

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

The Town of Valdese Town Council met on Monday, November 2, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilwoman Frances Hildebran, 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 Police Chief Jack Moss.

Absent: Councilwoman Susan Stevenson and Councilman Keith Ogle

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:

ALAN WOOD – EXECUTIVE BOARD FOR BURKE COUNTY UNITED WAY: Mr. Wood presented the following Proclamation:

**Proclamation
Burke County, NC Nonprofit Day
(aka 1BurkeGives)**

Whereas, charitable nonprofit organizations throughout Burke County save taxpayers thousands of dollars through their services and contribute significantly to the high quality of life for all citizens; and

Whereas, these organizations are committed to serving the educational, cultural, civic, health, religious, human service, recreational, philanthropic, environmental, and other diverse needs of Burke County; and

Whereas, the staff and volunteers of all Burke County nonprofit organizations are dedicated to upholding the highest standards of community service, donating their time and effort to making a difference in the lives of others; and

Whereas, Tuesday, December 1, 2020 observance of "Burke County, NC Nonprofit Day" (aka 1BurkeGives) provides a unique opportunity for the citizens of Burke County to join together in appreciation and support of the many contributions made by nonprofit organizations to our continued wellbeing while boosting awareness for continued growth.

Now, therefore, I, [elected official], [official title], do hereby proclaim Tuesday, December 1, 2020 as Burke County, NC Nonprofit Day (aka 1BurkeGives) and encourage all citizens to recognize the positive impact nonprofit organizations have on the quality of life of the citizens of Burke County.

Mr. Wood shared that this is open to all non-profits in Burke County. There will be several awards for the non-profits that have the most giving during a particular hour on December 1st, 2020.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF OCTOBER 5, 2020

APPROVED ELECTRIC LINE EASEMENT AT BURKE BUSINESS PARK

**November 2, 2020, MB#31
ELECTRIC LINE EASEMENT
BURKE COUNTY**

THIS ELECTRIC LINE EASEMENT is dated the ____ day of _____, 2020, and is between BURKE PARTNERSHIP FOR ECONOMIC DEVELOPMENT INC., hereinafter called the "Grantor" and the CITY OF MORGANTON, a municipal corporation located in Burke County, North Carolina, herein referred to as the "Grantee";

WITNESSETH:

The Grantor is the owner in fee simple of those tracts of real property described in deed recorded in Deed Book 1465, at Page 320 of the Burke Registry, also identified as Burke County Tax Parcels (PIN) 1762617148, 176200393 and 1762603031 (the "Premises"); and

The Grantee City of Morganton owns and operates a municipal water system which already serves the Premises, but which cannot currently provide adequate fire protection for potential industrial development, so that a new elevated water tank is to be erected on the Premises, upon a small tract to be conveyed to the Grantee; and

The Grantee City also owns and operates a municipal electric power distribution system, and the parties hereto desire that system to provide electric service to the new elevated water tank and its associated infrastructure; and

To enable construction and operation of the new City electric line to serve the water tank site, Grantor must grant a permanent easement across its Premises, which shall be 40 feet in width for the portions where the line will be above-ground, and 20 feet in width for the portions to be below-ground; and

The Grantor corporation is owned and controlled by the County of Burke, the City of Morganton, and the Towns of Valdese, Drexel, and Rutherford College, and the governing bodies of all those entities have given their approval to the granting of this Easement.

THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby bargain, sell and convey unto the Grantee, its successors and assigns, a permanent easement for electric transmission lines and necessary appurtenances and infrastructure, including the operation, maintenance, repair and replacement of the same, said easement being and extending 20 feet on either side of and parallel to the following described centerline, except where a narrower easement is specified:

BEGINNING on a point in the common line between Grantor and Wanda Faye Jenkins property described in Book 1860, Page 757, said beginning point being located North 53° 35' 59" West 24.16 feet from a ¾" existing iron pipe, common corner of Grantor Jenkins and property of Lillian F. Harris, et al described in Deed recorded in Book 1930, at Page 916, and from said beginning point runs thence South 2° 16' 08" West 13.16 feet to a point near a sanitary sewer manhole; thence South 4° 32' 25" West 295.89 feet to a point; thence South crossing a branch twice South 58° 22' 00" West 640.93 feet to a point; and continuing as an easement 20 feet in width and being 10 feet on either side of and parallel to the following described center line; thence along the arc of a circle having a radius of 1,478.13 feet, chord bearing South 21° 24' 47" West, chord length 195.96 feet for an arc distance of 196.11 feet to a point; thence South 25° 12' 49" West 303.38 feet to a point; thence along the arc of a circle having a radius of 516.99 feet, chord bearing South 42° 43' 08" West, chord length 311.01 feet for an arc distance of 315.91 feet to a point near a catch basin; thence along the arc of a circle having a radius of 148.77 feet, chord bearing South 21° 56' 44" West, chord length 184.32 feet for an arc distance of 198.78 feet to a point located South 54° 55' 06" East 105.82 feet from a 5/8" existing iron rod; thence continuing with the margin of the proposed 60 foot road, South 16° 20' 00" East 315.01 feet to a point; thence crossing the proposed road and along the arc of a circle having a radius of 78.92 feet, chord bearing South 24° 36' 10" West, chord length 103.42 feet for an arc distance of 112.77 feet to a point; thence South 65° 32' 20" West 167.76 feet to a point in a fence line, boundary of the water tank site to be conveyed to the City of Morganton, all as shown on that survey for the City of Morganton prepared by David Mark Huffman, NCPLS, dated October 22, 2020.

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TO HAVE AND TO HOLD the above described permanent easement together with all rights and privileges thereunto belonging unto the said Grantee and its successors and assigns forever, but subject to the following general conditions:

(a) Grantor shall have the right to use the surface of the easement for any purposes which are not inconsistent with any utility facilities installed or located within the easement.

(b) In the event the Grantee installs utility lines or other facilities within the above described easement, the Grantee shall restore the surface area and repair any damage to its original condition in as reasonable manner as possible, except that the Grantee shall not be required to replace structures or other permanent improvements made by the property owners within the area of the right-of-way, nor replace trees or other vegetation damaged in the course of installing or repairing utility lines and drainage facilities installed within the easement.

IN WITNESS WHEREOF, the Grantor has caused this utility easement to be executed and become effective as of the date first above set out.

GRANTOR:

BURKE PARTNERSHIP FOR ECONOMIC DEVELOPMENT INC.

By: _____
President

Attest:

Secretary

GRANTEE:

CITY OF MORGANTON

By: _____
Mayor

Attest:

Clerk

Councilman Sweezy 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

PRESENTATION OF SAFETY AWARDS: Mayor Black tabled this item to the December 7th, 2020 meeting.

WPCOG CODE ENFORCEMENT UPDATE: WPCOG Code Enforcement Officer Todd Justice provided Council with an update on completed and current code enforcement cases. Mr. Justice shared that there have been 37 action items since he started in January 2020.

OCT 2020 - CODE ENFORCEMENT ACTIONS TRACKER
 CEO Todd Justice, 828-485-4264, todd.justice@wpcog.org

	Address	Status	Mailed NOV/Cit/Order	Category	Violation	Current Status	Latest Activity/Date	Next Suspense
1	832-Cline-Ave	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
2	330 Sterling St	-	Y/N/N	Min Housing	Min Housing	On hold per order of TM	-	-
3	808 Colonial ST	-	Y/Y/N	Nuisance, AJNMV	Junk and Debris, Junk Veh	Order to Remove	20-Oct-20	-
4	161 Laurel Ave	-	Y/N/N	Non-Res-Min	Min Standards for roof	Resolved	-	-
5	401-Bass-St	-	Y/N/Y	Nuisance, AJNMV	Junk-and-Debris, Junk-Veh	Resolved	-	-
6	708 Church St	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
7	708 Church St	-	Y/N/N	AJNMV	2-junk-vehicles	Resolved	-	-
8	909 Main St	-	Y/N/Y	Nuisance	Overgrown	Resolved	-	-
9	909 Main St	-	Y/N/Y	Min Housing	Min Housing	NOV Issued	Hearing 4 NOV 2020	-
10	804-Carolina-St	-	Y/N/N	Nuisance, AJNMV	Junk-and-Debris, Junk-Veh	Resolved	-	-
11	1300-Carolina-St	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
12	1436 Main St	-	Y/N/N	Nuisance	Junk and Debris	NOV Issued	Extended	31OCT2020
13	1436 Main St	-	Y/N/N	AJNMV	Junk Vehicle	Resolved	-	-
14	725-Tron-Ave	-	Y/N/N	AJNMV	2-Junk-Vehicles	Resolved	-	-
15	1017-Praley-St-SW	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
16	805 Carolina St	-	Y/N/N	Non-Res Min	Dilapidated outbuildings	Pending demolish	Owner working, extended	1NOV2020
17	520 Walnut Ave	-	Y/N/N	Min Res	Needs roof/paint	NOV mailed	Town will handle	-
18	102 Meytre Ave	-	Y/N/N	Nuisance	Overgrowth	Resolved	-	-
19	321 Becker St	-	Y/N/N	Nuisance	Overgrowth	Resolved	-	-
20	3305 Holly Hill	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
21	216 Columbo St	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
22	216 Columbo St	-	Y/N/N	AJNMV	Junk Vehicles	Resolved	-	-

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23	708 Church St	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
24	708 Church St	-	Y/N/N	Res-Min-Housing	No-Power	Resolved	-	-
25	630 Perkins Rd	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
26	616 Lincoln St	-	Y/N/N	AJNMV	Junk-Vehicle	Resolved	-	-
27	814 Cline Ave	-	Y/N/N	Nuisance	Overgrowth	Resolved	-	-
29	408 Pineburr Ave	-	Y/N/N	Nuisance	Overgrowth	Resolved	-	-
30	3386 Holly Hills	-	Y/N/N	Nuisance	Overgrowth	Resolved	-	-
31	5388 Montaya View Ct	-	Y/N/N	Nuisance	Overgrowth	Resolved	-	-
32	719 Hickory Ave	-	Y/N/N	AJNMV	Junk-Vehicle	Resolved	-	-
33	601 Carolina	-	Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
34	305 Roderet	-	Y/N/N	Nuisance	Junk and Debris, Junk Veh	NOV Issued	1-Sep-20	18SEP2020
35	817 Woodlawn	-	Y/N/N	Nuisance	Junk and Debris, Junk Veh	NOV Issued	8-Oct-20	30OCT2020
36	819 Woodlawn	-	Y/N/N	Nuisance	Junk and Debris, Junk Veh	NOV Issued	8-Oct-20	30OCT2020
37	605 Cline	-	Y/N/N	AJNMV	Junk Vehicles	NOV Issued	23-Sep-20	16OCT2020
Key								
				Resolved/Abated	NOV = Notice of Violation			
				Owner Notified, proceeding	Cit = Citation, usually \$50 a day for 15 days			
				New violation	Order = Order to Remove, Repair or Demolish			

Mr. Justice noted that at 808 Colonial St. the owner is a hoarder and has filled up her carport and front porch with boxes. The boxes in the carport have been covered by tarps. There are also old vehicles in the yard. Mr. Justice explained that Code Enforcement had sent numerous notices to her over the last few years. The next step is to determine if we want to fine her or get a court order to clean up the property. Councilwoman Hildebran expressed her concern with this home because she has received multiple calls for years. Councilwoman Hildebran wants to move forward with cleaning up this home based on the comments and calls she has received.

Mr. Justice explained to Council that 909 Main Street is still pending due to the property owner's death. The property owner's sister is trying to get her matters in order to sell the home. Mr. Justice shared that he has given her another month. Councilwoman Hildebran expressed her concern with this property and wants to move forward with Code Enforcement on this home. Mr. Justice understands her concern but noted that all the delays on this property had been legitimate, and we have to follow the process.

Mayor Black clarified that the Town was not handling 250 Walnut Ave. but the Town was working with WPCOG to get CDBG (Community Development Block Grants) funds to make improvements to the home. Mayor Black also asked Mr. Justice about the back of 408 Pineburr (Pineburr Mill). Mr. Justice shared that

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a real estate company managed that property in Asheville. Mr. Justice said he would revisit and look into this property.

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

The Lakeside Park Groundbreaking Ceremony will be held on Thursday, November 5th, 2020, at 1:15 p.m. This event is invitation-only due to COVID-19 restrictions.

The Downtown Merchants Dinner scheduled on Tuesday, November 10th, 2020, has been canceled due to COVID-19.

Town Offices will be closed on November 11th, 2020, in observance of Veterans Day and November 26th and 27th, 2020, in observance of Thanksgiving.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran thanked Mayor Black for the letter he wrote to the citizens regarding COVID-19 published on the Town's social media page.

ADJOURNMENT: At 6:21 p.m., there being no further business to come before Council, Councilman Sweezy made a motion to adjourn, seconded by Councilman Thompson. The vote was unanimous.

The next regular Council meeting is scheduled for Monday, December 7th, 2020.

Town Clerk

Mayor

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