

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
MARCH 2, 2020**

The Town of Valdese Town Council met on Monday, March 2, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and various department heads.

Absent: None.

A quorum was present.

Mayor Black called the meeting to order at 6:00 p.m. He offered the invocation and led in the Pledge of Allegiance to the Flag.

OPEN FORUM/PUBLIC COMMENT:

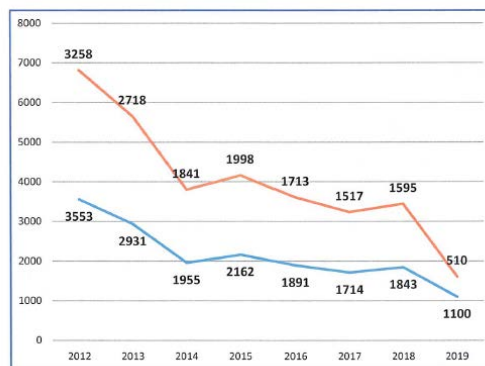
PET OF THE MONTH: Burke County Animal Services Director, Kaitlin Settlemyre introduced Council to the Pet of the Month, Saint. Saint is a year and a half, lab/pit bull mix that came to the shelter as a stray. Saint is very outgoing and is available for adoption.

REASON PRESENTATION: Debbie Hawkins, President of REASON, presented Council with data on animal welfare in the Town of Valdese and an overview of the organization. REASON stands for Reduce Euthanasia And Spay Or Neuter. REASON began in 2012 and is an all-volunteer, non-profit organization that helps low to moderate-income citizens with spay or neuter for their pets. Ms. Hawkins informed Council that all Burke County veterinarian clinics participate and offer a reduced surgery fee. REASON has completed 3,657 surgeries. Ms. Hawkins encouraged Council to help with solutions by educating citizens on Town Ordinances, utilizing social media, and talking with citizens on the importance of spay and neuter. More information can be found by visiting www.reason-nc.org.

Burke County 2012-2019
Intake and Euthanized



Burke County 2012-2019
Cats - Intake and Euthanized



REASON'S Criteria for Eligibility 2020 Poverty Guidelines

Number of Persons In Home	Household Yearly Income		
	EBT / Medicaid OR \$		
1	< \$12,760	\$12,761 - \$19,140	\$19,141 - \$25,520
2	< \$17,240	\$17,241 - \$25,860	\$25,861 - \$34,480
3	< \$21,720	\$21,721 - \$32,580	\$32,581 - \$43,440
4	< \$26,200	\$26,201 - \$39,300	\$39,301 - \$52,400
5	< \$30,680	\$30,681 - \$46,020	\$46,021 - \$61,360
6	< \$35,160	\$35,161 - \$52,740	\$52,741 - \$70,320
7	< \$39,640	\$39,641 - \$59,460	\$59,461 - \$79,280
8	< \$44,120	\$44,121 - \$66,180	\$66,181 - \$88,240

ANNOUNCEMENT OF ARCHITECTURAL SURVEY PROJECT: Annie McDonald, Preservation Specialist, representing the North Carolina state preservation office informed Council that starting in April they will be working on a comprehensive architectural survey of historic properties in Valdese. The project will advance the state's architectural survey program and provide useful information for planning economic development efforts at the local level. Ms. McDonald announced that the survey would document 350-375 historic resources constructed from the 19th Century through the 1970s. The survey will include commercial, dwellings, and industrial buildings. The project will officially begin on Monday, April 2nd, with a public meeting at the Old Rock School. The project will conclude in the late winter of this year, and the Preservation office will present its findings. There will be no charge to the Town of Valdese. Ms. McDonald explained that Valdese got selected for this survey from conversations that came from the WPCOG.

MR. RICHARD TODD, 904 TARVIA AVE, VALDESE Mr. Todd expressed his concern to Council regarding high noise levels coming from a home in his neighborhood. Mr. Todd explained that the Valdese Police had been out to the individual's house several times. Mr. Todd is speaking on behalf of many individuals and is in favor of the possible update to the Noise Amendment that is on the agenda this month.

MS. KAY DRAUGHN, 108 W END ST SW, VALDESE Ms. Draughn shared what a wonderful job Burke County Animal Services center was doing. Ms. Draughn encouraged the Town to help by sharing pets in need of adoption on Facebook, hold a supply drive, volunteer at the shelter, hold dog and cat sleepovers, and visit an animal to help with socialization. Ms. Draughn handed out the 2019 Summary of Accomplishments of Burke County for Council to review. Ms. Draughn also expressed her concerns with 909 Main Street and would like updates. Ms. Draughn encouraged the Town to record their meetings and post the agenda earlier.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF FEBRUARY 3, 2020

APPROVED SUNDAY, APRIL 12, 2020 AS TAX LIEN ADVERTISING DATE FOR REAL PROPERTY

APPROVED REAPPOINTMENT TO VALDESE ABC BOARD: Town Manager Seth Eckard was reappointed as Chairman to the Valdese ABC Board for a second, full three-year-term which expires April 1, 2023.

APPROVED REQUEST TO SELL ALCOHOL DURING VALDESE SUMMER EVENTS: The Levee Brewery, Waldensian Style Wines, and Old Colony Players will be selling alcohol at various summer events this summer.

SET PUBLIC HEARING DATE FOR ZONING TEXT AMENDMENT – OFF-STREET PARKING REQUIREMENTS: Staff requests Monday, April 6, 2020 as the date to hold a public hearing for a text amendment to Article F of the Valdese Zoning Ordinance, Off-Street Parking Requirements.

RENEWAL OF LEASE AGREEMENT AT THE OLD ROCK SCHOOL WITH DR. KYLE BARNES: Lease agreement with Dr. Kyle Barnes for rental space at the Old Rock School, in the amount of \$50.00 per month.

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:

APPROVED PARKS & RECREATION COMMISSION ARTICLE CHANGES: Parks and Recreation Director Doug Knight presented an update to the Parks & Recs Commission Article I: Recreation, General. Mr. Knight went over the minor changes changing some of the verbiages to be more up-to-date. Mr. Knight found looking back through old documents that when the town took over Parks & Recs, they established a Parks and Recs Advisory Commission and wanted that to be the official name. Councilman Sweezy pointed out that the Article states that the legal name shall be Valdese Recreation Commission.

March 2, 2020, MB#31
ARTICLE I: RECREATION, GENERAL

SECTION I: PREAMBLE

That, the Town of Valdese hereby invests its **Parks and Recreation** Commission with the duty, authority and responsibility to assist in creating opportunity for citizen participation in recreation as specified in this, its recreation ordinance, and legal name shall be Valdese Recreation Commission.

SECTION II: DEFINITION OF RECREATION AREAS: STRUCTURES; UNITS; MANAGER; GOVERNANCE BODY

Structures and Areas, for the purpose of this ordinance, are defined to mean the outdoor and indoor areas and structures on or in which people derive opportunity for the pursuit of happiness through recreation; whether or not these areas and structures are owned, leased, borrowed, controlled, or operated within the boundary of Valdese.

Unit, for the purpose of this ordinance, means Town of Valdese.

Manager, for the purpose of this ordinance, means the administrator whether he/she is the Town Manager, or other person to whom is delegated the administrative duties and responsibilities of the unit.

Governing Body, for the purpose of this ordinance means the Valdese Town Council.

Commission, means the advisory recreation body to the Department, Manager, and Governing Body.

SECTION III: POWERS, GENERAL

It is the basic function of the Recreation Commission to promote recreation for its citizens, and, in so doing, ~~the Department of Recreation and its Commission~~ is authorized to **advise**, aid, and assist **Valdese Parks and Recreation Department**, ~~which include public; private; commercial; those which are quasi-public in character, and which, although public in nature, are not under the unit's governing body (such as schools, churches, hospitals, military installations, orphanages, commercial recreation, business, and industrial agencies); as well as civic, neighborhood and service groups~~ in their recreation interest and needs.

SECTION IV: CREATION; NAME; NUMBER OF MEMBERS

There is hereby created a Valdese **Parks and Recreation** Commission composed of seven (7) citizens of Valdese, to be known as the **Valdese Parks and Recreation** Commission.

SECTION V: COMMISSION; POWERS AND DUTIES

The Recreation Commission shall serve as the advisory body for the Department of **Parks and Recreation** and the unit. The Commission shall suggest policies to the Department, the Manager, and the governing body, within its powers and responsibilities as stated in this ordinance. The Commission shall serve as a liaison between the Department, the Manager, the Governing Body of the unit, and citizens of the community. The Commission shall consult with and advise the Department, the Manager, and the Governing Body in matters affecting recreation policies, program, personnel, finance, and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range programs for recreation.

The Recreation Commission shall assume duties for recreation purposes, as follows: Make recommendations: (1) for the establishment of a system of supervised recreation for the unit: (2) to set apart for use as parks, playgrounds, recreation center, or other recreation areas and structures, any lands or buildings owned by or leased to the unit, and for approval by the unit's authorized body, and may suggest improvements of such lands and for the construction and for the equipping and staffing of such buildings and structures as may be necessary to the recreation program within those funds allocated to the Department; (3) and advise in the acquisition of lands and structures through gifts, purchase, lease or loan, or by statutes of North Carolina and as approved by the Governing Body of the Unit; (4) and advise in the acceptance by the unit and, with the approval of the Governing Body, may accept any grant, gift, request or donation, any personal or real property offered or made available for recreation. Any gift, bequest of money or other property, any grant, devise of real or personal property so acquired shall be held by the Department, used and finally disposed in accordance with the terms under which such grant, gift, or devise is made and accepted; (5) and advise in the construction, equipping, operation, and maintenance of parks, playgrounds, recreation centers, and all buildings and structures necessary or useful to Department function, and will advise in regard to other recreation facilities which are owned or controlled by the unit or leased or loaned, to the unit.

SECTION VI: APPOINTMENT OF THE COMMISSION

Each member of the commission shall be appointed by the Mayor of the Town of Valdese which may request recommendations from the Recreation Commission.

SECTION VII: COMPOSITION

Six (6) members shall be appointed to represent the citizens of the Town of Valdese. The seventh member shall be designated by the Town of Valdese Town Council, from the members of the Governing Body.

SECTION VIII: LENGTH OF APPOINTMENT

Each member of the Commission shall be appointed for a three-year term. Initial appointments shall be arranged so that approximately one-third of the terms will expire each year, except for the representative from the Valdese Town Council who shall serve on the Recreation Commission concurrent with his or her term of office on the Town Council.

SECTION IX: MEETINGS

Commission meetings shall be held on a ~~bi-monthly~~ **quarterly** basis, the 2nd Monday of the month, effective October, 1990 unless when determined otherwise by the Commission. The Chairman of the Commission or, in his absence, the Vice-Chairman, or the Recreation Director may call a special meeting of the Commission at any time by giving each member a 24 hour notice. A quorum of the Commission shall be in attendance before action of an official nature can be taken. A quorum is at least 1 or more than the number absent, of the appointed members.

SECTION X: ATTENDANCE OF MEMBERS

An appointed member who missed more than two (2) regular meetings loses his status as a member of the Commission until re-appointed or replaced by the Governing Body of the unit. Absences due to **vacation**, sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Commission except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

SECTION XI: VACANCIES

Vacancies in the Valdese **Parks and** Recreation Commission shall be filled for the unexpired term by appointment of the Mayor of the Town of Valdese.

SECTION XII: OFFICERS

There shall be a Chairman, Vice-Chairman, and Secretary of the Commission. An annual election of the Chairman and Vice-Chairman shall be held by the Commission members and shall occur at the regular monthly meeting in ~~December~~ **January**. Officers shall serve for one year from election with eligibility for re-election. New officers shall take office at the subsequent regular meeting in ~~February~~ **April**. In the event an officer's appointment to the Commission is terminated, a replacement to this office shall be elected by the Commission, from its membership, at the meeting following the termination. The Secretary will be appointed by the Recreation Director.

SECTION XIII: OFFICER DUTIES

The Commission Chairman shall preside at all meetings and sign all documents relative to action taken by the Commission. When the Chairman is absent the Vice-Chairman shall perform the duties of the Chairman. The Secretary shall mail to all members copies of official reports and the official minutes of all regular and special meetings, one (1) week prior to the scheduled meeting.

Councilwoman Hildebran made a motion to approve the recommended changes to the Articles and the name change to Parks and Recreation Advisory Commission, seconded by Councilman Ogle. The vote was unanimous.

PUBLIC HEARING FOR RE-ZONING MAP AMENDMENT FOR R12 – R12A – RESIDENTIAL STROUP PROPERTY: Mayor Black opened the Public Hearing. Planning Assistant Hunter Nestor with WPCOG presented the rezoning request for 251 Praley St. that is 9.22 acres and is currently zoned R12 district. The property will allow for a potential 60 unit elderly/multi-family housing development. Mayor Black asked if someone wanted to build this type of dwelling; they would have to come before Council to get a conditional use approval. Mr. Nestor confirmed that was correct, and we would have to have another Public Hearing.



Background

APPLICANT

- Mark Morgan, MC Morgan & Associates, Incorporated

PROPERTY OWNERS:

- John Ray Stroup

REQUEST:

- Applicant requests property be rezoned from R-12 to R-12A Residential that will allow multifamily residential use. The intent of the R-12A Residential is to be a moderately quiet, medium density residential living area consisting of single family, two family and multifamily dwellings, along with limited home occupations and limited private and public community uses.

Neighboring Property Owners

	REID	LOCATION_ADDR	CITY	STATE	ZIP	PROPERTY_OWNER	MAILING ADDRESS	CITY	STATE	ZIP
1	14400	155 BOBO AVE NW	VALDESE	NC	28690	EARP W LARRY;EARP AUDREY J	212 MAIN STREET WEST	VALDESE	NC	28690
2	7845	280 PRALEY ST NW	VALDESE	NC	28690	STROUP STEPHEN H	1658 AUSTIN AVENUE	MORGANTON	NC	28655
3	7831	251 PRALEY ST NW	VALDESE	NC	28690	STROUP JOHN RAY	111 BROOKWOOD CHURCH ROAD	MORGANTON	NC	28655
4	8373	307 FAET ST NW	VALDESE	NC	28690	STROUP STEPHEN H	1658 AUSTIN AVE	MORGANTON	NC	28655
5	10624	400 PRALEY ST NW	VALDESE	NC	28690	BRINKLEY ROBERT WAYNE	400 PRALEY ST NW	VALDESE	NC	28690
6	11650	308 PRALEY ST NW	VALDESE	NC	28690	FLETCHER JOHN J;FLETCHER JILL F	308 PRALEY ST NW	VALDESE	NC	28690
7	13018	408 PRALEY ST NW	VALDESE	NC	28690	SMITH JAMES TONY	PO BOX 32	VALDESE	NC	28690
8	9795	504 PRALEY ST NW	VALDESE	NC	28690	HAMM DAVID A;HAMM ANGIE F	P O BOX 1146	VALDESE	NC	28690
9	13521	404 PRALEY ST NW	VALDESE	NC	28690	WILSON KENNETH D;WILSON KEESHA D	404 PRALEY STREET	VALDESE	NC	28690
10	7808	505 PRALEY ST NW	VALDESE	NC	28690	STROUP STEPHEN H	1658 AUSTIN AVE	MORGANTON	NC	28655
11	12727	304 PRALEY ST NW	VALDESE	NC	28690	MORGAN ANITA R	PO BOX 151	VALDESE	NC	28690
12	14120	412 FAET ST NW	VALDESE	NC	28690	HUDSON JAMES M II;HUDSON JENNIFER S	412 NORTH FAET ST	VALDESE	NC	28690
13	13573	240 PRALEY ST NW	VALDESE	NC	28690	BEAVER PHILLIP D	3838 LEGER RD	VALDESE	NC	28690
14	13843	416 FAET ST NW	VALDESE	NC	28690	EDINGER RICHARD	416 FAET ST	VALDESE	NC	28690
15	11845	300 PRALEY ST NW	VALDESE	NC	28690	STEVENS VIRGINIA A	300 PRALEY STREET NW	VALDESE	NC	28690
16	30974	210 PRALEY ST NW	VALDESE	NC	28690	SPARMERE ASSOCIATES	125 BRAZILIAN AVE	PALM BEACH	FL	33480
17	38578	500 FAET ST NW	VALDESE	NC	28690	VALDESE FIRST BAPTIST CHURCH	500 FAET ST NW	VALDESE	NC	28690
18	38589	305 CHURCH ST NW	VALDESE	NC	28690	BURKE COUNTY BOARD OF EDUCATION	PO DRAWER 989	MORGANTON	NC	28680
19	49738	0 PRALEY ST NW	VALDESE	NC	28690	BURKE COUNTY PUBLIC SCHOOL BOE	PO DRAWER 989	MORGANTON	NC	28680

Review and Discussion

The proposed rezoning will allow for a potential 60 unit elderly/multi-family housing development (Tron's Place) for the 55 years and older. Senior housing is a need in Burke County. The project will consist of one 3-story building that will include (31) one-bedroom units and (29) two-bedroom units. The site is located one block from the town's central business district. The apartment complex will be visible along Main Street and provides access to all the local amenities.

Mr. Mark Morgan of MC MORGAN & ASSOCIATES INC has recently completed a 60 unit multifamily apartment project in Hildebran.

This rezoning request is consistent with the Future Land Use map in the "Valdeese Vision" and the proposed project will be need conditional use permit to be granted by Town Council.

This rezoning request is consistent with the Future Land Use map

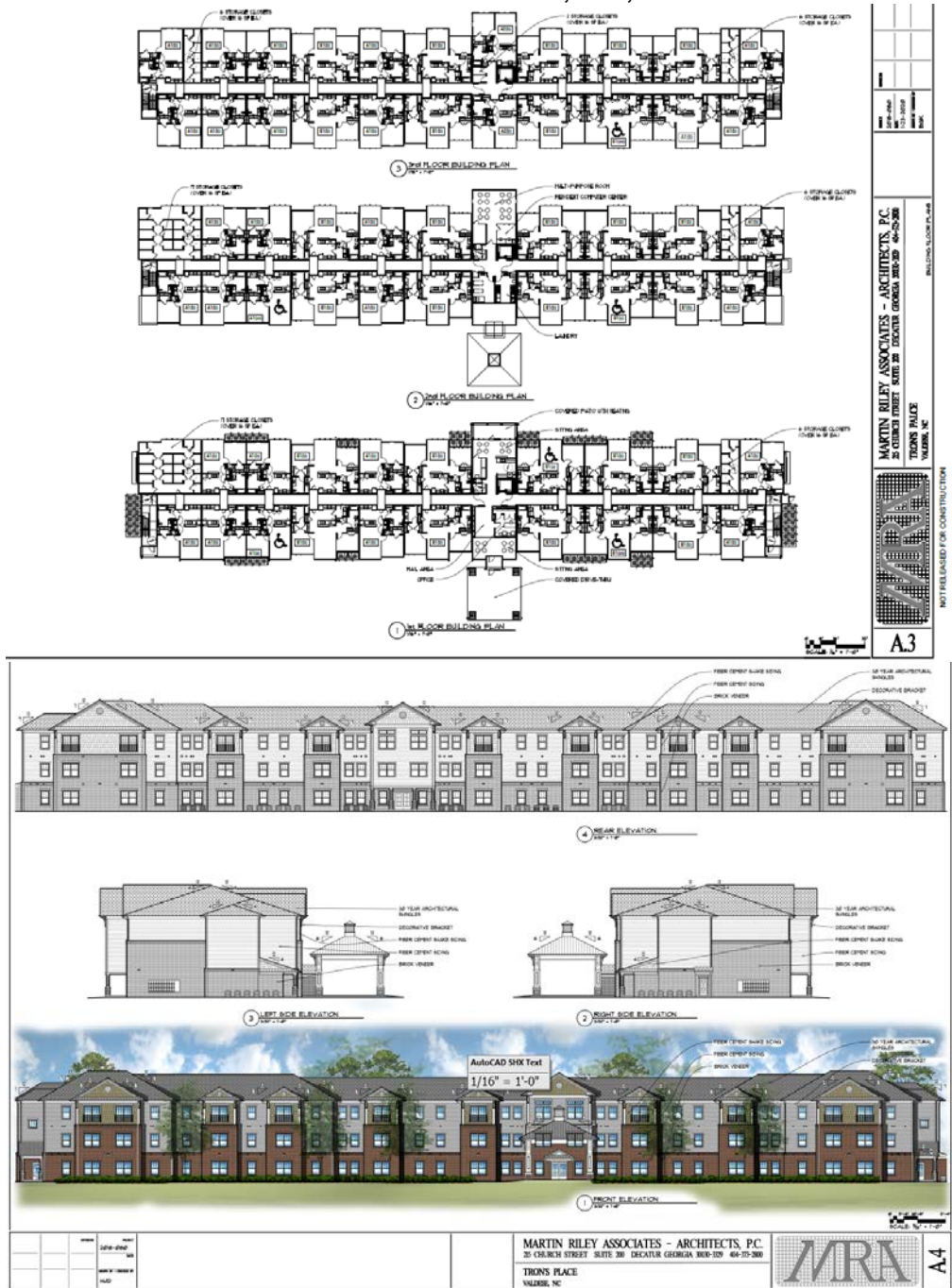
Adjoining property owners were notified by mail. Public Hearing was advertised in local paper

Property Posted on 2-21-2020

Mr. Mark Morgan, Real-estate Developer, with MC Morgan & Associates, Inc. shared the following presentation:



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Mr. Morgan feels there is a significant need for housing in Valdese. This housing consists of 60 units, three stories, one to two-bedroom, and an all-inclusive apartment complex with an elevator. Mr. Morgan shared that this was not in a flood zone; however, there is a pond on the property that the building would not be near. The first floor would hold on-site management, maintenance, and computer work stations. Councilwoman Stevenson asked if anything would be set up for handicap individuals. Mr. Morgan explained that 10% of units are fully handicap accessible. The design is universal adaptive, meaning the units can be adjusted as the individual needs. Mr. Morgan built similar apartments in Hildebran. The range of rent would be between \$500-\$750. Mr. Morgan explained that there would be one entrance located on Praley Street.

Mayor Black asked if anyone wished to speak either for or against the proposed amendments.

MS. JENNY HUDSON, 412 FAET ST. NW, VALDESE: Ms. Hudson asked Council to vote against the rezoning. Ms. Hudson, as well as her family, has been very involved in this community for many years. Ms. Hudson is concerned if this is the right location and kind of apartment for this property. Ms. Hudson tolerates many Town events that takes place around her home and feels like adding a 60 unit apartment complex

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will cause massive traffic issues. Ms. Hudson thinks that this will disassemble the surrounding neighborhoods.

Mayor Black pointed out that this public hearing is for the re-zoning of the property. There would be another public hearing for the proposed housing project.

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

Councilman Ogle made a motion to approve the re-zoning of street property from R-12 – R12A, seconded by Councilman Sweezy. All Council members voted aye except for Councilman Thompson, who opposed.

ARBOR DAY PROCLAMATION AND CEREMONY UPDATE: Public Works Director Bryan Duckworth informed Council that the Arbor Day Event would be held on Friday, March 20, 2020, in conjunction with Valdese Elementary School Fourth Graders. Mr. Duckworth shared that students will be presented with a small tree that they can take home and plant.

Mayor Black and Public Works Director Bryan Duckworth presented the following proclamation:

ARBOR DAY 2020 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, 2020 is the 148th 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

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 32 years.

NOW, THEREFORE, I, John F. Black, Jr., Mayor of the Town of Valdese, North Carolina, do hereby proclaim Friday, March 20, 2020, as the 148th Anniversary celebration of

“Arbor Day 2020”

in the Town of Valdese and the Town will hold an Arbor Day Event in conjunction with Valdese Elementary School at Valdese Rock School on Friday, March 20, 2020, 1:30 p.m., with the Arbor Day 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 2nd day of March, 2020.

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

AWARD OF BID – STREET PAVING IVY LANE: Public Works Director Bryan Duckworth presented the following bid tabulation prepared by West Consultants for the Street Paving Project of Ivy Lane. The lowest bidder was Tri-County Paving, Inc., Jefferson, NC, in the amount of \$66,226. (Other bids: Evans Construction, Connelly Springs, NC - \$72,078.60; JT Russell & Sons, Inc., Conover, NC - \$75,147.77; and Carolina Paving of Hickory, Inc., Hickory, NC - \$78,550.) Ivy Lane is a residential street that serves 13

single-family homes. Mr. Duckworth showed Council a picture of the street and described the spider cracking, which creates more work when paving. Mr. Duckworth reviewed funding for the project.

Councilman Ogle asked if this was the worst road in Valdese. Mr. Duckworth explained to Council that there are paving scores, and Ivy Lane scored low on two different studies that were conducted over the last several years. There is only a specific budget amount left for paving projects for this fiscal year, and Ivy Lane fits the budget.

Councilman Ogle made a motion to award the bid to the lowest bidder, Tri-County Paving, Inc., Jefferson, NC, in the amount of \$66,226., seconded by Councilwoman Hildebran. The vote was unanimous.

GENERAL NUISANCE FOR NOISE TEXT AMENDMENT: Police Chief Jack Moss presented the following resolution:

RESOLUTION ADOPTING AMENDMENT TO
TOWN OF VALDESE NOISE ORDINANCE

WHEREAS, Sections 8-6001 and 8-6002 of the Code of Ordinances prohibit unreasonably loud, disturbing and unnecessary noises in the town; and

WHEREAS, the town council desires to establish civil penalties and other enforcement remedies for a violation of these ordinances; and

WHEREAS, the town council has therefore agreed to amend Section 8-6001 of the Code of Ordinances, by adding a section (b) to provide for enforcement and penalties for noise ordinance violations;

IT IS THEREFORE RESOLVED that Section 8-6001 of the Code of Ordinances is amended to read as follows:

“Section 8-6001 Unnecessary noises prohibited; enforcement and penalties.

- (a) It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.
- (b) When there is a violation of this section or a violation Section 8-6002 of the Code, the town, in its discretion, may take one or more of the following enforcement actions:
 - (1) The violator may be assessed a civil penalty. The civil penalty for the first violation shall be \$50. For subsequent violations by the same person for the same activity occurring within one (1) year of the first violation, the violator shall be subject to civil penalties as follows:

- | | |
|--------------------------------------|----------|
| a. Second violation | \$ 50.00 |
| b. Third violation | \$ 75.00 |
| c. Fourth violation | \$ 75.00 |
| d. Fifth violation | \$100.00 |
| e. Sixth violation | \$100.00 |
| f. Seventh and subsequent violations | \$200.00 |

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If the violator fails to pay any civil penalty within thirty (30) days after it is assessed, a late fee of fifty dollars (\$50) shall apply. The Town may recover the civil penalty, together with all costs allowed by law, by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.

- (2) The violator may be charged with a misdemeanor pursuant to G.S. 14-4.
- (3) A civil action seeking an injunction and order of abatement may be directed toward any person creating or allowing the creation of the unlawful noise, including the owner or person having legal or actual control of the premises from which the noise emanates.
- (4) Penalties for violations of these sections may be assessed against all persons responsible for the premises or the device producing or causing the noise disturbance. An owner of any premises who is not also an occupant of the premises shall be responsible for any actions by his or her tenants, guests, or other licensees that constitute second or subsequent violations of Sections 8-6001 or Section 8-6002; provided, that no absentee owner shall be liable unless notified of first or previous violations of one of these sections, and further provided that such first or previous violation shall have occurred within the 12-months prior to the date of notification. Notice of any first or previous violations shall be given by registered or certified mail. No absentee owner may be subject to criminal liability, but the owner shall be subject to civil penalties and equitable relief as provided for herein. The person responsible for any premises shall be responsible and liable for any violations of Sections 8-6001 or Section 8-6002 by tenants, guests, or licensees on the premises if the person responsible is actively or constructively present at the time of the violation."

2. These amendments to shall become effective upon adoption.

ADOPTED THIS, THE 2 DAY OF MARCH, 2020.

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

ATTEST:

/s/ Town Clerk

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

BUDGET AMENDMENTS:

Valdese Town Council Meeting		Monday, March 2, 2020
Budget Amendment #	18	
Subject:	Meridian incentive grant	
Description:	Under the terms of the incentive grant agreement dated January 4, 2016, this is payment number 4 of 5. Each payment is \$180,000 less any incentives paid by Burke County. This payment deducts incentives of \$58,673 paid by Burke County in 2019.	

Proposed Action:
BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:
The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	Fund Balance Appropriated		121,327
Total		\$0	\$121,327

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.763	Economic Grant	121,327	
Total		\$121,327	\$0

Section II:
Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Valdese Town Council Meeting		Monday, March 2, 2020
Budget Amendment #	19	
Subject:	Improvements to Waldensian Room at Old Rock School	
Description:	The Town was gifted \$35,000 by the Rostan Foundation for use at Old Rock School. They request the funds be used to update and improve the Waldensian Room.	

Proposed Action:
BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:
The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3350.000	Donations		35,000
Total		\$0	\$35,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.740	Capital Outlay	35,000	
Total		\$35,000	\$0

Section II:
Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

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Valdese Town Council Meeting
Monday, March 2, 2020

Budget Amendment # 20

Subject: Fire - All Terrain Vehicle
(approved in FY 19-20 general fund CIP)

Proposed Action:
BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:
The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	Fund Balance Appropriated		25,000
	Total	\$0	\$25,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5300.740	Capital Outlay	25,000	
	Total	\$25,000	\$0

Section II:
Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Valdese Town Council Meeting
Monday, March 2, 2020

Budget Amendment # 21

Subject: 2020 Street Paving Project - Ivy Lane

Description: This amendment along with \$25,000 budgeted in Street Dept covers:
• Paving Contract with Tri County Paving
• 10% project contingency
• 5% engineering and project inspections

Proposed Action:
BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:
The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	Powell Bill-Restricted Fund Balance		\$1,348
	Total	\$0	\$1,348

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5700.740	Capital Outlay	\$1,348	
	Total	\$1,348	\$0

Section II:
Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Valdese Town Council Meeting
Monday, March 2, 2020

Budget Amendment # 22

Subject: Improvements to vacant lot near Splash Pad

Description: The Town was gifted \$7,000 by the Rostan Foundation for use at Recreation. The intent is for the funds be used to remove trees and brush to clean up the empty lot creating some additional parking near the Splash Pad.

Proposed Action:
BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:
The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3350.000	Donations		7,000
	Total	\$0	\$7,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.740	Capital Outlay	7,000	
	Total	\$7,000	\$0

Section II:
Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Councilman Ogle made a motion to approve the five aforementioned budget amendments, seconded by Councilwoman Stevenson. The vote was unanimous.

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

Concerts at the Rock, Carolina Blue, scheduled on Saturday, March 7, 2020 at 7:30 p.m.

Council's Annual Budget Retreat is scheduled for Monday, March 23, 2020, 9:00 a.m. – 5:00 p.m. and Tuesday, March 24th, 2020, 1:00 p.m. – 5:00 p.m. in the Waldensian Room at Old Rock School.

WPCOGs Annual meeting is scheduled for Thursday, April 23rd, 2020, 6:00 p.m. with Key Note speaker Doug Griffiths and a follow-up workshop is scheduled for Friday, April 24th, 2020, 8:30 a.m. – 12:30 p.m. on the book, *13 Ways to Kill Your Community*. The public is welcome to attend this meeting. There is a \$50.00 charge.

MAYOR AND COUNCIL COMMENTS: None

ADJOURNMENT: At 7:24 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, April 6 2020, 6:00 p.m., Valdese Town Hall.

Town Clerk
jl

Mayor