

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
JANUARY 7, 2019**

The Town of Valdese Town Council met on Monday, January 7, 2019, 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 Courtney Kennedy, 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:

RESOLUTION OF APPRECIATION FOR 125TH COMMITTEE: Mayor Black presented the following resolution to the members of the 125th Committee:

RESOLUTION OF APPRECIATION FOR 125TH COMMITTEE

WHEREAS, founded in 2016, the members of the 125th Committee are; Kevin Frederick, Freddy Leger, Chuck Moseley, Pam Pons, Gretchen Costner, Analia Sarver, Jim Rostan, Alex Garrison, Tamika Garrison, Sarah Owens, Madeleine Shull, Morrissa Angi, Seth Eckard, and Marilyn Norford; and

WHEREAS, the 125th Committee met consistently since January 2016, holding more than 30 brainstorming sessions; and

WHEREAS, the 125th Committee planned and coordinated over ten special anniversary events; and

WHEREAS, Valdese kicked off the celebratory year with the 2017 Christmas Parade, honoring the town's heritage by marching with the Valdese Flag; and

WHEREAS, the members of the 125th Committee graciously volunteered their time to provide invaluable insights, perspectives, and guidance in featuring the 125th Anniversary year with art, music, festivals and socials for all to enjoy; and

WHEREAS, Valdese ended the celebratory year with the 2018 Christmas Parade by proudly leading the direct descendants of the original Waldensian settlers.

NOW, THEREFORE, BE IT RESOLVED that I, John F. "Chip" Black, Jr., by the authority vested in me as Mayor of Valdese, North Carolina, and on behalf of the entire Town Council recognizes the 125th Committee for their service to our community. We honor the members of the 125th Committee for their dedication to serving others and for the contributions made to this community.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the Town of Valdese to be affixed this 7th day of January, 2019.

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

RESOLUTION OF APPRECIATION FOR ELIZABETH FURR: Mayor Black presented the following resolution to Elizabeth Furr:

RESOLUTION OF APPRECIATION FOR ELIZABETH FURR

WHEREAS, Elizabeth Furr began her career with the Rock School Arts Foundation in 2004 as the Foundation's first Executive Director; and

WHEREAS, Elizabeth Furr's dedication to raise appreciation of visual and performing arts has provided countless works of art for the enrichment of the community; and

WHEREAS, Elizabeth Furr has given generously of her time through her service to bring art to the people of Valdese and surrounding area through artist and student art exhibitions; and

WHEREAS, Elizabeth Furr encourages individuals to develop and share their artistic abilities through classes, workshops, and camps; and

WHEREAS, Elizabeth Furr has been instrumental in the Rock School Arts Foundation sponsoring yearly performances by Opera Carolina Express for elementary school children; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Valdese, North Carolina, hereby expresses its sincere appreciation and gratitude to Elizabeth Furr for her leadership and guidance with the Rock School Arts Foundation during the past 15 years as its Executive Director and extends congratulations and best wishes as she begins a new chapter in her life called, "Retirement."

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Seal of the Town of Valdese to be affixed, this the 7th day of January, 2019.

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

RESOLUTION OF APPRECIATION FOR RENEE GRAVEL: Mayor Black presented the following resolution to Renee Gravel:

RESOLUTION OF APPRECIATION FOR MARGARET "RENEE" GRAVEL

WHEREAS, Renee Gravel has been a public servant for over 30 years, and for the past 25 years, has served the Town of Valdese with distinction as the Parks & Recreation Administrative Assistant; and

WHEREAS, these 25 years of service have been marked with outstanding dedication and devotion to the Town of Valdese as she has worked faithfully assisting the athletics supervisors with registrations, paperwork, scheduling concessions and gate workers; and

WHEREAS, Renee Gravel has served the Parks & Recreation Department and Director by supervising concession workers, maintaining concession supplies, recording purchase orders, inventories, and daily bank deposits; and

WHEREAS, Renee Gravel, has enthusiastically served many years as the cheerleading coordinator during our football seasons; and,

WHEREAS, Renee Gravel has been a stabilizing and cheerful presence in the front office, and has been a tremendous ambassador for recreation in the Town of Valdese.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Valdese, North Carolina, hereby expresses its sincere appreciation and gratitude to Renee Gravel for her guidance, leadership, and outstanding contributions to the Parks & Recreation Department staff and citizens of Valdese for the past 25 years as Administrative Assistant, and we extend congratulations and best wishes upon her retirement.

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Seal of the Town of Valdese to be affixed, this the 7th day of January, 2019.

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

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF DECEMBER 3, 2018

APPROVED RESOLUTION ADOPTING AMENDED 2019 TOWN COUNCIL MEETING CALENDAR:

TOWN OF VALDESE

RESOLUTION ADOPTING AMENDED 2019 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 amended Meeting Schedule for the remainder of 2019:

January 7, 2019	
February 4, 2019	
March 4, 2019	
March 18, 2019	Annual Budget Retreat Old Rock School - Waldensian Room, 1:00 p.m. – 8:00 p.m.
April 1, 2019	
April 22, 2019 April 15, 2019	Council Budget Workshop Dinner Town Hall - Community Room, 6:00 p.m.
May 6, 2019	
June 3, 2019	
June 24, 2019	Budget Public Hearing; serves as the July Council Meeting
August 5, 2019	
September 3, 2019	Tuesday, due to Labor Day Holiday
October 7, 2019	
November 4, 2019	
November 14, 2019	Thursday, Annual Dinner Meeting with Valdese Merchants Association Old Rock School - Waldensian Room, 6:30 p.m.
December 2, 2019	

Amended this the 7th day of January, 2019.

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

APPROVED APPOINTMENT TO PUBLIC ART COMMISSION: Appointment of Leslie Rostan to serve a three-year-term on the Public Art Commission. The term will expire December 31, 2022.

APPROVED AMENDED FY 17-18 AUDIT CONTRACT WITH LOWDERMILK, CHURCH & CO., LLP: The only change to the amended contract was the change of due date to the Local Government Commission (LGC).

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF NEW EMPLOYEES: Police Chief Jack Moss introduced Police Officer John Ray. Parks and Recreation Director Doug Knight introduced Administrative Specialist Stephanie Haylock.

AMENDED RESOLUTION ACCEPTING FUNDS FOR ST GERMAIN WATER SYSTEM IMPROVEMENT PROJECT: Water Resources Director Greg Padgett informed Council that the St. Germain Water System Improvement Project bid was higher than expected. The Town requested additional funds from NC DEQ to

cover the additional cost. Mr. Padgett shared that additional funds will be allocated to the Town upon Council approval of the following resolution:

RESOLUTION BY THE TOWN OF VALDESE

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 collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered an amended DWSRF loan in the amount of **\$329,338** for the construction of the **Saint Germain Avenue Water System Improvement Project (DWI Project No. WIF-1924)**, 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,

That the Town of Valdese does hereby accept the amended State DWSRF loan offer of \$329,338.

That the Town of Valdese does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II - Assurances 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 loan and grant offer for the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the loan and grant offer.

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

Adopted this the 7th day of January, 2019 at Valdese, North Carolina.

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

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

CAPITAL PROJECT BUDGET ORDINANCE FOR MAIN STREET WATER LINE REPLACEMENT PROJECT: Water Resources Director Greg Padgett presented the following capital project ordinance:

TOWN OF VALDESE
MAIN STREET WATER LINE REPLACEMENT PROJECT
CAPITAL PROJECT BUDGET ORDINANCE
DWI PROJECT NO.: WIF1955

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 **Main Street Water Line Replacement Project (WIF1955)** consisting of replacing approximately 6,800 LF of 6" and 8", 40+ year old cast iron water lines that extend from the east side of town to the west side of town along Main Street (US HWY 70). Project proposes new service connections, service lines and re-connection to all existing water meters, new fire hydrants, new valves, pavement replacement, and related appurtenances. The project is to be financed by a Drinking Water State Revolving Fund (DWSRF) loan and Town of Valdese contributions.

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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
Valdese Utility Fund	\$ 55,659	59.3970.000
DWSRF Principal Loan Forgiveness	1,000,000	59.3480.001
DWSRF Loan (0% interest loan)	1,782,950	59.3480.002

	\$ 2,838,609	
	=====	

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

Source	Amount	Assigned Account Number
Construction	\$ 2,397,070	59.8120.760
Engineering Design	184,000	59.8120.040
Construction Admin	143,000	59.8120.043
Loan Admin	28,000	59.8120.041
ER/EID Prep	30,000	59.8120.045
NCDEQ Loan Admin Fee	55,659	59.8120.042

	\$ 2,838,609	
	=====	

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 7th day of January, 2019.

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

/s/ Courtney Kennedy, Deputy Town Clerk

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

CAPITAL PROJECT BUDGET ORDINANCE FOR WATER TREATMENT PLANT DISINFECTION CONVERSION PROJECT: Water Resources Director Greg Padgett presented the following capital project ordinance:

TOWN OF VALDESE
WATER TREATMENT PLANT DISINFECTION CONVERSION PROJECT
CAPITAL PROJECT BUDGET ORDINANCE
DWI PROJECT NO.: H-SRP-D-18-0163

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 Treatment Plant Disinfection Conversion Project**

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(H-SRP-D-18-0163) consisting of replacing of aged disinfection treatment system at the Valdese Water Treatment Plant with a new system consisting of bulk storage chlorine bleach tanks, day storage tanks, transfer pumps, chemical pumps and related appurtenances. The project is to be financed by a State Reserve Project Grant and a State Reserve Loan and Town of Valdese contributions.

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
Valdese Utility Fund	\$ 12,343	58.3970.000
SRP Grant	164,575	58.3480.002
State Reserve Loan (% interest)	493,575	58.3480.001

	\$ 670,643	
	=====	

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

Source	Amount	Assigned Account Number
Construction	\$ 536,900	58.8100.760
Engineering Design	47,300	58.8100.040
Construction Admin	40,100	58.8100.043
Loan Admin	16,000	58.8100.041
ER/EID Prep	18,000	58.8100.045
NCDEQ Loan Admin Fee	12,343	58.8100.042

	\$ 670,643	
	=====	

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 7th day of January, 2019.

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

/s/ Courtney Kennedy, Deputy Town Clerk

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

CAPITAL PROJECT BUDGET ORDINANCES FOR ST. GERMAIN WATER SYSTEM IMPROVEMENT PROJECT: Water Resources Director Greg Padgett presented the following capital project ordinance:

TOWN OF VALDESE
ST. GERMAIN AVE. WATER SYSTEM IMPROVEMENTS PROJECT (WIF 1924)
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

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of the General Statutes of North Carolina, the following project ordinance is hereby adopted.

Section 1. The project authorized is the **St. Germain Ave. Water System Improvements (WIF 1924)** consisting of replacing approximately 1,350 feet of 6-inch cast iron water main and 475 feet of 2-inch galvanized pipe, including valves, valve boxes and other appurtenances along St. Germain Avenue and Rodoret Street. The project is to be financed by a loan and by Town of Valdese contributions.

Section 2. The officers of the Town are hereby directed to proceed with the capital project within the terms of the project 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
Valdese Utility Fund	\$39,818	57-3970-000
DWSRF Principal Forgiveness Loan	156,828	57-2480-001
DWSRF Loan (zero interest loan)	172,511	57-3480-002
Total	\$369,156	

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

Source	Amount	Assigned Account Number
Design	\$ 23,500	57-8120-040
Land Surveying	5,000	57-8120-046
Loan Administration	5,000	57-8120-041
ER/EID Preparation	6,000	57-8120-045
Construction Administration	6,700	57-8120-043
Construction Observation	6,000	57-8120-044
Construction	295,589	57-8120-760
Contingencies	14,780	57-8120-761
NCDEQ Loan Administration Fee	6,587	57-8120-042
Total	\$369,156	

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 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 7th day of January, 2019.

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

/s/ Courtney Kennedy, Deputy Town Clerk

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

REQUEST TO PURCHASE VEHICLE FOR PUBLIC WORKS: Public Works Director Bryan Duckworth requested approval to purchase a used dump truck, not to exceed \$25,000.00, for the purpose of streamlining rough trash and white good services. Mr. Duckworth informed Council that the use of a dump truck will allow goods to be transported directly to the landfill which will create efficiencies because the items will no longer need to be placed in staging areas. Currently, a small pick-up truck is used to pick up items from citizens. The items are staged and weekly or bi-weekly, the items are picked up with the brush truck and hauled to the landfill. Mr. Duckworth believes that approximately 8-10 trips are made to the landfill each week; a dump truck could cut that number in half. Mr. Duckworth informed Council that the brush truck or other larger pieces of equipment that are currently in the Public Works fleet cannot be used to pick up items from citizens as a CDL is required to operate these vehicles. The duties for rough trash and white goods services are the responsibility of the maintenance worker position, which does not require a CDL. Mr. Duckworth shared that if an employee is required to obtain a CDL to perform their duties, they will be classified in a higher grade as an equipment operator.

After discussion, Councilman Sweezy made a motion to authorize the purchase of a used dump truck, not to exceed \$25,000.00, seconded by Councilwoman Stevenson. The motion did not pass, with voting as follows: Ayes-Stevenson and Sweezy; Nays-Ogle, Hildebran, and Thompson.

REQUEST TO PURCHASE SNOW REMOVAL EQUIPMENT FOR PUBLIC WORKS: Public Works Director Bryan Duckworth requested approval to purchase snow removal equipment for vehicle 813-202. Mr. Duckworth informed Council that the equipment will be purchased and installed by B and H Sales for a total cost of \$5,725.00. Mr. Duckworth shared that this addition will bring the snow removal fleet total to five vehicles and will allow Public Works to provide faster and more efficient snow removal in the town.

After discussion, Councilman Sweezy made a motion to authorize the purchase of snow removal equipment from B and H Sales, in the amount of \$5,725.00, seconded by Councilwoman Hildebran. The motion passed, with voting as follows: Ayes-Hildebran, Stevenson, Thompson and Sweezy; Nays-Ogle.

REQUEST TO PURCHASE VEHICLE FOR TOWN HALL: Public Works Director Bryan Duckworth requested approval to purchase a Ford Explorer for Town Hall. Mr. Duckworth informed Council that the vehicle will be purchased through state contract from Asheville Ford, at a cost not to exceed \$32,134.22. Finance Director Bo Weichel informed Council that the vehicle will be used for daily commuting to the bank and post office, in addition to numerous training opportunities locally and in Chapel Hill. Mr. Weichel informed Council that the sale of surplus vehicles and reconciliation of accounts has identified enough funds to pay for this vehicle.

Town Manager Seth Eckard informed Council that he and staff drove the vehicle that is currently assigned to Town Hall. Mr. Eckard shared that the vehicle does not perform well on the interstate as the steering wheel starts to shake once the vehicle reaches approximately 50 mph. Mr. Eckard shared that the vehicle is 17 years old but works well for daily trips around town; however, he is concerned about major repairs that may be needed soon. Mr. Eckard shared that the purchase of a new vehicle is a preemptive move to make sure staff always has safe transportation.

After discussion, Councilman Sweezy made a motion to authorize the purchase of a Ford Explorer, at a cost not to exceed \$32,134.22. The motion died for the lack of a second, in accordance with Council's Rule of Procedures.

BUDGET AMENDMENTS: Finance Director Bo Weichel presented Budget Amendment #17 (Budget Amendment #18 was not presented as the purchase of a vehicle for town hall was not approved).

Valdese Town Council Meeting

1/7/2019

Budget Amendment #

17

Subject:

Recognize sales tax revenues

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.570	Miscellaneous	8,979	
Total		\$8,979	

This will result in a net increase of \$8979 in the expenditures of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
10.3670.000	Sales Tax Refund		8,979
Total			\$8,979

Section I:

Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

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

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

The Town has been awarded \$350,600 in Community Development Block Grant (CDBG) money for the Neighborhood Revitalization Program. This Program will assist low-income and elderly homeowners in Valdese who have extensive structural repair items that require attention. A total of 12 homes have been identified to receive funding.

Movies at the Rock, "Chronicles of Narnia" scheduled on Friday, January 11, 2019 at 7:00 p.m.

Concerts at the Rock, An Evening with Jimmy Fortune & Nu Blu, scheduled on Friday, January 18, 2019 at 7:30 p.m.

Town Offices will be closed on Monday, January 21, 2019 in Observance of Martin Luther King Day.

A special called meeting of the Council will be held on Thursday, January 31, 2019 for a workshop on the Fire and Police Department Building. The meeting will begin at 6:00 p.m. at the Old Rock School Waldensian Room. Council and staff will meet at 5:30 p.m. at the Fire Station to tour the facility with the engineer.

MAYOR AND COUNCIL COMMENTS: Councilman Ogle announced that the next neighborhood watch meeting for Dixie Avenue and the surrounding area is scheduled for Thursday, January 17, 2019 at 7:00 p.m. in the Community Room at Town Hall.

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Councilwoman Hildebran provided the following update on the Library Project: the fence and job site sign have been installed and grading should begin next week. Ms. Hildebran shared that masonry foundation work should begin the week of January 21st, weather permitting.

Councilwoman Stevenson shared that she received many compliments on the Town's snow removal during the recent storm.

Councilman Sweezy shared that the New Year's Day Run was held at Valdese Lakeside Park on January 1, 2019. The event had a lot of participation from local citizens and visitors from Charlotte and Asheville.

Mayor Black informed Council that he has received questions regarding trees that are being removed on Carolina Street, near the interstate. Planning Director Larry Johnson shared that there is a major gas line in that area and believes that this may be the result of the gas company performing periodic clearing.

ADJOURNMENT: At 7:02 p.m., there being no further business to come before Council, Councilwoman Hildebran made a motion to adjourn, seconded by Councilman Ogle. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, February 4, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

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**TOWN OF VALDESE
TOWN COUNCIL SPECIAL MEETING
JANUARY 31, 2019**

The Town of Valdese Town Council met on Thursday, January 31, 2019, at 5:30 p.m., at the Valdese Fire and Police Department, 121 Faet Street SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Manager Seth Eckard, Deputy, Deputy Town Clerk Courtney Kennedy, and various department heads.

Absent: Councilwoman Susan Stevenson.

A quorum was present.

Mayor Black called the meeting to order at 5:30 p.m. at the Valdese Fire and Police Department. Mr. Black stated that this was a Special Called Council Meeting to tour the facility with town staff and engineers. Structural Engineer Michael Alberto led a tour of the facility; identifying issues throughout the building. At 5:57 p.m. Councilman Ogle made a motion to recess the meeting to 6:00 p.m. in the Waldensian Room at Old Rock School, 400 Main Street W, Valdese; seconded by Councilwoman Hildebran. The vote was unanimous.

Mayor Black reconvened the meeting at 6:00 p.m. at Old Rock School. Mr. Black informed the audience that public comments would be taken at the end of the meeting.

PUBLIC SAFETY BUILDING PRESENTATION: Benjie Thomas of West Consultants, PLLC; Structural Engineer C. Michael Alberto; and Bob Smith of Talley & Smith Architecture, Inc. provided the following presentation:



C. MICHAEL ALBERTO, III, P. E., PLLC
STRUCTURAL ENGINEER
580 20TH AVENUE COURT NW, HICKORY, NC 28601



VALDESE PUBLIC SAFETY BUILDING STUDY
January 31, 2019



**PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments**

**PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments**



Presentation Contents

1. Structural Inspection and Other Issues.
2. Primary Options
3. Estimated Costs of Options

**PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments**



Structural Building Inspection

1. The building exhibits severe corrosion and masonry cracking with significant loss of structural integrity attributable to water infiltration, building expansion, and building contraction forces.
2. Some of the deterioration mechanisms are common, but are exacerbated by the age and type of construction of the structure.



Old Town Hall Wing of Building
Cracks in load bearing masonry block walls.



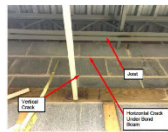
Vertical cracks in mortar joints and through middle of block.

**PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments**

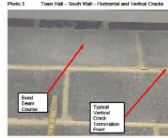


Structural Building Inspection

3. The loss of structural integrity represents an elevated risk to occupant life safety and operational readiness, the damage is beyond the acceptable limits for an essential services facility.



Old Town Hall Wing of Building
Cracks extend up to masonry block bond beam.



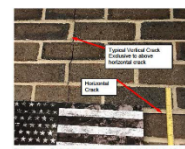
Horizontal cracks occur at bottom of masonry bond beams, separating bond beams from supporting walls.

**PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments**



Structural Building Inspection

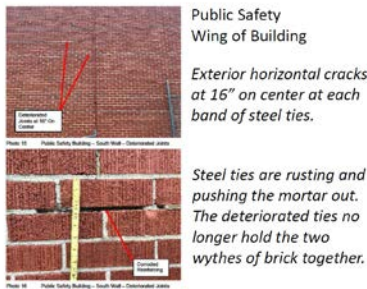
4. Building replacement or permanent repairs are required.
5. If a new facility is the selected option, temporary shoring is recommended to mitigate risk between now and completion of a new building.



Public Safety Wing of Building
Vertical and horizontal cracks in load bearing double wythe brick wall.



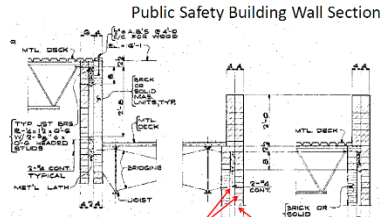
Some vertical cracks run full height of wall on interior of building.



Public Safety Wing of Building

Exterior horizontal cracks at 16" on center at each band of steel ties.

Steel ties are rusting and pushing the mortar out. The deteriorated ties no longer hold the two wythes of brick together.



The deteriorated steel ties no longer hold the two wythes of brick together. Each wythe of wall is bowing out away from each other.

PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments



Other Considerations

- Building is not suited to current operational requirements for a Fire and Police Department.
- Walls have only 2" of insulation (maybe R10).
- Building does not comply with current ADA standards.
- Electrical and mechanical systems are outdated and are not energy efficient.
- Asbestos containing materials must be removed.

PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments



Other Considerations (continued)

- Building does not meet current "essential facility" standards. (Structural design, seismic, and wind loads.)
- Sleeping quarters do not comply with current fire safety codes. (No sprinkler system.)
- Truck Bay doors are 12'w x 12'h, need to be 12'w x 14'h. A ladder truck will not fit inside building.

PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments



3. Build a new facility that complies with current building and life safety codes, and that meets current Fire and Police Department operational and essential facility standards.

A new facility can be designed to meet current operational needs, and provide flexibility for future changes. Can meet essential facility, building code, life safety, energy efficiency, and ADA standards.

PUBLIC SAFETY BUILDING
Structural Issues and Building Options
TOWN OF VALDESE
Fire and Police Departments



Primary Options

1. Repair the existing building. Limit renovations and updates to only the work necessary for continued use.

Does not address operational issues. Significant maintenance will be necessary. Continued use of the building is limited without future significant improvements.

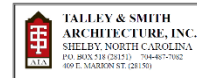
Probable Construction Costs for Options

1. Structural Repairs to Building----- \$1,200,000
- 1a. Maintenance & Repairs (15-20yrs)----- \$740,000
1. + 1a. Structural and Ongoing Maint.--- \$1,940,000
- Includes reroofing, repaving, HVAC, asbestos abatement, painting, and other ongoing maintenance and repairs that will be required.
2. Repair/Fully Renovate Building ----- \$4,850,000
- Structural repairs and complete renovation (new finishes, lights, HVAC, etc.)
3. New Construction, 17,094 SF ----- \$5,700,000
- Same SF as renovation
- 3a. New Construction, 23,500 SF ----- \$7,810,000
- Recommended SF
- New construction on new site. Includes demo cost of existing PS building.
4. Temporary Shoring/Repairs ----- \$200,000

Costs include A/E fees and sitework (if applicable), but do not include new furniture.



C. MICHAEL ALBERTO, III, P. E., PLLC
STRUCTURAL ENGINEER
580 20TH AVENUE COURT NW, HICKORY, NC 28601



TALLEY & SMITH ARCHITECTURE, INC.
SHELBY NORTH CAROLINA
100 BRICK TOWN DRIVE, 704-467-7002
400 E. NARBONNE ST. (25155)

VALDESE PUBLIC SAFETY BUILDING STUDY
January 31, 2019

Town Manager Seth Eckard presented the following financing options:

Repair Building		New Construction (same size)	
Loan Amount	\$1,456,000	Loan Amount	\$5,550,000
Rate	4%	Rate	4%
Years	15	Years	40
Debt Service	\$132,000	Debt Service	\$284,000
Repair & Renovate Building		New Construction (+6,500 SF)	
Loan Amount	\$4,300,000	Loan Amount	\$7,610,000
Rate	4%	Rate	4%
Years	40	Years	40
Debt Service	\$220,000	Debt Service	\$389,000

Mr. Eckard informed Council that the aforementioned financing options do not include the cost of demolition of the old town hall building; however, the numbers presented by Mr. Thomas reflect that cost. Mr. Eckard shared that there are not any grants available for a police or fire station at this time.

OPEN FORUM/PUBLIC COMMENT:

GLENN HARVEY, 404 LOUISE AVE, VALDESE: Mr. Harvey expressed his concerns about the lack of trend line data and trends for the future. Mr. Harvey would like to see data that identifies population trends, tax base, number of fires, what kind of fires and what equipment was required, what equipment was needed that the Town didn't have, how many arrests a year, does the Town need the current staffing levels for police and fire, along with other critical information before Council makes a decision. Mayor Black informed

Mr. Harvey that the Western Piedmont Council of Governments creates annual reports that identify a significant amount of this information. Town Manager Seth Eckard shared that each month, the fire department presents a report to Council in the agenda packet that identifies the monthly activity in the department.

ADJOURNMENT: At 7:18 p.m., there being no further business to come before Council, Mayor Black declared the meeting adjourned.

Town Clerk
ck

Mayor

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
FEBRUARY 4, 2019**

The Town of Valdese Town Council met on Monday, February 4, 2019, 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 Courtney Kennedy, 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:

OLD COLONY PLAYERS-EDYTH PRUITT, PO BOX 2038, DREXEL: Ms. Pruitt provided Council with the following update on Old Colony Players: A total of four productions; Into the Woods, From This Day Forward, Night of the Living Dead, and A Charlie Brown Christmas, were held throughout the year with approximately 2600 patrons attending the shows. The next production will be Jesus Christ Superstar, in April. Tickets are on sale now. Ms. Pruitt encouraged everyone to visit www.oldcolonyplayers.com for more information and to order tickets. Ms. Pruitt finished by thanking Council for their commitment to Old Colony Players.

ANIMAL CONTROL ORDINANCE-DIANE MOORE, 1040 ORCHARD STREET SW, VALDESE: Ms. Moore requested that Council adopt an ordinance that identifies what is adequate shelter for an animal, similar to Article 1 of the Burke County Animal Control Ordinance. Ms. Moore would like Valdese to use the ABC Method to determine if a shelter is sufficient for the animal and provided an explanation of this method. Ms. Moore also asked Council to consider adding language to state that if the outside temperature is below 32 or above 90 degrees that dogs and cats should be brought inside except for half-hour periods.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF JANUARY 7, 2019

SET PUBLIC HEARING DATE FOR AMENDMENTS TO ZONING ORDINANCE: A public hearing will be held on Monday, March 5, 2019 to consider amendments to the Valdese Zoning Ordinance regarding text amendments that address accessory structures, the Downtown Business Corridor District, permitted uses in the Central Business District, sail signage and ground signs.

BUDGET AMENDMENTS:

Valdese Town Council Meeting

2/4/2019

Budget Amendment #

19

Subject:

Purchase order/encumbrance
software

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

February 4, 2019, MB#31

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.490	Information Technology	4,714	
Total		\$4,714	

This will result in a net increase of \$4714 in the expenditures of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	Fund Balance Appropriated		4,714
Total			\$4,714

Section I:

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

2/4/2019

Budget Amendment #

20

Subject:

Kellex sinkhole stablization of sewer line
Camera sewer line Hospital Outfall; Replace electrical pole Curville sewer
meter flune

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Increase/	Decrease/
-----------	-----------

February 4, 2019, MB#31

Account	Description	Debit	Credit
30.8120.150	Maint & Repairs	22,632	
Total		\$22,632	

This will result in a net increase of \$22632 in the expenditures of the Utility Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
30.3990.000	Fund Balance Appropriated		22,632
Total			\$22,632

Section I:

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

2/4/2019

Budget Amendment #

21

Subject:

Train Art donations

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.928	Public Art	24,294	

February 4, 2019, MB#31

Total \$24,294

This will result in a net increase of \$24,294 in the expenditures of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

		Decrease/ Debit	Increase/ Credit
Account	Description		
10.3350.030	Other Donations		24,294
Total			\$24,294

Section I:

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

2/4/2019

Budget Amendment # 22

Subject: Engineering & Architect fees for Fire/Police Building
(anticipated costs for workshops, studies, reports, etc.)

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

		Increase/ Debit	Decrease/ Credit
Account	Description		
10.5300.040	Professional Services	40,000	
Total		\$40,000	

February 4, 2019, MB#31

This will result in a net increase of \$40000 in the expenditures of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account Description		Decrease/ Debit	Increase/ Credit
10.3990.000	Fund Balance Appropriated		40,000
Total			\$40,000

Section I:

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

2/4/2019

Budget Amendment # 23

Subject: Other Post Employment Benefits (OPEB) actuarial study
(required annually for Town's audit)

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account Description		Increase/ Debit	Decrease/ Credit
10.4200.040	Professional Services	4,503	
Total		\$4,503	

This will result in a net increase of \$4503 in the expenditures of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account Description		Decrease/ Debit	Increase/ Credit
10.3990.000	Fund Balance Appropriated		4,503

Section I:

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

2/4/2019

Budget Amendment #

24

Subject:

Meridian incentive grant agreement dated January 4, 2016

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8100.935	Economic Grant - Meridian	137,514	
Total		\$137,514	

This will result in a net increase of \$137,514 in the expenditures of the Utility Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
30.3990.000	Fund Balance Appropriated		137,514
Total			\$137,514

Section I:

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 items on the Consent Agenda, seconded by Councilwoman Stevenson. The vote was unanimous.

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF NEW EMPLOYEES: Water Resources Director Greg Padgett introduced Laboratory Supervisor Candace Cox, Treatment Plant Operator Alexander Garrison, and Treatment Plant Operator Buddy Leger.

AGREEMENT WITH BURKE COUNTY FOR TAX COLLECTION SERVICES: Finance Director Bo Weichel informed Council that the Town handles property taxes separately from Burke County. Mr. Weichel shared that a growing trend in finance is the establishment of inter-local agreements between municipalities and counties to authorize the county to oversee tax collection; sharing that every municipality in Catawba County partners with the County, and the following municipalities in Burke County: Glen Alpine, Rhodhiss, Long View, Connelly Springs, and Hildebran. Mr. Weichel informed Council that Burke County currently has a collection rate of 98%.

Councilwoman Hildebran expressed her appreciation for Finance Director Bo Weichel and acknowledged how well he has performed since starting with Valdese in October. Ms. Hildebran asked Mr. Weichel if he thought that maybe staff should be given at least one full year to evaluate the tax collection process before making any changes, as Apryl Hardin has been appointed as tax collector for only six months. Ms. Hildebran asked what the revenue difference was between our current collection rate and the County's. Mr. Weichel shared that it is approximately \$40,000.

Town Manager Seth Eckard shared with Council that he encouraged Mr. Weichel to be creative in his role as finance director and identify ways to save money and/or increase revenues; stating that this was one idea that Mr. Eckard wished to present to Council for discussion. Mr. Eckard stated that this may not be the appropriate time to enter into an agreement for tax collection and indicated a willingness to present this at a later time.

Councilman Ogle asked why it has been reported to Council for the last four to five years, that the Town was at a collection rate of 98 and 99 percent if the actual percentage was less. Mr. Ogle asked why the collection rate is not 100% and what collection options the Town has. Town Attorney Marc Mitchell explained that property owners are subject to a tax foreclosure if property taxes are not paid and that all court costs and other fees are recoupable through this process, but the process takes time. Mr. Ogle stated that he would like to keep taxes in house, allowing citizens to pay their taxes at town hall.

Mayor Black shared that the overall cost to enter into an agreement with Burke County is approximately \$23,000. Mr. Black asked Mr. Weichel if it would be possible to hire someone to perform this duty, with the efficiency the County has, for that amount; Mr. Weichel stated that he did not believe that was possible due to the level of responsibility a tax collector has. Mr. Black also identified the need to accept online or electronic payments for property tax bills; however, the Town of Valdese does not have the resources available to start or continue this type of service for citizens as the process can be very costly. The County currently has this option available, or is working on implementing this option, for tax payers.

Councilwoman Stevenson expressed her appreciation to Finance Director Bo Weichel for identifying ways to improve the Town's financial status and informed him that this is a great idea but it may be beneficial to allow more time to pass before considering such a significant change to the finance department. Ms. Stevenson expressed concerns about outsourcing services and requested more time to evaluate the costs and benefits of this type of agreement.

Councilman Sweezy asked if other municipalities offer a discount for early payment. Burke County Tax Administrator Daniel Isenhour informed Council that Morganton, Rhodhiss, Glen Alpine, and one other municipality do offer a discount but the others do not.

February 4, 2019, MB#31

Councilwoman Hildebran asked if the County would set the tax rate for Valdese. Mr. Isenhour informed Council that the County only collects tax payments based on what the municipality establishes for their citizens. Ms. Hildebran stated that she agrees with Councilwoman Stevenson; she is not against entering into an agreement with the County but would like more time to evaluate it.

Mayor Black asked Council if they would like to consider removing the early payment discount, which amounts to approximately \$39,000 in lost revenues. Councilman Ogle asked if this could be discussed during the March budget meeting. Town Attorney Marc Mitchell informed Council that the statute does not specify a date but the School of Government identifies May 1st as the date by which a municipality must indicate whether or not they will offer a discount.

RESOLUTION DESIGNATING WELLS FARGO BANK AS OFFICIAL DEPOSITORY:

RESOLUTION
Designating Wells Fargo Bank, NA an Official Depository

WHEREAS, G.S. 159-31(a) states that the governing board shall designate as its official depositories one or more banks or other financial institutions as authorized by that statute; and

WHEREAS, it is the desire of the Town Council that all public funds of the Town of Valdese, North Carolina (hereafter the "Town") be deposited in a secure, efficient and effective manner;

WHEREAS, BB&T was designated as an official depository for the town, and the town council desires to annul BB&T's selection as an official depository for town funds; and

WHEREAS, it is the responsibility of the Finance Director, who is appointed by and serves at the pleasure of the Town Manager, to supervise the receipt, custody and disbursement of the public funds of the Town;

WHEREAS, the Finance Director has evaluated proposals for Banking Services and has reviewed the financial soundness of the proposing financial institutions; and

WHEREAS, Wells Fargo Bank NA is qualified to be an official depository for the Town pursuant to G.S. 159-31 and has selected to secure its uninsured public deposits under the "Pooling Method", which is a collateral pool under which each public depositor's uninsured deposits are secured with securities held by the State Treasurer's agent in the name of the State Treasurer; and

WHEREAS, Wells Fargo Bank NA will also serve the Town for merchant processing and electronic payment services.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Valdese, North Carolina that:

Section 1. Wells Fargo Bank NA (hereafter the "Official Depository") is hereby designated as the official depository, merchant processor, and payment services of the Town. The Finance Director of the Town shall be and is hereby authorized and directed to deposit funds of the Town in the Official Depository in the name and to the credit of the Town of Valdese, North Carolina.

Section 2. As required by G.S. 159-25(b), all checks, drafts, or orders of the Town drawn against said funds shall be authorized and signed as appropriate by the following (hereinafter the "Authorized Signers"):

a. One of the following officers: Finance Officer, Town Manager

and countersigned by

b. One of the following officers: Mayor, Mayor Pro Tempore, Treasurer

The names and signatures of the Authorized Signers shall be duly certified by the Clerk to the Town Council to the Official Depository as from time to time may be necessary and no check, draft, or order drawn against the Official Depository shall be valid unless so signed or authorized.

Section 3. Upon opening an account with the Official Depository, the Finance Officer must:

- a. Give written instructions that the proceeds from all checks payable to the order of the Town shall be deposited to the credit of the Town of Valdese, North Carolina and that under no circumstance may such an item be converted into cash.
- b. Verify the method currently used by the depository to collateralize the public deposits and stay informed of any change in methods as the result of conversions to a different method or as the result of merger of depositories;
- c. Execute such other forms and documentation with provisions consistent with this resolution as may be reasonably required by the Official Depository to establish the account;
- d. Report the amount of deposits and investments and such other information as may be required on the semi-annual reports on form LGC 203 required to be filed with the Local Government Commission pursuant to G.S. 159-33; and
- e. Comply with other requirements of law, regulation or sound banking practice and with any requirements described in the State Treasurer's publication, The Collateralization of Public Deposits in North Carolina.

Section 4. Certified copies of this resolution shall be provided to the Official Depository herein designated.

THE FOREGOING RESOLUTION IS ADOPTED THIS 4th DAY OF FEBRUARY, 2019.

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

ATTEST: /s/ Town Clerk

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

FAÇADE GRANT REQUEST: Community Affairs Director Morrissa Angi presented a request from Farris Insurance Agency, Inc. for a Façade Grant in the amount of \$5,000 to assist with the installation of two lighted LED signs for their building located at 225 Main Street E, Valdese. The Valdese Main Street Design Committee approved \$500.00 for reimbursement due to this project being a low priority for the Façade Grant program as the project is signage only.

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

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

Concerts at the Rock, Hogslop String Band is scheduled for Saturday, March 2, 2019 at 7:30 p.m.

The Town was recently informed that the Local Governmental Employees' Retirement System (LGERS) is requiring employers to increase their contributions to the system. The employer percentage will be 8.95 percent for FY 2019-2020 and will continue to increase by approximately 1 percent each year until it reaches a maximum of 12 percent.

MAYOR AND COUNCIL COMMENTS: Councilman Ogle announced that the neighborhood watch meeting for Dixie Avenue and the surrounding area was held on Thursday, January 17, 2019 in the Community Room at Town Hall. Mayor Black informed Council that eight, new neighborhood watch signs have been installed in the area, compliments of Councilman Ogle and expressed his appreciation for Mr. Ogle's generosity.

Councilman Sweezy shared that Friends of the Valdese Rec held a group walk on the greenway at Valdese Lakeside Park on February 3, 2019, with approximately 63 people participating. Councilwoman Hildebran shared that she attended the event and was so impressed, stating that she believes this is one of Valdese's best kept secrets.

February 4, 2019, MB#31

Councilwoman Hildebran provided the following update on the Library Project: foundation walls are up and the foundation slab will be poured next week, weather permitting. The exterior and interior finishes are being selected and the renovations are moving along.

Mayor Black stated that Council is appreciative of the individuals that attend the Council meetings, identifying how important their participation is and thanked them for being present.

ADJOURNMENT: At 7:15 p.m., there being no further business to come before Council, Councilwoman Stevenson made a motion to adjourn, seconded by Councilman Ogle. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, March 4, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

ck

**TOWN OF VALDESE
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, FEBRUARY 28, 2019, 1:00 P.M.**

The Town of Valdese Town Council met on Thursday, February 28, 2019, at 1:00 p.m., to tour Conover Fire Station #2 with staff to assist with decisions related to the Valdese Police and Fire Department Building. Members of Council met at Conover Fire Station #2, 1011 1st Street W, Conover, 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, Councilman Roy Sweezy, Town Manager Seth Eckard and various department heads.

Absent: None.

A quorum was present and no action was taken.

Mayor Black called the meeting to order at 1:00 p.m. He said this was a Special Called Council Meeting to tour the facility with staff to assist with decisions related to the Valdese Police and Fire Department Building.

TOUR OF CONOVER FIRE STATION #2: Conover fire personnel guided Council through the facility and answered questions related to the building, furnishings, design, and operating costs. Council requested to tour a recently constructed police department and/or a combination police and fire building and requested that staff provide information on how much each facility would cost if constructed today, as the next steps in the process.

Staff will contact the Town of Maiden to schedule a tour of their police department building.

At 2:15 p.m., Councilman Ogle made a motion to adjourn the meeting, seconded by Councilwoman Stevenson. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, March 4, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

se

Mayor

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
MARCH 4, 2019**

The Town of Valdese Town Council met on Monday, March 4, 2019, 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 Courtney Kennedy, 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:

MINUTES OF SPECIAL MEETING ON JANUARY 31, 2019-GLENN HARVEY 404 LOUISE AVE NE, VALDESE: Mr. Harvey informed Council that he would like to discuss the minutes of the January 31, 2019 meeting. Mr. Harvey expressed concerns as the minutes appear to imply that Mr. Harvey was asking the Town for more data and the response was that the Town has all of the necessary data through WPCOG studies and reports. Mr. Harvey shared that he was not looking for more data; he would like the Town to make more use of the data when putting together proposals and making decisions. Mr. Harvey provided an example from the aforementioned meeting, stating that Council heard justifications for why a newer, bigger public safety building was being proposed but was not presented with data to support those justifications. Mr. Harvey expressed a desire to have "Council operate like a board of directors and expect staff to come forth with proposals that are grounded with solid data and statistics." Mr. Harvey finished by encouraging Council to consider making an investment with a consultant to dig in deeper to determine if there is another way to do things; stating that ISO9000 may be more beneficial than continuing to invest in structural engineers and architects.

ADDITION TO NEW BUSINESS: Mayor Black informed Council that there has been a last minute request to add an item under new business.

Councilwoman Stevenson made a motion to add Resolution for Lakeside Greenway Connector Project as Item H under new business, seconded by Councilman Ogle. The vote was unanimous.

CONSENT AGENDA: (enacted by one motion)

APPROVED SPECIAL MEETING MINUTES OF JANUARY 31, 2019

APPROVED REGULAR MEETING MINUTES OF FEBRUARY 4, 2019

SET PUBLIC HEARING DATE FOR ZONING MAP AMENDMENT #1-2-19: Staff received a petition from Striker Properties LLC, requesting their property be rezoned from M-1 Manufacturing to B-2 General Business. A public hearing will be held on Monday, April 1, 2019 for Zoning Map Amendment 1-2-19.

APPROVED REQUEST TO SELL WINE AT APRIL CRAFT MARKET: Waldensian Heritage Wines has been authorized to sell wine at the April Craft Market event on April 13, 2019 from 9:00 a.m. to 4:00 p.m. at Old Rock School.

APPROVED REAPPOINTMENT TO VALDESE ABC BOARD: John Heilman was reappointed to the Valdese ABC Board for a first, full three-year-term which expires April 1, 2022.

APPROVED SUNDAY, APRIL 14, 2019 AS TAX LIEN ADVERTISING DATE FOR REAL & PERSONAL PROPERTY

APPROVED BUDGET AMENDMENTS:

Monday, March 04,
2019

Valdese Town Council Meeting

Budget Amendment # 25

Subject: Waterside tax incentive agreement
refund of 50% of taxes paid exceeds current budget amount

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.3120.001	Tax Refunds - Waterside	3,909	
Total		\$3,909	

This will result in a net decrease of \$3909 in the revenues of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
10.3010.161	2016 Ad Valorem Tax		3,909
Total			\$3,909

Section I:

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.

Monday, March 04,
2019

Valdese Town Council Meeting

Budget Amendment # 26

Subject: Unrecognized Revenue in Lakeside Park CPO

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
53.6200.151	Other Improvements	26,467	
Total		\$26,467	

This will result in a net increase of \$26467 in the expenditures of the Lakeside Park Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
53.3970.022	Donations		25,000
53.3970.003	Donations-Kellex		1,467
Total			\$26,467

Section I:

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 items on the Consent Agenda, seconded by Councilwoman Stevenson. The vote was unanimous.

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA:

APPROVED RESOLUTION IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE FUNDING TO RE-ESTABLISH A PASSENGER RAIL CONNECTION FOR WESTERN NORTH CAROLINA:

RESOLUTION

**IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE FUNDING TO RE-ESTABLISH
A PASSENGER RAIL CONNECTION FOR
WESTERN NORTH CAROLINA**

WHEREAS, rail service is an integral part of a comprehensive transportation system for the State of North Carolina; and,

WHEREAS, the Western North Carolina Rail Committee, Inc. has worked persistently in support of improved rail service and connectivity since 1999. These local communities, Asheville, Black Mountain, Old Fort, Marion, Morganton, Valdese, Hickory, Conover, Statesville and Salisbury would thus benefit from WNC Thruway Bus service; and,

WHEREAS, economic development, tourism and job creation will benefit through the enhancement of a passenger rail and bus system that serves the citizens of North Carolina and visitors to our state; and,

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WHEREAS, we applaud the State of North Carolina for development of comprehensive intercity rail and transportation services in urban jurisdictions through the state, and recognize that Asheville and Western North Carolina have been without a passenger rail connection since 1975; and,

WHEREAS, there is a vital need to provide a strong and balanced transportation system that promotes freight and passenger service; and,

WHEREAS, an increase in state funding for bus-rail service in North Carolina is necessary to connect our small urban and rural areas of the state with the urbanized centers of our state; and,

WHEREAS, support by local and state elected officials is essential for the future of alternative transportation in North Carolina, such as the successful Amtrak Thruway bus-rail service between Morehead City and Wilson and between Wilmington and Wilson; and,

WHEREAS, support and utilization of transportation improvements by business and commercial interests is essential for the successful deployment of alternative transportation modes in North Carolina, especially in Western North Carolina; and,

WHEREAS, this resolution is a vehicle to express the twenty years of unified support of communities and chambers of commerce throughout Western North Carolina for increased statewide funding for bus- rail service; and,

WHEREAS, rail and bus linkages between communities and regions within North Carolina establish and strengthen social, historical, commercial and cultural bonds; and,

WHEREAS, the average return on investment for the surrounding community for station revitalizations throughout North Carolina is more than one dollar for every dollar invested, as demonstrated in Salisbury, Morganton, Marion, Old Fort and Asheville (with purchase of land); and,

WHEREAS, the associated improvements to rail facilities have increased the efficiency and safety of rail service, helped attract new freight traffic and provided environmental benefits by reducing the impact of traffic congestion on North Carolina's highways, particularly Interstate 40; and,

WHEREAS, an integrated bus-rail system will enhance accessibility and reliability for citizens, tourists and businesses in Western North Carolina, and by extension to the entire State of North Carolina; and,

WHEREAS, North Carolina Department of Transportation's Rail Division has agreed to manage, subject to NC Legislative appropriation, contract development and implementation of Amtrak Thruway bus service between Salisbury and Asheville, similar to the successful Amtrak Thruway bus-rail service in Eastern North Carolina that was intended to be extended to Western North Carolina.

WHEREAS, the WNC Rail Committee is committed to working with the local communities to effectively market Thruway Bus service in WNC and provide other local assistance/services as appropriate to help insure the connection service's long term success; and,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Valdese, through the adoption of this resolution, fully supports the creation of an attractive, marketable and cost effective bus-rail connection service for Western North Carolina, that includes sufficient new funding for a two year trial period by the North Carolina General Assembly to the North Carolina Department of Transportation Rail Division for the proposed Amtrak Thruway bus service between Asheville and Salisbury. This service will be evaluated prior to the completion of two years of service by Amtrak, the North Carolina Department of Transportation Rail Division, the Western North Carolina Rail Committee, Inc. and the communities served by the Salisbury-Asheville bus-rail connection to determine its viability and whether continued funding from the North Carolina General Assembly should be sought by the parties.

Adopted this 4th day of March, 2019

TOWN OF VALDESE

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

Councilwoman Hildebran asked Planning Director Larry Johnson for an update on this initiative as it has been discussed for many years. Mr. Johnson informed Council that the WNC Rail Committee has formed a 501(c)(3) to support Western North Carolina rail services from Salisbury to Asheville. Mr. Johnson shared that after many years of trying to establish this service, the Committee identified a need to support all aspects of train service, not just passenger. Mr. Johnson informed Council that the aforementioned

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resolution is presented in support of establishing bus-rail connection service for Western North Carolina. The next WNC Rail Committee meeting is Monday, March 25, 2019.

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

INTRODUCTION OF NEW EMPLOYEE: Public Works Director Bryan Duckworth introduced Utility Field Services Technician Richard Damron.

AUDIT REPORT PRESENTATION – FY 17-18 – LOWDERMILK CHURCH & CO., LLP: (Copy of audit on file in the Office of Finance Director.) Mr. Phil Church of Lowdermilk Church & Co., presented the 2017-2018 audit. Mr. Church thanked Finance Director Bo Weichel, staff, and Town Manager Seth Eckard for all of their help during this audit. Mr. Church informed Council that highlight sheets had been provided as a detailed report of the audit will not be provided at this time; however, Mr. Church is available to meet with any member of Council if they would like further review of the audit. Mr. Rick Hammer reviewed the following highlight sheets:

TOWN OF VALDESE							
Financial Highlights							
Years Ended June 30, 2018 and 2017							
	2018 Summarized Budget	2018	2017		2018	2017	
General Fund (Includes Powell Bill Funds)					Water and Sewer Fund		
Total assets		\$ 2,549,184	\$ 2,700,775	Cash, cash equivalents and investments	\$ 537,544	\$ 1,775,921	
Fund balance		\$ 2,166,052	\$ 2,341,540	Total assets	\$22,898,369	\$23,138,764	
Fund balance - Reserved for Streets - Powell Bill (included in total fund balance)		\$ 35,528	\$ 17,091	Net position	\$20,252,056	\$20,074,441	
Total revenue	\$ 4,759,589	\$ 4,725,397	\$ 4,398,374	Operating revenue	\$ 4,675,456	\$ 4,633,657	
Total expenditures	\$ 6,023,374	\$ 6,466,899	\$ 5,897,561	Operating expenses	\$ 4,460,705	\$ 5,301,400	
Revenues over (under) expenditures before other financing sources (uses)		\$(1,741,501)	\$(1,499,188)	Operating income (loss)	\$ 214,751	\$ (667,744)	
Other income (expense)	\$ 1,263,785	\$ 1,566,013	\$ 1,435,014	Nonoperating revenue (expenses)	\$ (66,441)	\$ (81,893)	
Increase (decrease) in fund balance		\$ (175,488)	\$ (64,175)	Transfers (to) from	\$ (815,348)	\$ (585,000)	
Ad valorem taxes collected		\$ 1,974,578	\$ 1,885,682	Capital Contributions	\$ 909,142	\$ -	
Percent of taxes collected - current year levy		96.39%	94.19%	Change in net position, includes \$856,470 of depreciation expense 2018	\$ 242,104	\$ (1,334,637)	
Investment income		\$ 11,611	\$ 4,463	Accounts receivable - customers	\$ 506,592	\$ 552,638	
				Investment income	\$ 5,561	\$ 7,255	
				Days sales in accounts receivable	39.54	43.53	
				Fund Balance Available			
Fund Balance Available				Unrestricted Fund Balance	\$ 1,559,068	\$ 1,288,550	
Unassigned Fund Balance	1,206,161	1,239,809		Expenditures and other financing sources and uses	5,276,053	5,977,148	
Expenditures and other financing sources and uses	6,495,274	5,913,261		Unrestricted Fund Balance Percentage	29.54%	21.55%	
Unassigned Fund Balance Percentage	18.56%	20.96%					

* Local Government Commission minimum recommended general fund balance should be at least 8% of general fund expenditures at the end of the fiscal year.

The Unassigned Fund Balance of General Fund and Utility Fund were \$1,206,161 and \$1,559,068, respectively. Ad valorem tax collections were \$1,974,578 which was 96.39 percent of the levy.

Councilwoman Hildebran asked if the auditors would be able to do an in-depth analysis of the Town's finances to determine if the Town is able to fund a new building. Mr. Church indicated that this analysis may be something Lowdermilk Church & Co. could provide.

After a brief discussion, Councilman Ogle made a motion to accept the 2017-2018 audit report as presented, seconded by Councilwoman Hildebran. The vote was unanimous.

APPROVAL OF FY 18-19 AUDIT CONTRACT – LOWDERMILK CHURCH & CO., LLP: Finance Director Bo Weichel informed Council that the FY 2018-2019 audit contract was being presented in the amount of \$15,960. The fee did not increase from last year.

Councilwoman Hildebran made a motion to approve the aforementioned contract for the FY 2018-2019 audit report, seconded by Councilman Thompson. The vote was unanimous.

ARBOR DAY PROCLAMATION AND CEREMONY UPDATE: Public Works Director Bryan Duckworth informed Council that the Arbor Day Event will be held on Friday, March 22, 2019, in conjunction with Valdese Elementary School Fourth Graders. Mr. Duckworth shared that students will be presented with a small tree that they can take home and plant.

Mayor Black presented the following proclamation:

ARBOR DAY 2019 PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, 2019 is the 147th Anniversary of the holiday and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut our heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the Town of Valdese has received the prestigious Tree City USA award for the past 31 years.

NOW, THEREFORE, I, John F. Black, Jr., Mayor of the Town of Valdese, North Carolina, do hereby proclaim Friday, March 22, 2019, as the 147th Anniversary celebration of

“Arbor Day 2019”

in the Town of Valdese and the Town will hold an Arbor Day Event in conjunction with Valdese Elementary School at Valdese Town Hall on Friday, March 22, 2019, 1:30 p.m., with the Arbor Day Tree planting and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

This 4th day of March, 2019.

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

PUBLIC HEARING FOR AMENDMENTS TO ZONING ORDINANCE: Planning Director Larry Johnson presented the Planning Board recommendation for Text Amendment #01-02-19 with various amendments to Definitions, General Provisions, Use by Districts, Special Requirements for Certain Uses, and Sign Regulations. Mr. Johnson informed Council that the proposed amendments will limit the size of accessory buildings, allow light manufacturing in a commercial district, and redefine retail establishments. The Planning Board also recommends that Council approve flag signs in two zoning districts and clarify sign language in the Central Business District. **(Amendments may be found in Ordinance Book No. 9, page 144.)**

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

MR. TONY PIZZELANTI, 135 GRANDFATHERS PASS, VALDESE Mr. Pizzelanti spoke in favor of the zoning changes. Mr. Pizzelanti informed Council that he recently purchased a property that will benefit from these changes. If the amendments are approved, Mr. Pizzelanti will produce paper straws to assist with the efforts to transform from plastic to paper products. Mr. Pizzelanti explained that the current wait time to purchase paper straws is eight weeks; however, his new company will be able to produce 500,000 straws per day and will employ approximately ten local citizens.

MS. KRISTINA MERCER, 800 ZELINE AVENUE NE, VALDESE Ms. Mercer informed Council that she is the manager of Highlands Family Farm. The company is hoping to expand their business and establish a location in Valdese. Ms. Mercer explained that Highlands Family Farm would have a butcher shop where consumers can order items cut to their specifications. Ms. Mercer shared that they currently outsource all of their processing at an approximate annual cost of \$53,000. If the zoning amendments are approved,

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Highlands Family Farm can bring that process in house at their new location in Valdese. Ms. Mercer finished by sharing that, if the amendments are approved, they hope to be up and running within the next year.

There being no one else wishing to speak, Mayor Black closed the public hearing.

Councilman Ogle made a motion to approve Text Amendment #01-02-2019 as presented, to become effective immediately, seconded by Councilman Thompson. The vote was unanimous.

NEIGHBORHOOD REVITALIZATION PROGRAM GRANT AGREEMENT, FUNDING APPROVAL, AND IMPLEMENTATION SCHEDULE: Planning Director Larry Johnson informed Council that the Town has been awarded a CDBG grant in the amount of \$350,600 from the NC Department of Commerce for the Neighborhood Revitalization Scattered-site Program. Mr. Johnson shared that this program will assist with the rehabilitation of 12 homes scattered throughout Valdese. Prior to the release of funds, Council must adopt and approve various items. The first step is to approve the Grant Agreement, Funding Approval, and Implementation Schedule; and to identify Town Manager Seth Eckard, Planning Director Larry Johnson, Finance Director Bo Weichel, and Councilman Roy Sweezy on the signatory cards for the project. Mr. Johnson shared that additional items will be presented at the April 1, 2019 meeting.

Councilman Ogle made a motion to approve the aforementioned Grant Agreement, Funding Approval, Implementation Schedule and signatory cards, as presented, seconded by Councilwoman Stevenson. The vote was unanimous.

AMENDMENT TO TOBACCO USAGE ORDINANCE: Parks and Recreation Director Doug Knight informed Council that Burke Youth Health Coalition previously expressed concerns with smoking in parks and other Town-owned properties. Mr. Knight shared that some confusion existed with the current language in the ordinance and recommended that Council amend the ordinance to state that smoking was not permitted on Town property. Mr. Knight presented the following resolution:

**RESOLUTION ADOPTING AMENDMENT TO THE TOWN
SMOKING AND E-CIGARETTE ORDINANCE**

WHEREAS, Sections 8-5006 through 8-5010 of the Valdese Town Code regulate smoking and the use of e-cigarettes in town buildings and vehicles and in town parks and sports facilities; and

WHEREAS, the town council desires to amend Sections 8-5006 and 8-5007 to prohibit smoking and the use of e-cigarettes on Town Grounds;

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE AS FOLLOWS:

Section 8-5006 of the Valdese Town Code is amended to read as follows:

“Section 8-5006 Definitions.

- (a) “E-cigarette” shall mean any noncombustible product that employs a heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo and electronic pipe. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug and Cosmetic Act.
- (b) “Smoking” shall mean the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
- (c) “Tobacco product” shall mean any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled,

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snorted, sniffed, or ingested by any other means, or any component part of accessory of a tobacco product, including but not limited to cigarettes, cigars, little cigars, cheroots, stogies, periques, granulated, plug cut, crump cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine-cut and other chewing tobacco, shorts, refuse scraps, clippings, cutting and sweepings of tobacco, and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and being marketed and sold solely for such an approved purpose.

- (d) "Town Building" shall mean a building owned or leased by the Town of Valdese and occupied, managed or controlled by the town including, but not limited to, the Old Rock School building and the Valdese Community Center.
- (e) "Town Grounds" shall mean all unenclosed areas owned, leased, or occupied by the Town.
- (f) "Town Park or Sports Facility" shall mean a park or a sports facility owned, leased or operated by the Town of Valdese including, but not limited to, Valdese Community Center, McGalliard Falls Park, Children's Park, Fletcher Ball Park, the track and football facility located behind the Old Rock School including Joe Temple Field and Michael Jeffrey Morse Field House, Valdese Family Splash Park, and Lakeside Park.
- (g) "Town Vehicle" shall mean a passenger carrying vehicle owned, leased or otherwise controlled by the Town of Valdese and assigned permanently or temporarily to town employees, agencies, institutions, or facilities for official town business.
- (h) "Universal "No-Smoking and Use of Tobacco Products Prohibited" Symbol" shall mean a symbol consisting of a pictorial representation of a burning cigarette and tobacco product enclosed in a red circle with a red bar across it.

Section 8-5007 of the Valdese Town Code is amended to read as follows:

"Section 8-5007 Areas Where Smoking and the Use of Tobacco Products and E-cigarettes are prohibited.

Smoking and the use of tobacco products and E-cigarette are prohibited in the following locations:

- (1) Town Buildings;
- (2) Town Grounds;
- (3) Town Vehicles; and
- (4) Town Parks and Sports Facilities."

This ordinance shall take effect upon its adoption.

THIS, the 4th day of March, 2019.

TOWN OF VALDESE
By:/s/ John F. Black, Jr., Mayor

ATTEST:
/s/ Town Clerk

Councilwoman Stevenson made a motion to approve the aforementioned resolution, seconded by Councilman Thompson. The vote was unanimous.

RESOLUTION FOR LAKESIDE GREENWAY CONNECTOR PROJECT: Parks and Recreation Director Doug Knight presented the following resolution:

RESOLUTION

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WHEREAS, the Valdese Town Council desires to sponsor, the Lakeside Greenway Connector Project, which includes site preparation and construction of a bridge across McGalliard Creek connecting the new Lakeside Greenway with the town's existing McGalliard Falls Park; and the Council understands that the project will create environmental, social, and economic benefit in support of regional connectivity and eco-tourism;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Council requests the State of North Carolina to provide financial assistance to the Town of Valdese for the Lakeside Greenway Connector Project in the amount of \$ 100,000 or 75 percent of project construction cost, whichever is the lesser amount;
- 2) The Council commits to payment of remaining project costs, at least 25% of project costs;
- 3) The Council will obtain all necessary State and Federal permits;
- 4) The Council will assure that the project is completed within the 2-year grant period.

Adopted by the Valdese Town Council this 4th day of March, 2019.

/s/ Frances Hildebran, Town Clerk

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

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

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

Council's Annual Budget Retreat is scheduled for Monday, March 18, 2019, 1:00 p.m. in the Waldensian Room at Old Rock School.

Movies at the Rock, Jurassic Park, is scheduled for Friday, March 8, 2019 at 7:00 p.m.

Litter Program Update – Public Works Director Bryan Duckworth stated that the Town usually starts litter pickup efforts in April, in conjunction with the annual NCDOT Litter Sweep. Due to current concerns with litter, Public Works started now. Mr. Duckworth shared that to date, 44 hours have been spent picking up litter and approximately 156 bags of litter have been removed from the roadside. Mr. Duckworth will continue to allocate resources and seek volunteers to help with this effort.

MAYOR AND COUNCIL COMMENTS: Councilman Ogle expressed his appreciation to the Police Department for their efforts monitoring neighborhoods, especially near Dixie Avenue.

Councilwoman Hildebran provided the following update on the Library Project: much progress has been made at the work site as construction continues on the expansion; exterior walls are up and the slab will be poured this week; roof trusses and window framing will be delivered soon; and selection of interior finishes such as flooring, base molding, countertop laminate, and cabinet laminate has been finalized.

ADJOURNMENT: At 7:30 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 meeting is a regularly scheduled meeting on Monday, April 1, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

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**TOWN OF VALDESE
ANNUAL COUNCIL/DEPARTMENT HEAD BUDGET RETREAT
MONDAY, MARCH 18, 2019**

The Valdese Town Council met on Monday, March 18, 2019, 1:00 p.m., for the Annual Budget Retreat, Old Rock School, Waldensian Room, 400 Main Street West, Valdese, North Carolina. The following members were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy Sweezy. Also present: Town Manager Seth Eckard, Deputy Town Clerk Courtney Kennedy, and all Department Heads.

Absent: None

A quorum was present.

CALL TO ORDER At 1:00 p.m., Mayor Black opened the meeting and welcomed everyone. Mr. Black encouraged department heads to be open in sharing thoughts and ideas.

FINANCE DEPARTMENT Finance Director Bo Weichel provided an overview of the Town's revenues, debts, and fund balance. Mr. Weichel informed Council that revaluation of real property is complete; Burke County had a net increase of approximately seven (7) percent; Valdese had a net increase of approximately ten (10) percent. Mr. Weichel shared that these numbers are before any appeals. Mr. Weichel shared that the Town of Valdese may see an increase of \$125,000 in tax revenue.

Councilman Ogle asked for clarification on what options the Town has with regard to the revaluation. Town Manager Seth Eckard shared that Council can set the tax rate every year. This allows the Town to maintain the same tax rate, adjust the tax rate to remain revenue neutral, or some combination of the two. Mr. Eckard shared that the Town may see a reduction of about 1% based on appeals and that \$125,000 is a conservative number. Mr. Eckard pointed out that about eight years ago property values decreased approximately 10% and property values have not reached the prerecession level yet.

ADMINISTRATION & PLANNING DEPARTMENT Planning Director Larry Johnson provided an overview of code enforcement accomplishments for FY 18-19 and a comparison to the previous fiscal year, showing that code enforcement efforts increased significantly during this fiscal year. Mr. Johnson introduced Ms. Alison Adams of WPCOG. Ms. Adams shared that WPCOG currently provides code enforcement services for 18 municipalities. Ms. Adams shared that WPCOG will bring an unbiased approach to minimal housing standards, non-residential minimum standards, nuisances address, abandoned junk nuisance motor vehicles, and abandoned manufactured homes. If Council decides to contract with WPCOG for code enforcement services, Council will be asked to adopt ordinances to be consistent with all other municipalities that participate in the service. Ms. Adams shared that in the Town's current codes, there are some redundancies and the ordinances are wordy, but they are close to what will be presented to Council. Ms. Adams introduced Code Enforcement Officer Billy Rickles. Discussion of the ordinances and a comprehensive overview of the service was provided. Ms. Adams and Mr. Rickles will attend the April 15, 2019 Budget Workshop to provide a presentation on how the software works.

Planning Director Larry Johnson provided Council with a summary of zoning permits issued and housing developments for FY 18-19. Mr. Johnson also informed Council of the Planning Board agenda for 2019, which includes Central Business District expansion, rewrite of the permitted use and standards for the Commercial Zoning District, and complete rewrite of the zoning ordinance and subdivision regulations. Mr. Johnson informed Council that a server upgrade with an approximate cost of \$10,000 will be requested in the FY 20-21 Budget.

UTILITY DEPARTMENTS Water Resources Director Greg Padgett provided a presentation on recent accomplishments at the Wastewater and Water Treatment Plants, identifying various projects that have been completed. R.J. Mozeley of McGill Associates provided updates on current projects and presented the Water Resources Capital Improvement Plan. Dale Schepers of McGill Associates provided an overview of the Water and Sewer Utility Fund Summary Financial Analysis and Funding Awards Summary.

PUBLIC WORKS Public Works Director Bryan Duckworth informed Council that the Public Works Department successfully made multiple water line replacements and completed street improvements throughout the town. Mr. Duckworth noted that the Town did experience an increase in water line breaks due to the extreme cold weather. Mr.

Duckworth identified priority items for FY 2019-2020 such as the meter replacement project and increased funding for street paving. Mr. Duckworth also discussed the Utility System Performance Report.

PARKS & RECREATION Parks and Recreation Director Doug Knight discussed various improvements within his department. Mr. Knight provided an overview and compared current revenues to previous years, identifying an increase of at least \$3,000. Mr. Knight compared current fees to other municipalities and highlighted consistencies or reasons for differences. Mr. Knight shared that a goal for this year is to implement software that will provide additional data tracking capabilities at the Recreation Center, such as program enrollment, type of membership, and other facility usage information. Mr. Knight informed Council that the vision for the Valdese Lakeside Park during FY 19-20 is to continue seeking grant funding based on a phased approach to the park, with no Town funds being spent on the project.

FIRE DEPARTMENT Fire Chief Charlie Watts shared departmental accomplishments including the acquisition of the new ladder truck, the Junior Firefighter Program, and the Mingle with Kris Kringle event. Chief Watts informed Council that he is requesting CIP funding to purchase a rescue UTV. Mr. Watts also provided an overview of calls and activities throughout FY 18-19 at the Fire Department. Mr. Watts expressed concerns with recruiting fire engineers. Chief Watts informed Council he will be retiring June 30, 2019.

POLICE DEPARTMENT Police Chief Jack Moss shared Police Department accomplishments for FY 18-19 and identified objectives for FY 2019-2020. Chief Moss informed Council that he is not requesting any CIP money for his department this year. Chief Moss shared that the overall call volume has increased at the Police Department, totaling over 14,000 calls. Chief Moss expressed concern over recruiting officers. Chief Moss informed Council that he would like to implement a take-home-car policy for officers; the policy will have parameters and will be contingent on what the fleet can support.

Councilman Ogle asked if it was possible to pay to send officers to school as a condition of employment. Chief Moss expressed concerns about contracting with employees, especially if there are performance concerns.

DINNER At 5:30 p.m., Mayor Black invited everyone to enjoy dinner by Myra's Catering. At 6:00 p.m., Mayor Black called the meeting back to order.

HUMAN RESOURCES Human Resources Director Courtney Kennedy provided an overview of departmental accomplishments in FY 18-19 and goals for FY 2019-2020. Ms. Kennedy informed Council that staff has partnered with HR Essentials Consulting to conduct a market study and personnel policy rewrite. The personnel policy will be presented at the April 15, 2019 Budget Workshop. Ms. Kennedy informed Council that several revisions and modifications were made to the pay study in an attempt to have the largest impact on the largest number of employees. At the last minute, it was determined that a final version of the study was ready to be presented at this meeting and David Hill of HR Essentials Consulting was asked to attend.

Mr. Hill provided an overview of the study he conducted and shared that the Town of Valdese is 7.5 percent behind the market. Mr. Hill shared that the municipalities he used for this study are within driving distance and would not require relocation, if the employee left their position with the Town of Valdese. Mr. Hill also studied compression within the Town of Valdese; identifying two people in the same position, one with fourteen years of service and one with under two years of service. The fourteen-year employee is making only \$20.00 more per year. After discussing the findings, Mr. Hill recommended that Council move every employee to the minimum salary of the market supported grade for their position, at the same compa-ratio to their current classification and grade. This option would cost the Town approximately \$500,000. After analyzing approximately ten options, the recommendation is to move all employees to five percent above the new minimum for their position classification, if their current salary is not in excess of this number, the employee will be given an additional percentage increase based on years of service. If the employee's current salary is in excess of all of those steps, they will be given a 1% increase so that every employee receives an adjustment.

Mayor Black asked that supporting information, including Mr. Hill's presentation, be sent to Council.

COMMUNITY AFFAIRS Community Affairs Director Morrissa Angi summarized major events that were held in FY 18-19. Ms. Angi shared that the storage space behind the Waldensian Room has recently been transformed into additional, rentable space at Old Rock School which provides an opportunity for additional revenue. Ms. Angi highlighted the growth of the Town's social media presence and changes to the Family Fun Nights schedule. Ms. Angi finished her presentation by identifying FY18-19 accomplishments the proposed fee schedule and lease rates at Old Rock School, and FY 19-20 CIP requests to paint the auditorium at Old Rock School and replace the flooring and roof at Teacher's Cottage.

GENERAL DISCUSSION None.

ADJOURNMENT – Mayor Black adjourned the meeting at 8:03 p.m.

The next meeting is a regularly scheduled meeting on Monday, April 1, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

ck

**TOWN OF VALDESE
TOWN COUNCIL SPECIAL CALLED MEETING
FRIDAY, MARCH 22, 2019, 9:30 A.M.**

The Town of Valdese Town Council met on Friday, March 22, 2019, at 9:30 a.m., to tour the Town of Maiden Police Department with staff to assist with decisions related to the Valdese Police and Fire Department Building. Members of Council met at 201 W Main Street, Maiden, 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, Councilman Roy Sweezy, Town Manager Seth Eckard and various department heads.

Absent: None.

A quorum was present and no action was taken.

Mayor Black called the meeting to order at 9:30 a.m. He said this was a Special Called Council Meeting to tour the facility with staff to assist with decisions related to the Valdese Police and Fire Department Building.

TOUR OF MAIDEN POLICE DEPARTMENT: Maiden Police Chief Tracy Ledford and Town Manager Todd Herms conducted a tour of the new police facility. The facility opened last year and provides more room for the police force. Staff explained that the facility also provides better security and technology for personnel. Throughout the tour, Council and staff discussed the building, furnishings, design, and operating costs.

At 10:25 a.m., Councilman Sweezy made a motion to adjourn the meeting, seconded by Councilman Ogle. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, April 1, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

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**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
APRIL 1, 2019**

The Town of Valdese Town Council met on Monday, April 1, 2019, 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 Courtney Kennedy, 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:

VALDESE LAKESIDE PARK-KRISTINA MERCER, 800 ZELINE AVENUE NE, VALDESE: Ms. Mercer spoke in support of Valdese Lakeside Park. Ms. Mercer believes the park will help local businesses increase their revenues. Ms. Mercer believes that the park is a great incentive for teachers and students of North Carolina School of Science and Mathematics, and others looking to relocate, to live in Valdese. Ms. Mercer finished by sharing a story regarding a Burke County homeowner who converted their basement into an apartment; the owner rents the apartment through Airbnb and recently received a reservation from an individual from Stockholm, Sweden. This individual is traveling to Burke County to participate in a swim/run event at Lake James State Park in April. Ms. Mercer finished by saying that Valdese Lakeside Park will be a park that people travel for someday, and encouraged Council to approve the agenda items related to Valdese Lakeside Park.

VALDESE LAKESIDE PARK-JIM CLARK, 4639 LAKEVIEW ACRES RD, VALDESE: Mr. Clark informed Council that he is speaking in support of Friends of the Valdese Rec, and to urge Council to support the Valdese Lakeside Park Master Plan. Mr. Clark shared that he and his family are very active and for many years have had to travel to other towns to make use of their parks and facilities. Mr. Clark stated that the Valdese Lakeside Park gives his family the opportunity to be active in their hometown. Mr. Clark finished by sharing how individuals, families, students, and volunteers have already put great efforts in building and maintaining the park; highlighting how many young students from Draughn, Heritage, and even younger children, are already investing time in the park. Mr. Clark shared "that by supporting the efforts at the park, we are supporting these young people whom we will leave this town to."

ROCK SCHOOL ARTS FOUNDATION-LINDA HARVEY, 404 LOUISE AVE, VALDESE: Ms. Harvey informed Council that she is the president of the Rock School Arts Foundation and thanked Council for their ongoing support. Ms. Harvey introduced Sharon Bowman, the new Rock School Arts Foundation Executive Director. Ms. Bowman provided Council with an overview of her experience and accomplishments and thanked Council for their past and present support of the foundation.

VALDESE LAKESIDE PARK-BROOKE HEAVNER, 207 FOREST DRIVE NE, VALDESE: Mr. Heavner shared that he supports Valdese Lakeside Park, as long as tax payer dollars are not used to fund it. Mr. Heavner shared that he donated to the park because he knew it was a great opportunity for the town; thinking that the park would have trails and simple amenities, but it has turned into a \$3.2 million project that the Town cannot afford. Mr. Heavner believes the Town should spend money on paving streets, replacing water lines, and maintaining the property the Town already has. Mr. Heavner identified ways that the Town could bring in additional revenues through the Recreation Department, such as hosting volleyball and basketball tournaments.

VALDESE LAKESIDE PARK-GLENN HARVEY, 404 LOUISE AVE, VALDESE: Mr. Harvey expressed concerns with Council being asked to approve resolutions related to multi-million dollar investments at Valdese Lakeside Park, without giving the public an opportunity to discuss and express their desires for this project. Mr. Harvey expressed concern with the Valdese Lakeside Park Master Plan as the plan was

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previously presented at \$3.1 million, and is now \$3.8 million. Mr. Harvey requested that Council table the resolution adopting the Valdese Lakeside Park Plan, hold one or more public hearings on the park, and seek input from all residents through a survey or ballot.

VALDESE LAKESIDE PARK-BETH HEILE, 5294 MINERAL SPRINGS MOUNTAIN AVE, VALDESE: Ms. Heile provided Council with an overview of events that have been held, or are scheduled, at Valdese Lakeside Park; sharing that the past events have been well attended and hundreds of hours of volunteer time have been logged. Ms. Heile shared with Council that in addition to those attending the meeting in support of the park, there are many other ways to identify that there is enough support to continue seeking grant funding, such as weekly visitors to the park and “constant buzz” on social media. Ms. Heile shared that many of the donors to the Valdese Lakeside Park Project are Valdese residents or businesses. Ms. Heile finished by asking Council to approve all items that move the Valdese Lakeside Park project forward.

QUESTIONS-BRENDA SHUPING, 600 CAROLINA STREET, VALDESE: Ms. Shuping shared that she is not against Valdese Lakeside Park but questioned if now is the right time for Valdese to invest so much money in a park. Ms. Shuping shared that she would like to see walking and biking trails, a picnic area with a shelter, and a small playground at the park. Ms. Shuping questioned what “significant” meant to Council with regard to public input; how many citizens actually have the same goals as the ones being presented; what will the Town do if the resolutions are approved and grant funds, contributions, and gifts are not received as hoped; and if the citizen petition will have any impact on Council’s decisions.

FOOD TRUCKS & VALDESE LAKESIDE PARK-PETER SKELTON, 796 SKIE CIRCLE, VALDESE: Mr. Skelton asked Council to consider adopting an ordinance that will allow food trucks in town. Mr. Skelton believes that food trucks will positively impact business at The Levee Brewery and will bring more visitors to Valdese. Mr. Skelton also spoke in favor of Valdese Lakeside Park as he believes it will encourage more people to visit Valdese.

VALDESE LAKESIDE PARK-DON BRITTAIN, 909 EDMOND STREET NW, VALDESE: Mr. Brittain shared a story about “suds falls” and how the area turned into McGalliard Falls Park. Mr. Brittain stated that Valdese Lakeside Park will take time to develop but will be a great asset in Valdese. Mr. Brittain finished by encouraging everyone to join Friends of the Valdese Rec.

VALDESE LAKESIDE PARK-VERITY CONLEY, 512 SOUTH AVE SW, VALDESE: Ms. Conley shared that she enjoys taking her younger sister to Valdese Lakeside Park, and believes that parks are important for children to be able to play outside.

VALDESE LAKESIDE PARK-DOROTHY NURMINEN, GRANITE FALLS: Ms. Nurminen informed Council that she is from Granite Falls and visits Valdese Lakeside Park frequently. Ms. Nurminen shared that she loves the park and believes the proposed amenities will bring a lot of people to Valdese.

VALDESE LAKESIDE PARK-JEAN MARIE COLE, 703 BERTIS STREET SW, VALDESE: Ms. Cole shared that she loves the idea of the park, but would like to see other municipalities make financial contributions to its development as they will benefit from the park as well. Ms. Cole expressed concerns about the issues with the Public Safety Building and stated that police and fire protection are more important to her than a park.

VALDESE LAKESIDE PARK-LINDA GIBBS, 629 LAUREL STREET NE, VALDESE: Ms. Gibbs spoke in favor of Valdese Lakeside Park by stating that the park will add to the quality of life in Valdese.

VALDESE LAKESIDE PARK-CARLA BERRY, 204 COLOMBO STREET NW, VALDESE: Ms. Berry stated that she trusts in the Council to make the best decision possible for the future of Valdese and expressed her appreciation for each member.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF MARCH 4, 2019

APPROVED BUDGET RETREAT MINUTES OF MARCH 18, 2019

APPROVED SPECIAL MEETING MINUTES OF FEBRUARY 28, 2019 AND MARCH 22, 2019

SPRING LITTER SWEEP, APRIL 13-27, 2019 The Town will be participating in the North Carolina Department of Transportation's Biannual Cleanup Drive that will be held April 13-27, 2019.

APPROVED RESOLUTION ADOPTING REVISED RECORD RETENTION SCHEDULE:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF VALDESE APPROVING THE NORTH CAROLINA GENERAL RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES RECORDS RETENTION AND DISPOSITION SCHEDULE ISSUED MARCH 1, 2019

WHEREAS, the North Carolina Division of Archives and History of the Department of Cultural Resources is responsible for assisting local governments in records management, including the destruction of obsolete records and the protection of essential records as provided by Chapters 121 and 132 of the General Statutes of North Carolina, and;

WHEREAS, the municipal records management program provides advice, service and training in the control, maintenance, preservation and disposal of official public records in the custody of local governmental units, and;

WHEREAS "Public Record" means any document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact or other documentary material made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of the North Carolina government or its subdivisions, and;

WHEREAS, the Department of Cultural Resources has issued an amendment to the Records Retention Schedule date March 1, 2019, and;

WHEREAS, the General Records Schedule for Local Government Agencies Retention and Disposition Schedule is endorsed by the North Carolina Department of Cultural Resources, Division of Historical Resources, Archives and Records Section, Government Records Branch;

NOW, THEREFORE, BE IT RESOLVED by the Town of Valdese Town Council that the Council adopts the North Carolina General Records Schedule for Local Government Agencies Retention and Disposition Schedule, as updated by the North Carolina Department of Cultural Resources in accordance with the provision of Chapters 121 and 132 of the General Statutes of North Carolina, dated March 1, 2019, a copy of which is on file in the office of the Town Clerk.

BE IT FURTHER RESOLVED this schedule is to remain in effect from the date of approval until it is reviewed and updated.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE, NORTH CAROLINA, on this, the 1st day of April, 2019; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

TOWN OF VALDESE
/s/ John F. Black, Jr., Mayor

ATTEST: /s/ Frances Hildebran, Town Clerk

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:

REQUESTS TO SELL ALCOHOL AT SUMMER EVENTS: Councilman Ogle asked where the alcohol sales would occur. Community Affairs Director Morrissa Angi informed Council that sales will occur in the town-owned parking lot where the Family Friday Nights Summer Concert Series takes place. The area will

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be barricaded for safety and signs will mark "no alcohol beyond this point" to inform attendees of the drinking boundaries. Ms. Angi presented the following requests:

Friends of the Valdese Rec request to sell beer in the town parking lot located adjacent to the 100 block of West Main Street in Downtown Valdese during the Family Friday Nights Summer Concert Series Kickoff Celebration on May 24, 2019 from 7:00pm to 10:00pm and the Family Friday Nights Summer Concert Series Finale Celebration held on August 30, 2019 from 7:00pm to 10:00pm; and to sell beer in the parking spaces located adjacent to the 100 block of West Main Street in Downtown Valdese during the Valdese Independence Day Celebration on June 28, 2019 from 5:00pm to 11:00pm and Waldensian Festival event on August 9, 2019 from 5:00pm until 11:00pm and August 10, 2019 from Noon until 11:00pm.

The Levee Brewery & Pub request to sell beer in the town parking lot located adjacent to the 100 block of West Main Street in Downtown Valdese during the Family Friday Nights Summer Concert Series Kickoff Celebration on May 24, 2019 from 7:00pm to 10:00pm and Family Friday Nights Summer Concert Series Finale Celebration held on August 30, 2019 from 7:00pm to 10:00pm.

Waldensian Style Wines request to sell wine in the parking spaces located adjacent to the 100 block of West Main Street in Downtown Valdese during the Valdese Independence Day Celebration on June 28, 2019 from 5:00pm to 11:00pm and Waldensian Festival event on August 9, 2019 from 5:00pm until 11:00pm and August 10, 2019 from Noon until 11:00pm.

Waldensian Heritage Wines request to sell wine in the parking spaces located adjacent to the 100 block of West Main Street in Downtown Valdese during the Valdese Independence Day Celebration on June 28, 2019 from 5:00pm to 11:00pm and Waldensian Festival event on August 9, 2019 from 5:00pm until 11:00pm and August 10, 2019 from Noon until 11:00pm.

Councilman Sweezy made a motion to approve the aforementioned requests, seconded by Councilwoman Stevenson. The vote was unanimous.

INTRODUCTION OF NEW EMPLOYEE Police Chief Jack Moss introduced Police Officer Dustin McKinney.

PUBLIC HEARING FOR ZONING MAP AMENDMENT #1-2-19 Mayor Black opened the public hearing and asked if anyone wished to speak either for or against the request.

WPCOG Planning Technician Hunter Nestor shared that the proposed rezoning request was petitioned by Striker Properties, LLC for the parcels located at 108 Parley Street SW and Waldo Street SW, requesting that the parcels be rezoned from M-1 Manufacturing to B-2 General Business. The Valdese Planning Board recommended that Council approve the rezoning. Mr. Nestor offered a PowerPoint of the property and said the public hearing was properly advertised, the property was posted and adjoining property owners were notified by mail.

Mr. Nestor informed Council that Striker Properties, LLC may seek a conditional use permit for the two parcels if Council approves the rezoning request.

There being no one else wishing to speak, Mayor Black closed the public hearing.

After a brief discussion, Councilman Sweezy made a motion to approve the aforementioned rezoning, seconded by Councilman Ogle. The vote was unanimous.

Councilman Ogle made a motion to call a public hearing on May 6, 2019 at 6:00 p.m. for a conditional use permit application, seconded by Councilwoman Stevenson. The vote was unanimous.

CDBG NEIGHBORHOOD REVITALIZATION SCATTERED-SITE PROGRAM WPCOG Community Development Administrator Lisa Helton presented the Fair Housing Plan & Activities, Section 3 Plan, Equal Employment & Procurement Plan, Language Access Plan, and the following Capital Project Ordinance:

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TOWN OF VALDESE
COMMUNITY DEVELOPMENT BLOCK GRANT
NEIGHBORHOOD REVITALIZATION
SCATTERED SITE HOUSING
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 established to finance the CDBG NR Scattered Site Housing Project for a project that rehabilitate houses scattered through the town limits and is to be financed by a CDBG grant and the Town of Valdese.

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:

CDBG Grant	32-3480-000	\$ 350,600
Town of Valdese	32-3480-001	<u>25,000</u>
		\$ 375,600
		=====

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

Administration	32-4900-040	\$ 31,800
Rehabilitation	32-4900-450	343,800

		\$ 375,600
		=====

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 April, 2019

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

/s/ Frances Hildebran, Clerk to the Board

Councilwoman Hildebran made a motion to approve the Fair Housing Plan & Activities, Section 3 Plan, Equal Employment & Procurement Plan, Language Access Plan, and Capital Project Ordinance for the CDBG Neighborhood Revitalization Scattered-site Housing Program; seconded by Councilman Sweezy. The vote was unanimous.

CONTRACT WITH WPCOG FOR GRANT ADMINISTRATION FOR CDBG NEIGHBORHOOD REVITALIZATION SCATTERED-SITE PROGRAM WPCOG Community Development Administrator Lisa Helton informed Council that the agreement authorizes WPCOG to administer the \$350,600 Community Development Block Grant (CDBG) grant for the Neighborhood Revitalization Scattered-site Housing

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Program; in the amount of \$31,000 for administrative services and \$18,000 for construction supervision services. Funding for this agreement will come from the grant funds.

Councilman Ogle made a motion to approve the agreement with WPCOG for grant administration, seconded by Councilman Thompson. The vote was unanimous.

VALDESE LAKESIDE PARK WPCOG Community & Economic Development Administrator Erin Schotte informed Council that staff is working diligently to submit viable applications for grant funding for various projects at Valdese Lakeside Park. Staff is requesting permission to submit an application for funding from PARTF. To have the strongest possible application, Council will need to approve the PARTF Basic Facts and Assurances, Valdese Lakeside Park Master Plan, and Valdese Lakeside Park CIP. Ms. Schotte informed Council that no Town funds are being committed to these projects, all matching funds will be provided from private contributions. Ms. Schotte presented the PARTF Basic Facts and Assurances, Valdese Lakeside Park Master Plan, and Valdese Lakeside Park CIP.

Councilman Sweezy made a motion to approve the PARTF Basic Facts and Assurances, seconded by Councilwoman Stevenson. The vote was unanimous.

APPROVED RESOLUTION ADOPTING VALDESE LAKESIDE PARK MASTER PLAN Ms. Schotte informed Council that the Master Plan was presented and adopted at a past meeting but it has since been revised to clarify some recommendations, including the pedestrian bridge across McGalliard Creek that would connect two Town parks. The adopted Master Plan will garner additional points on the grant application. Ms. Schotte presented the following resolution:

A RESOLUTION ADOPTING THE 2019 VALDESE LAKESIDE PARK MASTER PLAN

WHEREAS, the Town of Valdese has partnered with Destination by Design to create a Master Plan for the new Valdese Lakeside Park designed to reflect the needs and desires of the Town and of its citizens; and

WHEREAS, the result of that partnership is the “Valdese Lakeside Park Master Plan” presented to the Town Council this date for review, a copy of which shall be on permanent file in the Valdese Town Hall;

WHEREAS, any future Park progression related to this plan will be subject to available funds and approval by Town Council before proceeding.

NOW, THEREFORE, be it hereby resolved by the Town Council for the Town of Valdese, North Carolina, that the “Valdese Lakeside Park Master Plan” is hereby adopted.

READ, APPROVED, AND ADOPTED this 1st day of April, 2019.

/s/ John F. Black, Jr., Mayor
Town of Valdese

ATTEST: /s/ Frances Hildebran, Town Clerk
Town of Valdese

Councilwoman Stevenson made a motion to approve the aforementioned resolution, seconded by Councilman Sweezy. The vote was unanimous.

APPROVED RESOLUTION ADOPTING VALDESE LAKESIDE PARK CIP Ms. Schotte informed Council that the text of the revised Capital Improvement Plan clearly states the Town’s intent to fund the amenities only if awarded sufficient grant funds and private contributions. Ms. Schotte explained that having an adopted CIP showing the proposed amenities garners points on the grant application. Ms. Schotte presented the following resolution:

A RESOLUTION ADOPTING THE REVISED CAPITAL IMPROVEMENT PLAN AS PRESENTED

WHEREAS, the Town of Valdese has acquired the 302-acre lakeside property with assistance from local donors, Parks and Recreation Trust Fund (PARTF) and Clean Water Management Trust Fund (CWMTF); and

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WHEREAS, the Town of Valdese has partnered with Destination by Design to create a Master Plan for the new Valdese Lakeside Park designed to reflect the needs and desires of the Town and of its citizens; and

WHEREAS, the result of that partnership is the “Valdese Lakeside Park Master Plan” which makes certain recommendations for short-term investments in park development and improvement; and

WHEREAS, the Town of Valdese has a Capital Improvement Plan which prioritizes the Town’s capital investments over the next 3-5 years;

NOW, THEREFORE, be it hereby resolved by the Town Council for the Town of Valdese, North Carolina, that the Capital Improvement Plan is hereby amended to include the recommended park improvements, provided that the park improvements are funded solely through private donations and grant funds.

READ, APPROVED, AND ADOPTED this 1st day of April, 2019.

/s/ John F. Black, Jr., Mayor
Town of Valdese

ATTEST: /s/ Frances Hildebran, Town Clerk
Town of Valdese

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

AUTHORIZATION TO SUBMIT APPLICATION FOR FUNDING FROM PARTF Ms. Schotte informed Council that the adoption of the PARTF Basic Facts and Assurances, Valdese Lakeside Park Master Plan, and Valdese Lakeside Park CIP allows the Town to submit a viable application for PARTF funding. Ms. Schotte requested permission to apply for a PARTF grant in the amount of \$285,000 with the matching funds being provided from private donations and Friends of the Valdese Rec funds.

Councilman Sweezy made a motion to authorize staff to apply for the aforementioned PARTF grant, seconded by Councilwoman Stevenson. The vote was unanimous.

PUBLIC SAFETY BUILDING TEMPORARY REPAIRS Benjamin “Benjie” Thomas of West Consultants, PLLC, recommended that temporary structural supports be installed at the Public Safety Building. Mr. Thomas shared that Structural Engineer C. Michael Alberto will have a final design for the supports by May 31, 2019; at which time West Consultants can assist with preparing bidding documents. Mr. Thomas hopes to receive bids in time for presentation at the June 24, 2019 or August 5, 2019 council meeting. Mr. Thomas shared that the support system will consist primarily of pressure treated lumber and would be expected to last at least five years, with the possibility of several more years with proper maintenance.

Councilman Ogle made a motion to authorize Town Manager Seth Eckard to partner with West Consultants to solicit bids for temporary repairs to the Public Safety Building, seconded by Councilman Thompson. The vote was unanimous.

BUDGET AMENDMENT Finance Director Bo Weichel presented the following budget amendment:

Valdese Town Council Meeting

Monday, April 01,
2019

Budget Amendment #

27

Subject:

Reconcile Cash Accounts

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2019:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.991	Bad Debt Expense	13,162	
10.4200.040	Professional Services	1,765	
Total		\$14,927	

This will result in a net increase of \$14,927 in the revenues of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
10.3010.081	2008 Ad Valorem Taxes		176
10.3010.091	2009 Ad Valorem Taxes		2,220
10.3010.101	2010 Ad Valorem Taxes		1,211
10.3010.111	2011 Ad Valorem Taxes		1,898
10.3010.121	2012 Ad Valorem Taxes		1,479
10.3010.131	2013 Ad Valorem Taxes		1,599
10.3010.141	2014 Ad Valorem Taxes		6,344
Total			\$14,927

Section I:

Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

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

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

The next regular Council meeting is scheduled for Monday, May 6, 2019 at 6 p.m.

The Employee Appreciation Cookout is scheduled for Friday, April 5, 2019 at Children's Park from 11 a.m.- 1 p.m. This cookout is sponsored by the Wellness Program.

Old Colony Players Production of Jesus Christ Superstar is scheduled for April 5-7, 12-14, 17-20, 2019. For more information or to purchase tickets, visit oldcolonyplayers.com.

The April Craft Market is scheduled for Saturday, April 13, 2019 at Old Rock School from 9 a.m.-4 p.m.

The Budget Workshop Dinner Meeting is scheduled for Monday, April 15, 2019 at Valdese Town Hall Community Room, 6:00 p.m.

The WPCOG Annual Meeting is scheduled for Thursday, April 25, 2019 at 6:00 p.m. This event is being held at the Hickory Metro Convention Center.

MAYOR AND COUNCIL COMMENTS: Councilman Ogle asked Town Manager Seth Eckard to direct staff at the Rec Center to identify ways to become self-supported. Mr. Ogle expressed a desire to capitalize on

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the buildings that the Town owns to host tournaments or various other programs to increase revenue and usage of existing facilities. Mr. Ogle informed Council that he received a phone call about issues with bowling at the Rec Center last week. Town Manager Seth Eckard said he will look into the matter.

Councilman Sweezy shared that another group walk at Valdese Lakeside Park has been scheduled for Sunday, April 7, 2019 at 2:00 p.m.

Mayor Black expressed his appreciation for the citizens who participated in the meeting. Mr. Black shared that he believes everyone has one thing in common, the desire to maintain Valdese as a great place to live, work, and play. Mr. Black continued to say that while different viewpoints exist on how to get to this common goal, at least the objective is the same.

ADJOURNMENT: At 7:38 p.m., there being no further business to come before Council, Councilwoman Stevenson made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, May 6, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

ck

Mayor

**TOWN OF VALDESE
TOWN COUNCIL MEETING - BUDGET WORKSHOP
APRIL 15, 2019**

The Town of Valdese Town Council met on Monday, April 15, 2019, at 6:00 p.m., in the Community Room 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 Manager Seth Eckard, Deputy Town Clerk Courtney Kennedy, Community Affairs Director Morrissa Angi, Fire Chief Charlie Watts, Police Chief Jack Moss and Finance Director Bo Weichel.

Absent: None.

A quorum was present.

Others present: Dwayne Wilson of Dwayne Wilson Insurance & Financial Services, David Hill of HR Consulting Essentials, Alison Adams and Billy Rickles of Western Piedmont Council of Governments.

Mayor Black called the meeting to order at 6:00 p.m., and invited members of Council to enjoy dinner catered by Myra's.

WPCOG CODE ENFORCEMENT SOFTWARE PRESENTATION Code Enforcement Officer Billy Rickles provided Council with an interactive presentation of the software that is used by WPCOG for code enforcement. Mr. Rickles explained the process he follows when code enforcing for towns and shared that enforcement through the WPCOG contract with the Town of Valdese will be complaint driven. Alison Adams of WPCOG shared that meet-and-greets will be held with Mr. Rickles to provide citizens an opportunity to learn about him and the services he will provide for the Town.

SPECIAL EVENT ORDINANCE AND APPLICATION PRESENTATION Community Affairs Director Morrissa Angi provided an overview of a proposed ordinance and application for special events. Ms. Angi shared that she met with department heads of departments that are affected by special events to discuss how the current process works and to identify any possible issues or areas for improvement. Ms. Angi shared that staff identified a need for a more informative process to ensure public safety when special events are being held on public property and within the Downtown District. Ms. Angi will present the Special Event Ordinance and Special Event Permit Application at the May 6th Council meeting.

EMPLOYEE HEALTH INSURANCE UPDATE Mr. Wilson discussed Blue Cross Blue Shield's renewal quote and informed Council that our coverage is being discussed with other providers. Mr. Wilson is working with BCBS to reduce the projected rate increase to 18%. Mr. Wilson will update staff as soon as the quotes are received.

SPECIAL PROJECTS BUDGET & REVALUATION DISCUSSION Town Manager Seth Eckard offered an update on Town projects and reiterated that additional revenues from the revaluation of real property will be allocated for street resurfacing and repairs to the public safety building in the amount of \$25,000 and \$100,000; respectively.

FY 19-20 PROPOSED BUDGET AND HIGHLIGHTS Town Manager Seth Eckard and Finance Director Bo Weichel presented the proposed budget for FY 19-20. They reviewed the General and Utility Funds Revenues and Expenditures.

FY 19-20 PROPOSED RATE STRUCTURE & FEE SCHEDULES Town Manager Seth Eckard briefly reviewed the proposed rate structure which was also presented at the budget retreat.

PERSONNEL POLICY PRESENTATION & PAY STUDY FOLLOW-UP Mr. David Hill of Piedmont Triad Regional Council discussed proposed changes to the Town of Valdese Personnel Policy. Mr. Hill will provide pay study information to Council within the next week.

ADJOURNMENT At 8:38 p.m., there being no further business to come before Council, Councilman Sweezy made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, May 6, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

ck

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
MAY 6, 2019**

The Town of Valdese Town Council met on Monday, May 6, 2019, 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 Courtney Kennedy, 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: None.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF APRIL 1, 2019

APPROVED BUDGET WORKSHOP MINUTES OF APRIL 15, 2019

APPROVED AMENDED VEDIC BYLAWS The Valdese Economic Development Investment Corporation recommended the following bylaws amendment:

BYLAWS
OF
VALDESE ECONOMIC DEVELOPMENT
INVESTMENT CORPORATION

ARTICLE I
OFFICE

SECTION 1.1 PRINCIPAL OFFICE. The principal office of the Corporation shall be located at such place as the Board of Directors may fix from time to time.

SECTION 1.2 REGISTERED OFFICE. The registered office required by law to be maintained in the State of North Carolina may be, but need not be, identical with the principal office.

SECTION 1.3 OTHER OFFICES. The Corporation may have offices at such other places as the Board of Directors may designate or as the affairs of the Corporation may require from time to time.

ARTICLE II
MEMBERSHIP

SECTION 2.1 MEMBERS. The Corporation shall have no members.

ARTICLE III
BOARD OF DIRECTORS

SECTION 3.1 MANAGEMENT OF THE CORPORATION. The property, affairs and business of the Corporation shall be managed by the Board of Directors.

SECTION 3.2 NUMBER AND TENURE. The Corporation shall be governed by a Board of Directors consisting of twenty-two (22) members. The following nonprofit corporations and governmental entities shall appoint fourteen (14) of the directors:

1. Town of Connelly Springs. The Connelly Springs Town Council shall appoint a representative to represent the Town of Connelly Springs.

2. Town of Hildebran. The Hildebran Town Council shall appoint a representative to represent the Town of Hildebran.
3. Burke County. The Burke County Commissioners shall appoint two (2) representatives to represent Burke County.
4. City of Morganton. The Morganton City Council shall appoint a representative to represent the City of Morganton.
5. Burke County Travel and Tourism Authority. The Burke County Travel and Tourism Authority shall appoint a representative to represent the Burke County Travel and Tourism Authority.
6. Town of Rutherford College. The Rutherford College Town Council shall appoint a representative to represent the Town of Rutherford College.
7. Town of Drexel. The Drexel Town Council shall appoint a representative to represent the Town of Drexel.
8. Town of Glen Alpine. The Glen Alpine Town Council shall appoint a representative to represent the Town of Glen Alpine.
9. Town of Longview. The Longview Town Council shall appoint a representative to represent the Town of Longview.
10. Town of Rhodhiss. The Rhodhiss Town Council shall appoint a representative to represent the Town of Rhodhiss.
11. Burke County Chamber of Commerce. The Burke County Chamber of Commerce shall appoint a representative to represent the Burke County Chamber of Commerce.
12. An at large representative appointed by BDI.
13. An at large representative appointed by Western Piedmont Council of Governments.

Each of these fourteen (14) directors shall serve until such time as a replacement for that director is appointed by the governmental entity or nonprofit corporation that director represents and is qualified.

The Town Manager of the Town of Valdese shall be an ex-officio voting member of the Board of Directors. The other seven (7) directors shall be appointed by the Valdese Town Council, and they shall serve three-year staggered terms. The term of three (3) of these directors shall begin July 1, 2012; the term of three (3) of these directors shall begin July 1, 2013; and the term of two (2) of these directors shall begin July 1, 2014. Thereafter, prior to each July 1, the same number of directors whose terms are expiring shall be appointed by the Valdese Town Council. The seven (7) directors appointed by the Valdese Town Council may serve three (3) consecutive three-year terms, after which the director must be off of the board for at least one (1) year before being eligible to serve again.

SECTION 3.3 RESIGNATION. Any director, other than the Town Manager, may resign at any time by giving notice thereof in writing to the Chairman or Secretary of the corporation. Such resignation shall take effect at the time specified therein, or if no time is specified, at the time such resignation is received by the Chairman or Secretary.

SECTION 3.4 VACANCIES. In the event of a vacancy in the members of the Board of Directors appointed by the Town Council, the remaining directors shall continue to act and such vacancy shall be filled by appointment of a successor by the Town Council of the Town of Valdese. In the event of a vacancy in the members of the Board of Directors appointed by the nonprofit corporations and governmental entities, the remaining directors shall continue to act and such vacancy shall be filled by a successor appointed by the nonprofit corporations and governmental entities as provided in Section 3.2. Any director appointed by the Town Council of the Town of Valdese for the unexpired three-year term of one of the directors the Town Council appoints shall hold office for the unexpired portion of the term of the person who the newly appointed director succeeds, or until he shall resign or shall become disqualified.

SECTION 3.5 COMPENSATION. Directors and officers of the Corporation shall not receive any salary or fee for services rendered to the Corporation as a director or officer, but shall be entitled to reimbursement

for reasonable expenses incurred by them on behalf of the Corporation subject to approval of the Chairman or of the Treasurer in the case of expenses incurred by the Chairman; but nothing herein shall be construed to preclude a director from serving the Corporation in any other capacity and receiving reasonable compensation therefore, subject to the approval of the Board of Directors.

SECTION 3.6 DUTIES. Each director shall discharge his duties as a director, including his duties as a member of a committee, in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner the director reasonably believes to be in the best interest of the Corporation.

ARTICLE IV MEETINGS OF THE BOARD OF DIRECTORS

SECTION 4.1 PLACE. The Board of Directors may hold meetings, both regular and special, at such place as the Board of Directors shall determine.

SECTION 4.2 REGULAR MEETINGS. Regular meetings shall be conducted at prearranged times and places for the conducting of the business of the Corporation as established by the Board of Directors. The Board of Directors shall hold a regular meeting at least once each quarter.

SECTION 4.3 ANNUAL MEETING. The Board of Directors meeting for the election of officers and the transaction of any other business shall be held during the month of July.

SECTION 4.4 SPECIAL MEETINGS. Special meetings may be called by the Chairman on at least one days' notice to each director; and special meeting shall be called by the Chairman in like manner and on like notice if requested in writing by two or more directors.

SECTION 4.5 QUORUM AND VOTING. At all meetings of the Board of Directors, a majority of the entire board shall constitute a quorum for the transaction of the business, and a vote of the majority of the directors present and voting in person shall be the act of the Board of Directors, except where the Articles of Incorporation, these Bylaws or North Carolina law requires a greater vote. For all votes from the Loan Review Committee established under Section 6.4, a majority of that advisory committee shall constitute a quorum and a majority of the members of that committee present and voting in person or via email shall be the act of the Loan Review Committee.

SECTION 4.6 MEETING BY TELEPHONE. Any member of the Board of Directors or a committee may participate in a meeting of the Board of Directors or a committee meeting by means of a conference telephone or similar communications device which allows all persons participating in the meeting to hear each other, and such participation in a meeting shall be deemed to constitute presence in person at such meeting.

SECTION 4.7 CONSENT. Whenever a vote of directors is required or permitted to be taken in connection with any action, the meeting of directors may be dispensed with, but only if all of the directors consent in writing to such action being taken.

SECTION 4.8 REMOVAL. The Board of Directors may remove any director, other than the Town Manager of the Town of Valdese, who is absent from three (3) consecutive scheduled meetings or who is absent from more than 50% of the board meetings during any fiscal year.

ARTICLE V OFFICERS

SECTION 5.1 OFFICERS. The officers of the Corporation shall be a Chairman, a Vice Chairman, a Secretary and a Treasurer. All of the officers shall be elected from the membership of the Board of Directors.

SECTION 5.2 ELECTION. Each officer shall be elected by the Board of Directors at its organizational meeting and thereafter at its annual meeting and shall hold office until the annual meeting of the Board of Directors held next after his election or until his death or until he shall resign or shall have been disqualified or shall have been removed from office.

SECTION 5.3 REMOVAL. Any officer may be removed by a majority vote of all directors at a special meeting called for that purpose whenever in their judgment the officer's removal will be in the best interest of the Corporation.

SECTION 5.4 ADDITIONAL OFFICERS. The Board of Directors may create and elect from time to time such additional officers as in its opinion are desirable for the conduct of the business of the Corporation.

SECTION 5.5 VACANCIES. If an office becomes vacant for any reason, the Board of Directors shall fill such vacancy. Any officer so elected by the Board of Directors shall fill the unexpired term of his predecessor.

SECTION 5.6 CHAIRMAN. The Chairman shall preside at all meetings of the Board of Directors and the Executive Committee at which he may be present. The Chairman shall do and perform such other duties as from time to time may be assigned to him by the Board of Directors.

SECTION 5.7 VICE CHAIRMAN. At the request of the Chairman, or in his absence or disability, the Vice Chairman shall perform all of the duties of the Chairman and when so acting, shall have all powers of and be subject to all restrictions upon the Chairman. The Vice Chairman shall perform such other duties and have such authority as from time to time may be assigned to him by the Board of Directors.

SECTION 5.8 SECRETARY. The Secretary shall keep the minutes of the meetings of the Board of Directors and shall see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law. The Secretary shall be the custodian of the records, books, reports, statements, and other documents of the Corporation and seal of the Corporation, and see that the seal is affixed to all documents requiring such seal. In general, the Secretary shall perform all duties and possess all authority incident to the office of secretary, and he shall perform such other duties and have such other authority as from time to time may be assigned to him by the Board of Directors.

SECTION 5.9 TREASURER. The Treasurer shall have supervision over the funds, securities, receipts, and disbursements of the Corporation. The Treasurer shall in general perform all duties and have all authority incident to the office of treasurer and shall perform such other duties and have such other authority as from time to time may be assigned or granted to him by the Board of Directors.

SECTION 5.10 EXECUTIVE DIRECTOR. The Executive Director will manage all day to day duties associated with VEDIC in accordance with the policies and procedures and bylaws, as approved by the VEDIC Board of Directors. He or she will perform a broad variety of tasks including, but not limited to, managing the process for all loan application requests, meeting with the borrower to analyze organization and proposed project and compilation of all needed loan documents, underwrite and present to the Loan Review Committee, coordinate legal services and attend loan closings, sign loan documents on behalf of the Board of Directors, provide and oversee technical assistance, board operations, maintain records and correspondence, fund development and management, marketing, grant applications, budget officer and manage other VEDIC employees. He or she will be responsible for representing the organization in its lending and helps to set strategic direction in lending based on overall loan portfolio. The Executive Director serves at the pleasure of the Board of Directors. In the absence of the Executive Director, such duties will be given to the Chairman.

SECTION 5.11 DUTIES OF OFFICERS MAY BE DELEGATED. In the case of the absence of any officer of the Corporation or for any other reason that the Board of Directors may deem sufficient, the Board of Directors may delegate the power or duties of such officer to any other officer or to any director for such period of time as the Board of Directors may determine.

ARTICLE VI COMMITTEES

SECTION 6.1 STANDING COMMITTEES. The Board of Directors shall have the following standing committees: Executive Committee, Nominating Committee and the Loan Review Committee.

SECTION 6.2 COMPOSITION, DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE. The Chairman shall serve as the Chairman of the Executive Committee. The Executive Committee shall consist of the officers of the Corporation and such others as may be designated by the Chairman and approved by the Board of Directors. The duties of the Executive Committee are to advise the Chairman, Executive Director and the Board of Directors on Corporation business, review and recommend loan and grant applications and perform such other duties as may be assigned by the Board of Directors.

SECTION 6.3 COMPOSITION, DUTIES AND RESPONSIBILITIES OF THE NOMINATING COMMITTEE. The Nominating Committee shall consist of at least three (3) directors and such other persons, who need not be directors, appointed by the Chairman. The duties of the Nominating Committee are to seek out and recommend qualified individuals to serve as directors of the Corporation. The names of potential directors shall be

submitted by the Nominating Committee to the Board of Directors, and the Board of Directors shall recommend individuals, who need not be persons nominated by the Nominating Committee, to the Town Council for its consideration and approval as directors of the Corporation.

SECTION 6.4 COMPOSITION, DUTIES AND RESPONSIBILITIES OF THE LOAN REVIEW COMMITTEE. The Loan Review Committee shall consist of at least five (5) members recommended by the Executive Director and appointed by the Board of Directors. The Loan Review Committee shall make recommendations as to whether to deny or approve all loan applications for which only businesses located within the VEDIC service area are eligible. See VEDIC work plan for service area details. The Board of Directors shall review and vote on such recommendations made by the Loan Review Committee.

SECTION 6.5 SPECIAL COMMITTEES. The Board of Directors may from time to time organize such other committees or advisory committees as it deems necessary to carry out the objectives of the Corporation.

SECTION 6.6 CHAIRMAN OF COMMITTEES. The Chairman shall act as Chairman of the Executive Committee. The Loan Review Committee shall elect the chairman of that committee. The Chairman shall appoint all other committee chairmen.

ARTICLE VII NOTICES

SECTION 7.1 FORM/DELIVERY. Notices to directors shall be in writing and may be delivered personally or by mail or electronic media to the director's address appearing on the records of the corporation.

SECTION 7.2 WAIVER. Whenever a notice is required to be given by these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to such notice.

ARTICLE VIII CONTRACTS, LOANS, CHECK, DRAFTS, ETC.

SECTION 8.1 CONTRACTS. The Board of Directors may authorize any officer or officers or agent or agents to enter into any contract or to execute or deliver any instruments on behalf of the Corporation, and such authority may be general or confined to specific instances. Any contract or other action that will or may result in the expenditure of more than \$10,000 of Corporation funds must be approved by the Board of Directors.

SECTION 8.2 LOANS. No loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name, unless and except as authorized by the Board of Directors. Any officer or agent of the Corporation so authorized may effect loans or advances for the Corporation and for such loans and advances may make, execute, and deliver promissory notes, bonds, or other evidences of indebtedness of the Corporation. Any such officer or agent, when thereunto so authorized, may mortgage, pledge, hypothecate, or transfer as security for the payment of any and all loans, advances, indebtedness, and liabilities of the Corporation any real property and all stocks, bonds, other securities, and other personal property at any time held by the Corporation, and to that end, may endorse, assign, and deliver the same, and do every act and thing necessary or proper in connection therewith. Such authority may be general or confined to specific instances. Any borrowing of an amount in excess of \$10,000 must be approved by the Board of Directors.

SECTION 8.3 DEPOSITS. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks or trust companies or with such bankers or other depositories as the Board of Directors may select, or as may be selected by any officer or officers or agent or agents of the Corporation to whom such power may from time to time be given by the Board of Directors.

SECTION 8.4 CHECKS, DRAFTS, ETC. All notes, drafts, acceptances, checks and endorsements or other evidences of indebtedness shall be signed by the Chairman or a Vice Chairman and by the Secretary or the Treasurer, or in such other manner as the Board of Directors may from time to time determine. Endorsements for deposit to the credit of the Corporation in any of its duly authorized depositories will be made by the Chairman or Treasurer or by any officer or agent who may be designated by resolution of the Board of Directors in such manner as such resolution may provide.

SECTION 8.5 GIFTS. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest, or devise for the general purposes or for the any special purpose of the Corporation.

SECTION 8.6 CONFLICT OF INTEREST. No board member may vote or speak to an item that they or an immediate family member may financially benefit from. Immediate family member includes: spouse, children and parents.

ARTICLE IX
GENERAL PROVISIONS.

SECTION 9.1 PURPOSES. This Corporation is organized to assist the Town of Valdese in the promotion, stimulation, development and advancement of the business prosperity and economic welfare of the Town and its citizens; to encourage and assist in any lawful manner the location of new business and industry in the Town; to assist existing business and industry in the Town; and to cooperate and act in conjunction with other organizations, public and private, in the promotion and advancement of industrial, commercial, and recreational developments in the Town. Because a strong county-wide and regional economy is essential to the economic well-being of the citizens of Valdese and the surrounding counties, the Corporation is authorized to seek funding for and establish loan and grant programs to increase the business activity in the entirety of Burke County and the surrounding counties. The Corporation is also authorized to seek funding for and establish loan and grant programs serving such other North Carolina counties as the Board of Directors determines to be in the best interest of the Corporation.

SECTION 9.2 DISSOLUTION. The Corporation may be dissolved only by a two-thirds (2/3) vote of all of the members Board of Directors of the Corporation. Upon dissolution of the Corporation, the remainder of the Corporation's assets, after all liabilities and obligations of the Corporation have been paid and discharged, or adequate provisions made therefore, shall be distributed to the Town of Valdese.

SECTION 9.3 LIMITATION ON LIABILITY. No officers, director, or employee shall be liable for his actions acting in such capacity, which actions are taken in good faith, provided that such officers, directors, or employees, may be liable for gross negligence or willful misconduct. The Corporation agrees to indemnify its officers, directors, and employees for any expenses, claims, or liabilities, suffered by or against any of such persons acting in their respective capacities as officers, directors, or employees of the Corporation, to the extent permissible by law. Such indemnification shall not apply to the extent that such actions of the officers, directors, or employees constitute gross negligence or willful misconduct.

SECTION 9.4 CORPORATE SEAL. The corporate seal shall be in such form as shall be approved from time to time by the Board of Directors.

SECTION 9.5 FISCAL YEAR. The fiscal year of the Corporation shall be from July 1 to June 30.

SECTION 9.6 AMENDMENT TO BYLAWS. These Bylaws may be amended or repealed and new bylaws may be adopted by affirmative vote of a majority of the directors then holding office at any meeting of the Board of Directors; however, notice of the proposed action and text of the proposed bylaw amendment must be provided to the directors at least five (5) days before the meeting at which action on the proposed amendment is to be taken or such notice must have been waived by all of the directors; and provided further that the bylaws relating to the appointment and tenure of the directors appointed by the Valdese Town Council and the bylaws relating to the composition, duties and responsibilities of the Loan Review Committee as provided in Section 6.4 shall not be amended without the prior written consent of the Valdese Town Council.

SECTION 9.7 GENDER. As used in these Bylaws, the masculine gender shall be deemed to include the feminine and feminine the masculine.

THIS THE 6th DAY OF MAY, 2019.

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

APPROVAL OF ORDINANCE DECLARING ROAD CLOSURES FOR TOWN OF VALDESE SPECIAL EVENTS

**AN ORDINANCE DECLARING ROAD CLOSURE
FOR TOWN OF VALDESE SPECIAL EVENTS**

WHEREAS, the Town of Valdese desires to schedule an Independence Day Celebration, Annual Waldensian Festival; Treats in the Streets; and the Annual Valdese Christmas Parade; and

WHEREAS, part of US 70/Main Street in Valdese will need to be closed for each of these special events; and

WHEREAS, G.S. 20-169 provides that local authorities shall have power to provide by ordinance for the regulation of the use of highways by processions or assemblages;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Valdese pursuant to G.S. 20-169 that the following portion of the State Highway System be closed during the times set forth below:

2019 Independence Day Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on June 28, 2019 from 5:00 PM until 11:00 PM.

2019 Waldensian Festival Kickoff Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on August 9, 2019 from 5:00 PM until 11:00 PM.

2019 Waldensian Festival Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on August 10, 2019 from 5:30 AM until 11:00 PM.

2019 Valdese Treats in the Streets (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on October 31, 2019 from 3:30 PM until 6:30 PM.

2019 Valdese Christmas Parade (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on December 7, 2019 from 9:30 AM until 12 Noon.

Signs shall be erected giving notice of the limits and times of these street closures as required by G.S. 20-169.

THIS, the 6th day of May, 2019.

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

ATTEST: /s/ Town Clerk

RENEWAL OF LEASE AGREEMENT AT OLD ROCK SCHOOL WITH STILL WATERS COUNSELING, INC. Annual Lease Agreement at the Old Rock School with Still Waters Counseling, Inc. in the amount of \$305 per month.

BUDGET AMENDMENTS

Valdese Town Council Meeting

Monday, May 06, 2019

Budget Amendment #

28

Subject:

Contracted Services

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2019:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.450	Contracted Services	3,500	
Total		\$3,500	

This will result in a net increase of \$3500 in the revenues of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
10.3010.141	2014 Ad Valorem Taxes		3,500
Total			\$3,500

Section I:

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, May 06, 2019

Budget Amendment #

29

Subject:

Professional Services

Memorandum:

As per discussions held in previous council meetings pertaining to the subject, the following budget amendment is essential in order to appropriate the necessary funds.

Proposed Action:

BE IT ORDAINED by the Governing Board of the Town of Valdese, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2019:

Section I:

To amend the General Fund, the expenditures are to be changed as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.040	Professional Services	3,260	
Total		\$3,260	

This will result in a net increase of \$3260 in the revenues of the General Fund. To provide funding for the above, the following revenue budgets will be increased. These additional revenues have already been received.

Account	Description	Decrease/ Debit	Increase/ Credit
10.3290.000	Interest Earned on Investments		3,260
Total			\$3,260

Section I:

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 items on the Consent Agenda, seconded by Councilwoman Stevenson. The vote was unanimous.

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA:

REVISED VALDESE TOWN COUNCIL RULES OF PROCEDURES The Valdese Town Council Rules of Procedures adopted March 7, 2016 have been revised in "Rule 6. Order of Business" to change the order of the agenda, placing the Manager's Report before Mayor and Council Comments.

(NOTE: Rules of Procedures may be found in Ordinance Book No. 9, pg. 146.)

Councilman Ogle made a motion to approve the revised Valdese Town Council Rules of Procedures, as presented, seconded by Councilwoman Hildebran. The vote was unanimous.

PRESENTATION OF SAFETY AWARDS Fire Chief Charlie Watts shared that the goal of the Safety Awards Program is to recognize facilities, towns, and companies that go the extra mile to ensure their employees have a safe workplace. The Town of Valdese has achieved that in several departments. Mr. Watts shared that "this is due, in part, because our department heads take such initiative in ensuring employees safety and employees are taking initiative to ensure their own safety." Mr. Watts presented the following safety awards: Administration – 31st consecutive year, Water – 2nd consecutive year, Wastewater – 3rd consecutive year, Fire – 4th consecutive year, Community Affairs – 8th consecutive year, Public Works – 1st year, and Parks & Recreation – 7th consecutive year.

SPECIAL EVENT ORDINANCE AND PERMIT Community Affairs Director Morrissa Angi presented the Special Event Ordinance and Special Event Permit Application. Ms. Angi shared that the proposed ordinance and application will provide staff with necessary policy guidance to aid in the preparation of special events on public property and within the Downtown District. Ms. Angi informed Council that staff will assist applicants with the completion of the Special Event Permit Application and that only one application is required for reoccurring events, as long as the details of the event remain unchanged.

**RESOLUTION ADOPTING
TOWN OF VALDESE SPECIAL EVENT ORDINANCE**

WHEREAS, the town is fortunate to be able to host more and more public events; and

WHEREAS, an ordinance that would regulate certain special events and an accompanying permit application form have been presented for the town council's consideration; and

WHEREAS, the proposed ordinance would assist the town in coordinating the scheduling of certain special events and it would enable the town to better provide for the public safety;

IT IS THEREFORE ORDAINED by the town council as follows:

1. The Special Event Ordinance (new code sections 11-1001 through 11-1005) presented to the town council at its May 6, 2019, regular meeting is hereby adopted.
2. The town council approves and adopts the Special Event Permit Application as presented. Town staff is authorized to amend this application from time to time as it determines will enable the town to better coordinate special events and provide for the safety of the public.

THIS ORDINANCE SHALL TAKE EFFECT UPON ADOPTION.

THIS, the 6th day of May, 2019.

/s/ JOHN F. BLACK, JR., MAYOR

ATTEST: /s/ TOWN CLERK

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

After discussion, Councilman Ogle made a motion to set the fee for a Special Event Permit at \$10.00 for non-profit events and \$25.00 for profit events, seconded by Councilwoman Hildebran. The vote was unanimous. The fee will be refunded to the applicant if the permit application is denied; the fee is nonrefundable once the permit application is approved.

CONTRACT WITH WPCOG FOR CODE ENFORCEMENT SERVICES WPCOG Code Enforcement Officer William "Billy" Rickles, Jr. presented the Agreement between the Western Piedmont Council of Governments and the Town of Valdese for the Provision of Code Enforcement Services. The term of the agreement is May 1, 2019 through June 30, 2021; in the amount of \$56,669.22. The Contract authorizes WPCOG to receive complaints, identify violations, conduct site visits and investigations, issue code violation warning letters and notices of violations, and other code enforcement duties as described in Attachment A of the contract.

Councilman Sweezy made a motion to approve the Agreement with WPCOG for the Provision of Code Enforcement Services in the amount of \$56,669.22; and to appoint William "Billy" Rickles, Jr. as the Town of Valdese Code Enforcement Officer, seconded by Councilman Ogle. The vote was unanimous. Deputy Town Clerk Courtney Kennedy will administer the oath of office at a later date.

ADOPTION OF WPCOG CODE ENFORCEMENT ORDINANCES Code Enforcement Officer Billy Rickles informed Council that revisions have been made to various ordinances related to code enforcement to provide language that is consistent among municipalities that WPCOG provides code enforcement services to. Mr. Rickles presented the four following resolutions:

**RESOLUTION AMENDING CHAPTER 1 OF PART 9
OF THE CODE OF ORDINANCES OF THE TOWN OF VALDESE**

IT IS HEREBY RESOLVED that Chapter 1 of Part 9 of the Code of Ordinances is amended to read as follows:

"PART 9 – PLANNING AND REGULATION OF DEVELOPMENT

CHAPTER 1 – BUILDING REGULATION

ARTICLE D. –MINIMUM HOUSING STANDARDS

State Law reference— Municipal housing standards authorized, G.S. § 160A-441 et seq.

Sec. 9-1061. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" and "premises" are used in this article, they shall be construed as though followed by the words "or any part thereof."

Accessory building or outhouse means a building or structure the use of which is incidental to that of the main building or structure and which is located on the same lot or a contiguous lot.

Alter or alteration means any change or modification in construction or occupancy.

Basement means a portion of a building located completely underground or partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Cellar means a portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Code Official/Code Enforcement Officer means the official, or code enforcement officer, or other person charged with the administration and enforcement of this article or duly authorized representative.

Dwelling means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any temporary dwelling or any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.

"Manufactured home" or "mobile home" means a structure as defined in G.S. § 143-145(7).

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Exit means a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the code enforcement officer.

Floor area means the total area of all habitable space in a building or structure.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments and laundries.

Infestation means the presence, within or around a dwelling of any insects, rodents or other pests.

Multiple dwelling means any building or portion thereof which is designed, built, rent, leased, let or hired out to be occupied or which is occupied as the home or residence of more than two (2) families living independently of each other and doing their own cooking in the building, and shall include flats and apartments.

Occupant means any person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Openable area means that part of a window, porch or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator means any person who has the charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

Owner means any person who, alone or jointly, or severally with others:

- (1) Has title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Has the charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if he is the owner.

Parties in interest means all individuals, associations and corporations who have interest of record in a dwelling, and any who are in possession thereof.

Plumbing means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supply fixtures, together with all connections to water, sewer or gas lines.

Premises means a lot, plat or parcel of land, including the buildings or structures thereon.

Public authority means any housing authority, or any official in charge of any department or branch of the government of the Town, the county or the state relating to health, fire or building regulations, or to other activities concerning housing in the Town.

Rooming/Boarding house means any dwelling or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to two (2) or more persons, who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating.

Removal means the demolition and removal of the entire building, leaving the premises free and clear of any debris; any excavation properly filled in and with no holes or pockets which retain water.

Rubbish means combustible or noncombustible waste materials except garbage, including but not limited to, the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust, and discarded appliances.

Story means that part of a building between one (1) floor and the floor or roof next above.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof."

Substandard means any condition existing in any housing or structure which does not meet the standards of fitness of this article.

Supplied means paid for, furnished or provided by, or under the contract of, the owner or operator.

Temporary housing means any tent, trailer or other structure used for human shelter which is designed to be transportable (i.e. Motor home) and which is not attached to the ground, to another structure or to any utilities system on the same premises legally for more than sixty (60) consecutive days.

Unfit for human habitation means that conditions exist in a dwelling which violate or do not comply with one (1) or more of the minimum standards of fitness established by this article.

Ventilation means the insufflation and the exsufflation of air by natural means to and from housing.

Ventilation, mechanical means ventilation by power-driven devices.

Ventilation, natural means ventilation by opening to outer air through windows, sky-lights, doors, louvers or stacks with or without wind-driven devices.

Sec.9-1062. - Findings; purpose.

The Town Council finds and declares that there now exists in the Town and its one-mile jurisdiction and may reasonably be expected to exist in the future, housing which is unfit for human habitation because of dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, adequate lighting or sanitary facilities; or because of conditions rendering such housing unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the Town and its area of jurisdiction; and that a public necessity exists to exercise police powers of the Town pursuant to G.S. § Ch. 160A, art. 19, and other applicable laws, as now or hereafter amended, to cause the repair and rehabilitation, closing or demolishing of such housing in the manner provided in this article; and pursuant to the exercise for the police power, the Town Council finds as fact and so declares that the ensuing sections of this article are necessary to the implementation of its purposes hereinabove declared in this section and that, specifically, but without limitation, the minimum standards of fitness for dwellings and dwelling units, as enacted in this article are reasonable and necessary for this community and are all reasonable and necessary criteria for determining whether dwellings and dwelling units in this Town are fit for human habitation.

State Law reference— Similar provisions, G.S. § 160A-441.

Sec. 9-1063. - Conflicts.

The provisions of this article shall not be construed to conflict with any other applicable laws, codes or ordinances pertaining to housing, but are supplemental thereto and where the provisions of this article are similar to provisions of other applicable codes or ordinances, the more stringent provisions shall apply.

Sec. 9-1064. - Scope.

(a) Every building used in whole or in part as a dwelling unit or as two (2) or more dwelling units, or as a rooming house or boardinghouse, shall conform to the requirements of this article irrespective of the primary use of such building, and irrespective of when such building may have been constructed, altered or repaired.

(b) This article establishes minimum standards for occupancy and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this article.

(c) In addition to the exercise of police power authorized in this article with respect to dwellings, the Town shall cause to be repaired, closed or demolished any abandoned structure which the Council finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous condition constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing or demolition of such structures shall be pursuant to the same provisions and procedures as are prescribed in this article for the repair, closing or demolition of dwelling found to be unfit for human habitation.

Sec. 9-1065. - Alternative remedies.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action, or otherwise, or to enforce this article by criminal process or otherwise, and the enforcement of any remedy provided in this article shall not prevent the enforcement of any other remedy or remedies provided in this Code or in other ordinances or laws.

State Law reference— Similar provisions, G.S. § 160A-450.

Sec. 9-1066. - Right of access.

(a) For the purpose of making inspections, the code enforcement officer is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall give the official free access to such dwelling, dwelling unit, or rooming unit and its premises at all reasonable times for the purposes of such inspection, examination, and survey.

(b) Every occupant of a dwelling or dwelling unit shall give the owner thereof, or agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this chapter.

State Law reference— Power to inspect, G.S. § 160A-412, 160A-424, 160A-448.

Sec. 9-1067. - Methods of service of complaints and orders.

Complaints or orders issued by the official shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the official, he shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same once each week for two successive weeks in a newspaper, printed and published in the Town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

Sec. 9-1068. - Compliance.

Every dwelling and dwelling unit used as a human habitation or held out for use as a human habitation shall comply with all of the requirements of this article. No person shall occupy as a human habitation any dwelling or dwelling unit which does not comply with all of the requirements of this article.

Sec. 9-1069. - Space use.

The minimum standards for space use are as follows:

- (1) A principal area shall not have less than one hundred fifty (150) square feet.
- (2) A kitchen-dining room combination, if any, shall have not less than one hundred (100) square feet.
- (3) A first bedroom, if any, shall have not less than one hundred (100) square feet.
- (4) A second bedroom, if any, shall have not less than seventy (70) square feet.
- (5) Each habitable room shall have at least seventy (70) square feet.
- (6) At least one hundred fifty (150) square feet of floor space in habitable rooms shall be provided for the first occupant in each dwelling unit; at least one hundred (100) square feet of additional floor space shall be provided for each of the next three (3) occupants; and at least seventy-five (75) square feet of additional floor space shall be provided for each additional occupant over the number of four (4) (children one (1) year of age and under shall not be counted).
- (7) At least seventy (70) square feet of bedroom floor space shall be provided for the first occupant; at least twenty (20) square feet of additional bedroom floor space shall be provided for the second occupant; and at least thirty (30) square feet of additional bedroom floor space shall be provided for each occupant over the number of two (2) (children one (1) year of age and under shall not be counted).
- (8) Those habitable rooms which must be included to meet the foregoing minimum space standards shall be at least seven (7) feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven (7) feet. That portion of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area.
- (9) No basement space shall be used as a habitable room or dwelling unit unless:
 - (a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

- (b) The total of window area in each room is equal to at least the window area sizes prescribed in the following section for habitable rooms.
- (c) The total of functionally opening window area in each room is equal to at least the room area prescribed in the following section for habitable rooms, except where there is supplied some other device affording adequate ventilation approved by the director of inspections.
- (10) Toilet and bathing facilities shall be structurally enclosed and shall be located so as not to require passage through an openable area.
- (11) Bathroom walls, toilet room walls and bedroom walls shall have no holes or excessive cracks.
- (12) Access shall be provided to all rooms within a dwelling unit without passing through a public space or another dwelling unit.
- (13) Doors shall be provided at all doorways leading to bedrooms, toilet rooms, bathrooms and at all rooms adjoining a public space.
- (14) Each living unit shall have a specific kitchen space, which contains a sink with counter workspace and has hot and cold running water and adequate space for storing cooking utensils.
- (15) Electric, water and sewer must be in working order.

Sec. 9-1070. - Light and ventilation.

The minimum standards for light and ventilation are as follows:

- (1) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area measured between stops for every habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, they shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.
- (2) Every room in a dwelling unit and means of egress shall be sufficiently illuminated so as to provide safe and satisfactory uses.
- (3) Year-round mechanically ventilating systems may be substituted for windows, as required herein, but must be approved by the code enforcement officer, in rooms other than rooms used for sleeping purposes.
- (4) All outside windows and doors used for ventilation shall be screened.
- (5) All windows and doors shall be made weather tight.
- (6) Windows and doors shall have no broken glass and shall have adequate operable locks and hardware.
- (7) Openable window area in each toilet room shall be at least two (2) square feet, unless served by mechanical ventilation.
- (8) Natural ventilation of spaces such as attics and enclosed non-basement space shall be provided by openings of sufficient size to overcome dampness and to minimize the effect of conditions conducive to decay and deterioration of the structure, and to prevent excessive heat in attics.
- (9) Utility spaces containing heat-producing, air-conditioning and other equipment shall be ventilated according to manufacturer's requirements.
- (10) Mechanical ventilation shall be of sufficient size to eliminate dampness and odors of the area it is serving.

Sec. 9-1071. - Exits.

- (a) Two (2) main exits, each at least thirty (30) inches wide and six (6) feet eight (8) inches high, easily accessible to the occupants of each housing unit, shall be provided, unless a single exit is permitted as an exception by provisions of the state building code, as from time to time amended. All exit doors shall be easily operable.
- (b) Platforms, steps and/or handrails shall be provided to serve exits and maintained in a safe condition.

Sec. 9-1072. - Plumbing.

The minimum plumbing standards are as follows:

- (1) The plumbing systems shall be connected to the Town sanitary sewer system, where available; otherwise, the plumbing system shall be connected onto an approved septic tank.
 - (2) All plumbing fixtures shall meet the standards of the Town plumbing code and shall be maintained in a state of good repair and in good working order.
 - (3) There shall be provided a hot water heater (minimum thirty-gallon capacity) furnishing hot water to each tub or shower, lavatory and kitchen sink.
 - (4) Installed water supply inside the building shall be provided for each housing unit.
 - (5) Installed water closet, tub or shower, lavatory and sink shall be provided for each dwelling unit.
 - (6) Separate toilet facilities shall be provided for each dwelling unit.
 - (7) Toilet and bathing facilities shall be structurally protected from the weather.
 - (8) All water piping shall be protected from freezing by proper installation in protected space.
 - (9) At least one (1) main vent of a minimum diameter of two (2) inches shall be properly installed for each building.
 - (10) Sewer and water lines shall be properly supported with no broken or leaking lines.
- Sec. 9-1073. - Heating.

The minimum heating standards are as follows:

- (1) Reserved.
- (2) Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance three (3) feet above floor level, under ordinary minimum winter conditions.
- (3) All gas-heating and oil-heating equipment installed on the premises shall be of a type approved by Underwriters' Laboratories or by the American Gas Association and shall be installed in accordance with the provisions of the state building code.
- (4) Liquid fuel stored on the premises shall be stored in accordance with the provisions of the National Fire Prevention Association standards.
- (5) Chimneys and fireplaces shall have no loose bricks.
- (6) Flues shall have no holes.
- (7) There shall be no hanging masonry chimneys.
- (8) Thimbles shall be grouted in tight.
- (9) Thimbles shall be installed high enough for stovepipe to rise one-fourth inch per foot minimum.
- (10) Hearths shall be at least twenty (20) inches deep and seven (7) inches beyond each side of the fireplace opening.
- (11) No combustible materials shall be within seven (7) inches beyond each side of the fireplace opening.
- (12) If the fireplace opening is closed because of hazardous conditions, the closure shall be of masonry or other approved material as determined by the code enforcement officer.
- (13) Any stove shall be within six (6) feet of the thimble serving it.
- (14) Stovepipes and vents shall comply with volume 3 of the state building code.
- (15) No unvented combustible space heaters shall be used.

State Law reference - G.S. §136-443.1

Sec. 9-1074. - Electricity.

The minimum electrical standards are as follows:

- (1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles, which shall be connected in such manner as determined by the National Electric Code, as adopted by the Town.
- (2) No receptacles, ceiling fixtures or other fixtures shall be broken or hanging loose.
- (3) All toggle switches and fixtures shall be safely operable.
- (4) At least two (2) duplex convenience outlets, as remote from each other as practicable, shall be provided per habitable room.
- (5) At least one (1) light outlet in each bathroom, hall, kitchen and porch, and over exterior steps to the second floor shall be provided.

- (6) There shall be no bare wires, open joints or spliced cables.
 - (7) Flexible cords shall not be used as a substitute for the fixed wiring of a structure, nor shall flexible cords be run through holes in walls, ceilings or floors, through doorways, windows, or similar openings, or be attached to building surfaces or concealed behind building walls, ceilings or floors.
 - (8) No branch circuits shall be overloaded.
 - (9) A minimum of three (3) branch circuits, plus separate circuits for each fixed appliance, shall be provided in each dwelling unit.
 - (10) There shall be provided service equipment and a lighting panel of adequate capacity and size (minimum of sixty-ampere capacity) to accommodate the existing or the required number of branch circuits, and the equipment shall be properly grounded.
 - (11) Outlets in kitchens and bathrooms shall be ground-fault interrupter device protected.
 - (12) All residences shall have a smoke detector on each livable floor. The property owner shall be responsible for installing a fresh battery with change in tenants; the tenant shall be responsible for maintaining the unit and shall not commit any act that shall render the unit inactive.
 - (13) All rental dwelling units having a fossil fuel burning heater or appliance or fireplace shall provide a minimum of one operable carbon monoxide detector per unit per level. A carbon monoxide detector is also required for an attached garage. The landlord shall install, replace or repair the carbon monoxide monitor(s) unless the landlord and tenant have a written agreement to the contrary.
- Sec. 9-1075. - Structural requirements.

The minimum structural standards shall be as follows:

- (1) Foundation:
 - a. A foundation shall support the building at all points and shall be free of holes and cracks which admit rodents, water or dampness to the interior of the building or which lessen the capability of the foundation to support the building.
 - b. The foundation shall be on firm, reasonably dry ground, and there shall be no water standing or running under the building.
 - c. Footings shall be sound and have adequate bearing capacity.
 - d. Piers shall be sound.
 - e. No wood stiff knees or other improper piers shall be allowed.
 - f. All structures shall be underpinned or enclosed in an approved manner, such as aluminum, galvanized, asbestos or masonry.
- (2) Floors:
 - a. No rotted or termite-damaged sills shall be allowed.
 - b. No broken, overloaded or sagging sills shall be allowed.
 - c. Sills shall be reasonably level.
 - d. Sills shall be properly and sufficiently supported.
 - e. Sills shall clear the ground by at least eighteen (18) inches.
 - f. No rotted or termite-damaged joists shall be allowed.
 - g. No broken or sagging joists shall be allowed.
 - h. Flooring shall be weather tight without holes or cracks which permit air to excessively penetrate rooms.
 - i. Flooring shall be reasonably smooth, not rotten or worn through.
 - j. No loose flooring shall be allowed.
 - k. Floors shall be reasonably level.
- (3) Walls, exterior:
 - a. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.
 - b. No studs which are rotted or termite-damaged shall be allowed.
 - c. No broken or cracked structural members shall be allowed.
 - d. No loose siding shall be allowed.
 - e. Walls used as partitions shall not lean or buckle.
 - f. No deteriorated siding or covering shall be allowed.
- (4) Walls, interior:
 - a. The interior finish shall be free of holes and cracks, which permit air to excessively penetrate rooms.

- b. No loose plaster, loose boards or other loose wall materials shall be allowed.
- c. There shall be no cardboard, newspaper or other highly combustible material allowed as a wall finish.
- d. No studs shall be rotted or termite-damaged.
- e. No broken or cracked studs or other broken or cracked structural members shall be allowed.
- (5) Ceilings:
 - a. No joists shall be rotted, broken or sagging or have improperly supported ends.
 - b. There shall be allowed no holes or cracks, which permit air to excessively penetrate rooms.
 - c. No loose plaster, loose boards, loose sheetrock or other loose ceiling finish shall be allowed.
 - d. There shall be allowed as ceiling finishes no cardboard or other highly combustible material.
- (6) Roofs:
 - a. Rafters shall not be rotted, broken or sagging or have improperly supported ends.
 - b. No rafters seriously fire-damaged shall be allowed.
 - c. Attics shall be properly vented.
 - d. No rotted, loose, or sagging sheathing shall be allowed.
 - e. No loose roof covering shall be allowed nor shall there be allowed any holes or leaks, which could cause damage to the structure or rooms.
 - f. Walls and chimneys shall have proper flashing.
- (7) Stairs and steps:
 - a. Stairs and steps shall be free of holes, grooves and cracks large enough to constitute accident hazards.
 - b. Stairwells and flights of stairs more than four (4) risers or having risers more than thirty (30) inches high shall have rails not less than two (2) feet six (6) inches measured vertically from the nose of the treads to the top of the rail.
 - c. Every rail shall be firmly fastened and maintained in good condition.
 - d. No flight of stairs settled more than one (1) inch out of its intended position or pulled away from supporting or adjacent structures shall be allowed.
 - e. No rotting, sagging or deteriorated supports shall be allowed.
- (8) Porches and appurtenances:
 - a. Every outside and inside porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be kept in sound condition and good repair.
 - b. Protective railings shall be required on any unenclosed structure over three (3) feet from the ground level.
- (9) Accessory structures: All accessory buildings and structures, including detached garages, shall be maintained structurally sound and in good repair or shall be raised to grade level and the debris therefrom removed from the premises.
- (10) Supplied facilities: Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

Sec. 9-1076. - Property maintenance.

The minimum property maintenance standards are as follows:

- (1) Buildings and structures:
 - a. Exterior wood surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative, with sufficient frequency to prevent deterioration.
 - b. Floors, walls, ceilings and fixtures shall be maintained in a clean and sanitary condition.
- (2) Public areas: Every owner of a structure containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the structure and premises thereof.
- (3) Rubbish and garbage: Every person who occupies and controls a dwelling unit shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in proper storage facilities.
- (4) Premises:
 - a. Fences and other minor structures shall be maintained in safe and substantial condition.
 - b. Yards and courts shall be kept clean and free of physical hazards, rubbish, trash and garbage.

- c. No heavy undergrowth or accumulations of plant growth which are noxious or detrimental to health shall be allowed.
- d. Every premises shall be provided with all-weather vehicular access to and from the premises at all times by an abutting public or private street.
- e. Walks and steps, constructed so as to provide safety, reasonable durability and economy of maintenance, should be provided for convenient all-weather access to the structure.
- f. Access to the rear yard from each dwelling unit shall be required. Such access is not, however, acceptable where it is dependent upon passage through another dwelling unit. Each building shall be provided with access to the rear yard. This access for a detached dwelling shall be directly from a street.
- g. Any nonresidential use of the premises shall be subordinate to its residential use and character.
- (5) Infestation:
 - a. Premises, buildings and structures shall, by generally accepted methods of extermination, be maintained free of vermination and rodent harborage and infestation.
 - b. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement or cellar, which might provide an entry for rodents, shall be supplied with screens installed or with such other approved devices as will effectively prevent entrance by rodents.
 - c. Every head-of-household occupant of a structure containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every head-of-household occupant of a dwelling unit in a structure containing more than one (1) dwelling unit shall be responsible for such extermination whenever the dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a structure in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any structure or in the shared or public parts of any structure containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
- (6) Cleanliness: Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- (7) Supplied plumbing fixtures: Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
- (8) Care of facilities, equipment and structure: No occupant shall willfully destroy, deface or impair any of the facilities or equipment of any part of the structure of a dwelling or dwelling unit.
- (9) Lead Paint per North Carolina G.S. 130A-131.7 All property owners shall comply with lead paint provisions and abatement. Property owner assumes all costs of abatement and repairs. All homes constructed before the year 1978 will be subject to lead paint testing.

Sec. 9-1077. – Rooming/Boarding houses.

All of the provisions of this article, and all of the minimum standards and requirements of this article shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following subsections:

- (1) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house whenever such facilities are shared. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.
- (2) Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- (3) Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (50) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (70) square feet of floor space for each occupant thereof.
- (4) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the governed area or of the state.
- (5) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every part of the rooming house. He shall

be further responsible for the sanitary maintenance of the entire premises when the entire structure or building is leased or occupied by the operator.

(6) No person shall operate a rooming house unless he holds a valid rooming house license and keeps same posted on the premises.

(7) The Town Council on a quarterly basis shall inspect rooming houses, according to G.S. 160A-424. Sec. 9-1078. - Inspections; duty of owner and occupants.

Every occupant of a dwelling or dwelling unit shall give the owner thereof, or agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

Sec. 9-1079. - Refusal to permit entry for inspection.

It shall be unlawful for any owner or person in possession of premises on which housing is located in the Town to refuse, after being presented with a warrant, as issued in accordance with state law, to permit the code enforcement officer or duly appointed agents to enter upon the premises for the purpose of making examinations as authorized by this article. Violation of this section shall subject the offender to a civil penalty.

State Law reference— Similar provisions, G.S. §15-27.2

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 9-1080. - Method of serving complaints, orders.

Complaints or orders issued by the code enforcement officer or designee under this article shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public official in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the public official makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the Town at least once no later than the time at which personal service would be required under the provisions of the part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

State Law reference— Similar provisions, G.S. § 160A-445.

Sec. 9-1081. - Dwellings in violation; preventive action or proceeding.

If any dwelling is erected, constructed, altered, repaired, converted, maintained or used in violation of this article or any valid order or decision of the official made pursuant to this article, the official may institute any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation, to prevent the occupancy of the dwelling or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

State Law reference— Similar provisions, G.S. § 160A-446(g).

Sec. 9-1082. - Petition for temporary injunction.

Any person aggrieved by an order issued by the official may petition the superior court for an injunction restraining the official from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the official pending a final disposition of the case. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition with twenty (20) days, and shall be given preference over other matters on the court calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction.

State Law reference— Similar provisions, G.S. § 160A-446(f).

Sec. 9-1083. - Enforcement by Code Official/Code Enforcement Officer; assistance from Town agencies, departments.

(a) The code enforcement officer shall be responsible for the enforcement of this article.

(b) The code enforcement officer shall have authority to request the advice and assistance of the Town planning board, the housing authority, the fire department, the health department, and any other public authority may be deemed appropriate, in determining those areas of the Town in which substandard housing may be prevalent, and designate and schedule such areas for comprehensive inspection under this article. This procedure shall be in addition to regular, Town wide inspections under this article.

Sec. 9-1084. - Powers of Code Official/Code Enforcement Officer.

The code enforcement officer is authorized to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others granted:

(1) To investigate the dwelling conditions in the Town in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths; affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of officials, agents and employees necessary to carry out the purposes of the ordinances;

(5) To delegate any of the functions and powers under the ordinance to other officials and other agents. State Law reference— Similar provisions, G.S. § 160A-448.

Sec. 9-85 - Issue of complaint; hearing; determination of unfit dwelling; abatement procedure.

(a) Whenever a petition is filed with the code enforcement officer by a public authority or by at least five (5) residents of the Town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the official that any dwelling or dwelling unit is unfit for human habitation, the code enforcement officer shall, if the preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the official, at a place within the county, not less than ten (10) nor more than thirty (30) days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one (1) of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the official.

(b) If after such notice and hearing the official determines that the dwelling under consideration is unfit for human habitation, the code enforcement officer shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owners an order as follows:

(1) If the repair, alteration or improvement of the dwelling can be made at a cost not to exceed fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation;

(2) If the repair, alteration or improvement of the dwelling cannot be made at a cost not to exceed (50) percent of the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(3) If a house has been closed and/or boarded, for a period of one year or longer, after being closed following proceedings under the substandard housing regulations and Town Council determines that the owner has abandoned the intent and purpose to render it fit for human habitation and that continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the community in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would cause or contribute to blight and deterioration of property values in the area, then in such circumstances, the Town Council may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty (50) percent of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days; or,
 - b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty (50) percent of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
 - (c) The official is authorized to fix the reasonable value of any housing and to estimate the cost of repairs, alterations or improvements for the purposes of this section.
 - (d) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the official may cause such to be repaired, altered or improved or to be vacated and closed, and may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.
 - (e) If the owner fails to comply with an order to remove or demolish the dwelling, the official may cause such dwelling to be removed or demolished; provided, however, that the powers of the official set forth in subsection (d) and this subsection shall not be exercised until the Town Council has, by ordinance, ordered the official to proceed to effectuate the purpose of this article with respect to the particular property or properties, which the official has found to be unfit for human habitation and which shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. Such ordinance shall be recorded in the office of the register of deeds of the county and shall be indexed in the name of the property owner in the grantor index.
 - (f) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the official, shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. § Ch. 160A, art. 10. If the dwelling is removed or demolished by the official, he shall sell the materials of such dwelling, any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the official, shall be secured in such manner as may be directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.
 - (g) If any occupant fails to comply with an order to vacate a dwelling, the public official may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public official produces a certified copy of an ordinance adopted by the governing body pursuant to subdivision (e), authorizing the official to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the governing body has ordered the public official to proceed to exercise duties under paragraphs (d) and (e) of this section to vacate and close or remove and demolish the dwelling.
 - (h) Any violation of this section shall additionally subject the offender to a civil penalty to be recovered by the Town pursuant to section 1-7.
- State Law reference— Abatement procedures, G.S. § 160A-443.
Sec. 9-1086 Appeals from orders of Code Official/Code Enforcement Officer.

(a) An appeal from any decision or order of the code enforcement officer may be taken by any person who is the subject of the decision or order. Any appeal from the official shall be taken within ten days from the rendering of the decision or notice of the order, and shall be taken by filing a notice of appeal with the planning department which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the official shall forthwith transmit to the board of adjustment all papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the code enforcement officer refusing to allow the person aggrieved thereby to do any act, the decision shall remain in force until modified or reversed. When any appeal is from a decision of the code enforcement officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing of the board of adjustment, unless the official certifies to the board of adjustment, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of the requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the code enforcement officer, by the board of adjustment, or by a court of record upon petition made pursuant to G.S. 160A-446(f) and the provisions of this article.

(b) The board of adjustment shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the official, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the official. The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

State Law reference— Similar provisions, G.S. § 160A-446(c), (d), (e).

Sec. 9-1087. - Petition to superior court.

Any person aggrieved by an order issued by the official or a decision rendered by the board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the official pending a final disposition of the cause.

State Law reference— Similar provisions, G.S. § 160A-446(f).

Sec. 9-1088. - Unauthorized removal of posted complaint, notice or order.

No person without the written consent of the Town manager or appointed agent shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this article. Any person violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor.

Sec. 9-1089. - Renting unfit dwelling after notice.

When the official finds that a dwelling is unfit for human habitation within the meaning of this article and has notified the owner to such effect and the time limit set by the official for the repair, alteration, improvement, removal, demolition or vacating and closing the same has expired, no person shall receive rentals or offer for rent or occupancy such dwelling or dwelling unit as a human habitation until such time as the order of the official is obeyed or reversed by a court of competent jurisdiction in accordance with the law. Each day such offense continues shall be deemed separate offense. Any violation of this section shall subject the offender to a civil penalty.

Sec. 9-1090. - Certificate of occupancy.

(a) The Town shall not provide, nor permit another to provide, either public or private utility services such as water, gas, electricity, sewer, etc., to any dwelling unit becoming vacant until such dwelling unit has been inspected, brought into compliance with this article and a valid certificate of occupancy, as required, has been issued. This requirement shall not preclude the temporary use of such utility services for alteration. The building official shall be responsible for making the determination as to when such temporary services may be necessary.

(b) No certificate of occupancy may be issued for any single-family or multi-family residential building on which construction is begun on or after January 1, 1978, until it has been certified as being in compliance

by the energy and insulation official with the minimum insulation standards for residential construction, as prescribed in the state building code.

For structures built prior to 1978 and no insulation exists, the attic shall be insulated to an R-30 value. If insulation exists in a structure built before 1978, it must have an R-19 value.

(a) It shall be unlawful for any person to occupy, or allow another to occupy, or offer for rent, a dwelling or dwelling unit until a valid certificate of occupancy has been issued.

Section 9-1091 Changes in work after permit issued.

After a permit has been issued, no changes or deviations from the terms of the application and permit or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter shall be made until specific written approval of such changes or deviations has been obtained from the appropriate official.

Sec. 9-1092. - Violations; penalty.

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the official duly made and served as provided in this article, within the time specified in the order. Each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to this division, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement, or its vacation and closing, or removal or demolition. Each day that such occupancy continues after the prescribed time shall constitute a separate and distinct offense.

ARTICLE E. – MINIMUM STANDARDS FOR NON-RESIDENTIAL BUILDINGS

Sec. 9-1093. - Exercise of police powers; authority.

The Town Council hereby finds and declares that there exists within the Town limits and its environs unsafe structures which are a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. In order to alleviate these unsafe and dangerous conditions for the health, safety, and welfare of the citizens and its environs, a public necessity exists to exercise the police powers conferred upon the Town for the repair, closing or demolition of such structures.

Sec. 9-1094. - Definition of abandoned and/or unsafe structure.

An abandoned and/or unsafe structure is defined as a nonresidential building or structure which has not been occupied by authorized persons for at least six (6) months and which persistently or repeatedly becomes unprotected or unsecured, or which has been occupied by unauthorized persons, or which presents a danger of structural collapse, fire, disease, or a threat to children.

Sec. 9-1095. - Procedure for enforcement.

(a) Duty of code official/code enforcement officer. It shall be the duty of the code official or code enforcement officer to examine non-residential structures located in the Town and its environs where conditions described in section 4-101 exist for the purpose of locating and taking action with respect to such structures as appear to be a health or safety hazard. In exercising this power, department members shall have the right to enter on any premises within the jurisdiction of the department at all reasonable hours for purposes of inspection or other enforcement action, upon presentation of proper credentials.

(b) Notice of complaint. If the inspection discloses health or safety hazards as described in this article, the official shall affix a notice of unsafe character in a conspicuous place on the exterior wall of the structure giving notice of its unsafe or dangerous conditions and cause to be served upon the owner of and parties in interest to the structure a complaint stating the charges and containing a notice. If the owner of a building or structure that has been condemned as unsafe pursuant to G.S. §160A-426 shall fail to take prompt corrective measures, the official shall give him written notice, by certified or registered mail to the last known address or by personal service, that the building or structure is in a condition that appears to meet one or more of the following conditions:

- (1) Constitutes a fire and safety hazard;
- (2) Is dangerous to life, health, or other property;
- (3) Is likely to cause or contribute to blight, disease, vagrancy or danger to children; or
- (4) Has a tendency to attract person/s intent on criminal activities or other activities which would constitute a public nuisance.

A hearing will be held before the official at a designated place therein fixed, not less than ten (10) nor more than thirty (30) days after serving of said complaint. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the Town at least once, not later than one week prior to the hearing.

No oversight or dereliction of duty on the part of any official or employee of the Town shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code adopted in this chapter.

(c) Hearing. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the official.

(d) Procedure after hearing. After such hearing, if the official finds that a structure constitutes a health or safety hazard, the code enforcement officer shall state in writing the findings of fact in support of such determination. In such case, the official shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, close, vacate or demolish the structure as necessary to correct the health or safety hazard within a specified period of time.

Sec. 9-1096. - Appeal; finality of order if not appealed.

Any owner who has received an order under G.S. § 160A-429 may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the official and to the Town clerk within ten days following issuance of the order. In the absence of an appeal, the order of the official shall be final. The Board of Adjustment shall hear and render a decision in an appeal within a reasonable time. The Board of Adjustment may affirm, modify and affirm, or revoke the order.

Sec. 9-1097. - Securing, closing and demolition by the Town.

If the owner fails to comply with an order of the official to repair, secure and close, vacate or demolish, the official shall take one (1) or more of the following actions as necessary:

- (a) Secure the issuance of a warrant charging such owner with violation of this article;
- (b) Secure and close said structure;
- (c) Cause such structure to be repaired, altered or improved; or
- (d) Cause such structure to be demolished.

State Law reference— Similar provisions, G.S. § 15-27.2

Sec. 9-1098. - Actions by Town Council.

(a) The powers of the official as set forth in section 4-103(c) and (d) shall not be exercised until the Town Council has by ordinance ordered the official to proceed to effectuate the purpose of this article with respect to the particular property or properties, which the official has found to be a health or safety hazard and which shall be described in the ordinance. Such ordinance shall be recorded in the office of the register of deeds of the county and shall be indexed in the name of the property owner in the grantor index.

(b) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the official, shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. § Ch. 160A, Art. 10. If the structure is removed or demolished by the official, he shall sell the materials of such structure, any personal property, fixtures or appurtenances found in or attached to the structure, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the official, shall be secured in such manner as may be directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

Sec. 9-1099. - Failure to comply with order.

If the owner of a building or structure fails to comply with an order issued pursuant to G.S. §160A-429 from which no appeal has been taken, or fails to comply with an order of the Town Council following an appeal, he shall be guilty of a Class 1 misdemeanor, additionally subject the offender to civil penalty to be recover by the Town pursuant article G.S. § 14-4.; Every day such person shall willfully fail or refuse to comply with any final order or direction of the code enforcement officer or Town Council made by virtue and in pursuance of this article shall constitute a separate and distinct offense.

Sec. 9-1100. - Lien on property.

The amount of the cost of such repair, alterations, improvements, vacating and closing, or demolition ordered by the Town Council or by the official shall be a lien against the real property upon which such cost was incurred; said lien shall be filed, have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments pursuant to G.S. § Ch. 160A, Art. 10.

Sec. 9-1101. - Other unlawful actions.

(a) No person shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of section 4-103 of this article.

(b) It shall be unlawful for the owner of any building upon whom a notice, complaint or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of said building unless one of the following actions have been taken:

(1) Compliance with the provisions of the notice, complaint or order; or

(2) Furnish a copy of any notice, complaint or order to the transferee, lessee, or mortgagee, and give written notice to the official of said action.

Sec. 9-1102. - Alternative remedies.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisance and to cause their abatement by summary action or otherwise, or the enforcement of any other remedy or remedies provided or in other ordinances of laws.

Sec. 9-1103. - Conflicts with other provisions.

In the event any provision, standard or requirement of this article is found to be in conflict with a provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town and environs shall prevail.

Sec. 9-1104. - Unsafe buildings condemned.

An official may declare a nonresidential building or structure within a community development target area designated by the Town Council, or within a development zone authorized by G.S. § 105-129.3.A or G.S. §160A-503(10) to be unsafe if it meets both of the following conditions:

(1) It appears to the official to be vacant or abandoned; and

(2) It appears to the official to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

Sec. 9-1105. - Appeals in general.

Unless otherwise provided by law, appeals from any order, decision or determination by a member of a local inspection department pertaining to the state building code or other state building laws shall be taken to the commissioner of insurance or appointed designee or other official specified in G.S. § 143-139, by filing a written notice with him and with the inspection department within a period of ten days after the order, decision or determination. Further appeals may be taken to the state building code council or the courts as provided by law.

Sec. 9-1106. - Changes in work after permit issued.

After a permit has been issued, no changes or deviations from the terms of the application and permit or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter shall be made until specific written approval of such changes or deviations has been obtained from the appropriate official.

Sec. 9-1107. - Report of owner's failure to comply with Code Official's/Code Enforcement Officer's order.

If the owner does not appeal from the final order or direction of the code enforcement officer requiring that the building or structure be demolished and removed or the taking of such other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with such order and direction, it shall be the duty of the official to file a written report thereof with the Town manager, who shall cause such report to be placed on the agenda for action by the Town Council at its next ensuing regular meeting or at some subsequent meeting to which the Town Council may continue the same. The code enforcement officer shall mail a copy of such report by certified or registered mail to the owners last known address or have a copy of such report delivered to such owner. Such report shall specify the date of the meeting of the Town Council for which the matter will be docketed for action.

ARTICLE F. – ABANDONED MANUFACTURED HOMES

Sec. 9-1108 - Intent

(a) The intent of this article is to protect the public health and environment through the deconstruction of abandoned manufactured homes to reduce blight and unattractive nuisances.

(b) It is a policy of the town to promote the removal of reusable or recyclable materials to reduce the impact of such solid wastes and production of said materials on the environment.

Sec. 9-1109 - Abandoned, Nuisance and Junked Mobile Homes Unlawful

(a) It shall be unlawful for the registered owner or person entitled to possession of a manufactured home and for the owner, lessee or occupant of the real property upon which the manufactured home is located to leave, allow, or suffer the manufactured home to remain on the property after it has been declared an abandoned manufactured home or a public nuisance.

(b) A manufactured home shall be deemed to be an abandoned manufactured home for the purposes of this article in the following circumstances: any manufactured home that is either vacant or in need of extensive repair; and an unreasonable danger to public health, safety, welfare or the environment.

(c) A manufactured home shall be considered abandoned when it has not been occupied for at least 120 days and meets any of the following criteria:

- (1) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
- (2) Has been boarded up for at least 30 days;
- (3) Has taxes in arrears for a period of time exceeding 365 days;
- (4) Has all utilities disconnected or not in use

Sec. 9-1110 - Notice Requirements for Abandoned Manufactured Homes

The Town shall notify the responsible party and the land owner for each identified abandoned manufactured home in writing and shall be sent to the person in the form of certified mail.

Sec. 9-1111 - Removal of Abandoned Manufactured Homes

- (a) The owner or responsible party shall be given 60 days from receipt of the written notice to dispose of the abandoned manufactured home in a legal manner.
- (b) If the owner or responsible party fails to comply with this order, the town shall take any action it deems reasonably necessary to dispose of the abandoned manufactured home, including entering the property where the abandoned manufactured home is located and arranging to have the home deconstructed and disposed of in a manner consistent with the Town's garbage collection and disposal provisions.
- (c) The property owner does not remove said abandoned manufactured home a lien will be placed against the real property, if not paid within 30 days and shall be collected as unpaid taxes.

Sec. 9-1112 - Protection Against Criminal or Civil Liability

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked manufactured home, for disposing of such manufactured home as provided in this article.

Sec. 9-1113 - Appeals

(a) Within the 60-day period mentioned in Sec. 5.04, the owner of the property where the nuisance exists may appeal the findings of the enforcement official to the Board of Adjustment by giving written notice of appeal to the enforcement official, the appeal to stay the abatement of the nuisances by the enforcement official until a final determination by the Board of Adjustment. In the event no appeal is taken, the enforcement official may proceed to abate the nuisance.

(b) The Board of Adjustment, in the event an appeal is taken as provided in division (a) above, may, after hearing all interested persons and reviewing the findings of the enforcement official, reverse the finding made pursuant to Sec. 5.04, but if the Board of Adjustment shall determine that the findings of the enforcement official pursuant to Sec. 6.04 are correct and proper, it shall declare the condition existing on the property to be a danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Town and public nuisance, and direct the enforcement official to cause the conditions to be abated.

Secs. 9-1114—9-1070. - Reserved.”

ADOPTED THIS, THE 6TH DAY OF MAY, 2019.

/s/ JOHN F. BLACK, JR., Mayor

ATTEST: /s/ Town Clerk

**RESOLUTION AMENDING CHAPTER 3 OF PART 8
OF THE CODE OF ORDINANCES OF THE TOWN OF VALDESE**

IT IS HEREBY RESOLVED that Chapter 3 of Part 8 of the Code of Ordinances is amended to read as follows:

“CHAPTER 3 – ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES
Sec. 8-3001. - Administration.

The police department, fire department, and code enforcement officer of the Town shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the Town and on property owned by the Town. The Town Council, with the assistance of the code enforcement officer, Town planner, or fire department, shall be responsible for administering the removal and disposition of "abandoned," "nuisance" or "junked motor vehicles" located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses

to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of the Town police department and fire department in enforcing other laws or in otherwise carrying out their duties.

Sec. 8-3002. - Definitions.

For the purpose of this article, certain words and terms are defined as herein indicated:

Abandoned vehicle: As authorized and defined in G.S. §160A-303, an abandoned motor vehicle is one (1) that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on a public street or highway for longer than seven (7) days; or
- (3) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

Authorizing official: The supervisory employee of the police department or the code enforcement officer, respectively, designated to authorize the removal of vehicles under the provisions of this article.

Motor vehicle or vehicle: All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Junked motor vehicle: As authorized and defined in G.S. §160A-303.2 the term, junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).

Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, or a public nuisance, or unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
- (3) A point of collection of pools or ponds of water; or
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor, visible presence; or
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, passenger interior, or other interior sections, etc.; or
- (6) So situated or located that there is a danger of its falling or turning over; or
- (7) One (1) which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) So offensive to the sight as to damage the community, neighborhood or area appearance; or
- (10) Used by children in play activities; or
- (11) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

Sec. 8-3003. - Abandoned vehicle unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.

(b) Upon investigation, proper authorizing officials of the Town or code enforcement officer may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Sec. 8-3004. - Nuisance vehicle unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the code enforcement officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Sec. 8-3005. - Junked motor vehicle regulated; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(b) Subject to the provisions of subsection (c), upon investigation, the code enforcement officer may order the removal of a junked motor vehicle as defined in this article after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community, and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

(c) Permitted concealment or enclosure of junked motor vehicle: Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means one which is erected pursuant to the lawful issuance of a zoning permit and a building permit which has been constructed in accordance with all zoning and building code regulations.

Sec. 8-3006. - Declared to be a health or safety hazard.

Any partially dismantled or wrecked vehicle, vehicle which is incapable of self-propulsion or being moved in the manner for which it was originally intended, vehicle left on private property without the consent of the owner, occupant or lessee thereof, or any junk motor vehicle is declared to be an attractive nuisance for children, a breeding place for rats and vermin, and a potential fire hazard. All vehicles abandoned upon privately owned property, which have been abandoned for as long as 30 days are declared to constitute a health and safety hazard.

Sec. 8-3007. - Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

Except as set forth in section 2.08 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner, or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, notice shall be given by first class mail (or any other method authorized for service by North Carolina Rules of Civil Procedure). The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to whom the notice is mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

An order to remove abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, may be appealed by the registered owner or person entitled to possession, does not remove the vehicle, but chooses to appeal, within the time period stated in the notice by appearing before the BOA. Such appeal shall stay the order of removal until final determination by the BOA. The appeal shall consider the determination that the vehicle is abandoned, or in the case of a nuisance vehicle, or in the case of a junked motor vehicle, that the aesthetic benefits of removing the vehicle outweigh the burdens. In the event no appeal is taken within the time period stated in the notice to remove, the code enforcement officer may proceed to remove the vehicle.

Sec. 8-3008. - Exceptions to prior requirement.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official or code enforcement officer, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to

otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

(1) Vehicles abandoned on the streets within the Town. For vehicles left on the public streets or highways, the Town Council hereby determines that immediate removal of such vehicles therefrom for safekeeping by or under the direction of the police department, the department of planning and community development, or the department of public works, to a storage garage or area may be warranted when they are:

- a. Obstructing traffic;
- b. Parked in violation of an ordinance prohibiting or restricting parking;
- c. Parked in a no-stopping or standing zone;
- d. Parked in loading zones;
- e. Parked in bus zones, or;
- f. Parked in violation of temporary parking restrictions imposed under Code sections.

(2) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on Town-owned property, other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice; only in those circumstances where the authorizing official or code enforcement officer finds a special need for prompt action to protect and maintain the public health, safety and welfare. Therefrom for safekeeping by or under the direction of the police department, the department of planning and community development, or the department of public works, to a storage garage or area. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Sec. 8-3009. - Removal from private property.

(a) Before any vehicle may be removed by the Town from private property as defined above to be abandon, junk or nuisance, the owner of the real property on which any such vehicle is located must be given at least five days' written notice from the Town of the vehicle removal. The owner may request in writing that the code enforcement officer review the determination that the vehicle to be removed is in violation of the ordinance. No such vehicle shall be removed from privately owned premises without the written request of the owner, lessee or occupant of the premises on which the vehicle is located unless the vehicle has had the status of an abandoned vehicle on such privately owned premises for as long as 30 days and has, therefore, become a health and safety hazard in accordance with the declaration of the Town Council as set out in section 2.06. When a vehicle is removed from privately owned property at the request of a person, the person at whose request such vehicle is moved shall indemnify the Town against loss or expense incurred by reason of removal, storage or sale thereof.

Sec. 8-3010. - Removal of vehicles; post-towing requirements.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the authorizing official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or agent.

If the vehicle is registered in North Carolina, notice shall be given to the registered owner within twenty-four (24) hours after vehicles is removed. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

Sec. 8-3011. - Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause exists for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated in G.S. §20-219.11(c) to receive such hearing requests, the magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. §20-219.11 as amended.

Sec. 8-3012. - Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to possession of the vehicle shall not allow or engage in further violations of this article.

Sec. 8-3013. - Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession, will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the Town and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes, except no probable cause hearing in addition to the hearing provided for in Section 2.11 is required.

State Law reference— Disposal of abandoned, nuisance or junked motor vehicle, by tow truck operator or towing business, G.S. § Art.1, Ch. 44A.

Sec. 8-3014. - General penalty.

(a) Except as set forth in subsection (b), violation of any provision of this Code or any other Town ordinance shall be a misdemeanor as provided by G.S. § 14-4(a).

(b) Violation of any provision of this Code shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00), to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a period of seventy-two (72) hours after he has been cited for violation of the ordinance. Citation shall be in writing, signed by the code enforcement officer and shall be delivered or mailed to the offender either at the residence or at the place of business or at the place where the violation occurred. Each day's continuing violation shall be a separate and distinct offense. Any action to recover such civil penalty may be joined in action for appropriate equitable or other legal remedy, including injunctions and orders of abatement and including an action to recover damages owing to the Town by reason of expenses incurred by the Town in abating, correcting, limiting and otherwise dealing with the harmful effects of the offending action.

Sec. 8-3015. - Exceptions.

Nothing in this article shall apply to any vehicle:

(1) Regulated under G.S. § 160A-303.2 which is kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in G.S. § 136-143, in accordance with the "Junkyard Control Act," G.S. § 136-141, et seq., or the removing or disposing of any motor vehicle that is used on a regular basis for business or personal use; and

(2) Regulated under G.S. § 160A-303 which is in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Sec. 8-3016. - Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility, designated by the Town, any vehicle which has been impounded pursuant to the provisions of this Code, unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

State Law reference - Definition of junkyard, G.S. § 136-143, Junkyard Control Act, G.S. Junkyard Control Act, G.S. 136 136-141

Sec. 8-3017. - Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this article.”

ADOPTED THIS, THE 6TH DAY OF MAY, 2019.

/s/ JOHN F. BLACK, JR., Mayor

ATTEST: /s/ Town Clerk

**RESOLUTION AMENDING CHAPTER 4 OF PART 8
OF THE CODE OF ORDINANCES OF THE TOWN OF VALDESE**

IT IS HEREBY RESOLVED that Chapter 4 of Part 8 of the Code of Ordinances is amended to read as follows:

“CHAPTER 4 – NUISANCES RELATED TO PROPERTY

Sec. 8-4001. - Definitions

As used in this chapter, the following terms shall have the meanings ascribed to them in this section unless the context clearly indicates that a different meaning is intended:

Agent means the person who manages or has custody of a business building or the person to whom rent thereon, if any, is paid.

Apartment or apartment house or tenement house means every house, building, or portion thereof which is rented, leased, let or hired out to be occupied or is occupied as the house, home or residence of more than two families, living independently of each other and doing their cooking on the premises, or by more than one family upon a floor, so living and cooking, but having no common right in the halls, stairways, yards, water closets or privies.

Ashes means the residue from the burning of wood, coal, coke or other combustible material. "Ashes" shall not include cremated human remains.

Attached business unit means a structure of two or more business offices constructed as one unit, such as a dental office, medical office, insurance office or any other business in which the major activity is providing a service or is clerical in nature and does not in itself produce a product.

Brushwood means large, heavy yard trimmings resulting from heavy pruning or shrub removal with maximum six-inch diameter at large end;

Building material means lumber, brick, stone, dirt, carpet, plumbing materials, plaster, concrete, floor coverings, roofing material, gutters and other materials or substances accumulated as a result of new construction, repairs, remodeling, or additions to existing structures or accessory structures or demolition of such.

Bulk container means a commercially made metal container designed to store and hold rubbish and solid waste until the same can be collected for disposal, generally having a capacity of not less than four cubic yards nor more than eight cubic yards and capable of being serviced and emptied by automated machinery.

Bulk service means a customer that stores and disposes of rubbish and solid waste in a bulk container.

Business building means any structure, whether public or private, in the Town that is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise or for the performance of work or labor, including, but not being limited to, hotels, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators,

abattoirs, warehouses, workshops, factories in business areas and all outhouses, sheds, barns and other structures on premises used for business purposes.

Collection means the act of removing solid waste from a point of generation to an approved disposal site. Collection on private property means the act of removing solid waste from private developments for an additional fee from a point of generation to an approved disposal site. Collection shall be made at a mutually established location approved by the property manager and the Town manager or appointed designee for automated collection.

Commercial establishment means any structure or location, whether public or private, that is adapted for occupancy for the transaction of business, for the rendering of professional services, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotel rooms, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories and all other houses, sheds, barns and other structures on premises used for business purposes. "Commercial establishment" shall also include churches, houses of worship or other religious or eleemosynary institutions, regardless of size.

Construction and demolition waste means solid waste incident to maintenance, remodeling or new construction, including, but not limited to, mineral matter, wood, sheetrock, shingles and metal, but specifically excluding any substance which is contaminated by asbestos, lead based paint, or any other substance the disposal of which is regulated as a toxic or hazardous material.

Condominium means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Disabled person means any person who by reason of infirmity, or other physical or mental impairment is incapable of complying with the provisions of this chapter as it relates to the placement of refuse containers curbside. Included in the definition are children 12 years of age and under;

Family living unit means, but is not limited to, single-family residences, single mobile homes, single-family living units in duplexes, apartments, and other multifamily dwellings, but shall not include hotels or motels;

Fee means that charge by the Town associated with a good or service provided to or for the benefit of a customer.

Garbage means all putrescible wastes except sewage and body wastes, including all meat, vegetables and fruit refuse commonly resulting from the handling, preparation, cooking and consumption of food, from or on any premises within the Town limits.

Graffiti shall mean writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye, or other similar substances on public or private buildings, sidewalks, streets, structures, or places which such marking are not authorized or permitted by the property owner or possessor. For the purpose of this chapter, graffiti shall include drawings, writings, markings, or inscriptions regardless of the content or the nature of the materials used in the act.

Nothing in this chapter shall be construed to prevent temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with typical children's activities, such as drawings, or bases for stick ball, kickball, handball, hopscotch or other similar activities. Nothing in this chapter shall be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connections with any lawful business or public purpose or activity.

Hazardous household waste means any of the following materials, existing in a home because of their use in that home: pesticides; herbicides; petroleum products (epoxy resins, coal tar, polishes, thinners, mineral spirits, varnish, grease, caulking materials); solvents; acids (muriatic, hydrochloric, sulfuric, phosphoric); poisons (arsenic, lead, chrome and warfarin compounds); alkaline material (photo developers, sodium hydroxide, bleaches); oil based paints and stains, but not latex paints; batteries of all kinds, for cars, flashlights, smoke detectors, hearing aids, toys, watches and similar batteries; antifreeze; and used motor oil.

Hazardous material or hazardous waste. The following is an explanation of hazardous waste as published in the North Carolina Hazardous Waste Management Law adopted for the Federal Environmental Protection Agency (EPA). For the purposes of this chapter, the definition "hazardous waste" has been condensed. The terms defined are not inclusive of all items specified by the EPA regulations. Hazardous waste is defined as potentially dangerous byproducts of our highly industrialized society which cannot be handled, treated or disposed of without special precautions. It includes ignitable, corrosive, reactive and

toxic waste such as acetone, gasoline and industrial alcohol, alkaline cleaners, acids, cyanide and chlorine, arsenic, pesticide wastes, paint, caustics, infected material, offal, fecal matter (human and animal), and explosives.

Health official means the chief health official of the County Health Department or any health department including County or any person whom he has authorized to perform any of the powers or duties conferred upon him by this article.

Hotels and motels mean places of business whose primary business and the one in which they are normally and customarily engaged in supplying temporary living quarters with limited family living facilities for short periods of time.

Household sharp medical waste means any type of product capable of puncturing or lacerating the skin that is designed or used to treat, diagnose, or prevent a disease or medical condition, including, but not limited to, scalpels and hypodermic needles.

Industrial and commercial waste means those wastes, including solids, semisolids, sludge and liquids generated by an industry, commercial establishment or other manufacturing enterprise that is not classified as a hazardous waste or requires special handling such as oils, acids, etc.

Infectious waste means a solid waste capable of producing an infectious disease. Examples of waste designated as infectious are: micro-biological waste, pathological waste, blood products, improperly packaged sharps and all other waste as defined in the medical waste management regulation under 15A NCAC 13B.1200 in North Carolina Solid Waste Management rules.

Liquid waste means any waste material that is determined to contain free liquid as defined in Method 9095, Paint Filter Liquid Test, as described in Test Methods for Evaluating Solid Waste, Physical/Chemical Method, as published in the Environmental Protection Agency Publication No. SW-846 or any successor or equivalent publication.

Litter means any discarded man-made materials including, but not limited to, solid waste materials, industrial materials, household trash, business trash, building materials, scrap materials and hazardous waste as such terms are defined in this chapter and not properly containerized or prepared for collection and disposal.

Multifamily residential unit means two or more single-family dwellings constructed as one unit, such as apartment houses, motels, mobile home parks, townhouses, patio houses, or condominiums. Duplexes/triplexes built on public streets are not considered multifamily residential units.

Nuisance means any condition or use of property, or any act or omission affecting the condition or use of property, which directly threatens the safety of citizens; adversely affects the general health, happiness, security and welfare of others; or is detrimental to the rights of others to the full use of their own property and their own comfort, and happiness because of decreased property values and the unattractiveness and livability of neighborhoods. Further, the Town Council finds and declares that the following specific conditions are prejudicial to the general health, safety and welfare of the Town and its citizens; lessen the attractiveness and livability of the Town; and, when located on any lot or parcel of land within the Town limits, are a nuisance.

Occupant means the individual, firm, partnership or corporation that has the use of, controls or occupies any business building, apartment house or tenement house, or any portion thereof, whether owner or tenant. In the case of vacant business buildings, apartment houses or tenement houses, or any vacant portion of a business building, apartment house or tenement house, the owner, agent or other person having custody of the building shall have the responsibilities of an occupant of a building.

Occupant means the person who has the use of or occupies any business building or any part thereof, or who has the use or possession, actual or constructive, of the premises, whether the actual owner or tenant. In the case of vacant business buildings or any vacant portion of a business building, or in case of occupancy in whole or in part by the owner and agent of the building, such owner or agent shall be deemed to be and shall have the responsibility of an occupant of such building.

Opening means any opening in foundation, sides or walls, ground or first floor or basement, including chimneys, eaves, grills, windows, ventilators, walk grates, elevators and any pipes, wires or other installations through which a rat may enter.

Open place shall constitute any portion or area of a property not enclosed by walls, this shall include, but not be limited to, carports, patios, porches, decks, terraces, lean-tos, outbuildings, and the like, which are exposed to the exterior and/or public view, including, but not limited to, front, side, and/or rear yards. Tarps, plastic sheeting, canvas sheeting, unfinished building materials or the like shall not constitute walls.

Owner means the person owning the business building or premises, or agent of the building or premises, or the person to whom rent is paid; whether an individual, firm, partnership or corporation. In the case of business buildings leased or rented with a covenant in the lease or other agreement under which the lessee is responsible for maintenance and repairs, the lessee shall also be considered in such cases as the owner for the purpose of this chapter.

Physical disability means a medical condition, verified by a registered physician, that makes an individual physically unable to bring the automated refuse/automated recycling container to the curbside for collection and where there is no one else residing in the household capable of taking the containers to the curbside.

Premises means business houses, boardinghouses, rooming houses, offices, theaters, hotels, tourist camps, apartments, restaurants, cafes, bars, eating houses, hospitals, schools, private residences, mobile home parks, vacant lots and other places where garbage, trash or rubbish accumulates.

Private street means a street not open to public use, on private property, and not maintained by any governmental agency.

Private property means all of that property as described and set out in an owner's deed including, but not limited to, yards, grounds, driveways, entrances or passageways, parking areas, storage areas, vacant land, bodies of water and including sidewalks, grass strips, one-half of alleys, curbs or rights-of-way up to the edge of the pavement of any public street.

Public street means the entire width between property lines, whatever nature, when any part thereof is dedicated or open to the use of the public as a matter of right for the purpose of vehicular or pedestrian traffic.

Public property means all that property except private property as herein defined, including but not limited to highways, streets, parks, recreation areas, sidewalks, grass strips, medians, curbs or rights-of-way up to the edge of the pavement of any public street or body of water.

Qualifying customer means a single-family detached home, duplex, or condominium regardless of the size of complex, or an apartment, tenement house or townhome which, when combined with all other units located on the premises, is comprised of not more than six family living units.

Rat eradication means the removal, killing, destruction and extermination of rats by systematic use of traps or by poisons and by other methods.

Rat harborage means any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of a structure of any kind, including, but not limited to, conditions on vacant lots, creeks, branches, ditches, rubbish heaps, junkyards and any other places inside or outside of structures which afford shelter or provide a place or situation favoring the breeding, multiplication or continued existence of rats.

Rat stoppage or rat-proofing means a form of construction to prevent ingress of rats into business buildings from the exterior or from one building to another; it consists essentially of the closing, with material impervious to rat gnawing, of all openings in the exterior walls, ground or first floors, basements, roofs and foundations, that may be reached by rats from the ground, by climbing or by burrowing.

Refuse means all solid wastes, including garbage, rubbish and trash.

Rollout container means a plastic or fiberglass container, having wheels for ease of movement and a lid which securely covers the bin designed to keep flies and other vermin from refuse, which is approximately 95 gallons in size and designed for the automatic collection of refuse by Town machinery.

Rubbish or trash means matter that is worthless or useless or of no substantial, practical value or matter that is of value only when it has decayed or has been recycled. Rubbish is solid waste, exclusive of garbage or ashes, including, but not limited to, leaves, pine needles, twigs, limbs and other such parts of trees not useful as timber and shall include the trunks and limbs of trees, even though useful for timber, when the same have been blown down or felled, either partially or totally, and which have become dried and flammable; tin or aluminum cans, bottles, papers, paper boxes or cartons, small light wood or crafting materials, rags, excelsior, rubber, leather, metals, wire or wire scraps, glass and crockery, but shall not include salvage automobiles, buses, or other items which in the judgment of the Town is likely to cause damage to equipment of the Town or injury to employees of the Town, or is likely because of the nature, size or weight of the material, to handicap or overburden the automated equipment.

Sharps container means a container specifically manufactured for the disposal of sharp medical waste.

Single business unit means any single nonresidential unit that generates no more garbage per week than can be placed or stored in a maximum of one rollout container with a total capacity of no more than 95 gallons when accumulated between collections, such as a dental office, medical office, insurance office or another

business in which the major activity is providing a service or is clerical in nature and does not in itself produce a product.

Single-family residential unit means any dwelling place occupied by one family and not defined as a multifamily residential unit.

Solid waste means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example and not by limitation, rubbish, garbage, commercial and industrial waste, scrap materials, junk, refuse, demolition and construction debris and landscape refuse, but shall not include sludge from air or water pollution control facilities, septic tank sludge or agricultural or unacceptable waste.

Solid waste disposal facility means any land or structure or combination of land area and structures, including dumps, landfills and transfer stations used for storing, transferring, collecting, separating, processing, recycling, recovering, treating, salvaging, reducing, incinerating or disposing of solid wastes.

Stationary bulk compactor means any Town approved container made of watertight construction that contains a packing mechanism and an internal or external power unit, and constructed so that the container can be emptied mechanically by means of automated equipment for the purpose of collection of solid waste.

Town home or town house means an apartment or other family living unit which is capable of ownership separate and apart from other portions of the structure to which it is conjoined or of which it may be a part, but of which there is no ownership interest in the common areas of the facility in the owner of the individual dwelling unit.

Unacceptable waste means items which are not appropriate for disposal through this means and includes, but is not limited to, sewage and its derivatives, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and hazardous waste.

Unit means one single-family residence or an individual apartment, motel room or suite, mobile home, townhouse, patio house, condominium, cluster home in a multifamily residence, unless otherwise specified by the Town.

Waste means all useless, unwanted, or discarded materials resulting from industrial, commercial, agricultural and residential activities.

White goods mean large household appliances, regardless of actual color, including, but not limited to, refrigerators, stoves, washers, dryers, etc.

Yard waste means vegetative matter and other materials generated while providing normal maintenance to the yard areas adjacent to a single-family residential unit without earth, soil or other mineral matter attached thereto, including, but not limited to, leaves, grass, twigs, limbs, hedge trimmings, plant trimmings, and shrubs. This shall not include plastic or synthetic fibers, lumber, rocks, gravel, dirt or tree or shrubbery remains except as specifically authorized herein, or soil contaminated with hazardous waste.

Section 8-4002. – Nuisance

Any condition specifically declared to be a danger to the public health, safety, morals and general welfare of inhabitants of the Town and a public nuisance by the Town Council or is in violation of any Town, county or state health regulation is considered to be a nuisance, as follows, but not limited to:

(1) Unfit Habitat

- (a) Whatever renders the air, food or water unwholesome.
- (b) Whatever building, erection, structure or part of cellar thereof is overcrowded or not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, drained, cleaned or lighted.
- (c) An occupied or used improvement thereon without utility services resulting in conditions which are detrimental to the health, safety or welfare of citizens and the peace and dignity of the Town.

(2) Unsanitary, stagnant, or inhibited water

- (a) Any stagnant water, to include all cellars and foundations of houses whose bottoms contain stagnant or putrid water.
- (b) Disease vectors. An open place of collection of water where insects tend to breed; permitting of any stagnant water, filth or any other matter harmful to health or comfort to remain on the premises of the owner or premises under control by the owner or person in control within the corporate limits after twenty-four (24) hours' notice of such condition;
- (c) All business organizations, such as public motor vehicle garages, service stations, dry cleaning establishments, and any other businesses or industrial organizations which shall discharge any petroleum products, chemicals or other such substances which would or could pollute any creek or stream within the zoning jurisdiction of the Town.

(d) It shall be unlawful for any person to obstruct the flow of water in any stream or drainage way within the Town by throwing or placing stumps, brush, rubbish, litter or other material within or along the banks of any such stream or natural drainage way.

(e) Any improper or inadequate drainage on private property which causes flooding, interferes with the use of, or endangers in any way the streets, sidewalks, parks or other Town-owned property of any kind; provided, that the notices required and powers conferred by this chapter by and on the public official in abating the nuisances defined by this paragraph shall be given and exercised by the Town manager or the director of public works;

(3) Rats, snakes, carcass and feral animals:

(a) Any building or premises which is constructed or maintained in such a manner so as to provide food, shelter or protection for rats.

(b) Firewood, if stored outdoors, shall be stacked orderly to prevent wildlife habitat.

(c) Hides, dried or green, provided the same may be kept for sale in the Town when thoroughly cured and odorless;

(4) Junk:

(a) Any furniture originally intended for indoor or interior use, outdoor furniture in disuse or disrepair,

(b) Seating removed from motor vehicles,

(c) Storage containers,

(d) Automotive parts and/or supplies,

(e) Inoperable appliances, exercise equipment.

(f) Other metal products of any kind or nature kept within an open place which have jagged edges of metal or glass, or areas of confinement.

(g) Junked motor vehicles on public grounds and private property (Reference Section 2: Abandoned, Junk and Nuisance Motor Vehicles).

(5) Plant Overgrowth

(a) Weeds, grasses and/or other vegetation on one's residential, business, or vacant lot which is over 8 inches in height on the average or to permit such lot to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter or as a fire hazard.. It will be the responsibility of the owner to cut and remove all weeds and other overgrown vegetation as often as necessary so as to comply with the provisions of this section. This provision shall not apply to lots greater than one acre, but shall be maintained in accordance with this provision to a depth of 20 feet from its property lines if and only if the adjacent property is occupied by a dwelling or other structure located within 50 feet of such property. This provision will not apply to wooded vacant lots that are more than 75 percent covered with mature trees, or property that consist of ravines, creek banks, or severe slopes which may cause the maintenance dangerous or unsafe. Furthermore this provision will not apply to vacant lots that are larger than three acres in size (i.e. Golf courses, farmland, vineyards, etc...). Natural means of plant removal is permitted on parcels of land greater than 200 acres;

(b) A place of vines, shrubs or other vegetation over eight inches in height when such vines, shrubs or vegetation are a focal point for any other nuisance enumerated in this Code; provided, the nuisance herein defined by this subsection shall be cleared and cut only when it is necessary to abate any other nuisance described in this section;

(c) A place of growth of noxious vegetation, including poison sumac (*Rhus vernix*), poison ivy (*Rhus radicans*) or poison oak (*Rhus Toxicodendron*), in a location likely to be accessible to the general public;

(d) Any hedge, shrubbery, tree or plant along any street, alley or sidewalk planted closer than 18 inches or extending closer than 12 inches or lower than 14.5 feet to such street, alley or sidewalk, or any of the above-mentioned vegetation that obscures clear vision as located within the protected sight distance triangle.

(6) Trash and waste.

The storage of garbage and trash in containers as prescribed by this chapter and the regular collection thereof by the Town upon payment of fees and charges as provided in this chapter are hereby declared to be essential to the efficient operation of the Town and to the prevention of disease and protection to the public health. Any accumulation of rubbish or trash causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind.

- (1) Scattering of garbage or trash, storage of garbage or trash except in containers as provided by this chapter, or the accumulation of trash by reason of nonpayment of fees or charges for its removal is hereby declared to be a nuisance and a violation of this chapter.
- (2) Under no circumstances shall trash or garbage be allowed to accumulate or be stored for a period longer than 30 days.
- (3) Under no circumstances shall trash or garbage be dumped or stored on any right of way or in any alley or on any lot without being placed in proper containers as prescribed herein.
- (4) No industrial wastes, manure, debris from construction or repair work, leaves, trees or tree trimmings may be dumped or stored on any within any right of way or in any alley.
- (5) No owner or occupant of any premises shall prohibit or prevent weekly solid waste collection services at the premises.
- (6) An open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind.
- (7) Public streets maintenance
 - (a) Failure to clean or clear a public street, property, and adjoining sidewalks of any earth, sand or mud and debris related to a construction, timbering, or other similar land use project within 12 hours after notification by the Town for major and minor thoroughfares or within 24 hours after such notification for collector and local streets; however, if it is found by the Town that the situation is causing a clear and present danger or hazard to traffic or the general public, such cleaning or clearing may be required to take place as soon after notification as practicable. This provision does not preempt any applicable federal, state, or county regulations applicable to said events.
 - (b) Property owners are required to maintain any area of their property which is located between a public sidewalk and the curb of a paved street in accordance with the guidelines set forth in this section.
- (8) Odor
 - (a) Unsightly litter, foul or offensive odors which remain upon or emanate from a property.
 - (b) Maintaining animals in an unsanitary environment which results in unsightly or offensive animal waste, litter, or odor which would disturb a reasonable person.
- (9) Construction materials: Lumber and building supplies, earth, sand and/or gravel on construction sites where the work is discontinued for a period of 60 days
- (10) Graffiti. It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti.
- (11) Animals sanitation:
 - (a) Any person owning, harboring, walking, in possession of or in charge of a dog, which defecates on public property, public park property, public right-of-way property or any private property without the permission of the private property owners, shall remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner.
 - (b) Any person, while harboring, walking, in possession of or in charge of a dog on public property, public park property, public right-of-way or any private property without the permission of the private property owner, shall have in possession a bag or other container that closes, which is suitable for removing feces deposited by the dog.
 - (c) The provisions of this Section shall not apply to visually impaired persons using dogs as guides.
- (12) Abandoned Manufactured Homes, reference Article 5
State Law reference— Similar provisions, G.S. § 160A-193
Section 8-4003. – Exceptions
Exceptions. The provisions contained in subsection 1.02. 4: Junk and 6: Trash and debris, shall not apply to commercial property owners, including, but not limited to, junk yard dealers, salvage companies, yard waste recycling operations, cement, quarry or other mining type businesses, whose operations include the accumulation, storage, sale, repair, or maintenance of such materials or objects and who have obtained all applicable zoning and operating permits and are following all applicable ordinances contained within the Code of Ordinances and the Zoning Ordinance. In addition, the provision contained in subsection 1.02.7.a. shall not apply to stockpiled rock, stone, gravel, sand, earth, or other similar materials on sites utilized and maintained by the North Carolina Department of Transportation or the municipality.
Section 8-4004. – Notice.

(a) Whenever the code enforcement officer or appointed designee has determined that the conditions on a particular lot or parcel of land are a nuisance and should be abated or otherwise corrected, the code enforcement officer or appointed designee shall give notice to the owner, lessee or other person in possession of the premises in writing setting forth the findings and describing the appropriate corrective action. The code enforcement officer or appointed designee may establish a deadline, not to exceed sixty (60) days, for the abatement of the nuisance.

(b) The notice may be served upon the owner, occupant or person in possession of the premises by at least one (1) of the following methods:

(1) By delivering a copy of the notice to the person or by leaving copies of the notice at the person's residence; or

(2) By mailing a copy of the notice by registered or certified mail, return receipt requested, addressed to the person to be served and delivered to the addressee; or

(3) By delivering a copy of the notice to any official, employee or agent of a corporation, partnership or business; or

(4) If, after a due and diligent effort, the person cannot be located, by posting a copy of the written notice in a prominent place upon the real property.

Sec. 8-4005. - Removal or abatement of nuisances.

Upon investigation and discovery of any of the conditions deemed a nuisance, the code enforcement officer or appointed designee shall make a written report of his findings and may order that appropriate corrective action be taken, including the removal or abatement of such conditions by the person creating the nuisance or by the owner, occupant or other person in possession of the premises on which the nuisance is located. Prompt abatement is required within 10 days from the receipt of such written notice.

Sec 8-4006. – Chronic Violator

The Town may notify a chronic violator of the Town's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the Town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the Town gave notice of violation at least three times under any provision of the public nuisance ordinance.

State Law reference— Similar provisions, G.S. § 160A-200.1

Sec. 8-4007. - Removal or abatement of other conditions.

Prior to ordering the removal of conditions which do not threaten the public safety or pose a general threat to the health, safety and general welfare of the citizens of the Town, the code official or appointed designee shall first determine that such conditions are visible from adjacent property or from a nearby street or highway and that the benefits of removing or correcting the conditions outweigh the burdens imposed upon the private property owner. Such findings shall be based upon a balancing of the monetary loss of the owner against the corresponding gain to the public by promoting or enhancing the community, neighborhood or area appearance, including protection of property values, indirect protection of public health and safety, preservation of the character and integrity of the community and the promotion of comfort and quality of life of area residents.

Sec. 8-4008. - Appeal.

Within the time period stated in the notice to abate, the owner or occupant of the property where the nuisance exists may appeal the findings of the code enforcement officer to the Board of Adjustment (BOA) by appearing before the BOA at the appeal hearing date and time given on said notice. The abatement of the nuisance will be postponed by the code enforcement officer until the final determination for the appeal is made by the BOA. The BOA will need to make a 4/5 finding to overturn the code enforcement officer's ruling. In the event no appeal is taken within the time period stated to abate, the code enforcement officer may proceed to abate the nuisance.

Sec. 8-4009. - Removal by Town.

If any person, having been ordered to abate a public nuisance pursuant to this chapter, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of such order, the designee may cause such condition to be removed or otherwise remedied by having employees of the Town or contracted work go upon such premises and remove or otherwise abate such nuisance under the supervision of an official or employee designated by the code enforcement officer. Any person who has been ordered to abate a public nuisance may, within the time allowed by this chapter, request the Town, in

writing, to remove such condition, the cost of which shall be paid by the person making such request. The Town may require such requestor to deposit some or all of the estimated cost of such removal, prior to doing the work, or may require the requestor to execute an agreement giving security for the payment of such costs.

Sec. 8-4010. - Emergency action.

Notwithstanding the provisions of section 1.09, the code enforcement officer or appointed designee shall have authority to summarily remove, abate or remedy or cause to be removed, abated or remedied, any condition that is dangerous or prejudicial to the public health or public safety.

Sec. 8-4011. - Penalties.

(a) Any violation of the articles of this chapter shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours of receipt. Such citation shall be served by either first class mail, personal service or posted at the front door. Any of these methods of service shall be conclusively presumed to be valid, and no owner or occupant shall refuse service of the citation.

(b) Each day's continuing violation shall be considered a separate and distinct offense.

(c) Notwithstanding subsection (a) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.

(d) In addition to or in lieu of remedies authorized in subsections (a) and (c), violations of any articles of this chapter may be prosecuted as a misdemeanor or otherwise in accordance with G.S. §160A-175.

Sec. 8-4012. - Right of entry.

The code official or appointed designee is hereby given full power and authority to enter upon the premises upon which a nuisance is found to exist under the provisions of this chapter for the purpose of abating the nuisance as provided in this chapter.

Sec. 8-4013. - Cost of abatement declared lien.

(a) The actual cost incurred by the Town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the finance department or public services department to mail a statement of such charges to the owner or other person in possession of such premises, with instructions that such charges are due and payable within 30 days from the receipt thereof.

(b) If charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes

(c) The procedure set forth in this chapter shall be in addition to any other remedies that may exist under law for the abatement of public nuisances, and this chapter shall not prevent the Town from proceeding in a criminal action against any person violating the provisions of this chapter.

(d) All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part of this ordinance shall be adjudged invalid, such adjudication shall apply only to such part so adjudged and the remainder of the ordinance shall be deemed valid and effective.

State Law reference— Authority for abatement of public nuisances, G.S. § 160A-193.”

ADOPTED THIS, THE 6TH DAY OF MAY, 2019.

/s/ JOHN F. BLACK, JR., Mayor

ATTEST: /s/ Town Clerk

**RESOLUTION AMENDING CHAPTER 6 OF PART 8
OF THE CODE OF ORDINANCES OF THE TOWN OF VALDESE**

IT IS HEREBY RESOLVED that Chapter 6 of Part 8 of the Code of Ordinances is amended to read as follows:

“PART 8 – OFFENSES

CHAPTER 6 – OTHER GENERAL NUISANCES

Sec. 8-6021. Storage and removal of junk.

(a) No junk or any vehicle, including automobiles and trucks, shall be burned in or on any premises occupied as a junkyard.

(b) The maintenance of wrecked or unusable automobiles and other junk items as described herein shall be allowed by auto wrecking yards, salvage yards or junkyards; provided that such business is a properly licensed business, and provided also that all open storage of such items must be completely screened from public view by topography, by pregrown planted screens, or by a fence maintained in good repair, which shall not be used as a signboard or signboards or used for advertising purposes. (Ord. Of 10-9-78).”

ADOPTED THIS, THE 6TH DAY OF MAY, 2019.

/s/ JOHN F. BLACK, JR., Mayor

ATTEST: /s/ Town Clerk

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

PUBLIC HEARING FOR CONDITIONAL USE PERMIT #1-4-19 Mayor Black introduced the Conditional Use Public Hearing and asked if anyone wished to speak either for or against to please come forward and be sworn in by Deputy Town Clerk Courtney Kennedy. Ms. Kennedy administered oaths to Planning Director Larry Johnson, Adam McCurry, David Case, and Robert Dunn.

Mayor Black declared the public hearing open.

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

Permit for Multi-family Development in B-2 General Business District, Conditional Use Permit 1-4-19:

APPLICANT AND PROPERTY OWNER:
Striker Properties, LLC

REQUEST:
Applicant requests a Conditional Use Permit to allow a 60-unit multi-family project in the B-2 General Business District.

LOCATION:
108 Praley St SW and Waldo St (Adjacent Parking Lot).

LAND USE AND ZONING:
The property in question is comprised of two parcels totaling 1.53 acres. These properties were recently rezoned to B-2 General Business from M-1 Manufacturing.

SURROUNDING ZONING:
North: B-1 Central Business
South: M-1 Manufacturing
East: B-1 Central Business and M-1 Manufacturing
West: B-1 Central Business

SURROUNDING LAND USES:
North: Commercial - BP Gas Station and Family Dollar (Dollar Tree)
South: Manufacturing – Valdese Packaging & Label, Incorporated
East: Retail and Residential – Debbie Huffman Dance Studio, Single Family Dwelling
West: Retail – AutoZone Automotive parts

TRANSPORTATION:
Traffic counts provided by NCDOT show an average daily count of 11,000 cars on Main Street SW, from Praley St. to Church Street, and an average of 1,000 cars on Praley Street from the intersection of Praley Street SW and Saint Germain Avenue SW.

To obtain a Drive Way Permit for the property, NCDOT will require the developer or property owner to: (1) conduct a TIA (Transportation Improvement Analysis) study to determine the impact of a 60-unit multifamily complex on the NCDOT road system, and (2) submit a Drive Way Permit Application and have that application approved.

UTILITIES:

The Town of Valdese has the capacity and will provide water and sewer services. This area is being served with a 6-inch water line and an 8-inch sewer line. One master meter is being proposed in lieu of 60 individual meters.

LAND USE PLAN:

The Valdese Vision – A Land Use Action Plan for the Future identifies the future use of this property as residential.

CONDITIONAL USE REQUEST HISTORY:

There is no conditional use history on these parcels.

APPLICABLE CODE SECTIONS:

Section 9-3056 General Business District (B-2)

- 1) The intent of the General Business District is to encourage the establishment of areas for general business that do not require a central location. These districts are normally located along major radial highways leading out of town where they provide retailing goods and services to the traveling public and local residents.
- 2) Uses permitted with a conditional use permit: Multi-family building.

Article F Off-Street Parking Requirements

- 1) 9-3071 Parking Spaces to be Required and Permanent
 - i) Off-street parking space shall be provided in accordance with Article F in all districts except B-1 Central Business District.
 - ii) The off-street parking space required shall be permanent spaces and shall not be used for any other purpose.
 - iii) Each parking space shall be 30 degrees, 60 degrees, or 90 degrees and a minimum of nine (9) feet by eighteen (18) feet if angled. If paralleled, the parking space must be a minimum of seven (7) feet by twenty-two (22) feet.
 - iv) Required off-street parking spaces for any use shall not be located more than 400 feet from the use they are intended to serve.
- 2) Section 9-3074 Schedule of Parking Spaces
 - i) Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following use classifications: Residential – two (2) spaces for each dwelling unit.
- 3) Section 9-3076 Parking Lot Design Requirements
 - i) Off-street parking areas should be designed to create a safe and comfortable passage for the pedestrians. All off-street parking lots, including exits, entrances, drives and parking areas shall
 - a) Allow for traffic movement in accordance with generally accepted design principles.
 - b) Have physical access to a public street.
 - c) Be designed so that storm water runoff from the parking area does not create erosion, flooding, or other nuisance conditions.
 - d) Off-street parking areas, loading, egresses and ingresses, shall be paved with asphalt or concrete.
 - e) Be maintained as long as the use, which it serves exist. Each parking space shall be marked and maintained.
 - f) Unless otherwise required, all off-street parking with more than ten (10) automotive vehicles that adjoins any plot of land zoned or used for single family residential purposes, shall be screened with landscaped devices.
- 4) Section 9-3077 Landscaping of Parking Area
 - a) Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard.
 - b) Meet landscaping requirements for interior areas of parking areas. Interior areas are defined as the areas within the property used for vehicular storage, parking or movement.

- c) Meet landscaping requirements for street yards of parking areas. Street yards are **defined** as the area between the public right-of-way and interior areas.
- d) Adhere to Tree and Shrub specifications.
- e) Meet the abutting property landscaping requirements.
- 5) Section 9-3147 Conditional Uses
 - i) The Valdese Town Council shall grant in particular cases and subject to appropriate conditions and safeguards, permits for conditional uses as authorized by this Valdese Zoning Ordinance and set forth as Conditional Uses under various use districts.

POSSIBLE FINDINGS AS RELATED TO THE GENERAL STANDARDS FOUND IN SECTION 9-3147

- 1) The use will not adversely affect the health, or safety of persons residing or working in the neighborhood of the proposed use.
Applicant complies. (9-147.4)
- 2) The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
Applicant complies. (9-3147)
- 3) The use, which is listed as a conditional use in the district in which it is proposed to be located, complies with all required zoning standards.
Applicant complies or agrees to comply. (9-3147)

TO ASSURE THAT THE PROPOSED USE WILL CONFORM TO THE REQUIREMENTS AND SPIRIT OF THE CONDITIONAL USE ORDINANCE, THE FOLLOWING SPECIFIC CONDITIONS ARE SUGGESTED:

- 1) Applicant shall secure and maintain two (2) permanent parking spaces for each dwelling unit. Required off-street parking spaces for any use shall be located no more than 400 feet from the use they are intended to serve.
Applicant is attempting to comply. The project consists of sixty (60) units. Applicant has sixty-two (62) parking spaces on site and has leased fifty-eight (58) parking spaces at the vacant Alba Waldensian office (less than 400 feet from property site).
- 2) Off-street parking areas should be designed to create a safe and comfortable passage for pedestrians.
Applicant agrees to comply. See 9-3076 Parking Lot Design Requirements
- 3) The landscaping requirements shall comply with multi-family developments.
Applicant agrees to comply. See 9-3077 Landscaping of Parking Area
- 4) One master meter will service the apartment units.
Applicant agrees to comply.
- 5) The applicant must seek approval from the North Carolina Department of Transportation.
Applicant agrees to comply. The applicant agrees to secure from NCDOT a driveway permit and conduct a Transportation Improvement Analysis Study.
- 6) Public Works shall not be responsible for any garbage pick-up or rough trash services.
Applicant agrees to comply. The applicant agrees to contract with a private contractor for the garbage and rough trash services.
- 7) A management office will be located onsite.
Applicant agrees to comply.

REVIEW/DISCUSSION:

The Valdese Town Council is required make findings based upon substantial evidence presented at the hearing. The Town Council may refer to staff's report to aid in its deliberations. It is the responsibility of the applicant to present such evidence in the form of testimony, exhibits, documents, models, plans, and the like that applicant desires to present in support of the application for a conditional use permit. The Town Council may designate such conditions which in its opinion will conform to the requirements and spirit of the conditional use ordinance.

If at any time after a conditional use permit has been issued the Town Council finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a conditional use permit, the permit shall be terminated, and the operation of such use discontinued. If a conditional use permit is terminated for any reason, it may be reinstated only after a public hearing is held.

The project will include 60 housing units in the building located on the property. The proposed development is permitted with conditional use approval from Valdese Town Council.

The project must meet or exceed all zoning requirements of the B-2 General Business District and Article F Off-Street Parking. Based upon the projection of 60 units, two parking spaces must be made available for each apartment, a total of 120 parking spaces. This parking area requirement can include off-street parking located no more than 400 feet of the project. The minimum area for each parking space shall be 9ft x 18ft.

Traffic counts show an average daily count of 11,000 cars on Main Street West and an average daily count of 1,000 cars on Praley Street SW. The North Carolina Department of Transportation will require the applicant to seek a driveway permit and conduct a traffic analysis study.

The Town of Valdese Public Works Department has stated that the property is served by a 6-inch water line and a 3-inch meter. Public Works agrees to one master meter serving the building in lieu of sixty (60) individual meters. If additional utility upgrades are required, the expense will be the responsibility of the developer.

The proposed project is consistent with Valdese's Master Land Use Plan for added residential property along Main Street that would provide downtown residential housing within walking distance of food and retail businesses along the Main Street corridor.

Finally, other elements related to this project, including appearance, density, tenure type, etc. are outside to the scope of zoning.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed the Conditional Use Permit Application on Tuesday April 23rd. The Planning Board recommended approval with conditions as set forth by planning staff.

PROPOSED FINDINGS OF FACT:

- 1) That on April 11, 2019, the applicant applied for a Conditional Use Permit to allow a 60-unit Multi-family Residential development.
- 2) The parcels on which the development is proposed total 1.53 acres and can be further identified by Burke County Record Numbers 31001 and 30876. The parcels are located at 108 Praley Street SW and Waldo Street.
- 3) The Valdese Town Council has heard sworn testimony including testimony by staff and the applicant.
- 4) The Valdese Planning Board reviewed the application on April 23, 2019 and recommends approval by the Valdese Town Council with conditions.
- 5) The B-2 General Business District allows Multi-family Building as a conditional use.
- 6) The use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
- 7) The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
- 8) The proposed residential use is consistent with the Valdese Vision Land Use Action Plan, which identifies the future use of this property as residential.
- 9) The area in question is served by a 6-inch water line and an 8-inch sewer line.
- 10) The Town of Valdese has the capacity to provide the water and sewer services required by the project.
- 11) One master meter is proposed in lieu of 60 individual meters. Valdese Public Works agrees with the use of one meter provided that any utility upgrades are the responsibility of the developer or property owner.
- 12) Traffic counts in the area show an average daily count of 11,000 cars for Main Street West, and an average daily count of 1,000 cars on Parley Street SW.

PROPOSED CONDITIONS:

- 1) Two permanent parking spaces shall be secured and maintained for each dwelling unit as required by Section 9-3074 of the Code of Ordinances.
- 2) The development shall comply with all Off-Street Parking Requirements as outlined in Article F of Part 9 of the Code of Ordinances and with all other applicable parking requirement set forth in the Code of Ordinances.
- 3) The developer shall seek and obtain all approvals required by the North Carolina Department of Transportation.
- 4) Valdese Public Works shall not be responsible for any garbage pick-up or rough trash services.
- 5) The developer shall provide one master meter for the building.
- 6) All utility upgrades shall be responsibility of the developer or property owner.

7) A property management office shall be maintained onsite.

Mr. Adam McCurry provided an overview of the 60-unit multi-family project; which will have a total number of 100-150 inhabitants. Mr. McCurry shared the ways that the historical features of the property will be preserved and highlighted as part of the project, and provided images of preliminary apartment layouts.

Mr. David Case informed Council that he has been developing properties for over 40 years and will be assisting with this project. Mr. Case shared that the developers have been able to secure the required parking spaces through a lease agreement, but have also placed an offer to purchase property for permanent parking, both properties are within the required boundaries.

Mayor Black asked if there were additional comments or if anyone wished to speak either for or against the conditional use hearing. There being no one wishing to speak, Mayor Black closed the public hearing.

Councilman Ogle made a motion to approve the Conditional Use Permit, including the General Standards; Proposed Findings of Fact on pages 6-7; and Proposed Conditions on pages 7-8; in this case, seconded by Councilman Sweezy. The vote was unanimous.

AMENDMENT TO INTERLOCAL ECONOMIC DEVELOPMENT AGREEMENT FOR BURKE BUSINESS PARK Mayor Black informed Council that the Burke Business Park receives water through a 16 inch water line but there is insufficient flow to handle fire suppression for any industries that would be located in the park. BDI has been successful in procuring grant funding from the Industrial Development Fund (IDF) to install a 500,000 gallon water tank. The project cost is approximately \$2.5 million. Burke County and the City of Morganton will cover the 25% match that is required for the grant. The proposed amendment will allow Burke County and City of Morganton to recoup the match funds from new tax revenues when a new industry is located on the property. After all match funds have been repaid, the revenue sharing agreement that currently exists will resume. The following amendment was presented:

NORTH CAROLINA

BURKE COUNTY

AMENDMENT TO INTERLOCAL ECONOMIC
DEVELOPMENT AGREEMENT FOR BURKE
BUSINESS PARK

That Interlocal Economic Development and Project Financing Agreement dated May 1, 2005, among Burke County, the City of Morganton, the Town of Valdese, the Town of Rutherford College, the Town of Drexel and the Burke Partnership for Economic Development, Inc. is hereby amended by adding to Article II thereof a new Section 6 to read as follows:

6. Reimbursement to Governmental Partners for Utility Construction.

Notwithstanding any other provisions herein to the contrary, if one or more of the Governmental Partners pays for all or part of the design, construction or installation of any water tanks, pump stations, water or sanitary sewer lines or other utility infrastructure required to provide service to potential industrial users within the Burke Business Park, then upon the subsequent sale of any tract or parcel within the Business Park, after the direct costs of sale have been satisfied, then from the net proceeds of such sale, such Governmental Partner(s) shall be reimbursed for the full costs incurred by such Governmental Partner(s) for such infrastructure, including, but not limited to, any "local match" required to obtain any federal or state grants for the financing of such projects. If the net sale proceeds from the sale of any tract(s) of the Business Park are insufficient to fully reimburse the paying Governmental Partner(s), then further payments shall be made from the net proceeds of any subsequent sales, until such costs are fully reimbursed. Once the paying General Partner(s) are fully reimbursed, any additional net proceeds from the sale of any tract(s) of the Business Park shall be held or disbursed as otherwise provided in this Article II.

Except as hereby amended, the Agreement of May 2, 2005 remains in full force and effect.

This the 6th day of May, 2019.

TOWN OF VALDESE

By: /s/ Mayor

Attest: /s/ Clerk

Councilwoman Stevenson made a motion to approve the Amendment to Interlocal Economic Development Agreement for Burke Business Park as presented, seconded by Councilwoman Hildebran. The vote was unanimous.

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

Family Friday Nights begin May 24, 2019.

Valdese Farmers Market opens Friday, May 24, 2019 at 11:00 a.m. at Old Rock School

Granville Morrow Memorial Fun Fishing Day at McGalliard Falls Park is scheduled for May 18, 2019, 9:00 a.m.-1:00 p.m. (NOTE: Rain Date-June 1, 2019)

Town Offices will be closed on Monday, May 27, 2019, in observance of Memorial Day.

Special Meeting to finalize the budgeting process has been called for Thursday, May 9, 2019, 6:00 p.m. in the Community Room at Valdese Town Hall.

MAYOR AND COUNCIL COMMENTS: Mayor Black read the letter dated May 3, 2019; announcing that the Town of Valdese has been awarded a \$200,000 grant from NCDEQ Department of Water Resources for Valdese Lakeside Park. The grant monies will be used to start a 10 foot wide crushed cinder greenway along Lake Rhodhiss and McGalliard Creek.

Councilwoman Hildebran provided the following update on the library project: the expansion and renovation is moving along, the completion should be late fall, the exterior is mostly complete, interior walls are up, and sheetrock will be up by the end of May.

Councilman Sweezy informed Council that he has received requests to rename the Fun Fishing Day to include Mr. Williard Church's name. Mr. Sweezy asked if this could be accomplished. Staff will look into this matter.

ADJOURNMENT: At 7:38 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, June 3, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk
ck

Mayor

**TOWN OF VALDESE
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, MAY 9, 2019, 6:00 P.M.**

The Town of Valdese Town Council met on Thursday, May 9, 2019, at 6:00 p.m., to review the proposed budget for Fiscal Year 2019-2020. Members of Council met at Valdese Town Hall Community Room, 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, Councilman Roy Sweezy, Town Manager Seth Eckard and various department heads.

Absent: None.

A quorum was present and no action was taken.

Mayor Black called the meeting to order at 6:00 p.m. He said this was a Special Called Council Meeting to discuss the Fiscal Year 2019-2020 Proposed Budget.

DISCUSSION OF FISCAL YEAR 2019-2020 PROPOSED BUDGET: Town Manager Seth Eckard informed Council that the meeting was being held to discuss health insurance, recycling, fund balance, and the pay study.

Dwayne Wilson of Dwayne Wilson Insurance informed Council that Aetna, Cigna, and UHC declined to provide a quote for the Town's health insurance for FY 19-20. Mr. Wilson shared that BCBS has provided a quote, identifying a 15.9% premium increase. The plan quoted will reduce the employee's maximum out of pocket to \$3,000 (currently \$3,500) and increase the family out of pocket maximum to \$6,000 (currently \$5,000). Mr. Wilson discussed ways that staff has changed the Town's Wellness Program to incentivize and encourage employees to be proactive with their health care.

Public Works Director Bryan Duckworth provided a presentation of the cost of services that his department oversees. Mr. Duckworth informed Council that Republic Services has increased the contract price to provide recycling services to residents. The increase is due to China no longer accepting recycled material from the United States and domestic outlets not having capacity to accept materials. The increase in the FY 19-20 contract is \$24,000.

Finance Director Bo Weichel provided a presentation on the current status of the Town's fund balance and identified ways to increase the fund balance each year. Mr. Weichel shared that eliminating the tax discount would increase revenues which could be used to build fund balance or to continue recycling services.

Town Manager Seth Eckard discussed the proposed pay study. Mr. Eckard identified the constraints the Town faces and is not recommending implementation of the full pay study, as recommend by David Hill. Mr. Eckard recommends partial implementation in the amount of \$277,169.

At 7:39 p.m., Councilman Sweezy made a motion to adjourn the meeting, seconded by Councilman Ogle. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, June 3, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

ck

Mayor

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
JUNE 3, 2019**

The Town of Valdese Town Council met on Monday, June 3, 2019, 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 Courtney Kennedy, 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: None.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF MAY 6, 2019

APPROVED SPECIAL MEETING MINUTES OF MAY 9, 2019

APPROVAL OF VALDESE ABC BOARD TRAVEL POLICY

VALDESE ABC BOARD TRAVEL POLICY

The following guidelines will be used as a travel policy for all employees traveling on Valdese ABC Board business:

1. Reimbursement of travel expenses-

Meals will be covered on a per day rate. (Based on the current Federal Per Diem Rate) The Federal Per Diem Rates listing (found online at www.gsa.gov) is updated on an annual basis in October. If the traveler's destination is not listed on the website, the standard rate is used.

When traveling to attend a conference, where some meals are provided by the conference, remaining meals not provided by the conference will be eligible for reimbursement on a reasonable and actual basis (receipts required).

When on a trip not involving an over-night stay, expenses (i.e. mileage, meals) will be eligible for reimbursement on a reasonable and actual basis (receipts required).

Lodging will be covered for reasonable and actual cost (receipt required). Unless attending a conference, the Federal Per Diem Listing should be used as a guideline in determining reasonable cost.

2. Board credit cards may be used to reserve lodging. Travel related cost however, should not be charged to the credit cards. All travel expenses will be covered through travel advances and / or reimbursements.

3. It is the responsibility of the General Manager to determine which meal allowances are eligible for reimbursement to employees for partial day travel. Reimbursement will be for reasonable and actual cost (receipt required).

4. All requests for travel expense reimbursement (i.e. meals, lodging, mileage, etc.) must be accompanied by a travel expense report.

5. Other issues-

- Transportation: As a general rule, it is the Board's policy that an employee is authorized to use a private vehicle and be reimbursed at the current standard mileage rate. The current standard rate shall be the same as paid by the Town of Valdese following the IRS rate.
- Telephone: Any employee traveling out of town and staying overnight will be allowed a personal telephone call up to \$4 per night. Board business related calls will be paid by the Board.
- Registration: Registration fees are generally paid in advance directly to the vendor, not from travel advance.
- Advances: The Board does permit employees to request advances whenever an estimated trip cost exceed \$25. If the cost is less than \$25, employee must seek reimbursement when the trip is completed.

Adopted the 21st day of May, 2018 by the Valdese ABC Board of Directors.

Approved this the 3rd day of June, 2019.

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

Attest: /s/ Town Clerk

APPROVED VEDIC BOARD OF DIRECTORS APPOINTMENTS The VEDIC Board of Directors recommended the reappointment of TR Robinson and the appointment of Forrest Fleming to the VEDIC Board. The three-year-terms will expire July 1, 2022.

RENEWAL OF LEASE AGREEMENT AT THE OLD ROCK SCHOOL WITH DREAM CONNECTIONS Lease agreement with Dream Connections for rental space at the Old Rock School, in the amount of \$1,045 per month.

RESOLUTION ELIMINATING SCHEDULE OF DISCOUNTS APPLIED TO TAXES

**RESOLUTION
ELIMINATING SCHEDULE OF DISCOUNTS APPLIED TO TAXES**

WHEREAS, G.S. 105-360(c) states any county or municipality levying taxes under the provisions of this Subchapter shall have authority to establish a schedule of discounts to be applied to taxes paid prior to the due date;

WHEREAS, the Town of Valdese has previously extended an early payment discount of 2% in July and 1% in August;

WHEREAS, it is the desire of the Town Council that all tax discounts be eliminated effective for the 2019 tax year;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Valdese, North Carolina that early pay tax discounts are eliminated effective for the 2019 tax year and subsequent years.

THE FOREGOING RESOLUTION IS ADOPTED THIS 3rd DAY OF JUNE, 2019.

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

ATTEST: /s/ Town Clerk

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF NEW EMPLOYEE Finance Director Bo Weichel introduced Accounting Technician Kimberly Cline.

APPOINTMENT OF KIMBERLY CLINE AS TAX COLLECTOR Mayor Black delivered the following order of collection to Kimberly Cline:

**State of North Carolina
Town of Valdese**

To the Tax Collector of the Town of Valdese,

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records and in the tax receipts herewith delivered to you, in the amount and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Valdese and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law. This term shall expire after June 2021.

Councilwoman Stevenson made a motion to appoint Kimberly Cline as Tax Collector and to adopt the aforementioned order of collection, seconded by Councilman Ogle. The vote was unanimous.

Deputy Town Clerk Courtney Kennedy administered the oath of office to Tax Collector Kimberly Cline.

PRESENTATION OF FY 2019-2020 PROPOSED BUDGET AND SCHEDULING OF PUBLIC HEARING FOR MONDAY, JUNE 24, 2019 The proposed budget was submitted to the Valdese Town Council on Friday, May 24, 2019.

Town Manager Seth Eckard said, "Three years ago Council challenged staff to be innovative and identify ways to reduce operational costs, create efficiencies, and receive a high return on investments. Through careful planning and engagement with our citizens, we have been able to prepare a balanced budget that addresses current and future goals, without jeopardizing services to our residents.

The proposed budget fulfills Council's vision to increase funding for street resurfacing, enhance the Town's code enforcement service, and set aside funds for the future needs of the Public Safety Building. The proposed budget also identifies new goals: enhancing beautification by continuing town-wide, curb-side recycling service; preserving and building the Town's fund balance; and continuing efforts to maintain the Town as a competitive organization to recruit and retain talented employees.

It is my pleasure to submit to you, the proposed budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020. The proposed total of the FY 2019-2020 budget is \$10,913,221. The proposed budget includes a total General Fund budget of \$6,020,797 and a total Utility Fund budget of \$4,892,424. The proposed budget includes a property tax rate of 54.5 cents per \$100 valuation.

The Fiscal Year 2019-2020 proposed budget continues existing service levels while striving for a balanced financial foundation. This is an exciting time for Valdese! The Town of Valdese is showing signs of significant economic growth as is evident by thriving industries, low unemployment numbers, a booming housing market. Exciting new businesses are slated to open this coming fiscal year, such as a new artisan butcher shop located in the old post office.

An Asheville developer is planning to invest nearly \$10,000,000 to revitalize the former Houston Hosiery Mill into a 60-unit apartment complex. After nearly a decade of stagnation The Settings subdivision at Lake Rhodhiss is moving forward. The developer of the Settings has completed all required infrastructure and most of the remaining unsold lots have been purchased.

The anticipated state-collected local revenues have been calculated utilizing data supplied by the North Carolina League of Municipalities and local economic data. The Town is anticipating modest increases in most of these revenue sources as a result of an improving local, state, and national economy.

The only unoccupied manufacturing building, of quality, left in Valdese is the Valdese Textiles building located on HWY 70. The Town of Valdese is working diligently with the property owner to find a suitable business that will create a significant number of jobs and proposes to make a substantial capital investment.

General Fund - The fiscal year 2019-2020 property tax revenue numbers reflect a revenue-neutral tax rate of 51.175 cents per \$100 valuation. Valdese outpaced Burke County and all other municipalities in the county with an average increase in property valuation of a little more than ten percent. Maintaining the current tax rate of 54.5 cents per \$100 of valuation will result in an additional \$125,000 of new property tax revenue for the Town of Valdese.

Projects Paid for by the Additional Revenues Generated from the Revaluation:

The Burke County revaluation resulted in a net increase of \$125,000 in revenue for the Town. These funds will be allocated each year for two specific ongoing capital projects.

Additional Street Resurfacing:

The street department spends approximately \$125,000 each year for street resurfacing projects. Twenty-five thousand dollars of the revenues generated by the revaluation are allocated to the street resurfacing budget, bringing the total amount the Town spends for street resurfacing projects to \$150,000 each year.

Fire Department Police Department Building:

The Town is in the process of securing bids for a temporary repair solution of structural damages of the public safety building. The temporary repairs are scheduled for completion no later than May of 2020. After temporary repairs are complete, the Town will have approximately five-years to carefully consider and implement a long-term solution for the public safety building. One-hundred thousand dollars of the new funds generated from the revaluation will be set-aside each year for a new public safety building.

General Fund Capital Projects:

In the Fiscal Year 2019-2020 budget, the Town plans to make strategic capital investments amongst all departments to ensure efficient and effective service delivery as well as continue to repair our aging infrastructure.

The General Fund Budget reflects expenditures of \$221,000 from the capital projects budget for projects across multiple departments. Highlights include:

Fire Department

- All-Terrain Vehicle w/Trailer

Community Affairs

- Paint Auditorium Ceiling and Walls

Parks and Recreation

- Pool Resurfacing
- Pool Decking Repair

Public Works

- Demolition of IA Building / Retaining Wall
- Shop Heater Replacement
- Parking Lot Repair

Other General Fund Items

Recycling Service:

Late in the budgeting process Republic Services confronted the Town with an increase in our annual recycling contract of \$24,000. If the Town is unwilling to pay for the contract increases, Republic informed us that they would discontinue the recycling service in Valdese. The reason for the increase is

due to the national and international markets for recycled materials has collapsed, the domestic market has flooded and driven down the wholesale prices for materials.

Every local government in the nation is facing this issue. Valdese residents have a proud tradition of caring for the environment; therefore, this proposed budget recommends continuing the service, despite increases to the contract. To offset the increase, The Town Valdese will discontinue the early tax payment discount, which will generate approximately the same amount of revenue that the increases in the contract with Republic will cost. Republic Services is the only local company that offers municipal curbside recycling pickup. Even with the increase to the contract, Republic Services can still provide the service cheaper than if the Town tried to provide it in-house.

Employee Classification / Salary Study / Personnel Policy:

A challenge facing the Town of Valdese is the retention and recruitment of talented employees for our organization. As the unemployment rate has plummeted, it has become increasingly more difficult to recruit new employees to the organization based upon the current pay schedule that has been in place for over a decade. Without good employees, service delivery will suffer.

In Fiscal Year 2019-2020, the Town of Valdese partnered with a human resources consultant to revise our employee classifications, salary grades, and personnel policy. The conclusion of the study reveals that the Town of Valdese ranks third from the bottom in average wages compared to ten regional local governments that Valdese competes with for talent. Staff is recommending that the Town Council partially implement the study. To implement the pay study staff has identified budget reductions totaling 2.5%. This implementation will bring Valdese closer to the middle of the market comparison group, thus helping our organization retain and recruit talent that we desperately need.

To pay for this increase in yearly operational expenses, staff identified funds in the existing budget in three areas.

- Savings realized from the difference in recent retirees' salaries and new hires.
- Savings realized from the reduction in force when Town Hall and Triple merged.
- Savings realized from a reduction in the operational budget, most of which are the result of implemented efficiencies by departments over the past three years. These budget cuts will not impact service delivery.

Utility Fund - The Utility Fund budget for Fiscal Year 2019-2020 is \$4,892,424.

In the Fiscal Year 2015-2016 budget, the Town conducted a comprehensive capital improvement plan for the utility system. The study revealed that the Town has pressing needs, which should be addressed to ensure high-quality water and wastewater treatment for our citizens. The Town is heading into implementation year four of our 10-year plan.

The Capital Improvement Plan contains a recommended funding model that restructures our utility rates to ensure that we will be able to pay for all of our capital needs. The Town proposes to restore the utility fund balance to a level that will accommodate future projects; this budget proposes a four percent increase in revenues.

The Town of Valdese Utility Capital Improvement Plan calls for several major investments next fiscal year. Each new project will be presented to the Council for approval once we hear back from various grant funders.

Utility Fund Capital Projects:

- Water system upgrade project (waterlines)
- Main street waterline replacement
- MCC (raw and finished water) replacement at the water plant
- Chlorine gas to liquid bleach conversion at the water plant
- Sewer I&I assessment project
- Centrifuge Back drive and control replacement
- Smart Meter Project

I appreciate the dedicated employees of the Town of Valdese for their hard work and good stewardship of the Town's resources. Our team works hard and take pride in carrying out their duties. I also thank Mayor Black and the Town Council for their dedication in carrying out their responsibilities in providing leadership and guidance during the budgeting process."

Councilwoman Hildebran made a motion to set the public hearing for the FY 2019-2020 budget on Monday, June 24, 2019, 6:00 p.m., Valdese Town Hall, seconded by Councilman Sweezy. The vote was unanimous.

EDELWEISS SUBDIVISION PRELIMINARY PLAT APPROVAL REQUEST Planning Director Larry Johnson informed Council that the Edelweiss Subdivision will consist of 11 lots, each lot measuring approximately .43 acres. The size of the homes will range from 1,300 to 1,500 square feet and will be priced between \$175,000 and \$200,000.

Councilman Ogle made a motion to approve the preliminary plat for Edelweiss Subdivision, seconded by Councilman Thompson. The vote was unanimous.

FAÇADE GRANT REQUEST Community Affairs Director Morrissa Angi presented a request from The Valdese Stitchery for a Façade Grant in the amount of \$5,000. Grant funds will be used to assist with the replacement of windows and the installation of an ADA compliant front door. The estimated cost of the project is \$18,000.

Councilman Ogle made a motion to approve the aforementioned Façade Grant in the amount of \$5,000, seconded by Councilwoman Stevenson. The vote was unanimous.

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

The next WNC Rail Committee meeting is scheduled for Monday, June 17, 2019, 11:30 a.m. at Valdese Town Hall.

Independence Day Celebration scheduled for Friday, June 28, 2019, at 7:00 p.m.

MAYOR AND COUNCIL COMMENTS: Councilwoman Stevenson expressed her appreciation to staff, especially Greg Padgett, Bryan Duckworth, and Seth Eckard for their assistance with resolving an issue she was made aware of. Ms. Stevenson said their response was prompt and effective.

Councilwoman Hildebran expressed her appreciation to staff, especially Larry Johnson, Bryan Duckworth, and the Police Department for their assistance and oversight of an issue in her ward. Ms. Hildebran shared that the issue was resolved very professionally and in a manner that pleased the community.

Councilman Sweezy stated that all of the Town's departments are doing a great job and expressed his appreciation for the efforts made during the creation of the proposed budget, which will allow the Town to maintain the same level of service to citizens.

Mayor Black encouraged everyone to attend the Family Friday Nights and to enjoy everything the town has to offer downtown.

Councilman Ogle informed Council that Myra's is holding a beach party on Saturday, June 8, 2019 at 6:00 p.m. and encouraged everyone to attend.

ADJOURNMENT: At 6:30 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 meeting is a regularly scheduled meeting on Monday, June 24, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

ck

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
JUNE 24, 2019**

The Town of Valdese Town Council met on Monday, June 24, 2019, 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, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Courtney Kennedy, and various department heads.

Absent: Councilman J. Andrew Thompson.

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:

LIFESAVING AWARDS – CHARLIE WATTS, VALDESE FIRE DEPARTMENT: Fire Chief Charlie Watts shared that he comes before Council to present a prestigious award that many will never receive during their career; the Lifesaving Award. Mr Watts shared that on February 2, 2019, Valdese Fire and Police personnel responded to a report of a male subject choking. The victim was found unresponsive and turning blue; but regained consciousness to inform emergency personnel that he was choking, and in fact, had complete blockage of his airway. Officer Tyler Angley performed the Heimlich Maneuver for several minutes, at this time Fire Engineer Truman Walton arrived on the scene and continued to perform the Heimlich Maneuver. During their attempts to clear the airway, Mr. Angley and Mr. Walton were able to partially dislodge the obstruction which allowed a small amount of air to enter the patient's airway and enabled the patient to breathe on his own. Mr. Watts presented Officer Tyler Angley and Fire Engineer Truman Walton with a lifesaving award on behalf of the Valdese Fire Department.

RESOLUTION OF APPRECIATION: Mayor Black presented the following resolution to Leonard "Charlie" Watts:

RESOLUTION OF APPRECIATION FOR LEONARD "CHARLIE" WATTS

WHEREAS, Chief Leonard "Charlie" Watts for the past 38 years has served the Town of Valdese with distinction as a committed and dedicated public servant with the Valdese Fire Department; and

WHEREAS, Chief Watts' 38 years of service have been marked by exemplary dedication, compassion and integrity to serve the best interests of the community, our citizens, and the Valdese Fire Department; and

WHEREAS, Chief Watts has earned the admiration and high regard of those with whom he has worked with and the members of the public with whom he has served these past 38 years; and

WHEREAS, Chief Watts has served the Valdese Fire Department in numerous positions; working his way up through the ranks of the department, and obtained the rank of Fire Chief at which he has served for the last 20 years; and

WHEREAS, Chief Watts was appointed and served on numerous State and Local Boards and Commissions and was appointed Chairman of many of them; and

WHEREAS, Chief Watts was awarded five lifesaving awards, Burke's Best Award in 2014, and First Responder of the Year in 2009; and

WHEREAS, Chief Watts, while serving with the Valdese Fire Department, experienced the fire on Mineral Springs Mountain; worked tirelessly both during and after Hurricane Hugo and many other natural and man-made emergency incidents to ensure the safety of Valdese citizens; and

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 **Chief Leonard "Charlie" Watts** for his outstanding contributions to the Valdese Fire Department and the Town 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 **Chief Leonard "Charlie" Watts** for his service and

leadership to the Valdese Fire Department and the Town of Valdese during the past 38 years and extends congratulations and best wishes upon his retirement.

Adopted this the 24th day of June, 2019.

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

BURKE COUNTY PUBLIC LIBRARY: SUE MAST, VALDESE: Ms. Mast informed Council that when she moved to Valdese she was surprised by how much the town had to offer. Ms. Mast shared that she is a retired teacher of 35 years and during her first year of teaching she received a plaque that said, "I cannot live without books'-Thomas Jefferson." Ms. Mast expressed concerns about reducing funding to the Valdese Library as people are constantly visiting and participating in events at the library. Ms. Mast stated that she is aware that Burke County has not supported the library in Valdese as much as it has other towns, but begged Council to not let Valdese suffer for it.

BURKE COUNTY PUBLIC LIBRARY: LIBBY COOPER, 1106 CHURCH STREET, VALDESE: Ms. Cooper shared that she has lived in Valdese her entire life and that the library has always been important to her. Ms. Cooper stated that she understands it is difficult when working with budgets to make allowances for everything, but expressed her appreciation and gratitude to Council if the funding for the Valdese Library is not reduced.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF JUNE 3, 2019

APPROVED OLD COLONY PLAYERS REQUEST TO SELL ALCOHOL AT OLD ROCK SCHOOL: Request from Old Colony Players to sell beer at Morganton Improv's Comedy Festival on Saturday, August 31, 2019, from 4:00 p.m. to 11:00 p.m., at the Old Rock School.

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:

BUDGET AMENDMENT: Finance Director Bo Weichel informed Council that the following budget amendment will close old capital project accounts for various projects that have been completed for many years.

Valdese Town Council Meeting

Monday, June 24, 2019

Capital Projects Ordinance Amendment .30

Subject:

To amend the capital project ordinance's for various projects.
Clean up old capital project accounts for closure.

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	Increase/ Debit	Decrease/ Credit
40.3970.050	Business Revitalization	6,015	
42.3970.001	Town Hall	561,315	
49.3500.000	Bakery Project	2,100	
50.3970.030	The Settings	8,820	
65.3970.000	161 Study & Work	41,753	
51.3480.000	Millstone Ave Water		3,054
Total		\$620,003	\$3,054

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Decrease/ Debit	Increase/ Credit
40.8040.450	Business Revitalization		6,015
42.4200.570	Town Hall		561,315
49.8049.980	Bakery Project		2,100
50.8120.040	The Settings		8,820
65.8265.000	161 Study & Work		41,753
51.8120.040	Millstone Ave Water		19,446
Total			\$639,449

Section II:

Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

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

PRESENTATION OF AWOP AWARD TO WATER RESOURCES DIRECTOR GREG PADGETT ON BEHALF OF JERRY CONLEY: Water Resources Director Greg Padgett informed Council that this is the third, consecutive year that the Town of Valdese Water Treatment Plant has received an award from the Area Wide Optimization Program (AWOP). The AWOP award was created by the EPA in 2002 and is awarded to water treatment facilities which consistently achieve an enhanced level of water treatment that exceeds regulatory standards during any given calendar year. Mayor Black congratulated Mr. Conley and his staff for receiving this award.

AGREEMENT WITH WPCOG FOR ASSISTANCE IN SUPPORTING THE WESTERN PIEDMONT STORMWATER PARTNERSHIP: Water Resources Director Greg Padgett introduced John Wear of WPCOG. Mr. Wear provided a presentation on the services that will be provided through the Agreement with WPCOG for Assistance in Supporting the Western Piedmont Stormwater Partnership. Mr. Wear shared that the partnership fee has increased from last year's agreement due to increased duties being assigned to WPCOG staff. Mr. Padgett shared that the fee increase is significantly less than the cost of hiring someone to perform the required duties. The participation fee for the Agreement with WPCOG for Assistance in Supporting the Western Piedmont Stormwater Partnership is \$23,342.

Councilwoman Hildebran made a motion to approve the Agreement with WPCOG for Assistance in Supporting the Western Piedmont Stormwater Partnership, in the amount of \$23,342, seconded by Councilwoman Stevenson. The vote was unanimous.

RESOLUTION AFFIRMING SUPPORT FOR IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM: Water Resources Director Greg Padgett informed Council that the State recently audited local municipalities to check for compliance with their stormwater permit. Mr. Padgett shared that many municipalities had deficiencies in their programs and are required to make improvements with stormwater management, with the first requirement being the adoption of the following resolution:

**RESOLUTION AFFIRMING THE TOWN OF VALDESE COUNCIL'S SUPPORT
REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM**

A RESOLUTION to develop and implement a compliant stormwater management program that meets the requirements of the **TOWN OF VALDESE** National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS000488 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the **TOWN OF VALDESE** and approved by the North Carolina Department of Environmental Quality.

WHEREAS, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

WHEREAS, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

WHEREAS, the North Carolina Department of Environmental Quality issued the **TOWN OF VALDESE** its third NPDES MS4 Permit for discharge of stormwater on February 20, 2017; and

WHEREAS, the **TOWN OF VALDESE** was issued Notice of Violation number NOV-2019-PC-0182 on May 29, 2019, for noncompliance with the issued NPDES MS4 Permit; and

WHEREAS, the **TOWN OF VALDESE** acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

WHEREAS, the **TOWN OF VALDESE** acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than 120 Days From NOV Date for review and approval; and

WHEREAS, the **TOWN OF VALDESE** acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as

defined by both the NPDES MS4 Permit number NCS000488 and the required new Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than 60 Days From NOV Date; and

WHEREAS, the **TOWN OF VALDESE** acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

WHEREAS, the **TOWN OF VALDESE** acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2019-PC-0182; and

WHEREAS, the **TOWN OF VALDESE** acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

NOW, THEREFORE, BE IT RESOLVED that the Council of the **TOWN OF VALDESE** hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

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

/s/ Seth Eckard, Town Manager

/s/ Seth Eckard, Stormwater Program Administrator

/s/ Courtney Kennedy, Deputy Town Clerk

ADOPTED BY the Town Council of the **TOWN OF VALDESE**, North Carolina the 24th day of June, 2019 and signed in authentication thereof the 24th day of June, 2019.

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

RESOLUTION FOR AIA STATE FUNDING-SEWER COLLECTION SYSTEM ASSESSMENT PROJECT:

RESOLUTION BY VALDESE TOWN COUNCIL

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform asset inventory and assessment work, and

WHEREAS, the Town of Valdese intends to perform said project in accordance with the agreed scope of work,

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

That Town of Valdese does hereby accept the State Reserve Grant offer of \$150,000

That the Town of Valdese does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Mr. Seth Eckard, Valdese 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.

Adopted the 24th day of June, 2019

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

/s/ Frances Hildebran, Town Clerk

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

ENGINEERING CONTRACT FOR SEWER SYSTEM COLLECTION ASSESSMENT PROJECT: Water Resources Director Greg Padgett informed Council that West Consultants, PLLC, has been selected to provide services for the Sewer Collection System Assessment Project. Mr. Padgett explained that the project will assess the sewer system to identify and prioritize problem areas in the system which will aid the Town in planning future improvements to alleviate inflow and infiltration from reaching the Wastewater Treatment Plant. Mr. Padgett stated that the total project budget is \$165,000, including the \$71,725 value of the contract for engineering services, has been identified in the CIP.

Councilman Ogle made a motion to approve the Agreement for Engineering Services with West Consultants, PLLC for the Sewer Collection System Assessment Project, in the amount of \$71,725, seconded by Councilwoman Stevenson. The vote was unanimous.

CAPITAL PROJECT ORDINANCES FOR SEWER SYSTEM COLLECTION ASSESSMENT PROJECT AND PUBLIC SAFETY BUILDING:

**TOWN OF VALDESE
SEWER COLLECTION 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 **Sewer Collection System Assessment (E-AIA-W-19-0174)**. The project is to be financed by a 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:

<u>Source</u>	<u>Amount</u>	<u>Assigned Account Number</u>
Town Match	\$ 15,000	60.3480.000
State Grant	150,000	60.3480.001

	\$ 165,000	
	=====	

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

<u>Source</u>	<u>Amount</u>	<u>Assigned Account Number</u>
Professional Services	\$ 71,725	60.8110.040
Contracted Services	78,275	60.8110.450
Miscellaneous	15,000	60.8110.570

	\$ 165,000	
	=====	

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 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 24th day of June, 2019.

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

/s/ Courtney Kennedy, Deputy Town Clerk

**TOWN OF VALDESE
PUBLIC SAFETY BUILDING
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 **Public Safety Building Project** consisting of possible repairs and other related costs to the combined Fire/Police complex. The project is to be financed by a Town of Valdese contributions in addition to applicable loans.

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:

<u>Source</u>	<u>Amount</u>	<u>Assigned Account Number</u>
Town Contribution	\$ 100,000	35.3480.000

	\$ 100,000	
	=====	

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

<u>Source</u>	<u>Amount</u>	<u>Assigned Account Number</u>
Professional Services	\$ 100,000	35.5300.040
Repairs	0	35.5300.150

	\$ 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 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 24th day of June, 2019.

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

/s/ Courtney Kennedy, Deputy Town Clerk

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

FY 2019-2020 BUDGET PUBLIC HEARING & ORDINANCE ADOPTION: Mayor Black opened the public hearing and asked if anyone wished to speak either for or against the proposed budget.

There being no one wishing to speak, Mayor Black closed the public hearing.

Mayor Black informed Council that the FY 2019-2020 Fee Schedule, Position Classification and Pay Plan, and FY 2019-2020 Utility Capital Improvements Plan need to be approved prior to the adoption of the Fiscal Year 2019-2020 Budget Ordinance.

Councilman Sweezy made a motion to adopt the **FY 2019-2020 Fee Schedule** as presented, seconded by Councilwoman Stevenson. The motion passed, with voting as follows: Ayes-Hildebran, Stevenson, and Sweezy; Nays-Ogle.

Councilwoman Hildebran asked if the library was included in the fee schedule. Mayor Black informed Ms. Hildebran that the fee schedule establishes fees for the Town's departments; the library is separate. Ms. Hildebran expressed her concerns with reducing funding to the library, sharing that the book budget will be negatively impacted if there is a \$10,000 reduction in funding. Ms. Hildebran shared that last year's book budget added 1,422 items to the collection, with those items being checked out 4,048 times since they were added. Ms. Hildebran shared that the Valdese Public Library has 26,786 items in its collection with 53% of those items being checked out last year, indicating that the collection is well-used by the community. Ms. Hildebran expressed concern about the book budget being reduced by 50%, as it will have a large impact on what Valdese Public Library users will have access to read. Ms. Hildebran asked Council if there was anything that could be done to accommodate this need for the library and citizens.

Town Manager Seth Eckard informed Council that an evaluation could be performed during the middle of the budget year to see if additional funds could be identified and allocated to the library.

Councilman Ogle asked what Burke County is paying for the library in Hildebran. Mr. Ogle stated that he believes that Hildebran does not contribute any money towards the library program offered in their town and questioned why the County would consider reducing or changing what is offered at the Valdese Public Library based on what the Town of Valdese contributes.

Councilman Sweezy shared that he did not want to reduce the budget for the library at all; however, he is concerned that there is discussion of the entire \$10,000 reduction affecting only the Valdese library. Mr. Sweezy shared that the reduction in the budget should be allocated across all libraries, not just the library in Valdese.

Councilwoman Stevenson stated that, even though the budget is being reduced by \$10,000, the Town of Valdese is still contributing \$40,000 towards the library. Ms. Stevenson shared that she wished reductions in funding did not have to happen for any services and wished the Town could do more. Ms. Stevenson shared that she would be in favor of evaluating the budget mid-year in an attempt to identify additional funds for the library.

Councilman Sweezy made a motion to adopt the **FY 2019-2020 Position Classification and Pay Plan** as presented, seconded by Councilwoman Stevenson. The motion passed, with voting as follows: Ayes-Hildebran, Stevenson, and Sweezy; Nays-Ogle.

Councilman Sweezy made a motion to adopt the **FY 2019-2020 Utility Capital Improvements Plan**, seconded by Councilwoman Hildebran. The vote was unanimous.

TOWN OF VALDESE BUDGET ORDINANCE FISCAL YEAR 2019-2020

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VALDESE, NORTH CAROLINA, THAT:

Section 1: The following amounts are hereby appropriated to the fund set forth for the operation of the town government and its activities for the fiscal year beginning July 1, 2019, and ending June 30, 2020, in accordance with the chart of accounts heretofore established for this town:

GENERAL FUND	\$	6,020,797
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Governing Body	\$	57,592
Administration		1,123,026
Public Works		382,120
Maintenance & Grounds		216,744
Planning		121,781
Police		1,020,677
Fire		894,289
Street		358,595
Powell Bill		169,685
Sanitation		288,958
Recreation		826,905
Tourism/Community Affairs		560,425

UTILITY FUND	\$	4,892,424
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Water	\$	1,824,064
Wastewater		1,897,375
Water & Sewer Construction		1,170,985

TOTAL OPERATING BUDGET	\$	10,913,221
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Section 2: It is estimated, and therefore appropriated, that the following revenues will be made available to the respective funds for the fiscal year beginning July 1, 2019 as follows:

GENERAL FUND	\$	6,020,797
UTILITY FUND		4,892,424

TOTAL REVENUES	\$	10,913,221
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Section 3: There is hereby levied an ad valorem tax at the rate of fifty four and one half cents (\$0.545) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2019, for the purpose of raising a portion of the revenue listed in the General Fund appropriation in Section II of this ordinance. This rate, based upon an estimated total valuation of \$376,928,581 will generate a levy of \$1,980,102 with an estimated collection rate of 96.39%.

Section 4: As set forth in the Utility Fund Debt Service Section of the FY 2019-2020 budget document, the amount of \$390,087 is appropriated for the purpose of debt service and that this amount is sufficient for the complete and proper payment of all bond principal, bond interest and commissions on the outstanding debt of the town relating thereto for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Section 5: As set forth in the General Fund Debt Service Section of the FY 2019-2020 budget document, the amount of \$437,724 is appropriated for the purpose of debt service and that this amount is sufficient for the complete and proper payment of all bond principal, bond interest and commissions on the outstanding debt of the town relating thereto for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Section 6: The operating funds encumbered on the financial records of June 30, 2019 are hereby reappropriated into this budget.

Section 7: The corresponding "Fiscal Year 2019-2020 Schedule of Fees" is approved with the adoption of this Annual Budget Ordinance.

Section 8: The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a. He may transfer amounts between line-item expenditures within a department

without limitation and without a report being required.

- b. He may transfer amounts of \$10,000 between departments of the same fund with an official report on such transfer at the next regular meeting of the Town Council.
- c. He may not transfer any amounts between funds or from any contingency appropriation within any fund without approval of the Town Council.

Section 9: The Budget Officer is hereby authorized to execute agreements, within funds included in the Budget Ordinance or other actions by the Governing Body, for the following purposes:

- a. Form grant agreements to public and non-profit organizations
- b. Leases of routine business equipment
- c. Consultant, professional, or maintenance service agreements
- d. Purchase of supplies, materials, or equipment where formal bids are not required by law
- e. Applications for and agreements for acceptance of grant funds from federal, state, public, and non-profit organizations, and other funds from other governmental units, for services to be rendered which have been previously approved by the Governing Body
- f. Construction or repair projects
- g. Liability, health, life, disability, casualty, property, or other insurance or performance bonds
- h. Other administrative contracts which include agreements adopted in accordance with the directives of the Governing Body.

Section 10: Copies of this budget ordinance and accompanying documents shall be furnished to the finance office, budget officer, and other department heads of the Town of Valdese to be kept on file by them for their direction in the disbursement of funds.

Upon introduction by Town Manager Seth B. Eckard, motion to adopt by Councilman Sweezy and seconded by Councilwoman Stevenson. The vote to adopt was as follows: Ogle-nay, Hildebran-aye, Stevenson-aye, Sweezy-aye.

This ordinance is adopted on this the 24th day of June, 2019.

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

Attest: /s/ Town Clerk

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

The Independence Day Celebration is scheduled on Friday, June 28, 2019, at 7:00 p.m.

Town Offices will be closed on Thursday, July 4, 2019, in observance of Independence Day.

From This Day Forward is scheduled July 12th-August 10th, Fridays and Saturdays, at 8:00 p.m.

MAYOR AND COUNCIL COMMENTS: Councilwoman Stevenson thanked staff and the members of Council for coordinating and participating in the litter sweep effort last month.

Councilman Ogle shared that Myra's is hosting a car show on Friday, June 28, 2019 and encouraged everyone to attend.

CLOSED SESSION Mayor Black called for a motion to recess into Closed Session pursuant to NC General Statute 143-318.11 (a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee. The motion was seconded by Councilwoman Hildebran and the vote was unanimous.

At 6:52 p.m., Councilwoman Hildebran made a motion to recess into Closed Session pursuant to NC General Statute 143-318.11 (a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee. The motion was seconded by Councilwoman Stevenson. The vote was unanimous.

At 7:08 p.m., Councilman Ogle made a motion to return to Open Session, seconded by Councilwoman Hildebran. The vote was unanimous.

TOWN MANAGER'S SALARY ADJUSTMENT Councilwoman Hildebran made a motion to increase the Town Manager's base salary to \$93,600 for FY 2019-2020, seconded by Councilwoman Stevenson. The vote was unanimous.

Town Manager Seth Eckard thanked the members of Council.

ADJOURNMENT: At 7:09 p.m., there being no further business to come before Council, Councilman Sweezy made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, August 5, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk
ck

Mayor

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
AUGUST 5, 2019**

The Town of Valdese Town Council met on Monday, August 5, 2019, 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 Courtney Kennedy, 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:

TROOP 192 EAGLE SCOUT PROJECT-BEN TEFFETELLER, 308 HILL STREET SE, VALDESE: Mr. Teffeteller informed Council that he is completing his Eagle Scout project on Main Street. Mr. Teffeteller shared that he would like to clean out the flag pole holes in the sidewalk, and create a permanent solution to keep them clean, to assist the Boy Scouts with placing 80 American flags throughout downtown each year. Mr. Teffeteller shared that he will also fix damaged flags and flag poles as part of this project and has secured funding through a private donor.

WILDERNESS GATEWAY STATE TRAIL-BETH HEILE, 5291 MINERAL SPRINGS MOUNTAIN AVE, VALDESE: Ms. Heile provided an update on the Wilderness Gateway State Trail which will connect South Mountains to Valdese Lakeside Park, and other state parks. Ms. Heile shared that, on June 3, 2019, the Wilderness Gateway State Trail was signed into law. Ms. Heile expressed her appreciation for Representative Hugh Blackwell and Mayor Black for their efforts to assist with making this trail happen.

ARTIMUS PYLE MEET AND GREET-TERESA CARSWELL, 812 MAIN STREET W, VALDESE: Ms. Carswell shared that she is speaking on behalf of Myra's. Myra's held a meet and greet with Artimus Pyle over the weekend, and with assistance from the Town, had a very successful event. Ms. Carswell shared that a last minute request was submitted to staff on Thursday before the event, and everyone was helpful and provided assistance to accommodate their request. Ms. Carswell finished by stating how appreciative she and Myra's are for everything the Town did to help.

ANIMAL CONTROL ORDINANCE-RICHARD MOORE, 1040 ORCHARD STREET, VALDESE: Mr. Moore informed Council that he has been an advocate for dogs in the town and expressed frustration with the amount of time that has passed since an issue was first brought to the attention of Town staff. Mr. Moore requested additional language and regulations in the Town's animal control ordinance to require dog owners to provide housing that is adequate and appropriate for the dog's size and breed.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING AND CLOSED SESSION MINUTES OF JUNE 24, 2019

APPROVED BURKE THEATER GUILD, INC. REQUEST TO SELL ALCOHOL AT OLD ROCK SCHOOL: Request from Burke Theater Guild, Inc. to sell beer and wine at the Marty Burns Experience on Saturday, September 14, 2019 at the Old Rock School.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF FIRE CHIEF AND NEW EMPLOYEE: Town Manager Seth Eckard announced the promotion of Fire Chief Greg Stafford. Fire Chief Greg Stafford introduced Fire Engineer Reed Bowman.

WPCOG CODE ENFORCEMENT UPDATE: Code Enforcement Officer Billy Rickles informed Council that a majority of the code issues he has enforced are related to abandoned vehicles, junk, and tall grass. Through the enforcement process, Mr. Rickles provides a timeline to property owners with violations and provides guidance on how to address each issue. Mr. Rickles provided Council with an updated report of code enforcement cases and encouraged Council to review the list and call him with any questions about any property that is on the list. Mr. Rickles introduced Code Enforcement Officer Brad Moody; Mr. Moody will be assisting with code enforcement efforts.

Councilwoman Hildebran expressed concerns with the website and form to submit a complaint. Mr. Rickles informed Ms. Hildebran that the issue occurred due to staffing changes and technology issues. Ms. Hildebran shared that many citizens are unable to, or do not feel comfortable, filing a complaint through the website and asked what the best way would be to get the information to the appropriate individuals. Mr. Rickles shared that Ms. Hildebran and citizens can send an email to him or call him directly if they prefer. Ms. Hildebran shared that she was confused about the process as she thought WPCOG would survey the entire town to identify areas that needed to be addressed and after that, enforcement would be on a complaint basis. Mr. Rickles shared that because the Town selected reactive enforcement instead of proactive, he is not authorized to identify and enforce issues if the issue is not identified in North Carolina General Statutes. Mr. Rickles shared that he is available to hold additional public meetings to educate citizens on the services he provides.

Councilman Ogle explained that he understands the process takes time and enforcement issues cannot be corrected overnight. Mr. Ogle shared that numerous properties requiring enforcement have been identified and need to be addressed. Mr. Ogle requested permission to drive through town with Mr. Rickles to make him aware of the nuisances.

RESOLUTION APPROVING FINANCING TERMS FOR POLICE CARS: Finance Director Bo Weichel informed Council that funds for the purchase of police vehicles were identified in the FY 19-20 Budget. Mr. Weichel shared that BB&T was the only bank that submitted a proposal for the financing of three patrol vehicles. Mr. Weichel informed Council that borrowing will not exceed \$85,000 and will be financed over a term of 60-months with an annual interest rate of 2.83%.

Councilman Ogle asked if the purchase of three patrol cars was identified in the budget. Finance Director Bo Weichel said the funds were identified under "Debt Service-Cars." Town Manager Seth Eckard shared that two cars were budgeted but due to purchasing the cars at a cheaper price and receiving a lower than expected interest rate, the Town has an opportunity to purchase three vehicles, instead of only two. This will change the purchasing cycle from buying two cars, every two years to buying three cars, every three years.

Mr. Weichel presented the following resolution:

Resolution Approving Financing Terms

WHEREAS: The TOWN OF VALDESE, NC ("City") has previously determined to undertake a project for the financing of police vehicles, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated July 1, 2019. The amount financed shall not exceed \$85,000 the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.83%, and the financing term shall not exceed five (5) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers.

The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 5th day of August, 2019

By: /s/ Mayor

By: /s/ Town Clerk

Councilman Sweezy made a motion to approve the aforementioned resolution, seconded by Councilwoman Stevenson. The motion passed, with voting as follows: Ayes-Hildebran, Stevenson, Thompson, and Sweezy; Nays-Ogle.

POLICE DEPARTMENT REQUEST TO PURCHASE TASERS: Police Chief Jack Moss informed Council that tasers have been needed at the Police Department for many years, but have not been included in the departmental Capital Improvements Plan due to higher priority items. Mr. Moss shared that the new financing terms and purchasing cycle for police vehicles, and adjustment of department supplies, has identified additional funds in the department's budget. Mr. Moss informed Council that Axon Enterprise, Inc. has provided a contract for the purchase of ten tasers at a cost of \$13,310, to be financed over five years, with zero percent interest.

After discussion, Councilwoman Stevenson made a motion to approve the contract with Axon Enterprise, Inc., in the amount of \$13,310 for the purchase of ten tasers, seconded by Councilman Sweezy. The motion passed, with voting as follows: Ayes-Hildebran, Stevenson, Thompson, and Sweezy; Nays-Ogle.

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

Valdese Town Council Meeting Monday, August 05, 2019

Budget Amendment # 1

Subject: To roll Abatement revenues from FY 18-19 into the new budget year, increasing the available funds for abatement purposes.

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		195
	Total	\$0	\$195

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4900.451	Abatements	195	
	Total	\$195	\$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.

Valdese Town Council Meeting

Monday, August 05, 2019

Budget Amendment # 2

Subject: Installment loan from BB&T for patrol vehicles

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
10.3995.001	Proceeds from Financing		85,000
	Total	\$0	\$85,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5100.740	Capital Outlay	85,000	
	Total	\$85,000	\$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.

August 5, 2019, MB#31

Valdese Town Council Meeting

Monday, August 05, 2019

Budget Amendment #

4

Subject:

Old Rock School painting of Auditorium
(approved in FY 19-20 general fund CIP)

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
10.3970.302	From Old Debt Service		40,000
Total		\$0	\$40,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.150	Maint & Repair Buildings	40,000	
Total		\$40,000	\$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.

Valdese Town Council Meeting

Monday, August 05, 2019

Budget Amendment #

5

Subject:

Recreation - Pool Resurfacing
(approved in FY 19-20 general fund CIP)

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
10.3970.302	From Old Debt Service		73,200
Total		\$0	\$73,200

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6200.150	Maint & Repair Buildings	73,200	
Total		\$73,200	\$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.

Valdese Town Council Meeting

Monday, August 05, 2019

Budget Amendment #

6

Subject:

Recreation - Pool Decking Repair
(approved in FY 19-20 general fund CIP)

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
10.3970.302	From Old Debt Service		4,235
Total		\$0	\$4,235

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6200.150	Maint & Repair Buildings	4,235	
Total		\$4,235	\$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 Budget Amendment #1, seconded by Councilwoman Stevenson. The vote was unanimous.

Councilman Sweezy made a motion to approve Budget Amendment #2, 4, 5, 6, seconded by Councilwoman Stevenson. The vote was unanimous.

RESOLUTION ACCEPTING FUNDS FOR WATER PLANT UPGRADES-MCC REPLACEMENT PROJECT: Water Resources Director Greg Padgett informed Council that this project has been identified in the CIP, with funding being secured through a grant and loan.

TOWN OF VALDESE WATER TREATMENT PLANT UPGRADES MCC RAW AND FINISHED WATER (H-SRP-D-17-0151) RESOLUTION ACCEPTING FUNDS

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 collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$210,692, and a State Reserve Loan in the amount of \$632,078 for the replacement of the existing motor control centers (MCC) at the Raw Water and Finished Water pumping stations, including replacement of motor feeders and related appurtenances, and reconfiguration of electric conduits and junction boxes to protect against flooding

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 COUNCIL OF THE TOWN OF VALDESE:

That the Town of Valdese does hereby accept the State Reserve Grant offer of \$210,692 and accepts the State Reserve Loan offer of \$632,078.

That the Town of Valdese does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the grant and loan offer, Section II - Assurances will be adhered to.

That Mr. Seth Eckard, Valdese 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 applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted the 5th day of August, 2019.

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

/s/ Frances Hildebran, Town Clerk

Councilwoman Stevenson made a motion to approve the aforementioned resolution, seconded by Councilman Sweezy. The vote was unanimous.

RESOLUTION ACCEPTING FUNDS FOR WATER TREATMENT PLANT DISINFECTION CONVERSION PROJECT: Water Resources Director Greg Padgett informed Council that this project has been identified in the CIP, with funding being secured through a grant and loan.

**TOWN OF VALDESE
WATER TREATMENT PLANT DISINFECTION CONVERSION PROJECT
DWI PROJECT NO.: H-SRP-D-18-0163
RESOLUTION ACCEPTING FUNDS**

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 collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$164,575, and a State Reserve Loan in the amount of \$493,725 for the removal of existing gaseous chlorine disinfection equipment and replacement with sodium hypochlorite ('bleach') disinfection equipment including: a chemical storage building with overhead door, a fill station, bulk storage tanks and day tanks with appropriate secondary containment, transfer and

metered-dose chemical feed pumps and related HVAC, instrumentation and control equipment.

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 COUNCIL OF THE TOWN OF VALDESE:

That the Town of Valdese does hereby accept the State Reserve Grant offer of \$164,575 and accepts the State Reserve Loan offer of \$493,725.

That the Town of Valdese does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the grant and loan offer, Section II - Assurances will be adhered to.

That Mr. Seth Eckard, Valdese 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 applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted the 5th day of August, 2019.

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

/s/ Frances Hildebran, Town Clerk

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

AIA STATE FUNDING RESOLUTION – WATER DISTRIBUTION SYSTEM ASSESSMENT PROJECT:

RESOLUTION BY TOWN OF VALDESE

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project), and

WHEREAS, The Town of Valdese has need for and intends to conduct an Asset Inventory Assessment of the Town’s Drinking Water Distribution System project described as to develop asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for water, and

WHEREAS, The Town of Valdese intends to request state AIA grant funding assistance for the project,

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

That Town of Valdese, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Seth Eckard, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, 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 the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 5th day of August, 2019 at Valdese Town Hall, 102 Massel Avenue SW, Valdese, North Carolina.

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

Councilwoman Stevenson made a motion to approve the aforementioned resolution, seconded by Councilwoman Hildebran. The vote was unanimous.

AWARD OF BID FOR 2018 WATER SYSTEM IMPROVEMENTS PROJECT (WIF-1933): Water Resources Director Greg Padgett presented a bid tabulation prepared by West Consultants for the 2018 Water System Improvements Project (WIF-1933). The lowest bidder was Classic City Mechanical, Inc., in the amount of \$731,481.00. (Other bids: Piedmont Utility Group, Inc.-\$782,240.88; Apple Tuck & Associations, Inc.-\$814,435.00; Fuller & Co. Construction, LLC-\$817,976.77; Iron Mountain Construction-\$1,135,853.50)

Councilman Sweezy made a motion to award the bid for the 2018 Water System Improvements Project (WIF-1933) to Classic City Mechanical, Inc. in the amount of \$731,481.00, seconded by Councilwoman Stevenson. The vote was unanimous.

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

The 44th Annual Waldensian Festival and Footrace is scheduled for August 9 & 10, 2019.

The Family Friday Nights Summer Concert Series Finale is scheduled for Friday, August 30, 2019 at 7:00 p.m.

Town offices will be closed on Monday, September 2, 2019 in Observance of Labor Day.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran expressed her appreciation for Fire Chief Greg Stafford's assistance with an issue she recently experienced and for the service the Fire Department continues to provide to citizens.

Councilman Sweezy shared that he expressed his concerns to Burke County Public Library Director Jim Wilson, regarding the budget reduction being applied only to the Valdese Library. Mr. Wilson informed Mr. Sweezy that Valdese would see a reduction in the budget totaling \$5,000; instead of the previously discussed \$10,000 reduction.

ADJOURNMENT: At 7:12 p.m., there being no further business to come before Council, Councilwoman Stevenson made a motion to adjourn, seconded by Councilman Sweezy. The vote was unanimous.

The next regular Council meeting scheduled for Tuesday, September 3, 2019, 6 p.m., due to Labor Day Holiday.

Town Clerk

Mayor

ck

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
SEPTEMBER 3, 2019**

The Town of Valdese Town Council met on Tuesday, September 3, 2019, 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, 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 Courtney Kennedy, and various department heads.

Absent: 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:

PRESENTATION OF PROCLAMATION HONORING KELLEX SEATING:

PROCLAMATION HONORING KELLEX SEATING

WHEREAS, In 2008, Kellex Seating acquired a manufacturing complex in Valdese; and

WHEREAS, Kellex Seating constantly strives to accomplish their goal of satisfying customers, being responsible to the environment, and making a concerted effort to keep their factories open in America and keep Americans employed; and

WHEREAS, Kellex Seating goes above and beyond to conserve and protect natural resources and reduce waste in their community, factory, and industry; and

WHEREAS, Kellex Seating's significant pledge to assist with the purchase of 300-acres was only the beginning of their commitment to the success of Valdese Lakeside Park; and

WHEREAS, Kellex Seating has held numerous workdays at Valdese Lakeside Park and provided hundreds of hours of volunteer time from its employees to help clean up debris, remove invasive plants, install pollinator gardens, improve wildlife habitat, and create a picnic area with handcrafted tables; and

WHEREAS, Kellex Seating was nominated for the 56th Annual Governor's Conservation Achievement Awards; and

WHEREAS, winners of these awards are devotees who work for wildlife, habitat, and those who cherish natural resources, are land stewardship champions, water advocates and leaders in the preservation of unique ecosystems; and

WHEREAS, Kellex Seating has proven its commitment to the betterment of their community and was selected as the North Carolina Wildlife Federation's Business Conservationist of the Year Award.

NOW, THEREFORE, BE IT RESOLVED that I, John F. "Chip" Black, Jr., by the authority vested in me as mayor of Valdese, North Carolina, and on behalf of the entire Town Council and all of our citizens, recognize, by this proclamation, the outstanding contribution that Kellex Seating has made to Valdese and the environment through their outstanding effort and unwavering commitment to conservation and the public's ability to enjoy natural resources.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the Town of Valdese to be affixed this 3rd day of September, 2019.

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

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF AUGUST 5, 2019

APPROVED ORDINANCE FOR STREET CLOSURE – DRAUGHN HIGH SCHOOL HOMECOMING PARADE ON TUESDAY, OCTOBER 1, 2019:

**ORDINANCE DECLARING ROAD CLOSURE
FOR TOWN OF VALDESE SPECIAL EVENT**

WHEREAS, for many years the Town of Valdese has sponsored the Draughn High School Homecoming parade; and

WHEREAS, the Town of Valdese desires to schedule the Draughn High School Parade on Tuesday, October 1, 2019; and

WHEREAS, part of US 70/Main Street in Valdese will need to be closed for the parade; and

WHEREAS, G.S. 20-169 provides that local authorities shall have power to provide by ordinance for the regulation of the use of highways by processions or assemblages;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Valdese pursuant to G.S. 20-169 that the following portion of the State Highway System be closed during the times set forth below:

DRAUGHN HIGH SCHOOL HOMECOMING PARADE

DATE: October 1, 2019

TIME: 6:30 pm – 7:30 pm

ROUTE DESCRIPTION: (US-70) Main St from Hoyle St to Eldred St

Signs shall be erected giving notice of the limits and times of these street closures as required by G.S. 20-169.

This ordinance shall take effect upon adoption.

THIS, the 3rd day of September, 2019.

/s/ JOHN F. BLACK, JR., MAYOR

APPROVED LEASE AGREEMENT AT OLD ROCK SCHOOL WITH P&W RAILROAD CLUB: Annual Lease Agreement at the Old Rock School with P & W Railroad Club in the amount of \$230 per month.

BUDGET AMENDMENT:

Valdese Town Council Meeting

9/3/2019

Budget Amendment #

7

Memo

To recognize insurance reimbursement for repairs to Engine 3. This unit sustained damage after a structure fire call when a Fire Engineer pulled into the bays with a compartment door open, hitting the building. The door broke away from the truck, as the hinges are designed to do, but the door was damaged along with damage to the body and other compartment doors. There was insignificant damage to the building. Staff is looking into ways to make the middle compartment doors on both engines more noticeable in the mirror when open.

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
10.3970.931	Insurance Refund		7,366
	Total	\$0	\$7,366

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5300.170	Maintenance & Repair Auto	7,366	
	Total	\$7,366	\$0

Section II:

Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA:

ADOPTED RESOLUTION ADOPTING FY 19-20 UTILITY CAPITAL IMPROVEMENTS PLAN: Water Resources Director Greg Padgett informed Council that the Jacumin Road Water System Replacement Project is a project that has been identified but not added to the Utility Capital Improvements Plan for many years due to higher priority projects. Staff has recently identified a grant opportunity, which if awarded, would fund the entire project. Mr. Padgett informed Council that this project will replace aging infrastructure and increase the size of the water line, allowing for additional users to access water.

**A RESOLUTION ACKNOWLEDGING AND ACCEPTING UPDATES TO THE
TOWN OF VALDESE WATER AND SEWER ENTERPRISE FUND
CAPITAL IMPROVEMENTS PLAN**

WHEREAS, the Town of Valdese recognizes the need to plan for the future in all aspects related to delivering quality and efficient public services to the citizens of Valdese; and,

WHEREAS, there is a need to continue efficiently managing Town assets, to reduce cost, protect property and operate in a more proactive fashion; and,

WHEREAS, a Capital Improvements Plan for the Town's water and sewer enterprise fund aids in planning the cost of doing business, improve the level of service, protect the local environment, ensure continued viability of the Town's enterprise fund, and,

WHEREAS, the Town of Valdese is ready to implement an updated Capital Improvements Plan; and,

WHEREAS, the matter has been reviewed by Town Council, Town Manager, and other Town staff.

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

The Town Council acknowledges, accepts, and approves the document entitled Capital Improvements Plan, 2019 Update, Town of Valdese.

The Town Manager of the Town of Valdese is hereby directed to cause Town staff to follow the items found in the Capital Improvements Plan as reasonably as possible for the operation and maintenance of the Town of Valdese Water and Sewer Systems.

Adopted and approved this the 3rd day of September, 2019.

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

ATTEST: /s/ Frances Hildebran, Town Clerk

Councilwoman Hildebran made a motion to approve the aforementioned resolution, seconded by Councilwoman Stevenson. The vote was unanimous.

SET DATE AND TIME FOR CDBG PUBLIC HEARING DATE FOR JACUMIN ROAD WATERLINE IMPROVEMENTS PROJECT ON MONDAY, SEPTEMBER 23, 2019, 6:00 P.M., VALDESE TOWN HALL:

Water Resources Director Greg Padgett informed Council that a public hearing must be held for the CDBG Grant application process for the Jacumin Road Waterline Improvements Project.

Councilwoman Hildebran made a motion to set the date for the CDBG public hearing for Monday, September 23, 2019 at 6:00 p.m., Valdese Town Hall, seconded by Councilwoman Stevenson. The vote was unanimous.

INTRODUCTION OF NEW ASSISTANT FIRE CHIEF: Fire Chief Greg Stafford announced the promotion of Assistant Fire Chief Michael "Truman" Walton.

RESOLUTION AMENDING ANIMAL CONTROL ORDINANCE: Public Works Director Bryan Duckworth informed Council that the proposed amendment to the Animal Control Ordinance will ensure the ordinance is consistent with Burke County's ordinance and will better define the term "structure." Mr. Duckworth presented the following resolution:

RESOLUTION ADOPTING AMENDMENT TO SECTION 8-2043

September 3, 2019, MB#31
OF THE VALDESE CODE OF ORDINANCES

WHEREAS, Section 8-2043 of the Code of Ordinances sets forth certain requirements for enclosures used for the confinement or keeping of animals; and

WHEREAS, the town council desires to amend this section to make these requirements similar to the requirements set forth in the Burke County Animal Control Ordinance;

IT IS THEREFORE RESOLVED that Section 8-2043 of the Code of Ordinances is amended to read as follows:

“Section 8-2043 Adequacy and Location of Shelter.

Adequate Shelter: The shelter in which a nonaquatic animal is confined shall be constructed so that it keeps the animal dry and, within reasonable efforts, keeps the animal out of the direct path of winds, out of the direct sun, and at a temperature level that is reasonable for the current weather. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow adequate retention of body heat. The shelter shall be completely enclosed by walls, a roof and a solid floor, and the shelter shall have an opening entrance large enough to allow access to the animal that is placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. Shelters shall have adequate drainage and shall be free of accumulated waste, feces, trash, debris and any other elements that the Animal Control Officer deems to be unsafe to the health and well-being of the animal.

Location: Structures for the confinement of an animal shall generally be located in a manner so that such structures do not become a nuisance to adjacent property owners because of odor, smell, noise or other factors that interfere with the right of the occupants of adjacent property to the full enjoyment of their property.”

This resolution shall become effective upon adoption.

ADOPTED THIS, THE 3rd DAY OF SEPTEMBER, 2019.

/s/ JOHN F. BLACK, JR., Mayor

ATTEST: /s/ Town Clerk

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

ASSISTANCE POLICY FOR CDBG- NR SCATTERED SITE HOUSING REHABILITATION PROGRAM:

Lisa Helton of Western Piedmont Council of Governments informed Council that the Neighborhood Revitalization Scattered Site Housing Rehabilitation Program was awarded grant funding; in accordance with the grant funding, the Town must adopt the Town of Valdese Assistance Policy.

Councilwoman Hildebran made a motion to adopt the Town of Valdese Assistance Policy for the 2018 CDBG-NR-NR Scattered Site Housing Rehabilitation Program as presented, seconded by Councilwoman Stevenson. The vote was unanimous.

PRESENTATION OF FISCAL YEAR ENDING JUNE 30, 2019 FINANCIAL UPDATE:

Finance Director Bo Weichel provided an explanation of fund balance terminology and the history of the Town's fund balance. Mr. Weichel took a moment to recognize Mr. Phil Church and Mr. Rick Hammer of Lowdermilk Church, & Co., the Town's auditors, for going above and beyond expectations and expressed his appreciation for their effort and time spent to have the information available for this meeting.

Mr. Church explained that fund balance can be difficult to calculate as it fluctuates based on assets, receivables, and expenditures; sharing that if expenditures are high for one year (such as the year the fire truck was purchased) it can have a significant impact on the calculation. Mr. Church informed Council that

the highlight sheets have been provided as a detailed report of the audit will be provided at a later date. Mr. Rick Hammer reviewed the following highlight sheets:

TOWN OF VALDESE

Financial Highlights

Years Ended June 30, 2019 and 2018

General Fund (Includes Powell Bill Funds)	2019 Summarized Budget	Projected 2019	2018
Total assets		\$ 4,481,011	\$ 2,549,184
Fund balance		\$ 4,166,024	\$ 2,166,052
Fund balance - Reserved for Streets - Powell Bill (included in total fund balance)		\$ 57,421	\$ 35,528
Total revenue	\$ 5,136,733	\$ 5,396,287	\$ 4,725,397
Total expenditures	\$ 4,749,733	\$ 5,129,278	\$ 6,466,899
Revenues over (under) expenditures before other financing sources (uses)		\$ 267,010	\$(1,741,501)
Other income (expense)	\$ 387,000	\$ 1,732,962	\$ 1,566,013
Increase (decrease) in fund balance		\$ 1,999,972	\$ (175,488)
Ad valorem taxes collected		\$ 2,064,939	\$ 1,974,578
Percent of taxes collected - current year levy		97.25%	96.39%
Investment income		\$ 63,668	\$ 11,611
Projected Fund Balance Available			
Unassigned Fund Balance		<u>3,388,309</u>	<u>1,206,161</u>
Expenditures and other financing sources and uses		<u>5,129,278</u>	<u>6,495,274</u>
Unassigned Fund Balance Percentage		66.05%	18.56%

* Local Government Commission minimum recommended general fund balance should be at least 8% of general fund expenditures at the end of the fiscal year.

	Projected 2019	2018
Water and Sewer Fund		
Cash, cash equivalents and investments	\$ 811,332	\$ 537,544
Total assets	\$23,184,697	\$22,898,369
Net position	\$20,925,241	\$20,252,056
Operating revenue	\$ 4,968,903	\$ 4,675,456
Operating expenses	\$ 4,825,593	\$ 4,460,705
Operating income (loss)	\$ 143,310	\$ 214,751
Nonoperating revenue (expenses)	\$ (194,257)	\$ (66,441)
Transfers (to) from	\$ (549,855)	\$ (815,348)
Capital Contributions	\$ 1,273,987	\$ 909,142
Change in net position, includes \$916,708 of depreciation expense 2019	\$ 673,185	\$ 242,104
Accounts receivable - customers	\$ 561,929	\$ 506,592
Investment income	\$ 14,075	\$ 5,561
Days sales in accounts receivable	41.27	39.54
Projected Fund Balance Available		
Unrestricted Fund Balance	<u>\$ 1,322,495</u>	<u>\$ 1,559,068</u>
Expenditures and other financing sources and uses	<u>4,825,593</u>	<u>5,276,053</u>
Unrestricted Fund Balance Percentage	27.40%	29.54%

Mr. Hammer informed Council that the Unassigned Fund Balance Percentage increased significantly in 2019 due to capital project funds being properly closed out, receiving higher revenues, and having less expenditures than budgeted.

ANNUAL PROPERTY TAX COLLECTION REPORT: Tax Collector Kimberly Cline presented the following report:

September 3, 2019, MB#31
Tax Year 2018
Property Tax Statement Annual Settlement

Property Valuations	
Real Estate	271,305,224
Personal	88,041,216
Senior Citizen Exemptions	(4,643,086)
Total Property Valuation Subject to Tax Rate	<u>354,703,354</u>
Levy	1,873,324
Discoveries	58,878
Late List Penalties	<u>1,659</u>
Total Levy	<u>1,933,861</u>
Less Collected as of 6/30/2019	1,842,326
Releases	33,203
Uncollected 2018	58,332
Ratio of Taxes Collected to Total Levy	96.98%

Town Manager Seth Eckard commended the tax office for the outstanding work performed throughout the previous fiscal year.

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

Coffee & Conversation with Mayor and Manager is scheduled for Friday, September 13, 2019, at 7:30 a.m.-9:00 a.m., at Old Rock School.

Old Colony Players production of Murder at Howard Johnson's is scheduled for September 13-14 and 20-21, 2019. Visit www.oldcolonyplayers.com for location information and to purchase tickets.

The next WNC Rail Committee Meeting is scheduled for Monday, September 16, 2019, 11:30 a.m., in Asheville.

The NC DOT Fall Litter Sweep is scheduled September 14-28, 2019.

Draughn High School Homecoming Parade, Tuesday, October 1, 2019 at 6:30 p.m. (Council meet at Fire Department at 6:00 p.m.)

Next Regular Council meeting scheduled for Monday, October 7, 2019, 6 p.m.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran expressed regret that she is unable to attend the special meeting scheduled for September 23, 2019. Ms. Hildebran thanked Councilman Sweezy for speaking with Burke County Library and for convincing them to not apply the entire budget reduction to the Valdese Library.

Councilman Sweezy expressed his appreciation to all department heads for their hard work and dedication.

Councilwoman Stevenson expressed her appreciation for all of the work that went into planning this year's Waldensian Festival.

ADJOURNMENT: At 7:00 p.m., there being no further business to come before Council, Councilman Sweezy made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next Council meeting is a special called meeting on Monday, September 23, 2019, at 6:00 p.m.

Town Clerk
ck

Mayor

**TOWN OF VALDESE
TOWN COUNCIL SPECIAL MEETING
SEPTEMBER 23, 2019**

The Town of Valdese Town Council met on Monday, September 23, 2019, 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 J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Manager Seth Eckard, Deputy Town Clerk Courtney Kennedy, and various department heads.

Absent: Councilwoman Frances Hildebran 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.

CDBG PUBLIC HEARING TOWN OF VALDESE APPLICATION FOR A WATER PROJECT FOR FUNDING UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED:

Town of Valdese Water Resource Director Greg Padgett and Western Piedmont Council of Governments Community & Economic Project Developer Paul Teague were present to discuss the purpose of the public hearing for the Town of Valdese's CDBG-I funding application. Mr. Teague said the public hearing was to obtain citizen's views, respond to funding proposals and answer any questions posed. He said the meeting must cover the Town's community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town's CDBG-I funding application to the State of North Carolina. He presented the following purpose, the funding availability and eligible activities for the year for the CDBG-I grant program as:

To improve the quality of life for low to moderate-income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement.
- Provide displacement assistance as necessary.

In a typical year, Teague said North Carolina receives from the U.S. Department of Housing and Urban Development (HUD) approximately \$47.5 million, with approximately \$25.7 million to the CDBG-I program at the North Carolina Department of Environmental Quality. For the upcoming fiscal year, the application deadline for this round of CDBG-I funding is September 30, 2019, with an award date scheduled for February 2020. The maximum available grant is \$2.0 million over a 3-year period.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program, can fund a range of water and sewer infrastructure activities, including – but not limited to – the following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Projects that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pump stations and manholes.
- Projects that extend public sewer to areas with failed septic tanks.

- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The proposed Town of Valdese CDBG-I Jacumin Road Waterline project is a grant application for \$2 million in CDBG-I funds to address critically needed public waterline improvements to address current line size limitations. The proposed project is 8,750 linear feet of 6-inch waterlines to replace the current 4-inch lines that are in place. The new lines will allow for the installation of fire hydrants that could result in lower home insurance rates for the residents within the project area. In addition, the project would create a looped connection for increased resiliency of service and will improve system flows and pressures to Jacumin Road in the Barus service area of the Town's water system. The proposed activities and estimated costs are water improvements – \$1,830,000 – and grant administration – \$175,000 – which includes the preliminary engineering report, easements, and the environmental review.

A total of 100 percent of the CDBG-I funding will be used to benefit Low to Moderate Income (LMI) people. A door-to-door survey of the project area showed an LMI percentage of 56.25.

The project proposed by the Town of Valdese is identified in its Asset Management Plan. During the survey process, door-to-door meetings were held within the project area to inform residents of the potential project and receive their feedback.

The activities covered by the Town of Valdese CDBG-I Jacumin Road Waterline Project include:

- Water Construction
- Environmental Review
- Engineering Design
- Construction Administration and Observation
- Legal Activities
- Surveying
- Grant Administration

If the Town of Valdese is awarded the CDBG-I grant, the Town is required to adhere to federal procurement requirements and other federal regulations, which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

He said the State of North Carolina requires that the Town of Valdese receives CDBG grant funding, the Town will certify that it will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such a relocation become necessary due to the project activities. It was confirmed during the public hearing that no displacement or relocation will occur as a result of the proposed CDBG-I grant activity.

In the past, the Town of Valdese has applied for and received the following completed (or in progress) CDBG projects:

- | | | |
|--|-------------|--|
| • 2019 Alba CDBG – ED Demolition Project | \$500,000 | In progress |
| • 2018 CDBG NR Scattered Site | \$351,000 | In progress |
| • 2016 Meridian CDBG ED | \$1,000,000 | completed—retained 146 jobs; created 25 jobs |
| • 2012 Millstone Ave CDBG Water Project | \$379,413 | completed – served 23 households |
| • 2012 Kleen-Tech ED Project | \$450,000 | completed – created 30 jobs |
| • 2011 SBEA CDBG Project | \$250,000 | completed – created 10 jobs |

Mr. Teague said if the Town wished to apply, the application must be submitted by September 30, 2019. If additional information is needed, contact Town of Valdese Manager Seth Eckard at 828-879-2120. Formal

written complaints or comments concerning the application process that are submitted to the Town of Valdese will be responded to within ten (10) working days by Seth Eckard, Town of Valdese Manager, P.O. Box 339, Valdese, NC 28690, 102 Massel Avenue SW, Phone: 828-879-2120. A project application will be available for public review after September 23, 2019 at the Town of Valdese Town Hall, 102 Massel Avenue SW.

Mr. Teague responded to questions from the Council.

At 6:00 p.m. Mayor Black opened the public hearing. The Public Hearing Notice was published in the MORGANTON NEWS HERALD on September 11, 2019.

Will Mueller asked what material the line will be made of, if there will be additional needs for pumping water through the new line, and the location of the project. RJ Moseley of McGill Associates shared that ductile iron line will replace the existing infrastructure and will not require any additional infrastructure needs for pumping purposes. Mr. Moseley shared that the line currently goes through the bridge on the eastern end and the western end of the area does not currently have a line. Mr. Moseley shared that the project will bore under the freeway to make a connection on the other side. Mr. Mueller asked what happens with the funds if the Town does not use all of the grant award. Water Resources Director Greg Padgett shared that any excess funds will be returned to the state.

At 6:09 p.m., Mayor Black closed the public hearing.

RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING: Mr. Teague reviewed the authorizing resolution:

**RESOLUTION
TOWN OF VALDESE
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
JACUMIN ROAD AND B & B STREET WATERLINE IMPROVEMENT PROJECT**

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The Town of Valdese has need for and intends to construct a drinking water distribution system project described as 8,750 LF of 6" waterline to replace existing 4" line along Jacumin Road and B & B Street, improving service to 40 customers with 56.25% LMI benefit, and

WHEREAS, The Town of Valdese intends to request state grant assistance for the project,

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

That Town of Valdese, the **Applicant**, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Valdese Town Manager Seth Eckard, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, 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.

September 23, 2019, MB#31

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

Adopted this the 23rd of September, 2019 at Valdese, North Carolina.

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

/s/ Courtney Kennedy, Deputy Town Clerk

Councilwoman Stevenson made a motion to approve the aforementioned resolution, seconded by Councilman Sweezy. The vote was unanimous.

ADJOURNMENT: At 6:10 p.m., there being no further business to come before Council, Councilman Sweezy made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next Council meeting is a special called meeting on Monday, September 23, 2019, at 6:20 p.m.

Town Clerk

Mayor

**TOWN OF VALDESE
TOWN COUNCIL SPECIAL MEETING
SEPTEMBER 23, 2019**

The Town of Valdese Town Council met on Monday, September 23, 2019, at 6:20 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 J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Manager Seth Eckard, Deputy Town Clerk Courtney Kennedy, and various department heads.

Absent: Councilwoman Frances Hildebran and Councilman Keith Ogle.

A quorum was present.

Mayor Black called the meeting to order at 6:20 p.m.

APPROVED MINUTES OF SEPTEMBER 23, 2019: Mayor Black read the minutes of the special meeting held at 6:00 p.m. on September 23, 2019.

Councilman Sweezy made a motion to approve the aforementioned resolution, seconded by Councilwoman Stevenson. The vote was unanimous.

ADJOURNMENT: At 6:21 p.m., there being no further business to come before Council, Mayor Black adjourned the meeting.

The next meeting is a regularly scheduled meeting on Monday, October 7, 2019, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
OCTOBER 7, 2019**

The Town of Valdese Town Council met on Monday, October 7, 2019, 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 Manager Seth Eckard, Deputy Town Clerk Courtney Kennedy, 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:

TOWN ACCOMPLISHMENTS-CARLA BERRY, 204 COLOMBO STREET NW, VALDESE: Ms. Berry thanked Council for giving her the opportunity to speak and presented a list of the Town's accomplishments. Ms. Berry thanked Council for their commitment and dedication to improving Valdese and shared personal stories about life in Valdese.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF SEPTEMBER 3, 2019

APPROVED SPECIAL MEETING MINUTES OF SEPTEMBER 23, 2019

APPROVED APPOINTMENT TO VALDESE HOUSING AUTHORITY: Ms. Maryann Diamond was appointed to a five-year term. The term will expire on October 31, 2024.

LEASE AGREEMENT AT THE OLD ROCK SCHOOL WITH DAVID HARMON STUDIOS, LLC: Lease agreement at rental space at the Old Rock School in the amount of \$305 per month.

APPROVED REQUEST TO SELL WINE AT CHRISTMAS CRAFT SHOW: Request from Waldensian Style Wines to sell wine at the Christmas in November Craft & Gift Show on Friday, November 8, 2019, from 4:00 p.m. to 8:00 p.m. and Saturday, November 9, 2019, from 9:00 a.m. to 2:00 p.m., in the Waldensian Room at the Old Rock School.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF NEW EMPLOYEE: Fire Chief Greg Stafford introduced Fire Engineer James Deal.

AMENDMENT TO INTERLOCAL ECONOMIC DEVELOPMENT AGREEMENT FOR BURKE BUSINESS PARK: BDI President Alan Wood informed Council that they previously approved an amendment to the agreement in May 2019. However, Burke County and City of Morganton adopted an agreement with additional language. Mr. Wood informed Council of the additions to the amendment and presented the following agreement:

NORTH CAROLINA

BURKE COUNTY

AMENDMENT TO INTERLOCAL ECONOMIC
DEVELOPMENT AGREEMENT FOR BURKE
BUSINESS PARK

That Interlocal Economic Development and Project Financing Agreement dated May 1, 2005, among Burke County, the City of Morganton, the Town of Valdese, the Town of Rutherford College, the Town of Drexel and the Burke Partnership for Economic Development, Inc. is hereby amended by adding to Article II thereof a new Section 6 to read as follows:

6. Reimbursement to Governmental Partners for Utility Construction.

Notwithstanding any other provisions herein to the contrary, if one or more of the Governmental Partners pays for all or part of the design, development, construction or installation (including the costs of any professional services or other contractor) of any water tanks, pump stations, water or sanitary sewer lines or other utility infrastructure required to provide service to potential industrial users within the Burke Business Park, then such expenditures shall be reimbursed as herein provided:

- (a) To the extent BPED holds accrued and not otherwise restricted funds in the Burke Business Park Fund, those monies shall be expended first to reimburse each such Governmental Partner for such expenditures.
- (b) Upon the subsequent sale of any tract or parcel within the Business Park, after the direct costs of sale have been satisfied, then from the net proceeds of such sale, such Governmental Partner(s) shall be reimbursed for the full costs incurred by such Governmental Partner(s) for such infrastructure, including, but not limited to, any "local match" required to obtain any federal or state grants for the financing of such projects. If the net sale proceeds from the sale of any tract(s) of the Business Park are insufficient to fully reimburse the paying Governmental Partner(s), then further payments shall be made from the net proceeds of any subsequent sales, until such costs are fully reimbursed. Once the paying General Partner(s) are fully reimbursed, any additional net proceeds from the sale of any tract(s) of the Business Park shall be held or disbursed as otherwise provided in this Article II.
- (c) Once one or more Governmental Partners have paid for such infrastructure entitling to reimbursement, then from all ad valorem property taxes collected and paid into the Common Fund provided in this Article II, each such General Partner shall be reimbursed from such Common Fund for such expenditures before any such funds are disbursed from the Common Fund for any other purpose or to any other entity.

If more than one Governmental Partner has paid portions of the costs of any such project, then the reimbursements herein provided shall be made in the same proportions as the payments of such costs were made by each Governmental Partner.

Except as hereby amended, the Agreement of May 2, 2005 remains in full force and effect.

This the 7th day of October, 2019.

TOWN OF VALDESE

By: /s/ Mayor

Attest: /s/ Clerk

Councilman Ogle made a motion to approve the Amendment to Interlocal Economic Development Agreement for Burke Business Park as presented, seconded by Councilman Thompson. The vote was unanimous.

OLD COLONY PLAYERS REQUEST TO SELL ALCOHOL AT THE WARD OF SLEEPY HOLLOW PRODUCTION AT FRED B. CRANFORD AMPHITHEATRE:

Old Colony Players General Manager Edyth Pruitt thanked Council and staff for all of their support throughout the year. Ms. Pruitt informed Council that she recently attended a conference and learned that one way to increase revenue and audience numbers is to sell alcohol at performances. Ms. Pruitt will seek a permit that authorizes the sale of alcohol from 11 a.m. to 11 p.m.; however, sales will end after intermission. Ms. Pruitt requested permission to sell beer and wine at "The Ward of Sleepy Hollow" performance on Thursday, October 31, 2019.

Councilman Ogle made a motion to approve the sale of alcohol during the aforementioned performance at the Fred B. Cranford Amphitheatre, seconded by Councilman Thompson. The vote was unanimous.

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

Treats in the Streets is scheduled for Thursday, October 31, 2019, from 4:00-6:00 p.m.; costume contest will be held at Wells Fargo Parking Lot at 6:00 p.m. Council is encouraged to meet staff at Wells Fargo parking lot at 3:30 p.m. if they would like to participate.

The Thanksgiving/Employee Appreciation Luncheon is scheduled for Wednesday, November 13, 2019, from 11:30 a.m.-1:00 p.m., in the Waldensian Room at Old Rock School.

The Annual Dinner Meeting with Valdese Merchants is scheduled for Thursday, November 14, 2019 at 6:30 p.m., in the Waldensian Room at Old Rock School.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran provided the following update on the library project: the new library sign has been installed; work on renovations and the expansion will continue through the month of October; the addition is complete; Friends of the Library have funded the landscaping which will provide a large, open green space; and the celebration for the library grand reopening has tentatively been scheduled for Friday, November 15, 2019 at 10:30 a.m.

Councilman Ogle expressed his concern with the lack of progress on code enforcement of a residence on Bass Street. Town Manager Seth Eckard informed Council that Code Enforcement Officer Billy Rickles will be invited to attend the next meeting to provide an update on code enforcement efforts.

Councilwoman Hildebran expressed concern with the lack of progress on code enforcement of a house on Main Street. Ms. Hildebran shared that she has informed the code officer of her concerns as this has been an ongoing issue. Ms. Hildebran shared that Code Enforcement Officer Billy Rickles informed her that enforcement must be done in accordance to general statutes and often times, requires an extended process with significant deadlines that can slow the process down.

Councilwoman Stevenson informed Council that she has received numerous complaints about speeding on Laurel Street. Mayor Black asked if staff could place flags out again like those that were placed when the speed limit was initially changed. Police Chief Jack Moss will continue to monitor the area and Public Works Director Bryan Duckworth will place flags on existing signage to draw attention.

Councilwoman Hildebran informed Police Chief Jack Moss that she has received numerous complaints about cars parking on Main Street. Chief Moss informed Council of the constraints placed on the department with regard to enforcement of parking, but shared that he is looking for alternative options.

ADJOURNMENT: At 6:34 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

The next regular Council meeting is scheduled for Monday, November 4, 2019.

Town Clerk
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Mayor

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
NOVEMBER 4, 2019**

The Town of Valdese Town Council met on Monday, November 4, 2019, 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 Courtney Kennedy, 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:

RAILROAD TRACKS-JAN MARIE COLE, 705 BERTIS STREET, VALDESE: Ms. Cole expressed her concern with the condition of the railroad tracks on Praley Street SW and Rodoret Street S. Ms. Cole asked Council to identify the responsible party to find a solution to the issue.

PHOTO COMPETITION-CADENCE DAVIS, 624 MILTON AVE SW, VALDESE: Mr. Davis informed Council that he is speaking on behalf of the Burke Youth Health Coalition with regard to the photo competition that was started a few years ago. The Coalition received sponsorship from various entities and organizations throughout the county and would like to provide an opportunity for the Town of Valdese to participate. Mr. Davis shared that the sponsorship does not need to be monetary and could be as simple as Council attending the photo competition event in May 2020. Mr. Davis will provide more information when it is available.

VALDESE LIBRARY PROJECT UPDATE-BURKE COUNTY PUBLIC LIBRARY, 204 S. KING STREET, MORGANTON: Ms. Paige Anderson, Ms. Amber Mason, and Ms. Edwina Jones expressed their appreciation for Council's support of the library, provided an update on the Valdese Public Library Project and shared the following statistics and information on programs the library offered this year: over 26,000 visits were recorded; over 52,000 books were signed out; and approximately 330 programs were offered for individuals of all ages. The grand reopening celebration for the Valdese Public Library will be held on Friday, November 15, 2019 at 10:30 a.m.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF OCTOBER 7, 2019

SET PUBLIC HEARING DATE FOR STORMWATER ORDINANCE AMENDMENT FOR DECEMBER 2, 2019, 6:00 P.M.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

INTRODUCTION OF NEW EMPLOYEE: Town Manager Seth Eckard introduced Deputy Town Clerk/Human Resources Director Jessica Lail.

WPCOG CODE ENFORCEMENT UPDATE: WPCOG Code Enforcement Officer Billy Rickles provided Council with an update on current code enforcement cases and shared that an abatement packet will be delivered to staff by Friday of this week for the property on Bass Street. Mr. Rickles informed Council that

going forward, he will provide a monthly update to be included as Reading Material in each agenda packet.

RESOLUTION FOR OFFER TO PURCHASE TOWN-OWNED PROPERTY, LOCATED AT 118 FAT AVENUE: Planning Director Larry Johnson provided Council with an explanation on how the Town acquired the property and presented the following resolution:

RESOLUTION
(Sale of Property at 118 Fat Avenue NE)

WHEREAS, Heather Gough (Gough) has offered to purchase from the Town of Valdese for the sum of \$3,500 that parcel which has been assigned REID No. 693 and PIN 2743541703 by the Burke County Tax Office (the Property); and

WHEREAS, the town council proposes to accept Gough's offer; and

WHEREAS, pursuant to G.S. 160A-269, Gough is required to deposit with the town clerk an amount equal to 5% of her bid; and

WHEREAS, the town council is required to publish a notice containing a general description of the property, the amount and terms of the offer and notice that within ten (10) days any person may raise the bid as provided by G.S. 160A-269;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The town council authorizes the sale of the property through the upset bid procedure of N.C. General Statute §160A-269.
2. The town clerk shall cause a notice of the proposed sale to be published as required by G.S. 160A-269.
3. Any person may submit an upset bid to the office of the town clerk within ten (10) days after the notice of sale is published. Once a qualifying high bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, the town clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the town council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and 5% of the remainder of that offer.
6. A qualifying higher bid must be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made by cashier's check or certified check. The town will return any deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The town will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that: (a) the town council must approve the final high offer before the sale is closed, (b) title will be conveyed by special warranty deed subject to all existing easements, if any, and (c) the buyer must pay the entire purchase price at the time of closing.
8. The town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the town reserves the right to reject all bids at any time.

ADOPTED THIS, THE 4th DAY OF NOVEMBER, 2019.

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

ATTEST: /s/ Town Clerk

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

FIRE CODE ORDINANCE AMENDMENTS: Fire Chief Greg Stafford reviewed the proposed amendments and presented the following resolution:

RESOLUTION ADOPTING
AMENDMENTS TO THE TOWN OF VALDESE
FIRE PREVENTION AND PROTECTION CODE

WHEREAS, the Town of Valdese Fire Prevention and Protection Code (the Code) is set forth in Section 3-2021 of the Code of Ordinances of the Town of Valdese; and

WHEREAS, the town council desires to amend the Code to refer to the “North Carolina Fire Code” as opposed to the “North Carolina International Building Code” and to adopt specific appendices in connection with the adoption of the North Carolina Fire Code; and

WHEREAS, the town council also desires to remove the Schedule of Inspection Fees and Schedule of Civil Penalties referred to in the Code from the ordinance and adopt those schedules separately; and

WHEREAS, the amendment in which the town adopts only appendices B,C and D in connection with the town’s adoption of the North Carolina Fire Code may not take effect until those changes have been approved by the North Carolina Building Code Council;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. Section 3-2021 of Code of Ordinances of the Town of Valdese is amended to read as set forth in the revised Section 3-2021 presented to the town council of the Town of Valdese.
2. The town council adopts the Schedule of Inspection Fees and Schedule of Civil Penalties, which have also been presented to the town council for consideration.
3. The amendment adopting only appendices B, C and D to the North Carolina Fire Code shall not take effect until that amendment has been approved by the North Carolina Building Code Council. The other Code amendments and the new Schedule of Inspection Fees and Schedule of Civil Penalties shall take effect upon their adoption.

Adopted the 4th day of November, 2019.

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

ATTEST: /s/ Town Clerk

After a brief discussion, Councilman Sweezy made a motion to adopt the aforementioned resolution, seconded by Councilman Thompson. The vote was unanimous.

CAPITAL IMPROVEMENT PLAN REPRIORITIZATION-HARRIS STREET SEWER PROJECT: Public Works Director Bryan Duckworth requested approval of funding for an emergency manhole and sewer line repair at the old sewer plant on Harris Street. Mr. Duckworth informed Council that funding for the project has not been identified in the FY19-20 budget but stated that funds identified in the FY19-20 Capital Improvement Plan for the demolition of the Industrial Arts Building could be re-appropriated for this project, or fund balance could be utilized due to the emergency status of the project. The lowest bidder was Max Prestwood Water and Sewer, Inc. in the amount of \$29,920.00. (Other bids: Iron Mountain Construction Co., Inc.-\$39,690.00)

Councilwoman Stevenson made a motion to authorize a fund balance appropriation for the project and to award the bid for the Harris Street Sewer Project to Max Prestwood Water and Sewer, Inc. in the amount of \$29,920.00, seconded by Councilman Ogle. The vote was unanimous.

SCADA UPGRADE PROJECT FUNDING REQUEST: Public Works Director Bryan Duckworth requested approval of funding to upgrade the existing SCADA system which services the Triple District. Mr. Duckworth informed Council that funding for the project has been identified in the FY19-20 budget in the Utility Fund Capital Improvement Plan. The lowest bidder was ForTech Inc.in the amount of \$22,420.00. (Other bids: Instrumentation Services, Inc. - \$34,000.00)

Councilman Ogle made a motion to authorize the funding out of the Utility Fund Capital Improvement Plan for the project and to award the bid for the SCADA Upgrade to ForTech, Inc. in the amount of \$22,420.00, seconded by Councilwoman Hildebran. The vote was unanimous.

PARTF GRANT AGREEMENT: Public Parks & Recreation Director Doug Knight informed Council that the Town has been awarded a grant in the amount \$285,000.00 from the Parks and Recreation Trust Fund for Phase 1 of the Lakeside Park Project. Matching funds for the grant have been identified from private donations. Mr. Knight informed the Council that no town funds will be used.

Councilwoman Hildebran made a motion to approve the aforementioned grant agreement, seconded by Councilman Sweezy. The vote was unanimous.

VALDESE LAKESIDE PARK PHASE I CAPITAL PROJECT ORDINANCE:

TOWN OF VALDESE
LAKESIDE PARK – PHASE I
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 Lakeside Park – Phase I. Project proposes a greenway, dog park, bird watching platform, kayak launch, walking trails, parking areas, and restrooms. The project is to be financed by an NC DEQ grant, PARTF grant, and private donations.

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 - Hospital	\$ 50,000	34.3970.001
Donations - Kellex	35,001	34.3970.002
Donations – Rostan	115,000	34.3970.003
Donations – Other	77,000	34.3970.004
Grant – NC DEQ	200,000	34.3970.005
Grant – PARTF	285,000	34.3970.006

	\$ 762,001	
	=====	

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

Source	Amount	Assigned Account Number
Construction	\$ 614,841	34.6200.760
Engineering	48,000	34.6200.140
Design	89,160	34.6200.150
Survey	10,000	34.6200.160

	\$ 762,001	
	=====	

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 4th day of November, 2019.

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

/s/ Deputy Town Clerk

Councilman Sweezy made a motion to approve the aforementioned capital ordinance, seconded by Councilman Thompson. The vote was unanimous.

BUDGET AMENDMENTS: Finance Director Bo Weichel presented the following budget amendment and capital project ordinance amendments:

Valdese Town Council Meeting 11/4/2019
Budget Amendment # 8
Subject: SCADA Upgrades, project identified and scheduled in adopted utility CIP

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
30.3990.000	Fund Balance Appropriated-Utility		22,420
	Total	\$0	\$22,420

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	22,420	
	Total	\$22,420	\$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.

Valdese Town Council Meeting 11/4/2019
Capital Project Ordinance Amendment # 1-55

Subject: To amend capital project ordinance Fund 55
2018 WATER SYSTEM IMPROVEMENTS (originally adopted 8/6/2018)
Construction bid award amount was lower than original budget.
This reduces the originally anticipated project costs
CPO original \$ 1,205,334
CPO amendment #1 \$ 916,781

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
55.3970.000	Town Contribution (Utility Fund)	5,658	
55.3480.002	DWSRF Loan (zero interest loan)	282,895	
	Total	\$288,553	\$0

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
55.8120.042	NCDEQ Loan Administration Fee		5,658
55.8120.760	Contingencies		58,926
55.8120.761	Construction		223,969
	Total	\$0	\$288,553

Section II:
Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Councilwoman Stevenson made a motion to approve the aforementioned budget amendment and two capital project ordinance amendments as presented, seconded by Councilwoman Hildebran. The vote was unanimous.

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

Faith "Cutie" Kaplan will be this year's Grand Marshal for the Annual Christmas Parade on Saturday, December 7, 2019, at 10:00 a.m. Council members will meet at the Fire Department at 9:15 a.m.

A list of upcoming events for November and December is included in Reading Material.

Town Manager Seth Eckard thanked the outgoing Deputy Town Clerk, Courtney Kennedy, for her service to the Town of Valdese.

MAYOR AND COUNCIL COMMENTS: Mayor Black distributed a book, *13 WAYS TO KILL YOUR COMMUNITY*, by Doug Griffins, for the Council to read. Mr. Black informed Council that he received this book when he attended the annual NADO Conference, which focused on economic development in small communities. Mr. Black shared that this may be a future workshop, in conjunction with the WGCOG annual meeting.

Councilman Ogle expressed concern with the parking at the Halloween event that was held at the Valdese. Mr. Ogle shared that due to the amount of traffic and number of people attending, that someone should have reached out to Community Affairs Director Morrissa Angi to fill out a Special event application.

Councilwoman Hildebran expressed her gratitude to Courtney Kennedy for her service to the Town of Valdese. Ms. Hildebran welcomed the new Deputy Town Clerk, Jessica Lail, to the Town of Valdese.

Councilwoman Stevenson expressed her excitement for the concert she attended at the Old Rock School. Ms. Stevenson encouraged everyone to attend the amazing events at the Old Rock School.

Councilman Sweezy expressed his excitement for the things happening in Valdese. This is all due to the Citizens in Valdese and the employees especially in leadership within the Town of Valdese.

ADJOURNMENT: At 7:02 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

The next regular Council meeting is scheduled for Monday, December 2, 2019.

Town Clerk

Mayor

jl

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
DECEMBER 2, 2019**

The Town of Valdese Town Council met on Monday, December 2, 2019, 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:

NEIGHBORHOOD WATCH Program - WILL MUELLER, 610 DIXIE AVE., VALDESE: Mr. Mueller thanked Mayor Black, Councilman Ogle, Manager Eckard, Chief of Police Moss, Sargent Beck, and Director of Public Works Duckworth for their encouragement, enthusiasm, and help for the Neighborhood Watch Program on "Rabbit Hill." The watch area covers the 300 block of Morganton St., 600/700 block of Dixie, 600 block of Washington Ave., and 700 block of Maple. The project started with 14 homes and approximately 24 members, and that number has increased to 24 homes and 39 members. Mr. Mueller has asked the program members to donate four hours a year to help keep the neighborhood safe. Mr. Mueller distributed to the Council minutes from the last meeting and shared an update on a few properties and concern with dogs running in the neighborhood. Mayor Black expressed his appreciation to Mr. Mueller and the members that have contributed their time to the Neighborhood Watch. Mr. Mueller invited other Council members to talk with him about how to start a watch program in their Wards. Mr. Mueller presented Councilman Ogle with a plaque and a card thanking him for all the work he has contributed to this program.

OATHS OF OFFICE: Burke County Clerk of Superior Court Mabel H. Lowman administered Oaths of Office to Councilman Keith Ogle Ward 5, while his wife, Elizabeth, held the Bible; Councilman Andy Thompson Ward 1, while his wife, Connie, held the Bible; Councilwoman Frances Hildebran Ward 4, while her grandson, Luke, held the Bible.

Mayor Black thanked Ms. Lowman for administering the oaths.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF NOVEMBER 4, 2019

APPROVED REGULAR MEETING MINUTES OF NOVEMBER 14, 2019

RESOLUTION ADOPTING 2020 TOWN COUNCIL MEETING SCHEDULE:

**TOWN OF VALDESE
RESOLUTION ADOPTING 2020 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 2020:

January 6, 2020	
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December 2, 2019, MB#31

February 3, 2020	
March 2, 2020	
March 23, 2020	Annual Budget Retreat - Old Rock School - Waldensian Room Day 1: 9:00 a.m. – 5:00 p.m.
March 24, 2020	Annual Budget Retreat - Old Rock School - Waldensian Room Day 2: 1:00 p.m. – 5:00 p.m.
April 6, 2020	
April 20, 2020	Council Budget Workshop Dinner Town Hall - Community Room, 6:00 p.m.
May 4, 2020	
June 1, 2020	
June 29, 2020	Budget Public Hearing; serves as the July Council Meeting
August 3, 2020	
September 8, 2020	Tuesday, due to Labor Day Holiday
October 5, 2020	
November 2, 2020	
November 10, 2020	Tuesday, Annual Dinner Meeting with Valdese Merchants Association Old Rock School - Waldensian Room, 6:30 p.m.
December 7, 2020	

This 2nd day of December, 2019.

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

APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS:

2020 Board and Commission Appointments/Reappointments

Arbor-Beautification (3-year terms)

Reappointment of Rose Mueller
Reappointment of Theresa Pizzelanti

Parks and Recreation Commission (3-year terms)

Reappointment of Robert Murray
Appointment of Cindy Powell

Public Art Commission (3-year terms)

Reappointment of Marc Mitchell
Leaving Hamilton Williams

Valdese Housing Authority (3-year terms)

Appointment of Dan Hoyle who is completing the unexpired term of Miriam Vaught

Valdese Youth Council

Reappointment of the following students:
Hannah Johnson, Gillian Abee-Freeze, Trey Blackwood and Alex Hoover

VEDIC (3-year terms)

Appointment of Byron Keith Ogle, Councilman who is completing the unexpired term of Thomas Winfield

APPROVED BUDGET AMENDMENTS:

Valdese Town Council Meeting

Monday, December 2, 2019

Budget Amendment #

9

Subject:

Emergency repairs for sewer line at Old Harris St.
Notice to proceed at 11/4/19 meeting.

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
30.3990.000	Fund Balance Appropriated-Utility		29,920
	Total	\$0	\$29,920

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	29,920	
	Total	\$29,920	\$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.

Valdese Town Council Meeting

Monday, December 2, 2019

Budget Amendment #

11

Memo

Replacement of patrol unit #115 and equipment, totaled during pursuit on 10/27/19

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 adjusted:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3970.931	Insurance Refund		31,817
	Total	\$0	\$31,817

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5100.740	Capital Outlay	31,817	
	Total	\$31,817	\$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.

Valdese Town Council Meeting

Monday, December 2, 2019

Budget Amendment #

10

Memo

To adjust budgeted amounts of state and county sales tax.

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 adjusted:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3670.000	Sales Tax	68,000	
	Total	\$68,000	\$0

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.370	State Sales Tax		46,000
10.4200.390	County Sales Tax		22,000
	Total	\$0	\$68,000

Section II:

Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

COUNCIL ORGANIZATIONAL MEETING: Councilwoman Hildebran made a motion to appoint Councilwoman Susan T. Stevenson as Mayor Pro Tem, seconded by Councilman Roy Sweezy. The vote was unanimous.

Mayor Black asked the Council if any changes needed to be made to the Rules and Procedures after reviewing. Council suggested no changes to the Rules and Procedures adopted on May 6, 2019.

Mayor John F. "Chip" Black, Jr.

Elected 11/04/97: Term 12/01/97 - 12/03/01

Reelected 11/06/01: Term 12/03/01 - 12/05/05

Reelected 11/08/05: Term 12/05/05 - 12/07/09

Reelected 11/03/09: Term 12/07/09 - 12/02/13

Reelected 11/05/13: Term 12/02/13 - 2/02/15*

*Appointed Mayor 2/2/15 and required to run for reelection in November 2015 for the Mayor's unexpired term which ended 12/4/17

Elected Mayor 11/03/2015

Reelected 11/07/17: Term 12/04/17 - 12/06/21

Black & Associates Financial Mgmt.

BDI Board

WPCOG Policy Board Delegate

2010 Vice President

2011 President

2012 President

Community Foundation of Burke Co

2015 President

Rotary Club Burke Sunrise

Ward 1 Andy Thompson

Appointed by Council 10/01/2018

**Required to run for reelection in November 2019 for Ward 1
unexpired term ending 12/6/21, due to Councilman Delp's
resignation on 6/30/18*

Elected 11/05/19: Term 12/02/19 – 12/06/21

Heritage Funeral Home Owner
Public Art Commission
Street Paving Committee
WPCOG Policy Board Alternate

Ward 2 Susan T. Stevenson

Appointed by Council 01/10/2000

Elected 11/06/01: Term 12/03/01 – 12/05/05

Reelected 11/08/05: Term 12/05/05 – 12/07/09

Reelected 11/03/09: Term 12/07/09 – 12/02/13

Reelected 11/05/13: Term 12/02/13 – 12/04/17

Reelected 11/07/17: Term 12/04/17 - 12/06/21

Retired Physical Therapist
Mayor Pro Tem
Assistant Treasurer
WPCOG Metropolitan Planning Organization
Railroad Committee
OCP Board Member

Ward 3 Roy F. Sweezy

Appointed by Council 03/02/2015

** Required to run for reelection in November 2015 for the
Ward 3 Councilman's unexpired term which ended
12/04/17*

Elected 11/03/15

Reelected 11/07/17: Term 12/04/17 - 12/06/21

Retired School Teacher
Planning Board Chairman
Agape Board of Directors, Vice Chairman
Library Board
Parks & Recreation Commission
Treasurer

Ward 4 Frances M. Hildebran

Elected 11/08/11: Term 12/05/11 – 12/07/15

Reelected 11/03/15: Term 12/07/15 – 12/02/19

Reelected 11/05/19: Term 12/02/19 – 12/04/23

Blue Ridge HealthCare, Executive Assistant
Town Clerk
Retired Local Government
Citizens for Affordable Housing
Street Paving Committee

Ward 5

B. Keith Ogle

Elected 11/04/03: Term 12/01/03 – 12/03/07

Reelected 11/06/07: Term 12/03/07 – 12/05/11

Reelected 11/08/11: Term 12/05/11 – 12/07/15

Reelected 11/03/15: Term 12/07/15 – 12/02/19

Reelected 11/05/19: Term 12/02/19 – 12/04/23

Retired HR Professional
Retired Military
Arbor-Beautification Committee
Downtown Revitalization
Former WPCOG MPO and Policy Board Alt.
Street Paving Committee
VEDIC Board

Town Manager

Seth Eckard

Assistant Town Manager 06/18/15 – 06/30/15

Appointed Town Manager: 07/01/2015

Catawba-Wateree Water Management Group
WPCOG Water Resources Committee
VEDIC Member
Valdese ABC Board – Chairman
Valdese Tourism Commission
BDI Board, Chairman
LPDA Member
Street Paving Committee

Town Attorney

Marcus W. H. Mitchell, Jr.

Marc Mitchell, P.A., Attorney at Law
Public Art Commission

No changes were made to the presented Council Organizational Meeting.

OATH OF OFFICE: Councilwoman Hildebran administered the Oath of Office to Deputy Town Clerk Jessica Lail.

PUBLIC HEARING FOR STORMWATER ORDINANCE AMENDMENT: Mayor Black introduced Alison Adams from the Western Piedmont Council of Government and declared the public hearing open.

Ms. Adams presented the State of North Carolina has come out with a new state stormwater ordinance template and a list of discharge ordinance. This new ordinance has been revised to reflect changes the Environmental Protection Agency has imposed on the NC Division of Water Quality. The Western Piedmont Council of Government manages the stormwater management plan as well as the duties. Ms. Adams recommends that Council have this new ordinance in place by the time the town gets the stormwater management plan back and NPDES permit which will be good for five years. Ms. Adams recommends Council to appeal the existing stormwater ordinance and adopt the new ordinance code.

ARTICLE R Phase II Stormwater

Section 9-3301 General Provisions.

Section 9-3301.1 Title.

This ordinance shall be officially known as “The Phase II Stormwater Ordinance.” It is referred to herein as “this ordinance.”

Section 9-3301.2 Authority.

The Town of Valdese is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; Town of Valdese; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter 160A, §§ 174, 185.

Section 9-3301.3 Findings.

It is hereby determined that:

Development and *redevelopment* alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from *development* sites.

Further, the Federal Water Pollution Control Act of 1972 (“Clean Water Act”) and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this ordinance.

Therefore, the Town of Valdese establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

Section 9-3301.4 Purpose

(A) General

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-*development* stormwater runoff and nonpoint and point source pollution associated with new *development* and *redevelopment* [as well as illicit discharges into municipal stormwater systems]. It has been determined that proper management of construction-related and post-*development* stormwater runoff will minimize damage to public and

private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources.

(B) Specific

This ordinance seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for *development* that protect the integrity of watersheds and preserve the health of water resources;
2. Requiring that new *development* and *redevelopment* maintain the pre-*development* hydrologic response in their post-*development* state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
3. Establishing minimum post-*development* stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establishing design and review criteria for the construction, function, and use of *structural stormwater best management practices (BMPs)* that may be used to meet the minimum post-*development* stormwater management standards;
5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;
6. Establishing provisions for the long-term responsibility for and maintenance of *structural and nonstructural stormwater BMPs* to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;
7. Establishing administrative procedures for the submission, review, approval and disapproval of *stormwater management plans*, for the inspection of approved projects, and to assure appropriate long-term maintenance.
8. Coordinating site design plans that include open space and natural areas with the Town of Valdese,
9. Controlling illicit discharges into the municipal separate stormwater system.

Section 9-33011.5

Applicability and Jurisdiction

(A) General

Beginning with and subsequent to its effective date, this ordinance shall be applicable to all *development* and *redevelopment*, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection (B) of this Section, Exemptions.

(B) Exemptions

Development that cumulatively disturbs less than one acre and does not exceed 20,000 square feet or impervious area and does not include disturbances within a stream buffer, filling or excavation in excess of 1,000 cubic yards or filling and excavation that would impact an adjoining parcel through alteration or drainage paths, ponding or water or velocity of stormwater flow is not part of a *larger common plan of development or sale* is exempt from the provisions of this ordinance.

December 2, 2019, MB#31

Redevelopment that cumulatively disturbs less than one acre and does not have a net increase in impervious area and is not part of a larger common plan of *development* or sale is exempt from the provisions of this ordinance.

Development and *redevelopment* that disturb less than one acre are not exempt if such activities are part of a *larger common plan of development or sale*, even though multiple, separate or distinct activities take place at different times on different schedules.

Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.

(C) No Development or Redevelopment Until Compliance and Permit

No *development* or *redevelopment* shall occur except in compliance with the provisions of this ordinance or unless exempted. No *development* for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

(D) Map

The provisions of this ordinance shall apply within the areas designated on the map titled "Phase II Stormwater Map of Town of Valdese, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this ordinance.

The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all *structural BMPs* permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

Section 9-33011.6

Interpretation

(A) Meaning and Intent

All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in Section 104, Purpose. If a different or more specific meaning is given for a term defined elsewhere in Town of Valdese Code of Ordinances, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance.

(B) Text Controls in Event of Conflict

In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

(C) Authority for Interpretation

The Stormwater Administrator has authority to determine the interpretation of this ordinance. Any person may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The Stormwater Administrator shall keep on file a record of all written interpretations of this ordinance.

(D) References to Statutes, Regulations, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the *Design Manual*), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

(E) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town of Valdese, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town of Valdese. References to days are calendar days unless otherwise stated.

(F) Delegation of Authority

Any act authorized by this Ordinance to be carried out by the Stormwater Administrator of Town of Valdese may be carried out by his or her designee.

(G) Usage

(1) Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

(2) Conjunctions

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions and events apply. The word “or” indicates that one or more of the connected items, conditions, provisions or events apply.

(3) Tense, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(H) Measurement and Computation

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

Section 9-33011.7

Design Manual

(A) Reference to *Design Manual*

The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the *Design Manual* as the basis for decisions about stormwater permits and about the design, implementation and performance of *structural and non-structural stormwater BMPs*.

The *Design Manual* includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II laws.

(B) Relationship of *Design Manual* to Other Laws and Regulations

If the specifications or guidelines of the *Design Manual* are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the *Design Manual*.

(C) Changes to Standards and Specifications

If the standards, specifications, guidelines, policies, criteria, or other information in the *Design Manual* are amended subsequent to the submittal of an application for approval pursuant to this ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this ordinance with regard to the application.

Section 9-33011.8

Relationship to Other Laws, Regulations and Private Agreements

(A) Conflict of Laws

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

(B) Private Agreements

This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this ordinance. In no case shall Town of Valdese be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

Section 9-33011.9

Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

Section 9-33011.10

Effective Date and Transitional Provisions

(A) Effective Date

This Ordinance shall take effect on December 2, 2019.

(B) Final Approvals, Complete Applications

All *development* and *redevelopment* projects for which complete and full applications were submitted and approved by the Town of Valdese prior to the effective date of this ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of *development* or *redevelopment* shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions, including but not limited to illicit discharge provisions.

A phased development plan shall be deemed approved prior to the effective date of this ordinance if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

1. For the initial or first phase of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved.
2. For any subsequent phase of development, sufficient detail so that implementation of the requirements of this ordinance to that phase of development would require a material change in that phase of the plan.

(C) Violations Continue

Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use, *development*, construction, or other activity complies with the provisions of this ordinance.

Section 9-3302 Administration and Procedures.

Section 9-3302.1 Review and Decision-Making Entities.

(A) Stormwater Administrator

(1) Designation

A Stormwater Administrator shall be designated by the Town Council to administer and enforce this ordinance.

(2) Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of the Town Code of Ordinances and other laws, the Stormwater Administrator shall have the following powers and duties under this ordinance:

- a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this ordinance.
- b. To make determinations and render interpretations of this ordinance.
- c. To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the Town Council on applications for *development or redevelopment* approvals.
- d. To enforce the provisions of this ordinance in accordance with its enforcement provisions.
- e. To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of this ordinance.
- f. To provide expertise and technical assistance to the Town Council, upon request.
- g. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
- h. To take any other action necessary to administer the provisions of this ordinance.

Section 9-3302.2 Review Procedures.

(A) Permit Required; Must Apply for Permit

A stormwater permit is required for all *development* and *redevelopment* unless exempt pursuant to this ordinance. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.

(B) Effect of Permit

A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including *structural BMPs* and elements of site design for stormwater management other than *structural BMPs*.

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The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the *development* or *redevelopment* site consistent with the requirements of this ordinance, whether the approach consists of *structural BMPs* or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this ordinance.

(C) Authority to File Applications

All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the land *owner* or the land *owner's* duly authorized agent.

(D) Establishment of Application Requirements, Schedule, and Fees

(1) Application Contents and Form

The Stormwater Administrator [Stormwater Advisory Board] shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-*development* stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this ordinance.

(2) Submission Schedule

The Stormwater Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.

(3) Permit Review Fees

The Town Council shall establish permit review fees, as well as, policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.

(4) Administrative Manual

For applications required under this Code, the Stormwater Administrator shall compile the application requirements, submission schedule, fee schedule, a copy of this ordinance, and information on how and where to obtain the Design Manual in an Administrative Manual, which shall be made available to the public.

(E) Submittal of Complete Application

Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section.

An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this ordinance, along with the appropriate fee. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

(F) Review

Within 30 working days after a complete application is submitted, the Stormwater Administrator shall review the application and determine whether the application complies with the standards of this ordinance.

(1) Approval

If the Stormwater Administrator finds that the application complies with the standards of this ordinance, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included as part of the approval.

(2) Fails to Comply

If the Stormwater Administrator finds that the application fails to comply with the standards of this ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

(3) Revision and Subsequent Review

A complete revised application shall be reviewed by the Stormwater Administrator within 15 working days after its re-submittal and shall be approved, approved with conditions or disapproved.

If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee for a new submittal.

One re-submittal of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the first re-submittal shall be accompanied by a permit review fee additional fee, as established pursuant to this ordinance.

Section 9-3302.3 Applications for Approval.

(A) Concept Plan and Consultation Meeting

Before a stormwater management permit application is deemed complete, the Stormwater Administrator or developer may request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed *development* project. This consultation meeting should take place at the time of the preliminary plan of subdivision or other early step in the *development* process. The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans and other relevant resource protection plans should be consulted in the discussion of the concept plan.

To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:

(1) Existing Conditions / Proposed Site Plans

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

(2) Natural Resources Inventory

A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for *development and stormwater management*.

(3) Stormwater Management System Concept Plan

A written or graphic concept plan of the proposed post-*development* stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

(B) Stormwater Management Permit Application

The stormwater management permit application shall detail how post-*development* stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this ordinance, including Section 3, Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect, and the engineer, surveyor, soil scientist or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the *Design Manual*, and that the designs and plans ensure compliance with this ordinance.

The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to Section 2-202(D).

(C) As-Built Plans and Final Approval

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as built” plans for all stormwater management facilities or practices after final construction is completed.

The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

(D) Other Permits

No certificate of compliance or occupancy shall be issued by the Burke County Building Inspectors without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the Burke County Building Inspections Department may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

Section 9-3302.4 Approvals.

(A) Effect of Approval

Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

(B) Time Limit/Expiration

An approved plan shall become null and void if the applicant fails to make *substantial progress* on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

In granting an extension, the Stormwater Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

Section 9-3302.5 Appeals.

(A) Right of Appeal

Any aggrieved person affected by any decision, order, requirement, or determination relating to the interpretation or application of this ordinance made by the Stormwater Administrator, may file an appeal to the Board of Adjustment within 30 days.

(B) Filing of Appeal and Procedures

Appeals shall be taken within the specified time period by filing a notice of appeal and specifying the grounds for appeal on forms provided by Town of Valdese. The Stormwater Administrator shall transmit to the Board of Adjustment all documents constituting the record on which the decision appealed from was taken.

The hearing conducted by the Board of Adjustment shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.

(C) Review by Superior Court

Every decision of the Board of Adjustment shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the latter of the following:

(1) The decision of the Board of Adjustment is filed; or

(2) A written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Chair of the Board of Adjustment at the time of its hearing of the case.

Section 9-3303 Standards.

Section 9-3303.1 General Standards.

All *development* and *redevelopment* to which this ordinance applies shall comply with the standards of this section.

Section 9-3303.2 Development Standards for Low-Density Projects.

Low-density projects shall comply with each of the following standards:

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- (A) Stormwater runoff from the *development* shall be transported from the *development* by vegetated conveyances to the maximum extent practicable.
- (B) Stream buffers shall be maintained on all sides of perennial and intermittent surface waters. The size of the buffer for perennial surface waters shall be an undisturbed width of 30 feet, plus a vegetated setback of 20 feet. Buffers for intermittent surface waters shall be an undisturbed width of 30 feet. The buffer width is measured perpendicularly from the top of the streambank. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3) (a) or similar site-specific determination made using Division-approved methodology.
- (C) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future *development* and *redevelopment* maintains the site consistent with the approved project plans.

Section 9-3303.3 Development standards for High-Density Projects.

High-density projects shall implement stormwater control measures that comply with each of the following standards:

- (A) The measures shall control and treat runoff from the first inch of rain, runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.
- (B) All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);
- (C) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the *Design Manual*;
- (D) Stream buffers shall be maintained on all sides of perennial and intermittent surface waters. The size of the buffer for perennial surface waters shall be an undisturbed width of 30 feet, plus a vegetated setback of 20 feet. Buffers for intermittent surface waters shall be an undisturbed width of 30 feet. The buffer width is measured perpendicularly from the top of the streambank. A surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3) (a) or similar site-specific determination made using Division-approved methodology.
- (E) On-site verification of intermittent and perennial streams by a qualified professional is required for all development exceeding a cumulative 5 acres and 24 percent impervious coverage, or any commercial development.
- (F) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future *development* and *redevelopment* maintains the *site* consistent with the approved project plans.

Section 9-3303.4 Standards for Stormwater Control Measures.

(A) Evaluation According to Contents of *Design Manual*

All stormwater control measures and stormwater treatment practices (also referred to as Best Management Practices, or BMPs) required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the *Design Manual*. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this ordinance.

(B) Determination of Adequacy; Presumptions and Alternatives

Stormwater treatment practices that are designed, ~~and~~ constructed, and maintained in accordance with the criteria and specifications in the *Design Manual* will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the *Design Manual*, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

(C) Separation from Seasonal High Water Table

For BMPs that require a separation from the seasonal high-water table, the separation shall be provided by at least 12 inches of naturally occurring soil above the seasonal high-water table.

Section 9-3303.5 Dedication of BMPS, Facilities & Improvements.

The Town of Valdese may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 9-3303.6 Variances.

(A) Any person may petition the Town of Valdese for a variance granting permission to use the person's land in a manner otherwise prohibited by this ordinance. To qualify for a variance, the petitioner must show all of the following:

- (1) Unnecessary hardships would result from strict application of this ordinance.
- (2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.
- (3) The hardships did not result from actions taken by the petitioner.
- (4) The requested variance is consistent with the spirit, purpose, and intent of this ordinance; will secure public safety and welfare; and will preserve substantial justice.

(B) The Town of Valdese may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

(C) Statutory exceptions

Notwithstanding subdivision (A) of this section, exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

- (1) When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to

minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

(2) When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

(3) A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

Section 9-3303.7 Additional standards for special situations.

(A) Pet waste

(1) Restrictions on Pet Waste

(a) It shall be unlawful for the owner or custodian of any dog to take it off the owner's own property limits without the means to properly remove and dispose of the dog's feces from any public or private property.

(b) It is the responsibility of a dog's owner or custodian to clean up the dog's feces from any public or private property outside of the dog's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.

(c) "Means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances.

(d) This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.

(e) "Public nuisance" is defined to include "a dog which deposits feces on public property or on private property without the consent of the owner or person in lawful possession of the private property, and the person owning, possessing, harboring or having the care, charge, control or custody of the dog fails to remove the feces so deposited. Provided, however, this definition shall not apply to any dog assisting a handicapped person.

Section 9-3303.8 Onsite wastewater.

(A) Operation and Maintenance Requirements

New and replaced onsite systems for domestic wastewater installed after the effective date of this ordinance shall be subject to the same requirements for operation and maintenance as *structural BMPs* for stormwater, including, at a minimum, annual inspection reports and a recorded operation and maintenance agreement, pursuant to Section 4 of this ordinance.

(B) Standards for Operation and Maintenance

Onsite systems for domestic wastewater covered by this ordinance shall be operated and maintained so as to avoid adverse effects on surface water and groundwater, including eutrophication of surface water and microbial or nitrate contamination of groundwater. Septic tank residuals shall be pumped whenever necessary to assure the proper operation of

the system to meet these standards, and the septage shall be reused or disposed of in a manner that does not present significant risks to human health, surface water or groundwater.

Section 9-3304 Maintenance.

Section 9-3304.1 General Standards for Maintenance.

(A) Function of BMPs As Intended

The *owner* of each *structural BMP* installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the *structural BMP* was designed.

(B) Annual Maintenance Inspection and Report

The person responsible for maintenance of any *structural BMP* installed pursuant to this ordinance shall submit to the Stormwater Administrator an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

- (1) The name and address of the land *owner*;
- (2) The recorded book and page number of the lot of each *structural BMP*;
- (3) A statement that an inspection was made of all *structural BMPs*;
- (4) The date the inspection was made;
- (5) A statement that all inspected *structural BMPs* are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and
- (6) The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification.

Section 9-3304.2 Operation and Maintenance Agreement.

(A) In General

Prior to the conveyance or transfer of any lot or building site to be served by a *structural BMP* pursuant to this ordinance, and prior to issuance of any permit for *development* or *redevelopment* requiring a *structural BMP* pursuant to this ordinance, the applicant or *owner* of the site must execute an operation and maintenance agreement that shall be binding on all subsequent *owners* of the site, portions of the site, and lots or parcels served by the *structural BMP*. Until the transference of all property, sites, or lots served by the *structural BMP*, the original *owner* or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

The operation and maintenance agreement shall require the *owner* or *owners* to maintain, repair and, if necessary, reconstruct the *structural BMP*, and shall state the terms, conditions, and schedule of maintenance for the *structural BMP*. In addition, it shall grant to Town of Valdese a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the *structural BMP*; however, in no

case shall the right of entry, of itself, confer an obligation on Town of Valdese to assume responsibility for the *structural BMP*.

The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval.¹ A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within fourteen (14) days following its recordation.

(B) Special Requirement for Homeowners' and Other Associations

For all *structural BMPs* required pursuant to this ordinance and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

- (1) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.
- (2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the *structural BMPs*. If *structural BMPs* are not performing adequately or as intended or are not properly maintained, the Town of Valdese, in its sole discretion, may remedy the situation, and in such instances the Town of Valdese shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the *structural BMPs*, provided that the Town of Valdese shall first consent to the expenditure.
- (3) Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall pay into the escrow account an amount equal to fifteen (15) per cent of the initial construction cost of the *structural BMPs*. Two-thirds (2/3) of the total amount of sinking fund budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within ten (10) years following initial construction of the *structural BMPs*. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.
- (4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the Town of Valdese depending on the design and materials of the stormwater control and management facility.
- (5) Granting to the Town of Valdese a right of entry to inspect, monitor, maintain, repair, and reconstruct *structural BMPs*.
- (6) Allowing the Town of Valdese to recover from the association and its members any and all costs the Town of Valdese expends to maintain or repair the *structural BMPs* or to correct any operational deficiencies. Failure to pay the Town of Valdese all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. In case of a deficiency, the Town of Valdese shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

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- (7) A statement that this agreement shall not obligate the Town of Valdese to maintain or repair any *structural BMPs*, and the Town of Valdese shall not be liable to any person for the condition or operation of *structural BMPs*.
- (8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town of Valdese to enforce any of its ordinances as authorized by law.
- (9) A provision indemnifying and holding harmless the Town of Valdese for any costs and injuries arising from or related to the structural BMP, unless the Town of Valdese has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

Section 9-3304.3 Inspection Program.

Inspections and inspection programs by Town of Valdese may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

If the *owner* or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

Section 9-3304.4 Performance Security for Installation and Maintenance.

(A) May Be Required

The Town of Valdese may, at its discretion, require the submittal of a performance security or bond with surety or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the *structural BMPs* are

- (1) Installed by the permit holder as required by the approved stormwater management plan, and/or
- (2) Maintained by the *owner* as required by the operation and maintenance agreement.

(B) Amount

(1) Installation

The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus 25%.

(2) Maintenance

The amount of a maintenance performance security shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual cost of inspection, operation and maintenance of the BMPs approved under the permit, at a discount rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation.

(C) Uses of Performance Security

(1) Forfeiture Provisions

The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or *owner* in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

(2) Default

Upon default of the *owner* to construct, maintain, repair and, if necessary, reconstruct any *structural BMP* in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the *owner* to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the Town of Valdese shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

(3) Costs in Excess of Performance Security

If Town of Valdese takes action upon such failure by the applicant or *owner*, the Town of Valdese may collect from the applicant or *owner* the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

(4) Refund

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

Section 9-3304.5 Notice to owners.

(A) Deed Recordation and Indications On Plat

The applicable operations and maintenance agreement, conservation easement, or dedication and acceptance into public maintenance (whichever is applicable) pertaining to every *structural BMP* shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement, conservation easement, or dedication and acceptance into public maintenance, whichever is applicable shall be recorded with the county Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

(B) Signage

Where appropriate in the determination of the Stormwater Administrator to assure compliance with this ordinance, *structural BMPs* shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

Section 9-3304.6 Records of Installation and Maintenance Activities.

The *owner* of each *structural BMP* shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

Section 9-3304.7 Nuisance.

The *owner* of each stormwater BMP, whether *structural* or non-*structural BMP*, shall maintain it so as not to create or result in a nuisance condition.

Section 9-3304.8 Maintenance Easement.

Every *structural BMP* installed pursuant to this ordinance shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

Section 9-3305 Enforcement and Violations.

Section 9-3305.1 General.

(A) Authority to Enforce

The provisions of this ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of Town of Valdese. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of Town of Valdese.

(B) Violation Unlawful

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other *development* or *redevelopment* approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.

(C) Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

(D) Responsible Persons/Entities

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, BMP, practice, or condition in violation of this ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an *owner*, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or *development* of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to:

(1) Person Maintaining Condition Resulting In or Constituting Violation

An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.

(2) Responsibility For Land or Use of Land

The *owner* of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, *development* or *redevelopment* of the property.

Section 9-3305.2 Remedies and Penalties.

The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(A) Remedies

(1) Withholding of Certificate of Occupancy

The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(2) Disapproval of Subsequent Permits and *Development* Approvals

As long as a violation of this ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Town of Valdese Planning Board may disapprove, any request for permit or *development* approval or authorization provided for by this ordinance or the zoning, subdivision, and/or building regulations, as appropriate for the land on which the violation occurs.

(3) Injunction, Abatements, etc.

The Stormwater Administrator, with the written authorization of the Town Administrator, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

(4) Correction as Public Health Nuisance, Costs as Lien, etc.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Stormwater Administrator, with the written authorization of the Town Administrator, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

(5) Stop Work Order

The Stormwater Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

(B) Civil Penalties

Violation of this ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which Town of Valdese is subject for violations of its Phase II

Stormwater permit, or if no Phase II Stormwater permit exists for the jurisdiction, civil penalties may be assessed up to the full amount allowed by law.

(C) Criminal Penalties

Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

Section 9-3305.3 Procedures.

(A) Initiation/Complaint

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.

(B) Inspection

The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.

(C) Notice of Violation and Order to Correct

When the Stormwater Administrator finds that any building, structure, or land is in violation of this ordinance, the Stormwater Administrator shall notify, in writing, the property *owner* or other person violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Stormwater Administrator may deliver the notice of violation and correction order personally, by the law enforcement or code enforcement personnel, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

(D) Extension of Time

A person who receives a notice of violation and correction order, or the *owner* of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 30 days. The Stormwater Administrator may grant 15-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

(E) **Enforcement After Time to Correct**

After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this ordinance.

(F) **Emergency Enforcement**

If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

Section 9-3306 Definitions.

Section 9-3306.1 Terms Defined.

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise.

Built-upon area (BUA)

That portion of a *development* project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

Department

The North Carolina Department of Environment Quality.

Design Manual

The stormwater design manual approved for use in Phase II jurisdictions by the *Department* and certified by this jurisdiction for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the *Design Manual* are to the latest published edition or revision.

Development

Any land-disturbing activity that increases the amount of *built-upon area* or that otherwise decreases the infiltration of precipitation into the soil.

Division

The Division of Energy, Mineral and Land Resources in the *Department*.

High-density project

Any project that exceeds the *low-density* threshold for dwelling units per acre or *built-upon area*.

Larger common plan of development or sale

Any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

Low-density project

For a project that is not located within one-half mile of and draining to Shellfish Resource Waters: the project is a low -density project if it has no more than two dwelling units per acre or twenty-four percent *built-upon area* (BUA) for all residential and non-residential *development*.

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A project with an overall density at or below the relevant low-density threshold, but containing areas with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post-construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainage ways to the maximum extent practicable.

1-year, 24-hour storm

The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours.

Owner

The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. “Owner” shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of “owner” under another description in this definition, such as a management entity.

Redevelopment

Any *development* on previously-developed land, other than a rebuilding activity that results in no net increase in *built-upon area* and provides equal or greater stormwater control than the previous *development*.

Structural BMP

A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. “Structural BMP” is synonymous with “structural practice,” “stormwater control facility,” “stormwater control practice,” “stormwater treatment practice,” “stormwater management practice,” “stormwater control measures,” “structural stormwater treatment systems,” and similar terms used in this ordinance.

Substantial progress

For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. “Substantial progress” for purposes of determining whether an approved plan is null and void is not necessarily the same as “substantial expenditures” used for determining vested rights pursuant to applicable law.

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ARTICLE T
Illicit Discharges and Connections and Wastewater

Section 9-3501 Illicit Discharges and Connections.

Section 9-3501.1 Title and Purpose.

(A) Title

This ordinance shall be officially known as "The Phase II Stormwater Illicit Discharge Detection and Elimination Ordinance." It is referred to herein as "this ordinance."

(B) Purpose

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Valdese through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by Stormwater discharges by any user
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

Section 9-3501.2 Authority.

The Town of Valdese is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter 160A § 174, 185.

Section 9-3501.3 Definitions.

For the purposes of this section, the following shall mean:

Best Management Practices (BMPs)

schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to Stormwater, receiving waters, or Stormwater conveyance systems BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks sludge or water disposal, or drainage from raw materials storage.

Clean Water Act

The federal Water Pollution Control Act (33 U.S. C. 5 1251 et seq.), and any subsequent amendments thereto.

Hazardous Materials

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported disposed of, or otherwise managed.

Illegal Discharge

Any direct or indirect non-storm water discharge to the storm drain system.

Illicit Connections

An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system, which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity

Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

Municipal Separate Storm Sewer System (MS4)

Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets catch basins, curbs, gutters, ditches, manmade channels, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures or storm drains):

(i) Owned or operated by a town, city, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, Stormwater, or other wastes, that discharges to waters of the United States or waters of the State.

(ii) Designed or used for collecting or conveying Stormwater;

(iii) Which is not a combined sewer; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW), as defined in 40 CFR 122.2

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit

A permit issued by the North Carolina Department of Environment and Natural Resources, Division of Water Quality* that authorizes the discharge of pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge

Any discharge to the storm drain system that is not composed entirely of storm water.

Person

Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting either as the owner or as the owner's agent.

Pollutant

Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises

Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Water

Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan

A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater

Means water or other liquid, other than uncontaminated storm water, discharged from a facility.

*Ultimately the federal Environmental Protection Agency regulates the NPDES permit, but it has been delegated to the state for any non-tribal lands within North Carolina

Section 9-3501.4 Illicit Discharges and Connections

(A) Illicit Discharges

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any Stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a Stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than Stormwater; provided that non-Stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

- (1) Water line flushing,
- (2) Landscape irrigation,
- (3) Diverted stream flows,
- (4) Rising ground waters,
- (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
- (6) Uncontaminated pumped ground water,
- (7) Discharges from potable water sources,
- (8) Foundation drains,
- (9) Flows from emergency firefighting,
- (10) Air conditioning condensation,
- (11) Irrigation water,
- (12) Springs,
- (13) Water from crawl space pumps,
- (14) Footing drains,
- (15) Lawn watering,
- (16) Individual residential car washing - Designated vehicle wash areas at multi-family residential complexes are not allowed if they connect, directly or indirectly, to the Stormwater System or surface waters. Charity Vehicle Washing performed by the same organization or at the same location on a routine basis (more than one time in a thirty-day period) is not allowed under this article.
- (17) Flows from riparian habitats and wetlands,

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(18) Dechlorinated swimming pool discharges - "Salt Water" swimming pools cannot be directly discharged into the storm drain due to the salinity, bromoform/bromine concentration, and chlorine generated.

(19) Street wash water, and

(20) Other non-Stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and if any such discharges to the municipal separate storm, The Town of Valdese shall authorize sewer system.

(21) Removal of Stormwater System blockages with Unmodified Potable Water.

Prohibited substances include but are not limited to oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

(B) Illicit Connections

(1) Connections to a Stormwater conveyance or Stormwater conveyance system that allows the discharge of non-Stormwater, other than the exclusions described in section (a) above, are unlawful. Including but not limited to: prohibited washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems.

(2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

(3) Where it is determined that said connection:

- i. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
- ii. Was made in violation of any applicable regulation or ordinance, other than this section:

The Stormwater Administrator/ Illicit Discharge Officer shall designate the time within which the connection shall be removed - in setting the time limit for compliance the Stormwater Administrator/ Illicit Discharge Officer shall take into consideration:

- i. The quantify and complexity of the work,
- iii. The consequences of delay,
- iv. The potential harm to the environment, to the public health, and to public and private property, and
- v. The cost of remedying the damage.

(C) Spills

Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the Stormwater conveyance system, shall be contained, controlled, collected, and properly disposed of. All affected areas shall be restored to their pre-existing condition.

Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Valdese Fire Department of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

(D) Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit; Proof of compliance with said permit may be required in a form acceptable to the Town of Valdese prior to the allowing of discharges to the MS4.

Section 3501.5 Right of Entry/Powers and Authority for Inspection

(A) Authority to Inspect and Monitor

The Stormwater Administrator/ Illicit Discharge Officer, bearing proper identification, may enter public or private properties at all reasonable times to inspect, investigate, or monitor activities and conditions subject to this article. Persons occupying premises to be inspected shall allow the Stormwater Administrator/ Illicit Discharge Officer ready access at all times to all parts of the premises to perform inspection, monitoring, records examination, copying, photography, video recording or other duties. Stormwater Administrator/ Illicit Discharge Officer shall have the right to set up on the Person's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a Person has security measures in force that would require identification and clearance before entry into the premises, the Person shall make arrangements with security personnel so that, upon presentation of identification, personnel from Stormwater Administrator/ Illicit Discharge Officer will be permitted to enter and perform their specific responsibilities without delay. Denial of Stormwater Administrator/ Illicit Discharge Officer access to the Person's premises or portions thereof shall be a violation of this article. Denial of access may also occur if a Person fails to provide, without unreasonable delay, such facilities, equipment, or devices as are reasonably necessary to permit Stormwater Administrator/ Illicit Discharge Officer personnel to perform their duties in a safe manner. Unreasonable delays may constitute denial of access. Any delay of more than five minutes may be considered unreasonable.

(B) Search Warrants

To the extent permitted by law, Administrator/ Illicit Discharge Officer may seek the issuance of a search warrant to determine compliance with this article.

(C) Confidential Information

- (1) To the extent permitted by applicable law and except as otherwise provided in this section, information and data on a Person obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction, unless the Person specifically requests, and is able to demonstrate to the satisfaction of Administrator/ Illicit Discharge Officer, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Person. Any such request must be asserted at the time of submission of the information or data.
- (2) To the extent permitted by applicable law, when requested by a Person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this article provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Person furnishing the report.
- (3) Documents that are not public records and the information set forth therein may be withheld and released only as provided by applicable law.

(D) Obstruction

No person shall obstruct, hamper, or interfere with Administrator/ Illicit Discharge Officer while carrying out official duties. Upon presentation of credentials by Administrator/ Illicit Discharge Officer, necessary arrangements shall be made to allow immediate access onto premises or into an area protected by security

measures. Any obstruction to the safe and easy access to property, a facility or enclosure on property, or to monitoring devices shall immediately be removed. Unreasonable delays in providing safe and reasonable access or removing obstructions shall be a violation of this article.

Section 9-3501.6 Enforcement

(A) Notice of Violation

Whenever the Stormwater Administrator/ Illicit Discharge Officer finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Stormwater Administrator/ Illicit Discharge Officer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring analyses, and reporting,
- (2) The elimination of illicit connections or discharges,
- (3) That violating discharges, practices, or operations shall cease and desist,
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property, and
- (5) Payment of a fine to cover administrative and remediation costs, and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or the Town or a contractor designated by the Stormwater Administrator/ Illicit Discharge Officer will perform the restore, within the established deadline, the work and the expense thereof shall be charged to the violator.

(B) Violations Deemed a Public Nuisance

Illicit discharges and illicit connections which exist within the Valdese Town Limits and Extra-territorial Jurisdiction are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances and may be summarily abated or restored by the Town at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Town.

Councilwoman Stevenson asked who would be the stormwater administrator. Ms. Adams stated that the Town Manager would be the stormwater administrator but that the complaints would go to the Western Piedmont Council of Government. Councilwoman Hildebran asked where the funding would come from. Ms. Adams explained that the funding would come from unfunded mandates out of the Utility fund. Town Manager Seth Eckard asked what other costs could occur with complying with stormwater regulations. Ms. Adams explained the Town of Valdese already has their MS4 mapped which would have been a considerable cost.

Mayor Black asked if there were additional comments from the public. There being no one wishing to speak, Mayor Black closed the public hearing.

Councilman Ogle made a motion to appeal the existing stormwater ordinance and adopt the aforementioned ordinance code, seconded by Councilwoman Hildebran. The vote was unanimous.

WPCOG CODE ENFORCEMENT ABATEMENT/UPDATES: WPCOG Code Enforcement Officer Billy Rickles provided Council with an update on current code enforcement cases.

Bass Property Update: Mr. Rickles informed Council of the damage from the fire on the Bass Street property. Mr. Rickles is working with a few contractors to get estimates on abatement issues if Council chooses to proceed. Town funds would be used for the abatement but funds would be recovered by attaching the funds to the tax bill that would be repaid by property owner. Finance Director Bo Weichel stated that we have \$13,000.00 in the budget for abatement.

Carolina St. Property Update: Mr. Rickles informed Council that the property owner is willing to become compliant within the next 30 days to have the property torn down. No request for abatement at this time.

Main St. Property Update: Mr. Rickles informed the Council that the property owner states he has a contractor. The property owner is working to seal the windows. Mr. Rickles will talk with the contractor to confirm that he is following the proper scope of work. If the property is not sealed up by February, Council will move forward with abatement.

Morganton St NW: Mr. Rickles reached out to Duke Power regarding the kudzu on the power line and it is illegal to touch the kudzu due to the possibility of damaging the line. Mr. Rickles has contacted the President of Meridian Corporation to work on a solution to take care of the kudzu on the ground.

Councilman Ogle made a motion to proceed with abatement of the property on 401 Bass Street, seconded by Councilwoman Hildebran. The vote was unanimous.

ACCEPTANCE OF FUNDING FOR MAIN STREET WATERLINE PROJECT: Water Resources Director Greg Padgett informed Council that the town was approved for a State Loan for \$2,782,950 to repair the waterline that runs from West End Street to Eldred Street. \$1,000,000 of the loan is in the form of principal forgiveness that will not have to be paid back. Mr. Padgett informed Council that the town would be responsible for \$1,782,950 at zero percent interest over 20 years. The project will replace a 1936 waterline.

TOWN OF VALDESE
MAIN ST. WATERLINE REPLACEMENT
PROJECT (H-LRX-F-19-1955)
RESOLUTION ACCEPTING FUNDS
BY VALDESE, TOWN COUNCIL

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 collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered \$2,782,950 from the North Carolina Drinking State Revolving Fund (DWSRF). 1) To install Approx. 3,000ft 8-inch Ductile-Iron Pipe (DIP) to Replace-in-Kind (RIK) Approx. 3,000 FT of existing 8-inch Cast-Iron Pipe (CIP); 2) Install Approx. 3,800 FT of Proposed 6-inch DIP to RIK Approx. 3,800 FT of Ex. 6-inch CIP and; 3) Install Approx. 190 FT of Proposed 6-inch DIP to RIK Approx. 190 Feet of Ex. 2-inch Galvanized Steel.

WHEREAS, the Town of Valdese intends to construct said project in accordance with the engineering plans and specifications that have or will have been approved by the North Carolina Public Water Supply Section.

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

That the Town of Valdese does hereby accept the NC Drinking Water State Revolving Fund loan offer of \$2,782,950

That the Town of Valdese does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of Drinking Water State Revolving Fund Loan; and

That Mr. Seth Eckard, Valdese 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; and

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

Adopted this the 2nd day of December, 2019 at Valdese, North Carolina

/s/JOHN F. BLACK, JR., MAYOR
Town of Valdese

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

DYE BRANCH SEWER LINE PROTECTION PROJECT: Water Resources Director Greg Padgett informed Council that a sinkhole developed on the Kellex property that encroached approximately 400 FT and 24-inches of the town's sewer line. Kellex took the lead on this project, addressing the town's issue with oversight from McGill and Associates to make sure the town's sewer line was protected at all times. Mr. Padgett stated that the town's share of this expense is approximately \$200,000.00. The town will receive an easement from Kellex for all areas necessary to operate and maintain the existing public utilities on the Kellex property. Mr. RJ Mozeley, with McGill and Associates, informed Council that the new storm sewer was inspected to make sure it had joint integrity by a third party contractor who specializes in CCTB work.

Councilwoman Frances Hildebran made a motion to prove the acceptance of the funding for the Sewer line Project with a maximum amount of \$200,000.00, seconded by Councilwoman Stevenson. The vote was unanimous.

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

The Annual Christmas Parade is on Saturday, December 7, 2019, at 10:00 a.m.

Christmas in Valdese with Christmas Tree Lighting is on Friday, December 13, 2019, at 6:00 p.m.

OCP Production of A Christmas Story Show Dates are December 13-15 and 20-22, 2019; visit www.oldcolonyplayers.com for more information and to purchase tickets.

Mingle with Kris Kringle, is on Saturday, December 14, 2019, starting at 8:30 a.m.

Council and Department Head Dinner is on Thursday, December 19, 2019, at 6:30 p.m. at 100 Main.

Christmas Fellowship Lunch provided by the Fire Department for employees is on Wednesday, December 18, 2019, at 11:30am.

Town Offices Will Be Closed December 24-26, 2019, in observance of Christmas and January 1, 2020, for New Year's Day

New this year is the Holiday Home Decorating Contest. Homes participating must enter by December 13, 2019. The homes will be judged the week of December 16-19, 2019, and the winner will be announced December 20, 2019.

Valdese Merchants Window contest must be completed by December 16, 2019, and the winner will be announced December 20, 2019.

Caroling at the Arrival is on December 17, 2019, from 6:00 p.m. – 7:00 p.m.

MAYOR AND COUNCIL COMMENTS:

Councilman Ogle asked for an update on the railroad. Public Works Director Bryan Duckworth informed the Council that the railroad would start repairing the crossing at Rodoret and Praley this week. Both railroad crossings will be closed with a detour at periods over the next few weeks.

Councilwoman Hildebran asked for an explanation of the streetlight issue from the accident that happened on Main Street. Chief of Police Jack Moss explained that a subject had an accident from a medical problem

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that took lights out, starting at the Old Rock School to The Bargain House. Public Works Director Bryan Duckworth explained that there are 11 polls out, and Duke Power is aware. Councilwoman Hildebran also thanked Mayor Black for the book, *13 Ways to Kill your Community*, that was handed out at the last Council meeting.

Councilman Sweezy informed the Council of his travels during the Thanksgiving holiday. The towns that Mr. Sweezy drove through had no businesses and wanted to express how fortunate we are to live in the Town of Valdese and all that it has to offer the citizens.

Mayor Black reminded the Council of the calendar in their packets listing the 2020 Council meetings.

ADJOURNMENT: At 7:25 p.m., there being no further business to come before Council, Councilman Keith Ogle made a motion to adjourn, seconded by Councilwoman Susan Stevenson. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, January 6, 2020, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

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