### TOWN OF VALDESE TOWN COUNCIL REGULAR MEETING NOVEMBER 1, 2021

The Town of Valdese Town Council met on Monday, November 1, 2021, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilwoman Susan Stevenson, Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Town Clerk Jessica Lail, and various Department Heads.

Absent:

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:**

VALDESE LAKESIDE PARK RIBBON CUTTING – BETH HEILE, 5291 MINERAL SPRINGS MTN AVE., VALDESE: Ms. Heile invited all to the Valdese Lakeside Park Ribbon Cutting for the Phase I Construction Project. The Ceremony will take place on Tuesday, November 23<sup>rd</sup>, 2021, at 1:15 p.m. gathering time, 1:30 p.m. start time. Ms. Heile thanked the Council for helping make this project happen.

<u>DATA-BASED DECISION-MAKING – GLENN HARVEY, 801 MICOL AVE NE, VALDESE:</u> Mr. Harvey thanked the Council for their service to the Town. Mr. Harvey addressed the incoming Council members and talked about Data-based decision-making common in business and local governments that can be used for strategic planning, surveys, etc. Mr. Harvey recalls three controversial topics: Food Trucks, Public Safety Building, and the Friday Night Concert Series location that could be used in data-based decision-making. Mr. Harvey feels the Town could save money and time if it would require solid data and justification coming before the Council.

<u>APPRECIATION TO TOWN – CARLA BERRY, 204 COLOMBO ST. NW, VALDESE:</u> Ms. Berry thanked the Council for all their hard work and knows that it is not easy. Ms. Berry said she has confidence in the Council and the decisions they make. Ms. Berry also shared that she will be refreshing the benches in Town.

**RESOLUTION OF APPRECIATION FOR MARC MITCHELL**: Mayor Black shared that this was Town Attorney Marc Mitchell's last meeting due to his retirement. Mayor Black presented the following Resolution of Appreciation to Town Attorney Marc Mitchell:

WHEREAS, Marc Mitchell began his service as Town Attorney to the Town Council on April 6, 1987; and

**WHEREAS**, for the past 34 years Marc Mitchell has served the Town of Valdese with distinction as a committed and dedicated Town Attorney; and throughout those years the Council and staff have relied on his knowledge and wisdom to guide us through complicated legal issues and preserve our democratic process; and

**WHEREAS**, his services as Town Attorney were complimented by his exemplary dedication to the community, working tirelessly for the betterment of its cultural and aesthetic development, including his involvement in the Valdese Public Art Commission; and

**WHEREAS**, Marc Mitchell has demonstrated high ethical standards, professionalism, attention to detail and thorough preparation in his role as Town Attorney, and has earned the admiration, respect and affection of his fellow public servants, who are proud to call him "friend."

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Valdese as we take this occasion to express honor, respect, and admiration to **Marc Mitchell** for his outstanding contributions to the Council, Staff and Citizens of Valdese.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Valdese, North Carolina, hereby expresses its sincere appreciation and gratitude to Marc Mitchell for his leadership and guidance to the Town of Valdese during the past 34 years as its Town Attorney and extends congratulations and best wishes as he begins a new chapter in his life.

Adopted this the 1 day of November, 2021.

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

ATTEST: /s/ Town Clerk

**CONSENT AGENDA:** (enacted by one motion)

### **APPROVED REGULAR MEETING MINUTES OF OCTOBER 4, 2021**

APPROVED REQUEST TO SELL ALCOHOL DURING TOWN EVENT AT THE OLD ROCK SCHOOL: Request from Waldensian Style Wines to sell wine at the Christmas in November Craft & Gift Show event on Friday, November 12<sup>th</sup>, 2021, from 4:00 p.m. to 8:00 p.m. and Saturday, November 13<sup>th</sup>, 2021, from 9:00 a.m. to 2:00 p.m., Waldensian Room at the Old Rock School.

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

### **End Consent Agenda**

ITEMS REMOVED FROM CONSENT AGENDA: None

<u>APPROVED APPOINTMENT OF NEW TOWN ATTORNEY:</u> Mayor Black shared that he appointed a committee to look at several attorneys appropriate for the Town. Mayor Black shared that the committee chose Timothy Swanson with Young, Morphis, Bach & Taylor, LLP. Councilman Ogle explained that it was a hard decision because three of them had a lot of experience working with Local Governments.

### YOUNG, MORPHIS, BACH & TAYLOR, LLP

ATTORNEYS AT LAW

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WAYNE M. BACH
TERRY M. TAYLOR \*
PAUL E. CULPEPPER
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♦ CERTIFIED MEDIATOR

• BOARD CERTIFIED SPECIALIST IN
REAL PROPERTY LAW-RESIDENTIAL,
BUSINESS, COMMERCIAL &
INDUSTRIAL TRANSACTIONS

October 4, 2021

### VIA U.S. MAIL AND E-MAIL

Town of Valdese c/o Seth Eckard, Town Manager 102 Massel Avenue SW Valdese, NC 28690 E-mail: seckard@valdesenc.com

RE: Engagement Letter

Dear Mr. Eckard:

I am pleased to have the opportunity to serve as the Town of Valdese's attorney. At the outset of any engagement it is appropriate to confirm in writing the nature of the engagement and the terms of representation, and that is the purpose of this letter. Should you have any questions about this letter or any of its provisions, please do not hesitate to call me. Otherwise, this letter will represent the terms of our attorney-client agreement.

My objective is to provide high quality legal services to my clients at a fair and reasonable cost. The attorney-client relationship is one of mutual trust and confidence. Should you have any questions at all concerning the terms of this engagement or our ongoing representation of the Town, I invite your inquiries.

Let me take a moment to address the professional ethics that will govern my representation. As a matter of professional responsibility, I am generally required to preserve the confidences and secrets of my clients. This professional obligation and the legal privilege for attorney-client communications exist to encourage candid and complete communication between a client and his/her lawyer. I can perform truly beneficial services for the Town only if I am aware of all information that might be relevant to my representation. Consequently, I trust that my attorney-client relationship with the Town will be based on mutual confidence and unrestricted communication that will facilitate my proper representation of the Town.

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Letter to Town of Valdese October 4, 2021 Page 2

In addition, the Town representatives should be aware that my attorney-client relationship will be with the Town and not with its individual representatives. Thus, with respect to work performed under this Engagement Letter, my professional responsibilities will be owed to the Town. Of course, I can and will be happy to represent individual representatives of the Town and members of the community in matters that do not conflict with the interests of the Town.

Our firm will bill the Town of Valdese monthly for legal services rendered and out-ofpocket costs incurred on the Town's behalf during the immediately preceding month. Payment is
due within thirty (30) days of its mailing date. The statements shall include the amount, rate,
basis of calculation or other method of determination of the fees and costs, which costs will be
clearly identified by item and amount. Each monthly statement will include an itemized
description of out-of-pocket costs advanced by our firm on behalf of the Town. The costs and
expenses commonly include postage, photocopying and other reproduction costs, travel costs
including parking, mileage, transportation, meals and hotel costs, filing fees, litigation expenses,
investigation expenses, consultants' fees, professional, mediator, arbitrator and/or special master
fees and other similar items. All costs and expenses will be charged at our firm's actual cost. We
endeavor to provide as much billing information as required and in the form desired, and are
willing to discuss any particular billing format that suits the Town's needs.

For purposes of determining our firm's fees, we periodically assign to each lawyer in our firm an hourly rate, based upon his or her ability, experience, and reputation. Our firm's base billing rates range from \$250.00 to \$350.00 per hour for partners, \$150.00 to \$200.00 per hour for associates, and \$85.00 to \$125.00 per hour for law clerks, legal assistants and paralegals. I will have primary responsibility in the representation of the Town. My normal billing rate is \$300.00 per hour, but I have agreed to bill at a reduced hourly rate of \$235.00 per hour for all work performed under this Engagement Letter. My paralegal, Kayla Wallace, bills at \$125.00 per hour. All time is charged in units of one-tenth (.10) of an hour. We invite the Town to freely discuss with us any questions it has concerning our fee structure or any particular fees charged for matters handled for the Town under this Engagement Letter. We want the Town to be completely satisfied with both the quality of our legal work and the reasonableness of the fees we charge for those services.

We are grateful for the opportunity to work with the Town and look forward to a mutually satisfactory relationship. If the foregoing terms of engagement are acceptable, please return an executed copy of this Engagement Letter for our file. Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

YOUNG, MORPHIS, BACH & TAYLOR, LLP

Timothy D. Swanson

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Letter to Town of Valdese October 4, 2021 Page 3

ACCEPTANCE
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Accepted by the Town Council for an the day of		North Carolina, this
	THE TOWN OF VALDI a North Carolina Municipa	,
ATTEST:		
(SEAL)	John F. Black, Jr., Mayor	
Jessica Lail, Town Clerk		
STATE OF NORTH CAROLINA COUNTY OF		
I,	unicipal corporation, and that by auth Town of Valdese, the foregoing inst	hority duly given and rument was signed in
WITNESS my hand and Notar	ial Seal, this day of	, 2021.
	Notary Public Print Name:  My Commission expires:  NOTARY SEAL	

Councilman Ogle made a motion to appoint Timothy Swanson as the new Town Attorney, seconded by Frances Hildebran. The vote was unanimous.

<u>APPROVED FAMILY FRIDAY NIGHTS – PERMANENT STAGE LOCATION:</u> Community Affairs Director Morrissa Angi presented the following:



Town Council Meeting 11.1.21 Concert Series Location & Permanent Stage





Record attendee numbers – on average 500 each Friday night Crowds of all ages – families 15 volunteer groups – profited between \$400-\$500

Concession Profits & 30/50 Raffle – ALL TO THE VALDESE COMMUNITY!
Heritage Middle School PTO, DHS Athletic Boosters, Boy Scouts, Rock School Arts Foundation,
Old Colony Players, local church groups, Pilot Club, Historic Valdese Foundation and others

Games were offered – Cornhole, Bowling, Connect 4, Giant Jenga

Attendee Feedback - (comments to staff, survey responses, comments to volunt

"Perfect location to spread out. Love seeing the children play. Much safer!"

-"We moved here 2 years ago and have never come before. Love this location! We will be back every Friday."

"We come most Fridays from Brevard – love the new location! We are looking to move here."

-"Love that you can spread out! Plenty of room for the crowd!"

"You can enjoy the music so much more without the road noise of Main Street."

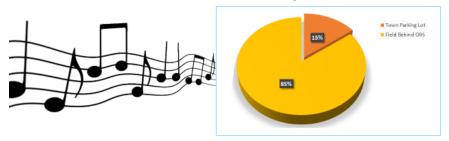
"So much cooler than the pavement. And there is parking!"







### Attendee Survey Results:



Survey Results for Merchants that are open after 5pm Friday nights:

### No Preference:

- 1. Jack B Quick
- 2. Los Compadres
- 3. Dollar Tree
- 4. AutoZone
- 5. McDonald's

### Town Parking Lot

- 1. Self's Treasures (Now Rusty's)
- Myra's & Little Italy "It brings beople into the downtown area."

### Field at Old Rock School:

- One Stop "Helps the business a lot Please keep them forever in the field Thank you all."
- 2. Twin Brothers Pizza
- 100 Main "I have mixed thoughts, but believe the field brings more people to Valdese overall."
- The Levee "helps increase parking availability for businesses" Message to Morrissa Angi Week of 6/28

### What about the Outdoor Drama?

Statement from General Manager, Edyth Potter:

The summer concert series worked very well on the field behind the Old Rock School. Morrissa Angi and the Town of Valdese Employees went above and beyond to ensure that the sound from the concert series would not affect the outdoor drama. At the box office, patrons could hear the music (which was actually nice), but once in the seating area, the music interference was negligible. Every once in a while, we could hear just a little bleed through. The sound interference was much LESS than it had been in the past with the concert series downtown and Myra's car show. I appreciate Morrissa's dedication to making things work for everyone concerned. She is an asset to the Town of Valdese.

### Town Parking Lot at Wells Fargo

- Proximity to merchants
   On Main Street = Visibility

- 18,000 sq.ft.

- 18,000 sq.ft.
  A sphalt is extremely hot in summer temps
  40-60 degrees hotter than the air temp
  Packed area in 2019 = no room to grow event
  Parking can be a challenge
  Location is on a hill
  Little to no band visibility with dancers
  Traffic to ATM with pedestrians coming to the event until 6pm
  Keeping emergency access road behind stage clear
  Hard to hear music over loud cars and traffic on Main Street
  No area for children to play safely

### Field behind the Old Rock School

- 108,000 sq.ft.

- 108,000 sq.ft.
  Permanent Concession Stand
  Grass Level Area Cooler during summer heat
  Permanent Restrooms = Slight Cost Savings
  Off Main Street = Safer for Families with young children
  Parking proximity and amount of parking available

- Parking proximity and amount of parking available Handicap accessible Utilize Teachers Cottage for Band dressing area Easier for families to join grassy area, picnics, blankets Room for the event to grow & expand Game area for children Sunsets

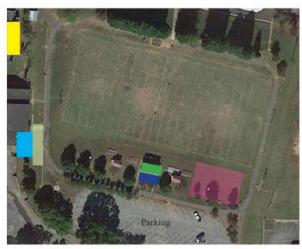
Challenges
Proximity to merchants

### **Proposed Location**



### Located partially on BCPS property:

- TOV under 10 year lease agreement from BCPS renewed in 2016
- Board of Education unanimously in favor of this project
- BCPS attorney drafting MOU for use of the field by TOV for FFN purposes
- BCPS excited for possible uses for VES









Sample roof structures & uprights

- -Angled metal roof 14' tall in the front sloped to 10' in the back
- -Recommended design per sound engineer





Installation of a permanent stage would save approximately \$4,000 per year

Construction of a permanent stage would be paid for through private donations and sponsorships — Pledges already made

- · Anticipated costs range from \$15-20,000 depending on the level of finishes ex. Waldensian rock work
  - · Stage Dimensions 20' deep by 30' wide by 2' tall
  - Site prepped by Public Works
  - Knee wall along rear side
  - Ramp for accessibility
  - Slanted metal roof with timber framing
  - · Waldensian style rock work to surround concrete foundation and halfway up 4 supporting columns
  - Electrical power service to site, lighting, outdoor ceiling fans
  - Landscaping
  - 16' x 40' Dance Floor Poured concrete ground level adjacent to the track
- Additional improvements/amenities could be planned for in phases if original budget doesn't allow Examples: Enhancing the structure with lighting, outdoor sound system, landscaping etc.









- Requesting Approval to move FFN to Temple Field permanently starting with the 2022 season
- Requesting Approval for staff to proceed with estimates & fundraising for a permanent stage

Ms. Angi shared an overview of the FFN Temple Field location's success brought from concessions sales, how many people came out, games, and feedback from merchants and participants. Ms. Angi reviewed the pros and cons and, at this point, did not feel like we would fit in the Wells Fargo parking lot. Temple Field is six times larger and allows us to grow the event. Ms. Angi stated that after the successful 2021 season the idea of a permanent stage came since the Industrial Arts Building was demolished. Ms. Angi shared that she met with Burke County Public School System, and they were excited about the idea of the permanent stage. Ms. Angi also met with the Sound Engineer to ensure that the location would be ok with sound projection. Ms. Angi talked briefly about what the stage would possibly look like and the financials of the project. Private donations and sponsorships would pay for the cost of the construction. The

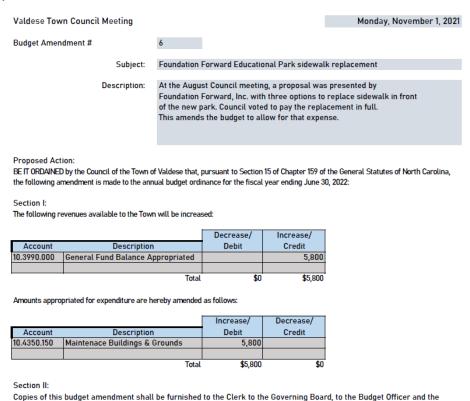
anticipated cost range would be around \$15 - \$20K. Ms. Angi asked for Council's consideration on moving the FFN series to the Temple Field starting in 2022 and proceeding with the estimates and fundraising for the permanent stage.

Councilwoman Hildebran made a motion to approve the change of venue and the construction of the permeant stage at Temple Field, seconded by Councilman Sweezy.

Discussion: Councilman Ogle asked when it went from Valdese Merchants being a part of the Family Friday Nights to Valdese running it. Ms. Angi shared that the Valdese Merchants Association did not hire the entertainers; they did the concession stand. Ms. Angi stated that the volunteerism is gone, and many of our Merchants don't have the staffing to help. Ms. Angi would welcome the Merchants to come set up booths.

The vote was unanimous.

## <u>APPROVED BUDGET AMENDMENTS:</u> Finance Director Bo Weichel presented the following Budget Amendments:



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

Finance Officer for their direction.

Valdese Town Council Meeting

Budget Amendment #

7

Subject: Repairs to exterior rock at Town Hall

Description: Several areas of rock are dislodging and falling from the exterior walls. This exposes the wall to water damage and poses a safety risk with rock falling from the building. This amends the budget to allow for unplanned repairs to the building.

### Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2022:

### Section I

The following revenues available to the Town will be increased:

		Decrease/	Increase/
Account	Description	Debit	Credit
10.3990.000	General Fund Balance Appropriated		6,500
	Total	\$0	\$6,500

Amounts appropriated for expenditure are hereby amended as follows:

		Increase/	Decrease/
Account	Description	Debit	Credit
10.4200.150	Maintenace Buildings & Grounds	6,500	
•	Total	\$6.500	\$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 asked who was going to do the work. Town Manager Seth Eckard said that Jeff McGee would be doing it, and we would look at ways to create a permanent solution so rocks wouldn't fall in the future.

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

Valdese Town Council Meeting

Monday, November 1, 2021

Capital Project Ordinance Amendment # 3-41

Subject:

To amend capital project ordinance Fund 41: PUBLIC ART

This recognizes a recent Rostan donation for public art and accounting

functions to balance the fund's accounts.

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:

		Decrease/	Increase/
Account	Description	Debit	Credit
41.3970.003	Rostan Donation		10,000
41.3970.002	Gifts	3,524	
	Total	\$3.524	\$10,000

Amounts appropriated for capital projects are hereby amended as follows:

		Increase/	Decrease/
Account	Description	Debit	Credit
41.4350.740	Public Art	13,959	
41.4350.150	Display		7,483
	Total	\$13,959	\$7,483

### 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 asked where the Public Art was located. Community Affairs Director Morrissa Angi stated it was a part of the Public Arts Commission projects.

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

<u>APPROVED CAPITAL PROJECT ORDINANCE:</u> Finance Director Bo Weichel presented the following Capital Project Ordinance:

# TOWN OF VALDESE COMMUNITY CENTER GYMNASIUM RENOVATION CAPITAL PROJECT 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 Community Center Gymnasium Renovation. Project proposes replacing the gym floor along with other upgrades to gym features such as bleachers, scoreboards, basketball goals, wall padding, and lobby renovation. The project is to be financed by private donations and a Town match budgeted in the FY 2021-22 CIP.

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
Donations	\$ 50,000	37.3970.001
Town Match	50,000	37.3970.002
	\$ 100,000	

======

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

Source		Amount	Assigned Account Number
Renovations	\$	100,000	37.6200.150
	\$	100,000	
	==	======	

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 General 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 1st day of November 2021.

/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.

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

Bluegrass at the Rock: *Doyle Lawson & Quicksilver* is November 6<sup>th</sup>, 2021, at 7:30 p.m. Visit <a href="https://www.townofvaldese.com">www.townofvaldese.com</a> for ticket information.

Christmas in November Craft & Gift Show at the Old Rock School is scheduled for Friday, November 12<sup>th</sup>, 2021, 4:00 p.m. – 8:00 p.m. & Saturday, November 13<sup>th</sup>, 2021, 9:00 a.m. – 2:00 p.m.

Town Offices will be closed on November 11<sup>th</sup>, 2021, in observance of Veterans Day, and November 25<sup>th</sup> and 26<sup>th</sup>, 2021, in observance of Thanksgiving.

Saturday, December 4th, 2021, Valdese Christmas Parade, 10:00 a.m.

Bluegrass at the Rock: *Sister Sadie* is December 4<sup>th</sup>, 2021, at 7:30 p.m. Visit <u>www.townofvaldese.com</u> for ticket information.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran thanked the Police Department for the 672 public safety events completed in October. Councilman Hildebran also thanked Officer Dylan Hicks for the Code Enforcement report and what he is doing for our Town.

<u>ADJOURNMENT:</u> At 6:51 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next regular Council meeting is scheduled for Monday, December 6th, 2021.

Town Clerk	Mayor
il	·