

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
AUGUST 7, 2023**

The Town of Valdese Town Council met on Monday, August 7, 2023, 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 Charles Watts, Mayor Pro Tem Frances Hildebran, Councilwoman Rexanna Lowman, Councilman Tim Skidmore, Councilman Tim Barus, and Councilman Paul Mears. Also present were: Town Attorney Tim Swanson, Town Manager Seth Eckard, Assistant Town Manager/CFO Bo Weichel, Town Clerk Jessica Lail, and various Department Heads.

Absent:

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT: Mayor Pro Tem Frances Hildebran read the Rules & Procedures for Public Comment:

Rule 5. Public Comment

Any individual or group who wishes to address the council shall inform the town clerk, any time prior to the start of the meeting, and provide their name, address and subject matter about which they wish to speak. Comments should be limited to five minutes per speaker. If the speakers' comments need to be addressed upon the direction of this Council, someone from the management team will be in touch with you later.

PUBLIC SAFETY BUILDING – VICTORIA CARTER, 404 LOUISE AVE. NE, VALDESE: Ms. Carter has concerns about the upcoming Town elections in regards to the Public Safety Building. Ms. Carter looked at the Public Safety Building and is hearing two different sides, which is conflicting information. Ms. Carter suggested that the Town Council host a debate/forum for the candidates to speak about their feelings for this Town.

PRAISE OF COUNCIL – EMILY CHAPMAN, 204 BLEYNAT AVE., VALDESE: Ms. Chapman said she wanted to come before the Town Council to hand some praise. Ms. Chapman thanked the Council for what they are doing for this Town and the time they put into it. Ms. Chapman believes that each person on the Council has the best interest of the Town at heart. Ms. Chapman shared her experience running for different offices where she was running against something. Ms. Chapman has been asked why she has not run for the Valdese Town Council, and she said she has no complaints and sees no reason to go against what we currently have. Ms. Chapman stated if it is not broken, then it should not be fixed. Ms. Chapman appreciates the Council for what they are doing.

PAVING PLAN – GLENN HARVEY, 801 MICOL AVE. NE, VALDESE: Mr. Harvey asked Mr. Mayor to share who was on the paving committee. Mayor Watts said it was himself, Frances, the Public Works Director, and the Finance Director. Mr. Harvey was excited to see the Town finally use Powell Bill funds to pave some roads. Mr. Harvey has four concerns. Mr. Harvey looked at the budget and saw that the Powell Bill funds last year and this year are slated for payment of debt service, which is troubling. Mr. Harvey shared that he had heard that the tax increase would be used for paving and saw that Micol Ave, his street, is the most expensive on the list. Mr. Harvey stated that he will have trouble sleeping at night, knowing that others on the west side of Town are stretched with their budgets and are getting taxed hundreds of dollars on top of their bills. Mr. Harvey is concerned about that, and he cannot speak for the people who live on his street, but Mr. Harvey does not want his street repaved. Mr. Harvey noted that the water bill newsletter says that reevaluation revenues will be used for paving streets annually. Still, we must come up with \$407,000 to pay for the Public Safety Building. Mr. Harvey does not feel like that is right.

RESPONSE TO FALSE SOCIAL MEDIA POST - MAYOR WATTS COMMENTS: Mayor Watts read, "I would like to take a few minutes to correct some false statements and misleading information that has been posted on social media. Those statements which would lead someone to believe that the Valdese Police Department only operates during the hours of 8am – 5pm. Unlike Barney in the Town of Mayberry, our Officers do not sit on the Town square with their one bullet in their shirt pocket, talking with local barber

about the weather. Out Officers patrol the Town and respond to calls for service 24 hours a day, 7 days a week. Our Animal Control Officer works 40 hours a week and is on call when he is off duty, requiring him to return to work if needed. The Animal Control Officer also serves as the Town’s Code Enforcement Officer and is a sworn Police Officer with the powers to arrest. Last year the PD handles 18,100 CAD Logs, meaning that some type of action was taken by one or more of our Officers. Whether it was checking the Main Street business doors at night, issuing a speeding citation, assisting the Fire Department on an emergency incident or an animal complaint. For the first 7 months of 2023, the PD has already had 14,932 CAD Logs; which indicate an increase for calls of service by years end. In closing, my recommendation to our citizens is that if you have a question or concern, regarding Town services or operations and you want an honest and fact based answer; call the Mayor or your Council representative. Thank you.”

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF JULY 7, 2023

APPROVED RESOLUTION AMENDING 2023 TOWN COUNCIL MEETINGS CALENDAR The October Council meeting was amended.

**TOWN OF VALDESE
RESOLUTION ADOPTING 2023 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 6:00 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 2023:

January 9, 2023	
February 6, 2023	
March 6, 2023	
March 23, 2023	Annual Budget Retreat - Old Rock School - Waldensian Room Day 1: 9:00 a.m.
March 24, 2023	Annual Budget Retreat - Old Rock School - Waldensian Room Day 2: 9:00 a.m.
April 3, 2023	
April 6, 2023	Council Budget Workshop 1 Dinner Town Hall – Community Room, 6:00 p.m.
April 18, 2023	Council Budget Workshop 2 (If needed) Town Hall – Community Room, 6:00 p.m.
May 1, 2023	
June 5, 2023	Budget Public Hearing
July 10, 2023	
August 7, 2023	
September 5, 2023	Tuesday, due to Labor Day Holiday
October 9, 2023	
November 6, 2023	
November 14, 2023	Tuesday, Annual Dinner Meeting with Valdese Merchants Association
December 4, 2023	

This 7th day of August, 2023.

/s/ Charles Watts, Mayor

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

RESOLUTION ADOPTING COUNCIL CODE OF CONDUCT: Mayor Watts suggested to move this item to the November Council meeting so that the Mayor and Council could review it more.

Councilman Barus made a motion to remove the Resolution Adopting Code of Conduct, seconded by Councilwoman Lowman. The vote was unanimous.

ADOPTED BURKE TRAIL FEASIBILITY STUDY: Parks & Recreation Director David Andersen shared the Burke Trail Feasibility Study was created by the WPCOG, and they are requesting that each municipality involved with the river trail adopt this study. Mr. Andersen explained that this would allow the WPCOG to seek funds through NCDOT to provide for a greater trail access. Mr. Andersen shared that adopting this plan does not commit the Town to any financial obligation; it simply means we endorse it. Councilwoman Hildebran asked if there was a timeline. Mr. Andersen shared that the proposed timeline is about three to five years and will be completed as funds are available.

Councilman Barus made a motion to adopt the Burke Trail Feasibility Study, seconded by Councilwoman Lowman. The vote was unanimous.

APPROVED PUBLIC HEARING FOR RE-ZONING OF BURKE COUNTY/BURKE COUNTY BOARD OF EDUCATION: Mayor Watts declared the public hearing open at 6:22 p.m.

Planning Director Larry Johnson briefly reviewed highlights of the following report:

Rezoning Application 1-3-23
Town of Valdese

Property Location: 0 Lake Rhodhiss Drive NE, 709 Lake Rhodhiss Drive NE, and Lovelady Road NE

Record Numbers: 59763, 58624, and 60948

PIN Numbers: 2744557428, 2744544380, and 2744621058

ACREAGE: 97.09 acres

Requested Action: Rezone properties from M-1 Manufacturing District to R-12A Residential District

BACKGROUND: In 2006, The Valdese Town Council approved a text amendment allowing Secondary Schools in the M-1 Manufacturing District after learning of the acquisition of property by Burke County for the location of a high school. The parcels now comprise vacant land and a secondary school (Draughn High School). The Valdese Planning Board currently recommends a more appropriate zoning designation for the Burke County/Burke County Public School BOE property. A rezoning to R-12A Residential from M-1 Manufacturing will continue to permit secondary school uses.

REVIEW CRITERIA:

1. Existing land uses in the general vicinity of the subject's property;

- **North:** The property is zoned M-1 Manufacturing District and is the location of the Town of Valdese Waste Water Treatment Facility.

- **South:** The property is zone M-1 Manufacturing and contains a manufacturing facility.
- **East:** The properties to the East are zoned R-8 Residential District and Burke County R-2 Residential. These properties are mostly vacant, with two single-family residences.
- **West:** The property to the West is zoned R-12A Residential District and is currently being developed for outdoor recreation.

To the extent to which zoning will detrimentally affect properties in the general vicinity of the properties, the requested R-12A Residential District permit uses are similar to other uses in the area, except for manufacturing.

2. **Traffic;**
Valdese Park Road NE is the primary entrance for two of the parcels. It is considered a local or minor street. The street provides ingress and egress for school attendees and the manufacturing facility.

No Traffic Study was conducted because school is out for the Summer, which would not reveal meaningful results.

3. **Public Services;**
The proposed amendment will not cause public services to fall below acceptable levels. Public services are in place to service the parcels. These public services include water and sewer, police, and fire protection.
4. **Consistency;**
The proposed zoning of R-12A Residential is *inconsistent* with the Valdese Vision: A Land Use Plan for the Future. The proposed zoning designation of R-12A Residential is also inconsistent with the future " **Social** " land use designation in the Valdese Vision Land Use Plan and map.

RECOMMENDED ACTION:

The Valdese Planning Board finds Rezoning Petition 1-3-23 to be considered **inconsistent** with the Valdese Vision: A Land Use Action Plan for the Future; however, the Planning Board recommends the following:

1. The Valdese Town Council adopts a statement affirming the consistency or inconsistency with the Valdese Vision;
2. Adoption of a Reasonableness Statement analyzing the reasonableness of the proposed rezoning amendment; and
3. Approve the recommended zoning designation to R-12A Residential.

CITIZEN INPUT

A Notice of Public Hearing appeared in the News-Herald on July 27, 2023, and August 1, 2023. All adjoining property owners received notices of the hearing. A Notice of Public Hearing was also posted at the properties. No comments were received before the submission of this memorandum.

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO THE
ZONING MAP OF THE TOWN OF VALDESE**

Valdese Town Council will meet in the Council Chambers of the Valdese Town Hall, at 102 Massel Avenue SW, on August 7, 2023, at 6:00 p.m., upon rezoning three parcels from the M-1 Manufacturing District to the R-12A Residential District.

Map Amendment #01-03-23

The Valdese Town Council will consider an application by the Town of Valdese to rezone three parcels located on Lake Rhodhiss Drive NE, 709 Lake Rhodhiss Drive NE, and Lovelady Road NE, further identified the Record Numbers 59763, 58624, and 60882. The Valdese Planning Board is recommending a change in the zoning designation from an M-1 Manufacturing District to the R-12A Residential District.

At the hearing, all interested persons may be heard and voice any objections to the proposed amendment to the zoning map of the Town of Valdese. Notice is further given that complete copies of the proposed map amendment and this notice are now and will remain on file in the Office of the Planning Department at Valdese Town Hall for the inspection of all interested citizens until the public hearings. Contact the Planning Department at (828) 879-2124 for information regarding the above-listed items.

Interested parties are invited to attend this hearing and present comments. Request for accommodations by persons with disabilities should contact Jessica Lail, Town Clerk, at (828) 879-2117 at least 48 hours before the scheduled meeting time.

PUBLISH: JULY 27, 2023, AND AUGUST 1, 2023

**VALDESE TOWN COUNCIL ZONING MAP AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT**

On August 7, 2023, the Valdese Town Council met to consider Rezoning Petition 1-3-23 and received a recommendation from the Valdese Planning Board. After considering the Plan (defined below), ordinances, maps, recommendations, and other materials presented, the Valdese Town Council makes the following findings and conclusions:

1. In 2014 the Town of Valdese adopted a comprehensive land use plan entitled "The Valdese Vision: A Land Use Action Plan for the Future" (hereinafter the "Plan").
2. The Town of Valdese submitted a Rezoning Petition recommended by the Town of Valdese Planning Board requesting to rezone the following three properties from M-1 Manufacturing to R-12A Residential District: (i) 0 Lake Rhodhiss Drive NE, Connelly Springs, North Carolina, PIN: 2744557428; (ii) 709 Lovelady Rd NE, Connelly Springs, North Carolina, PIN: 2744544380; and (iii) 0 Lovelady Rd, Connelly Springs, North Carolina, PIN: 2744621058 (the "Properties").
3. The Properties are comprised of vacant land and a secondary school, Draughn High School. A rezoning of the Properties to R-12A Residential will continue to permit secondary school uses.
4. North Carolina General Statute 160D-605(a) provides, in pertinent part, as follows:

When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive or land-use plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future

land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning amendment may be considered concurrently.

5. The Town of Valdese's request for amendment was duly considered at a meeting of the Town of Valdese Planning Board. The Planning Board found the Town of Valdese's request to amend the Town's Zoning Map around the Properties from their currently designated zoning to Zone R-12A Residential District to be *inconsistent* with the Plan.
6. The Planning Board voted five to zero to recommend that Town Council amend the Town's Zoning Map regarding the Properties from M-1 Manufacturing to R-12A Residential.
7. The Valdese Town Council hereby finds Rezoning Petition 1-3-23 in regards to rezoning the Properties from their currently designated zoning to Zone R-12A Residential to be *inconsistent* with the Plan.

8. North Carolina General Statute 160D-605(b) provides, in pertinent part, as follows:

When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

9. The Town Council finds that the zoning amendment is reasonable and in the public interest based on the following:
 - a. The total acreage of the Properties is of sufficient size so as not to be construed as "spot" zoning.
 - b. The surrounding zoning designations are M-1 Manufacturing to the North (location of the Town of Valdese Waste Water Treatment Facility), M-1 Manufacturing to the South (contains a manufacturing facility), R-8 Residential and Burke County R-2 Residential to the East (mostly vacant, but with two single-family residences), and M-1 Manufacturing to the west (outdoor recreation).
 - c. Rezoning the Properties to R-12A Residential District will permit uses similar to those in the area, with the exception of manufacturing.
 - d. The R-12A Residential District is intended to be a moderately quiet, medium-high-density residential living area with many types of residential development, home occupations, and limited private and public community uses.
 - e. R-12A Residential District development will not harm the surrounding land uses in that the permitted uses of the district consist of moderately quiet, medium-high density, residential living, and private and public community use. A rezoning of the Properties to R-12A Residential will continue to permit secondary school uses.
 - f. The proposed amendment will not cause public services to fall below acceptable levels. Public services are in place to service the parcel. These public services include water and sewer, police, and fire protection.
 - g. Town Council finds that conditions have changed since adopting the Plan, warranting this zoning amendment.

Based upon the recommendation of the Valdese Planning Board and the findings from the public hearing, the Valdese Town Council, having found Rezoning Petition 1-3-23 in regards to rezoning the Properties from their currently designated zoning to Zone R-12A Residential District to be **inconsistent** with the Plan and approves Rezoning Petition 1-3-23 and the recommendation from the Valdese Planning Board to amend the Town's Zoning Map regarding the Properties from M-1 Manufacturing to R-12A Residential District.

Based on those above and the findings from the public hearing, the Valdese Town Council further finds Rezoning Petition 1-3-23 reasonable and approves Rezoning Petition 1-3-23.

The Town Council therefore approves Rezoning Petition 1-3-23.

/s/ Charles Watts, Mayor

ATTEST:
/s/ Town Clerk

Councilman Mears asked if there were any issues with the land owner, and Mr. Johnson said no. Councilwoman Lowman asked if the Planning Board had any problems with this, and Mr. Johnson said no.

Mayor Watts asked if anyone wished to speak either for or against the re-zoning. There being no one wishing to speak, Mayor Watts closed the public hearing at 6:35 p.m. by a motion from Councilwoman Lowman, seconded by Councilman Barus.

Councilman Mears made a motion to approve the re-zoning petition #1-3-23 and adopt the proposed consistency and reasonableness statement contained in the agenda materials, this approval deems this amendment to the Valdese Vision: A Land Use Action Plan for the Future Land Use Map, seconded by Councilman Skidmore. The vote was unanimous.

APPROVED AWARD OF BID FOR STREET PAVING: Assistant Town Manager/CFO Bo Weichel shared that the Town received four bids for the street paving project, and the lowest responsible bidder is JT Russell and Sons, Inc., in the amount of \$444,225. Mr. Weichel explained that we would add a contingency and the engineering contract amount, making the total amount for the project \$500,000.

Councilwoman Hildebran stated that as a member of the Street resurfacing committee that she has proudly served, the citizens of the Valdese group have been requesting for the past five years for the Council to put money in the budget for street resurfacing. Councilwoman Hildebran shared that we have answered and honored their request. Councilwoman Hildebran shared that if the citizen who lives on Micol Street thinks we are paying too much for that street, she apologizes because the price for repaving is very expensive. Councilwoman Hildebran feels that other citizens on that street will love having their street resurfaced. Councilwoman Hildebran is proud that we can honor the request to have streets repaved. Mayor Watts seconds that.

Councilman Barus shared that the two biggest items he has received calls about were Christmas lights and street repaving, and he is glad that we can pave every year.

Councilman Mears asked if Micol Street was more expensive to pave because it is longer. Mr. Weichel explained that Micol is more because two culverts under the road will need to be replaced due to stormwater issues. Town Manager Seth Eckard shared that the length of all the streets being paved is 7,000 ft.

Item No.	Description	Bid Price
1	Laurel Street SE	\$ 55,500
2	Micol Avenue NE	98,550
3	Walsh Drive SE	26,300
4	Columbo Street NW	55,500
5	Skie Circle SE	52,550
6	Hauss Ridge Road SE - Section 1	29,225
7	Hauss Ridge Road SE - Section 2	56,000
8	Rostan Street SE - Section 1	14,600
9	Rostan Street SE - Section 2	25,000
10	Flora Lane NE	31,000

J.T. Russell (streets listed above)	444,225
McGill Associates (engineering)	45,100
Contingency	10,675
Total	\$ 500,000

CERTIFIED BID TABULATION

2023 Roadway Paving Project

TOWN OF VALDESE, NORTH CAROLINA

Wednesday, August 2, 2023; 2:00 pm

Valdese Town Hall, 102 Massel Avenue SW, Valdese, North Carolina 28690

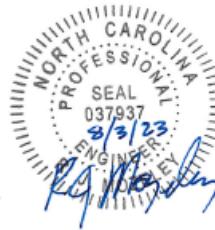
No.	Street Section	Evans Construction	JT Russell and Sons	M&K Enterprises	Midstate Contractors
1	Laurel St SE	\$86,632.00	\$55,500.00	\$78,984.76	\$74,187.30
2	Micol Avenue NE	\$90,373.73	\$98,550.00	\$150,452.47	\$63,822.90
3	Walsh Drive SE	\$34,299.00	\$26,300.00	\$28,242.02	\$30,496.50
4	Columbo Street NW	\$43,835.00	\$55,500.00	\$47,460.47	\$41,784.45
5	Skie Circle SE	\$77,987.00	\$52,550.00	\$87,194.52	\$71,304.70
6	Hauss Ridge Rd SE - 1	\$42,101.00	\$29,225.00	\$36,840.61	\$29,124.30
7	Hauss Ridge Rd SE - 2	\$64,056.00	\$56,000.00	\$72,094.76	\$53,985.70
8	Rostan St SE - 1	\$24,460.00	\$14,600.00	\$28,462.06	\$21,060.70
9	Rostan St SE - 2	\$34,038.00	\$25,000.00	\$34,187.09	\$37,143.30
10	Flora Lane NE	\$35,415.00	\$31,000.00	\$37,771.54	\$28,804.30
TOTAL		\$533,196.73	\$444,225.00	\$601,690.30	\$451,714.15

This is to certify that bids tabulated herein were accompanied by a 5% bid bond or certified check and were received and read aloud at 2:00pm local time on the 2nd day of August, 2023, in the Valdese Town Hall, located at 102 Massel Avenue SW, Valdese, North Carolina 28690

RJ MOZELEY, PE



1240 19th Street Lane NW
Hickory, North Carolina 28601
License No. C-0459





August 3, 2023

Mr. Seth Eckard, Town Manager
Town of Valdese
102 Massel Avenue SW
Valdese, NC 28690

RE: Award Recommendation
2023 Roadway Paving Project
Town of Valdese, North Carolina

Dear Mr. Eckard:

Informal bids were received and reviewed for the Town's 2023 Roadway Paving Project on August 2, 2023. A total of eight (8) bidding document packages were delivered to interested parties, and the Town received four (4) bids.

J.T. Russell & Sons, Inc., of Conover, North Carolina, was the lowest responsive, responsible bidder, with a total base bid amount of \$444,225.00, inclusive of all ten (10) street segments included in the bid package.

We recommend awarding this project to J.T. Russell & Sons, Inc., with a total contract amount of \$444,225.00 based on the following information:

- J.T. Russell & Sons, Inc., is appropriately licensed with the North Carolina Licensing Board for General Contractors
- J.T. Russell & Sons, Inc., has successfully completed similar municipal projects in the past

We also recommend establishing a project contingency fund in the amount of \$10,675.00 for any necessary construction materials testing or unforeseen project conditions encountered during construction.

Enclosed for your use is the Certified Bid Tabulation. Please do not hesitate to contact us if you have any questions.

Sincerely,
McGILL ASSOCIATES, P.A.

A handwritten signature in blue ink that reads "R.J. Mozeley".

R.J. MOZELEY, PE
Senior Project Manager

RJM:jcw

Enclosures: Certified Bid Tabulation

Councilman Mears made a motion to award the bid for Street Improvements to JT Russell and Sons, Inc., seconded by Councilman Barus. The vote was unanimous.

UPDATE ON LAKESIDE PARK KAYAK & FISHING PIER: Mayor Watts asked Parks & Recreation Director David Andersen to give an update on the new Kayak & Fishing Pier at Valdese Lakeside Park. Mr. Andersen shared that the pier is completed, and they are working on the stairway and ADA ramp down to the pier and a slide to put the kayaks on. Mr. Andersen said the completion should be by the end of this month.

APPROVED AGREEMENT WITH WPCOG FOR GRANT ADMINISTRATIVE ASSISTANCE – ORS RENOVATIONS: Community Affairs Director Morrissa Angi shared that this agreement with WPCOG is to oversee the administration of the Rural Transformation Grant and the Appalachian Regional Commission Grant for the renovations at the Old Rock School.

**AGREEMENT BETWEEN THE
WESTERN PIEDMONT COUNCIL OF GOVERNMENTS AND THE TOWN OF VALDESE
FOR THE PROVISION OF ADMINISTRATIVE ASSISTANCE
NORTH CAROLINA DEPARTMENT OF COMMERCE RURAL TRANSFORMATION GRANT
OLD ROCK SCHOOL ENTREPRENEURAL CENTER
AUGUST 7, 2023 – DECEMBER 31, 2026**

This AGREEMENT, entered into on this the 7th day of AUGUST 2023 by and between the Western Piedmont Council of Governments (hereinafter referred to as the "Planning Agency") and the Town of Valdese, North Carolina (hereinafter referred to as the "Local Government"); WITNESSETH THAT:

WHEREAS, the Planning Agency is empowered to provide technical assistance by the North Carolina General Statutes and by resolution passed by the Planning Agency on April 17, 1972. Technical assistance shall consist of the provision of services as described in Attachment A, which is herein made a part of this Contract.

WHEREAS, the Local Government has requested the Planning Agency to provide such technical assistance to the Local Government; and

WHEREAS, the Planning Agency desires to cooperate with the Local Government in every way possible to the end that the proposed activities are carried out in an efficient and professional manner;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Personnel. That during the period of this Contract, the Planning Agency will furnish the necessary trained personnel to the Local Government.
2. Travel/Printing. The Local Government will pay for expenses related to conferences, conventions, seminars, local travel, etc. of the personnel when the Local Government requests or approves travel related to the Local Government's planning program, or if it is beneficial to both parties, the costs will be shared on an agreed-upon ratio. The Local Government will also pay for expenses related to printing of report(s), mailings to advisory boards, and other costs not related to normal travel and staffing costs associated with personnel furnished by the Planning Agency.
3. Compensation. The Local Government will pay the Planning Agency an amount of \$25,000 (twenty-five thousand dollars) for the satisfactory performance of all services related to administration of the project as defined in the attached Scope of Services. It is expressly understood and agreed that total compensation shall not exceed the sum specified without prior approval of both agencies.
4. Termination/Modifications. The Local Government may terminate this Contract by giving the Planning Agency a thirty-day written notice. Furthermore, if there is a need to amend the proposal outlined in Attachment A, either party may do so with the written approval of the other.
5. Time of Performance. The Planning Agency shall ensure that all services required herein should be completed and all required reports, maps, and documents submitted during the period beginning August 7, 2023, and ending December 31, 2026.
6. Interest of Members, Officers, or Employees of the Planning Agency, Members of the Local Government, or Other Public Officials. No member, officer, or employee of the Planning Agency or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect,

in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The Planning Agency shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.

7. Nondiscrimination Clause. No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination with any program or activity funded.

8. Age Discrimination Act of 1975, as amended. No qualified person shall on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

9. Section 504, Rehabilitation Act of 1973, as amended. No qualified disabled person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

10. Access to Records and Record Retainage. All official project records and documents must be maintained during the operation of this project and for a period of three years following closeout.

11. Liquidated Damages Clause. If the project fails to be carried out within the time

frame outlined in the administrative proposal due to activities attributed to the Planning Agency, the Local Government may assess the Planning Agency a sum in the amount of \$100 per week for any subsequent weeks until completion.

12. Termination of Agreement for Cause. If, through any cause, the Planning Agency shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or violate any of the covenants, conditions, or stipulations of this Agreement, the Local Government shall thereupon have the right to terminate this Agreement by giving written notice of such termination and specifying the effective date thereof. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared under this Agreement shall, at the option of the Local Government,

becomes its property, and the Planning Agency shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials in direct proportion to the extent of services actually completed.

IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this Agreement as of the date first above written.

LOCAL GOVERNMENT: PLANNING AGENCY:
TOWN OF VALDESE WESTERN PIEDMONT COUNCIL OF GOV'TS.

By:

By:

Manager Executive Director

LOCAL GOVERNMENT: PLANNING AGENCY:

By:

By:

Mayor Chair

Pre-audit statement:

This instrument has been pre-audited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

By: Local Government Finance Officer

ATTACHMENT A SCOPE OF SERVICES

TOWN OF VALDESE
NORTH CAROLINA DEPARTMENT OF COMMERCE RURAL TRANSFORMATION GRANT
WORK PROGRAM/BUDGET
AUGUST 7, 2023 – DECEMBER 31, 2026

Introduction

The Western Piedmont Council of Governments (WPCOG) has worked with the Town of Valdese on the NC Department of Commerce Rural Economic Development Division Rural Transformation Grant for the revitalization of the Old Rock School into a business incubation center. The town intends to upfit the Old Rock School at 400 Main Street, Valdese, NC.

The Scope of Services proposal is intended to describe the various administrative activities the WPCOG will provide as related to the NC Department of Commerce Rural Economic Development Division Rural Transformation Grant funds.

WPCOG Services

Ben Willis will serve as Project Administrator and will provide the following specific activities:

- Assistance with development of the Town of Valdese's Award Package.
- Development and management of the overall project filing system.
- Preparation of all pay request recommendations for the Town.
- Assistance with procurement compliance.
- Requisition of the grant funds.
- Monitor project progress by the Town.
- Preparation of all reports required by the Department of Commerce.
- Update Manager on status of project.

The Town will be responsible for the following:

- Adequate office space including utilities.
 - Direct payment of legal and audit services and general administrative costs.
 - All administrative costs not specifically identified as WPCOG responsibilities. Administrative Fee
- The WPCOG proposes to provide the above-described services for a fee not to exceed contract of \$25,000.

Amendments and Termination

The Town of Valdese can terminate this contract by giving a one-month written notice. Should there be the need to amend this proposal during the term of the project, either party may do so with the approval of the other.

ASSURANCES OF COMPLIANCE ATTACHMENT B
Executive Order 11246

During the performance of this Contract, the contractor agrees as follows:

1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. Such action shall include, but not be limited to the following: recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, or national origin.

3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, notice advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965 and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of

the Secretary of Labor, or as otherwise provided by law.

7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting

agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

ATTACHMENT C

Section 3 Clause

"Section 3" Compliance in the Provision of Training, Employment, and Business Opportunities

a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.

b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment and training.

d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice of knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors or assigns to those sanctions specified by the grant or loan agreement of contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

ATTACHMENT D

Lobbying Clause

No Federal appropriated funds have been paid or will be paid, by or on behalf of the Planning Agency or the Local Government, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative, agreement, and the extension,

continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Planning Agency and/or the Local Government shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Councilwoman Lowman made a motion to adopt the Agreement with WPCOG for the Old Rock School renovations, seconded by Councilman Skidmore. The vote was unanimous.

APPROVED CAPITAL PROJECT ORDINANCE AMENDMENT – ORS GRANT ADMINISTRATION:
 Assistant Town Manager/CFO Bo Weichel presented the following Capital Project Ordinance Amendment for the Old Rock School Renovations:

Valdese Town Council Meeting

Monday, August 7, 2023

Capital Project Ordinance Amendment # 1-38

Subject: WPCOG grant administration

Description: For administration and oversight of the Rural Transformation grant and the ARC grant at the Old Rock School renovations project which was approved at the December 2022 meeting. Total project budget is \$850,000 all funded by grants. This WPCOG contract be paid using town funds.

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
38.3970.001	Transfer from General Fund Balance		25,000
	Total	\$0	\$25,000

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
38.6250.450	Grant Administration	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.

Councilwoman Hildebran made a motion to adopt the Capital Project Ordinance Amendment with the WPCOG in the amount of \$25,000, seconded by Councilwoman Lowman. The vote was unanimous.

APPROVED CAPITAL PROJECT ORDINANCE AMENDMENT – STREET IMPROVEMENTS: Assistant Town Manager/CFO Bo Weichel presented the following Capital Project Ordinance Amendment for Street Improvements:

Valdese Town Council Meeting

Monday, August 7, 2023

Capital Project Ordinance Amendment # 1-76

Subject: Street Improvements

Description: To transfer general fund budget for street paving into the capital project for street improvements. This is in addition to the original \$350,000 transferred in June.

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
38.3970.001	Transfer from General Fund		150,000
Total		\$0	\$150,000

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
76.5600.040	Engineering Services	45,100	
76.5600.450	2024 Street Improvements	94,225	
76.5600.900	Contingency	10,675	
Total		\$150,000	\$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 Mears made a motion to approve the Capital Project Ordinance Amendment for Street Improvements in the amount of \$150,000, seconded by Councilman Skidmore. The vote was unanimous.

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

Old Colony Players Presents: From This Day Forward, August 4-August 12, Fridays and Saturdays, 8:00 p.m. at the Fred B. Cranford Amphitheatre.

48th Annual Waldensian Festival and Footrace – August 11 & 12, 2023, we will have fireworks for the first time on Friday night.

Family Friday Nights Summer Concert Series Finale is scheduled for Friday, September 1, 2023, at 7:00 p.m.

Town Offices Closed on Monday, September 4, 2023, in Observance of Labor Day

MAYOR AND COUNCIL COMMENTS: Councilwoman Lowman shared that she went to see *From This Day Forward* and gave the Old Colony Players a shout-out. Councilwoman Lowman appreciates that we can share the history of this Town.

Councilman Barus gave a shout-out to our Police Chief Jack Moss and Sgt. Beck who took care of two people sleeping on a bench at Temple Field. Councilman Barus called Chief Moss, who came out at 7:30 a.m. with Sgt. Beck and worked diligently to get the people where they needed to go. Councilman Barus thanked Chief Moss for not just being an 8:00-5:00 employee but for being a 24/7 employee.

Councilman Mears shared a similar experience with stray cats. Councilman Mears called Chief Moss, and within less than an hour Officer Hicks went out to retrieve the cats, and within two hours the cats were at Cats Cradle Shelter.

Mayor Watts welcomed the new restaurant in Town, Highlands Butchery. Councilman Barus shared that within the last two to three months, four businesses have come to Valdese.

ADJOURNMENT: At 6:55 p.m., there being no further business to come before Council, Councilwoman Hildebran made a motion to adjourn, seconded by Councilwoman Lowman.

The next regular Council meeting is scheduled for Tuesday, September 5, 2023, at 6:00 p.m., due to the Labor Day Holiday.

Town Clerk
jl

Mayor