact information for the Title VI compliance officer.)

- B. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

These signs will be posted at the Town Administrative Offices.

- C. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public.
- D. The agency will also disseminate information in the following manner:

Dissemination of pamphlets explaining the rights in this policy.

IV. Provision of Services to LEP Applicants/Recipients

- A. Assessing Linguistic Needs of Potential Applicants and Recipients
  - 1. The agency will assess the language needs of the population to be served, by identifying:
    - a. the language needs of each LEP applicant/recipient
    - b. the points of contact where language assistance is needed; and
    - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.
  - 2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals, the agency will review:
  - i. census data

- ii. school system data
- iii. reports from federal, state and local governments
- iv. community agencies' information, and
- v. data from client files.

Assessment of Language Needs:

The 2007-2011 American Community Survey showed 4,238 persons over the age of 5 in Valdese.

Of that number:

- 302 reported that they spoke a language other than English at home. (7.1%)
- 95 of those reported that they did not speak English "very well" or "well." (2.2%)
- 20 Spanish speaking persons did not speak English "very well" or "well." (0.5%)
- 66 Asian/Pacific Islanders did not speak English "very well" or "well." (1.6%)
- 9 Other Indo-European persons reported not speaking English "very well" or "well." (0.2%)

- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.  
  
Multi-language identification cards and a poster-size language list will be used for indicating preferred languages.
- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.
- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services

- 1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

The Town of Valdese will rely on the long standing system utilized by its police department. The system is a standing list of paid interpreters that are called upon when needed. This is an extensive list and is made up of competent interpreters including Spanish and Asian interpreters.

- 2. The agency will provide language assistance at all levels of interaction with LEP individuals, including telephone interactions.

This requirement will be met by using the Town of Valdese's long standing system utilized by its police department. The system is a standing list of paid interpreters that are called upon when needed. This is an extensive list and is made up of competent interpreters including Spanish and Asian interpreters. If an interpreter cannot be contacted in a reasonable amount of time, a telephone interpreter service will be used but will only be utilized as a back-up system or where other language assistance options are unavailable. Burke

County Health Department currently contracts with an agency to provide interpretive services for the county. The agency ensures that their employees are fluent in Spanish as well as number of other languages. The Town of Valdese will rely on this service when necessary.

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters have first been screened to ensure that the following standards are met before being used for interpreter services:
  - i. Can fluently and effectively communicate in both English and the primary language of the LEP individual.
  - ii. Can accurately and impartially interpret to and from such languages and English.
  - iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services.
  - iv. Demonstrates cultural competency.
  - v. Understands the obligation to maintain confidentiality.
  - vi. Understands the roles of interpreters and the ethics associated with being an interpreter.
- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.

4. Using Family Members or Friends as Interpreters

- a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
  - b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
  - c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
  - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.
5. The agency will **not** require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

- 1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
- 2. Translation of Vital Documents
  - a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
  - b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
  - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language. Valdese's data as of February 6, 2013 does not have a substantial number of potential applicants

or recipients of the agency – less than 5% and less than 1000 people. While Spanish is less than 5% the state rule for Spanish applies.

- d. The agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.
- 3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

D. Documentation of Applicant/Recipient Case Records

- 1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
- 2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
  - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
  - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.
- 3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

- 1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
  - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
- 2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
- 3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

This provision will be met by providing them with a copy of this Language Access Plan.

- 4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

V. Compliance Procedures, Reporting and Monitoring

- A. Reporting
  - 1. The agency will complete an annual compliance report and send this report to DCA. (Format will be supplied by DCA)
- B. Monitoring
  - 1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system provided by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
  - 2. The agency will cooperate, when requested, with special review by the DCA .
- VI. Applicant/Recipient Complaints of Discriminatory Treatment
  - A. Complaint
    - 1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
    - 2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
    - 3. The agency will notify the appropriate agency or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.
  - B. Investigation
    - 1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
    - 2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.
  - C. Resolution of Matters
    - 1. If the investigation indicates a failure to comply with the Act, the Town Manager or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
    - 2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to DCA. This notice will be provided in the primary language of the individual with Limited English Proficiency.
    - 3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.

Approved this 11<sup>th</sup> day of February, 2013.

SUBMITTED AND APPROVED BY:

/s/ James L. Hatley, Mayor  
/s/ Town Clerk

**VALDESE YOUTH COUNCIL APPOINTMENT** Rachel Farley was appointed.

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

***End Consent Agenda***

**ITEMS REMOVED FROM CONSENT AGENDA:** NONE.

**AUDIT REPORT PRESENTATION - FY 11-12 – LOWDERMILK CHURCH & CO., LLP**

(Copy of audit on file in the Office of Finance Director.) Mr. Phil Church of Lowdermilk Church & Co., presented the 2011-2012 audit. He said they gave a clean, unqualified opinion and the audit was submitted to the Local Government Commission which was approved. Mr. Rick Hammer reviewed the general fund, utility funds and audit highlights. He said ad valorem tax collections were \$1,514,989 which was 95.97 percent of the levy.

After a brief discussion, Councilman Black made a motion to accept the 2011-2012 audit report as presented, seconded by Councilman Ogle. The vote was unanimous.

**APPROVAL OF FY 12-13 AUDIT CONTRACT - LOWDERMILK CHURCH & CO., LLP** Town Manager recommended approval of the FY 12-13 Audit Contract in the amount of \$14,600.

Councilwoman Hildebran made a motion to approve the 2012-2013 Audit Contract with Lowdermilk Church & Co., in the amount of \$14,600, seconded by Councilwoman Stevenson. The vote was unanimous.

**PUBLIC HEARING AUTHORIZING ECONOMIC INCENTIVES FOR WALDENSIAN MILL PAVING PROJECT** Mayor Hatley opened the public hearing and asked if anyone wished to speak either for or against.

Town Attorney Marc Mitchell reviewed the following resolution:

**RESOLUTION AUTHORIZING ECONOMIC INCENTIVES**

WHEREAS, North Carolina General Statute 158-7.1 authorizes a town to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the town; and

WHEREAS, the town council of the Town of Valdese has held a public hearing to consider whether to participate in an economic development project with Magwin, LLC and with the North Carolina Department of Corrections pursuant to which Valdese would lease space at the Waldensian Mill building from Magwin, LLC and sublease that space to the North Carolina Department of Corrections for the use in its operations and the town would expend \$7,500 to assist in the paving of a parking lot that would be needed if the North Carolina Department of Corrections were to locate offices at the Waldensian Mill building in Valdese; and

WHEREAS, encouraging the North Carolina Department of Corrections to locate part of its operations at the Waldensian Mill building in Valdese would cause approximately 43 Department of Correction employees to be employed in the town of Valdese, and the location of these employees in the town would stimulate, diversify and help stabilize the local economy, promote business in the town and result in the creation of jobs in the town;

IT IS THEREFORE RESOLVED AS FOLLOWS;

1. The Town of Valdese is authorized to expend up to \$7,500 of town funds to assist in the paving of the Waldensian Mill parking lot as part of this economic development project.
2. The Town of Valdese is authorized to lease space at the Waldensian Mill building from Magwin, LLC and sublease that space to the North Carolina Department of Corrections as part of this project.
3. The town manager is authorized to execute on behalf of the town a lease, sublease, and such other documents as are necessary in order to implement this economic development project.

ADOPTED THIS 11<sup>th</sup> DAY OF FEBRUARY, 2013.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

Mr. Morse said the 43 jobs were transferring to Valdese and were not new jobs.

Councilman Ogle asked if the Town was leasing the two parking lot properties or paying the taxes. Mr. Morse said the Erwins were leasing the properties from L. G. McGalliard and the property owner would pay the taxes.

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

After a brief discussion, Councilman Ogle made a motion to adopt the aforementioned Resolution, seconded by Councilwoman Stevenson. The vote was unanimous.

**APPROVAL OF SIDEWALK CAFÉ ORDINANCE** Planning Director Larry Johnson said he was approached by a local business owner about utilizing the sidewalk for the purpose of serving food and the zoning ordinance does allow for outdoor café's and the proposal was on a public sidewalk along Main Street.

Town Attorney Marc Mitchell reviewed the ordinance. **(Note: Ordinance may be found in Ordinance Book No. 9, page 45.)**

**RESOLUTION ADOPTING SIDEWALK CAFÉ ORDINANCE**

WHEREAS, the town council of the Town of Valdese has determined that it would be in the best interest of the citizens of the Town of Valdese if certain areas of the public sidewalk were allowed to be used as a sidewalk café; and

WHEREAS, the town council desires to identify those public sidewalks on which a sidewalk café may be located and to adopt standards for establishing and operating a sidewalk café;

IT IS THEREFORE ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE AS FOLLOWS:

1. The attached ordinance, entitled ARTICLE E SIDEWALK CAFÉS, containing Code Sections 4-1051 through 4-1058, is hereby adopted.
2. This ordinance shall take effect upon adoption.

THIS, the 11th day of February, 2013.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

After a brief discussion, Councilman Ogle made a motion to adopt the aforementioned Resolution adopting Sidewalk Café Ordinance, seconded by Councilwoman Hildebran. The vote was unanimous.

**APPROVAL OF PROPOSAL FOR ENGINEERING SERVICES WITH WILLIS ENGINEERS FOR AUXILIARY POWER GENERATOR - WATER DEPARTMENT** Water Plant Superintendent Jerry Conley requested a study in the amount of \$7,500 to determine the best size and type of emergency generator for the Water Plant. He said during power outages the water plant was second on Duke Energy's list to have power restored, after Valdese General Hospital. He said other water plants have emergency generators and he was concerned about the increase in storms.

Councilwoman Stevenson made a motion to approve the aforementioned proposal in the amount of \$7,500 with Willis Engineering, seconded by Councilman Delp. The vote was unanimous.

**APPROVAL OF SHARED COST OF 911 SERVER** Fire Chief Charlie Watts recommended Council approve the Town's portion (12.5 percent) of the shared cost with Burke County and City of Morganton of a 911 server in the amount of \$6,250.

After a brief discussion, Councilwoman Stevenson made a motion approving funds in the amount of \$6,250 for the shared cost of a 911 Server, seconded by Councilman Black. The vote was unanimous.

**AWARD OF BIDS FOR STREET PAVING AND SIDEWALK IMPROVEMENTS** Public Works Director Bryan Duckworth presented the street paving bids and he asked that each company bid asphalt, pothole repair, surface prep, and street milling for an overall bid. Staff recommended the bid with Carolina Paving in the amount of \$56,616.80. Other bids: Maymead - \$68,300.10 and J. T. Russell & Son - \$76,650.

After a brief discussion, Councilwoman Hildebran made a motion to award the bid for street paving to the lowest bidder, Carolina Paving in the amount of \$56,616.80. The motion was seconded by Councilwoman Stevenson and carried unanimously.

Mr. Duckworth presented the following sidewalk improvement bids: Powell Bill eligible for handicap ramps at 10 locations and recommended the lowest bidder of Valdese Concrete – in the amount of \$15,645 and \$1,500 of general funds for sidewalk repair on Main Street for a total of \$17,145. Other bid: Coffey & Son - \$24,150 for Powell Bill eligible and \$1,250 for general fund for sidewalk repair for a total of \$25,400. He said staff recommended the lowest bidder, Valdese Concrete.

After a brief discussion, Councilwoman Hildebran made a motion to award the bid for sidewalk improvements to the lowest bidder, Valdese Concrete in the amount of \$17,145. The motion was seconded by Councilwoman Stevenson and carried unanimously.

**AUTHORIZATION TO REPLACE HVAC – FLOWERS BUILDING** Mr. Duckworth said only two proposals were received and staff recommended the lowest bidder – Triangle Contractors, Inc., in the amount of \$12,117.68. Other bid: Artic Air HVAC/R, Inc. - \$14,983.64. Note: Perkins did not submit bit.

Mr. Morse reviewed the cost of the Flowers Building. The Town purchased the building in 2004 at a cost of \$175,000 less \$65,000 credit for a total of \$110,000 to acquire the building. Repairs to the building paid by the town to date - \$51,692.19. The property was acquired, which adjoined Village Park and the mural, to preserve the quality of the park and back in 2004 it was a good location for a restaurant. The 'Dew Drop In' owners rented the property with an incentive program invested in fixing up the building and they received a credit of \$500 per month toward the rent of all improvements they made. The business was sold and the new business paid \$500 per month until it went out of business. Staff received a lot of inquiries to rent the property but Downtown Delights needed a temporary location for their restaurant.

Mr. Morse said staff had received two proposals for new businesses.

Councilman Black said the Town was spending approximate \$9,200 per year on repairs and would need to rent for at least \$500 per month.

Councilman Black made a motion to approve the proposal with Triangle Contractors in the amount of \$12,117.68 to replace the HVAC at the Flowers Building, seconded by Councilman Delp.

Mayor Hatley said before he called for the vote, he would like to know who was interested in the building (no more restaurants) and the amount of rent to be charged.

Mr. Morse said there were two interested clients and one was a restaurant and the other was Stagecoach Pub, local owner Rick Ogle, and he distributed copies of Mr. Ogle's business plan to establish music/entertainment venues such as bluegrass and concerts. He would not serve food but food could be ordered from other restaurants in Valdese and delivered to the pub. They would serve beer and wine. If Council approved to repair the building, staff would recommend Stagecoach Pub.

Councilman Delp asked if there would be a cover charge.

Town Attorney Marc Mitchell said when the lease comes before Council the rent amount would need to be established and it would require a 10 day notice informing the public that Council intends to lease the building and the proposed amount to see if others were interested. Mr. Morse said the rent anticipated was \$500 per month. Mr. Black said we should reconsider the rent amount.

After further discussion, Mayor Hatley called for the vote. The vote was unanimous.

Mr. Morse would enter into negotiations to consider leasing the building and the lease would come back to Council for approval.

#### **MAYOR AND COUNCIL COMMENTS:**

**PAVING OF UNPAVED STREETS – 50 PERCENT ONE TIME OFFER** Mr. Johnson said staff had received four calls and only one request for a petition for paving Barus Avenue. Over 100 letters were mailed to citizens who lived along unpaved streets.

**BIMBO BAKERY** Councilman Delp received calls about noise from microphones and outdoor speakers from the bakery.

**INDUSTRIAL ARTS BUILDING** Councilman Ogle asked about the appearance of the building since the Old High School had been demolished.

Councilman Black serves on the Board of Burke Charitable Properties and they own properties where services are provided to residents of Burke County in Morganton such as Cooperative Christian Ministries, Health Clinic and Habitat



for Humanity. They want to open a second location in Eastern Burke County and are interested in the Industrial Arts Building and it should come to fruition within the next 18 months.

Mayor Hatley suggested that the town make the building available to Burke Charitable Properties for \$1.

**BURKE COUNTY INDUSTRIAL PARK** Councilman Ogle said there was no activity in the Burke County Industrial Park and he drives to Charlotte to work along Highway 321 and there are at least five businesses in the Lincoln County Industrial Park. If there is no business, Burke County Industrial Park needs to be sold or Valdese needs to drop out of the agreement.

Councilwoman Stevenson agreed with Councilman Ogle.

**AGENDA PACKETS** Councilman Ogle recommended that there be a staff report/exhibit with every agenda item allowing Council time to review the items they are expected to vote on, unless it were an emergency issue.

**RECYCLING PROCESS FOR ELECTRONICS, ETC.** Councilman Black thanked Public Works Director Bryan Duckworth for working on a date for recycling electronics and Councilman Black had a conversation with the Mayor of Morganton and they do not have a recycling program for electronics and Morganton would like to partner with Valdese in an Electronic Recycling Program.

**CAROLINA STREET FOUNTAIN** Councilwoman Stevenson thanked Public Works Director Bryan Duckworth for taking care of the fountain on Carolina Street.

**MISSING SIGNS ON GARDIOL AVENUE** Councilwoman Stevenson said the town limits sign and litter sign were missing on Gardiol Avenue. There was also a litter problem outside of the town limits on Gardiol.

**STREET PAVING/SIDEWALK COMMITTEE** Councilwoman Hildebran served on this committee and she thanked staff (Mr. Duckworth and Mr. Johnson) for all their hard work preparing the list/proposals, acquiring bids, and sending letters to owners along unpaved streets, etc.

**WPCOG POLICY BOARD CHAIRMAN** Councilwoman Hildebran commended Councilman Black for serving as President of the Policy Board for a second year. She said he was an excellent speaker and did an outstanding job presiding at the recent WPCOG Annual Meeting.

**TOWN WEBSITE** Councilwoman Hildebran said she had out of town guest from Baltimore, Maryland, who complimented the Town on its website and beautiful community.

**DOWNTOWN DELIGHTS RESTAURANT** Mayor Hatley asked about the opening date for Downtown Delights. Mr. Morse said probably the first of March.

**CHAMBERS EMERGENCY SWITCH** Mayor Hatley pressed the switch and no alarm went off and staff checked with dispatch and they did not receive an alarm. Mr. Morse said the alarm was tested before the building was opened. Mr. Morse said staff would check out this switch as it probably goes to central monitoring.

**MANAGER'S REPORT:**

**HOME LOCATED AT 909/913 MAIN STREET WEST** Mr. Morse gave the following progress report: "The following has been advanced for the 913 West Main St. property:

1. Design work finished to tie rear wall system to front wall on West End Drive.
2. Finished detailed digging for footings.
3. All steel supports and components put in place and tied together for footings.
4. Footings poured with concrete and groomed for block and wall work.
5. Jeff McGee will start initial block and rock work next.

Sincerely,

Richard Deal

p.s. Much rain in January"

**EAGLE SCOUT PROJECT** Mr. Morse said a Boy Scout had proposed a picnic shelter near the football field behind the Old Rock School as his Eagle Scout Project.

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Councilman Ogle said there would also be a scout project to name the old streets/businesses in Valdese. Mr. Morse said he was working with Museum staff on this project.

**ADJOURNMENT**

At 9:05 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilman Delp. The vote was unanimous.

The next meeting is a regularly scheduled Council Meeting on Monday, March 4, 2013, 7:00 p.m.

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Town Clerk

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Mayor

**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
MARCH 4, 2013**

The Town of Valdese Town Council met on Monday, March 4, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: Councilman Keith Ogle and Councilman Gary L. Delp

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**KAREN CLARK-CARUSO – SIDEWALK IMPROVEMENT PROJECT** Ms. Caruso, 805 Micol Avenue, Valdese, said she had lived all over the world and Valdese is the best place to live where she resided for the past 23 years. She thanked the Town Council for street improvements to the town's sidewalks.

**TIM HORLDT – FOURTH OF JULY FIREWORKS** Mr. Horldt, 820 Gardiol Avenue, Valdese, recommended Council decouple the Fourth of July event and not hold it in June but on the actual date – the Fourth of July.

Community Affairs Director Barbara Hefner said the advantages of combining the event with our Family Friday Nights was due to the outstanding crowds.

Mr. Morse said the car show could not be brought in on a week night.

Mayor Hatley said it worked well on a Friday night and Council could revisit this issue.

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

**APPROVED MINUTES – FEBRUARY 11, 2013**

**APPROVED MONDAY, APRIL 8, 2013 AS TAX LIEN ADVERTISING DATE**

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.

**ARBOR DAY 2013 PROCLAMATION** Mayor Hatley presented the proclamation.

**ARBOR DAY 2013 PROCLAMATION**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, 2013 is the 141<sup>st</sup> Anniversary of the holiday and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut our heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and

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WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the Town of Valdese has received the prestigious Tree City USA award for the past 25 years.

NOW, THEREFORE, I, James L. Hatley, Mayor of the Town of Valdese, North Carolina, do hereby proclaim Friday, March 22, 2013, as the 141<sup>st</sup> Anniversary celebration of

***“Arbor Day 2013”***

in the Town of Valdese and the town will hold an Arbor Day Event on the Football Field behind the Old Rock School, Friday, March 22, 2013, 1:00 p.m., regarding tree planting and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

This 4<sup>th</sup> day of March, 2013.

/s/ James L. Hatley, Mayor

Mayor Hatley recommended Members of Council attend the Arbor Day Celebration behind the Old Rock School on Friday, March 22, 2013, 1:00 p.m.

**VEHICLE PURCHASE - TRIPLE DISTRICT** Public Works Director Bryan Duckworth requested authorization to purchase a new Ford F350 for Triple District. The current service truck is a 1995 Chevy ¾ ton utility truck which will be assessed and passed down to another division within the Public Works Department if possible. Purchase of the new truck would allow crews to transport the backhoe to and from job sites. Bids were piggy-backed on state contract through Capital Ford, Inc., Government Sales, Raleigh, NC, in the amount of \$29,533 plus strobe kit - \$450; snow plow suspension upgrade - \$350; and tag - \$600 for a total of \$30,933.

Councilman Black made a motion to approve the aforementioned vehicle purchase in the amount of \$30,933, seconded by Councilwoman Stevenson. The vote was unanimous.

**PERSONNEL REQUEST – PUBLIC WORKS DEPARTMENT** Public Works Director Bryan Duckworth requested authorization to fill a full-time, administrative specialist position at Public Works due to increased work load within the department. With the merger of the Valdese Public Works Department and Triple District, and the upcoming retirement of Archie Lowman, the full-time position was needed at Public Works. The position is currently being filled in a part-time manner. A full-time position would be more involved with the day-to-day activities and operations within the department. This change would allow the Public Works Director to better oversee field operations within both departments due to the merger.

Mr. Morse said the Public Works and Triple District Departments would merge and Mr. Duckworth would be over that department effective with Archie Lowman's retirement on June 30, 2013. There would be additional duties appointed to one employee at Public Works and one employee at Triple District and funds were in the budget. The office staff at Triple District will remain.

Councilwoman Hildebran asked if the position would be advertised on the Town's website. Mr. Morse said the position would be advertised on the website, newspaper and Employment Security Commission.

After a brief discussion, Councilwoman Hildebran made a motion to approve the full-time personnel request, seconded by Councilwoman Stevenson. The vote was unanimous.

**REQUEST TO SELL ALCOHOL AT THE ROCK SCHOOL ARTS FOUNDATION RECEPTIONS – MARCH 10, JUNE 6, AND SEPTEMBER 29, 2013** Community Affairs Director Barbara Hefner said Waldensian Heritage Wines and Old Rock School Arts Foundation were requesting to sell wine by the glass and by the bottle during the aforementioned dates. Hours would be from 2:00 – 4:00 p.m., except the hours for the June 6<sup>th</sup> date would be from 5:00 – 7:00 p.m.

Ms. Hefner said there have been eight requests to sell alcohol at the Old Rock School this budget year.

Councilman Black made a motion to approve the aforementioned dates for wine sales at the Old Rock School, seconded by Councilwoman Stevenson. The vote was unanimous.

**APPOINTMENT OF 2013 BUDGET REVIEW COMMITTEE** Mayor Hatley recommended Councilman Ogle and Councilman Delp, as well as himself, Town Manager, and Finance Director.

Councilwoman Stevenson made a motion to approve Mayor Hatley's recommendations to the 2013 Budget Review Committee, seconded by Councilwoman Hildebran. The vote was unanimous.

**REAPPOINTMENT - VALDESE ABC BOARD MEMBER** Staff recommended the reappointment of Jennifer "Jenny" Hudson for reappointment to a three-year term which would expire April 1, 2016.

Councilwoman Stevenson made a motion to approve the reappointment of Jennifer "Jenny" Hudson to another three-year term on the Valdese ABC Board, seconded by Councilman Black. The vote was unanimous.

**REAPPOINTMENT OF CHAIRMAN – VALDESE ABC BOARD** Staff recommended Jeffrey Morse be reappointed as Chairman on the Valdese ABC Board.

Mr. Morse said his first loyalty was Manager of the Town of Valdese. Mr. Morse said Finance Director Jerry LaMaster serves as liaison/financial advisor to the Valdese ABC Board.

Councilwoman Stevenson made a motion to reappoint Mr. Morse as Chairman of the Valdese ABC Board, seconded by Councilman Black.

Councilman Black asked about the rationale when the process started as the Town Manager was the best appointee as chairman and asked was the rationale still valid or should someone else be considered.

Mr. Morse said he and other board members attended a meeting in Catawba County last week with state officials, other ABC board managers and chairs. Challenges across state with ABC Boards and the appointing authority were discussed and there was disconnect. He said that the Manager or Council Member appointee to the ABC board serves as a great conduit to know what is going on. He believes it is a good idea as the manager or an appointing authority member serve on an ABC Board.

Mayor Hatley called for the vote which was unanimous.

#### **MAYOR AND COUNCIL COMMENTS:**

**MR. CHRIS CHURCH, WSVM RADIO** Mayor Hatley recognized Mr. Church and thanked him for the outstanding job.

**FLAGS – MAIN STREET** Councilwoman Hildebran thanked Mr. Duckworth and the Boy Scouts for displaying the flags during holidays.

**TOWN OF VALDESE WEBSITE** Councilwoman Hildebran said there are a lot of compliments on the Town's Website and she thanked Ms. Hefner and Ms. Angi for the outstanding job they do.

**VALDESE MERCHANTS ASSOCIATION (VMA) MEETING** Councilwoman Hildebran said she attended the February 28<sup>th</sup> VMA Meeting and she complimented the members of the committee who work very hard to bring business to Downtown Valdese. There was a fund raiser on Saturday, March 2<sup>nd</sup> at Retro 112 (downtown hair salon) called "Princess for the Day" for little girls who could get pampered and have their photo made with the Little Miss North Carolina and Miss Teen North Carolina for a \$20 donation. The donations benefitted the Leukemia/Lymphoma Society. Town Employee Debbie Jones' son, Travis, was working for Man of the Year for the society.

The current Little Miss North Carolina is from Valdese. Community Affairs Director Barbara Hefner said in July the Miss Teen NC State Pageant would be held at the Old Rock School and approximately 70 hotel rooms had been booked in the area for those attending the pageant.

Councilwoman Hildebran recommended that Council recognize the Little Miss North Carolina at a future Council Meeting.

**VALDESE ELEMENTARY SCHOOL - ROBOTICS COMPETITION** Mayor Hatley said Valdese Elementary School was competing in a Robotics adventure with other elementary and middle schools in Burke County and the school was

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asking for community support at an event at Burkemont Baptist Church. He said he would provide the date and more information to Members of Council, and the date would also be in the newspaper. Mayor Hatley's Grandson, Micol, had a part in the competition.

**NC WILDLIFE RESOURCE COMMISSION** Mayor Hatley said the Commission held a meeting at Valdese Town Hall Community Room on Monday, February 18, 2013, and the Commission's Colonel, Board Members and several officers were in attendance. Four days after the meeting, 91 people were arrested in the mountains of North Carolina and mountains of Georgia who were selling bear paws, bear gallbladders, illegal arms, and drugs. A total of 109 persons had been identified to arrest to break up the crime-ring. Arrested were school principals, teachers, lawyers, highway patrolmen, and a sheriff. The Colonel contacted Mayor Hatley and thanked the Town of Valdese for the use of Valdese Town Hall.

**MANAGER'S REPORT:**

**STAGECOACH PUB** Mr. Morse was asked to get a survey of comparable rent for the former Flowers Building. He said the average was \$400 - \$500 with comparable square footage. He met with the Mayor and Mr. Rick Ogle and Mr. Morse requested authorization to work with the Town Attorney to draft a lease agreement

Attorney Mitchell said a 10 day notice would need to be published if the lease were longer than one year.

Council approved Mr. Morse's request by consensus to continue with a lease agreement for the April Council meeting.

**OLD COLONY PLAYERS – "FIDDLER ON THE ROOF"** Ms. Hefner said the play was outstanding and recommended everyone attend.

**ANNUAL BUDGET RETREAT, VALDESE TOWN HALL, MONDAY, MARCH 18, 2013, 3:00 P.M. – 8:00 P.M.** Mr. Morse said there would be a new format to the retreat this year with most of the discussion between the Council, Town Manager, and Finance Director.

Mayor Hatley said he requested that the Department Heads present a 5-year Capital Improvement Plan.

**UPDATE – PROPERTY LOCATED AT 909/913 MAIN STREET WEST** Mr. Morse read the following report: "Jeff, Following is an update for 913 West Main St.: 1) All support brackets and components made and welded to structural steel. 2) Materials for block and rock work purchased and delivered. 3) Jeff McGee moved onto jobsite and will stay until finished. More winter weather (rain and cold temps.) affected progress thru January. Sincerely, Richard Deal"

Councilwoman Hildebran asked if the work would be completed by March 15. Mr. Morse said he did not believe it would be completed by March 15; but, it would be completed as soon as possible.

At 7:55 p.m., there being no further business to come before Council, Mayor Hatley adjourned the meeting.

The next meeting is a regularly scheduled meeting on Monday, March 18, 2013, 3:00 p.m., Valdese Town Hall for the Annual Budget Retreat.

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Town Clerk

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Mayor

**TOWN OF VALDESE  
ANNUAL COUNCIL/DEPARTMENT HEAD BUDGET RETREAT  
MARCH 18, 2013**

The Valdese Town Council met on Monday, March 18, 2013, 3:00 p.m., for its Annual Budget Retreat, Valdese Town Hall, Community Room. The following members were present: Mayor James Hatley, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary Delp, and Councilman Chip Black. Also present: Town Manager Jeff Morse, Deputy Town Clerk Thelda B. Rhoney, and all Department Heads.

Absent: Councilman Keith Ogle

A quorum was present.

Mayor Pro-Tem Stevenson welcomed everyone. She thanked the Department Heads for the outstanding job they do for the Town of Valdese and its citizens.

Council by consensus recommended adoption of the following proclamation:

**YOUTH ART MONTH PROCLAMATION**

WHEREAS, art education contributes powerful educational benefits to all elementary and secondary students including the following:

- Art education develops students' creative problem-solving and critical thinking abilities;
- Art education teaches sensitivity to beauty, order, and other expressive qualities;
- Art education gives understanding of multicultural values and beliefs;
- Art education reinforces and brings to life what students learn in other subjects;
- Art education interrelates student learning in art production, art history, art criticism, and aesthetics; and

WHEREAS, these benefits of art education form the basis of "World Class Standards" developed by the U.S. Department of Education and the National Endowment for the Arts; and

WHEREAS, our national leaders have acknowledged the necessity of including art experiences in all students' education; and

WHEREAS, support should be given to art teachers as they attempt to strengthen art education in their schools and communities.

NOW, THEREFORE, BE IT PROCLAIMED that March be observed as

***"YOUTH ART MONTH"***

in the Town of Valdese and all citizens are urged to take interest in and give full support to quality school art programs for children and youth.

This 18<sup>th</sup> day of March, 2013.

/s/ James L. Hatley, Mayor

Mayor Hatley arrived at 3:30 p.m. He said he did not want the employees or citizens to suffer or to reduce Town services.

Town Manager Jeff Morse reviewed current budget, revenue projections and major issues affecting the FY 2013-14 budget such as the Burke County Tax Revaluation with Valdese losing 15 percent of total valuation in real estate property values, Hold Harmless losses, and employee insurance issues.

The Department Heads presented a 5-year Capital Improvement Plan and briefly reviewed challenges they may foresee in the next fiscal year.

At 5:45 p.m., everyone enjoyed dinner catered by Myra's.

**March 18, 2013, Budget Retreat, MB #30**

At 6:10 p.m., Department Heads were dismissed and Mr. Morse continued to discuss the budget deficit and possible ways to balance the budget. His proposals would be included in the budget document presented to Council by June 1.

Mayor Hatley recommended that staff repair the old Fire Truck that is used for parades and special events.

Councilman Black recommended ways to decrease the dependent insurance coverage provided by the town, which all employees do not receive. He also recommended the Town begin accepting electronic payments for water/sewer bills and property taxes.

**ADJOURNMENT** – The meeting adjourned at 7:55 p.m.

The next meeting is a regularly scheduled meeting for Monday, April 1, 2013, 7:00 p.m.

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Town Clerk

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Mayor

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**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
APRIL 1, 2013**

The Town of Valdese Town Council met on Monday, April 1, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: Councilman Keith Ogle

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**MR. TIM SKIDMORE, PRESIDENT, WESTERN PIEDMONT AND RAILROAD MUSEUM** Mr. Skidmore, 312 Becker Avenue, NC, requested permission to use the storage area near the current museum at the Old Rock School. He briefly mentioned several items that had been added to the museum.

Mayor Hatley thanked Mr. Skidmore and members of the Western Piedmont and Railroad for the work they do and the visitors they bring to Valdese.

Councilwoman Stevenson made a motion to approve the use of the storage area at the Old Rock School for the Railroad Museum, seconded by Councilwoman Hildebran. The vote was unanimous.

**OLIVE HILL COMMUNITY ECONOMIC DEVELOPMENT CORPORATION, INC.** President/CEO Beverly Carleton invited Members of Council to Olive Hill's 15<sup>th</sup> Anniversary celebration on Friday, April 19, 2013, 5:30 p.m., social and tour and dinner at 6:30 p.m., with a dance beginning at 8:00 p.m. Packets about Olive Hill were distributed to Members of Council. She briefly reviewed future plans and services provided by Olive Hill. She would like for the town to solicit two persons to act as host and hostess for their anniversary celebration and training would be held on April 12.

Ms. Carleton said nonprofits were under attack by state government and the nonprofits are invaluable to the citizens, and she recommended Council adopt a resolution to support nonprofit organizations.

Mayor Hatley said Olive Hill was a valuable part of the Valdese community. He said the Town of Valdese would like to be a sponsor for the April 19 event and he would like to find a husband and wife team to assist with their anniversary celebration. Mayor Hatley recommended that citizens visit the facility, which was beautiful.

Mayor Hatley requested that Mr. Morse find a couple to assist Olive Hill on April 19. Mr. Morse said he would be out of town and would try to find a couple to assist with the event.

**MS. DEBORAH FERRIS, CORNERSTONE ANTIQUES** Ms. Ferris said she believed parking would be an issue with the Downtown Delights Restaurant; however, there were no current issues.

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

**APPROVED MINUTES – MARCH 4, 2013 AND ANNUAL BUDGET RETREAT – MARCH 18, 2013**

**SPRING 2013 LITTER SWEEP** The Town would participate in Spring Litter Sweep, April 13-27, 2013.

**ADOPTED RESOLUTION TO MAINTAIN AND SUPPORT THE FUNDING FOR PARKS AND RECREATION TRUST FUND (PARTF)**

**A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY  
AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND (PARTF)**

WHEREAS, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

WHEREAS, The Parks and Recreation Trust Fund (PARTF) was established with bi-partisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

WHEREAS, since its inception The Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

WHEREAS, North Carolina's population has grown to make it the 10<sup>th</sup> most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

WHEREAS, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

WHEREAS, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

WHEREAS, The Parks & Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

WHEREAS, The Parks & Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

WHEREAS, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs according to a 2008 study.

WHEREAS, a portion of The Parks & Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beach accesses; and

WHEREAS, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

WHEREAS, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

WHEREAS, dedicated, recurring funding of the Parks & Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

WHEREAS, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Valdese does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

The Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of Town of Valdese and the North Carolina Recreation and Park Association.

This the 1<sup>st</sup> day of April, 2013

/s/ James L. Hatley, Mayor

Attest: /s/ Clerk

**ADOPTED RESOLUTION SUPPORTING THE WESTERN PIEDMONT COUNCIL OF GOVERNMENTS POLICY BOARD REGARDING THE STATE DESIGNATION OF REGIONS FOR PROVISION OF SERVICES**

**Resolution Supporting the Western Piedmont Council of Governments Policy Board Regarding the State Designation of Regions for Provision of Services**

WHEREAS, The Western Piedmont Council of Governments (WPCOG) was established in 1968 by local governments in its region to address issues of long range planning, economic development and to provide technical assistance to local governments; and

WHEREAS, the U.S. Congress passed the Intergovernmental Cooperation Act in 1970 to promote closer cooperation between federal programs and state and local governments; and

WHEREAS, Regional Councils of Governments were formally established by the State of North Carolina in 1969 (G.S. 160A-470, -478) to promote regional examination of issues, provide assistance to local governments and administer specific programs on behalf of the State and Federal Government; and

WHEREAS, in 1970, an executive order, by the N.C. Governor, designated 17 regions in North Carolina and in 1971, the state announced its Lead Regional Organization policy that directed state agencies to deal with a single regional organization in each designated region of the state for the delivery of services in several departments; and

WHEREAS, the WPCOG Region, and other Council of Governments regions, best represent the economic centers, travel patterns, cultural ties, and physical commonalities of the State of North Carolina; and

WHEREAS, the N.C. General Assembly is considering House Bill 356 and Senate Bill 127 which realign several state agencies into common regional administrative divisions and the proposed boundaries split the WPCOG region by placing Burke County in a separate region from Alexander, Caldwell and Catawba counties; and

WHEREAS, it is reported that the N.C. Department of Commerce may recommend realigning the workforce development areas to match the seven regional economic partnership boundaries while other reports suggest that the State may eliminate the regional economic partnerships altogether; and

WHEREAS, N.C. General Assembly House Resolution 55 and Senate Resolution 147 support the realignment of workforce development areas with the boundaries of regional councils of governments to promote greater effectiveness and efficiency in the administration of the Workforce Investment Act.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Valdese hereby calls on the North Carolina Governor and General Assembly to utilize the boundaries of the WPCOG Region, and other Council of Governments regions, when designating any new boundaries for the provision of workforce development, transportation, or environmental programs and other state or federal programs and resources.

Adopted this 1<sup>st</sup> day of April, 2013.

/s/ James L. Hatley, Mayor

Attest: /s/ Clerk

Councilwoman Hildebran made a motion to move the Resolution Supporting Western Youth Institution to Items Removed from Consent Agenda, seconded by Councilwoman Stevenson. The vote was unanimous.

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

***End Consent Agenda***

**ITEMS REMOVED FROM CONSENT AGENDA:**

**RESOLUTION SUPPORTING WESTERN YOUTH INSTITUTION**

**RESOLUTION SUPPORTING WESTERN YOUTH INSTITUTION**

WHEREAS, Governor Pat McCrory proposes to close the Western Youth Institution (WYI) in Burke County, in his 2013-2015 budget; and

WHEREAS, WYI employs 378 correctional officers, supervisors, case managers, social workers, and food service personnel; and

WHEREAS, the closing of WYI would eliminate 323 jobs thus increasing Burke County's unemployment rate of 11 percent which is one of the highest rates in North Carolina; and

WHEREAS, the impact of those losing their jobs would be devastating to their families in a County that cannot support the loss of these jobs due to the current number of people already unemployed along with a lack of new jobs available in Burke County; and

WHEREAS, over 100 inmates ranging in ages from 13 to 22 would be transferred to the Foothills Adult Correction Facility in Burke County; and

WHEREAS, a study published in the "Journal of Crime and Justice" concluded that Juveniles in adult institutions are a much greater risk regarding their safety and perceived safety and the likelihood of a youth being the victim of a violent crime increases in an adult prison; and

WHEREAS, Governor McCrory voiced his concern for the small towns and rural areas of the State that continue to struggle to recover from the recession; and

WHEREAS, the closing of WYI would set Burke County and all of its communities at a tremendous disadvantage in their efforts to recover the local economy.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Valdese, that the citizens of Valdese requests that the State of North Carolina keep the Western Youth Institution open and the employees and their families not be subjected to the devastating effects of losing their jobs when there are other alternatives that need to be evaluated to address the State's Budget that do not put employees and families at risk.

BE IT FURTHER RESOLVED that the safety and security of the youth population that WYI serves must be at the forefront of any decision in closing this facility and transferring these inmates to an adult facility and based on published studies this type of move would be harmful to the affected population.

Adopted this 1<sup>st</sup> day of April, 2013.

/s/ James L. Hatley, Mayor

Councilwoman Hildebran said the Resolution was excellent and she believed it needed more attention than just being approved on Consent. She said a lot of people in the community work for the institution which is critical to our community. Several people have contacted her to support a resolution. She said a number of petitions are being circulated and one can go online at the unifour onestop collaborative and sign a petition.

Town Manager Jeff Morse said there was an article in the March 31, 2013, issue of the "Charlotte Observer" where the General Assembly was changing the face of local governments by cutting funding and operating government from Raleigh. He reviewed items from other cities and towns and proposed tax changes. Valdese was fortunate to have two members of the General Assembly who support local government.

Mayor Hatley said with the proposed state tax cuts affecting the Town of Valdese up to \$360,000 that Council may need to increase the tax rate by 10 cents, from 40 cents per \$100 valuation to 50 cents per \$100 valuation for the FY 2013-2014 budget.

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

**REQUEST TO PURCHASE TWO MANUAL SWITCHGEAR – WASTEWATER TREATMENT PLANT** Wastewater Plant Superintendent Greg Padgett recommended purchasing two remanufactured switchgear including installation in the amount of \$17,850 each (new switchgear including installation - \$21,450 each). Current switchgear was 30 years old.

April 1, 2013, MB#30

Councilman Black made a motion to approve the purchase of two remanufactured switchgear in the amount of \$17,850 each, seconded by Councilman Delp. The vote was unanimous.

**ADOPTION OF RESOLUTION APPROVING LEASE AGREEMENT WITH MR. RICK OGLE, OWNER, STAGECOACH PUB FOR LEASE OF FLOWERS BUILDING** Mr. Morse and Town Attorney Marc Mitchell presented the following resolution:

**RESOLUTION**

(Lease of Property to Rick Ogle d/b/a Stagecoach Pub)

WHEREAS, the Town of Valdese owns property located at 508 Main Street East as more particularly described in that deed recorded in Book 1382, page 705, Burke County Registry (the property); and

WHEREAS, the town does not need the property at the present time; and

WHEREAS, the town and Rick Ogle have agreed upon a lease under which Rick Ogle d/g/a Stagecoach Pub will lease the property from the town for a period of one year with rent in the amount of \$500 per month; and

WHEREAS, the town council has determined that this lease would be in the best interest of the town and that the lease agreement between the Town of Valdese and Rick Ogle d/b/a Stagecoach Pub as presented to the town council should be approved;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The town council hereby approves the lease of the property upon the terms and conditions set forth in the lease agreement as presented to the town council.
2. The town manager of the Town of Valdese is authorized to execute the lease agreement on behalf of the town.

THIS, the 1<sup>st</sup> day of April, 2013

TOWN OF VALDESE  
By: /s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

Councilman Delp made a motion to approve the aforementioned resolution for lease of the old Flowers Building, seconded by Councilwoman Stevenson. The vote was unanimous.

**APPROVAL TO REPLACE DOWNTOWN TRASH RECEPTACLES** Public Works Director Bryan Duckworth requested authorization to purchase 20 trash receptacles (concrete and rebar that weighed 382 pounds each ) for the downtown area in the amount of \$293 each for a total of \$5,860, plus \$775 for freight.

Councilman Black made a motion to approve the purchase of 20 trash receptacles for the downtown area, seconded by Councilman Delp. The vote was unanimous.

**FAÇADE IMPROVEMENT GRANT – BRINKLEY INSURANCE** Town Manager Jeff Morse recommended a façade grant to Brinkley Insurance up to \$2,500.

Ms. Annette Brinkley briefly reviewed repairs to the storefront located at 142 Main Street East said they do not know the extent of repairs until work begins, and they want to keep the tile as original as possible. They are proposing a royal blue awning.

Councilwoman Stevenson was concerned about different colors of awnings in the downtown area. Community Affairs Director Barbara Hefner said she would be attending a Small Town Street meeting and could find out what other towns are proposing for their downtown areas.

After a brief discussion, Councilwoman Hildebran made a motion to approve a Façade Improvement Grant for Brinkley Insurance in an amount up to \$2,500, seconded by Councilwoman Stevenson. The vote was unanimous.

**APPROVAL OF AGREEMENT WITH WEST CONSULTANTS FOR FEASIBILITY STUDY AT RECREATION CENTER FOR ADDITION TO BOWLING ALLEY ROOF** Recreation Director Doug Knight requested authorization to contract with West Consultants in an amount up to \$1,000 for feasibility of adding on to the top of the bowling alley roof. The addition could be as large as 6,000 square feet.

Councilman Black made a motion to approve funds up to \$1,000 for a feasibility study conducted by West Consultants, seconded by Councilwoman Stevenson. The vote was unanimous.

**MAYOR AND COUNCIL COMMENTS:**

**EXIT 112 EASTBOUND OFF I-40** Mayor Hatley said the exit needs to be cleared.

**MANAGER'S REPORT:**

**UPDATE – PROPERTY LOCATED AT 909/913 MAIN STREET WEST** Mr. Morse read the following report: “Jeff, The following is an update for 913 W Main St property: 1) All metal work and welding has been completed to support design. 2) All block work has been layered and completed to support design. 3) Rock and mortar work has been advanced to an 80% completion point. 4) All drainage and erosion control has advanced to deal with progress. 5) New drive entrance has been established and a new pile of dirt has been the side effect. 6) Currently making arrangements to move and store some of dirt for better curb appeal. 7) Final details are being worked out as my design has evolved. Respectfully yours, Richard Deal p.s. Some winter weather delays.”

**UPDATE - THE SETTINGS OF LAKE RHODISS AND LAKE VISTAS SUBDIVISIONS** Mr. Morse said Lake Vistas Subdivision had sold 33 lots with one house under construction. The Settings bond company representative would be in town April 9 and activity should begin in May.

**UPDATE – JULY 4<sup>TH</sup> WEEKEND** Mr. Morse said Tim Horltdt attended the last Council meeting to support July 4 fireworks. Staff continued discussion and contracts had been signed with bands, stage, etc. Next year July 4 falls on Friday. Staff believed it was best to hold the event in conjunction with Family Friday Nights. The other option would be to only have fireworks on July 4 with no bands, car shows, etc.

Mayor Hatley said Council had a lengthy conversation on this issue several months ago and it was decided that Friday nights was the best for July 4<sup>th</sup> fireworks in conjunction with Family Friday Nights.

Councilwoman Hildebran said several citizens spoke to her in favor of July 4. She personally was in favor of July 4 because many years ago families got together to attend the fireworks and there were no other activities and it did not matter what day July 4 was on and the citizens went to work the next day.

Councilman Delp said the next two years was set and he was in favor of July 4 on the 4<sup>th</sup>.

Councilwoman Stevenson said a lot of families celebrate July 4 and the fireworks topped off the evening and fireworks on the 4<sup>th</sup> would be nice.

Mr. Morse said it would be a Council decision and he recommended keeping Family Friday Nights and then a separate fireworks only on July 4 and try to get sponsors.

Councilman Black said the idea was to bring people to town and if July 4 were on a day other than Friday that would give people two reasons to come to Valdese.

**AUTHORIZATION TO CLEAR SEWER OUTFALL** Mr. Morse said Council authorized the I & I study and there were 22 additional sites for improvements/repairs. There was a half mile section along the railroad tracks at Rodoret Street that must be cleared in the amount of \$10,000 and funds would come from the utility fund contingency line-item.

Councilman Black made a motion to approve \$10,000 for clearing right-of-way, seconded by Councilwoman Stevenson. The vote was unanimous.

**BUDGET RETREAT** Mr. Morse thanked Council and Staff for changes to the format of the Annual Budget Retreat.

**FAMILY FRIDAY NIGHTS** Community Affairs Director Barbara Hefner reported Family Friday Night begin the first Friday in May. She said Downtown Merchants Association were soliciting Members of Council to work in the Snack Shack.

**ADJOURNMENT:**

**April 1, 2013, MB#30**

At 8:05 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 Council Meeting on Monday, May 6, 2013, 7:00 p.m.

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Town Clerk

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Mayor

**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
MAY 6, 2013**

The Town of Valdese Town Council met on Monday, May 6, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: None.

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**BOY SCOUT TROOP 192 UNDER THE DIRECTION OF TAMMY SEVERT** Mayor Hatley recognized the Boy Scouts who were working on their Citizenship in the Community Merit Badge. Some of the greatest leaders were Scouts.

**VALDESE MERCHANTS ASSOCIATION (VMA) MEETING** Ms. Debbie Ferris, VMA President announced that Eddie McGimsey would be the Guest Speaker at their May 23, 2013 meeting. She said they normally meet at 5:30 p.m., and may reschedule since the Town Hall Meeting would begin at 6:00 p.m.

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

**APPROVED MINUTES – APRIL 1, 2013**

**APPROVED RELAY FOR LIFE PROCLAMATION**

**RELAY FOR LIFE**

WHEREAS, Cancer is the second leading cause of death in the United States and the leading cause of death in North Carolina; and

WHEREAS, it is estimated that more than 1.6 million new cancer cases will be diagnosed in the United States this year – 51,000 new cases of Cancer will be diagnosed in North Carolina this year, and an estimated 580 Americans are expected to die from Cancer this year, over 18,000 of them North Carolinians; and

WHEREAS, the American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating Cancer as a major health problem; and

WHEREAS, the Southeast Division holds one of the top positions in the United States for the largest fund raising events for the American Cancer Society and hosts over 365 Relay for Life events involving more than 400,000 volunteers in honoring Cancer survivors, educating the general public about the importance of Cancer prevention, detection, and raising funds in the fight against Cancer; and

WHEREAS, Morganton will hold its annual Relay for Life involving several hundred volunteers and survivors the weekend of May 10 through May 11 at the Freedom High School Football Field.

NOW, THEREFORE, I, Mayor James Hatley, of the Town of Valdese, North Carolina, do hereby proclaim May 10 and May 11, 2013 as Relay for Life Weekend and urge all of our citizens to participate in this effort to eradicate Cancer as a major health problem by preventing Cancer, saving lives and diminishing suffering from Cancer through research, education, advocacy and service.

This 6<sup>th</sup> day of May, 2013.

/s/ James L. Hatley, Mayor



May 6, 2013, MB#30

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

***End Consent Agenda***

**ITEM(S) REMOVED FROM CONSENT AGENDA: NONE.**

**REPORT FROM CAVANAUGH REPRESENTATIVE GARY EDDINS - RURAL CENTER I&I PROJECT, PHASE I AND ADOPT RESOLUTION FOR FINDINGS OF THE I & I PROJECT**

Mr. Eddins said the Inflow & Infiltration (I & I) was water that goes into sanitary sewer that you do not want there and it cost money to treat the water. Inflow is the direct flow into the sewer system and many years ago people used to connect roof drains into sanitary sewer and this is no longer allowed. Infiltration is ground water that finds its way into manholes and leaky joints/pipes. They began with the Cline Street Pump Station and found the problem there was inflow after storms. They smoked the lines and performed dye tests. They found a lot of manholes are the old brick type and when the mortar comes out then water seeps through and today precast concrete is used. Tree roots work their way into the waterlines. They recorded 51 total defects and all except 22 were identified which needed further investigation and were located along the railroad and former factories and warehouses and that would be part of Phase II study. The Town has two systems, sanitary system and stormwater drainage around the factories. Mr. Eddins asked if anyone had questions about the report included in the agenda packet.

Councilwoman Hildebran said most of this project was in her Ward and she asked how I & I would affect the property owners. Mr. Eddins said sinkholes could be created and most property owners would recognize these problems and would bring to someone's attention. The other impact would be treatment costs to treat the water.

Councilwoman Hildebran asked about the cost of repairs. Mr. Morse said over the past years, funds have been set aside for these type repairs and the capital reserve funds were in place.

**RESOLUTION**

WHEREAS, the Town of Valdese received a Planning Grant from the North Carolina Rural Center to perform a Sanitary Sewer Inflow & Infiltration Study (Study); and

WHEREAS, the Town's consultant, Cavanaugh & Associates, P.A. has completed and presented the Study.

NOW THEREFORE BE IT RESOLVED: That the Town of Valdese hereby adopts the findings and recommendations of the Study.

Adopted this 6<sup>th</sup> day of May, 2013, at Valdese, North Carolina.

/s/ James L. Hatley, Mayor

Attest: /s/ Town Clerk

After a brief discussion, Councilwoman Stevenson made a motion to accept the report and adopt the aforementioned resolution, seconded by Councilwoman Hildebran. The vote was unanimous.

**APPROVAL OF AGREEMENT WITH CAVANAUGH FOR INFLOW & INFILTRATION (I &I) INVESTIGATION – PHASE II**

Mr. Gary Eddins said the agreement with Cavanaugh for I & I, Phase II was in the amount of \$17,300.

Town Attorney Marc Mitchell recommended that the Professional Liability statement and Ownership of Documents on the last page in the agreement be deleted.

Councilman Ogle made a motion to approve the agreement deleting the aforementioned two statements, seconded by Councilman Delp. The vote was unanimous.

**UPDATE ON ELECTRONICS RECYCLING** Public Works Director Bryan Duckworth requested that the Town partner with Zloop Corporation, a company who specializes in electronic recycling based out of Hickory. He recommended that the Town conduct an e-Waste Recycling and Data Destruction Kickoff in conjunction with the Family Friday Night, car show and fireworks on Friday, June 28. The display and drop off area would be located on Rodoret Street near Valdese Drycleaners. A second electronics event is scheduled during the Waldensian Festival on August 9 and 10, 2013 at the same location. Staff is also looking at the feasibility of a permanent drop-off location at the Public Works facility. All electronics except TVs would be recycled at no charge. There would be a \$5 charge to recycle console TVs and at this time they will not accept flat screen TVs. As an incentive to recycle electronics, anyone recycling

electronics during these two events will be entered into a drawing for four outdoor drama tickets, "From this Day Forward." Staff would advertise the event. He said recycling had grown from 40 percent to 80-90 percent in the Town of Valdese. E-Waste equals 5-6 percent of the waste. He said companies, churches, and schools were invited to participate in the project. There is no cost to the town.

Mayor Hatley commended Mr. Duckworth for his effort in the Town's recycling program.

Mr. Morse recommended that Mr. Duckworth place in the press release that no TVs would be accepted.

After a brief discussion, Councilman Black made a motion to approve partnering with Zloop Corporation for the Electronics Recycling Project, seconded by Councilman Delp. The vote was unanimous.

**PRESENTATION OF SMALL TOWN MAIN STREET PROGRAM AND ADOPTION OF RESOLUTION OF SUPPORT TO PARTICIPATE** Community Affairs Director Barbara Hefner offered a brief presentation on the Small Town Main Street Program through the NC Department of Commerce, Urban Development, and requested Council adopt the following resolution to apply for participation in the program. Only several towns would be chosen this year and the cost for travel and lodging would be \$3,000 - \$5,000.

**RESOLUTION  
IN SUPPORT OF AN APPLICATION TO PARTICIPATE IN THE  
NORTH CAROLINA SMALL TOWN MAIN STREET PROGRAM  
2013-2014**

WHEREAS; the North Carolina Department of Commerce, Office of Urban Development has established a Small Town Main Street Program to provide technical assistance in downtown revitalization, utilizing the Main Street Four-Point Approach™ of Organization, Design, Promotion and Economic Restructuring, to selected small towns in North Carolina; and

WHEREAS; several additional towns will be selected as "Small Town Main Street Communities" and will receive a more detailed level of service incorporating all of the "Main Street Four Points™"; and

WHEREAS; the Town of Valdese wishes to apply to participate in the program; and

WHEREAS; The Town understands that to the extent feasible, the technical assistance and expenses for the Program technical staff will be provided by the Department of Commerce at no charge to the Town with the exception of reimbursement for travel related expenses and an economic data report; and

WHEREAS; the Town understands that a high level of community participation and commitment is required on the part of the Town and community in order to ensure that the program is as successful as possible:

THEREFORE, BE IT RESOLVED; that the Town agrees to apply to participate in the Small Town Main Street Program and if selected will abide by the following conditions if designated as a NC Small Town Main Street community:

1. The Town will actively participate in the Small Town Main Street Program for an initial period of no less than twelve (12) months beginning July 1, 2013.
2. The Town will designate Community Affairs Director Barbara Hefner as its contact person for the technical assistance team to coordinate with in order to provide continuity and leadership for the effort.
3. The Town will assist in organizing a volunteer committee and working subcommittees that are representative of the entire community, to provide focus for the program.
4. The Town will support the volunteer committee and will assist the committee and team in conducting a community assessment and community projects and any other necessary activities.
5. The Town will cooperate with the technical assistance team and committee to develop a community vision and plan of action.
6. The Town will implement the plan of action to the fullest extent possible.
7. The Town will develop and actively participate in local and regional partnerships and networks, and share resources and information gained through the program with other communities in the region.
8. The Town agrees to pay for an economic data report (the report expense is generally between \$150-\$200)
9. The Town agrees to reimburse the State of North Carolina monthly for staff travel related expenses (mileage & meals) estimated at \$3,000 to 5,000 annually.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE, THIS 6<sup>th</sup> DAY OF MAY, 2013.

Attest: /s/ Town Clerk

Councilwoman Hildebran commended Ms. Hefner for accepting the extra work if the Town were to be accepted into the program.

After a brief discussion, Councilwoman Hildebran made a motion to adopt the aforementioned resolution, seconded by Councilwoman Stevenson. The vote was unanimous.

**PROPOSED RECREATION FEE ADJUSTMENTS** Recreation Director Doug Knight presented the following fee adjustments for the recreation program approved by the Recreation Commission to become effective May 20, 2013:

**MEMBERSHIPS - (NEW PRICING)**

**Aquatic & Fitness Memberships**

Type	1 mo	3 mo	1 year
Family	\$50	\$125	\$375
Individual/Senior Couple	\$40	\$100	\$300
Senior (55 & older)	\$30	\$75	\$225
Student (w/ school ID/proof)	\$25	\$65	\$190

**Fitness Memberships or Aquatic Memberships**

Type	1 mo	3 mo	1 year
Family	\$40	\$100	\$300
Individual/Senior Couple	\$30	\$75	\$225
<b>Senior (55 &amp; older)</b>	<b>\$20</b>	<b>\$50</b>	<b>\$150</b>
<b>Student (w/school ID/proof)</b>	<b>\$15</b>	<b>\$40</b>	<b>\$115</b>

(Eliminate the 6 month membership – Rarely used. Make other rates more uniform, with only modest increases in some.)

**SESSION FEES – (NEW PRICING)**

**Pool**

Adults 19 & older: \$3.50

Students 5-18: \$2.50

Children 4 & younger: \$1.50

Fitness Room: \$4.00

Exercise Classes: \$4.00

This includes aquacise, yoga, aerobics, zumba, etc...

**Park Rentals – (Present Structure)**

1 shelter - \$35 – 4 hours

2 shelters - \$60 – 4 hours

\$15/hr for each additional hour

**Park Rentals – (NEW PRICING)**

1 shelter - \$40 – 4 hours

2 shelters - \$70 – 4 hours

\$15/hr for each additional hour

After a brief discussion, Councilman Black made a motion to approve the aforementioned fee adjustments, seconded by Councilman Delp. The vote was unanimous.

**APPROVAL OF BID AWARD TO PAINT WATER TANK – TRIPLE DISTRICT** Distribution Superintendent Archie Lowman requested the bid be awarded to R. E. McLean Tank Company of Gastonia, NC, in the amount of \$58,740. Other bids: Pittsburg Tank and Tower, Inc., Henderson, KY - \$83,135; Municipal Tank Coating, Rockingham, NC - \$69,000; and Utility Service Co., Inc., Perry, GA - \$63,200. West Consultants also recommended the lowest bid.

Councilman Black made a motion to approve the aforementioned bid award to R. E. McLean Tank Company in the amount of \$58,740 to paint the water tank on Drexel Road in the Triple District, seconded by Councilwoman Hildebran. The vote was unanimous.

**REMOVAL OF WATER TANK LOCATED AT 4250 RALPH PATTON RD., MORGANTON, NC – TRIPLE DISTRICT**

Mr. Lowman reported that the tank had not been removed (bid awarded to Stowe's Welding at the June 4, 2012 Council Meeting) and may need to be rebid. He would keep Council informed.

**BUDGET AMENDMENTS** Finance Director Jerry LaMaster presented the following four budget amendments:

**BUDGET AMENDMENT NO. 16 - DUKE POWER PARKING LOT**

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, 2013:

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>
10.4350.150 Maint & Repair Grounds	<u>7,500</u>	
10.4200.990 Admin Contingency		<u>7,500</u>
Total	<u>\$7,500</u>	<u>\$7,500</u>

This will result in a net increase of \$ 0 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.

Total	\$	\$
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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. 17 - UTILITY RIGHT OF WAYS**

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, 2013:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
30.8120.150 Maint & Repair Grounds	<u>10,000</u>	
30.8110.989 Contingency		<u>10,000</u>
Total	<u>\$10,000</u>	<u>\$10,000</u>

This will result in a net increase of \$ 0 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.

Total	----- \$	----- \$
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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. 18 - CONTRIBUTION TO LIBRARY COLE HOUSE PROJECT**

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, 2013:

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>
10.4200.930 Contribution To Library	<u>20,000</u>	
Total	<u>\$20,000</u>	<u>\$ 0</u>

This will result in a net increase of \$20,000 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.

10.3970.300 Contribution From Util Fund		<u>20,000</u>
Total	<u>\$</u>	<u>\$20,000</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. 19 - PLANNING DEPT 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, 2013:

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>
10.4900.330 Dept Supplies	<u>7,500</u>	
Total	<u>\$7,500</u>	<u>\$ 0</u>

This will result in a net increase of \$7,500 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.

10.3970.300 Contribution From Util Fund		7,500
Total	<u>\$</u>	<u>\$7,500</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.

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

### **MAYOR AND COUNCIL COMMENTS:**

**EXCESSIVE DEBRIS/AUTOMOBILES** Councilman Ogle asked about the house behind where Robinson Hosiery Mill moved (turn off Main Street, then location is at the bottom of Powell, where a plumber was living). Mr. Morse said 70 percent of the debris had been removed and staff would follow up on the situation. Councilman Ogle said there were a lot of cars without license plates still in the yard as well as debris.

**MONITORING GRASS CUTTING** Councilman Ogle asked if staff was monitoring yards around town that needed mowing. He reported a house across the street where he lives on Bienvenue Avenue, NW. His neighbor passed away and the family cleaned out the house and the yard needs attention.

**FUNDRAISING FOR CANCER BY TRAVIS JONES** Councilman Delp said a proclamation needed to be presented to Mr. Jones. Ms. Debbie Jones said her son, Travis, won the Leukemia/Lymphoma Society Man of the Year Award in Raleigh on Saturday, April 27, 2013. Travis raised \$40,270 and she said that he had taken a job in Cary, NC, and would not be able to come before Council to accept a proclamation.

**TOWN'S WEBSITE** Councilwoman Hildebran commended staff on the Town's website and there were a lot of interest in Valdese with over 5,000 hits. Ms. Hefner said this was for both websites.

**NC DEPARTMENT OF COMMERCE REPORT** Councilwoman Hildebran asked about the report. Mr. Morse said it was a grant requirement for the Restaurant/Dry Cleaners Project. She said it would be nice if the report/project were better identified.

**EVENTS IN VALDESE** Councilwoman Stevenson said she was excited about events happening in Valdese and also two new businesses opening on Saturday, May 11, 2013.

**TRAIL OF FAITH FENCE – NEW PARKING LOT** Mayor Hatley said the Trail of Faith had requested the Town install a fence around their new parking lot. Mr. Morse said he contacted each Member of Council and that Town Attorney Marc Mitchell was drafting a contract. Mr. Mitchell will draft an agreement and obtain Council input. Mr. Morse said it would cost the Town \$2,150 (one-time fee) to use the parking lot for events.

**INDUSTRIAL ARTS BUILDING** Councilwoman Hildebran asked about the status on the building. Councilman Black said they were waiting on grant applications.

**MANAGER'S REPORT:**

**VALDESE WEAVERS** Mr. Morse reported that Valdese Weavers, one of the Town's largest industries, held its annual meeting recently at the Old Rock School.

**UPDATE – PROPERTY LOCATED AT 909/913 MAIN STREET WEST** Town Manager Jeff Morse said the following report was submitted by Mr. Richard Deal: "5-6-13 Jeff, The following is an update for 913 West Main Street. 1) More grading work done for new drive entrance 2) Offsite storage location created to move and store dirt created by grading work 3) Dirt moved and stored for better curb appeal 4) More materials purchased and moved to job site for rock work 5) Final details planned and worked out for finish of perimeter wall. Sincerely, Richard Deal p.s. Jeff McGee battled the flu for approx. 17 days this month and is currently catching up and will be back on job site today."

**SATURDAY, MAY 11, 2013 EVENTS** Mr. Morse announced the following events:

8:00 a.m. - 5<sup>th</sup> Annual Hearts for Heros (benefits Hope for the Warriors), Waldensian Trail of Faith, 401 Church Street NW

10:00 a.m. – 3:00 p.m., 3<sup>rd</sup> Annual Art in the Plaza, Jacumin Plaza

11:00 a.m. - My Fair Lady Hat Parade, Wells Fargo Parking Lot

1:00 p.m. - Crossfit 729 Gym Grand Opening/Ribbon Cutting, Across the street from Frist Citizens Bank - Main Street beside Foothills Thrift Store

2:00 p.m. – John's Market on Main Grand Opening/Ribbon Cutting, 127 Main Street West

**REMINDER OF TOWN HALL MEETINGS – TUESDAY, MAY 7 AND THURSDAY MAY 23, 6:00 P.M., OLD ROCK SCHOOL AUDITORIUM** for review of Revaluation and Hold Harmless that would affect the Town's budget.

**VALDESE FARMERS MARKET BEGINS FRIDAY, MAY 17, 2013**

**TOWN HALL ACCEPTING DEBIT/CREDIT CARD PAYMENTS FOR WATER/SEWER ONLY**

**PARKING CHALLENGES – DOWNTOWN DELIGHTS RESTAURANT** Mr. Morse requested authorization to work with the Town Attorney Marc Mitchell to draft an agreement with Ed Hallyburton for restaurant parking. The agreement would be leased annually for taxes on the property.

Council by consensus recommended that Mr. Morse work with Town Attorney Marc Mitchell to draft a lease and bring before Council at the June 3 Council meeting.

**PROPERTY DONATION** Mr. Morse reported that the Town had received a donation of 1.5 acres off Roller Street at the former ice plant for a community garden. He said the committee would outline a footprint and the Forest Service would work with the committee and the Waldensian Presbyterian Church to clear the property and prepare the soil.

**ADJOURNMENT:**

**May 6, 2013, MB#30**

At 8:30 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilman Black. The vote was unanimous.

The next meeting is a Town Hall Meeting on Tuesday, May 7, 2013, 6:00 p.m., Old Rock School Auditorium located at 400 Main Street West, Valdese, North Carolina. The purpose of the Town Hall Meeting is to inform the citizens of the impact of Burke County's recent revaluation of property values on the Town's budget and the North Carolina General Assembly's action to eliminate the "Hold Harmless" appropriation (\$120,000) to the Town and its effect on the Town's budget.

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Town Clerk

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Mayor

**TOWN OF VALDESE  
TOWN COUNCIL TOWN HALL SPECIAL MEETING  
MAY 7, 2013**

The Town of Valdese Town Council met in a Town Hall Special Meeting on Tuesday, May 7, 2013, at 6:00 p.m., at the Old Rock School Auditorium, 400 Main Street West, Valdese, North Carolina. The purpose of the Town Hall Meetings is to inform our citizens of the impact of Burke County's recent revaluation of property values on the Town's budget and the North Carolina General Assembly's action to eliminate the "Hold Harmless" appropriation (\$120,000) to the Town and its effect on the Town's budget. The following were present: Mayor James L. Hatley, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Deputy Town Clerk Thelda B. Rhoney, and Finance Director Jerry LaMaster.

Absent: Councilman Keith Ogle

A quorum was present. No action taken.

Town Manager Jeff Morse welcomed everyone and offered the following PowerPoint presentation:

There were five citizens in the audience and a newspaper reporter.

**Town Hall Meeting – FY 2013-2014 Budget**

Purpose - Inform our citizens of the impact of Burke County's recent revaluation of property values on the Town's budget and the North Carolina General Assembly's action to eliminate the "Hold Harmless" appropriation (\$120,000) to the town and its effect on the Town's budget.

**Impact of Property Revaluation**

Comparison	<u>2012-2013</u>	<u>2013-2014</u>
Real Property	308,457,508	262,188,882
Personal Property	60,542,827	56,304,829
Public Service	10,398,559	10,398,559
Total Property Tax Value	379,398,894	328,892,270

Comparison	<u>2012-2013</u>	<u>2013-2014</u>
Property Tax Value Totals	379,398,394	328,892,270
Revenue (based upon current Tax rate \$ 0.40)	1,517,596	1,315,569

Revenue Short Fall \$202,027

Comparison	<u>Current</u>	<u>Projected</u>
Tax Rate	\$ 0.40	\$ 0.46*
Current Tax Revenue	* \$ 0.621 Increase – 2013-2014 property Tax Value divided by 100 times \$0.046143	
	1,517,596	1,517,596



**May 7, 2013, Town Hall Special Meeting MB#30**

Impact of Hold Harmless Loss - 2003 the North Carolina General Assembly eliminated the Business Inventory Tax and replaced this loss of revenue with North Carolina State Sales Tax. The State of North Carolina agreed to provide funds to the municipalities if the sales tax revenue was not equal to the loss of the Business Inventory Tax.

FY 2012-2013                      \$120,000\*

FY 2013-2014                      \$ 0.00

Property Tax Rate Necessary    \$ 0.036

To Recoup Loss of \$120,000

\*(2013-2014 Total Property Tax Value divided by 100 times 0.03649

Revaluation and Hold Harmless Summary

<u>Revenue Loss</u>	<u>Tax Rate</u>
Property Revaluation	\$ 0.061
Hold Harmless	<u>\$ 0.036</u>
Total	\$ 0.097

Mr. Morse asked if anyone had any questions.

Ms. Kathy Franklin said she enjoys the services provided by the town but didn't want any tax increase.

Mr. Jim Reynolds asked for clarification on an item and Mr. Morse reviewed the figures.

A gentleman asked questions about General Assembly actions.

There being no one else wishing to speak, the meeting adjourned at 6:30 p.m.

The next meeting is the second Town Hall Meeting scheduled for Thursday, May 23, 2013, 6:00 p.m., Old Rock School Auditorium.

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Town Clerk

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Mayor

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**TOWN OF VALDESE  
TOWN COUNCIL TOWN HALL SPECIAL MEETING  
MAY 23, 2013**

The Town of Valdese Town Council met in a Town Hall Special Meeting on Thursday, May 23, 2013, at 6:00 p.m., at the Old Rock School Auditorium, 400 Main Street West, Valdese, North Carolina. The purpose of the Town Hall Meetings is to inform our citizens of the impact of Burke County's recent revaluation of property values on the Town's budget and the North Carolina General Assembly's action to eliminate the "Hold Harmless" appropriation (\$120,000) to the Town and its effect on the Town's budget. The following were present: Mayor James L. Hatley, Councilwoman Frances Hildebran, Councilman Gary L. Delp, and Councilman Chip Black. Also present was Town Manager Jeffrey V. Morse.

Absent: Councilwoman Susan Stevenson and Councilman Chip Black

A quorum was present. No action taken.

Mayor Hatley welcomed everyone and Councilman Ogle presented the PowerPoint presentation offered by Town Manager Jeff Morse on May 7, 2013.

There were approximately six citizens in the audience.

Councilman Ogle stated approximately 10 cent increase in property tax was needed to accommodate for property revaluation and the hold harmless shortfall. Discussions were held regarding what services/programs the town could eliminate to accommodate the loss. Mr. Morse said several budget cuts were proposed such as the Burke County Narcotics Task Force and BDI for a \$60,000 savings.

Mr. Steve Martinat questioned The Settings property. Mr. Morse explained that all back taxes had been paid and he expected that the property would be developed which would help control the tax rate in the future. Mr. Martinat said that some of his vacant property went up 400 percent. He was going through the appeal process with the county. Mr. Martinat also questioned if the Town had thought about charging or increasing fees for services. He was informed that the Town was reviewing this and it was mentioned that the Recreation Center fees were recently increased.

The group was informed that the Town had no control over the property revaluation. The Town is made up of mostly senior adults who cannot afford additional tax burdens.

Travel and tourism was briefly discussed and most of the money comes from the occupancy tax and goes to assist in operating the Old Rock School and Family Friday Nights. The travel and tourism funds do not come from the Town's general fund.

The quality of life in Valdese was discussed and Mr. Morse reviewed contributions to organizations that assist with the quality of life in Valdese; such as the Valdese Library, Western Piedmont Council of Governments and NC League of Municipalities.

It was the consensus of the group that they did not want to see services cut.

Town employees only received a minimal raise during the last four years. The Town would like to offer them a one-time merit bonus this year.

Ms. Sandy Walker questioned the expense of Family Friday Nights. Family Friday Nights assist in the quality of life for Valdese citizens and the events bring people downtown. They visit restaurants and businesses that are open. Ms. Walker said her business on Friday nights had not increased. She had three people to come in this past week. Ways to bring more people into the businesses were discussed.

Dr. Paula Reynolds also shared her feelings about Family Friday nights.

There was further discussion and Mr. Morse informed the group that the major impacts made on municipalities are decisions made in Raleigh and by the General Assembly. He said the tax rate would not come down unless something comes from the state to cut tax funding. The unfunded mandates are harming local governments. Valdese has a lot of support from Representative Blackwell and Senator Daniel in Raleigh.

Citizen Mark Burgess also shared his concern about the taxes.

**May 23, 2013, Town Hall Special Meeting MB#30**

There being no further comments or discussion the meeting adjourned at 6:50 p.m. Mayor Hatley thanked everyone in attendance.

The next meeting is a Special Called Meeting for Thursday, May 30, 2013, 6:00 p.m., Valdese Town Hall Community Room to hear presentations on employee health care plans.

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Town Clerk

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Mayor

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**TOWN OF VALDESE  
TOWN COUNCIL SPECIAL MEETING  
MAY 30, 2013**

The Town of Valdese Town Council met in a Special Called Meeting on Thursday, May 30, 2013, at 6:00 p.m., at Valdese Town Hall Community Room. The purpose of the Special Called Meeting was to hear presentations on the employee health care plans. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Finance Director Jerry LaMaster, Deputy Town Clerk Thelda B. Rhoney, and HR Officer/Utility Customer Services Manager Debbie Jones.

Absent: None.

A quorum was present.

At 6:00 p.m., Mayor Hatley welcomed everyone and invited everyone to enjoy dinner catered by Myra's.

Town Manager Jeff Morse introduced Phyllis Sweezy who introduced Dwayne Wilson, Owner of Dwayne Wilson Insurance & Financial Services, Maiden, NC. He introduced Debbie Ficklin and they quoted Coventry Health Care of the Carolinas, Inc, insurance.

Mr. Morse introduced Doug Dunn, Employee Benefit Advisors, Inc., Denver, NC, who quoted Blue Cross & Blue Shield of North Carolina insurance. Mr. Dunn introduced Matt Chase, Blue Cross & Blue Shield Representative. Mr. Dunn also introduced Zack Robb, with his firm.

After a brief discussion, Mr. Morse requested comments from the Members of Council and most all recommended that the Town go with Coventry Health Care. Mayor Hatley asked for a vote for all Council Members recommending Coventry.

Voting aye: Hildebran, Stevenson, Delp, and Black

Voting nay: Ogle

Mayor Hatley said the Town would go with Coventry for employee Health Care.

There being no further comments or discussion, the meeting adjourned at 9:45 p.m.

The next meeting is a regularly scheduled Council Meeting on Monday, June 3, 2013, 7:00 p.m., Valdese Town Hall.

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Town Clerk

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Mayor

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**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
JUNE 3, 2013**

The Town of Valdese Town Council met on Monday, June 3, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: None.

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**BULLY AWARENESS – WALKER MARTIAL ARTS OWNER DANIEL WALKER** Mr. Walker said he and his wife live in Drexel and he is the owner and chief instructor of Walker Martial Arts in Valdese and they also own Family Care Homes in Burke County. There are things in place to stop bullying which are not working. He would like to work with the community on Bully Awareness and the protection of children. He asked the Town of Valdese to get the word out.

Mr. Morse recommended Mr. Walker work with Community Affairs Director Barbara Hefner and Recreation Director Doug Knight.

Mayor Hatley said publicizing was only the first part. He asked, how does a child deal with a bully. He asked, how the town could assist. He said it could be promoted at Family Friday Nights.

Mr. Walker said he would teach a child how to break away and get to authorities to report the abuse.

Councilman Delp asked about defense and offense for our youth.

Mr. Morse recommended staff teaming up with Mr. Walker to host seminars at the Recreation Center. Mr. Morse said these type programs would have to be approved by the Town Attorney.

Police Chief Moss said a Bully Program was held in Statesville and children were taught to just get away.

Mayor Hatley recommended that Mr. Walker meet with the Town Manager to discuss this issue. He thanked Mr. Walker.

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

**APPROVED MINUTES – MAY 6, 2013 AND TOWN HALL MEETINGS OF MAY 7 AND MAY 23, 2013, AND SPECIAL MEETING OF MAY 30, 2013**

**APPROVED THE VALDESE ABC BOARD TRAVEL POLICY**

**VALDESE ABC BOARD TRAVEL POLICY**

The following guidelines will be used as a travel policy for all employees traveling on Valdese ABC Board business:

1. Reimbursement of travel expenses:

Meals will be covered on a per day rate. (Based on the current Federal Per Diem Rate) The Federal Per Diem Rates listing (found online at [www.gsa.gov](http://www.gsa.gov)) is updated on an annual basis in October. If the traveler's destination is not listed on the website, the standard rate, \$46 currently, is used.

When traveling to attend a conference, where some meals are provided by the conference, remaining meals not provided by the conference will be eligible for reimbursement on a reasonable and actual basis (receipts required).

When on a trip not involving an overnights stay, expenses (i.e. mileage, meals) will be eligible for reimbursement on a reasonable and actual basis (receipts required).

Lodging will be covered for reasonable and actual cost (receipt required). Unless attending a conference, the Federal Per Diem Listing should be used as a guideline in determining reasonable cost.

2. Board credit cards may be used to reserve lodging. Travel related cost however, should not be charged to the credit cards. All travel expenses will be covered through travel advances and / or reimbursements.
3. It is the responsibility of the General Manager to determine which meal allowances are eligible for reimbursement to employees for partial day travel. Reimbursement will be for reasonable and actual cost (receipt required).
4. All requests for travel expense reimbursement (i.e. meals, lodging, mileage, etc. must be accompanied by a travel expense report.
5. Other issues:

-Transportation: As a general rule, it is the Board's policy that an employee is authorized to use a private vehicle and be reimbursed at the current standard mileage rate. The current standard rate shall be the same as paid by the Town of Valdese, which follows the standard IRS mileage rate.

-Telephone: Any employee traveling out of town and staying overnight, will be allowed a personal telephone call up to \$4 per night. Board business related calls will be paid by the Board.

-Registration: Registration fees are generally paid in advance directly to the vendor, not from travel advance.

-Advances: The Board does permit employees to request advances whenever an estimated trip cost exceed \$25. If the cost is less than \$25, employee must seek reimbursement when the trip is completed.

Adopted this the 3<sup>rd</sup> day of June, 2013.

/s/ James L. Hatley, Mayor

Attest: Town Clerk

**DALMAS ANNEXATION PETITION – CALL FOR PUBLIC HEARING ON JUNE 24, 2013** A petition submitted by Ms. Jean Dalmas for voluntary, contiguous annexation of approximately 5.483 acres into the Town of Valdese. The property is located on Villar Lane.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area known as Dalmas Property described in said petition has been received on May 9, 2013 by the Valdese Town Council; and

WHEREAS, G.S. 160-3I provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Valdese deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Valdese:

That the Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of his investigation.

This 3<sup>rd</sup> day of June, 2013.

/s/ James L. Hatley Mayor

Attest: /s/ John "Chip" Black, Town Clerk

**CERTIFICATE OF SUFFICIENCY**

To the Town Council of the Town of Valdese, North Carolina.

I, John "Chip" Black, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Valdese, this 9<sup>th</sup> day of May, 2013.

/s/ John "Chip" Black, Town Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED**

WHEREAS, a petition requesting annexation of the area described herein known as the Dalmas Property (Jean Auton Dalmas) property has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Valdese, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at Valdese Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina, at 7:00 p.m., on the 24<sup>th</sup> day of June, 2013.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at PK nail set, northeast corner of Lot 1, containing 5.483 acres more or less, as shown in Plat Book 42, page 285, Burke County Registry, said beginning point also being located in the southeast corner of the Larsen property (Book 1287, page 784, Burke County Registry); and running thence with the south margin of the Larsen property North 85° 14' 35" West 584.75 feet to a rebar set; thence South 01° 45' 30" West 475.42 feet to a rebar, northwest corner of the Villar Vintners of Valdese, Inc. property; thence with the Villar line North 89° 39' 14" East 263.00 feet to a rebar set; thence North 62° 41' 07" East 395.91 feet to a ¾-inch iron pipe located in the west margin of the Burris property; thence North 04° 05' 56" West 244.06 feet to the point of BEGINNING and containing 5.483 acres, more or less, and being all of Lot 1 as shown on a plat of survey prepared by West Consultants, PLLC dated December 3, 2012, and recorded in Plat Book 42, page 285, Burke County Registry.

BACK REFERENCE: Tract II of Book 2005, page 558, Burke County Registry.

TAX PIN NO.: Part of 2734904540

TAX MAP NO.: Part of 76-52-5-8

Section 3. Notice of said public hearing shall be published in the "Morganton News Herald," a newspaper having general circulation in the Town of Valdese, at least ten (10) days prior to the date of said public hearing.

This 3<sup>rd</sup> day of June, 2013.

/s/ James L. Hatley, Mayor

Attest: /s/ John "Chip" Black, Town Clerk

**APPOINTMENT TO ARBOR BEAUTIFICATION COMMITTEE** Ms. Maxine Molter, Vice President of Medical Management and Quality Management at Blue Ridge Health Care was appointed to fill the unexpired term of Dr. Ben Garrou, term expiring December 31, 2015.

**REAPPOINTMENTS TO VEDIC BOARD OF DIRECTORS** Ms. Elizabeth Furr and Mr. Ed Hallyburton were reappointed for another three year term on the VEDIC Board of Directors, terms will expire July 1, 2016.

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

***End Consent Agenda***

**ITEMS REMOVED FROM CONSENT AGENDA:**

**PROCLAMATION HONORING TRAVIS JONES** Mayor Hatley said Travis Jones beat cancer as a child and Travis now works and lives in the Raleigh area assisting others who are battling cancer. Mayor Hatley presented the following proclamation to Travis Jones parents, Debbie and Harvey Jones:

**Proclamation Honoring Travis Jones**

WHEREAS, Travis Jones was nominated by Michele Coakley at Biologics, Inc., an Oncology Management Provider, to participate in the Leukemia and Lymphoma Society's Research Triangle Man and Woman of the Year campaign; and

WHEREAS, the campaign incorporated 10 weeks of fundraising and the winners were named solely on their philanthropic efforts for the Leukemia and Lymphoma Society; and

WHEREAS, many people in this community banded together to do events locally and over 20 events from people within Valdese and outside of Valdese were held assisting Travis in his fundraising event such as a chili bean luncheon, lemonade stand, Princess for a Day event which allowed young ladies to be pampered and treated like a princess; and

WHEREAS, Travis' total campaign raised over \$40,700 (overall campaign combined raised over \$195,000); and

WHEREAS, due to Travis Jones' efforts, the funds raised not only helps with research but will also assist with the financial needs of folks diagnosed with a Blood Cancer and the Leukemia and Lymphoma Society has already helped many in this community to not only learn about their illness, but has also provided large amounts of financial support and quality of life to those folks.

WHEREAS, Travis recently began working with Biologics, Inc., in Cary, North Carolina, and now lives in Raleigh, North Carolina.

NOW, THEREFORE, I, James L. Hatley, by virtue of the authority vested in me as Mayor of the Town of Valdese, and on behalf of the entire Town Council acknowledge the talents, skills, teamwork, and successes of "Travis Jones," and, on behalf of our citizens, we do hereby extend this expression of our pride in his fundraising efforts for the Leukemia and Lymphoma Society.

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Seal of the Town of Valdese to be affixed, this 3<sup>rd</sup> day of June, 2013.

/s/ James L. Hatley, Mayor

Travis Jones' mother, Debbie Jones, read the following statement from Travis: "I wanted to say thank you to the Mayor Jim Hatley, Town Manager Jeff Morse and the Town Council Members for this great recognition. Valdese has always been a great supporter of my journey in life and of the journey that my family has traveled. The Leukemia and Lymphoma Society Research Triangle Man of the Year campaign was such an honor to be nominated. I could not have achieved the goal of winning Man of the Year without such great support from my community and the citizens within it. The voice of Valdese was loud for 10 weeks in the Research Triangle during this campaign and together we have made a difference in the lives of our friends, neighbors and even those that we may never meet. It is when you think of others before yourself when true happiness exists. Valdese gave me the tools, taught me lessons, and gave me guidance over the last 34 years to become the person I am today. I am perfectly imperfect and I am proud of that. What Valdese has taught me will forever stay engrained in me no matter where I am or what I am doing. Thank you again for this great honor and recognition."

**CDBG CLOSE OUT PUBLIC HEARING FOR KLEEN TECH PROJECT** Town Manager Jeff Morse said the Town applied and received a \$450,000 grant for sewer improvements to allow for the operation and construction by Kleen Tech, Inc., of a new 15,000 square foot facility in Valdese. Kleen Tech, Inc., invested over \$1 million in building and equipment at their new site and has created over 30 new, full-time positions. The project has been monitored and is in compliance. The NC Community Development Block Grant program rules require a public hearing during the closeout process.



Mayor Hatley opened the Public Hearing and asked if anyone wished to speak either for or against. There being no one wishing to speak, Mayor Hatley closed the public hearing.

Councilman Ogle made a motion to close out the Kleen Tech Project, seconded by Councilwoman Stevenson. The vote was unanimous.

**SECOND PUBLIC HEARING - MILLSTONE AVENUE CDBG WATER PROJECT AND ADOPTION OF RESOLUTION** Town Manager Jeff Morse said a public hearing was needed to discuss a Community Development Block Grant (CDBG) Infrastructure Grant Application. The application would be submitted to the North Carolina Department of Commerce, Community Investment Division. The application requests \$370,860 to install 2,400 LF of 6" waterlines to serve 23 households on Millstone Avenue and its connecting private drives. The new line would be connected to an existing high pressure waterline near Jacumin Road and Flat Gap Road.

Mayor Hatley opened the Public Hearing and asked if anyone wished to speak either for or against. There being no one wishing to speak, Mayor Hatley closed the public hearing.

**RESOLUTION FOR THE TOWN OF VALDESE APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE MILLSTONE AVENUE WATER PROJECT**

WHEREAS, the Town of Valdese's Council has previously indicated its desire to provide municipal water service; and

WHEREAS, the Town Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit twenty-three residents of the Millstone Avenue area; and

WHEREAS, the Council wishes the Town to pursue a formal application for \$370,860 in Community Development Block Grant funding to install water lines (one hundred percent of project costs); and

WHEREAS, the Town Council certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program.

NOW, THEREFORE BE IT RESOLVED, by the Town of Valdese's Council that the Town of Valdese is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for the Millstone Avenue Water Project.

Adopted this the 3<sup>rd</sup> day of June, 2013, in Valdese, North Carolina.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

After a brief discussion, Councilman Black made a motion to adopt the aforementioned Resolution, seconded by Councilman Delp. The vote was unanimous.

**FY 2013 – 2014 BUDGET REVIEW AND SET PUBLIC HEARING DATE FOR MONDAY, JUNE 24, 2013** Town Manager Jeff Morse gave an overview of the proposed FY 2013-2014 budget. He said in addition of the Budget Review Meeting there were two Town Hall Meetings held regarding revaluation and loss of hold harmless. The proposed General Fund budget for FY 2013-2014 - \$4,622,750, a decrease from FY 2012-2013 of 7.74 percent. Due to the revaluation, the town lost approximately 15 percent property valuation and \$120,000 loss of hold harmless. To meet the obligations he was proposing a tax increase of 6.3 cents for revenue neutral. For the \$120,000 loss, he proposed \$60,000 budget cuts plus and additional tax increase of 2.2 cents for a total of 8.5 cent tax increase. He said employee healthcare was another issue and the town would be changing insurance companies for a 6 percent increase instead of a 40 percent increase. There are no new initiatives in the budget and he briefly reviewed capital outlays. He said there would be \$27,000 for economic development and if additional funds were needed, it would take Council approval. He requested a one-time bonus for employees in the amount of \$985 per employee.

Mayor Hatley said citizens would see approximately the same amount of taxes as last year. Mr. Morse said the 2.2 cent would be an increase for all citizens.

Mayor Hatley said employees have only received two 1.5 percent salary increases over the past four years.

Councilman Black was concerned about the complete cut from BDI and he recommended a contribution for representation in order to have a voice to make changes.

Mr. Morse said the biggest challenge in the Utility Fund was loss of customers. Icard Water Corporation had reduced their consumption and staff has to put our system into a position of becoming self-sufficient without reliance on other customers. There are other issues such as inflow and infiltration; replacement of manholes; electrical, gas and chemical costs; and other issues. There was no increase last year and this year he recommended a \$2 increase to residential and business customers, a \$2 fixed base increase to contract customers, and a 5 percent industrial increase. He said these proposed rates are still some of the lowest in North Carolina. He recommended \$1 of the \$2 fixed charge be assigned to a reserve account for infrastructure repairs. The Triple System is 100 percent merged with the Town and their rates are in-line with the Town of Valdese customers.

Councilwoman Hildebran asked if the residential rate could be adjusted for our seniors. There are a lot of elderly citizens in her ward. Mr. Morse said he did not believe that was possible; however, there was a program to assist those in need to pay water bills. Mr. Morse briefly reviewed mandates coming from the state that would be cost prohibitive for cities and towns.

Councilman Ogle asked about the water increase and the \$1 reserve and the cut in BDI. Mayor Hatley said Council needed to have the knowledge and courage to do the right thing for Valdese.

After a brief discussion, Councilman Ogle made a motion to call for a public hearing for the FY 2013-2014 Budget on Monday, June 24, 2013, seconded by Councilman Black. The vote was unanimous.

**REPORT ON COMPREHENSIVE PARKS AND RECREATION MASTER PLAN** (Copy of plan on file in the Office of Recreation Director.) Recreation Director Doug Knight thanked Council for the opportunity to go through the process. The Recreation Commission unanimously approved the plan and recommends Council approval. He introduced WPCOG Representative Sam Erwin and thanked him for all his hard work on the plan. Mr. Knight also thanked Ms. LuAnn Bryan, Recreation Resources Service, for her work on the plan. Mr. Erwin offered a brief overview of the plan. Mr. Erwin said this was the first recreation plan for Valdese. The plan gives you a vision for up to 15 years. The plan can be amended at any time. A major part of the plan was obtaining information from the public. They conducted surveys, they met with the Recreation Commission, and they held three public meetings. The three things citizens wanted were: 1) Improvements to the swimming pool, either another 'bubble' or a permanent structure and most favored a permanent structure. 2) Citizens wanted more room to exercise, such as an expansion over the bowling alley area. (A feasibility study was conducted about the exercise room over the bowling alley and it was recommended to go another direction.) 3) As the population is getting older, citizens want to see more walking trails and greenways. Citizens would like to see a park on Lake Rhodhiss with canoe access. Also, citizens would like a passive park in the downtown area with a splash pad. They would also like to see a larger park that included a walking trail and a golf course. A golf course is inexpensive to build and it is a great activity. A 40-acre park with a bike trail or even a mountain biking trail would draw people to Valdese. There was interest in a dedicated soccer field. The town has ample ball fields. The plan was divided into three phases over 15 years and the most expensive was the swimming pool. A plan is needed to obtain grant funds.

Council commended Mr. Erwin and Mr. Knight on the impressive plan.

Councilwoman Stevenson made a motion to accept the Comprehensive Parks and Recreation Master Plan, seconded by Councilwoman Hildebran. The vote was unanimous.

**PURCHASE OF NEW PHONE SYSTEM – FIRE DEPARTMENT** Fire Chief Charlie Watts recommended Council approve the purchase of a Public Safety Automated Telephone System. The system was needed due to the consolidation of the E911 Telephone System with Burke County and City of Morganton. The automated phone system at Town Hall was designed to allow for the addition of the Fire and Police Departments to become a part of the automated system, lowering the costs of connectivity for the two departments. The proposed cost for Valdese was \$15,125.

Mr. Morse said the consolidation needs an alternate location as a back-up for the communications center, and the old town hall (downstairs) would be renovated for this purpose.

After a brief discussion, Councilman Ogle made a motion to approve the purchase of a new phone system, seconded by Councilwoman Hildebran. The vote was unanimous.

**AUTHORIZATION OF BEER AND WINE SALES** Community Affairs Director Barbara made the following request for beer and wine sales:

Independence Day Celebration – June 28, 2013:

1. American Legion Post 234, Jeffrey Jacumin
2. Waldensian Style Wines, Eddie Zimmerman

Waldensian Festival – August 9 and 10, 2013:

1. American Legion Post 234, Jeffrey Jacumin
2. Waldensian Style Wines, Eddie Zimmerman
3. Waldensian Winery, Dennis Powell

Councilman Ogle made a motion to approve the aforementioned request to sell beer and wine, seconded by Councilman Delp. The vote was unanimous.

**MAYOR AND COUNCIL COMMENTS:**

**RECREATION CENTER - UMBRELLAS**

Councilwoman Stevenson said there was no shade at the Recreation Center pool area. Mayor Hatley requested that Mr. Knight obtain prices for umbrellas for the pool area.

**I-40 EXITS 111 AND 112**

Councilwoman Stevenson said Exits 111 and 112 off I-40 needs attention, there is tall grass and the areas are unsightly.

Mayor Hatley also said that I-40, Exit 112, east bound - vision was blocked at the end of the ramp.

**MUSIC ON MAIN STREET** Councilwoman Stevenson said it would be nice to have music piped in on Main Street. She said the flowers are beautiful and there are antique stores for shopping and restaurants and the music would be a nice addition.

**WELCOME TO VALDESE SIGN ON CAROLINA STREET** Councilman Black said the welcome to Valdese sign on Carolina Street now has new and improved lights.

**DOWNTOWN PARKING** Councilwoman Hildebran said the May minutes referenced parking for Downtown Delights. Mr. Morse said that was a merchants issue and he would ask Town Attorney Marc Mitchell to draft a lease.

**OLD HIGH SCHOOL FENCE** Councilwoman Hildebran asked about the fence at the old high school. Mr. Morse said the Town Attorney drafted a contract for the Mayor to review. The contract needed to be submitted to Mr. Jacumin. Mr. Morse said he would make sure the contract was submitted to Council as well.

Mayor Hatley said the fence had been installed and the Town would not pay any money until a contract was signed.

**MANAGER'S REPORT:**

**UPDATE – PROPERTY LOCATED AT 909/913 MAIN STREET WEST** Town Manager Jeff Morse said the following report was submitted by Mr. Richard Deal: “June 01, 2013 Jeff, The following is an update for 913 West Main St. property: 1) Last section of rock wall has been completed 2) Detailed planning for entrance columns has been completed and rock work has begun to wrap columns; 3) Storm water management has advanced and is monitored constantly 4) Lighting infrastructure will begin this month to support lights for columns and wall 5) Water proofing process will begin this month behind wall to prep for backfilling. Jeff McGee has had a few small jobs he had to attend and a short planned vacation to enjoy but will be returning to my job this week for completion. With Regards, Richard Deal”

Mr. Morse said Mr. Deal had met all obligations and this would be the last update unless more complaints were received. Town Attorney Marc Mitchell said there was a proceeding pending order still in effect.

**DISCUSSION ON DESIGNATING MAIN STREET FROM ELDRED STREET TO CHURCH STREET AS WALTER CHURCH HIGHWAY** Mr. Morse recommending the designation of a portion of Main Street for Representative Walter Church, Sr. Mr. Church served and contributed so much to Valdese and Burke County. He requested authorization to continue with a resolution.

Councilman Delp said there were a lot of people who have done a lot for Valdese and you have to be careful who you are leaving out.

Mr. Morse said it had to be elected officials, not citizens or volunteers. Mr. Morse said Representative Church would be in the same category as Mayor Draughn and Joe Temple.

Mr. Morse said he could not apply for the designation from the NC Department of Transportation until he received Council approval.

After a brief discussion, Council by consensus tabled this agenda item until the June 24<sup>th</sup> Council meeting.

**INDEPENDENCE DAY CELEBRATION IN THE TOWN OF VALDESE ON FRIDAY, JUNE 28, 2013**

**RETIREMENT DINNER FOR TRIPLE DISTRIBUTION SUPERINTENDENT ARCHIE LOWMAN, TUESDAY, JUNE 11, 2013, 7:00 P.M., TIMBERWOODS**

**PROJECT X – POTENTIAL RESIDENTIAL DEVELOPMENT** Mr. Morse requested Council authorize a \$2,000 per lot incentive as offered to other developments for a potential development. He said all roads and water and sewer would be in place or cash set aside prior to any lots being sold.

It was the consensus of Council to offer the \$2,000 per lot incentive to Project X Residential Development.

Mr. Morse said this would go through the official notification and the Town Attorney would prepare the contracts.

**GRIST MILL – McGALLIARD FALLS PARK** Mr. Morse said the recent, heavy rains caused erosion at the Grist Mill, which could be expensive to secure the bank. He said the bank needs to be secured for safety. The engineering fee was \$9,000 which normally is 10 percent of the proposed contract.

**VALDESE BRANCH LIBRARY** Mr. Morse said one of the capital outlay items in the FY 2013-2014 budget was funding to replace the HVAC at the library. Burke County would fund one-half of the cost.

At 8:50 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

The next meeting is a regularly scheduled Council Meeting on Monday, June 24, 2013, 7:00 p.m. This meeting also serves as the July Council meeting.

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Town Clerk

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Mayor

**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
JUNE 24, 2013**

The Town of Valdese Town Council met on Monday, June 24, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: Councilman Keith Ogle

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**BUDGET COMMENTS - MS. JEAN MARIE COLE**, 705 Bertis Street SW, questioned if staff had looked at other options on healthcare insurance. She believed an opportunity was being missed for separate nights for July 4<sup>th</sup> celebration.

Mayor Hatley thanked Ms. Cole for her comments and he would take her advisement under consideration.

Town Manager Jeff Morse said the proposed insurance increase was approximately 40 percent and the Town went with Coventry with a 6 percent increase.

**JASON BANNER REGARDING WESTERN YOUTH INSTITUTION (WYI)** Mr. Banner, a Valdese resident, said he was a Correctional Sergeant at the Western Youth Institution and he is an instructor through the NC Department of Public Safety. He thanked Members of Council for their support to try and save the institution from closing.

Mayor Hatley said the Town will continue the fight.

**PROCLAMATION SUPPORTING COACH TATE FOUNDATION** Mayor Hatley presented the following Proclamation to Tricia Griffin with the Coach Tate Foundation:

**PROCLAMATION  
Supporting  
Coach Tate Foundation**

WHEREAS, Coach Tate was an exemplary coach who not only taught fundamentals to his young football players but who also loved them and taught them how to become good young men and outstanding citizens; and

WHEREAS, Coach Tate realized that sports and education provide the foundation necessary for the development and well-being of younger people in society and in our educational systems; and

WHEREAS, Phrantceena Tate Halres, daughter of Coach Tate, realized that physical activity was essential to the development of young people, fostering their physical, social and emotional health; and

WHEREAS, Phrantceena Tate Halres desired to carry on with her father's legacy and create the Coach Tate Foundation to encourage sports and education be used together to complete student development.

NOW, THEREFORE, I, James L. Hatley, Mayor of the Town of Valdese, on behalf of the Valdese Town Council, do hereby pledge the support of the Town of Valdese and encourage all municipalities and citizens in Burke County and the surrounding counties to pledge their support to the Coach Tate Foundation.

This 24<sup>th</sup> day of June, 2013.

/s/ James L. Hatley, Mayor

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

**APPROVED MINUTES** – Regular Council Meeting of June 3, 2013

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

***End Consent Agenda***

**ITEMS REMOVED FROM CONSENT AGENDA:** NONE.

**FY 2013 – 2014 BUDGET PUBLIC HEARING** Mayor Hatley opened the public hearing.

Town Manager Jeff Morse said the challenge with the budget was the loss of revenue sources. The hold harmless was \$120,000 and a 15 percent loss of property taxes due to revaluation. There was a 6.3 cents increase for revenue neutral. The additional 2.2 cents was for the loss of hold harmless funds from the state. A total of 8.5 cents on the \$100 valuation was recommended. He proposed \$60,000 budget cuts. Mr. Archie Lowman from the Triple District was retiring and Public Works Director Bryan Duckworth was taking on the additional duties at Triple. The Triple System was now completely consolidated with the Town of Valdese water system. The administrative position would be reinstated at Public Works and would be covered by Mr. Lowman's salary and fringe benefits. Mr. Morse said less water was being purchased by Icard Water Corporation, and with water conservation and industries being frugal with water usage that all these factors affected the Utility Fund. Due to increases in energy and chemical costs, a \$2 fixed meter increase to the residential and business customers was proposed as well as a 5 percent increase for the industrial customers. The Triple customers would receive the same rates as Valdese in-town customers, a goal from the merger. Employee insurance increased by 6 percent. A one-time bonus for employees was recommended in the amount of \$985 in lieu of a salary increase, based on 5 percent on the lowest full-time salary. He briefly mentioned the capital outlay fund.

Mayor Hatley said the taxes would be approximately the same as before except for the additional 2.2 cents.

Councilman Delp asked if \$1 of the \$2 fixed base meter increase would be set aside for future repairs. Mr. Morse said yes.

Ms. Sandi Walker, 124 Main Street West, thanked Mayor Hatley for bringing back the prayer. She asked about repairs in the Community Affairs budget and that revenues were not covering expenses. Contract services entertainment budget increased. She said water rates for commercial were \$2.98 and there was quite an increase for the Triple customers. She asked why Council received health insurance benefits. She asked why funds were budgeted from the Utility Fund to the General Fund and she didn't recommend a rate increase. The town should sell the Flowers Building. Burke County Commissioners raised the Burke County tax rate by 16 cent and her tax rate would be going up.

Mayor Hatley said the Rostan Family Foundation had invested considerable sums of money in the Old Rock School.

Mr. Morse said the Town paid \$1 for the Old Rock School and the facility was important to the community and surrounding area and the community was committed to sustain the building. He said in the future the HVAC would need replacing and there was consideration from a foundation to install an elevator. There are continued improvements to preserve the facility. Mr. Morse said the increase cost for contract services was due to Family Friday Nights being extended one month and a new stage and sound system.

Community Affairs Director Barbara Hefner offered additional information about costs for the Family Friday Nights events. Mayor Hatley said the town may purchase a stage in the future.

Mr. Morse said he would check on the utility rates and her rate should only go up \$2. He said since 1980 health insurance had been provided for elected officials and this was a common practice throughout North Carolina. He said regarding the transfer of funds, the NC General Assembly and Local Government Commission allow the transfer. Mr. Morse offered a brief update on the Flowers Building due to the location of the mural and the need for restaurants. He recommended continuing to rent the Flowers Building until a good offer for sale was received.

Mayor Hatley thanked Ms. Walker for her comments.

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

Councilman Black asked about the Burke County Narcotics Task Force. Mr. Morse said there was a requirement in the contract of a one year written notice in order to be removed from the task force and the Finance Director would prepare a budget amendment from fund balance.

Councilman Black asked about BDI. Mr. Morse said he contracted BDI staff to see if Valdese could remain a member at the same rate of \$5,000 that Drexel and Rutherford College pays. Funds would come from the contingency line item.

Mayor Hatley said Councilman Ogle was absent due to illness and that he was in full agreement with the proposed budget.

Councilwoman Hildebran said she opposed the tax rate increase and the water rate increase because she represents Ward 4 which consists of a lot of senior adults and low income families and the increase would cause a hardship. She said she realized that an increase was needed to continue the services provided by the town.

Mayor Hatley said if there were no increases that some services would have to be cut and would that be trash pick-up, closing of the Recreation Center or Old Rock School. He said this was no easy task and he asks daily for knowledge and courage to do what was right.

Mr. Morse said the General Assembly was still in session and local governments are not sure about the tax package.

Councilman Delp said he lived in an older neighborhood where water and sewer lines were installed in the late 30s and some lines need replacing and it may be easier to charge \$2 now rather than \$10-\$15 in later years.

Mayor Hatley said the Town's water system and sewer system cost millions of dollars, as well as some of the equipment, and there are only three remaining wet industries and it would be tough for the town to lose a wet industry. He recommended taking \$1 of the proposed \$2 increase for needed repairs or replacement.

Councilwoman Stevenson said the budget process over the past several years had been difficult and increasing the tax rate was something that had to be done.

Mr. Morse said because of the budget issues that Council wanted the process to be as transparent as possible and two special town hall meetings were held.

#### **FY 2013 – 2014 ADOPTION OF BUDGET ORDINANCE**

#### **TOWN OF VALDESE BUDGET ORDINANCE FISCAL YEAR 2013 - 2014**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE, NORTH CAROLINA, THAT:

Section I: The following amounts are hereby appropriated to the fund set forth for the operation of the town government and its activities for the fiscal year beginning July 1, 2013 and ending June 30, 2014 in accordance with the chart of accounts heretofore established for this town:

GENERAL FUND	\$ 4,622,750
Governing Body	\$ 65,214
Administration	902,156
Public Works	227,011
Maintenance & Grounds	176,343
Planning	83,344
Police	813,141
Fire	623,787
Street	197,306
Powell Bill	147,985
Sanitation	228,150
Recreation	728,409
Tourism/Community Affairs	429,904

UTILITY FUND		<u>\$ 5,152,034</u>
Water	1,590,165	
Wastewater	1,824,041	
Water/Sewer Const.	651,528	
Triple District	1,086,300	

TOTAL EXPENDITURES		<u>\$ 9,774,784</u>
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Section II: It is estimated, and therefore appropriated, that the following revenues will be made available to the respective funds for the fiscal year beginning July 1, 2013 as follows:

GENERAL FUND	\$ 4,662,750
UTILITY FUND	\$ 5,152,034
TOTAL REVENUES	<u>\$ 9,774,784</u>

Section III: There is hereby levied an ad valorem tax at the rate of forty eight and one half cents (\$0.485) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2014 for the purpose of raising a portion of the revenue listed in the General Fund appropriation in Section II of this ordinance. This rate, based upon an estimated total valuation of \$328,892,270 will generate a levy of \$1,557,245 with an estimated collection rate of 98% less \$12,000 reserved for discounts.

Section IV: As set forth in the Utility Fund Non-Departmental Section of the FY 2013-2014 budget document, the amount of \$425,660 is appropriated for the purpose of debt service and that this amount is sufficient for the complete and proper payment of all bond principal, bond interest and commissions on the outstanding debt of the town relating thereto for the fiscal year beginning July 1, 2013, and ending June 30, 2014.

Section V: Long Term Monitoring surcharge for industrial pretreatment program.

Program Cost: \$14,350

Section VI: The fee schedule for utility service for INDUSTRIAL CUSTOMERS is as follows:

<u>Inside Water</u> (Consumption /1000 gal.)	<u>Inside Wastewater</u> (Discharge/1000 gal.)
0 - 3                \$11.09	Admin. Billing Charge    \$6.03
4 - Plus            2.11	User Charge                2.01
<u>Outside Water - Town System</u> (Consumption /1000 gal.)	<u>Outside Wastewater - Town System</u> (Discharge /1000 gal.)
0 - 3                \$23.72	Double Inside Rate
4 - Plus            4.22	

The fee schedule for utility service for COMMERCIAL CUSTOMERS is as follows:

<u>Inside Water</u> (consumption / 1000 gal.)	<u>Inside Wastewater</u> (discharge / 1000 gal.)
Fixed Meter Charge +	Minimum charge
0 - 3                24.26	up to 3000 gals.        \$5.79
4 - Plus            2.60	Cost per 1000 gal.     \$1.93



<u>Outside Water – Town System</u> (consumption / 1000 gal.)	<u>Outside Wastewater- Town System</u> (discharge / 1000 gal.)
Fixed Meter Charge +	
0 – 3                    38.35	Double Inside Rate
4 – Plus                5.20	

The fee schedule for utility service for RESIDENTIAL CUSTOMERS is as follows:

<u>Inside Water</u> (consumption / 1000 gal.)	<u>Inside Wastewater</u> (discharge / 1000 gal.)	
Fixed Meter Charge +		
0 – 3                    25.24		
4 – Plus                2.60		
	Minimum charge up to 3000 gals.	\$5.52
	Cost per 1000	1.84

<u>Outside Water – Town System</u> (consumption / 1000 gal.)	<u>Outside Wastewater- Town System</u> (discharge / 1000 gal.)
Fixed Meter Charge +	
0 – 3                    36.48	Double Inside Rate
4 – Plus                5.20	

Utility Deposits

Non-owner Resident	\$100.00
Non-owner Commercial	100.00
Non-owner Industrial	100.00

Reconnect                                \$ 25.00

Water Meter Tampering                \$100.00

Late Penalty                                10% after 15th of month bill is due. Amended policy now included for large users. If the penalty exceeds \$200.00 the amended policy becomes effective.

Section VII: The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- (A) He may transfer amounts between objects of expenditures within a department without limitation and without a report being required.
- (B) He may transfer amounts of \$1,000 between departments of the same fund with an official report on such transfer at the next regular meeting of the Town Council.
- (C) He may not transfer any amounts between funds or from any contingency appropriation within any fund without approval of the Town Council.

Section VIII: Copies of this budget ordinance and accompanying documents shall be furnished to the finance office, budget officer, and other department heads of the Town of Valdese to be kept on file by them for their direction in the disbursement of funds.

Upon introduction by Town Manager Jeffrey V. Morse, motion to adopt by Councilman Black, and seconded by

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Councilwoman Stevenson, this ordinance is adopted on this the 24<sup>th</sup> day June, 2013, with the following vote: Ayes: Councilwoman Stevenson; Councilman Delp and Councilman Black, Noes: Councilwoman Hildebran. Mayor Hatley said the motion carried.

/s/ James L. Hatley, Mayor

Attest: /s/ Town Clerk

**PUBLIC HEARING – JEAN AUTON DALMAS VOLUNTARY ANNEXATION** Note: Ordinance may be found in Ordinance Book No. 9, page 49.

Mayor Hatley opened the public hearing and asked if anyone wished to speak either for or against.

Ms. Jean Dalmas said after all the discussions, she wanted to come into the Town of Valdese. There was currently water and sewer to the home and she was looking for fire protection for the historic home.

Councilman Delp said the annexation does not include the winery.

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

Councilwoman Stevenson made a motion to approve the Dalmas Voluntary Annexation, seconded by Councilwoman Hildebran. The vote was unanimous.

**FY 2012-2013 YEAR END BUDGET AMENDMENT** Finance Director Jerry LaMaster presented the following amendment:

**SUPPLEMENTAL YEAR END BUDGET AMENDMENT**

<b><u>GENERAL FUND</u></b>		<b>Increase (Decrease)</b>
Total Revenue:		<u>75,712</u>
	10.3010.09	
2009 Ad Valorum Taxes	1	4,000
	10.3010.10	
2010 Ad Valorum Taxes	1	60,000
	10.3010.11	
2011 Ad Valorum Taxes	1	(30,000)
	10.3170.00	
Tax Penalty & Int	0	11,100
	10.3350.03	
Other	0	7,000
	10.3410.00	
Alcohol / Beverage Tax	0	(10,000)
	10.3480.00	
Wellness	0	1,750
	10.3670.00	
Sales Tax Refund	0	3,000
	10.3830.00	
Sale of Fixed Assets	0	4,500
	10.3970.30	
From Utility - Recording Sys	0	1,200
	10.3970.30	
From Utility	0	(1,750)
	10.3970.30	
From Utility	0	15,000
	10.3970.93	
Insurance Reserve	0	(65,088)
	10.3990.00	
Fund Balance - Powell Bill	1	75,000

Expenditures:

Governing Body		(1,000)
	10.4100.06	
Group Insurance	0	(2,000)
	10.4100.54	
Insurance & Bonds	0	1,000
Administration		(64,788)
	10.4200.02	
Salaries	0	6,000
	10.4200.04	
Professional Services	0	6,000
	10.4200.08	
Unemployment	0	1,000
	10.4200.11	
Telephone	0	2,000
	10.4200.14	
Travel	0	3,000
	10.4200.33	
Dept Supplies - Recording Sys	0	1,200
	10.4200.37	
NC Sales Tax	0	8,100
	10.4200.45	
Contract Services	0	6,000
	10.4200.99	
Contingency	0	(33,000)
	10.4200.99	
Insurance Reserve	2	(65,088)
Public Works Admin		2,000
	10.4250.02	
Salaries	0	3,000
	10.4250.45	
Contract Services	0	(1,000)
Maintenance & Grounds		1,000
	10.4350.02	
Salaries	0	2,000
	10.4350.02	
Part Time	2	(10,000)
	10.4350.15	
M&R Buildings	0	3,000
	10.4350.45	
Helping Hands	1	8,000
	10.4350.54	
Insurance & Bonds	0	(2,000)
Police		25,000
	10.5100.02	
Salaries	0	15,000
	10.5100.05	
FICA	0	1,000
	10.5100.07	
Retirement	0	1,500
	10.5100.08	
Unemployment	0	3,500
	10.5100.13	
Utility Electric	0	1,500

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Insurance & Bonds	10.5100.54 0	2,500	
Fire			(4,000)
Salaries & Wages	10.5300.02 0	7,000	
Over Time	10.5300.02 1	1,000	
Part Time	10.5300.02 4	1,000	
Extra Duty Hours	10.5300.02 4	(9,000)	
Retirement	10.5300.07 0	(2,000)	
Travel	10.5300.14 0	(2,000)	
M&R Vehicle	10.5300.17 0	2,000	
Insurance & Bonds	10.5300.54 0	(2,000)	
Street			8,000
Maint & Repair Auto	10.5600.17 0	1,500	
Dept Supplies	10.5600.33 0	3,000	
Insurance & Bonds	10.5600.54 0	3,500	
Powell Bill			75,000
Capital Improvement	10.5700.72 0	75,000	
Sanitation			0
Maint & Repair Auto	10.5800.17 0	1,500	
Contract Services	10.5800.45 0	(1,500)	
Recreation			14,500
Salaries	10.6200.02 0	9,000	
Professional Services	10.6200.04 0	1,000	
Unemployment	10.6200.08 0	600	
Utility Exp - Gas	10.6200.13 1	(10,000)	
Chemicals	10.6200.33 2	1,000	
Contract Services	10.6200.45 0	1,400	
Insurance & Bonds	10.6200.54 0	(3,500)	
Trans to CRF	10.6200.96 1	15,000	
Community Affairs			20,000
Professional Services	10.6250.04	5,000	

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	0	
Contract Services -	10.6250.45	
Entertainment	2	15,000
	10.6250.92	
Txfr to Art Fund	8	
Total Expenditures		<u>75,712</u>
		0

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

**AGREEMENT WITH WESTERN PIEDMONT COUNCIL OF GOVERNMENTS FOR 2013-2014 TECHNICAL PLANNING ASSISTANCE** The agreement with WPCOG for Technical Planning Assistance in the amount of \$21,600.

Councilwoman Hildebran made a motion to approve the aforementioned annual agreement with the Western Piedmont Council of Governments, seconded by Councilwoman Stevenson. The vote was unanimous.

**AWARD OF BID - FONTAINE AVENUE WATERLINE REPLACEMENT** Public Works Director Bryan Duckworth said the water line on Fontaine Avenue is currently a 2-inch, galvanized, 1140 feet installed in the early 60s with additional houses built for a total of 13 houses. Staff recommended the installation of a 6-inch water line and closer access to fire protection. The lowest bidder, F & S Contractors, Inc., Drexel, in the amount of \$41,408.10. Other bids: C & W Utilities, Inc., Shelby - \$42,080.50; Two Brothers Utilities, LLC, Shelby - \$53,855.20; and Davis Grading, Inc., Shelby - \$64,715.

Councilwoman Stevenson made a motion to approve the bid with F & S Contractors, Inc., in the amount of \$41,408.10, seconded by Councilman Delp. The vote was unanimous.

**AUTHORIZATION OF BEER SALES – WALDENSIAN FESTIVAL** Mr. Morse said staff received a request from Catawba Valley Brewing Company for authorization to sell and serve beer at the Waldensian Festival on August 9 and 10, 2013. The hours on Friday, August 9 are from 5:30 p.m. - 10:00 p.m., and on Saturday, August 10, from 12 noon until 10:00 p.m.

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

**DOWNTOWN PARKING LEASE AGREEMENT WITH ED HALLYBURTON** Mr. Morse said due to Downtown Delights Café there had been an increase in parking needs. He previously thought it would be best to pave and renovate the Hallyburton property but that was not necessary. He recommended leasing the property for public parking.

LEASE AGREEMENT

Prepared by/mail to: MARC MITCHELL, P.A., PO DRAWER 69, VALDESE, NC 28690

THIS LEASE AGREEMENT is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2013, by and between DANA H. HALLYBURTON and husband, JAMES HALLYBURTON; BRIAN B. HILDEBRAN, not married; and KYLE B. HILDEBRAND and wife, AMY HILDEBRAND, (the "Lessors") and the TOWN OF VALDESE, a North Carolina municipal corporation, (the "Lessee").

WITNESSETH:

WHEREAS, the Lessors are the owners of three adjoining parcels of land as described in that deed recorded in Book 1462, page 404, Burke County Registry, said parcels having the following addresses: 100 Bobo Avenue NE, 104 Bobo Avenue NE, and 106 Bobo Avenue NE, said parcels also having been assigned the following Tax PIN numbers 2733959418, 2733959457 and 2733959486 (the "property"); and

WHEREAS, the Town of Valdese desires to lease the property in order to use the property for public parking and to make certain improvements to the property for that purpose; and

WHEREAS, the Lessors have agreed to lease the property to the Lessee;

NOW, THEREFORE, the Lessors do hereby lease the property to the Lessee upon the following terms and conditions:

1. TERM. The term of this lease shall begin \_\_\_\_\_, 2013, and it shall continue until and including \_\_\_\_\_, 2018; but it is expressly understood and agreed that if the Lessee should continue to use the property for parking after the expiration of the initial 1-year lease term, this lease shall continue from year-to-year thereafter until terminated by either party giving the other 60 days prior written notice of termination. In the event of such termination, the annual rent shall be prorated as of the date of termination.
2. RENTAL. Rent shall be due annually in advance with the first rent payment being due on \_\_\_\_\_, 2013, and subsequent annual rent payments being due and payable on the \_\_\_\_\_ day of \_\_\_\_\_ of each following year during the term of this lease. The amount of the rent shall be the amount of ad valorem taxes assessed against the property (excluding interest or penalties) by the Town of Valdese and Burke County for the year prior to the date the rent payment is due. (Total 2013 tax for Town of Valdese and Burke County - \$145.04.)
3. USE OF THE PROPERTY. Lessee may use the property to provide public parking and for related purposes.
4. IMPROVEMENTS BY LESSEE. Lessee may, from time to time, make such improvements to the property that the Lessee determines are reasonable for the use and enjoyment of the property as a public parking lot including, but not limited to, grading the property, marking parking spaces within the property, landscaping and beautifying the property, installing signage in connection with use of the property as a public parking lot, and installing lights. The Lessee shall have the right to establish reasonable rules and regulations relating to parking within the property.
5. ASSIGNMENT. The Lessee shall not assign this lease without the prior written consent by the Lessors.
6. MISCELLANEOUS. (a) This agreement is not intended to create nor shall it be interpreted or construed to create, any third-party beneficiary rights in any person or entity not a party to this agreement. (b) This lease agreement shall be binding upon and inure to the benefit of the Lessors and their successors in title. (c) Each party represents that it has had the opportunity to review and edit this agreement and that in interpreting and apply the terms and provisions of this agreement, no presumption shall exist or be implied for or against the party that drafted such terms and provisions.

IN WITNESS WHEREOF, each party to this lease has caused it to be executed as of the day and year first above written.

LESSORS: /s/ Dana H. Hallyburton; James Hallyburton; Brian B. Hildebran; Kyle B. Hildebrand; And Amy Hildebrand

LESSEE: TOWN OF VALDESE By: /s/ JEFFREY V. MORSE, Town Manager

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

**DISCUSSION - DESIGNATING MAIN STREET FROM ELDRED STREET TO CHURCH STREET AS REPRESENTATIVE WALTER CHURCH SR. HIGHWAY** Mayor Hatley requested that this item be Tabled until the August 5, 2013 Council Meeting.

**MAYOR AND COUNCIL COMMENTS:**

**LOBBYING FOR WESTERN YOUTH INSTITUTION (WYI)** Councilwoman Hildebran said Council received a gracious thank you note for contribution of \$3,000 for lobbying for the WYI which was approved by phone. She did not recall Council approving the \$3,000 contribution to Burke County.

Mr. Morse recommended that Council approve the \$3,000.

Councilwoman Hildebran made a motion to approve \$3,000 in financial support to Burke County for a lobbyist to solicit saving the Western Youth Institution (WYI), seconded by Councilwoman Stevenson. The vote was unanimous.

**FY 2013-2014 BUDGET COMMENTS** Councilman Black said he had a lot of questions about the budget and he thanked Finance Director Jerry LaMaster for addressing all of his questions and concerns. He also thanked Town Staff for their quick response when he calls for information.

Mayor Hatley also thanked Town Staff for the fine job they do.

**MANAGER'S REPORT:**

**UPDATE ON MCGALLIARD FALLS PARK** Mr. Morse said there had not been any further erosion of the bank and the engineers are two to three weeks away of having a plan for repairs.

**INDEPENDENCE DAY CELEBRATION IN THE TOWN OF VALDESE ON FRIDAY, JUNE 28, 2013**

**TOWN OFFICES CLOSED ON THURSDAY, JULY 4, 2013**

**REQUEST TO ISSUE A ZONING PERMIT FOR A SETTING'S LOT OWNER WITHOUT THE INSTALLATION OF ROADS, WATER AND SEWER AT PROPERTY OWNER'S RISK** Mr. Morse said he received a call from a property owner at The Settings whose property was located in Phase II, which begins in 2014, and the owner would like to build a log cabin and wants to take advantage of the low interest rates. The owner was asking the town to issue a building permit. The ordinance requires that a subdivision plat be approved.

Planning Director Larry Johnson said the overriding issue was there were no improvements to serve the property. Normally, a zoning permit is issued to the county and subsequently the county would issue the building permit and the zoning permit would alert the County that everything was okay according to Town ordinance. In this case the Town Manager recommended staff issue a zoning permit. Mr. Johnson said as a Planner he expressed his concern for the issuance of a zoning permit for the construction of a residential unit whereby there were no roads to the property and no utilities yet to be installed to the property. He was concerned about the issuance of a permit due to accessibility. Back in 2008 he issued two permits, one for Moss Marlow house and another house because they had paved roads in front of the lots, electricity and water. Mr. Johnson said the Town Manager was the Chief Zoning Official and could sign the permit.

Mr. Morse recommended offering a zoning permit under the advisement that there would be no liabilities to the Town and there were no utilities or roads to the site.

Town Attorney Marc Mitchell said our ordinance states a zoning permit was not supposed to be issued until the subdivision ordinance had been complied with. The developer could post a bond and there was language that a lot had to abut a street that was paved and hooked up to water and sewer. Mr. Mitchell said he had contacted other attorneys about this issue and had not heard back from any of them.

Mayor Hatley asked Council if it was okay for the Town Manager to proceed after the Town Attorney completes his research. Town Attorney Marc Mitchell said it was not a council decision.

Mr. Johnson said this would be a Town Manager decision.

Mr. Morse said when he makes the decision he would talk individually with Members of Council. Mr. Johnson said he believed it was bad planning practice to issue the permit.

**IPADS ISSUED TO MEMBERS OF COUNCIL** Mr. Johnson issued iPads to Members of Council for the purpose of Paperless Agendas.

**CLOSED SESSION PURSUANT TO NC GENERAL STATUTE 143-318.11 (A) (6) TO CONSIDER THE QUALIFICATIONS, COMPETENCE, PERFORMANCE, CHARACTER, FITNESS, CONDITIONS OF APPOINTMENT, OR CONDITIONS OF INITIAL EMPLOYMENT OF AN INDIVIDUAL PUBLIC OFFICER OR EMPLOYEE**

At 8:25 p.m., Councilwoman Hildebran made a motion to recess into Closed Session pursuant to NC General Statute 143-318.11 (a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee. The motion was seconded by Councilwoman Stevenson and carried unanimously.

At 8:37 p.m., Councilman Black made a motion to return to Open Session, seconded by Councilman Delp. The vote was unanimous.

At 8:37 p.m., Mayor Hatley left the meeting.

**TOWN MANAGER'S SALARY ADJUSTMENT**

Mayor Pro Tem Stevenson called for a motion regarding the Town Manager's salary.

Councilwoman Hildebran made a motion to approve a \$985 one-time bonus for the Town Manager, the same for all employees, and to continue the Manager's current salary package, seconded by Councilman Delp.

Voting aye: Councilwoman Hildebran, Councilman Delp and Councilman Black

Voting nay: Mayor Pro Tem Stevenson

The motion carried.

**ADJOURNMENT**

At 8:39 p.m., there being no further business to come before Council, Councilman Delp made a motion to adjourn, seconded by Councilman Black. The vote was unanimous.

The next meeting is a regularly scheduled Council Meeting on Monday, August 5, 2013, 7:00 p.m.

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Town Clerk

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Mayor



**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
AUGUST 5, 2013**

The Town of Valdese Town Council met on Monday, August 5, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: Councilwoman Frances Hildebran and Councilwoman Susan Stevenson

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**COMMUNITY GARDEN – WILLIE “BUTCH” PASCAL** Mr. Pascal said he resided in Valdese and someone in his church mentioned how a community garden might benefit Valdese. The Town of Valdese partnered with them to find suitable land located at 505 Praley Street (former Cline Mobile Home Park). Waldensian Presbyterian Church received a generous donation and Mr. Charles Parris offered the property without fee. An Eagle Scout project is proposed for a handicap garden at the location. The produce would be provided to the food pantry and for those persons in the immediate area of the garden with limited income and no garden space. Grants and other financial assistance would be sought, and a water meter is located on site and they requested any assistance from the town for water during the watering season. They would begin the fall planting crop on August 27.

Town Attorney Marc Mitchell said this would not be an appropriate use of utility funds; you cannot help people from the utility fund. Funds could be paid from general fund.

After a brief discussion, Town Manager Jeff Morse said there may be a way to assist from the current Utility Financial Assistance Program.

Mayor Hatley did not want to set a precedent of offering free water. Councilman Ogle said there was a spring near the property.

Mr. Morse said he would confer with staff and update Council on this issue.

**BOY SCOUT TROOP 263 - GRANITE FALLS** Mayor Hatley recognized Ethan Walker who was working on his Communications Badge.

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

**APPROVED MINUTES** – Regular Council Meeting and Closed Session Minutes of June 24, 2013.

**ADOPTED RESOLUTION TO APPLY FOR LOAN – I & I - SANITARY SEWER COLLECTION SYSTEM (PHASE II)**

**RESOLUTION**

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

WHEREAS, the Town of Valdese has need for and intends to rehabilitate and/or replace portions of the Sanitary Sewer Collection System as a part of recommendation implementation from a Sanitary Sewer I & I Investigation. The project consists of the rehabilitation and/or raising of all manholes in off-road areas, repair of damaged cleanouts, the addition of manhole lid liners, plugging of abandoned service lines into manholes and replacement of sanitary sewer line segments, and

WHEREAS, the Town of Valdese intends to request state loan assistance for the project.

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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 loan award.

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

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

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

That the Mayor, James L. Hatley, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan 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 5<sup>th</sup> day of August, 2013, at Valdese, North Carolina.

/s/ James L. Hatley, Mayor

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

#### ***End Consent Agenda***

#### **ITEMS REMOVED FROM CONSENT AGENDA: NONE.**

**PRESENTATION OF SAFETY AWARDS** Fire Chief Charlie Watts presented ***Certificates of Safety Achievement*** awards from the North Carolina Department of Labor 2012 Safety Awards. He commended the Public Works Director for six years of safety because of the type of equipment and tools they use.

Waste Water Department	First Year Gold
Recreation Department	First Year Gold
Police Department	Second Consecutive Year Gold
Community Affairs	Second Consecutive Year Gold
Water Department	Fourth Consecutive Year Gold
Fire Department	Fourth Consecutive Year Gold
Public Works Department	Sixth Consecutive Year Gold
Administration Department	Twenty-fifth Year Gold

**AUTHORIZATION TO HIRE FOR OPEN POSITION - POLICE DEPARTMENT** Police Chief Moss said Sgt. Clint Michaels had resigned and accepted a position with Broughton Police Department. Sgt. Michael's position, as a shift supervisor, was vital to the operations of the department. Chief Moss requested to advertise and replace this position immediately following Sgt. Michael's last day of employment. This position would be advertised internally to the full-time and reserve staff to ensure the best candidate be chosen for the position.

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

**AUTHORIZATION TO ADD NEW POLICE OFFICER RESERVE POSITION** Police Chief Moss requested an additional reserve officer. He had several well qualified officers from other departments and within our county asks for part-time reserve positions. Currently, the allotted reserve positions were filled and he requested one additional

reserve position. The initial uniform cost for one position would be approximately \$950 with a return of \$625 back from North Carolina League of Municipalities and Federal Government for the Bullet Proof Vest.

Councilman Ogle asked Chief Moss how many available weapons the department had and Chief Moss said two.

After a brief discussion, Councilman Ogle made a motion to approve two (2) reserve police officers since the police department had two available weapons, seconded by Councilman Black. The vote was unanimous.

Chief Moss said it would take a while to receive funding back for the bullet proof vests and the uniform costs would be upfront.

**AGREEMENT WITH WPCOG TO ADMINISTER MILLSTONE AVENUE WATER GRANT** WPCOG Representative Sherry Long offered a brief overview of the project with waterlines along Millstone Avenue to serve 23 households. The project would be unique due to the design and pressure issues. She said that one of the requirements for the grant was an agreement to administer the project. The agreement with the WPCOG in the amount of \$28,500 would be paid by grant funds. No matching funds from the town were required.

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

**ADOPTION OF CAPITAL PROJECT BUDGET ORDINANCE – MILLSTONE AVENUE WATER PROJECT** Ms. Long presented the following Budget Ordinance:

**MILLSTONE AVENUE WATER PROJECT CDBG GRANT FUND CAPITAL PROJECT BUDGET ORDINANCE**

Be it ordained by the Town Council of the Town of Valdese that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted.

Section 1. The project authorized is established to finance installation of water lines for a project known as Millstone Avenue Water Project and is to be financed by a CDBG grant.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the program ordinance and the budget contained herein.

Section 3. The following revenues are anticipated to be available to contribute to this project:

CDBG Grant	\$ 379,413	51,3970.000
	<u>\$ 379,413</u>	

Section 4. The following amounts are appropriated for the project:

Administration	\$ 29,100	51,8120.420
Environmental Review	7,500	51,8120.490
Engineering, Surveying & inspections	25,000	51,8120.040
Easements	15,000	51,8120.041
Tap Fees	27,600	51,8120.570
Construction	<u>297,713</u>	51,8120.720
	<u>\$ 379,413</u>	

Section 5. The finance officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting to town council required by the program procedures, loan agreement(s), grant agreement(s) and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The finance officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 8. The budget officer is directed to include a detailed analysis of the past and future cost and revenues on this project in every budget submission made to this board.

Section 9: Copies of this project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 5<sup>th</sup> day of August, 2013

/s/ Mayor James L. Hatley

Attest: /s/ Thelda B. Rhoney, Deputy Town Clerk

Councilman Black made a motion to approve the aforementioned Capital Project Budget Ordinance, seconded by Councilman Ogle. The vote was unanimous.

**BUDGET AMENDMENTS** Finance Director Jerry LaMaster presented the following budget amendments:

**BUDGET AMENDMENT NO. 01 - VALDESE PUBLIC LIBRARY**

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, 2014:

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>
10.4200.930 Valdese Public Library	<u>15,000</u>	
Total	<u>\$15,000</u>	<u>\$ 0</u>

This will result in a net increase of \$15,000 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.

10.3970.300 Contribution From Util Fund		<u>15,000</u>
Total	<u>\$ 0</u>	<u>\$15,000</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. 02 - POLICE / FIRE RADIO DEBT SERVICE**

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, 2014:

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>
10.5100.911 Debt Service – VIPER	22,930	
10.5300.911 Debt Service – VIPER	<u>43,252</u>	
Total	<u>\$66,182</u>	<u>\$ 0</u>

This will result in a net increase of \$66,182 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.

10.3970.300 Contribution From Util Fund		<u>66,182</u>
Total	<u>\$ 0</u>	<u>\$ 66,182</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.

August 5, 2013, MB#30

After a brief discussion, Councilman Delp made a motion to approve the two aforementioned budget amendments as presented, seconded by Councilman Black. The vote was unanimous.

**PARKING AGREEMENT WITH TRAIL OF FAITH** This item was removed from the agenda.

**LEASE AGREEMENT WITH MAGWIN LLC (CLARK ERWIN) FOR 15,000 SQ. FT. OF OFFICE SPACE AT WALDENSIAN MILL FOR NC DEPARTMENT OF CORRECTIONS** Mr. Morse presented three agreements for office space totaling over 15,000 square feet. (Agreements – for square footages of 5,483, 5,600, and 7,808.) He said the offices would be used as regional and personnel offices with 45 employees and a training center. The Town would sublease from Magwin and would also approve a lease agreement with the state.

Town Attorney Marc Mitchell briefly reviewed the agreements and said the terms in the agreement follows state requirements. The Town could have liability and everything had been done to protect the town with the consent to sublease, release, and indemnity agreement. The town has a number of days to pay Magwin after funds are received from the state. A public hearing was held at the February 4, 2013 meeting and the Town Manager was authorized to execute agreements with the state (after review by the Town Attorney).

Councilman Black made a motion to approve the three aforementioned lease agreements, seconded by Councilman Ogle. The vote was unanimous.

**MAYOR AND COUNCIL COMMENTS:**

**PAPERLESS AGENDAS** Councilman Black thanked Planning Director Larry Johnson and Deputy Town Clerk Thelda Rhoney for working on the paperless agendas process which will save a lot of money.

**MANAGER'S REPORT:**

**38<sup>TH</sup> ANNUAL WALDENSIAN FESTIVAL AND FOOTRACE – AUGUST 9 & 10, 2013**

**NEXT COUNCIL MEETING DATE – TUESDAY, SEPTEMBER 3, 2013, 7:00 P.M., DUE TO LABOR DAY HOLIDAY**

**THE SETTINGS SUBDIVISION**

Mr. Morse said an engineering agreement with West Consultants for completion of infrastructure improvements for The Settings Subdivision would be on the September agenda. He said a \$4 million contract was issued through the bonding company to complete the infrastructure.

At 7:44 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilman Delp. The vote was unanimous.

The next meeting is a regularly scheduled Council Meeting on Tuesday (due to Labor Day Holiday), September 3, 2013, 7:00 p.m.

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Town Clerk

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Mayor

**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
TUESDAY, SEPTEMBER 3, 2013**

The Town of Valdese Town Council met on Tuesday, September 3, 2013 (due to Labor Day Holiday), at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: None.

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT** No one spoke.

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

**APPROVED MINUTES – AUGUST 5, 2013**

**APPROVAL OF SURPLUS EQUIPMENT – PUBLIC WORKS DEPARTMENT** One each of the following to be declared as surplus and auctioned on GovDeals with notification of auction dates on the Town's Facebook page. Staff will assign a scrape estimate to each item for starting bid.

1984 Ford 555 Backhoe – Model #DF 7114 (bad rear-end housing; bad brakes – estimate to repair \$8,000)  
1988 Ford Johnson Street Sweeper – VIN 9BFXH70P0JDM04901 (bad pony engine – estimate for repair \$8,500)  
1982 Ford 7000 Dump Truck/Sand Spreader (bad PTO; dump cylinder removed)  
1989 Chevy Mileage 145,299 – VIN 1GCDC1424K2209494 (bad head gasket and intake gasket; bad freeze plug)  
Sears Craftsmen Drill Press – Town ID #425579  
Sears Craftsmen Drill Press – Town ID #560500  
1974 Joy Portable air compressor – ID RPV150DA22M51 (bad water pump and housing)

**APPROVAL OF RESOLUTION FOR S. ELLIS HANKINS, EXECUTIVE DIRECTOR, NC LEAGUE OF MUNICIPALITIES ON HIS RETIREMENT**

**RESOLUTION HONORING S. ELLIS HANKINS**

WHEREAS, Ellis Hankins, served as the North Carolina League of Municipalities executive director for the past 30 years and will retire January 2014; and

WHEREAS, Ellis Hankins, has served 30 years and being only the fifth executive director in the 105 year history of the League; and

WHEREAS, Ellis Hankins, throughout his tenure with the League worked very hard for cities and towns across North Carolina; and

WHEREAS, Ellis Hankins, worked to promote good government in North Carolina through the League's offering non-partisan advocacy, insurance, and other services as directed by the membership.

NOW, THEREFORE, BE IT RESOLVED, THAT I, James L. Hatley, by virtue of the authority vested in me as Mayor of the Town of Valdese, and on behalf of the entire Town Council acknowledge the talents, skills, teamwork, and successes of S. Ellis Hankins, of the North Carolina League of Municipalities for faithful service and lasting contributions to municipal government.

BE IT FURTHER RESOLVED, that this resolution be made a part of the permanent records of the Town of Valdese and that the original document be forwarded to S. Ellis Hankins.

This 3<sup>rd</sup> day of September, 2013.

/s/ James L. Hatley, Mayor

**FALL 2013 LITTER SWEEP** The Governor proclaimed September 21 – October 5, 2013, as Fall 2013 Litter Sweep and the Town plans to participate in this program.

**CALL FOR PUBLIC HEARING - ZONING OF DALMAS PROPERTY (RECENTLY ANNEXED)** Staff to advertise for a public hearing for the October 7, 2013 Town Council meeting.

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:** Councilwoman Hildebran said the following agenda item needed more recognition than being on consent due to the importance of the project. She met earlier with the group and representatives from the state and was most impressed that the Town could participate in the Small Town Main Street Program. She appreciated Ms. Hefner for coordinating the project.

Mayor Hatley said he, too, attended the meeting and when he left the meeting he believed that the town would be accepted into the program. He also thanked Ms. Hefner for her hard work and leadership with the program.

**APPROVAL OF RESOLUTION ADOPTING AN AGREEMENT TO CONTINUE PARTICIPATION IN THE NC SMALL TOWN MAIN STREET PROGRAM**

**RESOLUTION  
ADOPTING AN AGREEMENT TO CONTINUE PARTICIPATION IN THE  
NORTH CAROLINA SMALL TOWN MAIN STREET PROGRAM  
2013-2014**

WHEREAS; the North Carolina Department of Commerce, Urban Development Division has established a Small Town Main Street Program to provide technical assistance in downtown revitalization, utilizing the “Main Street Four-Point Approach” of Organization, Design, Promotion and Economic Restructuring, to selected small towns in North Carolina; and

WHEREAS; several towns were selected as “Small Town Main Street Communities” to receive a more detailed level of service incorporating all of the “Main Street Four Points”; and

WHEREAS; the Town of Valdese agrees to participate in the program; and

WHEREAS; both parties agree that a high level of community participation and commitment is required on the part of the Town and community in order to ensure that the program is as successful as possible; and

WHEREAS, reimbursement for travel related expenses will be required of the Town when Small Town Main Street staff travels to Valdese.

THEREFORE, BE IT RESOLVED; that the Town agrees to participate in the Small Town Main Street Program and to abide by the following conditions:

1. The Town will actively participate in the Small Town Main Street Program for an initial period of no less than twelve (12) months beginning August 1, 2013.
2. The Town designates Community Affairs Director Barbara Hefner for the technical assistance team to coordinate with in order to provide continuity and leadership for the effort.
3. The Town will continue to maintain a volunteer committee and working subcommittees that are representative of the entire community to provide focus for the program.
4. The Town will continue to support the volunteer committee and will assist the committee and team in conducting a community assessment and community projects and any other necessary activities.
5. The Town will cooperate with the technical assistance team and support the community vision and plan of action.
6. The Town will continue to implement the plan of action to the fullest extent possible.
7. The Town will continue to develop and actively participate in local and regional partnerships and networks, and share resources and information gained through the program with other communities in the region.
8. The Town agrees to reimburse the Urban Development Division of the North Carolina Department of Commerce for travel related expenses on a monthly basis as submitted when staff travels at the request of the town.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE, THIS 3<sup>rd</sup> DAY OF SEPTEMBER, 2013.

/s/ James L. Hatley, Mayor

Attest: /s/ Town Clerk

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

**PRESENTATION OF I & I, PHASE II PROJECT** Public Works Director Bryan Duckworth introduced Mr. Gary Eddins with Cavanaugh & Associates.

Mr. Eddins addressed Council in May 2013 regarding the Inflow & Infiltration (I & I), Phase 1, of the southwest sector of town and encountered issues for additional work for Phase II that included industrial areas. He said in earlier days stormwater and sanitary sewer were not separated. They conducted additional work and performed smoke tests. They found three systems at the former Waldensian Mill site and as the lines were followed all the way to the current Kellex location where a sinkhole had developed near a storage area. They found a lot of old clay pipes and brick manholes mainly at Waldensian Mill and Kellex sites.

Cavanaugh put together a recommendation for repairs for Phase I & II in the amount of \$285,917 with a \$5,718 local match for a total of \$291,635 to cover the state revolving loan fund application, survey and design, permitting, bidding, construction, and closeout.

Mr. Morse said the Town was not eligible for grants due to the water/sewer rates being too low; however, the Town was eligible for a loan with a 2 percent interest rate for 20 years at a cost of approximately \$17,000 per year.

Mr. Morse said the treatment plant receives approximately 12 million gallons per rainy day and 6 to 7 million gallons on a normal day. Mr. Morse recommended that Council authorize staff to work with Cavanaugh to apply for a loan. There were no guarantee that the Town would receive a loan.

Councilman Black requested Mr. Eddins explain the difference between inflow and infiltration of which he offered a brief description.

Councilwoman Hildebran said she was concerned about sinkholes and also were neighborhoods affected. Mr. Eddins said the sinkhole was mainly at the Kellex facility. Councilwoman Hildebran commended the Public Works staff for assisting Cavanaugh with the excellent report.

Councilwoman Hildebran asked about the Stormwater Manager position and Mr. Morse said there would be some reorganization.

After a brief discussion, Councilwoman Stevenson made a motion to accept the report and approval to apply for the aforementioned loan, seconded by Councilman Ogle. The vote was unanimous.

**STORMWATER ORDINANCE (following four items):**

**STORMWATER ORDINANCE PHASE II AND ADOPTION OF RESOLUTION** (Note: Ordinance may be found in Ordinance Book pg no. 50.) West Consultant Representative Benjie Thomas said they were contracted to assist with ordinances due to mandates from the NC Clean Water Act. Mr. Thomas presented the following four resolutions and briefly described the three ordinances and the plan:

**RESOLUTION ADOPTING  
PHASE II STORMWATER ORDINANCE**

BE IT ORDAINED by the Town Council of the Town of Valdese, North Carolina, that:

1. The Phase II Stormwater Ordinance as submitted to the Town Council at its September 3, 2013, meeting is hereby adopted.
2. It is the intention of the Town Council that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the Town of Valdese, North Carolina and the Sections of Ordinance may renumbered or relettered to accomplish this intention. The word "Ordinance" may be changed to "Section" or "Article" or other word as may be appropriate when adding this ordinance to the Code of Ordinances.



3. This ordinance shall become effective upon the date of its adoption.

THIS ORDINANCE WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE THIS 3<sup>rd</sup> DAY OF SEPTEMBER, 2013.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

**ORDINANCE TO REGULATE LAND DISTURBING ACTIVITIES AND ADOPTION OF RESOLUTION** (Note: Ordinance may be found in Ordinance Book Pg No. 83.)

**RESOLUTION ADOPTING  
ORDINANCE TO REGULATE LAND DISTURBING  
ACTIVITIES WITHIN THE TOWN LIMITS**

BE IT ORDAINED by the Town Council of the Town of Valdese, North Carolina, that:

1. The Ordinance to Regulate Land Disturbing Activities within the Town Limits as submitted to the Town Council at its September 3, 2013, meeting is hereby adopted.

2. It is the intention of the Town Council that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the Town of Valdese, North Carolina and the Sections of Ordinance may be renumbered or relettered to accomplish this intention. The word "Ordinance" may be changed to "Section" or "Article" or other word as may be appropriate when adding this ordinance to the Code of Ordinances.

3. This ordinance shall become effective upon the date of its adoption.

THIS ORDINANCE WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE THIS 3<sup>rd</sup> DAY OF SEPTEMBER, 2013.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

**ILLICIT DISCHARGES AND CONNECTIONS AND ONSITE WASTEWATER ORDINANCE AND ADOPTION OF RESOLUTION** (Note: Ordinance may be found in Ordinance Book Pg No.85.)

**RESOLUTION ADOPTING  
ILLICIT DISCHARGES AND CONNECTIONS AND  
ONSITE WASTEWATER ORDINANCE**

BE IT ORDAINED by the Town Council of the Town of Valdese, North Carolina, that:

1. The Illicit Discharges and Connections and Onsite Wastewater Ordinance as submitted to the Town Council at its September 3, 2013, meeting is hereby adopted.

2. It is the intention of the Town Council that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the Town of Valdese, North Carolina and the Sections of Ordinance may be renumbered or relettered to accomplish this intention. The word "Ordinance" may be changed to "Section" or "Article" or other word as may be appropriate when adding this ordinance to the Code of Ordinances.

3. This ordinance shall become effective upon the date of its adoption.

THIS ORDINANCE WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE THIS 3<sup>rd</sup> DAY OF SEPTEMBER, 2013.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

Councilwoman Hildebran made a motion to adopt the **three** aforementioned ordinances, seconded by Councilwoman Stevenson. The vote was unanimous.

**APPROVAL OF STORMWATER PLAN** Mr. Thomas said the plan was an internal working document for staff and was also a state requirement. (Note: The Plan may be found in the office of Stormwater Management Technician's Office.)

**RESOLUTION**

WHEREAS, the State of North Carolina, Department of Environment and Natural Resources, Division of Water Quality has issued the Town of Valdese a Permit Number NCS000488 to discharge stormwater under the national Pollutant Discharge Elimination System, in compliance with the regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended; and

WHEREAS, said Permit requires the implementation of a stormwater quality management program to control, limit, and monitor the discharge of stormwater from the Town's municipal separate storm sewer system (MS4), in accordance with the terms and conditions of the Permit; and

WHEREAS, a Stormwater Plan describing the budget, procedures, and other details of the program is needed in order to efficiently administer and implement the program, and in order to further comply with the conditions of the Permit.

NOW, THEREFORE the Town Council of the Town of Valdese, North Carolina, hereby adopts a Stormwater Plan, effective beginning on September 3, 2013, and remaining in effect until the expiration of the Permit, which is November 30, 2016.

Mr. Morse said Joe McNeely was currently serving as the Town's Stormwater Management Technician and the Assistant Wastewater Superintendent.

Mr. Thomas said the plan covered all of the stormwater issues.

After a brief discussion, Councilman Delp made a motion to adopt the aforementioned resolution approving the stormwater plan, seconded by Councilman Black.

PASSED this 3<sup>rd</sup> day of September, 2013.

Voting aye: Ogle, Hildebran, Stevenson, Delp, and Black

Voting nay: n/a

Not voting: n/a

APPROVED this 3<sup>rd</sup> day of September, 2013.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Thelda B. Rhoney, Deputy Town Clerk

Mayor Hatley said the vote was unanimous.

**ENGINEERING AGREEMENT WITH WEST CONSULTANTS FOR COMPLETION OF INFRASTRUCTURE IMPROVEMENTS - THE SETTINGS SUBDIVISION** Mr. Morse said the agreement with West Consultants was for engineering services to inspect infrastructure improvements to serve The Settings Subdivision.

Councilwoman Hildebran made a motion to approve the aforementioned agreement with West Consultants, seconded by Councilwoman Stevenson. The vote was unanimous.

**APPROVAL OF PRELIMINARY PLAT - WATERSIDE SUBDIVISION** Mr. Morse said staff had been working with a developer from Tennessee regarding property along Lake Rhodhiss for a residential subdivision to be called Waterside.

Planning Director Larry Johnson said LW Investments of Knoxville, TN, was requesting the preliminary plat approval of Waterside Subdivision. Carolina Centers currently owned the 187 acre tract. The proposed subdivision is located on John Berry Road and zoned R-12A residential subdivision with 118 lots. The smallest lot contains one-half an acre and the largest lot contains 5.43 acres. Water and sewer would be provided by the town. LW Investments proposes to install low pressure sewer throughout the subdivision; there would be no pump within the subdivision and each lot would have its own pump. Six-inch water lines will be run throughout the subdivision and two-inch lines to the cul-de-sac with appropriate blow-outs. Sewer lines would be installed along Lakeview Acres Road. Fire hydrants were in accordance to staff recommendations. Roads would be private with a 50 foot right-of-way, 20 foot street paving with 80 foot at cul-de-sacs. Street grade would be 14 percent maximum. Streets met or exceeded the NCDOT standards. A secondary fire access was required along the sewer line. Mr. Johnson said the Valdese Planning Board

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recommended approval of the preliminary plat for Waterside Subdivision. The developer proposes to construct everything at once and not in phases. The developer had applied for a driveway permit from NCDOT.

Fire Chief Charlie Watts said staff was working on a deed in The Settings Subdivision for a fire station. Waterside Subdivision is within the five mile coverage of Triple Fire District.

Mr. Morse said the developer would provide a cash bond to the town before lots were sold and prior to the approval of the final plat.

After a brief discussion, Councilman Black made a motion to approve the preliminary plat for Waterside Subdivision, seconded by Councilman Delp. The vote was unanimous.

**CONSENT TO CONSTRUCT SEWER LINE AND RIGHT-OF-WAY ACCESS ON TOWN-OWNED PROPERTY - WATERSIDE SUBDIVISION** Mr. Morse said as a part of the Waterside Subdivision construction, a sewer line would be constructed to deliver sewage from the subdivision to a manhole located on Town of Valdese property. Town Attorney Marc Mitchell said a right-of-way access would also be needed.

Councilwoman Stevenson made a motion to approve a sewer line easement and right-of-way access easement on town-owned property, seconded by Councilman Delp. The vote was unanimous.

**CALL FOR PUBLIC HEARING FOR ECONOMIC DEVELOPMENT INCENTIVES – WATERSIDE SUBDIVISION** Mr. Morse said in negotiations with the developer, staff recommended the same incentives of \$2,000 per lot to go back to the developer, the same as offered to other subdivisions.

Councilman Ogle made a motion to call for a Public Hearing for Economic Development Incentives for Waterside Subdivision at the October 7, 2013 Council Meeting, seconded by Councilwoman Hildebran. The vote was unanimous.

**TAX STATEMENT ANNUAL SETTLEMENT FOR 2012 - PROPERTY AND MOTOR VEHICLE** Tax Collector Greg Cannon presented the following report:

Tax Statement Annual Settlement for 2012 – Property And Motor Vehicle  
Tax Statement Annual Settlement for 2012:

Property Valuations	
Real Estate	\$312,316,017
Personal Property	60,533,912
Age Exemption	-3,849,594
Total Property Valuation Subject to Tax Rate per \$100(.40/100)	\$369,000,335
Gross Levy	
Levy	1,476,001
Discoveries	33,000
Late List Penalties	4,228
Total Levy	1,513,229
Less Collected as of 6/30/2013	1,428,298
Uncollected 2012 Taxes	84,931
Settings \$69,506. 4.60%	
All Other \$15,425. 1.01%	
Ratio of Taxes Collected to Total Levy	94.39%
Annual Settlement of the Classified Motor Vehicle Taxes for 2012:	
Levy	\$118,000
2011 Collection by Burke Co. Tax Office	\$114,693
Less Collection Cost (1.5% Levy)	\$ 1,790

Mr. Cannon said he received \$80,000 from The Settings for 2011.  
Mr. Morse said 2010 taxes from The Settings were paid as well.

After a brief discussion, Councilwoman Hildebran made a motion to accept the aforementioned Tax Statement Annual Settlement for 2012, seconded by Councilman Ogle. The vote was unanimous.

**CHARGE TO COLLECT TAXES FOR 2013** Mayor Hatley read the charge for Tax Collector Gregory Cannon to collect taxes for 2013 and administered the oath.

**LEASE AGREEMENT WITH MICHAEL SHOUPÉ d/b/a NATIONAL SEATING & MOBILITY, INC. – FLOWERS BUILDING** Mr. Morse and Town Attorney Marc Mitchell presented the lease agreement and following resolution:

**RESOLUTION  
(Lease of Property to National Seating & Mobility, Inc.)**

WHEREAS, the Town of Valdese (the town) owns property located at 508 Main Street East as more particularly described in that deed recorded in Book 1382, page 705, Burke County Registry (the property); and

WHEREAS, the town does not need the property at the present time; and

WHEREAS, the town and National Seating & Mobility, Inc. (National) have agreed upon a lease under which National will lease the property from the town for a period of one year with rent in the amount of \$500 per month, subject to the right of either party to terminate the lease upon sixty (60) day notice; and

WHEREAS, the town council has determined that this lease would be in the best interest of the town and that the lease agreement between the Town of Valdese and National as presented to the town council should be approved;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The town council hereby approves the lease of the property upon the terms and conditions set forth in the lease agreement as presented to the town council.
2. The Town Manager of the Town of Valdese is authorized to execute the lease agreement on behalf of the town.

THIS, the 3<sup>rd</sup> day of September, 2013

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

Councilman Black recommended a one year lease and not a 60 day notice to terminate the lease. Mr. Morse recommended any future lease for this building to be at least one year.

After a brief discussion, Councilman Ogle made a motion to approve the lease changing the 30 day notice to a 60 day notice to terminate the lease and the lease to become effective October 1, 2013, seconded by Councilwoman Hildebran. The vote was unanimous.

**OLD TOWN HALL REPAIRS (AIR CONDITIONING; MOLD REMOVAL)** Mr. Morse said the air conditioning failed in the old town hall building which created mold growth. Fire Chief Charlie Watts had a company to recommend for cleaning as well as an industrial hygienist to certify mold was removed. He also recommended the replacement of the air conditioning coil, and a construction dumpster for removal of old furniture, carpet, floor covering, ceiling tile, and debris at a cost of approximately \$10,000, plus the cost of two dehumidifiers.

Mr. Morse said staff also looked at demolition of the old town hall. Chief Watts said it may cost approximately \$35,000 to demolish.

Mr. Morse said Burke County was interested in the old town hall for a backup 911 communications center.

Councilman Black said there had been issues with the building in the past and after repairs the issues would remain and he recommended demolishing the building.

After a brief discussion, Mayor Hatley called for a motion to TABLED this item until the next Council meeting.

Councilwoman Stevenson made a motion to table this agenda item until the next Council meeting, seconded by Councilman Delp. The vote was unanimous.

**MCGALLIARD FALLS REPAIRS (DRAINAGE; LANDSLIDE)** Mr. Matthew Carswell, West Consultants, said the town contracted with them to check on the landslide after recent heavy rains. He said the grist mill was stable. He said the landslide area was over an old trash dump with actual trash bags exposed. The drainage pipes were too small; but, were sufficient when only a few homes were in the area. He was able to see the flow of stormwater during

a heavy rain. A retaining wall was needed. He offered a PowerPoint presentation on a proposal for repairs at McGalliard Falls in an estimated amount of \$130,650.

Public Works Director Bryan Duckworth said West Consultants performed the work they were contracted to do.

Mr. Morse said he had an alternative. He met with a friend of his (who works for NCDOT and Mr. Morse said NCDOT was not involved in any way) and his friend recommended large stones rather than expensive rock. Cost for tree removal, shot rock (10 loads), grading and installation - \$20,750 and Valdese Concrete, Inc., to install 160 ft of curbing and dowel into pavement; backfill new and existing curbing from gate to asphalt behind curbing and remove old drive over concrete and handicap ramp and install a new handicap ramp over curbing in the amount of \$4,600. Total - \$25,350.

After a brief discussion, Councilman Black made a motion to approve the grading and large stones in an estimated amount of \$25,350, seconded by Councilman Delp.

Voting aye: Hildebran, Stevenson, Delp and Black

Voting nay: Ogle

Mayor Hatley said the motion carried.

**FAÇADE GRANT AND BUILDING REUSE GRANT – VALDESE CLEANERS** Mr. Morse said Mr. Littlejohn, Owner, Valdese Cleaners applied for a façade grant and proposed \$27,200 in façade improvements. Mr. Morse said staff recommended a \$2,500 façade grant plus a \$10,000 building reuse grant. The building reuse grant would be administered by VEDIC.

#### **RESOLUTION**

WHEREAS, G.S. 160A-456 authorizes a town to appropriate funds for community development programs and activities, including providing grants or loans for the restoration or preservation of old properties; and

WHEREAS, G.S. 160A-20.1 authorizes a town to contract with and appropriate money to a corporation in order to carry out a public purpose that the town is authorized by law to engage in; and

WHEREAS, the Town of Valdese (the Town) desires to appropriate up to \$10,000 in connection with the Town's community development program to be used for the restoration or preservation of the Valdese Cleaners building in the Town; and

WHEREAS, Valdese Economic Development Investment Corporation (VEDIC) has agreed to administer these community development funds on behalf of the Town of Valdese; and

WHEREAS, a proposed agreement between VEDIC and the Town setting forth the terms and conditions under which VEDIC is to administer and make these funds available has been presented to and considered by the town council, and the town council is of the opinion that this agreement with VEDIC should be approved;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Town hereby appropriates \$10,000 for the renovation of the building located at 104 Rodoret Street South building at which the Valdese Cleaners business is located.
2. The Town Manager is authorized to enter into the proposed contract between the Town and VEDIC as presented to the Town Council. This contract sets forth the terms and conditions under which this \$10,000 sum hereby appropriated is to be used and the terms and condition under which this \$10,000 appropriation shall be administered and, if required under the terms of the contract, repaid.

THIS RESOLUTION IS ADOPTED THIS 3RD DAY OF SEPTEMBER, 2013.

/s/ James L. Hatley, Mayor

ATTEST: /s/ Town Clerk

After a brief discussion, Councilwoman Hildebran made a motion to approve a \$2,500 façade improvement grant and a \$10,000 building reuse grant for a \$12,500 total amount, seconded by Councilwoman Stevenson. The vote was unanimous.

**AUTHORIZATION TO HIRE FOR OPEN POSITION - POLICE DEPARTMENT** Police Chief Jack Moss said Police Officer Chris Edwards had resigned to take a position with the Burke County Narcotics Task Force and he requested authorization to hire for the open position. He would advertise with the reserve staff.

Councilman Ogle made a motion to authorize to hire for the aforementioned open position, seconded by Councilwoman Stevenson. The vote was unanimous.

**APPOINTMENT OF DELEGATE AND ALTERNATE – NC LEAGUE OF MUNICIPALITIES CONFERENCE – OCTOBER 13-15, 2013, HICKORY** Mayor Hatley appointed Councilwoman Stevenson as delegate and Town Manager Jeff Morse as alternate.

**MAYOR AND COUNCIL COMMENTS:**

**PAPERLESS AGENDAS**

Councilman Delp said using iPads for paperless agendas saved 307 sheets of paper for each agenda at this meeting.

Councilman Black said since Council could see the agenda packet on their iPad screens, he recommended the audience be able to see the same on the screens in the Council Chambers.

Councilman Ogle requested that page numbers be added to the top of agenda pages, or at least agenda topics. Councilman Black said numbers were not needed.

Mayor Hatley requested some iPad training so he could make notes.

**OLD BURKE MILL SITE** Councilwoman Hildebran said this site was located in her ward and debris removal was slow. Mr. Morse said the owner contracted with a company from Granite Falls who recycled some debris and were not supposed to tear down one of the buildings. There may be legal action from the Town and or property owner. The owner was responsible for complete cleanup and Mr. Morse was in contact with the owner.

**THREE HOUSING DEVELOPMENTS IN PROCESS** Mayor Hatley said Valdese was doing well with three housing developments in process and this would add to the ad valorem tax base. He also said jobs were transferring to the Waldensian Mill.

**MANAGER'S REPORT:**

**KICK OFF – SMALL TOWN COMMUNITY MEETING, THURSDAY, OCTOBER 3, 2013, 6:00 P.M., OLD ROCK SCHOOL** Community Affairs Director Barbara Hefner said she had to come up with a Steering Committee consisting of up to 12 people and the meeting would be October 3, 2013, at 3:00 p.m. She invited Members of Council and the community to attend a Small Town Community Meeting at 6:00 p.m., on Thursday, October 3, 2013, at the Old Rock School. She thanked Council for supporting the Small Town Project.

**CONTRACTS – WALDENSIAN MILL/STATE OF NC (DEPARTMENT OF CORRECTIONS)**

Mr. Morse said he received contracts from the State of NC and Town Attorney Marc Mitchell reviewed the contracts. They would be signed and returned to Raleigh. Also, contracts were finalized and signed with Magwin for lease agreements at Waldensian Mill.

**WATERSIDE SUBDIVISION** Mr. Morse said he would present a report at the October Council Meeting of the economic value of the Waterside Subdivision at the public hearing.

**ADJOURNMENT**

At 9:26 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 Council Meeting on Monday, October 7, 2013, 7:00 p.m.

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Town Clerk

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Mayor

**TOWN OF VALDESE  
VALDESE TOWN COUNCIL - NC SMALL TOWN MAIN STREET PROGRAM KICKOFF  
THURSDAY, OCTOBER 3, 2013**

The Town of Valdese Town Council was invited to attend the NC Small Town Main Street Program Kickoff on Thursday, October 3, 2013, 6:00 p.m., Old Rock School, 400 Main Street West, Valdese, North Carolina. The purpose of the meeting was an informational meeting for the public to learn about the Small Town Main Street Program and a time for citizens in the community to sign up to serve on various committees for downtown revitalization. The following were present: Mayor Pro Tem Susan Stevenson, Councilwoman Frances Hildebran, Councilman Gary L. Delp, and Councilman Chip Black. Also present was Town Manager Jeffrey V. Morse and Community Affairs Director Barbara Hefner.

Absent: Mayor James L. Hatley and Councilman Keith Ogle.

A quorum was present. No action was taken.

**NC SMALL TOWN MAIN STREET PROGRAM KICKOFF**

The Town of Valdese was one of four small towns in the state of North Carolina to be chosen to participate in a program for downtown revitalization. The presentation was offered by Ms. Sherry Adams, Small Town Main Street Coordinator, Western Region, NC Department of Commerce/Office of Urban Development.

Approximately 75 citizens were in attendance.

At 7:30 p.m., the meeting adjourned.

The next meeting is a regularly scheduled meeting for Monday, November 4, 2013, 7:00 p.m.

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Town Clerk

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Mayor

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**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
MONDAY, OCTOBER 7, 2013**

The Town of Valdese Town Council met on Monday, October 7, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: None.

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**WESTERN YOUTH INSTITUTION CLOSING** Vice-Chairman of the Burke County Board of Commissioners Johnny Carswell, 107 Drexel Road, Morganton, NC, thanked the Members of Council and the Town Manager for its support to lobby to keep the Western Youth Institution open. They received word October 1, 2013 that the facility would be closing January 2014 with a loss of 379 positions.

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

**APPROVED MINUTES – SEPTEMBER 3, 2013**

**APPROVED APPOINTMENTS TO VALDESE YOUTH COUNCIL AND REAPPOINTMENT TO VALDESE HOUSING AUTHORITY** Appointment of Rachel Farley and Trevor Bryant to the Valdese Youth Council and the Valdese Housing Authority recommended the reappointment of Barbara Temple for another five-year term which would expire October 31, 2018.

**APPROVED AMENDMENTS TO THE 2012 MUNICIPAL RECORDS RETENTION SCHEDULE** Records affected was budget, fiscal records, payroll records, and personnel records.

**ADOPT RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN**

**Resolution for Approving Local Water Supply Plan**

WHEREAS, North Carolina General Statute 143-355 (I) requires that each unit of local government that provides water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Valdese, has been developed and submitted to the Valdese Mayor & Town Council for approval; and

WHEREAS, the Valdese Mayor & Town Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (I) and that it will provide appropriate guidance for the future management of water supplies for the Town of Valdese, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Town Council of the Town of Valdese that the Local Water Supply Plan entitled, Town of Valdese Local Water Supply Plan for the year 2012, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Valdese Mayor & Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once a year or as otherwise requested by the Department of Natural Resources, in accordance with the statute and sound planning practice.

Adopted this 7<sup>th</sup> day of October, 2013.

/s/ James L Hatley, Mayor

ATTEST: /s/ Town Clerk



**APPROVED LEASE AGREEMENTS AT OLD ROCK SCHOOL** Approval of a lease agreement with Sherry Barrier d/b/a Sherry's Dance Studio (\$264 per month) and Piedmont and Western Railroad Club (\$210).

**APPROVED MEMORANDUM OF UNDERSTANDING – BURKE COOPERATIVE WATER BOARD** The Memorandum of Understanding for public and private Water and Wastewater Utilities would provide Mutual Aid and Assistance to each other in the event of a natural disaster or other emergency. Participants in addition to the Town of Valdese are City of Morganton, Brentwood Water Corporation, Icard Township Water Corporation, Burke County, Town of Drexel, Town of Long View, Town of Rhodhiss, and the City of Hickory.

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

***End Consent Agenda***

**ITEM REMOVED FROM CONSENT:**

**AUTHORIZATION TO CLOSE TOWN HALL ON TUESDAY, NOVEMBER 5, 2013 DUE TO ELECTIONS – TOWN HALL WILL BE A VOTER PRECINCT** Mr. Morse said Town Hall would be open on this date.

**NEW BUSINESS:**

**PUBLIC HEARING - ZONING OF DALMAS PROPERTY (RECENTLY ANNEXED)** Planning Director Larry Johnson said the Jean Dalmas property located on Villar Lane was recently annexed into the Town Limits. The Valdese Planning Board met on August 26, 2013, and recommended Council zone the property Valdese R-12 Residential District from Burke County R-1 Residential.

Mayor Hatley opened the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Mayor Hatley closed the Public Hearing.

Councilman Black made a motion to approve the Valdese R-12 Residential District zoning, seconded by Councilman Ogle. The vote was unanimous.

**PRESENTATION BY RECREATION DIRECTOR – CONCEPT OF DOWNTOWN PARK** Recreation Director Doug Knight said the Parks and Recreation Commission was recommending a park in the downtown area located next to the Recreation Department. The park would be funded by gifts plus a PARTF grant. If everything comes through there would be no cost to the town. He gave a brief overview of the park and would be keeping Council updated as he should be notified by January if the town receives the PARTF grant.

**WATERSIDE SUBDIVISION UTILITY RESOLUTION** Mr. Morse made a major economic development announcement for the Town of Valdese and Burke County of an investment by a company in Tennessee that planned to develop a subdivision adjacent to The Settings property. He said the company, LR Acquisitions, LLC, would be creating six to eight full time jobs during the construction phase. The developer will provide \$2.6 million in infrastructure for roads, water and sewer. Burke County would receive \$40,000 per year in taxes and the Town would receive \$28,000 per year in taxes. They propose to sell 123 lots at an average cost of \$48,000 per lot with additional taxes of \$37,000 to the Town of Valdese. When homes are built out over the years at a cost of approximately \$200,000 each that would be another \$168,000 per year in property taxes. He said this was a major impact for the Town of Valdese. He briefly reviewed lot sales in The Settings Subdivision and Lake Vistas Subdivision.

Mayor Hatley read the following resolution into the record:

**RESOLUTION AUTHORIZING WATERSIDE SUBDIVISION  
WATER AND SEWER LINE REIMBURSEMENT AGREEMENT**

WHEREAS, LR Acquisitions, LLC (the Developer) is the owner of a parcel of land located in the Town of Valdese, which adjoins the Catawba River and contains approximately 187.88 acres; and

WHEREAS, the Developer desires to develop this property into a residential subdivision; and

WHEREAS, the Developer has represented that it will create approximately 123 subdivision lots and that the average sales price for the subdivision lots is estimated to be more than \$48,000 per lot; and

WHEREAS, the Developer has also represented that it will spend more than 2.5 million dollars installing water and sewer lines, roads and other infrastructure improvements in connection with the subdivision; and

WHEREAS, Section 9-2034.2 of the Valdese Town Code of Ordinances provides that the Town, at the election of the town council, may participate in the cost of providing water and sewer services to a subdivision; and

WHEREAS, the Developer has agreed to transfer to the Town the ownership of the water and sewer lines the Developer will construct in connection with the development of this subdivision; and

WHEREAS, the Developer has asked the Town to participate in part of the cost of these water and sewer lines as allowed by the Code of Ordinance; and

WHEREAS, an agreement between the Developer and the Town which provides for reimbursement of a portion of the water and sewer costs has been presented to the town council; and

WHEREAS, the amount that could be reimbursed to the Developer under the terms of this agreement is substantially less than the Developer's cost of the water and sewer lines the Developer will construct and install in connection with the subdivision; and

WHEREAS, the town council is of the opinion that the proposed agreement with the Developer should be approved;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The town manager is authorized to execute on behalf of the town the proposed agreement between the Developer and the Town as presented to the town council at its October 7, 2013, meeting.
2. The town council shall appropriate such funds as are necessary in order to carry out the obligations of the Town under that agreement.

ADOPTED THIS 7<sup>th</sup> DAY OF OCTOBER, 2013.

/s/ James L Hatley, Mayor

ATTEST: /s/ Town Clerk

Town Attorney Marc Mitchell briefly reviewed the agreement.

Mayor Hatley said there were three large scale developments increasing ad valorem taxes in the Town of Valdese and he personally thanked Town Manager Jeff Morse for working on the developments.

After a brief discussion, Councilman Ogle made a motion to adopt the aforementioned resolution approving an agreement with LR Acquisitions, LLC, for Waterside Subdivision, seconded by Councilman Delp. The vote was unanimous.

**UPDATE – FIRE PROTECTION FOR NEW DEVELOPMENTS** Fire Chief Charlie Watts said Lake Vistas Subdivision exceeded the five mile jurisdiction with no water in the development, the town was required to contract with a local fire department and staff was in the process of drafting contracts to provide fire protection to Lake Vistas.

**ADDENDUM TO INTERLOCAL AGREEMENT FOR THE CONSOLIDATION OF 911 SERVICE AND CREATION OF JOINT AGENCY** Fire Chief Charlie Watts said the addendum was for employees transitioning to the new Burke County Emergency Communication Center from Morganton and Valdese. The town would have one employee eligible for transfer and all benefits would transfer except for longevity; however, a higher salary would be offered.

Councilman Black made a motion to approve the addendum to the aforementioned agreement, seconded by Councilwoman Hildebran. The vote was unanimous.

**AUTHORIZATION FOR INSTALLATION OF AN ELEVATOR AND ACCEPT AS A GIFT – OLD ROCK SCHOOL** Town Manager Jeff Morse recommended that Members of Council authorize the installation of an elevator at the Old Rock School and accept funds (as a gift) for the installation of the elevator from The Rostan Family Foundation. The offer to provide funding for the installation of an elevator at the Old Rock School was contingent upon approval from Town Council and pricing within an acceptable range. Staff was in the process of soliciting proposals for an elevator.

Councilman Black was cautious about the installation and access to all areas. Mr. Morse said Architect Robert Salisbury was working on these issues.

After a brief discussion, Councilwoman Hildebran made a motion to approve the installation of an elevator at the Old Rock School, seconded by Councilwoman Stevenson. The vote was unanimous.

**AWARD OF BID – GUTTER REPLACEMENT AT OLD ROCK SCHOOL – OLD ROCK SCHOOL** Community Affairs Director Barbara Hefner said after the roof was replaced it was recommended that the gutters be replaced as soon as possible. Staff recommended the lowest bidder, Conover Construction in the amount of \$8,600; however, bidding contractors were not sure how much of the façade would need replacing until work was in process. Other bids: Doug McQueen - \$13,000; AC Seamless Gutters agreed to provide a bid; however, no bid was received from them.

After a brief discussion, Councilman Black made a motion to award the bid to the lowest bidder Conover Construction in the amount of \$8,600 (plus any needed façade improvements), seconded by Councilwoman Stevenson. The vote was unanimous.

**AWARD OF BID – BARUS AVENUE PAVING PROJECT – PUBLIC WORKS DEPARTMENT** Public Works Director Bryan Duckworth said that Council at its January 7, 2013 meeting approved a temporary modification to the Town's Paving Policy to provide a 50 percent match (instead of 33 1/3 percent) of gravel/unpaved streets for a period of 120 days beginning February 1, 2013. The Town received one request for the paving of Barus Avenue. Funds would come from the Powell Bill Fund Balance with residents share going back into that account. Four bids were sent out and two were received. Evans Construction was the lowest bidder in the amount of \$22,300. Other bids: JT Russel - \$27,500; Carolina Paving – no return bid; and Maymead – no return bid. Mr. Duckworth said there would be no assessment and the citizens along Barus Avenue would pay the 50 percent. Pavement would be per the existing footprint of the street (16 feet) with no additional widening.

After a brief discussion, Councilwoman Stevenson made a motion to award the bid to Evans Construction in the amount of \$22,300, seconded by Councilman Ogle. The vote was unanimous.

**AWARD OF BID FOR MINI EXCAVATOR – PUBLIC WORKS DEPARTMENT** Public Works Director Bryan Duckworth recommended the award of bid for a Mini Excavator to Carolina Cat (on state contract pricing). Financing (5-year loan) would be through BB&T. The first payment would be available in this year's operating budget. Staff recommended the award of bid to the lowest bidder, Carolina Cat in the amount of \$59,258. Other bids: Bobcat of Lenoir (competitor brand bobcat) - \$61,529.16; and Greg Poole Equipment - \$79,466. (This would replace a 84 Ford Backhoe.)

After a brief discussion, Councilwoman Hildebran made a motion to award the bid to the lowest bidder, Carolina Cat in the amount of \$59,258, seconded by Councilwoman Stevenson. The vote was unanimous.

**RESOLUTION APPROVING FINANCING TERMS WITH BB&T FOR MINI EXCAVATOR – PUBLIC WORKS DEPARTMENT** Town Attorney Marc Mitchell recommended approval of the following resolution:

#### **RESOLUTION APPROVING FINANCING TERMS**

WHEREAS: The Town of Valdese ("Town") has previously determined to undertake a project for the purchase of a Caterpillar Track Backhoe (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 26, 2013. The amount financed shall not exceed \$60,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.09%, 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 Town 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 Town 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 Town 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 Town 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 Town intends that the adoption of this resolution will be a declaration of the Town'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 Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town 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 7<sup>th</sup> day of October, 2013.

By: /s/ Town Clerk

By: /s/ James L. Hatley, Mayor

Councilman Ogle made a motion to adopt the aforementioned resolution approving financing with BB&T for a mini excavator, seconded by Councilman Black. The vote was unanimous.

**AWARD OF BID - TRAILER FOR MINI EXCAVATOR – PUBLIC WORKS DEPARTMENT** Public Works Director Bryan Duckworth recommended the award of bid to the lowest bidder for an equipment trailer to pull the mini excavator to T and W Trailer Sales in Hudson, NC, in the amount of \$3,680. Other bids: Kaufman Trailers - \$4,490 and TRT Trailer Sales - \$4,600. Funds are available in the Public Works operating budget and after the 84 Ford Backhoe is sold, those funds would be returned to the budget.

Councilwoman Stevenson made a motion to award a bid to the lowest bidder, T and W Trailer Sales in the amount of \$3,680, seconded by Councilman Black. The vote was unanimous.

**AWARD OF BID - FUEL MANAGEMENT SYSTEM – PUBLIC WORKS DEPARTMENT** Public Works Director Bryan Duckworth said the current GasBoy system installed at Public Works in 1992 was no longer serviceable. Staff recommended that Council award a bid to the lowest bidder, Petroleum Equipment and Service in the amount of \$12,392.93. Funds would come from contingency and will be split between the General Fund and Utility Fund. Other bids – South Eastern Petroleum Systems - \$12,530.46 and Jones and Frank – no return bid.

After a brief discussion, Councilman Black made a motion to award a bid to the lowest bidder, Petroleum Equipment and Service in the amount of \$12,392.93, seconded by Councilman Delp. The vote was unanimous.

**MAYOR AND COUNCIL COMMENTS:**

**OLD BURKE MILLS SITE** Councilman Delp said he was receiving complaints about the old Burke Mill site and other Members of Council were receiving complaints as well. Mr. Morse said the owner was bringing in equipment to clean up the site. He would contact the NC DOT about the fence or guardrail. This was a matter between the owner and a private contractor and if they fail to clean up the site, Mr. Morse and the Fire Chief would contact the State EPA to get involved with the issues.

Town Attorney Marc Mitchell said the Town had a nuisance ordinance.

**NC SMALL TOWN MAIN STREET COMMUNITY** Councilwoman Stevenson said Valdese was one of four small towns in the state chosen to participate in the program. The kick off meeting was held Thursday, October 3, and they presented the town with a certificate that read, "The State of North Carolina is pleased to designate Valdese as a NC Small Town Main Street Community. This certificate attest that your town was selected by the Department of Commerce, office of urban development as a participant in the NC Small Town Main Street Program for downtown revitalization. Given this 2<sup>nd</sup> day of August, 2013 from Elizabeth Carr, NC Urban Development and Sharon Decker, Secretary, NC Department of Commerce." She presented the certificate to the Town and the Mayor.

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Mayor Hatley said this was a huge honor and he thanked Community Affairs Director Barbara Hefner for her hard work on this program and he presented the certificate to Ms. Hefner and asked her to have it framed and place in her office at the Old Rock School.

Councilwoman Hildebran also commended Barbara Hefner in coordinating the committees to work on this program. She was impressed with the attendance and the quality of citizens to serve on the committees.

Barbara Hefner thanked Larry Johnson for his assistance with the committees. Mr. Johnson said the Planning Board appreciated being asked to participate in the program.

**OLD TOWN HALL – MOLD ISSUES** Councilwoman Hildebran said at the last meeting the mold issue was deferred and she asked about the status. Mr. Morse said staff was requesting another 30 days for the best course of action to take and the most cost effective. Some contractors were looking at demolition, an architect was looking at water, sewer and other options. Staff needed more time and Fire Chief Charlie Watts would have a report in November.

**OLD BAND BUILDING** Councilwoman Hildebran asked about the status of the Old Band Building. The old high school property had been taken care of and now the old band building was an eyesore. The windows need attention. Mr. Morse said in addition to old town hall, this was a potential demolition site that staff was evaluating. It may be finalized in November. Staff could coordinate paint and repairs to the Old Band Building and Tiger Gym if it is feasible to keep the old band building.

**TRAIL OF FAITH PARKING** Mayor Hatley said the parking areas needed to be surveyed to locate property lines.

**SIDEWALKS** Councilwoman Stevenson said she had been contacted by citizens recently about the status of sidewalks on Laurel Street. She also received complaints about grass growing over the sidewalk on Gardiol Avenue and she thanked Bryan Duckworth for taking care of the grass.

**MCGALLIARD FALLS PARK AND CHILDREN'S PARK RESTROOMS** Councilwoman Stevenson said it was reported to her that a group was traveling through Valdese and stopped at one of the parks and the handicap persons had issues with getting into the restrooms and it was also reported that there was mold and mildew on walls.

Recreation Director Doug Knight said McGalliard Falls Park would be more handicap accessible than Children's Park. Ms. Hefner said when she takes groups to McGalliard Falls Park the restrooms are always clean.

Staff was instructed to inspect both parks.

**CONDITION OF CEMETERY** Councilman Delp said he had received complaints about the condition of the cemetery regarding mowing and the trimming was not maintained like it used to be. He said families would be visiting our cemeteries over the upcoming holidays. Councilman Delp would try to find out more specific information.

#### **MANAGER'S REPORT:**

**DRAUGHN HIGH SCHOOL HOMECOMING PARADE – TUESDAY, OCTOBER 15, 2013, 6:30 P.M., MAIN STREET – VALDESE**

**"TREATS IN THE STREETS" – THURSDAY, OCTOBER 31, 2013, 3:00 - 5:00 P.M., WITH COSTUME CONTEST AT WELLS FARGO PARKING LOT AT 5:00 P.M.**

**EXTENDING FAMILY FRIDAY NIGHTS INTO SEPTEMBER** Mr. Morse said extending the Family Friday Nights into September was successful.

#### **ADJOURNMENT**

At 8:21 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 Council Meeting on Monday, November 4, 2013, 7:00 p.m.

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Town Clerk

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Mayor

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**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
MONDAY, NOVEMBER 4, 2013**

The Town of Valdese Town Council met on Monday, November 4, 2013, at 5:30 p.m., at the Old Rock School, 400 Main Street West, Valdese, North Carolina to look at the proposed location for the placement of an elevator inside the facility. They also looked at a tree on the front lawn of the facility that needed to be taken down.

Present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Deputy Town Clerk Thelda B. Rhoney, Community Affairs Director Barbara Hefner, and Architect Robert Salsbury.

A quorum was present and no action was taken. The brief meeting adjourned at 6:00 p.m.

The Town of Valdese Town Council met on Monday, November 4, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: Town Attorney Marc Mitchell

A quorum was present.

Mayor Hatley called the meeting to order at 7:00 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:**

**RESOLUTION OF APPRECIATION – DANNY CARSWELL, NC FOREST SERVICE BRIDGE PROJECT** Mayor Hatley presented the following Proclamation to Mr. Danny Carswell:

**Resolution of Appreciation  
NC Forest Service Bridge Program**

WHEREAS, over the years Mr. Danny Carswell, Assistant Camp Director, with the NC Forest Service Bridge Program upon request has assisted the Town of Valdese on numerous projects; and

WHEREAS, Mr. Carswell and the Bridge Crew assisted the Community Affairs Department, Public Works Department, and Recreation Department on the following projects:

- “Bubble” set-up and take-down
- Trail repairs at McGalliard Falls Park
- Sand Volleyball Court borders and repairs
- Cleaned up brush below Grist Mill and water wheel
- Removed dead or diseased trees at McGalliard Falls Park
- Cleaned up brush in difficult areas around town
- Moved boxes from upstairs storage area at the Old Rock School
- Cleaned around outside perimeter and cut large bushes at the Old Rock School
- Assisted Old Colony Players with painting, clean-up and grounds maintenance at the amphitheater
- Assisted Old Colony Players with clean-up of upstairs prop room

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Valdese, North Carolina, that we offer our sincere appreciation to Mr. Danny Carswell and the NC Forest Service Bridge Program for their faithful and dedicated service to the citizens of Valdese and extend our special thanks to all of them.

IN WITNESS WHEREOF, I, James L. Hatley, Mayor of the Town of Valdese have here unto set my hand and caused to be affixed the official seal of the Town of Valdese, this 4th day of November, 2013.

/s/ James L. Hatley, Mayor

Mayor Hatley commended Mr. Carswell for assisting the Town with numerous projects.

**PRESENTATION OF PROCLAMATION FOR HUNGER AND HOMELESS AWARENESS WEEK – ACCEPTED BY TEENA WILLIS AND VALERIE BROOKS FOR BURKE COUNTY CONTINUUM OF CARE** Mayor Hatley presented the following Proclamation to Teena Willis and Valerie Brooks:

**PROCLAMATION FOR NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK IN  
VALDESE, NORTH CAROLINA  
NOVEMBER 16-24, 2013**

WHEREAS, for the past several years the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week in Valdese and the Burke County Continuum of Care has been actively working to end hunger and homelessness in Burke County; and

WHEREAS, the purpose of the proclamation is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing in Valdese for very low income residents; and to encourage support for homeless assistance service providers as well as community service opportunities for citizens, students and school service organizations; and

WHEREAS, there are many organizations committed to sheltering, providing supportive services as well as meals and food supplies to people experiencing homelessness including, ALFA, Burke Council on Alcoholism and Chemical Dependency, Burke County Public Schools, Burke County United Way, Burke United Christian Ministries, Catawba Valley Behavioral Healthcare, Christ Centered Recovery Program, Easter Seals UCP, House of Refuge, North Carolina Vocational Rehabilitation, Options, Inc., Partners Behavioral Health Management, The Cognitive Connection, The Meeting Place Mission, The Outreach Center, Universal Mental Health, Veteran's representatives, and many more community partners, and

WHEREAS, the theme of National Hunger and Homelessness Awareness Week 2013 is "Bringing America Home," and

WHEREAS, the Valdese Town Council recognizes that hunger and homelessness continues to be a serious problem for many individuals and families in the Town of Valdese and Burke County.

NOW, THEREFORE, BE IT RESOLVED that the Valdese Town Council hereby proclaims November 16-24, 2013, as National Hunger and Homelessness Awareness Week.

BE IT FURTHER RESOLVED that the Mayor and Town Council encourages all citizens to recognize that many people do not have housing and need support from citizens, and private/public nonprofit service entities.

This 4<sup>th</sup> day of November, 2013.

/s/ James L. Hatley, Mayor

Ms. Willis said they would have a drama performance at WPCC on Wednesday, November 20, "Throwing Stones," a play written by one of the members of the Continuum Care; after which, they would hold a Homeless Forum to put a face on homelessness. They would also have an "I Care Tour." She invited everyone to participate in the activities during the week of November 16-24. They counted 88 homeless in Burke County and the school system counted 42 students that were homeless and 31 new homeless cases were reported.

Mayor Hatley said it was shocking that there were that many homeless in our community. He challenged Members of Council to participate in the tours, etc.

Ms. Willis distributed information about their upcoming events. Ms. Willis and Ms. Brooks briefly mentioned fundraising activities for the different organizations.

**PRESENTATION OF PROCLAMATION FOR HOSPICE MONTH** Mayor Hatley presented the following Proclamation to Chasity Poteat, Director of Community Education for Burke Hospice and Palliative Care:

**PROCLAMATION FOR NATIONAL HOSPICE PALLIATIVE CARE MONTH  
NOVEMBER 2013**

WHEREAS, Hospice and Palliative Care empowers people to live as fully as possible, surrounded and supported by family and loved ones, despite serious and life-limiting illness; and

WHEREAS, Hospice and Palliative Care bring patients and family caregivers the highest quality care delivered by an interdisciplinary team of skilled professionals that includes Physicians, Nurses, Social Workers, Therapists, Counselors, Health Care Aides, Spiritual Care Providers and others who make the wishes of each patient and family a priority; and

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers; and

WHEREAS, each year, Hospice saves Medicare more than \$2 billion by providing solutions for physicians, care to patients and comfort to families anywhere, at any time; and

WHEREAS, every year more than 1.65 million Americans living with life-limiting illness, and their families, received care from the nation's Hospice Programs in communities throughout the United States; and

WHEREAS, more than 450,000 trained volunteers contribute 21 million hours of service to Hospice Programs annually;

WHEREAS, Hospice and Palliative Care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals.

NOW, THEREFORE, BE IT RESOLVED THAT I, James L. Hatley, Mayor of the Town of Valdese, North Carolina, by virtue of the authority vested in me do hereby proclaim November 2013 as *National Hospice Palliative Care Month* and encourage all citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this 4<sup>th</sup> day of November, 2013, and caused this seal to be affixed.

/s/ James L. Hatley, Mayor

Ms. Poteat said Hospice was about living and they would have a program to be presented on November 19 called "The Gift." She said Burke Hospice had been in operation for 30 years.

Mr. Morse said Hospice operates an anchor store in Valdese and he said it was appreciated that they had the store in the Town of Valdese.

Mayor Hatley asked if anyone else wished to speak. No one spoke.

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

**APPROVAL OF MINUTES – OCTOBER 3, 2013 NC SMALL TOWN MAIN STREET PROGRAM KICKOFF AND REGULAR MEETING OF OCTOBER 7, 2013**

**ITEM(S) REMOVED FROM CONSENT AGENDA -- NONE**

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

***End Consent Agenda***

**RESOLUTION APPROVING LOAN AGREEMENT – VALDESE ABC BOARD** Mr. Morse recognized Karen Caruso, Valdese ABC Store Manager. Mr. Morse said Council approved a loan for the ABC Board in August of 2012 and to now activate the loan effective November 15. He reviewed the breakdown of repayment and he presented the following resolution:

**RESOLUTION AUTHORIZING LOAN AGREEMENT BETWEEN THE TOWN OF VALDESE  
AND THE VALDESE ABC BOARD**

WHEREAS, North Carolina General Statute 158-7.1 authorizes a town to provide economic incentives in order to increase the business prospects of the town; and

WHEREAS, the Valdese ABC Board (the ABC Board) asked the town to consider loaning money to the ABC Board as part of an economic development project; and



WHEREAS, the town council held a public hearing and on August 6, 2012, the town council adopted a resolution authorizing a loan to the ABC Board of up to \$250,000 at 4% interest; and

WHEREAS, the August 6, 2012 resolution provided for a repayment schedule of the amount to be loaned to the ABC Board and that resolution also required that the money be used to pay the existing Wells Fargo loan and that the loan be secured by a first lien on all assets of the ABC Board; and

WHEREAS, circumstances involving the ABC Board have changed and the ABC Board is now asking that the town loan the ABC Board a total of \$262,775 and that the Town allow that amount to be loaned, used and repaid as set forth in a proposed loan agreement between the town and the ABC Board; and

WHEREAS, the town council has considered the terms of the proposed loan agreement and the council is of the opinion that that loan agreement should be approved and that the proposed loan in the amount of \$262,775 be made available to the ABC Board under the terms set forth in that loan agreement;

NOW, THEREFORE, THE TOWN COUNCIL THEREFORE RESOLVES THAT:

1. The proposed loan agreement between the town and the ABC Board as presented to the town council at its November 4, 2013, meeting is hereby approved;
2. The town manager is authorized to execute the loan agreement on behalf of the town; and
3. The town hereby appropriates the funds necessary to make the loan(s) available to the ABC Board in accordance with the terms of the loan agreement.

THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2013.

TOWN OF VALDESE  
/s/ James L. Hatley, Mayor

ATTEST: /s/ TOWN CLERK

After a brief discussion, Councilman Black made a motion to adopt the aforementioned Resolution for ABC Board Loan Agreement, seconded by Councilman Ogle. The vote was unanimous.

**WATERSIDE SUBDIVISION:** Mr. Morse introduced Mr. Dan Rawn with Waterside Subdivision. Mr. Morse said the organization was very professional and had done a great job.

**1. SUBDIVISION IMPROVEMENT AGREEMENT** Planning Director Larry Johnson said Mr. Rawn was the Town's point of contact. He said Council approved the preliminary plat for the subdivision. He described the location with 124 lots. The subdivision would have town water and sewer. Streets would be privately maintained and would meet NCDOT standards. The Town's subdivision regulations states that if the water, sewer, and streets were not complete that an agreement would be entered into guaranteeing that improvements would be completed and provide a surety (cash bond) of 125 percent of the cost to completed water, sewer and streets. Mr. Johnson said this amount would not be known until Thursday and staff recommended to recess this meeting and reconvene on Thursday for approval.

**2. APPROVAL OF FINAL PLAT** Mr. Johnson said the Planning Board met and recommended approval contingent upon approval of the agreement and the receipt of the cash bond. He recommended this item be approved at the reconvened meeting on Thursday, November 7, 1:00 p.m., Valdese Town Hall.

**AWARD OF BID FOR ELEVATOR AT THE OLD ROCK SCHOOL AND APPROVAL OF ENGINEERING FEES**

Community Affairs Director Barbara Hefner said staff recommended the lowest bidder – Stewart McKee in the amount of \$165,050 plus \$2,000 for a 2,500 additional pound capacity in lieu of 2,100 pound capacity. Total amount - \$167,050. Other bids: Griffin Contractors - \$202,410 plus \$1,400 additional capacity for a total of \$202,810 and Moss-Marlow - \$217,000 plus \$2,500 additional capacity for a total of \$219,500. The Town received a check from The Rostan Family Foundation in the amount of \$167,050. Staff recommended the Town enter into an agreement with Robert B. Salsbury Architect, P.A., in the amount of \$9,500 for architectural services for the elevator installation.

Councilwoman Stevenson made a motion to approve the lowest bidder – Stewart McKee in the amount of \$165,050 plus \$2,000 for a 2,500 additional pound capacity in lieu of 2,100 pound capacity for a total amount of \$167,050 and to approve the Architectural Agreement with Robert Salsbury in the amount of \$9,500. The motion was seconded by Councilwoman Hildebran and carried unanimously.

Councilwoman Hildebran recommended that staff prepare a letter of thanks and mail to The Rostan Family for their generous gift.

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

**Budget Amendment No. 06 - Payroll Bonus – General Fund**

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, 2014:

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>
10.4200.020	Payroll	5,910	
10.4250.020	Payroll	2,955	
10.4350.020	Payroll	1,970	
10.5100.020	Payroll	11,820	
10.5300.020	Payroll	7,880	
10.5600.020	Payroll	1,970	
10.5800.020	Payroll	1,970	
10.6200.020	Payroll	3,940	
10.6250.020	Payroll	2,955	
10.4200.999	Util Fund Reimbursement	20,685	
10.4200.998	Payroll	<u>4,925</u>	
Total		<u>\$66,980</u>	<u>\$ 0</u>

This will result in a net increase of \$66,980 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.

10.3010.111	2011 Ad Valorem Tax		41,370
10.3010.111	2011 Ad Valorem Tax		20,685
10.3010.111	2011 Ad Valorem Tax		<u>4,925</u>
Total		<u>\$ 0</u>	<u>\$66,980</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. 06A - Payroll Bonus – Utility Fund**

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, 2014:

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

<u>Acct. No.</u>		<u>Debit</u>	<u>Credit</u>
30.8100.020	Payroll	6,895	
30.8110.020	Payroll	8,865	
30.8120.020	Payroll	<u>4,925</u>	
Total		<u>\$20,685</u>	<u>\$ 0</u>

This will result in a net increase of \$20,685 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.

30.3970.001 Trans From Gen Fund		<u>20,685</u>
Total	<u>\$ 0</u>	<u>\$20,685</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. 06B - Payroll Bonus – TCW Fund**

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, 2014:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
31.8130.020 Payroll	<u>4,925</u>	
Total	<u>\$ 4,925</u>	<u>\$ 0</u>

This will result in a net increase of \$ 4,925 in the expenditures of the TCW Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

31.3970.001 Trans From Gen Fund		4,925
Total	<u>\$ 0</u>	<u>\$ 4,925</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. 07 - Lobby Contribution – Western Youth**

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, 2014:

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>
10.4200.570 Misc	<u>3,000</u>	
Total	<u>\$3,000</u>	<u>\$ 0</u>

This will result in a net increase of \$ 3,000 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.

10.3970.300 Contribution From Util Fund		<u>3,000</u>
Total	\$	<u>\$3,000</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. 08 - Old Rock School Gutters**

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, 2014:

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 Bldg	<u>10,000</u>	
	Total	<u>\$10,000</u>	<u>\$ 0</u>

This will result in a net increase of \$10,000 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.

10.3970.300	Contribution From Util Fund		<u>10,000</u>
	Total	\$	<u>\$10,000</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. 09 - Fire Dept Telephones**

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, 2014:

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>
10.5300.150	Maint & Repair Bldg	<u>16,000</u>	
	Total	<u>\$16,000</u>	<u>\$ 0</u>

This will result in a net increase of \$16,000 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.

10.3970.300	Contribution From Util Fund		<u>16,000</u>
	Total	\$	<u>\$16,000</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. 10 - Grist Mill Project**

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, 2014:

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	Maint & Repair Bldg	<u>26,000</u>	
	Total	<u>\$26,000</u>	<u>\$ 0</u>

This will result in a net increase of \$26,000 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.

10.3970.300	Contribution From Util Fund		12,000
10.3980.000	From CRF		<u>14,000</u>
	Total	\$	<u>\$26,000</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 Elevator**

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, 2014:

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 Bldg	<u>167,050</u>	
Total	<u>\$167,050</u>	\$ 0

This will result in a net increase of \$167,050 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 Donation		<u>167,050</u>
Total	\$	<u>\$167,050</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.

Councilman Ogle made a motion to approve the aforementioned eight budget amendments, seconded by Councilman Delp. The vote was unanimous.

**MAYOR AND COUNCIL COMMENTS:**

**BDI FUNDING** Councilman Black recommended that Council reinstate the BDI funding as this affects the economic development for the town.

Mr. Morse said the reason for the BDI funding cut, as well as others, was due to the Hold Harmless Reimbursements of \$120,000; however, the town received one-half of the Hold Harmless Reimbursements in the amount of \$60,000. Staff recommended the full donation with the understanding this was only a one year commitment.

Mayor Hatley said if the Town of Valdese reinstates funds to BDI the Mayor would have a seat on the board and he asked Councilman Chip Black if he would be the Town's representative and Councilman Black accepted.

After a brief discussion, Councilwoman Hildebran made a motion to fund BDI at the previous funding level, seconded by Councilman Black. The vote was unanimous.

**DOWNTOWN MERCHANTS ASSOCIATION** Councilwoman Stevenson said she attended the recent Downtown Merchants Association meeting and downtown parking was an issue, and there was a problem with trash near the Hospice Store and a trash receptacle needs to be placed at that location.

**DOWNTOWN PARKING** Mr. Morse said there may be grant funding for parking due to the Small Town Program and he would be working on this issue.

Councilman Ogle asked about parking tickets for the downtown area. He recommended either issue parking tickets or take down the two-hour parking signs.

Cornerstone Antiques Owner Debbie Ferris said if parking tickets are issued, no one would shop in Valdese.

Town Manager Jeff Morse said staff would manage the downtown parking issues.

**DOGS – VALDESE** Councilman Delp had received complaints that citizens who walk their dogs in the downtown area do not clean up after their dogs and he recommended the installation of stations with waste bags in the central business district.

He said a friend of his on Church Street lost his dog and it was found a week later by the gentlemen that were working on the Waterside Subdivision. He thanked management of the Waterside Development.

**TOWN SUBDIVISIONS TOUR** Councilwoman Hildebran recommended a tour of the new subdivisions being built in the Town of Valdese. Councilwoman Stevenson was interested as well. Mr. Morse said he would offer a tour on Friday, November 15 for Councilwoman Hildebran and Councilwoman Stevenson.

**OLD BURKE MILL SITE** Councilwoman Hildebran asked about the status of the old Burke Mill site. Mr. Morse said he was working with the company cleaning up the site.

**MANAGER'S REPORT:**

**CHRISTMAS IN NOVEMBER – OLD ROCK SCHOOL – NOVEMBER 9, 2013, 9:00 A.M. – 4:00 P.M.** Ms. Barbara Hefner said there would be 38 vendors of handcrafted items and some furniture had been donated for raffle. Entrance fee is \$1 or a can of food to be donated to Burke Christian Ministries.

**WATERSIDE SUBDIVISION**

Mr. Morse said Waterside Development would be hosting their first gathering of new citizens at the Trail of Faith on Saturday.

**TOWN OFFICES WOULD BE CLOSED ON MONDAY, NOVEMBER 11, 2013, IN OBSERVANCE OF VETERANS DAY**

**ANNUAL DINNER MEETING WITH THE DOWNTOWN MERCHANTS ON THURSDAY, NOVEMBER 21, 2013, 6:30 P.M., OLD ROCK SCHOOL – WALDENSIAN ROOM**

**TOWN OFFICES WOULD BE CLOSED ON NOVEMBER 28 AND 29, 2013 IN OBSERVANCE OF THANKSGIVING**

**ANNOUNCEMENT OF THE GRAND MARSHAL FOR THE VALDESE CHRISTMAS PARADE (SATURDAY, DECEMBER 7, 2013 – 10:00 A.M.)** Community Affairs Director Barbara Hefner said Henry Benjamin Perrou had been named the Grand Marshal for the parade. The parade on December 7 is Pearl Harbor Day and the Downtown Merchants recommended that a World War II veteran serve as Grand Marshal. Mr. Perrou had been involved in many projects in Valdese.

**HVAC – VALDESE FIRE DEPARTMENT** Mr. Morse said staff was contracting to repair the HVAC at the old town hall connected to the fire/police complex in the amount of \$8,500.

Mr. Morse said Burke County had floor plans of the old town hall and they may be interested in renovating the old town hall for a 911 back-up center.

Fire Chief Charlie Watts offered a brief overview of the HVAC systems at the old town hall. In case the old town hall was to be demolished it would cost approximately \$27,500 to demolish.

**TOWN COMPUTER SERVERS** Mr. Morse said staff was issuing a purchase order for the Town's computer servers and this item would be on the December agenda.

**RECESS** At 8:15 p.m., Councilwoman Stevenson made a motion to Recess until Thursday, November 7, 2013, 1:00 p.m., Valdese Town Hall, to vote on the Waterside Subdivision issues. The motion was seconded by Councilwoman Hildebran and carried unanimously.

**TOWN OF VALDESE  
TOWN COUNCIL MEETING - RECONVENED  
THURSDAY, NOVEMBER 7, 2013, 1:00 P.M.**

The Town of Valdese Town Council reconvened on Thursday, November 7, 2013, at 1:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, and Councilman Gary L. Delp. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, Planning Director Larry Johnson, Public Works Director Bryan Duckworth and Finance Director Jerry LaMaster.

Absent: Councilwoman Susan Stevenson and Councilman Chip Black

A quorum was present.

At 1:00 p.m., Councilman Delp made a motion to reconvene, seconded by Councilwoman Hildebran. The vote was unanimous.

**WATERSIDE SUBDIVISION:**

**1. SUBDIVISION IMPROVEMENT AGREEMENT**

Planning Director Larry Johnson said the purpose for the reconvened meeting for approval of the agreement and approval of a cash bond.

Town Attorney Marc Mitchell reviewed the Subdivision Ordinance regarding approval of a final plat after the agreement was signed and the surety of 125 percent was agreed upon. Staff consulted with Benjie Thomas, Engineer with West Consultants, regarding the infrastructure. Mr. Mitchell discussed time limits with the Town Manager and it was agreed that one year from November 4, 2013. He said after work had been done and the Developer requested funds be released, that the Planning Board would make a recommendation to Council for approval. He briefly reviewed the cash bond requirements.

Mr. David Poore, West Consultants, said the amount of work remaining to be done with the exception of paving was \$562,273. The amount of paving remaining in his opinion was \$60,000 plus 25 percent for a total of \$75,000. The total cash bond would be \$637,273 (125% of \$509,818).

Mr. Scott Rye, Owner of LR Acquisitions, had several questions about the agreement getting revenue on 124 lots but two lots taxes would be lower and the one year warranty water and sewer lines \$5,000 as a deposit for the warranty. Language refers back to the town ordinances about releasing funds and Mr. Mitchell and Mr. Morse described the process. Mr. Rye was in agreement with the amount of cash bond. He was prepared to sign the documents. He was in agreement from changing the date from November 4 to November 7.

Councilman Ogle made a motion to approve the Subdivision Improvement Agreement in the amount of \$637,273 cash bond dated November 7, 2013, instead of November 4, 2013, plus the \$5,000 warranty. The motion was seconded by Councilman Delp and carried unanimously.

Mr. Rye said their Grand Opening would be held on Saturday, November 9, 2013, 10:00 a.m. until the last person leaves. He will also have approximately 100 folks coming in. There would be 60 of his representatives there as well.

**2. APPROVAL OF FINAL PLAT** Mr. Johnson said the Planning Board met and recommended approval contingent upon approval of the agreement and the receipt of the cash bond. He recommended approval as recommended by the Valdese Planning Board.

Councilman Ogle made a motion to approve the Final Plat for Waterside Subdivision, seconded by Councilwoman Hildebran. The motion was unanimous.

**ADJOURNMENT**

At 1:30 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

Town Manager Jeff Morse invited everyone to enjoy lunch catered by Myra's.

The next meeting is a regularly scheduled Joint Dinner Meeting with the Valdese Merchants on Thursday, November 21, 2013, 6:30 p.m., Old Rock School Waldensian Room.

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Town Clerk

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Mayor

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**TOWN OF VALDESE  
TOWN COUNCIL ANNUAL/JOINT DINNER MEETING WITH VALDESE MERCHANTS  
THURSDAY, NOVEMBER 21, 2013, 6:30 P.M.**

The Town of Valdese Town Council met jointly with the Valdese Merchants for the annual dinner meeting on Thursday, November 21, 2013, at 6:30 p.m., at the Old Rock School, Waldensian Room.

The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Stevenson; Councilman Delp; and Councilman Black.

Absent: None

A quorum was present and no action was taken.

Also present: Town Manager Jeffrey V. Morse, Deputy Town Clerk Thelda B. Rhoney, Community Affairs Director Barbara Hefner, and Assistant Police Chief Jamie Buchanan.

At 6:30 p.m., Mayor Hatley welcomed everyone and thanked the business owners for investing their time and money into the Town of Valdese. He said there were three developments in the process of being built out which would bring business into our downtown area. He offered the invocation and invited everyone to enjoy dinner catered by Myra's. There were approximately 36 downtown merchants in attendance.

Community Affairs Director Barbara Hefner gave a brief overview of the Small Town Program and she thanked Ms. Carla Berry, for gathering 280 surveys. She invited merchants to become members of the Valdese Merchants Association.

Dr. Paula Reynolds, Vice President of the Valdese Downtown Merchants reminded everyone of the Valdese Parade on Saturday, December 7, 2013, 10:00 a.m., and said World War II Veteran Benjie Perrou would be the Grand Marshal. She said there were two floats available for purchase for the parade. She said the Shop Hop would be held on Friday, December 13, 2013, 6:00 – 8:00 p.m.

Town Manager Jeff Morse gave a brief overview of the three developments in Valdese and said 90 percent of lots had already sold in the new Waterside Subdivision. He commended the downtown merchants for their efforts to beautify the downtown area. He said staff was working with the NC Department of Transportation on sidewalks, bikeways and walking trails and Town staff would need letters of support from the Valdese Merchants Association. He said the Main Street Program was an asset for the downtown area.

At 7:45 p.m., the meeting adjourned.

The next meeting is a regularly scheduled Council Meeting on Monday, December 4, 2013, 7:00 p.m.

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Town Clerk

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Mayor



**TOWN OF VALDESE  
TOWN COUNCIL MEETING  
MONDAY, DECEMBER 2, 2013**

The Town of Valdese Town Council met on Monday, December 2, 2013, at 7:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor James L. Hatley, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Gary L. Delp, and Councilman Chip Black. Also present were Town Manager Jeffrey V. Morse, Town Attorney Marc Mitchell, Deputy Town Clerk Thelda B. Rhoney, and various department heads.

Absent: none

A quorum was present.

Mayor Hatley called the meeting to order at 7:05 p.m. He offered the Invocation and led in the Pledge of Allegiance to the Flag.

**OPEN FORUM/PUBLIC COMMENT:** No one spoke.

**OATHS OF OFFICE ADMINISTERED BY BURKE COUNTY CLERK OF SUPERIOR COURT MABEL H. LOWMAN:  
MAYOR JAMES L. HATLEY, COUNCILMAN GARY DELP – WARD 1, COUNCILWOMAN SUSAN STEVENSON –  
WARD 2, AND COUNCILMAN BLACK - WARD 3**

Burke County Clerk of Superior Court Mabel H. Lowman administered the Oath of Office to Mayor Hatley as his Grandson Micol Hatley held the Bible and two of his Granddaughters Helena Hatley and Speed Hatley were by his side. Ms. Lowman then administered Oaths of Office to Councilwoman Stevenson, Councilman Delp and Councilman Black.

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

**APPROVED MINUTES – NOVEMBER 4, 2013 AND NOVEMBER 21, 2013**

**APPROVED RESOLUTION ADOPTING 2014 TOWN COUNCIL MEETINGS CALENDAR**

**RESOLUTION ADOPTING 2014 TOWN COUNCIL MEETING SCHEDULE**

WHEREAS, pursuant to Section 2-1011 of the Town of Valdese Code of Ordinances, there shall be a regular meeting of the council at the town hall, on the first Monday in each month, at 7:00 p.m., unless another place, date or time shall be designated.

NOW, THEREFORE, BE IT RESOLVED that the Town of Valdese Town Council adopts the following Meeting Schedule for 2014:

January 6, 2014  
February 3, 2014  
March 3, 2014  
March 17, 2014 – 3:00 p.m. – 8:00 p.m., Monday, Annual Budget Retreat – Town Hall  
April 7, 2014  
May 5, 2014  
June 2, 2014  
June 30, 2014 – Budget Public Hearing; also serves as the July Council Meeting  
August 4, 2014  
September 2, 2014, Tuesday, 7:00 p.m., due to Labor Day Holiday  
October 6, 2014  
November 3, 2014  
November 20, 2014, 6:30 p.m., Thursday, Annual Dinner Meeting with Valdese Merchants  
Association, Old Rock School, Waldensian Room  
December 1, 2014

This 2<sup>nd</sup> day of December, 2013.

/s/ James L. Hatley, Mayor

**APPROVED REQUEST FOR WATERSIDE SUBDIVISION PARTIAL RELEASE OF FUNDS**

**CALLED FOR PUBLIC HEARING FOR LAND DEVELOPMENT PLAN ON MONDAY, JANUARY 6, 2014, 7:00 P.M.**

**ADOPTED RESOLUTION FROM STATE OF NC FOR FIRE DEPARTMENT VERIFICATION**

**VERIFICATION FROM MUNICIPALITY RESOLUTION**

WHEREAS, the Fire Department of the Town of Valdese serves as an Agency of the Town of Valdese; and

WHEREAS, the Fire Department of the Town of Valdese has requested confirmation of this Agency relationship; and

WHEREAS, this Agency's relationship is long-standing and generally acknowledged.

NOW THEREFORE, BE IT RESOLVED, that the Town of Valdese does hereby confirm this Agency's relationship and does verify by this Resolution that Relationship.

Adopted this 2<sup>nd</sup> day of December, 2013.

/s/ James L. Hatley, Mayor

Attest: /s/ Town Clerk

**ADOPTED RESOLUTION TO APPLY FOR PEDESTRIAN PLANNING GRANT**

**RESOLUTION PEDESTRIAN PLANNING GRANT**

WHEREAS, the Town of Valdese is committed to improving public safety, promoting public health and creating recreation opportunities for its citizens through pedestrian pathways; and

WHEREAS, in the 2013 Town of Valdese 2013 Comprehensive Parks and Recreation Plan, the most requested improvement to an existing park was the construction of a walking trail or greenway at McGalliard Falls Park; and

WHEREAS, a listed action item in *The Valdese Vision: A Land Use Action Plan for the Future* (2014) is "pursue NC Department of Transportation (NCDOT) funding to develop a comprehensive Bicycle and Pedestrian Plan;" and

WHEREAS, the Town of Valdese recognizes the need for alternative types of transportation for its citizens; and

WHEREAS, the NCDOT's Bicycle and Pedestrian Grant Initiative is a matching grant program that encourages municipalities to develop comprehensive bicycle and pedestrian plans.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Valdese authorizes staff to submit a grant application to the North Carolina Department of Transportation requesting funds through the Bicycle and Pedestrian Planning Grant Initiative in order to complete a Pedestrian Plan to improve connectivity, safety, recreation and health benefits for our community.

This 2<sup>nd</sup> day of December, 2013.

/s/ James L. Hatley, Mayor

**APPROVED CONTRACT WITH WPCOG FOR CEMETERY GIS UPDATE** Contract to update the Cemetery GIS to include all new burials and new plot purchases since 2006. The contract price to update mapping and cemetery features in the amount of \$2,300.

**APPROVED ENGINEERING SERVICES – MILLSTONE WATER PROJECT** Approved Engineering Services with West Consultants for the Millstone Avenue CDBG Water Project. Other bidders: Lamm Engineering Associates, Garner, NC; and Shield Engineering, Charlotte, NC.

**APPROVED AGREEMENT FOR AUTOMATIC AID FOR FIRE PROTECTION – TRIPLE COMMUNITY FIRE DEPARTMENT** The agreement with Triple Community Fire Department for an Automatic Aid for Fire Protection for The Settings Development.

**APPROVED REPLACING TOWN'S THREE COMPUTER SERVERS** Harris Local Government - \$14,027.30 setup and software; MarketSpace Solutions, Inc., for hardware in the amount of \$7,096.74, \$6,955.83 and \$1,465.90. Total:

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\$29,545.77 which includes taxes in the amount of \$1,521.77 and taxes are not included in the line-item for the budget amendment on page 650 of these minutes.

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

***End Consent Agenda***

**ITEMS REMOVED FROM CONSENT AGENDA** None

**COUNCIL ORGANIZATIONAL MEETING:** Mayor Hatley made the following recommendations:

**VALDESE TOWN COUNCIL  
Four Year Alternating Terms for Council and Mayor  
Terms Ending December 2015**

**James L. Hatley**

Served Councilman Nov. 1997 – 1999  
Elected Mayor: November 2, 1999 Oath: Dec 6, 1999  
April 2000 – Mayor Term Changed to 4 years  
Elected Nov. 6, 2001 for four year term (2005)  
Reelected Nov. 8, 2005 for four year term (2009)  
Reelected Nov. 3, 2009 for four year term (2013)  
Reelected Nov. 5, 2013 for four year term (2017)

**Mayor**

NCLM – RMS Trustee  
Blue Ridge Healthcare  
System – Board of Directors- Retired  
BDI (appointed Councilman Black to serve)  
VEDIC Board of Directors

Retired G.E.

**Gary L. Delp (Ward 1)**

Ward 1 – 2013  
Appointed by Council 05/04/09  
Elected 11/03/09: Term 12/07/09 – 12/02/13  
Reelected 11/05/13 Term 12/02/13 – 12/04/17

Treasurer  
Recreation Commission  
Public Art Commission  
Planning Board – Alternate  
Street Paving Committee

Retired School Teacher

**Susan T. Stevenson (Ward 2)**

Ward 2 – 2013  
Appointed by Council 01/10/00  
Elected 11/06/01: Term 12/03/01 – 12/05/05  
Reelected 11/08/05: Term 12/05/05 – 12/07/09  
Reelected 11/03/09: Term 12/07/09 – 12/02/13  
Reelected 11/05/13: Term 12/02/13 – 12/04/17

Mayor Pro Tem  
Assistant Treasurer  
WPCOG Metropolitan Planning  
Organization (MPO)  
Railroad Committee

Retired Physical Therapist

**John F. “Chip” Black (Ward 3)**

Ward 3 - 2013  
Elected 11/04/97: Term 12/01/97 - 12/03/01  
Reelected 11/06/01: Term 12/03/01 - 12/05/05  
Reelected 11/08/05: Term 12/05/05 - 12/07/09  
Reelected 11/03/09: Term 12/07/09 - 12/02/13  
Reelected 11/05/13: Term 12/02/13 – 12/04/17

BDI (Mayor's Appointee)  
Town Clerk  
OCP Member  
WPCOG Policy Board Delegate  
2010 Vice President  
2011 President  
2012 President

Black & Associates  
Financial Mgmt.

**Frances M. Hildebran (Ward 4)**

Ward 4 – 2015  
Elected 11/08/11: Term 12/05/11 – 12/07/15

Library Board  
Citizens for Affordable  
Housing  
Street Paving Committee

Retired Local Government  
Blue Ridge HealthCare  
Executive Assistant to  
President & CEO

**B. Keith Ogle (Ward 5)**

Ward 5 – 2015  
Elected 11/04/03: Term 12/01/03 – 12/03/07  
Reelected 11/06/07: Term 12/03/07 – 12/05/11  
Reelected 11/08/11: Term 12/05/11 – 12/07/15

Arbor-Beautification Committee  
Downtown Revitalization  
WPCOG Policy Board  
Alternate

H.R. Director  
Rescare Homecare  
Rescare, Inc.

**Jeffrey V. Morse**

(Appointed April 1980)

**Town Manager**

BDI (Appointed 1983) (Chairman 1986 – 91)  
Rural Transportation Technical Committee  
Burke County Narcotics Task Force - Chairman

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Burke County United Way (President – 2008)  
Catawba-Wataree Water Management Group (Vice Chair)  
NC – Environmental Management Commission  
(2009 – 2013)  
WPCOG Water Resources Committee (Vice Chair)  
NCLM – Regulatory Action Committee

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

**BOARD AND COMMISSION REAPPOINTMENTS** Mayor Hatley recommended the following appointments/reappointments:

**2013 Board and Commission Appointments/Reappointments**

**Planning Board & Board of Adjustment (4-year terms)**

Reappointment of David Thompson

**Recreation Commission (3-year terms)**

Reappointment of Christopher “Chip” Cooper

**Firemen’s Relief Fund (2-year terms)**

Reappointment of Ed Plemmons and Dave Rust

**Rock School Advisory (4-year terms)**

Reappointment of Ed Bleynt

**Arbor-Beautification (3-year terms)**

Appointment of Rose Mueller (from Volunteer Representative to Regular Member), replacing Carolyn Yancey who did not wish to be reappointed

**Public Art Commission (3-year terms)**

Reappointment of Marc Mitchell

Councilman Ogle made a motion to adopt the aforementioned as recommended by Mayor Hatley, seconded by Councilman Delp. The vote was unanimous.

**AUTHORIZATION TO HIRE – FIRE DEPARTMENT** Fire Chief Charlie Watts said a Firefighter/Engineer resigned from the Valdese Fire Department and he requested authorization to hire for a vacant position.

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

**BUDGET AMENDMENTS** Finance Director Jerry LaMaster asked if there were questions regarding the following five budget amendments. There were no questions.

**BUDGET AMENDMENT NO. 12 - W&S TRACK BACKHOE**

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, 2014:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
30.8120.740 Capital Outlay	60,000	
Total	<u>\$ 60,000</u>	\$ 0

This will result in a net increase of \$ 60,000 in the expenditures of the Utility Fund. To provide funding for the above,

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the following revenue budgets will be increased. These additional revenues have already been received.

30.3970.811 Loan Proceeds		60,000
Total	\$ 0	<u>\$ 60,000</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. 13 - TOWN HALL SERVERS**

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, 2014:

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>
10.4200.740 Capital Outlay		<u>28,000</u>	
Total		<u>\$ 28,000</u>	<u>\$ 0</u>

This will result in a net increase of \$ 28,000 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.

10.3970.700 Transfer From CRF		<u>28,000</u>
Total	\$	<u>\$ 28,000</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. 15 - ABC LOAN**

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, 2014:

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>
10.4200.920 ABC Loan		<u>72,775</u>	
Total		<u>\$ 72,775</u>	<u>\$ 0</u>

This will result in a net increase of \$ 72,775 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.

10.3970.301 Transfer From Util		<u>72,775</u>
Total	\$	<u>\$ 72,775</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. 16 - TRANS TO GEN FUND, ABC LOAN**

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, 2014:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
30.8100.921 Trans to Gen Fund	<u>72,775</u>	
Total	<u>\$ 72,775</u>	<u>\$ 0</u>

This will result in a net increase of \$ 72,775 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.

30.3990.002 From Fund Balance		<u>72,775</u>
Total	\$	<u>\$ 72,775</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. 17 - REPAINTING DREXEL RD WATER TANK**

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, 2014:

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

<u>Acct. No.</u>	<u>Debit</u>	<u>Credit</u>
31.8130.150 Maint of Bldg & Grounds	<u>60,240</u>	
Total	<u>\$ 60,240</u>	<u>\$ 0</u>

This will result in a net increase of \$ 60,240 in the expenditures of the TCW Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

31.3990.001 From CRF		<u>60,240</u>
Total	\$	<u>\$ 60,240</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.

Councilman Ogle made a motion to approve the aforementioned five budget amendments, seconded by Councilwoman Stevenson. The vote was unanimous.

### **MAYOR AND COUNCIL COMMENTS:**

**FORMER BURKE MILLS SITE** Councilman Delp said he had heard several positive comments about progress of the Burke Mill Site. Town Manager Jeff Morse said the area would be covered with dirt and grass would be planted.

**FIREARMS** Councilman Ogle said there was no sign at Town Hall stating "No Firearms."

**COVENTRY INSURANCE FOR TOWN EMPLOYEES** Councilman Ogle said he understood that there would be an upcoming meeting with a Coventry Representative. He also understood some employees were having issues with the insurance. He asked Chief Watts if his insurance issues had been resolved and Chief Watts answered no but they were working on the problem. Chief Watts said he was not aware of any of his employees having any problems with the insurance.

Councilman Ogle asked HR Officer/Utilities Customer Services Manager Debbie Jones if anyone else was having issues. Ms. Jones said not to her knowledge.

Mr. Morse said a Coventry Representative would be here on December 11<sup>th</sup> and employees would have an opportunity to meet with her. Councilman Ogle said that is why he brought the issue up and there were problems with the insurance.

**OLD TOWN HALL** Councilman Ogle asked about the status of Old Town Hall. Chief Watts said he did not have any answers yet. The County received a copy of the blueprints for their architect and IT person. He received favorable feedback regarding a backup 911 Center and hoped to hear something by the end of the month.

**HOUSE AT 909/913 MAIN STREET WEST** Councilman Ogle said he noticed that the yard had been dug up again and it had been like that for a month. A wall was built and filled in with dirt and now we are back where we started.

Town Attorney Marc Mitchell asked for guidance and said the Town had a nuisance ordinance and action could be taken again.

Mayor Hatley recommended that the Town Manager contact the owner for an update.

**HOUSE ON MORGANTON STREET OWNED BY A PLUMBER** Councilman Ogle said the problems still existed with six cars in the yard with no license plates and the cars need to be removed.

Mr. Morse said he inspected and at one time 75 percent of the vehicles were removed. Councilman Ogle said the 75 percent was back and something needed to be done.

**INDUSTRIAL ARTS BUILDING** Councilwoman Hildebran asked about the status of this building.

Mr. Morse said he had met with Public Works Director and Recreation Director and the boards could be replaced and/or painted for aesthetics and ultimately the facility may need to be torn down. He talked with someone to tear the building down for the materials in the building but they are of no value. This could be an item in next year's budget to tear down at a cost of up to \$35,000 - \$45,000 plus the installation of a retaining wall.

Councilman Ogle said he and Mayor Hatley were approached by Hospice staff for a senior center. Mr. Morse said there have been four serious attempts to renovate the building and each time the cost of renovations far exceeded the value of the building.

Councilwoman Hildebran said it was an eyesore near the school. Other facilities in the area had been renovated. Mr. Morse said the building could be painted to look better.

**GRIST MILL PROJECT** Councilwoman Hildebran asked about the status of this project. Mr. Morse said minor changes were being made to the curb and guttering. Mr. Duckworth said the slide area had been repaired and there were some minor areas being reworked. Drainage is working properly.

**WPCOG POLICY BOARD AND CDBG FUNDS** Councilman Black said his term as Chairman of the WPCOG Policy Board would end in January. He said CDBG grant funding came through the NC Department of Commerce, Rural Center, and the awarding of money had been moved to another department and no board has yet been appointed to oversee the funding. There has been no new funding opportunity since July and if the Town of Valdese had any projects that are CDBG eligible and staff needs to be available at a moment's notice to apply for the grant funds.

Councilman Black said for the past few years the WPCOG had been using its fund balance for funding matching grants for local projects which all municipalities in the four county areas put up the money. The auditors recently gave a report and there is now a surplus in the WPCOG's fund balance.

Mayor Hatley thanked Councilman Black for serving on the Policy Board representing the Town of Valdese and the Mayor had only heard good comments about Councilman Black's leadership.

Mr. Morse said the Town does have a CDBG application in Raleigh for our I & I Project. He said we need a grant to replace water meters, a \$600,000 project.

**DOWNTOWN BUSINESS DISTRICT – TREES** Mayor Hatley said he did not have a vote regarding tree removal from the downtown business district and some trees may need removing.

Councilman Ogle said Council voted to trim the trees and not remove them.

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The Mayor said if any trees needed removing that spring would be a good time to replace trees and the same applies for tree trimming. Mr. Morse said the problem was tree roots were causing uneven sidewalks and getting into sewer lines.

Public Works Director Bryan Duckworth said there was a sewer line on Bobo Avenue and the sewer would need to be turned back and it would be at property owner's expense.

Mr. Morse said staff would investigate the best trees for the downtown area. Mayor Hatley requested staff contact an arborist to find a tree that the root structure would not destroy the sidewalks.

Mr. Morse said staff would bring this issue back at the February 2014 Council meeting.

**MANAGER'S REPORT:**

**VALDESE CHRISTMAS PARADE, SATURDAY, DECEMBER 7, 2013, 10:00 A.M.** Members of Council would need to meet a the Fire Department to ride on the fire truck. He said the forecast was iffy and if it were misting rain the parade would go on but if there were a downpour prior to the parade it would be canceled for safety reasons. Fliers would be distributed about how candy could be distributed from floats.

**TOWN OFFICES WOULD BE CLOSED DECEMBER 24-26, 2013, IN OBSERVANCE OF CHRISTMAS AND JANUARY 1, 2014, IN OBSERVANCE OF NEW YEAR'S DAY**

**TOWN COUNCIL/DEPARTMENT HEAD CHRISTMAS DINNER, THURSDAY, DECEMBER 19, 2013, 6:30 P.M., DOWNTOWN DELIGHTS, 102 MAIN STREET EAST, VALDESE, NORTH CAROLINA**

**TREE LIGHTING CEREMONY – DECEMBER 13, 2013, 6:00 P.M., WELLS FARGO PARKING LOT**

**SMALL TOWN PROJECT** Mr. Morse said a delegation would be sent to Raleigh on December 19<sup>th</sup> to meet with NC Department of Commerce staff regarding grant applications for the Small Town Project.

**CLOSED SESSION** A closed session was not held.

**ADJOURNMENT** At 7:47 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilman Delp. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, January 6, 2014, 7:00 p.m.

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Town Clerk

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Mayor

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