

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
AUGUST 2, 2021**

The Town of Valdese Town Council met on Monday, August 2, 2021, 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, 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:

Food Trucks – Jordan Greene, 909 Mountain View Ave SW, Valdese: Mr. Greene shared his thoughts about allowing food trucks in Valdese. Mr. Greene shared that he has two young children, making it hard to go to a sit-down restaurant. Mr. Greene's will go to Asheville, Charlotte, and Boone to visit food trucks as well as meeting friends at breweries. The food truck experience makes it easier with children. Mr. Greene asked the Council to consider the opportunities that food trucks can bring.

Public Safety Building/Food Trucks – Jim Jacumin, 207 Walsh Dr. SW, Valdese: Mr. Jacumin has spoken to several citizens concerned with building a new Public Safety Building. Mr. Jacumin feels that the Public Safety Building should stay where it is due to the response rate of emergencies. Mr. Jacumin shared that the foundation problem with the current building could be fixed, giving it another 75 years. Mr. Jacumin requested to put this project on hold for more investigation. Mr. Jacumin shared on the food truck matter that we should talk to our restaurant owners first to see if they want to invest in it.

Drugs/Trash - Pam Deloach, 2963 Flat Gap, Valdese: Ms. Deloach feels that Valdese is wonderful with nice buildings. Ms. Deloach explained that she has two Airbnb's that stay rented, but there is a problem. On Barus Pond Loop, there are people using drugs that walkthrough and yards need to be cleaned up. Town Manager Seth Eckard shared that Barus Pond Loop was not within the city limits but could pass that information on to the appropriate person.

Food Trucks – Tony Pizzelanti, 149 Main St. W, Valdese: Mr. Pizzelanti feels that with all the increase in costs, most restaurants are running in the red, with some having to close. Mr. Pizzelanti pays thousands of dollars in sales, property, and equipment tax to Valdese, not fifty dollars. Food Trucks owners do not pay these revenues. Mr. Pizzelanti welcomes all brick and mortar restaurants but feels food trucks would be bad for Valdese. Mr. Pizzelanti shared that it took him \$50,000 to get his restaurant back up and running after closing for a period. Mr. Pizzelanti asked Council to consider what they are doing if they vote to have food trucks in Valdese.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING AND CLOSED SESSION MINUTES OF JUNE 28, 2021

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

INTRODUCTION OF NEW EMPLOYEE: Police Chief Jack Moss introduced new Code Enforcement/Animal Control Officer Michael Dylan Hicks.

FOUNDATION FORWARD EDUCATIONAL PARK SIDEWALK PROPOSAL PRESENTATION: Public Services Director Greg Padgett shared that in the Main Street Water Project process, some of the sidewalks were removed and replaced as needed. Perry Snider, Operations Manager for Foundation Forward, Inc., presented the following presentation:

FOUNDATION FORWARD EDUCATIONAL PARK SIDEWALK PROPOSAL

SITUATION: During Calendar year 2021, the Town of Valdese executed a water main replacement that ran the length of Main Street (Hwy 70). At the end of the project the sidewalk that runs from the East Corner of 225/227 Main Street and runs West to the corner of Faet & Main Street was left with patchwork concrete and paver repair while the remainder of the sidewalks were poured totally new or new pavers installed.

With the addition of a Million Dollar park being installed at the corner of Faet & Hwy 70 this sidewalk will detract from the aesthetics of the rest of the town as well as the park.

Foundation Forward solicited 4 bids, of which the lowest priced was Tim & Sons Concrete out of Morganton and was \$5800.00 to remove existing sidewalk and paver and pour a new solid concrete sidewalk and install pavers in front of our building and the park in keeping with the town theme.



Looking West from Corner of our building to Foothills



Front of Old World Bakery across from Faet St



Front of our Building facing East



Old Pavers



Front of WSVM facing East



Park Front from Corner of Faet St

PROPOSAL ONE

Propose the Town of Valdese fund the replacement in full to enhance the appearance of both Historic Valdese's Main Street and the new park.

PROPOSAL TWO

Propose that the Town and Foundation Forward split the costs which would have each entity pay \$2900.00. Foundation Forward would pay the contractor and the Town would reimburse Foundation Forward their share.

PROPOSAL THREE

Propose that the Town use their Public Works department to remove the existing sidewalk and pavers and Foundation Forward would pay contractor to level, form, pour sidewalks as well as install new pavers.



Mr. Perry feels that the contractor piece-milled the sidewalk, and with the amount of money they are spending, it should look better. Mr. Perry received four bids to restore the sidewalk and presented Council with three proposal options. Town Manager Seth Eckard recommended addressing this.

Councilman Sweezy made a motion to approve proposal one, to pay the project in full, in the amount of \$5,800.00, seconded by Councilman Thompson. The vote was unanimous.

APPROVED FAÇADE GRANT REQUEST (THOMPSON REALITY): Community Affairs Director Morrissa Angi presented a request from Thompson Reality for a Façade Grant in the amount of \$2,500.00. Grant funds will be used to assist in replacing the original front glass and front door with a mail drop. The estimated cost of the project is \$5,324.32. The Main Street Design Committee has reviewed this request. Ms. Angi shared that she feels this is a request that is needed.

Councilman Ogle made a motion to approve the aforementioned Façade Grant in the amount of \$2,500.00, seconded by Councilwoman Hildebran. The vote was unanimous.

APPROVED CONTRACT FOR LIGHTING AT THE OLD ROCK SCHOOL AUDITORIUM: Community Affairs Director Morrissa Angi explained that this Old Rock School lighting project is in the CIP plan. Ms. Angi shared that the Old Rock School has recently experienced issues with the dimmer rack system where one of the systems has failed that was installed in the 1986 original renovation. Ms. Angi said that this project would replace the lighting system in the auditorium with an LED system. This will cut the electricity costs during production by two thirds and be safer for staff. Ms. Angi reached out to three different companies for quotes on the project. Illuminated Integration LLC declined, Bradfield Lighting Co. did not respond, and Barbizon Lighting Company submitted a quote. Jeff Montgomerie from Barbizon explained the scope of work to Council. Councilwoman Hildebran asked Ms. Angi to explain how the funding for this project would work. Ms. Angi stated that we would secure the contract for purchasing the equipment this budget year, it would be purchased in June 2022, and the installation will take place in July of FY 22-23. Town Manager Seth Eckard said the money was in the budget. Mr. Montgomerie explained to Council that he can hold the quote through next year if he can secure the contract now.



Quotation

Barbizon Charlotte
1016 McClelland Court
Charlotte, NC 28206
704-372-2122

To: Old Rock School
Attn: Morrissa W. Angi
Phone: 828-879-2129
Email: mangi@valdesenc.gov
Terms: To Be Determined

Project Name: LED Lighting Upfit
Quote Number: QN20010.2
Quoted By: Jeff Montgomerie
Date: 4/22/2021

Thank you for giving us the opportunity to provide this proposal.

Section I - Power and Control

- Furnish DMX controlled relay panel to control theatrical fixture power, to replace portable dimmer packs.
- Furnish dimmer module option for 7 relay circuits to dim house lights, to replace wall dimmers.
- Furnish lighting data distribution equipment, including a network inlet for the console location and DMX outlets for the catwalk, 4 house torm pipes, 3 stage electrics, and offstage left and right at floor level.
- Furnish architectural lighting preset control stations consisting of and 8 button station and a keyed lockout in the booth, 4 button with fader station backstage, 2 button station at the back of the house, and a Bluetooth interface module allowing users to control presets wirelessly within 30 feet of the station, via user-provided Android or iOS devices.
- Furnish theatrical lighting controller with touch-screen monitor, capable of controlling multi-attribute fixtures like color changing LEDs and moving lights.
- Furnish 19 LED White Light Engines to upgrade existing Source Four ellipsoidal fixtures.
- Furnish a selection of LED color changing ellipsoidals, pars, and cyc fixtures for color-mixing stage lighting.
- Includes listed materials and technical services only. Does not include any physical installation, conduit, enclosures, or wire not listed in this quotation.

Section II - Installation

- Physical and electrical installation of equipment furnished in Section I



Quotation

Barbizon Charlotte
1016 McClelland Court
Charlotte, NC 28206
704-372-2122

Item	Qty	Description
1.35		Section I continued
1.36	7	Catwalk LED Color Changing Fixtures
1.37	7	ETC ColorSource Spot Engine with black finish, shutter barrel, c-clamp, soft-focus diffuser in an A-size pattern holder
1.38	7	Safety Cable, black
1.39	7	ETC Source Four Standard Lens Tube with color frame, lens 10 degree
1.40	7	10' DMX Control Cable
1.41		House Side Bars (2 fixtures per position)
1.42	4	ETC ColorSource Spot Engine with black finish, shutter barrel, c-clamp, soft-focus diffuser in an A-size pattern holder
1.43	4	Safety Cable, black
1.44	4	ETC Source Four Standard Lens Tube with color frame, lens 10 degree
1.45	4	10' DMX Control Cable
1.46		1st Electric Fixtures
1.47	9	ETC Color Source Par with black finish
1.48	9	Safety Cable, black
1.49	9	C-clamp
1.50	9	10' DMX Control Cable
1.51	9	Secondary Lenses 7.5 TBD
1.52	9	Secondary Lenses 7.5 TBD
1.53		2st Electric Fixtures
1.54	9	ETC Color Source Par with black finish
1.55	9	Safety Cable, black
1.56	9	C-clamp
1.57	9	10' DMX Control Cable
1.58	9	Secondary Lenses 7.5 TBD
1.59	9	Secondary Lenses 7.5 TBD
1.60		3rd Electric Fixtures
1.61	7	ETC ColorSource CYC with black finish
1.62	7	Safety Cable, black
1.63	7	10' DMX Control Cable
1.64	7	10' DMX Control Cable
1.70		Barbizon Services
1.71	1	Project Management
1.72		Freight



Quotation

Barbizon Charlotte
1016 McClelland Court
Charlotte, NC 28206
704-372-2122

Item	Qty	Description
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Section I - Power and Control	Subtotal	\$ 75,609.00
	Sales Tax	\$ 5,103.61
	Total	\$ 80,712.61

Section II - Installation

2.0	1	Installation
2.1		Removal of existing dimmers
2.2		Installation of new Relay/Dimmer panel
2.3		Relocation of House lighting power and control to new panel
2.4		Installation of new DMX infrastructure to include network inlet at console and DMX outlets at existing lighting positions
2.5		Removal of existing fixtures
2.6		Upgrade 19 existing Source Four fixtures with Source 4WRD II LED upgrade unit
2.7		Installation of new/updated fixtures
2.8		Electrical installation work including electrical permit
2.50		Technical Services
2.51	1	Lighting System Control Wire Terminations
2.52	1	Lighting System Configuration and System Start Up
2.53	1	User Training - 4 hours
2.70		Barbizon Services
2.71		Project Management

Section II - Installation	Subtotal	\$ 64,513.00
	Sales Tax	\$ 4,354.63
	Total	\$ 68,867.63



Quotation

Barbizon Charlotte
1016 McClelland Court
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Item	Qty	Description
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Standard Terms and Exclusions

Services included in this quote, unless indicated above:

Project management and coordination.
Submittals for approval within 6-weeks of receipt of executed contract or purchase order acceptance.
Production requires 8 to 12 weeks for delivery of equipment after receipt of written approval and release.
Services of a factory engineer to test and energize system and instruct user personnel included as noted.
Equipment warranties, as provided by the manufacturer(s).
Complete set of as-built drawings and operation manuals.
Ground freight allowed to the job site. Expedited freight is not included.
Barbizon's standard general liability insurance policy.

Services NOT included in this quote, unless indicated above:

Contents of any General Conditions, drawings and specifications not specifically stated in the quote.
Conduit and wire not specifically stated in the quote.
Installation or configuration of equipment not specifically stated in the quote.
Bonding, taxes, fees and permits.
3D coordination drawings.
Structural steel, blocking steel, unistrut and bridging.
Engineers stamp or engineering of existing structure.
Cutting, patching and painting.
Dumpsters and debris removal.
Floor protection.
Asbestos or lead paint abatement or remediation.
OCIP or OCP enrollment.

Qualifications:

Price assumes adequate access to jobsite.
Price assumes existing structure is suitable for proposed system(s).
Price assumes use of temporary light and power.
All work required 21 days notice. Work completed Monday - Friday, during normal business hours.

The prices quoted herein are valid for thirty (30) days, except all prices are subject to change due to changes in duties, tariffs, border adjustment taxes, and fees whether foreign or domestic at any time following the date of this Quote. In addition to the prices quoted herein, your company shall be responsible for and shall pay for all applicable federal, state and local sales, use, property, excise and other taxes, duties, tariffs, or governmental charges imposed on or with respect to any items quoted herein, except taxes levied on Barbizon's net income. The attached quotation assumes that any deliveries or installation shall occur during normal business hours (M-F 8am-6pm) unless indicated. Assumes on-site parking for installation and delivery vehicles at no charge. Unless indicated, quote is based upon unrestricted "at grade" access to work site and use of temporary light and power at no charge. Assumes that the existing structure is suitable for any equipment to be mounted or suspended



Quotation

Barbizon Charlotte
1016 McClelland Court
Charlotte, NC 28206
704-372-2122

Item	Qty	Description
Section I - Power and Control		
1.0		Power Controls
1.1	1	Echo Relay Panel - 120/208V 3 phase MLO includes 24 1-pole 20A relays and breakers
1.2	1	Flush Mount Door KIT for 120V enclosure
1.3	7	ERP 120V 300W Dimmer (house lights)
1.4		
1.5		Lighting Data Distribution
1.6	1	Response 4-port DIN-rail Gateway
1.7	1	Response DMX/RDM Opto-Splitter, 8 port
1.8	1	DIN rail enclosure
1.9	1	5 Port PoE+ Industrial DIN Rail Switch
1.10	1	Echo DIN rail-mount Station Power Supply with Auxiliary Power
1.11	1	RJ-45 Patch Bay
1.12	1	Echo DMX Scene Controller
1.13	1	ECPB; NET Plug-in station (1 gang)
1.14	10	ECPB; DMX Output Plug-In Station (1 gang)
1.15	11	ETC 1-gang, 2.5" deep back box, surface mount
1.16	8	U-Bolt Kit for ECPB Plug-in station
1.17	1	Installation wire
1.18		
1.19		Button Stations and Wireless access point
1.20	1	4 button with fader Inspire station, black (backstage)
1.21	1	8 button Inspire station, black (booth)
1.22	1	Echo Keyswitch Station, Black (booth)
1.23	1	2 button Inspire station, black (back of audience)
1.24	1	EchoAccess Interface, Black (backstage)
1.25		
1.26		Lighting Console
1.27	1	Element 2 Console - 1024 Outputs
1.28	1	24" TouchScreen Monitor
1.29	1	10' Network cable
1.30		
1.31		Replacement LED light engine for existing Source four Spotlights (Catwalk and Side Bars)
1.32	19	Source 4WRD II, retrofit kit, black, w/Stage Pin
1.33	19	10' RJ-45 Data Cable
1.34		

Councilman Ogle made a motion to approve the contract as presented, seconded by Councilman Thompson. The vote was unanimous.

APPROVED RESOLUTION APPROVING FINANCING TERMS PUBLIC WORKS VEHICLE & EQUIPMENT: Finance Director Bo Weichel presented a resolution to accept the funding and the payment terms for vehicles and equipment purchased for the Street Department. Mr. Weichel explained that this had been a revolving loan, with one loan being paid off last FY. This is a five-year loan with a 1.41% interest rate. Councilman Ogle asked if we could use the COVID money for this loan and Town Manager Seth Eckard said it would not apply to Public Works. The money is going towards a new leaf truck, a Caterpillar excavator, F150, and F350 Ford. Councilwoman Hildebran asked what we are replacing. Mr. Padgett shared that the old leaf truck would be repurposed where a bed can be rolled on and off. Mr. Padgett shared not to put rocks in the leaf piles on the side of the road because it is hard on the trucks. The new Caterpillar excavator will be used in the Street Department only so the departments won't have to share and be more efficient. Councilman Sweezy stated that this has already been approved during the budget process, and we are just approving the financing terms. Councilman Ogle asked what we were replacing with the new Fords. Mr. Padgett explained that we were replacing a 1999 F150 and an old service truck repurposed to the Street Department who currently does not have a service truck. Mr. Weichel shared that there is no new debt to the Town.

Resolution Approving Financing Terms

WHEREAS: The Town of Valdese, NC ("Borrower") has previously determined to undertake a project for the financing of various vehicles & equipment (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 Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated June 22, 2021. The amount financed shall not exceed \$332,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.41%, 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 Borrower 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 Borrower 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 Borrower 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 Borrower 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 Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower 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 _____ day of _____, 2021

By: _____

By: _____

Title: _____

Title: _____

Councilman Ogle made a motion to approve the resolution for financing terms but wants to see a list of all the town vehicles, seconded by Councilwoman Stevenson. The vote was unanimous.

APPROVED BUDGET AMENDMENTS: Finance Director Bo Weichel presented the following budget amendments to Council:

Valdese Town Council Meeting

Monday, August 2, 2021

Budget Amendment #

1

Subject: IA Building Demolition

Description: In accordance with the amount approved at the June 7, 2021 meeting, this amends the budget to use proceeds from sale of the Triple and Crowhill properties for the demolition work.

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, 2022:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
30.3990.000	Utility Fund Balance Appropriated		65,247
10.3990.000	General Fund Balance Appropriated		8,703
Total		\$0	\$73,950

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	65,247	
10.4100.740	Capital Outlay	8,703	
Total		\$73,950	\$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.

Councilwoman Stevenson reminded everyone that the IA building had been discussed many times before.

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

Valdese Town Council Meeting

Monday, August 2, 2021

Budget Amendment # 2

Subject: Capital outlay adjustment

Description: At the June 28th meeting, a Grant Ordinance was adopted for ARP funds. Several capital outlay items that were originally approved within the General and Utility operating budgets will now be expensed from the new Grant Ordinance to be in compliance with the grant requirements. This amendment will decrease the operating budget.

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, 2022:

Section I:

The following revenues available to the Town will be decreased:

Account	Description	Decrease/ Debit	Increase/ Credit
30.3970.700	Transfer from Capital Reserve	260,000	
10.3970.930	Transfer from Capital Reserve	60,000	
Total		\$320,000	\$0

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8100.740	Capital Outlay		65,000
30.8110.740	Capital Outlay		195,000
10.6200.151	Capital Outlay		60,000
Total		\$0	\$320,000

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 aforementioned budget amendment, seconded by Councilwoman Hildebran. The vote was unanimous.

Valdese Town Council Meeting

Monday, August 2, 2021

Budget Amendment #

3

Subject: Medical insurance premium adjustment

Description: The adopted budget included Option #1 rates from the insurance quotes. After the budget was printed and presented, a different renewal rate was chosen. The amends the budget to account for the increased rate from 604.14 per employee per month to 617.46

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, 2022:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
30.3990.000	Utility Fund Balance Appropriated		4,476
10.3990.000	General Fund Balance Appropriated		8,792
Total		\$0	\$13,268

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4100.060	Group Insurance	800	
10.4200.060	Group Insurance	959	
10.4250.060	Group Insurance	479	
10.4350.060	Group Insurance	479	
10.5100.060	Group Insurance	2,238	
10.5300.060	Group Insurance	1,439	
10.5600.060	Group Insurance	639	
10.5800.060	Group Insurance	160	
10.6200.060	Group Insurance	1,119	
10.6250.060	Group Insurance	480	
30.8100.060	Group Insurance	1,439	
30.8110.060	Group Insurance	1,439	
30.8120.060	Group Insurance	1,598	
Total		\$13,268	\$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.

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

Valdese Town Council Meeting

Monday, August 2, 2021

Budget Amendment # 4

Subject: Remove and replace engine for Police Dodge Charger

Description: Diagnostics were done on the motor after having issues with the motor. Metal was found in the oil and oil control valve. This vehicle is used daily and the motor needs to be replaced. The rest of the vehicle is in good condition and we can extend the life of this vehicle as compared to spending funds to replace the entire unit.

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, 2022:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	General Fund Balance Appropriated		6,727
Total		\$0	\$6,727

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5100.740	Capital Outlay	6,727	
Total		\$6,727	\$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 Sweezy made a motion to approve the aforementioned budget amendment, seconded by Councilwoman Stevenson. The vote was as follows: Thompson - Nay, Hildebran - Aye, Sweezy - Aye, Stevenson - Aye, and Ogle – Nay.

GRANT PROJECT ORDINANCE AMENDMENT: Finance Director Bo Weichel presented the following grant project ordinance amendment to Council:

Valdese Town Council Meeting

Monday, August 2, 2021

Budget Amendment # 1-77

Subject: ARP Funding estimate

Description: On July 15th, staff was informed by the NC Office of State Budget and Management that the original allocation estimate to Valdese has been increased from the original estimated amount. This amendment accounts for the increased estimate and updates the grant ordinance to reflect the new estimate.

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 grant ordinance for the fiscal year ending June 30, 2022:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
77.3970.001	Proceeds for General		118,643
	Total	\$0	\$118,643

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
77.4200.740	General Capital Outlay	118,643	
	Total	\$118,643	\$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 aforementioned grant project ordinance amendment, seconded by Councilwoman Stevenson. The vote was unanimous.

CAPITAL PROJECT ORDINANCE AMENDMENT: Finance Director Bo Weichel presented the following capital project ordinance amendment to Council:

Valdese Town Council Meeting

Monday, August 2, 2021

Capital Project Ordinance Amendment # 6-35

Subject: Public Safety building

Description: To amend capital project ordinance Fund 35
 Additional survey costs for the Pineburr site selection.
 Survey costs included in the contract with CBSA was based on a
 different and smaller parcel of land.
 This accounts for an increase in contract amount for additional survey.

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended as follows.

Section I:

Revenues available to the Town to complete the projects are hereby amended as follows:

Account		Description	Decrease/ Debit	Increase/ Credit
35.3480.001		Distributions		7,250
Total			\$0	\$7,250

Amounts appropriated for capital projects are hereby amended as follows:

Account		Description	Increase/ Debit	Decrease/ Credit
35.5300.040		Architect Contract	7,250	
Total			\$7,250	\$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 Sweezy made a motion to approve the aforementioned capital project ordinance amendment, seconded by Councilwoman Hildebran. The vote was unanimous.

FOOD TRUCKS: Mayor Black reminded Council that food trucks are not about competition but is about change. Mayor Black shared it's not about us but about the people who visit Valdese and hopefully choose to live here. There are many opportunities in our County, like the School for Math & Science, leading people to Valdese.

Planning Director Larry Johnson shared a timeline with Council showing that the discussion of food trucks started in May of 2019.

Food Truck Timeline

- May 2019 - Town Manager request Planning Board place item on their agenda
- May 2019 - Following discussion, Planning Board consensus not to recommend food truck amendment
- October 2019 - Planning Board asked to revisit food trucks

- December 2019 - Planning Board formulates recommendations with input from Town Council and administration
- February 2020 - Planning Board votes NOT to send food truck amendments to Town Council, until after approval of a new zoning district for downtown area – *Downtown Business Corridor District*
- January 2021 - Town Council request Planning Board revisit food truck position and provide recommendation
- February 2021- Manager speaks during Planning Board meeting on merits of Food Trucks. Planning Board tables the topic to March meeting.
- March 2021- Staff presents Planning Board with updated recommendations from December 2019
- April 2021- Food Truck recommendations given to Town Council for review and consideration

Mr. Johnson presented the following food truck ordinance as a recommendation from the Planning Board:

TOWN OF VALDESE FOOD TRUCK ORDINANCE

Sec. _____ . Findings and Intent.

- A. The town council of the Town of Valdese finds that allowing food truck businesses to operate in Valdese would promote diversification of the Town's economy and provide employment opportunities.
- B. Food Truck businesses bring benefits to communities, but they also bring unique regulation challenges.
- C. North Carolina General Statute 160A-74 grants towns the power by ordinance to define, prohibit, and regulate acts, omissions, or conditions detrimental to the health, safety, and welfare of its citizens.

Sec. _____ . Definitions. The following definitions apply to this Article:

- A. Food Truck: A readily movable trailer or motorized wheeled vehicle that is temporarily used for the sale of food to the general public.
- B. Permit Fee: A fee assessed to cover the cost of regulating food truck activity.

Sec. _____ . Authorized locations and location restrictions for food truck sales.

- A. Food trucks may conduct business only on privately owned non-residential property in the following zones: B-1 Central Business, B-2 General Business, O-I Industrial, and M-1 Manufacturing. Food trucks may be operated only with approval of the owner of the property on which the food truck is being operated, and the operator of the food truck must provide proof of this permission. Food truck operation is prohibited within the public street right of way and sidewalks or on town owned property.
- B. The property on which the food truck is operated must have a principal use. A food truck may not be operated on a vacant lot.
- C. The food truck shall not block drive aisles, other access to loading/service areas, or emergency access and fire lanes. The food truck must be positioned at least 10 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces, and the food truck shall not interfere with access to buildings or with pedestrians or vehicle traffic.
- D. This article and its requirements, rights and privileges shall not apply in any respect to food trucks at any festival or other event sponsored by the town or to private events where food is not sold.

- E. No more than two (2) food trucks are allowed on a parcel at the same time.
- F. Food trucks must be positioned a minimum of 20 feet from any structure and must be spaced at least 20 feet from any other food truck on the property.

Sec. _____ . Public Safety and Nuisance Prevention.

- A. Food truck operators shall provide documentation of approval from the health department.
- B. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
- C. A food truck operator shall not operate the food truck as a drive-in window.
- D. The food truck operator shall provide sufficient trash receptacles for its customers. Proper disposal of waste and trash associated with the operation of the food truck is the responsibility of the food truck operator and the owner of the property on which the food truck is being operated. Town of Valdese receptacles shall not be used for disposal of food truck waste and trash.
- E. Food truck hours of operation shall be between 8:00 a.m. and 10:00 p.m.
- F. No signage shall be allowed other than signs permanently attached to the food truck and a portable menu sign with no more than 20 square feet of display area. The portable menu sign must remain within a 10-foot radius of the food truck. Flag signs are not allowed.
- G. Food trucks may not remain onsite overnight.
- H. The food truck operator is required to general carry liability insurance in an amount of not less than \$500,000. The policy shall name the Town of Valdese as an additional insured. Proof of that insurance shall be attached to the permit application.
- I. No liquid, grease, or solid wastes may be discarded from the food truck. No waste may be disposed of in the town's storm drains, sanitary sewer system, or public streets.

Sec. _____ . Permitting.

- A. A food truck operator will be subject to an annual permit fee that will be assessed to cover the costs associated with regulation of food truck businesses. The amount of the permit fee will be reviewed and adjusted as necessary on an annual basis.
- B. The town food truck permit and the county health permit must be displayed during the food truck's hours of operation. The property owner permission to operate shall be kept in the food truck and made available for inspection during the hours of operation.

Sec. _____ . Suspension and Revocation of Permit.

- A. The permit issued for the food truck business may be revoked if the operator violates any of the provisions contained in this article.
- B. The town manager or the town manager's designee may revoke a food truck permit if he or she determines that the food truck operator's operations are causing parking, traffic congestion, or litter problems either on or off the property where the food truck is located or that the food truck operator's

operations are otherwise creating a danger to the public health or safety.

- C. The town manager reserves the right to temporarily suspend food truck permits during times of town sponsored events.

Sec. _____ . Penalties and enforcement.

- A. Any violation of this article shall constitute a civil violation and subject the violator to a civil penalty in the amount of fifty dollars (\$50.00). Each day that a violation continues uncorrected shall constitute a separate violation. In addition, these violations subject the operator to permit revocation as outlined in this article.
- B. The town manager and the town manager's designee(s) are authorized to determine the existence of the violations and to assess the civil penalties established by this article by issuing a citation to the person determined to be in violation. Any citation shall state the nature of the violation.
- C. Any penalty not paid within thirty (30) days assessment may be recovered by the town in a civil action in the nature of the debt. In addition to the penalties and remedies provided by this section, the town manager may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this article.

Councilwoman Hildebran asked if the new zoning district for downtown had been approved since it was noted in the timeline. Mr. Johnson said it had not been approved yet, but Council requested to see a recommendation again. Councilwoman Hildebran stated that she was not opposed to food trucks but feels that this is not good timing due to the pandemic.

Councilwoman Stevenson shared that she was interested in food trucks and thinks the ordinance looks great but worries that this is not good timing. Councilwoman Stevenson recommends tabling it for six months.

Councilman Ogle agrees with Tony Pizzaloni's comments and knows that our restaurants have struggled.

Mr. Johnson suggested not to focus on the approval of the Downtown Business Corridor District, and he would be comfortable with moving forward with what Council chooses.

Councilwoman Stevenson made a motion to table the ordinance for six months, seconded by Councilman Thompson. The vote was unanimous.

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

Town offices will be closed on Monday, September 6, 2021, in Observance of Labor Day.

Mr. Eckard received information from Republic and wanted to report that Valdese Citizens do a great job at recycling. Valdese has the highest participation rate of any of Republics' customers in the four-county area. 93% of our citizens recycle.

Thursday, August 5, 2021, is the first Coffee with the Police Chief at Old World Bakery from 8:45 am – 9:45 am.

The 46th Annual Waldensian Festival and Footrace will be held on August 13 & 14, 2021.

MAYOR AND COUNCIL COMMENTS: Mayor Black shared that the "From This Day Forward" play will be on Friday and Saturday nights through the festival weekend. Mayor Black encouraged everyone to attend.

Councilwoman Hildebran was impressed with the Boots on the Ground report in the agenda packet and appreciated Chief Moss and the department for their work. Councilwoman Hildebran also shared that work was being completed at 909 Main St. W., Valdese.

CLOSED SESSION: Mayor Black called for a motion to recess into Closed Session pursuant to NC General Statute 143-318.11 (a) (4) to discuss matters related to the location or expansion of industries, including economic development incentives that may be offered.

At 7:15 p.m., Councilman Ogle made a motion to recess into Closed Session pursuant to NC General Statute 143-318.11 (a) (4) to discuss matters related to the location or expansion of industries, including economic development incentives that may be offered. Councilwoman Stevenson seconded the motion. The vote was unanimous.

At 7:36 p.m., Councilman Ogle made a motion to return to Open Session, seconded by Councilwoman Hildebran. The vote was unanimous.

ADJOURNMENT: At 7:37 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 regular Council meeting scheduled for Tuesday, September 7, 2021, 6 p.m., due to Labor Day Holiday.

Town Clerk

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Mayor