

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
OCTOBER 5, 2020**

The Town of Valdese Town Council met on Monday, October 5, 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:

CODE ENFORCEMENT- KAY DRAUGHN, 108 W END STREET SW., VALDESE: Ms. Draughn submitted the following comment: Hello VTC, An update on the ownership of the property located at 909 Main Street W is requested.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF SEPTEMBER 8, 2020

RESOLUTION TO ACCEPT REVISED OFFER FOR FUNDING – BLEACH CONVERSION PROJECT:

RESOLUTION BY GOVERNING BODY OF APPLICANT

- WHEREAS,** the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collections systems, and water supply systems, water conservation projects, and
- WHEREAS,** the North Carolina Department of Environmental Quality has provided an amended offer for a State Revolving Loan and State Grant in the new total amount of amount of **\$882,973** which is comprised of \$718,398 in State Reserve Loan and \$164,575 in State Reserve Grant for the construction of the **Water Treatment Plant Bleach Conversion Project**, and
- WHEREAS,** the **Town of Valdese** intends to construct said project in accordance with the approved plans and specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF VALDESE TOWN COUNCIL:

That **Town of Valdese** does hereby accept the amended State Revolving Loan and State Revolving Grant offer of **\$882,973**.

That the **Town of Valdese** does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the (loan or grant) offer Section II- Assurance will be adhered to.

That **Seth Eckard, Town Manager**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That **Town of Valdese** has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations and ordinances to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 5th day of October, 2020 in Valdese, North Carolina.

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

ATTEST: /s/ Town Clerk

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

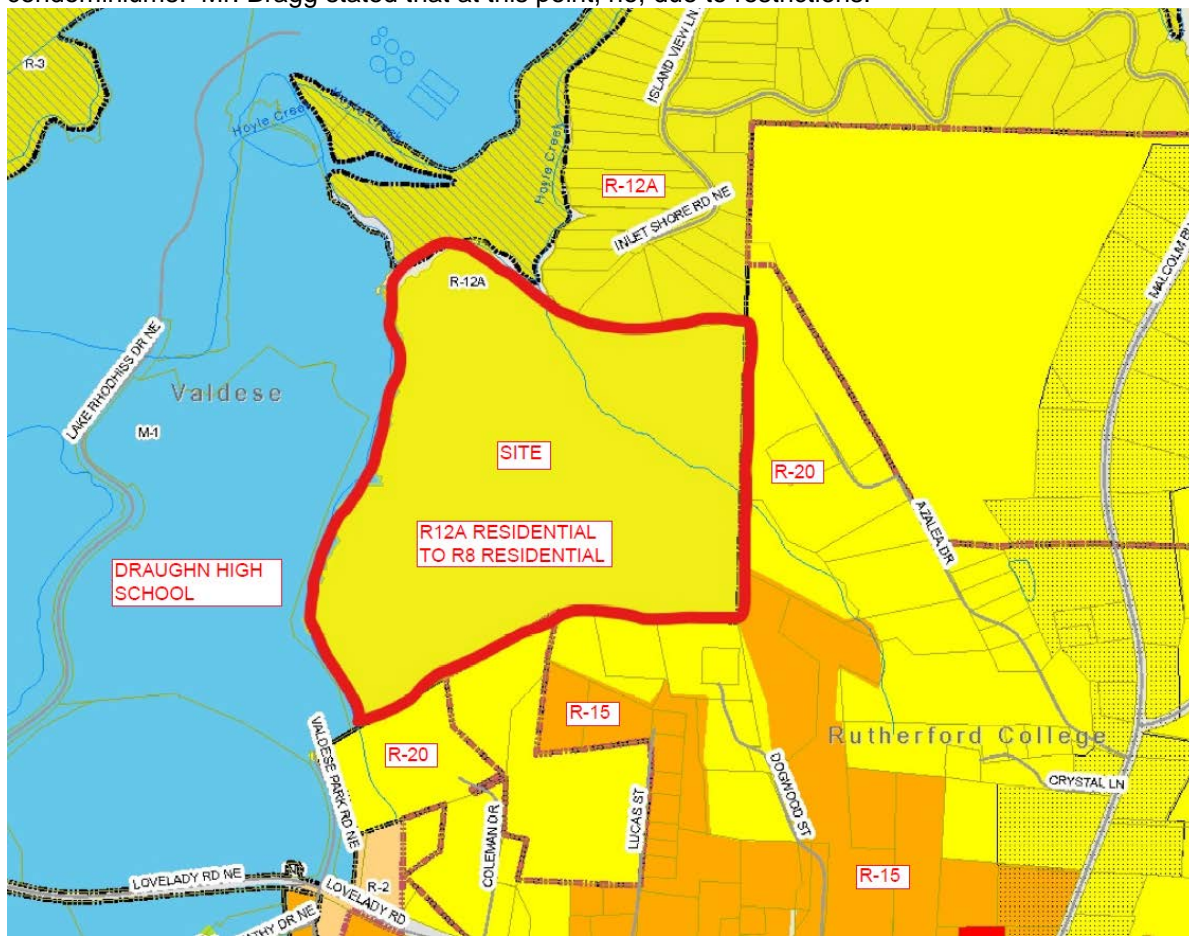
End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF NEW EMPLOYEES: Fire Chief Greg Stafford introduced Fire Engineer Matthew Chapman and Fire Marshall Levi Henry. Public Service Director introduced Utility Field Service Technician Saul Pearson and Assistant Public Works Director Allen Hudson, who recently was promoted. Police Chief Jack Moss introduced Officer Billy Hicks and Officer Mackenzie Gavin.

PUBLIC HEARING FOR RE-ZONING APPLICATION #2-8-2020: Mayor Black opened the Public Hearing. Planning Director Larry Johnson presented the proposed re-zoning request from Natural Land Alliance Incorporated for the property located on Valdese Park Road NE and adjacent to Draughn High School rezoned from R-12A Residential to R-8 Residential. Mr. Johnson reminded Council that this is Lake Vista Phase IV. Mr. Johnson explained that the main difference between R-12A and R-8 Residential is the lot size, which will give the developer more flexibility. Councilman Ogle asked if they would be able to get water and sewer to the properties. Mr. Johnson explained that all of the properties could get water, but only part can get sewer, which will be gravity fed. An application was presented seeking this request, and all the requirements have been met. Councilwoman Hildebran asked about the potential Greenway walkway that backs up to Lake Vista. Mr. Johnson explained that Natural Land Alliance had had a conversation with Representative Hugh Blackwell on using the area to connect to the Greenway.

Mr. Larry Bragg, the developer from Natural Land Alliance Incorporated, welcomed Council and asked if they had any questions. Councilwoman Hildebran asked Mr. Larry Bragg if he had plans to build condominiums. Mr. Bragg stated that at this point, no, due to restrictions.



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

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 the property from R-12A – R-8, seconded by Councilman Sweezy. The vote was unanimous.

RESOLUTION FOR SALE OF PROPERTY, 1492 DREXEL ROAD: Planning Director Larry Johnson presented Council with an offer to purchase the property located at 1492 Drexel Road. Mr. Johnson informed Council that staff followed the upset bid process, advertising the sale as required, and the Town only received one request from Brandon and Michelle Settlemyre. Councilman Ogle asked what the total debt the Town owes on the property was. Finance Director Bo Weichel stated that it was \$260,000.00.

RESOLUTION
(Sale of Triple Community Property)

WHEREAS, Brandon Settlemyre and Michelle Settlemyre (the Settlemyres) offered to purchase from the Town of Valdese for the sum of \$325,000 that parcel located at 1492 Drexel Road in Valdese, North Carolina, which has been assigned REID No. 38526 and PIN 2723623951 by the Burke County Tax Office, said property being Parcel 1, Tract I of Book 1735, page 641, Burke County Registry (the Property); and

WHEREAS, at its September 8, 2020, regular meeting, the town council adopted a resolution proposing to accept this offer; and

WHEREAS, as required by G.S. 160A-269, the town council directed town representatives to publish notice of the town's intent to accept the offer and notice that persons could raise the bid, and that notice was published; and

WHEREAS, more than ten (10) days expired without there being an upset bid, and the \$325,000 offer made by the Settlemyres is the last and highest bid for the Property; and

WHEREAS, the town does not need the Property, and the town therefore desires to accept the offer made by the Settlemyres and sell the Property to them upon the terms hereafter set forth;

IT IS THEREFORE RESOLVED pursuant to G.S. 160A-269 that the sale of the Property to the Settlemyres for the purchase price of \$325,000 is approved; that the Property shall be sold subject to all existing easements; and that the proper officers are authorized and directed to execute and deliver to the Settlemyres a deed for the Property upon receipt of the \$325,000 purchase price.

THIS, THE 5TH DAY OF OCTOBER, 2020.

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

ATTEST: /s/ Town Clerk

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

AWARD OF BID – CENTRIFUDGE PROJECT: Public Service Director Greg Padgett presented an award of bid recommendation and bid tabulation for the Wastewater Treatment Plant Centrifuge electrical controls replacement project. Staff and McGill Associates, P.A., recommends awarding the bid to the lowest bidder, Connelly Springs Electric, in the amount of \$74,800. (Other bids: Fountain Services, LLC - \$219,500, and Smart Electric Company, Inc. - \$114,598)

Councilman Ogle made a motion to award the bid to Connelly Springs Electric in the amount of \$74,800, seconded by Councilwoman Stevenson. The vote was unanimous.

GOLF CART ORDINANCE DISCUSSION: Chief of Police Jack Moss presented the following proposed draft for the Town of Valdese Golf Cart Ordinance for discussion.

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DRAFT OF
TOWN OF VALDESE GOLF CART ORDINANCE

Purpose, disclaimer, and assumption of risk.

(a) The purpose of this article is to provide a means of travel that is convenient, cost-effective, and energy efficient. In order to promote the safety of drivers, passengers, and the general public, the operation of golf carts must comply with applicable state laws and Town of Valdese regulations pertaining to the operation of traditional motor vehicles, and must also comply with the specific provisions included in this article.

(b) Golf carts are not designed for nor manufactured to be used on public streets, and the Town of Valdese neither advocates nor endorses the golf cart as a safe means of travel on public streets. The Town of Valdese shall in no way be liable for accidents, injuries, or deaths involving or resulting from the operation of a golf cart.

(c) Any person who owns, operates, or rides on a golf cart on a public street within the Town of Valdese does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

Definitions of words and phrases.

The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this article, except in any instance where otherwise specifically provided or where the context clearly indicates a different meaning.

(a) Golf Cart. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) mph.

(b) Golf Cart Operator. The individual in physical control of a golf cart that is moving or has its key inserted and in the on position.

Operation of golf carts permitted.

(a) Golf carts meeting the requirements of this article may be operated in public parking areas and on the public streets of the Town of Valdese that are posted at a speed limit of 35 mph or lower, with the exception of the following streets: Main St East from Eldred St. to town limits, Main St. West from Morganton St to town limits, Church Street, Laurel Street North, Carolina Street, Eldred Street South, Praley Street, Hoyle Street, Lovelady Road, and Lake Rhodhiss Drive. It shall be unlawful to operate any golf cart that is not properly registered with and permitted by the Town of Valdese or to operate any golf cart at any place or in any manner not authorized herein.

(b) A golf cart may be operated only from dawn until dusk. Golf carts are permitted to be driven, in a straight line, across any prohibited street.

(c) The operation of golf carts in the following circumstances is exempt, and is not subject to the provisions of this article:

(1) The operation of a golf cart on private property with the consent of the owner,

(2) The operation of a golf cart on private streets,

(3) The operation of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and the golf cart is only used during such event; and

(4) The operation of a golf cart by Town of Valdese personnel, by other governmental agencies, and by public services agencies on official business.

Golf carts do not qualify as electric personal mobility devices.

Golf carts do not qualify as electric personal mobility devices used to assist disabled or elderly individuals.

Registration and permit requirements.

(a) No golf cart may be operated on any public street within the Town of Valdese or on any property owned or leased by the Town of Valdese unless the golf cart has first been registered with the Town of Valdese and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this article.

(b) An initial registration and annual renewal fee in the amounts set forth in the Town of Valdese's Schedule of Fees will be charged by the Town of Valdese to cover the costs of implementing and maintaining this article.

(c) The owner of the golf cart shall complete an application provided by the Town of Valdese, and the golf cart shall be inspected by the Town of Valdese Police Department for compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart. To evidence that registration, the owner shall be issued an annual registration decal which shall be displayed on the driver side of the golf cart.

(d) In order to register a golf cart and secure an annual permit, the owner of the golf cart and the golf cart must meet the following requirements as applicable:

- (1) The owner must be at least eighteen (18) years old and possess a valid driver's license;
- (2) The owner must possess and maintain liability insurance in an amount not less than the minimum limits required by North Carolina state law for motor vehicles operated on public streets in the state (currently § 20- 279.221 of G.S. Ch. 20, Article 9A);
- (3) The golf cart must not have been modified to exceed a speed of twenty (20) mph; and
- (4) The golf cart must be limited to a maximum of three (3) rows of seats.

e) In order to register a golf cart and secure an annual permit, the golf cart must have the following safety features installed:

- (1) Two (2) operating front headlights, visible from a distance of at least two hundred fifty (250) feet;
- (2) Two (2) operating tail lights, with brake lights and turn signals, visible from a distance of at least two hundred fifty (250) feet;
- (3) A rear vision mirror;
- (4) At least one (1) reflector per side;
- (5) A parking brake;
- (6) A windshield;
- (7) Seatbelts for all seating positions on the golf cart; and
- (8) A rear "Slow Moving Vehicle" triangle reflector no less than 12 inches in height and width.

(f) Prior to the issuance of an initial permit or an annual renewal, the owner shall sign an acknowledgment as part of the application for permit that he/she has read and understands the provisions of this article.

(g) All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles that are not manufactured for operation on a golf course, and a golf cart that has been modified so that it no longer meets the definition of a golf cart, may not be registered as a golf cart under this article, nor shall such vehicles be operated on public streets within the Town of Valdese unless such vehicles are registered and permitted under the motor vehicle laws of the state.

Standards of operation.

(a) It is unlawful to operate a golf cart on a public street or public parking area within the Town of Valdese unless the following requirements are met:

- (1) The golf cart must display a valid annual registration decal issued by the Town of Valdese.
- (2) The operator of the golf cart must be at least eighteen (18) years of age and licensed to drive upon the streets, roads, and highways of the state, and the operator may operate the golf cart only in accordance with such driver's license. The operator must have the valid driver license in his/her possession while operating the golf cart.
- (3) The operator of the golf cart and each passenger must be properly seated while the golf cart is in motion. The seating capacity as designed for the golf cart shall not be exceeded. The operator of the golf cart shall be responsible for each passenger's compliance with this provision.
- (4) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than twenty (20) miles per hour.
- (5) Golf carts must be operated at the extreme right of roadway and must yield to all vehicular and pedestrian traffic.
- (6) No golf cart may be operated in a negligent, careless, or reckless manner.
- (7) Golf carts must be operated in accordance with all applicable state and local traffic laws and ordinances, including all laws, regulations, and ordinances pertaining to the possession and consumption of alcoholic beverages.
- (8) Golf carts are subject to the same parking regulations as traditional motor vehicles, and may be parked in the same manner and in the same places designated for the parking of traditional motor vehicles only.
- (9) Golf carts may be parked in handicapped parking spaces only if the operator has a valid handicapped placard or sticker and the same is clearly posted or displayed in the golf cart.
- (10) Golf carts may not be operated on any sidewalk or bicycle path, except for golf carts operated by governmental officials for official purposes.
- (11) Golf carts may not be used for the purpose of towing another cart, trailer, or vehicle of any kind, including a person on roller skates, skateboard, or bicycle.
- (12) The possession of open containers of alcohol and the consumption of alcohol by the operator or a passenger of a golf cart is prohibited and shall subject the operator and offending passenger(s) to enforcement of local and state law pertaining to such activity.

Penalties and remedies.

- (a) Any person violating the motor vehicle laws of the state that also apply to golf carts registered under this article shall be subject to the penalties prescribed in state law for said violation.
- (b) Any person who knowingly allows an underage driver to operate a golf cart shall be charged and subject to the penalties prescribed in state law for contributing to the delinquency of a minor.
- (c) Pursuant to the provisions of G.S. 160-175 and G.S. 14-4, any person violating the provisions of this article or failing to comply with any of its requirements shall be guilty of an infraction and required to pay a penalty of not more than fifty dollars (\$50.00) plus the costs of court. Operating a golf cart under the influence of an impairing substance on a public street is a violation of state law, and is punishable as provided therein.
- (d) The Town of Valdese may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the owner of the golf cart is involved in three (3) or more violations of this article and/or violations of state law within a three-year time period. Said revocation and/or denial of a permit shall be effective for one (1) year.
- (e) The Town of Valdese may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the owner of the golf cart is charged with operating a golf cart under the influence of an impairing substance, aiding and abetting the operation of the golf cart under the influence of an impairing substance, or operating a golf cart in a careless and reckless manner. Said revocation or denial of a permit shall be effective for one (1) year, unless the charge is dismissed or the owner or, if applicable, the operator is acquitted, in which event the permit shall be immediately reinstated or the application for the permit shall be approved if the conditions of this article have been met.
- (f) All revocation periods shall be effective from the date of the notification of revocation letter, provided that the revoked registration decal is surrendered to the police department within fourteen (14) days of the date of notification. If the revoked registration decal is not surrendered within fourteen (14) days, then the revocation shall be effective; however, the one (1) year period shall not begin until the date the registration decal is surrendered to, or seized by, the police department.
- (g) In addition to or in lieu of any other penalty herein provided, violation of any provision of this article shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) per violation.
- (h) In addition to or in lieu of any other remedy herein provided, the Town of Valdese may use any remedy provided for in G.S. 160A-175, including the ordering of appropriate equitable relief, including injunctions, or a combination of remedies.

Discussion: Councilman Ogle shared that he was looking into golf carts and wanted to look into an ordinance for the Town of Valdese. Chief Moss shared that he has spoken to several Towns and private communities that have a golf cart ordinance. Chief Moss's primary concern is the main roads in Valdese are our heaviest traveled roads, with some being State maintained roads, especially on Eldred, where there have been accidents. The other concern is the insurance on the golf cart. Chief Moss explained once they get a permit from the Police Department, they can drop the auto liability insurance after the first month, and Chief Moss is very concerned about that. Chief Moss does not feel like golf carts are safe traveling on our roads. Chief Moss is not opposed to the draft ordinance but feels if the State already has something in place, let them regulate it. Councilwoman Hildebran asked if this ordinance is approved for the Town of Valdese, would it have jurisdiction over those citizens that already have DMV approved golf carts that travel on the roads. Chief Moss said no. Councilwoman Hildebran has concerns around the safety of having more golf carts on the road and feels we would have to educate our citizens on the difference between a regular golf carts versus a DMV golf cart. Councilwoman Stevenson feels there are safety concerns and it would put a lot of work on the Police Department. After a brief discussion, the Town Council decided not to pursue a Town golf cart ordinance at this time.

RESOLUTION & ORDINANCE FOR LAKESIDE DRIVE – PUBLIC VEHICULAR AREA: Chief of Police Jack Moss presented the following proposed Resolution and Ordinance establishing Lakeside Drive as a public vehicular area. Chief Moss explained that this would allow the Town to regulate the speed limit on Lakeside Drive. There will be 20 mph speed limits signs placed along the road and a sign stating that it is an industrial entrance.

RESOLUTION ESTABLISHING LAKESIDE DRIVE
AS A PUBLIC VEHICULAR AREA, ESTABLISHING
A REASONABLE AND PRUDENT SPEED FOR LAKESIDE DRIVE, AND PROVIDING FOR PARKING
RESTRICTIONS

WHEREAS, the Town of Valdese is the owner of a paved road running from Lovelady Road to Lakeside Park in the Town of Valdese. This road also provides a means of ingress and egress to the Town

of Valdese Wastewater Treatment Plant. This road is known as and hereafter referred to as "Lakeside Drive"; and

WHEREAS, G.S. 20-4.01(32) defines a public vehicular area as any area that is used by the public for vehicular traffic at any time, including by way of illustration and not limitation, any road or parking lot upon the grounds and premises of parks maintained and supported by a subdivision of the State of North Carolina such as the Town of Valdese; and

WHEREAS, Lakeside Drive provides the sole means of ingress and egress to and from Lakeside Park; and

WHEREAS, the town council desires to confirm that Lakeside Drive is part of Lakeside Park and therefore a public vehicular area as defined by G.S. 20-4.1(32); and

WHEREAS, G.S. 20-141(a) provides that no person shall drive a vehicle on a public vehicular area at a speed greater than is reasonable and prudent; and

WHEREAS, the town council of the Town of Valdese, with advice from the Valdese Police Department, has determined that any person driving a vehicle on Lakeside Drive at speed greater than 20 mph would be driving on that public vehicular area at a speed that is greater than is reasonable and prudent; and

WHEREAS, one or more 20 mph speed limit signs should be erected along Lakeside Drive to make the public aware that exceeding a speed of 20 mph on Lakeside Drive is considered to be driving at a speed greater than is reasonable and prudent,

NOW, THEREFORE, THE TOWN COUNCIL ADOPTS THE FOLLOWING ORDINANCE as Article U of Part 7 of the Code of Ordinances:

ARTICLE U

Section 7-1250

Lakeside Drive is a public vehicular area.

The paved road known as Lakeside Drive, which runs from Lovelady Road to Lakeside Park, is part of Lakeside Park. Lakeside Drive is therefore a public vehicular area. (see G.S. 20-4.01(32)(1)).

Section 7-1251

Presumption of G.S. 20-141(a) violation.

The town council, upon recommendation of the Valdese Police Department, finds that driving on Lakeside Drive at a speed greater than 20 mph would be operating a vehicle at a speed greater than is reasonable and prudent. It is therefore presumed that any person operating a vehicle on Lakeside Drive at a speed greater than 20 mph would be violating G.S. 20-141(a).

Section 7-1252

Erecting speed signs.

One or more 20 mph maximum speed signs shall be installed along Lakeside Drive to provide notice to the public that operating a vehicle on Lakeside Drive at a speed greater than 20 mph is presumed to be operating at a speed greater than is reasonable and prudent in violation of G.S. 20-141(a).

Section 7-1253

Parking.

No person shall park a motor vehicle on or along the side of Lakeside Drive or on any other part of Lakeside Park except in those parking areas established and marked as such by the Town of Valdese. In addition to all other available remedies, a violation of this section is punishable as provided in Section 7-1230. The owner of a vehicle parked in violation of this section shall be deemed to have appointed any appropriate law enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle.

Adopted the 5th day of October, 2020.

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

ATTEST: /s/ Town Clerk

Councilman Ogle made a motion to adopt the aforementioned resolution and ordinance, seconded by Councilman Sweezy. The vote was unanimous.

AWARD OF BID – LAKESIDE PARK PHASE I: Parks and Recreation Director Doug Knight presented Council with an award of bid for the construction contract of phase I. Mr. Knight shared that in 2018 the Town acquired a 300-acre tract of land along Lake Rhodhiss with the intention of a future park area with trails and other outdoor features. Since that time, the Friends of the Valdese Recreation and Town staff have teamed up with Destination by Design to develop a plan for Lakeside Park. Mr. Knight explained that the park design and engineering have been completed over the past several months and went out for bids in September 2020. Due to the size of the project, it required a formal sealed bid process. Mr. Knight said

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that four bids came in. Mr. Knight introduced Alex Gotherman, Urban Designer & Planner with Destination by Design, who presented the following presentation to Council.

LAKE SIDE PARK

Lakeside Park Design and Bidding Update

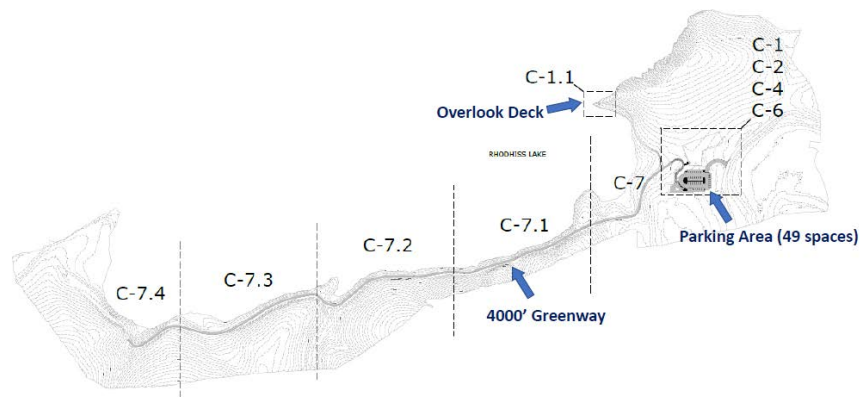
Alex Gotherman, PLA,
Director of Design

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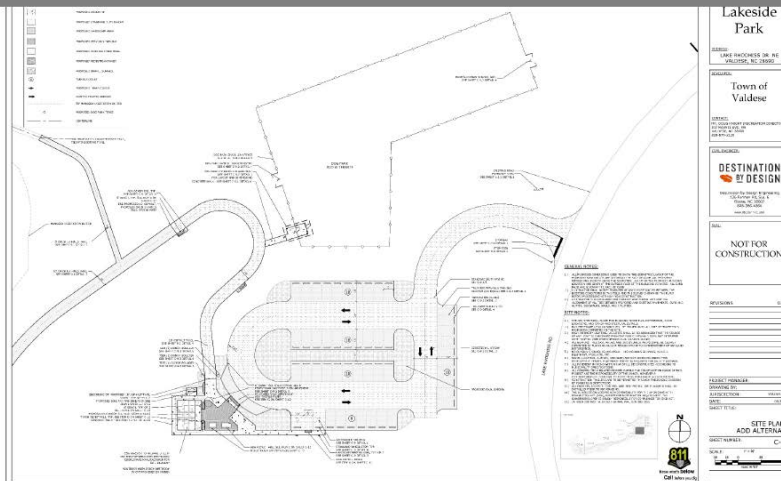
DESTINATION
BY DESIGN



Project Extents

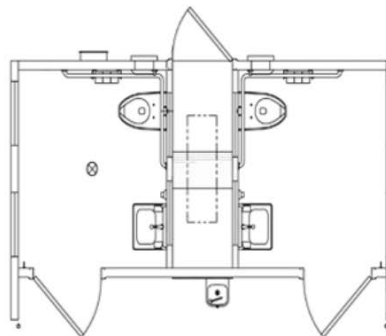


Visitor Orientation Area





\$75,000



Original Signage

Kiosk



- Wood and Steel base with Digital High-Pressure Laminate Panel

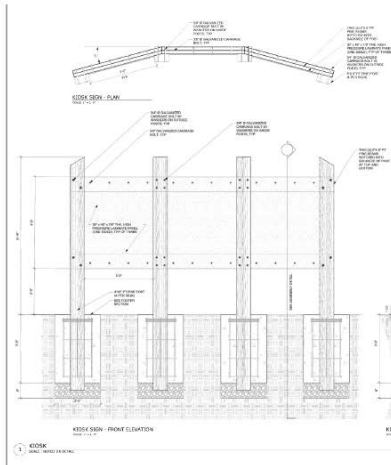
Entrance Sign



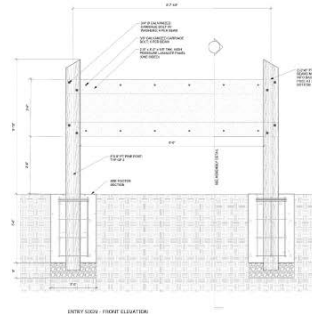
- Entrance Sign
 - Temporary Park Entrance Sign
 - Material – Outdoor Canvas
 - Fence or Metal Frame Mounted

Signage

Kiosk



Entrance Sign



Furnishings



- Benches
 - Sitescapes – 6' FUSE Backed
 - Material – IPE or Recycled Plastic with Black Recycled Steel

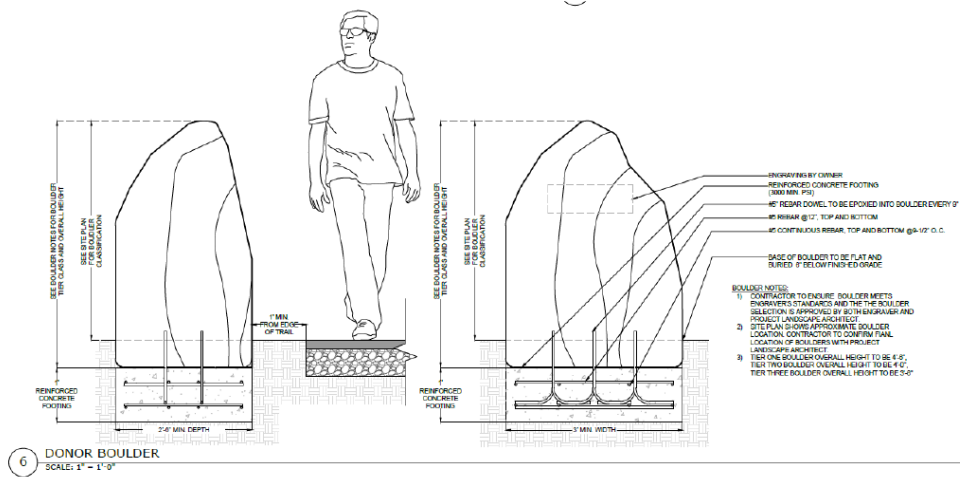


- Picnic Tables
 - Sitescapes – 8" Avondale
 - Material – IPE or Recycled Plastic with Black Recycled Steel footings
 - ADA Accessible Table



- Trash Receptacles
 - Avondale IPE

Donor Boulders



Overlook



Overlook



Budget Considerations

1. Upgraded Entry Plaza
2. Enlarge Parking Area to 49 spaces
3. Trail Measures to meet ADA 5% Grade
4. 200 LF Asphalt Trail @ Switchback
5. Signage Upgrades
6. Donor Monuments
7. Dog Park: Led by Friends of Valdese Recreation
8. Kayak Launch: Currently Pursuing Additional Funding & Partners



Requested Action



Enter contract with Patton Construction Group, Inc. for \$513,800 to construct the overlook deck, parking lot, restroom pad, signage, 4000' of greenway, donor monuments, and other items provided within construction document package.



Mr. Knight explained that the kayak launch would be under a separate contract, and it is currently being reviewed by the Wildlife Resource Commission to hopefully complete this project.

Beth Heile shared that Farris Insurance group would like to help with the Dog Park that is separate from the award of bid. In addition, Friends of the Valdese Rec has applied for grants that would give us items to place in the dog park. Ms. Heile also shared that Diana Crawford gave a large donation to the Dog Park.

Mr. Knight recommends awarding the bid to the lowest bidder, Patton Construction Group, Inc., in the amount of \$482,300 for the base bid, \$31,500 for the Overlook Deck, making the total contract \$513,800. Other bids were as follows:

|  | | | | | |
|--|---------------|---------------|---------------|---------------|------|
| BID TABULATION 9/28/2020 | | | | | |
| Organization: Town of Valdese Project Title: Valdese Lakeside Park | | | | | |
| BIDDERS (Name GC): Patton Construction Group, Inc. Wilkie Construction Company SE, LLC Eagle Wood, INC Baker Grading & Landscaping | | | | | |
| Rank: | (1) | (2) | (3) | (4) | (5) |
| BID ITEMS: | | | | | |
| Base Bid | \$ 482,300.00 | \$ 631,000.00 | \$ 727,023.00 | \$ 945,000.00 | |
| DEDUCTIVE ALTERNATES: | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| ADDITIVE ALTERNATES: | | | | | |
| (1) Dog Park | \$60,600.00 | \$49,460.00 | \$67,460.00 | \$30,000.00 | |
| (2) Overlook Deck | \$31,500.00 | \$39,420.00 | \$37,230.00 | \$100,000.00 | |
| (3) Parking Lot | \$93,600.00 | \$107,100.00 | \$63,000.00 | \$50,000.00 | |
| Sub-total: | \$ 185,700 | \$ 195,980 | \$ 167,690 | \$ 180,000 | \$ - |
| Bid total | | | | | |
| (Base Bid + Alternates) | \$ 668,000 | \$ 826,980 | \$ 894,713 | \$ 1,125,000 | \$ - |
| Explanation of Rejected Bidder(s): | | | | | |
| I certify that this is a true tabulation of bids received. <div style="display: flex; justify-content: space-between;"> <div>  Charles A. Gotherman Destination by Design Studios, PLLC </div> <div> 9/28/2020 Date </div> </div> | | | | | |

Mayor Black reminded Council that no Town funds had been used on this project.

Councilman Ogle made a motion to award the bid to Patton Construction in the amount of \$513,800, Councilman Thompson seconded. The vote was unanimous.

Councilwoman Hildebran thanked the staff, Beth Heile, and the Friends of the Valdese Rec for putting so much into this project.

Town Manager Seth Eckard has talked to the contractor and expects the project to be completed in nine months with construction beginning in 2021.

CAPITAL PROJECT ORDINANCE – WATER DISTRIBUTION SYSTEM ASSESSMENT: Finance Director Bo Weichel presented the following Capital Project Ordinance:

TOWN OF VALDESE
WATER DISTRIBUTION SYSTEM ASSESSMENT
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the **Water Distribution System Assessment (H-AIA-D-20-**

0203). The project is to be financed by Town of Valdese contributions in addition to a State Reserve Grant.

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

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

| Source | Amount | Assigned Account Number |
|-------------------|---------------|--------------------------------|
| Town Contribution | \$ 2,250 | 62.3480.000 |
| State Grant | 150,000 | 62.3480.001 |
| | ----- | |
| | \$ 152,250 | |
| | ===== | |

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

| Source | Amount | Assigned Account Number |
|-----------------------|---------------|--------------------------------|
| Professional Services | \$ 150,000 | 62.8100.040 |
| Grant Fee | 2,250 | 62.8100.570 |
| | ----- | |
| | \$ 152,250 | |
| | ===== | |

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

Section 6. Funds may be advanced from the Utility Fund for the purpose of making payments as due.

Section 7. The finance officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 8. The budget officer is directed to include a detailed analysis of the past and future cost and revenues on this project in every budget submission made to this board.

Section 9: Copies of this project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 5th day of October, 2020.

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

ATTEST: /s/ Town Clerk

Councilman Ogle made a motion to approve the aforementioned capital project ordinance, seconded by Councilwoman Stevenson. The vote was unanimous.

CAPITAL PROJECTS ORDINANCE AMENDMENTS: Finance Director Bo Weichel presented the following Capital Project Ordinance Amendments:

Valdese Town Council Meeting

Monday, October 5, 2020

Capital Project Ordinance Amendment # 1-59

Subject: Main St. Waterline Replacement

Description: To amend capital project ordinance Fund 59
The original CPO was approved at the January 7, 2019 meeting.
In accordance with the lower than projected bid amount awarded and authority to award letter from the Division of Water Infrastructure, this will decrease the original CPO and reallocate other budget figures.

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 |
|-------------|----------------------------|--------------------|---------------------|
| 59.3480.001 | DWSRF Loan | 74,064 | |
| 59.3970.002 | Transfer from Utility Fund | 1,481 | |
| | | | |
| | Total | \$75,545 | \$0 |

Amounts appropriated for capital projects are hereby amended as follows:

| Account | Description | Increase/ Debit | Decrease/ Credit |
|-------------|--------------------|--------------------|---------------------|
| 59.8120.040 | Engineering Design | 30,000 | |
| 59.8120.042 | Loan Admin Fee | | 1,481 |
| 59.8120.045 | ER/EID Prep | 5,000 | |
| 59.8120.760 | Construction | | 309,064 |
| 59.8120.761 | Contingency | 200,000 | |
| | Total | \$235,000 | \$310,545 |

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, October 5, 2020

Capital Project Ordinance Amendment # 2-41

Subject: To amend capital project ordinance Fund 41:
PUBLIC ART
This recognizes a recent Rostan donation for public art to balance the project fund.

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 |
|-------------|-----------------|--------------------|---------------------|
| 41.3970.003 | Rostan Donation | | 14,000 |
| | | | |
| | Total | \$0 | \$14,000 |

Amounts appropriated for capital projects are hereby amended as follows:

| Account | Description | Increase/ Debit | Decrease/ Credit |
|-------------|-------------|--------------------|---------------------|
| 41.4350.740 | Public Art | 14,000 | |
| | | | |
| | Total | \$14,000 | \$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.

Capital Project Ordinance Amendment # 3-35

Subject: Public Safety building

Description: To amend capital project ordinance Fund 35
This balances the budget for the project in accordance with the approved contract with CBSA Architects

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 |
|-------------|---------------------|--------------------|---------------------|
| 35.3480.000 | Transfer to Project | | 250,017 |
| | | | |
| | Total | \$0 | \$250,017 |

Amounts appropriated for capital projects are hereby amended as follows:

| Account | Description | Increase/ Debit | Decrease/ Credit |
|-------------|-----------------------|--------------------|---------------------|
| 35.5300.040 | Professional Services | 250,017 | |
| | | | |
| | Total | \$250,017 | \$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.

Capital Project Ordinance Amendment # 2-55

Subject: 2018 Water System Improvements

Description: To amend capital project ordinance Fund 55
The original CPO was approved at the August 6, 2018 meeting.
In accordance with change orders 1 through 8 approved by the Division of Water Infrastructure, this amendment is necessary to close out the project for completion.

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 |
|-------------|----------------------------|--------------------|---------------------|
| 55.3480.002 | DWSRF Loan (zero interest) | | 39,700 |
| | | | |
| | Total | \$0 | \$39,700 |

Amounts appropriated for capital projects are hereby amended as follows:

| Account | Description | Increase/ Debit | Decrease/ Credit |
|-------------|--------------|--------------------|---------------------|
| 55.8120.761 | Construction | 39,700 | |
| | | | |
| | Total | \$39,700 | \$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 capital project ordinance amendments, seconded by Councilwoman Hildebran. The vote was unanimous.

BUDGET AMENDMENT: Finance Director Bo Weichel presented the following Budget Amendment:

Valdese Town Council Meeting

Monday, October 5, 2020

Budget Amendment #

2

Subject:

Improvements to vacant lot near Splash Pad

Description:

Last fiscal year, the Town was gifted \$7,000 by the Rostan Foundation for use at Recreation for land improvements at the lot near the splash pad. At the end of the fiscal year there was an unused balance remaining of \$1,893. This amendment pulls this out of fund balance to be used this year for further improvements at the empty lot.

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 | | 1,893 |
| | | | |
| Total | | \$0 | \$1,893 |

Amounts appropriated for expenditure are hereby amended as follows:

| Account | Description | Increase/ Debit | Decrease/ Credit |
|-------------|----------------|--------------------|---------------------|
| 10.6250.740 | Capital Outlay | 1,893 | |
| | | | |
| Total | | \$1,893 | \$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 budget amendment, seconded by Councilman Thompson. The vote was unanimous.

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

Old Colony Players production of The Crucible is scheduled for October 9-10, 16-17, and 23-24, 2020. Visit www.oldcolonyplayers.com for location information and to purchase tickets.

Treats Thru the Streets is scheduled for Friday, October 30th, 2020, from 3:00-6:00 p.m. The start time recently changed from 4:00 p.m. to 3:00 p.m. to accommodate travel time.

MAYOR AND COUNCIL COMMENTS: Councilman Ogle shared his concerns with seeing someone pushing a grocery cart full of items near Children's Park towards Town. Chief of Police Jack Moss explained that he is familiar with this person, and he does pass through the Town and travels from Hildebran to Morganton and is not causing any problems.

Councilwoman Hildebran asked for an update on 909 Main Street. Planning Director Larry Johnson shared that the Code Enforcement Officer Todd Justice has made several attempts to contact the estate administrator and has not had any luck. Mr. Justice is moving forward with starting the violation process over. Mr. Johnson feels that it will be the first part of next year before anything can be done. Councilwoman Stevenson asked Mr. Johnson for an update on the house on the corner of Walnut and Laurel Street. Mr. Johnson shared that he has a meeting with the owners coming up, and it is still in the plan to move forward with CBDG funds.

Councilman Sweezy thanked the volunteers with Friends of the Valdese Rec for keeping the Lakeside Park trails mowed and trimmed.

Councilwoman Stevenson recognized the Town businesses that were listed in the Best of Burke awards. Councilwoman Stevenson expressed her gratitude to the employees of the Town for all that they are doing. Councilwoman Hildebran asked Town Manager Seth Eckard if there was anything we can do to recognize the employees to show our appreciation. Mr. Eckard shared that there are some ideas are being discussed.

ADJOURNMENT: At 7:31 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilman Sweezy. The vote was unanimous.

The next regular Council meeting is scheduled for Monday, November 2, 2020.

Town Clerk
jl

Mayor