

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
JANUARY 6, 2020**

The Town of Valdese Town Council met on Monday, January 6, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and various department heads.

Absent: None.

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT:

RECOGNITION OF CAROLYN CURTIS, HR COORDINATOR – BIMBO BAKERY TOY DRIVE: Chief of Police Jack Moss recognized Carolyn Curtis, HR Coordinator, for Bimbo Bakery for her leadership in planning the Children's Park Playground updates and for placing a Speed Limit sign on Main Street. Ms. Curtis called Chief Moss this Holiday season to request names of families in need in our community. Ms. Curtis shared the families with the staff at Bimbo Bakery, and the response was overwhelming. Chief Moss thanked Ms. Curtis for all the behind the scenes work she has put into serving our community. Ms. Curtis expressed how proud she is of the Town of Valdese. Ms. Curtis stated that the Town would be getting another Speed Limit sign on the other side of Town in the near future.

BIG BROTHERS BIG SISTERS OF BURKE COUNTY PROCLAMATION Mayor Black presented the following proclamation to Dorian Palmer:

NATIONAL MENTORING MONTH

WHEREAS, the Big Brothers Big Sisters mentoring model is a proven, effective strategy that helps children and young adults by matching them with a caring, responsible adult role model who can provide guidance and direction, and build their confidence; and

WHEREAS, mentoring strengthens Burke County's economic and social well-being by helping young people fulfill their potential, encouraging healthy family relationships, and promoting more vibrant communities; and

WHEREAS, Big Brothers Big Sisters has been making an impact on the lives of young people in the County of Burke since the year 1999 serving a total of 927 children, serving 40 in 2019; and in Western North Carolina since 1982, serving 3,016 children in the 2018-19 calendar year.

WHEREAS, residents of Burke County are making a profound difference in the lives of our young people by serving as mentors; and

WHEREAS, many of Burke County's children are in need of a caring adult mentor in their lives, and closing this mentoring gap will take more investment, partnerships, and volunteers ready to make a difference in a child's life; and

WHEREAS, National Mentoring Month is an opportunity to raise public awareness of the importance of mentoring, recognize the dedicated individuals who serve as mentors, and encourage more citizens to help build a brighter future for Burke County's youth through mentoring; and

WHEREAS, in honor of the mentors, volunteers and staff, the month of January is recognized nationally as Mentoring Month; now

NOW, THEREFORE, BE IT RESOLVED that I, John F. Black, Jr., Mayor of the Town of Valdese, North Carolina; do hereby declare January 2020 as Mentoring Month in Valdese, and call upon all citizens, businesses, public and private agencies, as well as religious and educational institutions, to join the mentoring movement and be a part of Big Brothers Big Sisters of Burke County and Western North Carolina.

IN WITNESS WHEREOF I have here unto set my hand this 6th day of January 2020.

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

ANIMAL PORTRAITS – ROSE MUELLER, 610 DIXIE AVE., NW, VALDESE: Ms. Mueller invited everyone to visit her drawing show of Animal Portraits in the Play It Again Records window. Ms. Mueller draws animals from Burke County Animal Services that need adopting, and one animal that Ms. Mueller drew, "Gomez," now has a forever home. Ms. Mueller shared what a great job Burke County Animal Services is doing.

RAMSEY STATION – CARLA BERRY, 204 COLOMBO ST., NW, VALDESE: Ms. Berry wished the Mayor and Council a Happy New Year and expressed how proud she is of the Town for all the Christmas events that took place in December. Ms. Berry expressed her amazement for how many people come to events. Ms. Berry shared her main concern with Council regarding Causby's Main Street Station, not receiving gas after they applied for it in February 2019. Causby's Station has plans to become a full-service gas station. Ms. Berry asked Council if they have contacts to please call or give her contact numbers.

RAILROAD CROSSING – JEAN MARIE COLE, 705 BERTIE ST., VALDESE: Ms. Cole expressed her appreciation to Councilwoman Hildebran, Councilman Sweezy, the rest of Council and staff for the help they gave to fix the rough Rail Road crossing on Praley St. SW and Rodoret St. S.

BARK SIDE PET GROOMING – MARKIE JAMES, 8295 OLD NC HWY 10, HICKORY: Ms. James introduced her new business, Bark Side Pet Grooming, at 132 Main St. E. Ms. James has been a professional groomer for over 11 years, and her business has grown so much in her home that she feels she will be very prosperous in Valdese.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF DECEMBER 2, 2019

APPROVED BUDGET AMENDMENTS:

Valdese Town Council Meeting

Monday, January 6, 2020

Budget Amendment #12

Subject: Change Order on emergency repairs for sewer line at Old Harris St.

Description: Original budget amendment of \$29,920 approved 12/2/19 meeting. During repairs, an upstream manhole was found to be partially collapsed and was repaired while contractor was onsite.

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		2,200
	Total	\$0	\$2,200

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	2,200	
	Total	\$2,200	\$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, January 6, 2020

Budget Amendment #13

Subject: Emergency repairs for project Dye Branch

Description: This amendment covers reimbursement of \$178,562 to Kellix and an additional \$14,482 of expenses for engineering costs.

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		193,044
	Total	\$0	\$193,044

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.741	Capital Outlay	178,562	
30.8110.150	Maintenance & Repair	14,482	
	Total	\$193,044	\$0

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

Councilwoman Hildebran made a motion to 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: Public Works Director Bryan Duckworth introduced Utility Field Service Technician Jeremy Hudson.

PRESENTATION & OFFER TO PURCHASE CROWHILL PARK PROPERTY: Joy Strassel, Executive Director of the Western NC Housing Partnership, Inc. and Bobby Funk with Mills Construction shared the following presentation:

Valdeese Affordable Housing
December 2, 2019







Who We Are

Western N.C. Housing Partnership, Inc. (WNCHP) is a nonprofit 501(c)3 organization founded in 1994 celebrating 25 years in 2019

We are committed to developing high quality apartment residences for aging populations and workforce families within the thirty-one county region of Western North Carolina



Western N.C. Housing Partnership

We are long-term owners – the first tax credit period is 15 years and it extends to a second term of 15 years automatically- we hold our assets through both terms

We recently refinanced a 64-unit workforce housing development at year 16 and were able to complete a major renovation due to restructuring of the loan

We are good stewards of our communities and perform regular unannounced site visits, asset management reviews and interact with site and regional management teams

It's important to note that residents may stay in their apartment homes even when their income increases- several residents have been able to save and purchase their own home



Experienced Team

We will be working in tandem with Fred G. Mills, a tax credit developer with 51 years of experience in housing development in North Carolina

The organization includes an in-house construction company that we will utilize – jobs will be created during construction

Over 3,000 units developed

Recent developments in: Granite Falls, Mocksville, Dallas NC, Asheville, Greenville NC, Tabor City, Raleigh, Lumberton, Charlotte, Bermuda Run



Understanding Affordable Housing



Housing is considered Affordable when total housing costs are no more than 30% of a household's gross income

Area Median Income (AMI) is the median income of all households in a county

The Low-Income Housing Tax Credit (LIHTC) provides funding to develop, construct and manage high quality housing for households earning 60% or less of AMI

- Not Section-8 or HUD Housing
- Privately owned and managed

Long-term affordability: 30-year affordability commitment

Who Can Live in Affordable Housing

Households earning less than 60% of AMI

Area Median Income for Family of 4 is \$55,100

Household Size	Income Limits		
	40% AMI	50% AMI	60% AMI
1 Person	\$16,960	\$21,200	\$25,440
2 Person	\$19,400	\$24,250	\$29,100
3 Person	\$21,800	\$27,250	\$32,700
4 Person	\$24,240	\$30,300	\$36,360

Burke County, 2019 | Source: Novogradac & Company

Employees who Qualify

Est. 87,000 jobs offer median wages under \$32,700 in the region

Retail Workers	Medical Assistants
Nursing Assistants	Firefighters
Office Clerks	Police, Fire and Ambulance Dispatchers
Restaurant Workers	Home Health Aids
Teacher Assistants & Substitute Teachers	Receptionists
Food Preparation Workers	Delivery Drivers

Source: Bureau of Labor Statistic, Occupational Employment Statistics 2018 Hickory-Lenoir-Morganton MSA

Frequently Asked Questions

If you income-qualify now, but later get a raise and earn over the income limit, will you be evicted? No

Will there be on-site management? Yes

Is this Section 8 or public housing? No

Extensive background and credit checks are performed on all prospective residents

Proposed Development

66-unit apartment development
Affordable to households earning 60% AMI or less
Five 3-story residential buildings
Conveniently located within walking distance to downtown



Proposed Development

Amenities

Community center	On-site management
Kids play area and tot lot	24-hour emergency maintenance
Picnic area	On-site security cameras
Computer lab	

Projected Rents

Unit Size	Unit Count	40% AMI	50% AMI	60% AMI
1 BR	12	\$355	\$460	\$565
2 BR	36	\$420	\$515	\$630
3 BR	18	-	\$590	\$720

Rent includes water/sewer utilities. Note: Rents will be approved by NCHFA



Building Design

Designed to be indistinguishable from market rate housing
Greenville, NC | Completed 2015



Building Design

Designed to be indistinguishable from market rate housing
Dallas, NC | Completed 2014, Phase 2 Completed 2019

Special Events to Foster a Sense of Community



Administrative Office

Administrative office includes managers office, community room, computer lab and more





Residents are Proud to Live in their Homes



Thank You

Mayor Black asked the question if someone is retired, could they rent an apartment. Mr. Funk answered yes, as long as they meet the income qualification.

Ms. Strassel introduced Sherry Long, Chairman of the Board with the Western NC Housing Partnership as well as the Town's representative from the WPCOG. Ms. Long asked Council's permission to enter into an agreement for site control of the property on 605 Pineburr Avenue SW in Valdese, approve to sell the property, and advertise in the Newspaper. Ms. Long explained that there would have to be a special meeting after the 10-day upset bid process and before January 24th. Town Attorney Marc Mitchell explained the process to Council. The NC Housing Partnership has until June 2021 to close on the property. Attorney Mitchell wanted everyone to be aware that once the Housing Partnership has ownership of the property, they can do what they want with it. Ms. Long explained that the reason they want the property is for housing.

Mayor Black asked Attorney Mitchell if it would be appropriate to continue the meeting after the notice runs in the paper for ten days. Planning Director Larry Johnson suggested that Council reconvene on January 21st.

OPTION TO PURCHASE REAL ESTATE (Crow Hill Park Property)

THIS OPTION TO PURCHASE REAL ESTATE is made and entered into as of the 6 day of January, 2020, by and between WESTERN N.C. HOUSING PARTNERSHIP, INC., a North Carolina nonprofit corporation, (Purchaser) and the TOWN OF VALDESE, a North Carolina municipal corporation, (Seller).

RECITALS:

Seller is the owner of property located at 605 Pineburr Avenue SW in Valdese, North Carolina known as the Crow Hill Park Property (the Property). The Property consists of a parcel containing approximately 5.728 acres and a parcel containing approximately 0.42-acres. These parcels have been assigned REID Nos. 38598 and 38599 by the Burke County Tax Office, and they are more particularly described by metes and bounds as shown on the attached metes and bounds descriptions.

Purchaser is investigating the possibility of building housing units on the Property, and Purchaser has asked Seller to grant to Purchaser an option to purchase the Property.

During the requested option period Purchaser will apply to the North Carolina Housing Finance Agency for tax credits that will be used to help fund this project.

Seller has agreed to grant to Purchaser an option the purchase the Property on the terms as set forth in this agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. OPTION. Seller hereby grants to Purchaser the option to purchase the Property upon the terms and conditions set forth in this agreement.

2. TERM OF OPTION. Purchaser shall have until 5:00 p.m. on August 31, 2020, within which to exercise the option to purchase the Property.

3. EXERCISE OF OPTION. Purchaser may exercise this option to purchase the Property at any time between the date of this agreement and 5:00 p.m. on August 31, 2020, by personally delivering or mailing written notice to that effect to Seller. To be effective, the written notice of Purchaser's exercise of this option to purchase must be accompanied by a deposit in the amount of 5% of the purchase price offered by Purchaser for the purchase of the Property.

4. PURCHASE PRICE. The purchase price set forth in Purchaser's written notice of exercise of its option to purchase the Property must be an amount not less than \$61,800.

5. PROCESS AFTER EXERCISE OF OPTION. Upon timely receipt of Purchaser's written notice of its exercise of this option to purchase, Seller shall treat the exercise of the option to purchase as an offer to purchase the Property from Seller pursuant to G.S. 160A-269. Upon timely receipt of Purchaser's written notice of exercise of its option to purchase accompanied by the 5% deposit, Seller shall promptly advertise the sale of the Property in accordance with the requirements of G.S. 160A-269. The advertisement by Seller shall reflect the purchase price specified in paragraph 4 above as Purchaser's offer price, and Seller shall comply with all other requirements of G.S. 160A-269.

Following advertisement of the offer to purchase as set forth above, should no timely upset bids be filed with respect to the offer under the requirements of G.S. 160A-269, Seller shall at its next regularly scheduled meeting consider whether to accept the offer and sell the Property to Purchaser as the highest bidder. Should Seller not accept the offer and decide not to sell the Property to Purchaser at such meeting, Seller shall promptly return the 5% deposit to Purchaser. As provided in G.S. 160A-269, Seller may at any time reject any and all offers for the purchase of the Property.

6. CLOSING. Should Purchaser become of the purchaser of the Property in compliance with the foregoing provisions, the parties agree to close the purchase as soon as practicable thereafter, at a time and place to be mutually agreed upon by them, but in no event later than June 1, 2021. At closing and upon payment of the purchase price in full by Purchaser, Seller shall convey title to the Property by special warranty deed subject to street rights of way and such other utility easements as may be required by Seller in connection with its utility systems.

Notwithstanding the foregoing, if Seller decides to sell the Property to Purchaser as contemplated under Section 5 above, but Purchaser fails to obtain a tax credit allocation award pertaining to the Property from the North Carolina Housing Finance Agency during its 2020 tax credit award cycle, then Purchaser shall notify Seller of such failure to obtain an award, this document shall become null and void, and the parties shall owe no further duties to each other; in such scenario Seller shall retain the 5% deposit as its sole remedy against Purchaser hereunder.

7. CLOSING COSTS AND PRORATIONS. Seller agrees to pay for deed preparation and any required revenue stamps. Purchaser shall pay for the cost of a title search and owner's title insurance, cost of recording the deed, and for Purchaser's attorney fees. Any taxes subject to proration shall be prorated to the date of closing.

8. REPRESENTATIONS OF SELLER. The Property would be sold "as is" and "with all faults". Seller has not made any representations or warranties regarding the condition of the Property, its suitability for any particular purpose, or with regard to zoning, occupancy restrictions, compliance with environmental laws, or any other legal requirements affecting or relating to the Property.

9. DUE DILIGENCE. During the option period Purchaser and its agents and representatives shall have the right to enter onto the Property for the purpose of conducting such inspections and investigations as Purchaser deems necessary. Purchaser hereby indemnifies and holds Seller harmless from and against any claims, expense, damages, or liability (including without limitation reasonable attorney fees) relating to Purchaser's exercise of its right of entry and Purchaser shall repair any damage to the Property or any improvements location thereon.

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10. ASSIGNMENT. Purchaser shall not assign this agreement or any rights under this agreement without the prior written consent of Seller.

11. TIME OF ESSENCE. Time is of the essence with regard to the performance of all obligation of Purchaser and Seller under this agreement including, without limitation, those relating to the closing.

12. NOTICES. All notices, demands, requests, or communication required or permitted to be given pursuant to this agreement shall be in writing and shall be deemed to have been properly given or served and shall be effective upon being deposited in the United States mail, postage prepaid and certified with return receipt requested, upon delivery by a nationally recognized overnight delivery service, or upon the date of receipt of a facsimile which is received any business day on or before 5:00 p.m. in the location of receipt or on the next business day after receipt if received by facsimile after 5:00 p.m. on any business day; provided, however, the time period in which a response to any notice, demand or request must be given shall commence on the next business day after such posting.

Any such notice, demand, request or communication if given to Purchaser shall be addressed as follows:

Joy T. Strassel, Executive Director
Wester N.C. Housing Partnership, Inc.
PO Box 841
Rutherfordton, NC 28139
joy@assetperformancegroup.com
Telephone No.: (828) 279-2654

Any such notice, demand, request or communication if given to Seller shall be addressed as follows:

Seth Eckard, Town Manager
Town of Valdese
102 Massel Ave SW
PO Box 339
Valdese, NC 28690
seckard@valdesenc.gov
Telephone No.: (828) 879-2116
Fax No.: (828) 879-2139

13. Counterparts. This agreement is executed in several counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instruments.

IN WITNESS WHEREOF, the parties have duly executed this agreement as of the day and year first above written.

SELLER:

TOWN OF VALDESE

By: _____
John F. Black, Jr., Mayor

PURCHASER:

WESTERN N.C. HOUSING PARTNERSHIP, INC.

By: _____
Joy T. Strassel, Executive Director

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Councilman Ogle made a motion to approve the Option of Purchase of real estate as presented for \$61,800, Councilman Sweezy seconded. The vote was unanimous.

Council agreed to continue the meeting on January 21st at 5:00 p.m. at Town Hall.

AUDIT REPORT PRESENTATION – FY 18-19 – LOWDERMILK CHURCH & CO., LLP: (Copy of audit on file in the Office of Finance Director.) Mr. Rick Hammer of Lowdermilk Church & Co. presented the 2018-2019 audit. Mr. Hammer informed Council that the audit report was submitted timely in early November with no problems. Mr. Hammer reviewed the following highlight sheets:

TOWN OF VALDESE			
Financial Highlights			
Years Ended June 30, 2019 and 2018			
	2019 Summarized Budget	2019	2018
General Fund (Includes Powell Bill Funds)			
Total assets		\$ 4,479,555	\$ 2,549,184
Fund balance		\$ 4,164,568	\$ 2,166,052
Fund balance - Reserved for Streets - Powell Bill (included in total fund balance)		\$ 57,421	\$ 35,528
Total revenue	\$ 5,136,733	\$ 5,428,003	\$ 4,725,397
Total expenditures	\$ 4,749,733	\$ 5,129,278	\$ 6,466,899
Revenues over (under) expenditures before other financing sources (uses)		\$ 298,725	\$(1,741,501)
Other income (expense)	\$ 387,000	\$ 1,699,790	\$ 1,566,013
Increase (decrease) in fund balance		\$ 1,998,515	\$ (175,488)
Ad valorem taxes collected		\$ 2,015,158	\$ 1,974,578
Percent of taxes collected - current year levy		96.32%	96.39%
Investment income		\$ 63,668	\$ 11,611
Projected Fund Balance Available			
Unassigned Fund Balance		3,105,101	1,206,161
Expenditures and other financing sources and uses		5,129,278	6,495,274
Unassigned Fund Balance Percentage		60.53%	18.56%
* Local Government Commission <u>minimum</u> recommended general fund balance should be at least 8% of general fund expenditures at the end of the fiscal year.			
		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		\$ (387,000)	\$ (815,348)
Capital Contributions		\$ 1,111,132	\$ 909,142
Change in net position, includes \$916,708 of depreciation expense 2019		\$ 673,185	\$ 242,104
Accounts receivable - customers		\$ 552,754	\$ 506,592
Investment income		\$ 14,075	\$ 5,561
Days sales in accounts receivable		40.60	39.54
Projected Fund Balance Available			
Unrestricted Fund Balance		\$ 1,322,495	\$ 1,559,068
Expenditures and other financing sources and uses		4,825,593	5,276,053
Unrestricted Fund Balance Percentage		27.40%	29.54%

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The Unassigned Fund Balance of the General Fund and Utility Fund were \$3,105,101 and \$1,322,495, respectively. Ad valorem tax collections were \$2,015,158, which was 96.32 percent of the levy.

Councilman Ogle asked Mr. Hammer if the 2018 taxes collected was 96%. Councilman Ogle felt like it was lower, more like 92-94%, and wanted to make sure it was accurate. After a brief discussion, Mr. Hammer stated that 96% was what was reported in last year's audit.

Mayor Black requested for the next audit that Mr. Hammer include details on the list of town indebtedness. Mr. Hammer said that could be added next time.

Councilwoman Stevenson made a motion to accept the 2018-2019 audit report as presented, seconded by Councilman Sweezy. The vote was unanimous.

APPROVAL OF FY 19-20 AUDIT CONTRACT – LOWDERMILK CHURCH & CO., LLP: Finance Director Bo Weichel informed Council that the FY 2019-2020 audit contract was being presented in the amount of \$15,960. The fee did not increase from last year.

Councilman Ogle made a motion to approve the aforementioned contract for the FY 2019-2020 audit report, seconded by Councilwoman Hildebran. The vote was unanimous.

APPROVAL OF ORDINANCE DECLARING ROAD CLOSURES FOR TOWN OF VALDESE ANNUAL 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:

2020 Independence Day Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on July 3, 2020 from 5:00 PM until 11:00 PM.

2020 Waldensian Festival Kickoff Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on August 7, 2020 from 5:00 PM until 11:00 PM.

2020 Waldensian Festival Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on August 8, 2020 from 5:30 AM until 11:00 PM.

2020 Valdese Treats in the Streets (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on October 30, 2020 from 3:30 PM until 6:30 PM.

2020 Valdese Christmas Parade (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on December 5, 2020 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 January, 2020.

ATTEST: /s/ Town Clerk

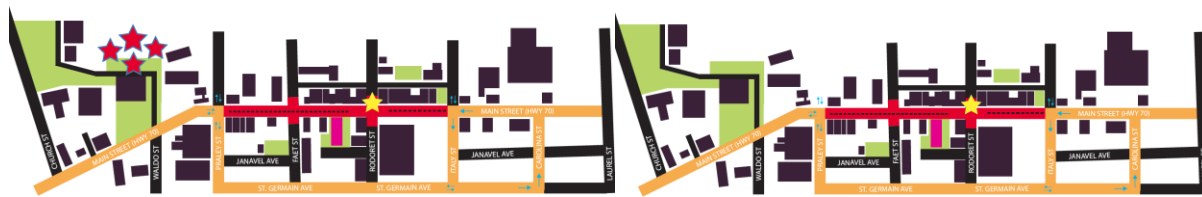
/s/ John F. Black, Jr., Mayor



Road Closure Plan
Valdese Independence Day
Celebration
Friday, July 3, 2020



Road Closure Plan
Festival Friday
Friday, August 7, 2020



Road Closure Plan
Festival Saturday
Saturday, August 8, 2020



Road Closure Plan
Treats in the Streets
Friday, October 30, 2020



Road Closure Plan
Valdese Christmas Parade
Saturday, December 5, 2020



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

CENTRIFUGE PROJECT: Water Resources Director Greg Padgett presented a bid tabulation presented by McGill to purchase centrifuge control equipment. The purchasing of this equipment is necessary for the continued operation and compliance of the Wastewater Plant. Staff recommends awarding the bid to Andritz Separation Inc. in the amount of \$219,989.00. Andritz Separation, Inc. was the only bidder. There was one bidder with no response and one that did not show. Mr. Padgett informed Council that staff felt this was a reasonable price. This project is identified in the Capital Improvements Plan and will be funded from the Utility Fund.

Councilwoman Hildebran made a motion to award the contract to Andritz Separation Inc. in the amount of \$219,989.00, seconded by Councilwoman Stevenson. The vote was unanimous.

AWARD OF BID – PAVING WASTEWATER PLANT: Water Resources Director Greg Padgett presented a bid tabulation to pave areas at the Wastewater Plant. Mr. Padgett shared pictures with Council. Staff recommends awarding the contract to the lowest bidder, Evans Construction, in the amount of \$46,050.00. Mr. Padgett informed Council that this is a project identified in the approved Capital Improvement Plan, not the Street Resurfacing fund, and is necessary to the upkeep and maintenance of the Wastewater Plant.

Councilman Ogle made a motion to approve the paving of the Wastewater Plant in the amount of \$46,050.00, seconded by Councilman Sweezy. The vote was unanimous.

CONNELLY SPRINGS WASTEWATER MANAGEMENT SERVICES CONTRACT: Public Works Director Bryan Duckworth presented a renewal of the Connelly Springs Wastewater Management Service Contract. Dr. Duckworth shared that this is a perfect opportunity to partner with another town, which in return will keep rates down for our citizens and makes systems work more efficiently.

**CONTRACT FOR WASTEWATER MANAGEMENT SERVICES
FOR THE TOWN OF CONNELLY SPRINGS
TOWN OF VALDESE – CONTRACTOR**

THIS CONTRACT FOR WASTEWATER MANAGEMENT SERVICES (the “Agreement”), effective as of July 1, 2019, is made and entered into by and between the Town of Connelly Springs, a municipal corporation of the State of North Carolina (“Connelly Springs”) and the Town of Valdese, a municipal corporation of the State of North Carolina (“Valdese” or “Contractor”).

WITNESSETH:

Connelly Springs and Valdese, in consideration of the mutual agreements set forth below, do agree as follows:

1. Valdese shall provide Connelly Springs with services for the operation and maintenance of the wastewater collection system for Connelly Springs.

Standard Services

2. Valdese shall perform Standard Services as set forth in Item Nos. 1,2,3, and 4, of Schedule A, attached hereto and incorporated by reference.
3. The annual cost for Standard Services under this contract shall be Twenty-Three Thousand Dollars (\$23,000.00) per year beginning with the period of July 1, 2019 through June 30, 2020.
4. Valdese will notify Connelly Springs of any annual rate increases ninety (90) days prior to July 1st of the next fiscal/contract year. Annual rate adjustments will not exceed two percent (2%) unless agreed upon by both parties.
5. Valdese shall submit invoices for Standard Services to Connelly Springs twice a year, on or about June 15 and December 15, with one-half of the fee for the Standard Services being billed on each date. Connelly Springs will pay Valdese within thirty (30) days of the date of billing for the Standard Services.

Additional Services

6. Connelly Springs agrees to pay fees to Valdese for Additional Services as set forth in Schedule A, Item Nos. 4 and 5. Those fees shall be billed on the same schedule as the Standard Services and shall be paid within thirty (30) days of the billing for the Additional Services provided.

General Provisions

7. Valdese shall take all reasonably necessary and available measures to insure that the services to Connelly Springs hereunder are in compliance with all applicable codes, rules and regulations promulgated by Connelly Springs, the State of North Carolina, the United States, and any other agency or entity vested with jurisdiction regarding the services that are the subject of the Agreement.
8. Valdese will perform all services in a workmanlike manner and will use materials that meet all applicable standards.

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9. Valdese is hereby designated as an agent of Connelly Springs for the specific purposes of furnishing services and carrying out the terms of this Agreement.
10. When necessary, Valdese shall consult with the Connelly Springs Mayor or Board of Aldermen or its designated representative, relating to any matter involving proper procedures to be followed in unusual circumstances.
11. Valdese shall maintain supervision, responsibility, and control over all personnel providing services pursuant to the terms of this Agreement.
12. The parties may amend this Agreement in writing at any time upon mutual consent. Any such amendment shall not be effective until ratified by both parties by duly adopted resolutions.
13. This Agreement may not be assigned or transferred without the advance written consent of the other party.
14. This Agreement shall be governed by and shall be construed in accordance with the laws of the State of North Carolina.

Liability and Indemnification

15. It is agreed that no employer/employee relationship will exist between the Valdese employees and Connelly Springs. Valdese agrees to maintain all required insurance on its employees, including workers' compensation insurance, and will hold Connelly Springs harmless for any claims or damages arising out of the actions of its agents and/or employees.
16. Each party shall indemnify, defend and hold harmless the other against all liability, claims, losses, damages and expenses (collectively, "Liability") but only to the extent that such Liability arises from any negligent or willful misconduct, breach of this Agreement, or violation of a third party's rights or applicable law on the part of the party from whom indemnity is sought. Each party seeking such indemnification shall use reasonable efforts to promptly notify the other of any situation giving rise to an indemnification obligation hereunder, and neither party shall enter into a settlement that imposes liability on the other without the other party's consent, which shall not be unreasonably withheld.
17. Neither party shall be liable to the other party for any delay or its failure to perform any obligation under this Agreement if such delay or failure is caused by the occurrence of any event beyond such party's reasonable control.

Term and Termination

18. This Agreement is for the period from July 1, 2019 through June 30, 2020.
19. This Agreement shall automatically renew on a year-to-year basis following the expiration of the original term, unless either party shall give the other party written notice of its intent not to renew at least six (6) months prior to the expiration of the term. In the event that the then current terms and conditions are to be modified at the time of such renewal, the proposed modification shall be presented to the governing board of each party for approval not less than sixty (60) days prior to the beginning of the new term.
20. Either party may terminate this Agreement at any time by providing written notice to the other party by certified mail, return receipt requested, no less than sixty (60) days prior to the day of termination.
21. In the event of a default by a party hereunder, the non-defaulting party may (a) terminate the Agreement after thirty (30) day prior written notice, unless the other party cures or commences to cure such breach during such thirty (30) day period and diligently proceeds with such cure (exercising commercially reasonable efforts).

Confidentiality and Return of Records and Property of Connelly Springs

22. Valdese will maintain records pertaining to the Connelly Springs wastewater collection system at the Valdese Town Hall. Valdese shall keep all information coming to it concerning the affairs of Connelly Springs and any of its customers, officers, agents, servants or employers strictly confidential, unless otherwise required by law. All requests for public inspection of any such information shall be directed to Connelly Springs.
23. Upon termination of this Agreement, Valdese will retain all files, computer discs, and/or other electronic information pertaining to Connelly Springs pursuant to its standard retention procedures for similar information, but no less than five (5) years after the termination of the term, and any extension thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day(s) and year written below,

TOWN OF CONNELLY SPRINGS

/s/ Johnny E. Berry, Mayor

ATTEST: /s/ Town Clerk

TOWN OF VALDESE

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

ATTEST: /s/ Town Clerk

SCHEDULE A

Connelly Springs Collection System

Maintenance Proposal – 3 year plan

1. Mowing of thirty-four thousand (34,000) feet of sewer line, eighty-three (83) manholes, and one (1) flow meter station. Mowing and clearing will be completed once in the spring and once in the fall season. Inspect lines and manholes in accordance with the NCDENR requirements.
2. GIS mapping of all lines and manholes. (Completed)
3. Work order based maintenance tracking – delivered to Alderman/Chairperson on a 6-month schedule. Documenting all work completed on the collections system.
4. Sewer taps, repairs and other maintenance will be billed as time and material as follows:

Mobilization	\$150.00 per repair
Repair Technician	\$ 30.00 per hour/per man
Trackhoe	\$ 75.00 per hour
Sewer Jetter	\$ 75.00 per hour
Push Camera	\$ 50.00 per hour
5. Preventative maintenance and line cleaning \$0.80 per foot
NCDENR suggests 10% annually
Schedule to be agreed upon by Alderman/Chairman

Councilman Ogle made a motion to approve the Connelly Springs Wastewater Management Service Contract as presented, seconded by Councilman Thompson. The vote was unanimous.

ADOPTION OF BACKFLOW ORDINANCE: Public Works Director Bryan Duckworth presented the Backflow Control/Cross Connection Program that the state is requiring. Mr. Duckworth shared a short informative of "What is Cross Connection," explaining how hazards can enter the Public Water System. Mr. Duckworth shared that Cross Connection prevention has been required as a part of the North Carolina Plumbing Code since the early 1980s. The North Carolina Division of Water Quality now requires the adoption of this ordinance to make the water supply safe for our customers. Many industries already have

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Severe Hazards, as shown in the information below, in place. Mr. Duckworth and staff will visit the different industries to inspect what they currently have and determine what is needed to be compliant. Mr. Duckworth explained that a Certified Backflow technician would have to do inspections once a year. This adopted ordinance will be a part of the Utility Ordinance.

CROSS CONNECTION / BACKFLOW CONTROL PROGRAM

For technical information please contact:

Bryan Duckworth

Public Works Director

828-874-6779

Cross Connection/Backflow Control Program

e-mail: bduckworth@valdesenc.gov

Clean Drinking Water

HELP TO PROTECT OUR WATER SUPPLY

Lake Rhoebiss



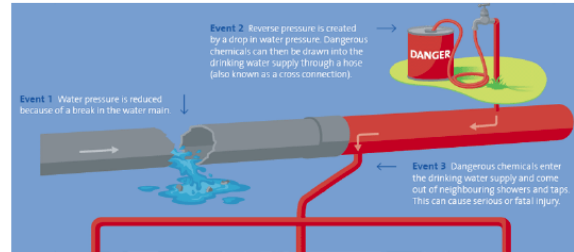
What is Cross Connection?

A cross connection occurs when an unapproved source of water is connected to the public water supply, whether intentionally or not. If this happens, your drinking water or the public water supply can become contaminated.

This contamination can occur when the public water supply has a momentary loss of pressure, which can create a *backflow* effect, or when a customer's private water system creates a higher pressure than the public water supply, known as *backpressure*.

The Town of Valdese has adopted a cross connection control ordinance that puts the town in compliance with state (15A NCAC 18C and 18D 0206), Federal (Safe Drinking Water Act P.L. 93-523 of 1974), and North Carolina Plumbing Code (Volume II) mandates concerning backflow prevention.

Potential Hazards



Why is This Important?

Having safe drinking water is paramount in the prevention of disease and illness. The Town of Valdese is diligent in its efforts to ensure that the potable water supply is safe for all its customers.

The consumer has the primary responsibility of preventing pollutants and contaminants from entering the potable water supply through their privately owned plumbing system. The responsibility of each homeowner, commercial, and industrial user begins at the point of connection and continues throughout the entire facility or home.

The key to protecting your safety is having the proper backflow measures in place and making sure backflow devices are maintained regularly.

Who needs a Backflow Prevention Device?

Most industrial, commercial, and irrigation customers are required to install, maintain, and test backflow prevention devices as directed by the Town of Valdese and the State of North Carolina.

You will be notified if a backflow device is required on your particular service. If notified, you will be required to install, maintain, and test the device on a regular basis. The testing must be completed by a properly certified tester, and the results must be sent to our office. For a list of firms who are approved, contact our office or visit our website at www.townofvaldesa.com.

Moderate Hazard:

Most commercial establishments, bakeries, automotive service stations, tanks that handle non-toxic substances, beauty shops, etc. are required to install a Double Check Valve Assembly (DCVA).



Severe Hazard:

Lawn sprinkler systems, wastewater treatment plants, hospitals, swimming pools, car wash facilities, laundries, chemical processing plants, etc. are required to install a Reduced Pressure Zone Assembly (RPZ).



What do you need to do?

If your service falls under the Cross Connection Program, you will be contacted in writing by the Town of Valdese as to steps you must take. You may be required to install one of these devices, correct an existing cross connection, or test an existing device. Once you are notified that your service connection falls under the Cross Connection/Backflow Control Program, it will be your responsibility to maintain your device and test it in accordance with the schedule provided by Public Works.

Section 5-1023

Cross connection control, backflow prevention assemblies required, program established.

(a) *Application, purpose, authorization.* This section applies to all persons who use, or connect in any way to the Town of Valdese public water system. The purpose of this section is to protect the health

and safety of the public by protecting the public water system from contaminants "backflowing" into the public water system from private water systems. This section:

(1) Requires the installation of backflow prevention assemblies to prevent contaminants from "backflowing" or siphoning through uncontrolled cross connections into the public water system; and

(2) Establishes a backflow prevention program.

(b) *Definitions.* As used in this Section, the following definitions apply:

(1) *Backflow prevention assembly or BPA* means an approved device used to prevent backflow into the public water system from a consumer's water service connection. The type of BPA required by this section depends on the degree of contamination hazard. An "approved" BPA is one that has been approved by the American Society of Sanitary Engineers (ASSE) or the American Water Works Association (AWWA), or USC, or the Foundation for Cross Connection Control and Hydraulic Research.

(2) *Certified Backflow prevention assembly technician or technician* means any person who is certified by the State of North Carolina to install, test, repair, overhaul, or maintain approved backflow prevention assemblies.

(3) *Consumer* means any customer of the town's public water system, or any person, firm, or entity using or receiving water from the town's public water system or owning or possessing property or facilities that receive water from or connect to the town's public water system.

(4) *Contamination hazard* means an existing or potential cross connection that presents the risk of impairment to the quality of the water in the public water system and creates a potential or actual hazard to public health through the introduction of hazardous or toxic substances or waterborne health hazards in the form of physical or chemical contaminants or biological organisms and pathogens.

(5) *Cross connection* means any unprotected actual or potential connection or structural arrangement between the town's public water system and any other pipe, conduit, source or system through which it is possible to introduce any contamination into the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices or arrangements through which or because of which backflow can or may occur are considered to be cross connections.

(6) *Degree of hazard* means whether a hazard is a moderate hazard or a severe hazard as determined by the town from the evaluation of conditions within a private water system and the use to which a property connected to the public system is put. A severe hazard is an actual or potential threat of contamination that presents an imminent danger to the public health with consequences of serious injury. A moderate hazard is one that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations to the drinking water supply.

(7) *Health hazard* means an actual or potential threat of contamination of a physical, chemical, biological, pathogenic, or toxic nature to the public or private water system to such a degree or intensity that there would be a danger to health. Examples of waterborne hazards include, but are not limited to:

a. *Physical:* Radioisotopes/radionuclides;

b. *Chemical:* Lead, mercury and other heavy metals, organic compounds, other toxins and hazardous substances;

c. *Biological:* Microorganisms and pathogens such as cryptosporidium, typhoid, cholera, and E. Coli.

(8) *Imminent Hazard* means a hazard situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.

(9) *Non-health Hazard* means a hazard that, if introduced into the public water supply system, could be a nuisance to water users, but would not adversely affect human health.

(10) *Private water system* means that part of a water service connection to the town's public water system that is located on the consumer's side of the town's water meter. A private water system may be a water service line to a single premise or structure, or it may be a privately owned and maintained water distribution system that serves more than one structure or premises. For the purpose of this section, once water from the town's public water system passes through the meter to the consumer's side, that water is considered part of the private water system.

(11) *Public water system* means the Town of Valdese water system and includes all of the town's system for the provision to the public of potable water for human consumption through pipes or other constructed conveyances and includes:

a. Any collection, treatment, storage, or distribution facility and all appurtenance to those facilities under control of the town and used primarily in connection with the town's water system; and

b. Any collection, treatment, storage, or distribution facility and all appurtenance to those facilities not under the control of the town that is used primarily in connection with the town's water system.

(c) *New unprotected cross-connections prohibited, existing cross-connections to be protected.* All consumers and any other person or entity receiving water from the town's public water system shall be in violation of this section if they fail to comply with any of the following:

(1) *New water service connections.* No new residential or new nonresidential water service connections to the public water system shall be made unless equipped with an approved backflow prevention assembly. The BPA shall be tested and properly functioning as prescribed herein prior to the issuance of a certificate of occupancy for any building. All new nonresidential construction plans and specifications shall be provided to the town for review to determine the hazard level to the town's public water system.

(2) *Existing water service connections.* An approved backflow prevention assembly shall be installed on all existing cross connections to the town's public water system upon notification of the need for installation by the town. Upon determining that a backflow prevention assembly is required to be installed on an existing water service connection, the town will notify the consumer in writing of:

- a. The requirement for installation;
- b. The hazard level that has been established for that consumer by the town based upon the use of their premises;
- c. The type of approved backflow prevention assembly required;
- d. The date by which the backflow prevention assembly must be installed, tested, and approved. The consumer will have a minimum of sixty (60) calendar days and a maximum of 180 calendar days within which to install, test, and have the BPA approved after notice is given.

(d) *Contamination prohibited.* No consumer shall cause or allow any contamination of the town's public water system through uncontrolled backflow or backsiphonage from or through the consumer's private water system.

(e) *No cross-connections.* It shall be unlawful to have plumbing cross-connected or installed so that water from the town's public water system and water from or in any private water system may in any way become intermingled.

(f) *Compliance.* No private water system shall be connected in any manner to the town's public water system nor may any service connection be made or maintained to the town's public water system unless the requirements of this Chapter have been satisfied.

(g) *Approved BPAs and installations required.* Only an approved backflow prevention assembly shall be installed to meet the requirements of this section. Any backflow prevention assembly that is installed that is not an approved BPA, or any installation of any backflow prevention assembly that is not installed in accordance with the provisions hereof shall be a violation of this section.

(h) *Notification of change in use of property.* Within ten (10) calendar days of the date of any change in use of any nonresidential property connected to the town's public water system, the consumer shall notify the town so that the town can reassess the hazard level of that use.

(i) *Certification and testing program.*

(1) Installation, maintenance, testing, and repair of BPAs shall be done only by a certified backflow prevention assembly technician. Consumers shall have a technician test the BPA for proper operation and that technician shall certify the results in writing to the town.

(2) Any consumer or other person who removes or repairs any cross-connection condition shall notify the town for the purpose of securing an inspection or re-inspection by the town.

(3) All backflow prevention assemblies required by this section shall be installed in accordance with the manufacturer's instructions.

(4) All backflow prevention assemblies required by this section shall be installed and maintained on the consumer's premises as part of the consumer's water system.

(5) Ownership, installation, testing and maintenance of a backflow prevention assembly and all costs associated therewith shall be the responsibility of the consumer.

(6) Each backflow prevention assembly required under this section must be accessible by the town.

(7) Any bypass around a backflow prevention assembly, including when the BPA is in need of testing, repair or replacement, is prohibited. When it is not possible to interrupt water service, the consumer shall provide for the parallel installation of an approved backflow prevention assembly.

(8) Backflow prevention assemblies with test ports or test cocks shall not be installed below ground.

(j) *Testing and repair of backflow prevention assemblies.*

(1) *Testing/Certification.* A certified backflow prevention assembly technician shall conduct testing of backflow prevention assemblies at the consumer's expense. Tests shall be conducted upon installation, and annually thereafter, with a record of all testing and repairs retained by the consumer. Each consumer shall send a copy of the report, signed by the certified backflow prevention assembly technician, for each test or repair to the town within 30 days after the completion of each test or repair. Such records in the form approved by the town must be maintained by the consumer for a period of three years.

(2) *Repairs.* Any time that repairs to a backflow prevention assembly are deemed necessary, whether through annual testing or routine inspection by the consumer or by the town, these repairs must be completed within a time specified below, in accordance with the hazard level.

a. Health hazard facilities: Within 14 days of discovery.

b. Nonhealth hazard facilities: Within 28 days of discovery.

(3) *Equipment.* All certified backflow prevention assembly technicians must obtain and employ backflow prevention assembly test equipment that has been approved by the town. All test equipment shall be registered with the town and shall be calibrated annually, and certified to the town as to such calibration, employing a calibration method acceptable to the town.

(4) *Records.* It is unlawful for any consumer or certified backflow prevention assembly technician to submit any record to the town that is false or fraudulent in any material respect. It is unlawful for any consumer or certified backflow prevention assembly technician to fail to submit any record that is required by this section. Such violations may result in any of the enforcement actions outlined in paragraph (m) of this section.

(k) *Protection of the public water system during bulk water sales.* No bulk water may be taken except through a metered assembly provided by the town that includes a reduced pressure backflow prevention assembly. In addition, any truck, tank, or receiving vessel that is directly or indirectly connected to any pipe, hose, or outlet from the town's public water system must be equipped with an approved, permanently installed, air gap designed to create a minimum of 4 inches separation between the receiving tank or vessel and the connection to the town's public water system.

(l) *Backflow prevention assembly protection.* Any backflow prevention assembly that might be subjected to pressure surges or abnormally high pressures shall be protected against possible damage by a device approved by the town, such as a water hammer arrestor or a pressure reducing valve.

(m) *Violations.* Any consumer or other person who fails to comply with any provision of this section, or who fails to comply with any notice, citation, or order made hereunder, or who shall install or alter a private water system in violation of this section or any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, or who shall fail to comply with such a notice, citation, or order within the time fixed therein, or who shall submit a false or fraudulent report, or who shall fail to submit a report shall be in violation of this section for each such occurrence or noncompliance and shall be subject to enforcement as provided in this section. The remedies provided for violations of this section, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(1) The Public Works Director or designee shall serve a written notice of violation to any person who violates this section. Such notice shall be personally delivered, or delivered by certified mail, return receipt requested. A copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, and the regular mail is not returned by the post office within ten (10) days after the mailing.

(2) Such notice of violation shall set forth the violation and the time period within which the violation must be corrected. The violation must be corrected within the time period specified in the notice of violation. If the town determines that the violation has created or contributed to the existence of an imminent health hazard, the consumer may be required to correct the violation immediately. If the violation is cured or corrected within the time period specified in the notice of violation, then the Town shall take no further action against the person.

(3) Any person who, after being given a notice of violation pursuant to paragraph (m)(1) above does not comply within the time period set forth in the notice of violation, and who continues such violation, shall be subject to the penalties and remedies set forth in paragraph (m)(4). The following citation procedure shall be used:

a. *Citation for Violation.* The Public Works Director or designee shall serve a written citation on the alleged violator by any of the methods specified in paragraph (m)(1).

b. *Content of Citation.* The citation shall describe the nature of the violation and any actions that the alleged violator must take to cure or correct the violation, and shall specify the amount of any civil penalty levied against the alleged violator.

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c. Corrective Action Required. The civil penalty shall be paid and the violation shall be cured or corrected, within seventy-two (72) hours of receipt of the citation by the alleged violator, or such other time period, not to exceed thirty (30) days, as the citation may specify.

d. Action for Recovery of Penalty. If payment is not made and the violation is not cured or corrected within the time specified in the citation, then the Town may recover the civil penalty together with all costs by filing one or more civil actions in the name of the Town in the nature of a suit to collect a debt. The town attorney is hereby authorized to file suit on behalf of the town to collect any civil penalties.

e. Suspension or Termination of Water Service; Revocation of Permits. Water service may be suspended or terminated to a consumer, and/or applicable permits revoked, if the consumer fails to correct a violation in a timely manner. Suspension or termination of water service or revocation of permits will be without prejudice to the town's ability to assert any other remedy available to the town against the consumer or any other person responsible for the violation.

(4) Violations of this Section 5-1023 shall subject the offender to the following civil penalties:

Description	Penalty	Frequency
Unprotected cross connection – wholesale customers (as defined in Section 11) or Unprotected cross connection – public water system not under the control of the town	\$1,000	With first citation and thereafter for each thirty-day period or part thereof in which the violation persists
Unprotected cross connection – non-wholesale customers	\$500	With first citation and thereafter for each thirty-day period or part thereof in which the violation persists
Falsifying records	\$500	Per occurrence
Failing to maintain and test residential irrigation backflow prevention assemblies	\$500	With first citation and thereafter for each thirty-day period or part thereof in which the violation persists
Any other violation of this section	\$500	Per occurrence

(5) The town may increase any civil penalty assessed by 50 percent of the maximum civil penalty associated with the violation for a second violation of the same provision within a 24-month period. The town may increase any civil penalty by doubling the amount of the penalty for a third violation of the same provision within a 24-month period. Water service may be terminated after a third violation of the same provision within a 4-month period.

(6) Any person violating any provision of this section shall pay to the town all expenses incurred by the town in repairing any damage to the public water system caused in whole or in part by such violation and any expense incurred by the town in investigating such violation. All such expenses shall be in addition to the civil penalty assessed with the violation.

(7) The application of civil penalties shall not prevent the enforced correction or removal of any prohibited condition.

(n) *Administration of program.* The Public Works Director for the town, or designee, shall administer this program.

Councilman Ogle made a motion to adopt the Backflow Ordinance as presented, seconded by Council woman Stevenson. The vote was unanimous.

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

Movies at the Rock, "Wizard of Oz", scheduled on Friday, January 10, 2020 at 7:00 p.m.

Concerts at the Rock, An Evening with Darin & Brooke Aldridge, scheduled on Saturday, January 11, 2020 at 7:30 p.m.

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Town Offices will be closed on Monday, January 20, 2020 in Observance of Martin Luther King Day.

OCP Production of Tennessee William's: Cat on a Hot Tin Roof Show Dates are January 31-February 1-2 and 6-9, 2020. Visit www.oldcolonyplayers.com for more information and to purchase tickets.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran informed Council that she received a call from someone with the County to see if our Council would be interested in a visit from a Pet of the Month from Burke County Animal Services at the Council meeting. Ms. Hildebran shared that they would like to be a partner with the community to get publicity out for the need for the adoption of the animals. Town Manager Seth Eckard said the Town would look into it. Burke County Animal Services would also like for the Council to schedule a visit to tour their facility.

Mayor Black informed Council that the author of the book, *13 Ways to Kill Your Community*, will possibly be at the WPCOG annual meeting and hold a workshop the day following for public officials. More information to come.

ADJOURNMENT: At 7:12 p.m., there being no further business to come before Council, Mayor Black made a motion to continue the meeting until Tuesday, January 21, 2020 at 5:00 P.M. Councilman Ogle made a motion to continue, seconded by Councilwoman Hildebran. The vote was unanimous.

CONTINUATION OF THE JANUARY 6, 2020 COUNCIL MEETING: At 5:00 p.m. Mayor Black reconvened the January 6th Council Meeting to discuss and finalize the Option to Purchase Crowhill Property located on 605 Pineburr Ave. Planning Director Larry Johnson informed Council that the Town did advertise for up-set bids for ten days and did not receive any. The Western NC Housing Partnership did provide the Town with a 5% deposit. Mayor Black asked the Council how they would like to proceed with providing this agreement to the Western NC Housing Partnership.

Councilman Ogle made a motion to accept the Option to Purchase of real estate as presented for \$61,800, seconded by Councilman Sweezy. The vote was unanimous.

ADJOURNMENT: At 5:02 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, February 3, 2020, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

jl

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
February 3, 2020**

The Town of Valdese Town Council met on Monday, January 6, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and various department heads.

Absent: None.

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT:

CODE ENFORCEMENT – WILL MUELLER, 610 DIXIE AVE., NW, VALDESE: Mr. Mueller informed Council concerns regarding dogs that are running loose in his neighborhood. Animal Control from the Town has set out traps, and someone turned the dogs loose. Several of the dogs have had puppies. Mr. Mueller also shared concerns with properties on Bass Street, Main Street, and the "kudzu hill" owned by Meridian and the lack of improvements that have not been made. Town Manager Seth Eckard gave an update on Code Enforcement. WPCOG informed the town that Mr. Rickles is no longer employed. The new Code Enforcement officer will be informed of all the problems that need to be addressed. Mr. Eckard reminded everyone that Council had approved abatement for the Bass property, and that did not happen. Mr. Muller asked what the process is for abatement. Planning Director Larry Johnson shared that the abatement money does come from town funds, and after a period of time, if they do not reimburse the town, then it would move to foreclosure. Mr. Johnson stated that it does take time to move forward with abatement.

CODE ENFORCEMENT – KAY DRAUGHN, 108 W END ST. SW, VALDESE: Ms. Draughn stated she noticed the absence of a Code Enforcement update on the agenda. Ms. Draughn provided Council with an update sharing pictures of the Deal property located on Main Street. Ms. Draughn stated that she knows there is a process and time frame, but she recommends condemnation and demolition to the Deal property. Ms. Draughn also informed Council of a non-profit entity named REASON that does spay and neuter for animals for low to moderate-income citizens. Debbie Hawkins is the President, and she would be delighted to give Council a presentation on REASON. Ms. Draughn thought it might be useful with the issue that Mr. Mueller shared with the dogs in his neighborhood. Ms. Draughn will connect Ms. Hawkins to Council.

100th ANNIVERSARY OF VALDESE INCORPORATION PROCLAMATION Mayor Black presented the following proclamation:

**100TH ANNIVERSARY INCORPORATION
TOWN OF VALDESE**

WHEREAS, the Town of Valdese was incorporated on February 17, 1920, by a vote of the people, and marks the 100th anniversary of its incorporation in 2020: and

WHEREAS, the Town of Valdese honors the hard work of its early citizens and volunteers who loved their thriving community and organized the successful campaign which resulted in incorporation in 1920: and

WHEREAS, the Town of Valdese marks its 100th anniversary by celebrating its citizens, volunteers, elected officials and staff who strive to preserve and enhance one community; and

WHEREAS, the Town of Valdese dedicates 2020 as a year of community-wide celebration to honor our past, celebrate our present and embrace our future.

NOW, THEREFORE, I, John F. Black, Jr., Mayor of the Town of Valdese, do hereby proclaim 2020 as a year of celebration of the Town of Valdese 100th Anniversary, and I urge all citizens to join in the celebration.

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

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Director of Community Affair Morrissa Angi shared with Council that a reception will be held at the Town Hall on Monday, February 17th, 2020, from 9:00 a.m. – 11:00 a.m. honoring the 100th Anniversary of Incorporation.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF JANAUARY 6, 2020

SET PUBLIC HEARING DATE FOR AMENDMENTS TO ZONING ORDINANCE: Staff received an application from Mark Morgan of MC Morgan & Associates INC, requesting the property located 251 PRALEY ST NW be rezoned from Residential District (R-12) to Residential District (R-12A). The proposed rezoning is for a potential 60 unit elderly/multi-family housing development for elderly 55 yrs. and older. A public hearing will be held on Monday, March 2, 2020 for Zoning Map Amendment 1-1-2020.

APPROVED REQUEST TO SELL WINE AT APRIL CRAFT MARKET: Waldensian Style Wines has been authorized to sell wine at the April Craft Market event on April 11, 2020 from 9:00 a.m. to 4:00 p.m. at Old Rock School.

APPROVED BUDGET AMENDMENTS:

Valdese Town Council Meeting Monday, February 3, 2020

Budget Amendment # 14

Subject: Public Works - Shop Heater Replacement
(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	Capital Projects		6,000
	Total	\$0	\$6,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4250.150	Maint & Repair Buildings	6,000	
	Total	\$6,000	\$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, February 3, 2020

Budget Amendment # 15

Subject: Paving at Wastewater Plant

Description: Quote of \$46,050 approved 1/6/20 meeting.
Project is identified in the Utility CIP. The paving is necessary to the upkeep and maintenance of the wastewater facility.

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		46,050
	Total	\$0	\$46,050

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	46,050	
	Total	\$46,050	\$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, February 3, 2020

Budget Amendment # 16

Subject: Replacement of centrifuge control equipment at the Wastewater Plant

Description: Quote of \$219,989 approved 1/6/20 meeting.
Project is identified in the Utility CIP. The equipment is necessary to the continued operation and compliance of the wastewater plant.

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		219,989
	Total	\$0	\$219,989

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	219,989	
	Total	\$219,989	\$0

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

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA:

SET PUBLIC HEARING DATE FOR AMENDMENTS TO GENERAL NUISANCE FOR WEAPONS-DANGEROUS MISSILES (URBAN ARCHERY): WPCOG Community and Regional Planner Hunter Nestor informed Council that the General Nuisance for Weapons-Dangerous Missiles Ordinance was removed from the Town's online Code of Ordinances when updating the last nuisance ordinance. Mr. Nestor reassured Council that the language is the same; it just needs to be placed back in the Book of Ordinances. A public hearing is not needed.

Councilman Sweezy made a motion to reinstate the amendment, seconded by Councilwoman Stevenson. The vote was unanimous.

#17 BUDGET AMENDMENT: Chief of Police Jack Moss presented a proposed budget amendment to purchase a patrol vehicle from the Burke County Sheriff's department that they had totaled out due to cosmetic damage. The structure of the vehicle is sound. Chief Moss explained that if we purchase the vehicle, the Town will save approximately \$10,500.00 on the purchase of the vehicle alone. Chief Moss drove the vehicle and found no problems. The vehicle has 38,000 miles and will give us eight to ten years of service. Chief Moss feels that this a good deal and is an opportunity that was not foreseen when doing the budget for the fiscal year. Councilman Thompson asked if this was something we have to have right now. Town Manager Seth Eckard explained to Council that if we purchase this vehicle now, it would be in lieu of buying a new vehicle in the future, and if we get it now, it would be significant savings. Councilman Thompson stated that sometimes insurance companies would not cover totaled vehicles. Chief Moss did contact our insurance company, and they will insure us. Burke County Sheriff's department could not put the totaled vehicle back on the road because they are self-insured. Councilwoman Hildebran asked Chief Moss to define cosmetic. Chief Moss explained that cosmetic is updating the panels of the frame. Councilwoman Hildebran also asked how many years do we keep a vehicle. Chief Moss stated usually around five-six years. Chief Moss called other police departments in the surrounding area, and they are driving salvaged vehicles. Councilman Thompson is concerned about the liability of letting officers drive a vehicle that has been totaled. Town Attorney Marc Mitchell explained that as long as the vehicle has been checked out and we have evidence that there shouldn't be a problem. The liability would be the same as if we bought a new patrol car. Chief Moss confirmed that the vehicle is certified. Councilman Ogle is concerned why the Burke County Sheriff's department is not driving the vehicle. Councilwoman Hildebran asked if the Town's Public Works department checked out the vehicle. Chief Moss is open to letting everyone check it out. Town Manager Seth Eckard asked Public Works Director Bryan Duckworth if the Public Works mechanic would be able to tell us what shape the vehicle is in and according to Duckworth that could be arranged. Mayor Black stated one thing for Council to keep in mind is we have \$4500 of equipment from a prior wrecked police vehicle that we will have to scrap unless we can find a vehicle to use it on. Councilman Sweezy feels that Chief Moss is very qualified to make a decision on purchasing this vehicle.

Valdese Town Council Meeting Monday, February 3, 2020

Budget Amendment #

17

Subject: Patrol Vehicle

Description: Normally new patrol vehicles are presented using the CIP budget model. An opportunity had arisen for the Town to obtain a good condition used 2017 Pursuit Dodge Charger. This creates a savings over a new vehicle and will allow staff to utilize existing equipment that otherwise will not fit in the newer Chargers. The Town will save around \$10,000 after factoring in the cost difference of a new vehicle with new equipment. The savings realized will be incorporated into future years' CIP. Adding this patrol vehicle to the fleet will enable the department to equip every eligible officer with a take home vehicle.

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
10.3290.000	Investment Income		20,000
	Total	\$0	\$20,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5100.540	Capital Outlay	20,000	
	Total	\$20,000	\$0

Section II:

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

Councilman Sweezy made a motion to approve the purchase with the contingency that it is checked out before the final purchase. There was no second; motion died.

ADOPTED RESOLUTION APPROVING ADMENDMENTS TO THE FIRE PREVENTION AND PROTECTION CODE: Fire Chief Greg Stafford presented a proposed amendment to the Fire Prevention & Protection Code as a recommendation from the North Carolina State's Chief Fire Code consultant. The fire consultant did flag Section E-1, Article B, as being not clear in its intent. The current wording needs to be strengthened.

RESOLUTION ADOPTING
AMENDMENTS TO THE TOWN OF VALDESE
FIRE PREVENTION AND PROTECTION CODE

WHEREAS, Section 3-2021(e)(1) of the Town of Valdese Fire Prevention and Protection Code reads as follows:

"(1) This Code shall require permits from the fire chief or his designated representative as set forth in Chapter 1, "Administration," the North Carolina Fire Code."; and

WHEREAS, the office of the State Fire Marshal has recommended that that sentence be amended to read as follows:

"(1) This Code shall require the issuance of all mandatory and optional permits from the fire chief or his designated representative as set forth in Chapter 1, "Administration," the North Carolina Fire Code."; and

WHEREAS, the town council agrees to make this suggested change; and

WHEREAS, on November 4, 2019, the town council amended the Town of Valdese Fire Prevention and Protection Code to provide that only Appendices B,C, and D of the North Carolina Fire Code would be incorporated into the town's fire code; and

WHEREAS, the town council delayed the effective date of that November 4, 2019 fire code amendment until the North Carolina Building Code Council approved that amendment; and

WHEREAS, the town council likewise does not intend this amendment to become effective until the North Carolina Building Code Council approves this amendment;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. Section 3-2021(e)(1) of the Fire Prevention and Protection Code of Valdese, North Carolina, is amended to read as follows:

"(1) This Code shall require the issuance of all mandatory and optional permits from the fire chief or his designated representative as set forth in Chapter 1, "Administration," the North Carolina Fire Code."

2. This amendment shall not take effect until the North Carolina Building Code Council approves this amendment.

Adopted the _____ day of February, 2020.

John F. Black, Jr., Mayor

ATTEST:

Town Clerk
(corporate seal)

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

ADOPTED RESOLUTION APPROVING UNIFOUR REGIONAL HAZARD MITIGATION PLAN: WPCOG Community and Regional Planner Hunter Nestor presented the following resolution:

**ADOPTION BY THE LOCAL GOVERNING BODY
Town of Valdese**

RESOLUTION OF ADOPTION

**TOWN OF VALDESE
HAZARD MITIGATION PLAN**

WHEREAS, the citizens and property within the Town of Valdese are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the town are particularly vulnerable to such hazards as winter storms, wildfires, flooding, and high winds; and

WHEREAS, the Town desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) "For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the Town of Valdese has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Valdese Town Council to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the Town;

NOW, therefore, be it resolved that the Valdese Town Council hereby:

1. Adopts the Unifour Regional Hazard Mitigation Plan; and
2. Vests the Chief of the Valdese Fire Department with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the Chief of the Valdese Fire Department to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Valdese Town Council for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this 3rd day of February, 2020.

John F. Black, Jr., Mayor

Attest: _____

Town Clerk

(SEAL)

Councilman Ogle made a motion to approve the Hazard Mitigation Plan, seconded by Councilwoman Hildebran. The vote was unanimous.

SET PUBLIC HEARING DATE FOR AMENDMENTS TO GENERAL NUISANCE FOR NOISE: Mayor Black stated that a public hearing is not required for this Amendment. Chief of Police Jack Moss informed Council of a situation in Town where the police department had received approximately 21 calls and texts, of complaints regarding extremely loud music in a neighborhood at all times of the day. The noise is music and can be heard from the bottom of the homeowner's road. Chief Moss contacted a few other municipalities to see what they have in place for general nuisance ordinances, and most have civil penalties. Chief Moss explained that the proposed civil penalties that he will present at the next Council meeting will start at \$50.00 and increases to \$200.00 up to criminal violation if needed. Councilman Ogle questioned the dollar amount of the penalties and wondered if they should be higher. Chief Moss explained to Council that he does have a decibel code that they can go by, but it is not recommended. Chief Moss would prefer not to give a criminal penalty for this type of situation due to the amount of time staff would have to put into it. The noise ordinance amendment will be proposed at the next meeting for vote.

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

OCP Production of Tennessee William's: Cat on a Hot Tin Roof Show Dates are February 6-9, 2020. Visit www.oldcolonyplayers.com for more information and to purchase tickets.

Concerts at the Rock, Nu Blu with Merle Monroe, scheduled on Saturday, February 15, 2020 at 7:30 p.m.

100th Anniversary of Valdese Incorporation will be held at the Town Hall, scheduled on Monday, February 17, 2020 from 9:00 a.m. – 11:00 a.m.

At the next Council meeting we will have our first Pet of the Month from the Burke County Animal Shelter.

MAYOR AND COUNCIL COMMENTS: Councilman Ogle shared his concerns with the Bass Property, not improving much. The owner has now moved to Church Street and has brought over items that were in his yard. Councilman Ogle stated that the previous Code Enforcement Officer, Mr. Rickles said the house could not be torn down because it is built with cinderblock. Town Manager Seth Eckard will talk with the new Code Enforcement Officer on all of our concerns.

Councilwoman Hildebran expressed her concerns with the Deal Property and the lack of progress that has been made. Councilman Hildebran congratulated Director of Community Affairs Morrissa Angi on the Tourism report she shared with Council and thanked her for the excellent job she and her staff are doing. Councilwoman Stevenson thanked Morrissa Angi as well.

Councilman Sweezy thanked the many department heads for the money they have saved and the efforts they put in their departments.

ADJOURNMENT: At 6:51 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 March 2, 2020, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

jl

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

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

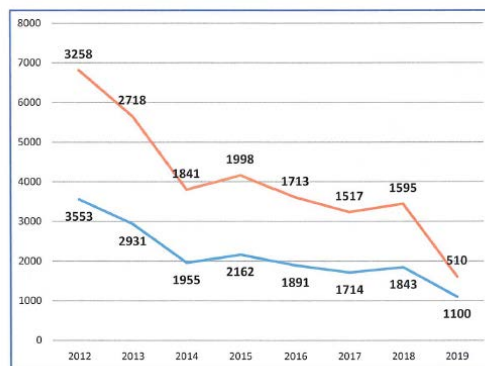
PET OF THE MONTH: Burke County Animal Services Director, Kaitlin Settlemyre introduced Council to the Pet of the Month, Saint. Saint is a year and a half, lab/pit bull mix that came to the shelter as a stray. Saint is very outgoing and is available for adoption.

REASON PRESENTATION: Debbie Hawkins, President of REASON, presented Council with data on animal welfare in the Town of Valdese and an overview of the organization. REASON stands for Reduce Euthanasia And Spay Or Neuter. REASON began in 2012 and is an all-volunteer, non-profit organization that helps low to moderate-income citizens with spay or neuter for their pets. Ms. Hawkins informed Council that all Burke County veterinarian clinics participate and offer a reduced surgery fee. REASON has completed 3,657 surgeries. Ms. Hawkins encouraged Council to help with solutions by educating citizens on Town Ordinances, utilizing social media, and talking with citizens on the importance of spay and neuter. More information can be found by visiting www.reason-nc.org.

Burke County 2012-2019
Intake and Euthanized



Burke County 2012-2019
Cats - Intake and Euthanized



REASON'S Criteria for Eligibility 2020 Poverty Guidelines

Number of Persons In Home	Household Yearly Income		
	EBT / Medicaid OR \$		
1	< \$12,760	\$12,761 - \$19,140	\$19,141 - \$25,520
2	< \$17,240	\$17,241 - \$25,860	\$25,861 - \$34,480
3	< \$21,720	\$21,721 - \$32,580	\$32,581 - \$43,440
4	< \$26,200	\$26,201 - \$39,300	\$39,301 - \$52,400
5	< \$30,680	\$30,681 - \$46,020	\$46,021 - \$61,360
6	< \$35,160	\$35,161 - \$52,740	\$52,741 - \$70,320
7	< \$39,640	\$39,641 - \$59,460	\$59,461 - \$79,280
8	< \$44,120	\$44,121 - \$66,180	\$66,181 - \$88,240

ANNOUNCEMENT OF ARCHITECTURAL SURVEY PROJECT: Annie McDonald, Preservation Specialist, representing the North Carolina state preservation office informed Council that starting in April they will be working on a comprehensive architectural survey of historic properties in Valdese. The project will advance the state's architectural survey program and provide useful information for planning economic development efforts at the local level. Ms. McDonald announced that the survey would document 350-375 historic resources constructed from the 19th Century through the 1970s. The survey will include commercial, dwellings, and industrial buildings. The project will officially begin on Monday, April 2nd, with a public meeting at the Old Rock School. The project will conclude in the late winter of this year, and the Preservation office will present its findings. There will be no charge to the Town of Valdese. Ms. McDonald explained that Valdese got selected for this survey from conversations that came from the WPCOG.

MR. RICHARD TODD, 904 TARVIA AVE, VALDESE Mr. Todd expressed his concern to Council regarding high noise levels coming from a home in his neighborhood. Mr. Todd explained that the Valdese Police had been out to the individual's house several times. Mr. Todd is speaking on behalf of many individuals and is in favor of the possible update to the Noise Amendment that is on the agenda this month.

MS. KAY DRAUGHN, 108 W END ST SW, VALDESE Ms. Draughn shared what a wonderful job Burke County Animal Services center was doing. Ms. Draughn encouraged the Town to help by sharing pets in need of adoption on Facebook, hold a supply drive, volunteer at the shelter, hold dog and cat sleepovers, and visit an animal to help with socialization. Ms. Draughn handed out the 2019 Summary of Accomplishments of Burke County for Council to review. Ms. Draughn also expressed her concerns with 909 Main Street and would like updates. Ms. Draughn encouraged the Town to record their meetings and post the agenda earlier.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF FEBRUARY 3, 2020

APPROVED SUNDAY, APRIL 12, 2020 AS TAX LIEN ADVERTISING DATE FOR REAL PROPERTY

APPROVED REAPPOINTMENT TO VALDESE ABC BOARD: Town Manager Seth Eckard was reappointed as Chairman to the Valdese ABC Board for a second, full three-year-term which expires April 1, 2023.

APPROVED REQUEST TO SELL ALCOHOL DURING VALDESE SUMMER EVENTS: The Levee Brewery, Waldensian Style Wines, and Old Colony Players will be selling alcohol at various summer events this summer.

SET PUBLIC HEARING DATE FOR ZONING TEXT AMENDMENT – OFF-STREET PARKING REQUIREMENTS: Staff requests Monday, April 6, 2020 as the date to hold a public hearing for a text amendment to Article F of the Valdese Zoning Ordinance, Off-Street Parking Requirements.

RENEWAL OF LEASE AGREEMENT AT THE OLD ROCK SCHOOL WITH DR. KYLE BARNES: Lease agreement with Dr. Kyle Barnes for rental space at the Old Rock School, in the amount of \$50.00 per month.

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:

APPROVED PARKS & RECREATION COMMISSION ARTICLE CHANGES: Parks and Recreation Director Doug Knight presented an update to the Parks & Recs Commission Article I: Recreation, General. Mr. Knight went over the minor changes changing some of the verbiages to be more up-to-date. Mr. Knight found looking back through old documents that when the town took over Parks & Recs, they established a Parks and Recs Advisory Commission and wanted that to be the official name. Councilman Sweezy pointed out that the Article states that the legal name shall be Valdese Recreation Commission.

March 2, 2020, MB#31
ARTICLE I: RECREATION, GENERAL

SECTION I: PREAMBLE

That, the Town of Valdese hereby invests its **Parks and Recreation** Commission with the duty, authority and responsibility to assist in creating opportunity for citizen participation in recreation as specified in this, its recreation ordinance, and legal name shall be Valdese Recreation Commission.

SECTION II: DEFINITION OF RECREATION AREAS: STRUCTURES; UNITS; MANAGER; GOVERNANCE BODY

Structures and Areas, for the purpose of this ordinance, are defined to mean the outdoor and indoor areas and structures on or in which people derive opportunity for the pursuit of happiness through recreation; whether or not these areas and structures are owned, leased, borrowed, controlled, or operated within the boundary of Valdese.

Unit, for the purpose of this ordinance, means Town of Valdese.

Manager, for the purpose of this ordinance, means the administrator whether he/she is the Town Manager, or other person to whom is delegated the administrative duties and responsibilities of the unit.

Governing Body, for the purpose of this ordinance means the Valdese Town Council.

Commission, means the advisory recreation body to the Department, Manager, and Governing Body.

SECTION III: POWERS, GENERAL

It is the basic function of the Recreation Commission to promote recreation for its citizens, and, in so doing, ~~the Department of Recreation and its Commission~~ is authorized to **advise**, aid, and assist **Valdese Parks and Recreation Department**, ~~which include public; private; commercial; those which are quasi-public in character, and which, although public in nature, are not under the unit's governing body (such as schools, churches, hospitals, military installations, orphanages, commercial recreation, business, and industrial agencies); as well as civic, neighborhood and service groups~~ in their recreation interest and needs.

SECTION IV: CREATION; NAME; NUMBER OF MEMBERS

There is hereby created a Valdese **Parks and Recreation** Commission composed of seven (7) citizens of Valdese, to be known as the **Valdese Parks and Recreation** Commission.

SECTION V: COMMISSION; POWERS AND DUTIES

The Recreation Commission shall serve as the advisory body for the Department of **Parks and Recreation** and the unit. The Commission shall suggest policies to the Department, the Manager, and the governing body, within its powers and responsibilities as stated in this ordinance. The Commission shall serve as a liaison between the Department, the Manager, the Governing Body of the unit, and citizens of the community. The Commission shall consult with and advise the Department, the Manager, and the Governing Body in matters affecting recreation policies, program, personnel, finance, and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range programs for recreation.

The Recreation Commission shall assume duties for recreation purposes, as follows: Make recommendations: (1) for the establishment of a system of supervised recreation for the unit: (2) to set apart for use as parks, playgrounds, recreation center, or other recreation areas and structures, any lands or buildings owned by or leased to the unit, and for approval by the unit's authorized body, and may suggest improvements of such lands and for the construction and for the equipping and staffing of such buildings and structures as may be necessary to the recreation program within those funds allocated to the Department; (3) and advise in the acquisition of lands and structures through gifts, purchase, lease or loan, or by statutes of North Carolina and as approved by the Governing Body of the Unit; (4) and advise in the acceptance by the unit and, with the approval of the Governing Body, may accept any grant, gift, request or donation, any personal or real property offered or made available for recreation. Any gift, bequest of money or other property, any grant, devise of real or personal property so acquired shall be held by the Department, used and finally disposed in accordance with the terms under which such grant, gift, or devise is made and accepted; (5) and advise in the construction, equipping, operation, and maintenance of parks, playgrounds, recreation centers, and all buildings and structures necessary or useful to Department function, and will advise in regard to other recreation facilities which are owned or controlled by the unit or leased or loaned, to the unit.

SECTION VI: APPOINTMENT OF THE COMMISSION

Each member of the commission shall be appointed by the Mayor of the Town of Valdese which may request recommendations from the Recreation Commission.

SECTION VII: COMPOSITION

Six (6) members shall be appointed to represent the citizens of the Town of Valdese. The seventh member shall be designated by the Town of Valdese Town Council, from the members of the Governing Body.

SECTION VIII: LENGTH OF APPOINTMENT

Each member of the Commission shall be appointed for a three-year term. Initial appointments shall be arranged so that approximately one-third of the terms will expire each year, except for the representative from the Valdese Town Council who shall serve on the Recreation Commission concurrent with his or her term of office on the Town Council.

SECTION IX: MEETINGS

Commission meetings shall be held on a ~~bi-monthly~~ **quarterly** basis, the 2nd Monday of the month, effective October, 1990 unless when determined otherwise by the Commission. The Chairman of the Commission or, in his absence, the Vice-Chairman, or the Recreation Director may call a special meeting of the Commission at any time by giving each member a 24 hour notice. A quorum of the Commission shall be in attendance before action of an official nature can be taken. A quorum is at least 1 or more than the number absent, of the appointed members.

SECTION X: ATTENDANCE OF MEMBERS

An appointed member who missed more than two (2) regular meetings loses his status as a member of the Commission until re-appointed or replaced by the Governing Body of the unit. Absences due to **vacation**, sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Commission except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

SECTION XI: VACANCIES

Vacancies in the Valdese **Parks and** Recreation Commission shall be filled for the unexpired term by appointment of the Mayor of the Town of Valdese.

SECTION XII: OFFICERS

There shall be a Chairman, Vice-Chairman, and Secretary of the Commission. An annual election of the Chairman and Vice-Chairman shall be held by the Commission members and shall occur at the regular monthly meeting in ~~December~~ **January**. Officers shall serve for one year from election with eligibility for re-election. New officers shall take office at the subsequent regular meeting in ~~February~~ **April**. In the event an officer's appointment to the Commission is terminated, a replacement to this office shall be elected by the Commission, from its membership, at the meeting following the termination. The Secretary will be appointed by the Recreation Director.

SECTION XIII: OFFICER DUTIES

The Commission Chairman shall preside at all meetings and sign all documents relative to action taken by the Commission. When the Chairman is absent the Vice-Chairman shall perform the duties of the Chairman. The Secretary shall mail to all members copies of official reports and the official minutes of all regular and special meetings, one (1) week prior to the scheduled meeting.

Councilwoman Hildebran made a motion to approve the recommended changes to the Articles and the name change to Parks and Recreation Advisory Commission, seconded by Councilman Ogle. The vote was unanimous.

PUBLIC HEARING FOR RE-ZONING MAP AMENDMENT FOR R12 – R12A – RESIDENTIAL STROUP PROPERTY: Mayor Black opened the Public Hearing. Planning Assistant Hunter Nestor with WPCOG presented the rezoning request for 251 Praley St. that is 9.22 acres and is currently zoned R12 district. The property will allow for a potential 60 unit elderly/multi-family housing development. Mayor Black asked if someone wanted to build this type of dwelling; they would have to come before Council to get a conditional use approval. Mr. Nestor confirmed that was correct, and we would have to have another Public Hearing.



Background

APPLICANT

- Mark Morgan, MC Morgan & Associates, Incorporated

PROPERTY OWNERS:

- John Ray Stroup

REQUEST:

- Applicant requests property be rezoned from R-12 to R-12A Residential that will allow multifamily residential use. The intent of the R-12A Residential is to be a moderately quiet, medium density residential living area consisting of single family, two family and multifamily dwellings, along with limited home occupations and limited private and public community uses.

Neighboring Property Owners

	REID	LOCATION_ADDR	CITY	STATE	ZIP	PROPERTY_OWNER	MAILING ADDRESS	CITY	STATE	ZIP
1	14400	155 BOBO AVE NW	VALDESE	NC	28690	EARP W LARRY;EARP AUDREY J	212 MAIN STREET WEST	VALDESE	NC	28690
2	7845	280 PRALEY ST NW	VALDESE	NC	28690	STROUP STEPHEN H	1658 AUSTIN AVENUE	MORGANTON	NC	28655
3	7831	251 PRALEY ST NW	VALDESE	NC	28690	STROUP JOHN RAY	111 BROOKWOOD CHURCH ROAD	MORGANTON	NC	28655
4	8373	307 FAET ST NW	VALDESE	NC	28690	STROUP STEPHEN H	1658 AUSTIN AVE	MORGANTON	NC	28655
5	10624	400 PRALEY ST NW	VALDESE	NC	28690	BRINKLEY ROBERT WAYNE	400 PRALEY ST NW	VALDESE	NC	28690
6	11650	308 PRALEY ST NW	VALDESE	NC	28690	FLETCHER JOHN J;FLETCHER JILL F	308 PRALEY ST NW	VALDESE	NC	28690
7	13018	408 PRALEY ST NW	VALDESE	NC	28690	SMITH JAMES TONY	PO BOX 32	VALDESE	NC	28690
8	9795	504 PRALEY ST NW	VALDESE	NC	28690	HAMM DAVID A;HAMM ANGIE F	P O BOX 1146	VALDESE	NC	28690
9	13521	404 PRALEY ST NW	VALDESE	NC	28690	WILSON KENNETH D;WILSON KEESHA D	404 PRALEY STREET	VALDESE	NC	28690
10	7808	505 PRALEY ST NW	VALDESE	NC	28690	STROUP STEPHEN H	1658 AUSTIN AVE	MORGANTON	NC	28655
11	12727	304 PRALEY ST NW	VALDESE	NC	28690	MORGAN ANITA R	PO BOX 151	VALDESE	NC	28690
12	14120	412 FAET ST NW	VALDESE	NC	28690	HUDSON JAMES M II;HUDSON JENNIFER S	412 NORTH FAET ST	VALDESE	NC	28690
13	13573	240 PRALEY ST NW	VALDESE	NC	28690	BEAVER PHILLIP D	3838 LEGER RD	VALDESE	NC	28690
14	13843	416 FAET ST NW	VALDESE	NC	28690	EDINGER RICHARD	416 FAET ST	VALDESE	NC	28690
15	11845	300 PRALEY ST NW	VALDESE	NC	28690	STEVENS VIRGINIA A	300 PRALEY STREET NW	VALDESE	NC	28690
16	30974	210 PRALEY ST NW	VALDESE	NC	28690	SPARMERE ASSOCIATES	125 BRAZILIAN AVE	PALM BEACH	FL	33480
17	38578	500 FAET ST NW	VALDESE	NC	28690	VALDESE FIRST BAPTIST CHURCH	500 FAET ST NW	VALDESE	NC	28690
18	38589	305 CHURCH ST NW	VALDESE	NC	28690	BURKE COUNTY BOARD OF EDUCATION	PO DRAWER 989	MORGANTON	NC	28680
19	49738	0 PRALEY ST NW	VALDESE	NC	28690	BURKE COUNTY PUBLIC SCHOOL BOE	PO DRAWER 989	MORGANTON	NC	28680

Review and Discussion

The proposed rezoning will allow for a potential 60 unit elderly/multi-family housing development (Tron's Place) for the 55 years and older. Senior housing is a need in Burke County. The project will consist of one 3-story building that will include (31) one-bedroom units and (29) two-bedroom units. The site is located one block from the town's central business district. The apartment complex will be visible along Main Street and provides access to all the local amenities.

Mr. Mark Morgan of MC MORGAN & ASSOCIATES INC has recently completed a 60 unit multifamily apartment project in Hildebran.

This rezoning request is consistent with the Future Land Use map in the "Valdeese Vision" and the proposed project will be need conditional use permit to be granted by Town Council.

This rezoning request is consistent with the Future Land Use map

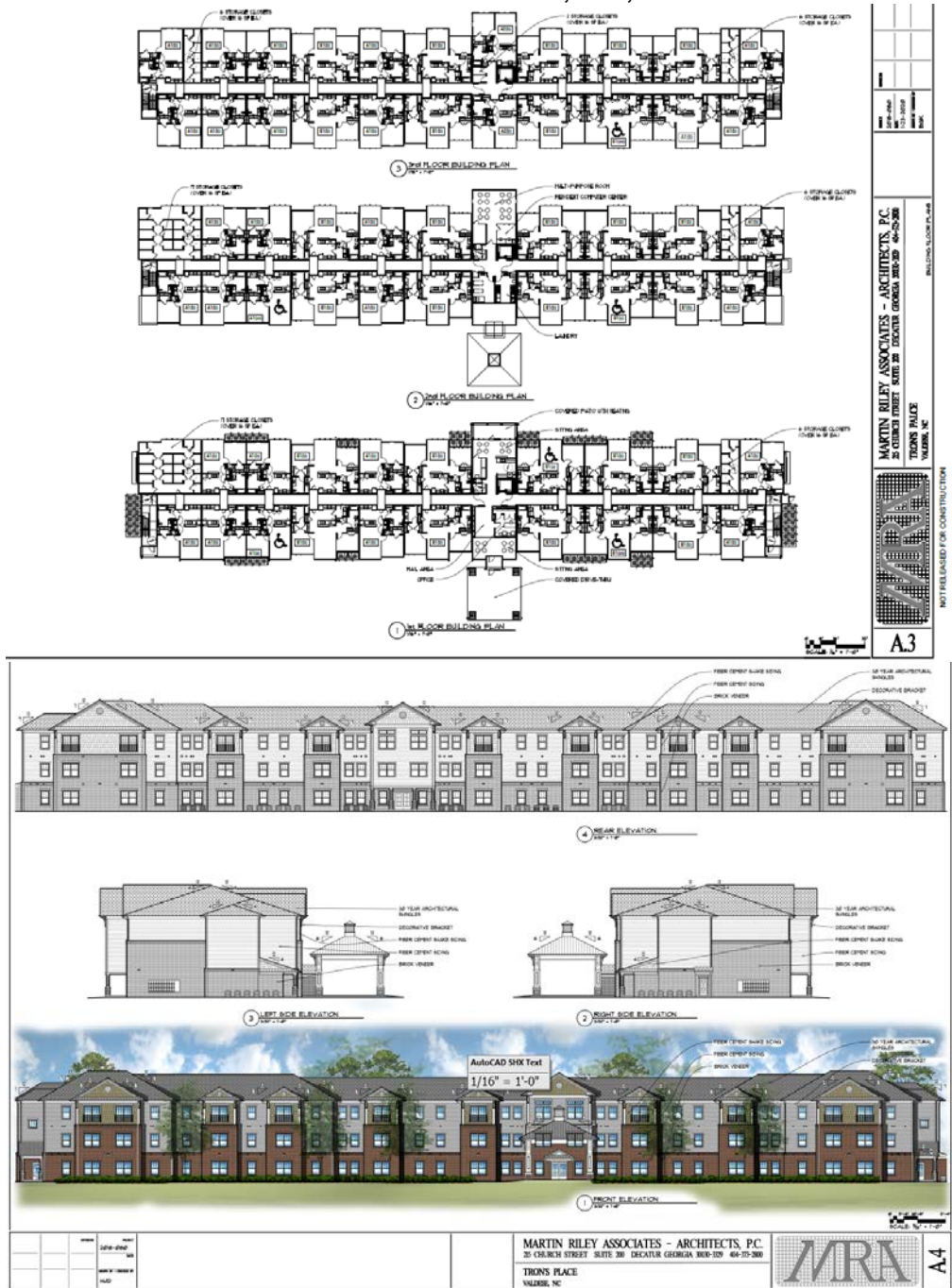
Adjoining property owners were notified by mail. Public Hearing was advertised in local paper

Property Posted on 2-21-2020

Mr. Mark Morgan, Real-estate Developer, with MC Morgan & Associates, Inc. shared the following presentation:



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Mr. Morgan feels there is a significant need for housing in Valdese. This housing consists of 60 units, three stories, one to two-bedroom, and an all-inclusive apartment complex with an elevator. Mr. Morgan shared that this was not in a flood zone; however, there is a pond on the property that the building would not be near. The first floor would hold on-site management, maintenance, and computer work stations. Councilwoman Stevenson asked if anything would be set up for handicap individuals. Mr. Morgan explained that 10% of units are fully handicap accessible. The design is universal adaptive, meaning the units can be adjusted as the individual needs. Mr. Morgan built similar apartments in Hildebran. The range of rent would be between \$500-\$750. Mr. Morgan explained that there would be one entrance located on Praley Street.

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

MS. JENNY HUDSON, 412 FAET ST. NW, VALDESE: Ms. Hudson asked Council to vote against the rezoning. Ms. Hudson, as well as her family, has been very involved in this community for many years. Ms. Hudson is concerned if this is the right location and kind of apartment for this property. Ms. Hudson tolerates many Town events that takes place around her home and feels like adding a 60 unit apartment complex

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will cause massive traffic issues. Ms. Hudson thinks that this will disassemble the surrounding neighborhoods.

Mayor Black pointed out that this public hearing is for the re-zoning of the property. There would be another public hearing for the proposed housing project.

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

Councilman Ogle made a motion to approve the re-zoning of street property from R-12 – R12A, seconded by Councilman Sweezy. All Council members voted aye except for Councilman Thompson, who opposed.

ARBOR DAY PROCLAMATION AND CEREMONY UPDATE: Public Works Director Bryan Duckworth informed Council that the Arbor Day Event would be held on Friday, March 20, 2020, 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 and Public Works Director Bryan Duckworth presented the following proclamation:

ARBOR DAY 2020 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, 2020 is the 148th 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 32 years.

NOW, THEREFORE, I, John F. Black, Jr., Mayor of the Town of Valdese, North Carolina, do hereby proclaim Friday, March 20, 2020, as the 148th Anniversary celebration of

“Arbor Day 2020”

in the Town of Valdese and the Town will hold an Arbor Day Event in conjunction with Valdese Elementary School at Valdese Rock School on Friday, March 20, 2020, 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 2nd day of March, 2020.

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

AWARD OF BID – STREET PAVING IVY LANE: Public Works Director Bryan Duckworth presented the following bid tabulation prepared by West Consultants for the Street Paving Project of Ivy Lane. The lowest bidder was Tri-County Paving, Inc., Jefferson, NC, in the amount of \$66,226. (Other bids: Evans Construction, Connelly Springs, NC - \$72,078.60; JT Russell & Sons, Inc., Conover, NC - \$75,147.77; and Carolina Paving of Hickory, Inc., Hickory, NC - \$78,550.) Ivy Lane is a residential street that serves 13

single-family homes. Mr. Duckworth showed Council a picture of the street and described the spider cracking, which creates more work when paving. Mr. Duckworth reviewed funding for the project.

Councilman Ogle asked if this was the worst road in Valdeese. Mr. Duckworth explained to Council that there are paving scores, and Ivy Lane scored low on two different studies that were conducted over the last several years. There is only a specific budget amount left for paving projects for this fiscal year, and Ivy Lane fits the budget.

Councilman Ogle made a motion to award the bid to the lowest bidder, Tri-County Paving, Inc., Jefferson, NC, in the amount of \$66,226., seconded by Councilwoman Hildebran. The vote was unanimous.

GENERAL NUISANCE FOR NOISE TEXT AMENDMENT: Police Chief Jack Moss presented the following resolution:

RESOLUTION ADOPTING AMENDMENT TO
TOWN OF VALDESE NOISE ORDINANCE

WHEREAS, Sections 8-6001 and 8-6002 of the Code of Ordinances prohibit unreasonably loud, disturbing and unnecessary noises in the town; and

WHEREAS, the town council desires to establish civil penalties and other enforcement remedies for a violation of these ordinances; and

WHEREAS, the town council has therefore agreed to amend Section 8-6001 of the Code of Ordinances, by adding a section (b) to provide for enforcement and penalties for noise ordinance violations;

IT IS THEREFORE RESOLVED that Section 8-6001 of the Code of Ordinances is amended to read as follows:

“Section 8-6001 Unnecessary noises prohibited; enforcement and penalties.

- (a) It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.
- (b) When there is a violation of this section or a violation Section 8-6002 of the Code, the town, in its discretion, may take one or more of the following enforcement actions:
 - (1) The violator may be assessed a civil penalty. The civil penalty for the first violation shall be \$50. For subsequent violations by the same person for the same activity occurring within one (1) year of the first violation, the violator shall be subject to civil penalties as follows:

a. Second violation	\$ 50.00
b. Third violation	\$ 75.00
c. Fourth violation	\$ 75.00
d. Fifth violation	\$100.00
e. Sixth violation	\$100.00
f. Seventh and subsequent violations	\$200.00

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If the violator fails to pay any civil penalty within thirty (30) days after it is assessed, a late fee of fifty dollars (\$50) shall apply. The Town may recover the civil penalty, together with all costs allowed by law, by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.

- (2) The violator may be charged with a misdemeanor pursuant to G.S. 14-4.
- (3) A civil action seeking an injunction and order of abatement may be directed toward any person creating or allowing the creation of the unlawful noise, including the owner or person having legal or actual control of the premises from which the noise emanates.
- (4) Penalties for violations of these sections may be assessed against all persons responsible for the premises or the device producing or causing the noise disturbance. An owner of any premises who is not also an occupant of the premises shall be responsible for any actions by his or her tenants, guests, or other licensees that constitute second or subsequent violations of Sections 8-6001 or Section 8-6002; provided, that no absentee owner shall be liable unless notified of first or previous violations of one of these sections, and further provided that such first or previous violation shall have occurred within the 12-months prior to the date of notification. Notice of any first or previous violations shall be given by registered or certified mail. No absentee owner may be subject to criminal liability, but the owner shall be subject to civil penalties and equitable relief as provided for herein. The person responsible for any premises shall be responsible and liable for any violations of Sections 8-6001 or Section 8-6002 by tenants, guests, or licensees on the premises if the person responsible is actively or constructively present at the time of the violation."

2. These amendments to shall become effective upon adoption.

ADOPTED THIS, THE 2 DAY OF MARCH, 2020.

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

ATTEST:

/s/ Town Clerk

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

BUDGET AMENDMENTS:

Valdese Town Council Meeting		Monday, March 2, 2020
Budget Amendment #	18	
Subject:	Meridian incentive grant	
Description:	Under the terms of the incentive grant agreement dated January 4, 2016, this is payment number 4 of 5. Each payment is \$180,000 less any incentives paid by Burke County. This payment deducts incentives of \$58,673 paid by Burke County in 2019.	

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		121,327
Total		\$0	\$121,327

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.763	Economic Grant	121,327	
Total		\$121,327	\$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, March 2, 2020
Budget Amendment #	19	
Subject:	Improvements to Waldensian Room at Old Rock School	
Description:	The Town was gifted \$35,000 by the Rostan Foundation for use at Old Rock School. They request the funds be used to update and improve the Waldensian Room.	

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
10.3350.000	Donations		35,000
Total		\$0	\$35,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.740	Capital Outlay	35,000	
Total		\$35,000	\$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.

March 2, 2020, MB#31

Valdese Town Council Meeting
Monday, March 2, 2020
Budget Amendment # 20
Subject: Fire - All Terrain Vehicle
(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
10.3990.000	Fund Balance Appropriated		25,000
	Total	\$0	\$25,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5300.740	Capital Outlay	25,000	
	Total	\$25,000	\$0

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

Valdese Town Council Meeting
Monday, March 2, 2020
Budget Amendment # 21
Subject: 2020 Street Paving Project - Ivy Lane
Description: This amendment along with \$25,000 budgeted in Street Dept covers:
• Paving Contract with Tri County Paving
• 10% project contingency
• 5% engineering and project inspections

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	Powell Bill-Restricted Fund Balance		\$1,348
	Total	\$0	\$1,348

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5700.740	Capital Outlay	\$1,348	
	Total	\$1,348	\$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, March 2, 2020
Budget Amendment # 22
Subject: Improvements to vacant lot near Splash Pad
Description: The Town was gifted \$7,000 by the Rostan Foundation for use at Recreation. The intent is for the funds be used to remove trees and brush to clean up the empty lot creating some additional parking near the Splash Pad.

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
10.3350.000	Donations		7,000
	Total	\$0	\$7,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.740	Capital Outlay	7,000	
	Total	\$7,000	\$0

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

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

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

Concerts at the Rock, Carolina Blue, scheduled on Saturday, March 7, 2020 at 7:30 p.m.

Council's Annual Budget Retreat is scheduled for Monday, March 23, 2020, 9:00 a.m. – 5:00 p.m. and Tuesday, March 24th, 2020, 1:00 p.m. – 5:00 p.m. in the Waldensian Room at Old Rock School.

WPCOGs Annual meeting is scheduled for Thursday, April 23rd, 2020, 6:00 p.m. with Key Note speaker Doug Griffiths and a follow-up workshop is scheduled for Friday, April 24th, 2020, 8:30 a.m. – 12:30 p.m. on the book, *13 Ways to Kill Your Community*. The public is welcome to attend this meeting. There is a \$50.00 charge.

MAYOR AND COUNCIL COMMENTS: None

ADJOURNMENT: At 7:24 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 6 2020, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

jl

TOWN OF VALDESE
ANNUAL COUNCIL/DEPARTMENT HEAD BUDGET RETREAT
MONDAY, MARCH 23, 2020

The Valdese Town Council met on Monday, March 23, 2020, 9:00 a.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., Councilwoman Frances Hildebran, Councilman Keith Ogle, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy Sweezy. Also present: Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and all Department Heads.

Absent: None

A quorum was present.

CALL TO ORDER At 9:00 a.m., Mayor Black opened the meeting and welcomed everyone. Mr. Black thanked Council and Department Heads for their hard work and willingness to meet during this difficult time.

Town Manager Seth Eckard gave an update on the different ways the town employees are responding to the COVID 19 pandemic.

FINANCE DEPARTMENT Finance Director Bo Weichel provided an overview of the Town’s revenues, debts, fund balance and budget challenges.

TOWN OF VALDESE Major Revenue Sources (General Fund)					
	Current Budget	Actuals (67% of Year)	% Collected	FY 20-21 Projection	Projected Increase (Decrease)
Investment Interest	60,000	67,890	113.2%	40,000	-33.3%
Current Ad Valorem Tax	1,980,102	1,980,563	100.0%	1,994,639	0.7%
Prior Year Ad Valorem Tax	61,954	41,701	67.3%	43,700	-29.5%
Motor Vehicle Tax	140,000	104,697	74.8%	162,000	15.7%
Utility Franchise Tax	457,000	229,129	50.1%	457,000	0.0%
Powell Bill	144,685	143,932	99.5%	144,500	-0.1%
Sales & Use Tax	1,163,145	819,186	70.4%	1,182,751	1.7%
Solid Waste Fees	3,000	2,548	84.9%	3,000	0.0%
Occupancy Tax	65,000	34,527	53.1%	60,000	-7.7%
Refuse Collection Fee	202,000	135,800	67.2%	202,000	0.0%
Recycle Fee	25,000	16,754	67.0%	25,000	0.0%

TOWN OF VALDESE Utility Fund Debt			
	FY 21-20 Debt Service	Balance Remaining	Years Remaining
Triple Community Water (TD Bank)	36,855	294,837	8
Inflow & Infiltration (SRF)	15,240	216,135	16
Church Street (SRF)	paid off	paid off	-
Waste Water Plant Upgrades (NCDENR)	154,115	154,115	1
Settings - Water & Sewer (USDA)	66,943	1,860,408	28
St Germaine Water Line (SRF)	8,626	163,885	19
Water Meter AMI (SRF)	84,952	1,699,039	20
2018 Water System Improvements (SRF)	19,940	398,805	20
TOTAL	386,671	4,787,224	
Debt Ratio	7.92%		

TOWN OF VALDESE General Fund Debt			
	FY 20-21 Debt Service	Balance Remaining	Years Remaining
Fire Engine (USDA)	26,908	107,632	4
Fire Ladder Truck (USDA)	52,761	949,698	18
Street Paving (BB&T)	paid off	paid off	-
Trucks & Equip-Street (BB&T)	53,743	53,743	1
Town Hall (USDA)	88,878	2,755,218	31
Splash Park (USDA)	19,483	740,354	38
Patrol Vehicles (BB&T)	18,471	92,351	5
Total	260,244	4,698,996	
Debt Ratio	4.46%		

TOWN OF VALDESE Refinance Options			
	Annual Debt Payment	Balance Remaining	Years Remaining
GENERAL FUND:			
Fire Ladder Truck (USDA)	52,761	949,698	18
Town Hall (USDA)	88,878	2,755,218	31
Splash Park (USDA)	19,483	740,354	38
Total of above	161,122	4,445,270	
Refinance (per LGC approval)	186,306	2,794,594	15
Difference	25,184	(1,650,676)	
WATER SEWER FUND:			
Settings - Water & Sewer (USDA)	66,943	1,860,408	28
Total of above	66,943	1,860,408	
Refinance (per LGC approval)	90,784	1,361,747	15
Difference	23,841	(498,661)	

2020 BUDGET CHALLENGES FOR VALDESE:

- STATE MANDATED 1.20% INCREASE TOWN PORTION OF RETIREMENT (WILL BE 10.24%)
 - EQUALS \$31,000 EXPENSE IN **GENERAL FUND**
 - EQUALS \$14,000 EXPENSE IN **WATER SEWER FUND**
- WORKERS COMP **LOSS RATIO** INCREASE DUE TO "0" YEAR DROPPING
- STANDARD BUDGET INFLATION / CONSUMER PRICE INDEX INCREASE AVERAGING AROUND 5% FROM VARIOUS VENDORS SUCH AS RECYCLING, FINANCIAL SOFTWARE, CENTURYLINK, DUKE ENERGY, SPECTRUM, ETC. HAS ADDED AN INCREASE OF \$44,476 ADDITIONAL EXPENSE IN **GENERAL FUND ALONE**.

2020 BUDGET CHALLENGES FOR VALDESE :

- **GENERAL FUND:**
RETIREMENT + INFLATION/CONTRACT EXPENSE CREATES **(\$75,476)** DEFICIT.
RECENT RESTRUCTURING, CURRENT PROPOSED BUDGET FIGURES
THIS FUND'S PROPOSED BUDGET WOULD BE **BALANCED**
- **WATER SEWER FUND:**
FOLLOWING THE RECOMMENDED RATE & CIP MODEL,
THIS FUND'S PROPOSED BUDGET WOULD REQUIRE A 0.6% OR \$25,000
FUND BALANCE APPROPRIATION TO CREATE A BALANCED BUDGET
- COLA? (1% = \$23,500 IN GENERAL & \$15,700 WATER SEWER)
- HEALTH INSURANCE? ABOVE FUND INFORMATION HAS 4% BUILT IN



PUBLIC WORKS Public Works Director Bryan Duckworth provided an overview of the Utility System Performance Report. Mr. Duckworth informed Council that the Public Works Department successfully made multiple water line replacements, and replaced two Transmission Line Valves. Mr. Duckworth discussed active and upcoming Utility projects. Mr. Duckworth ended his presentation with a Water Audit report. Here are a few slides from Mr. Duckworth's presentation.

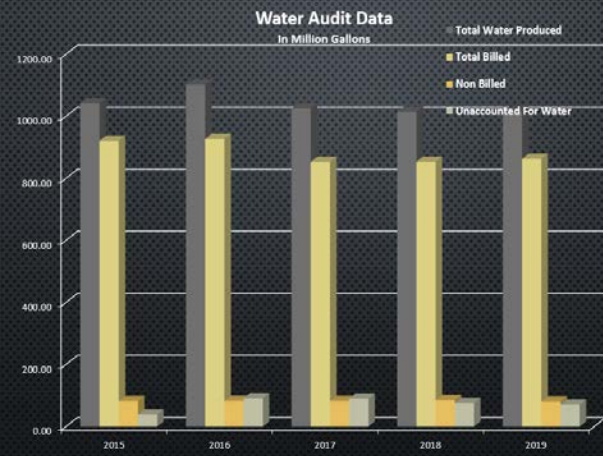
YEAR REVIEW UTILITY

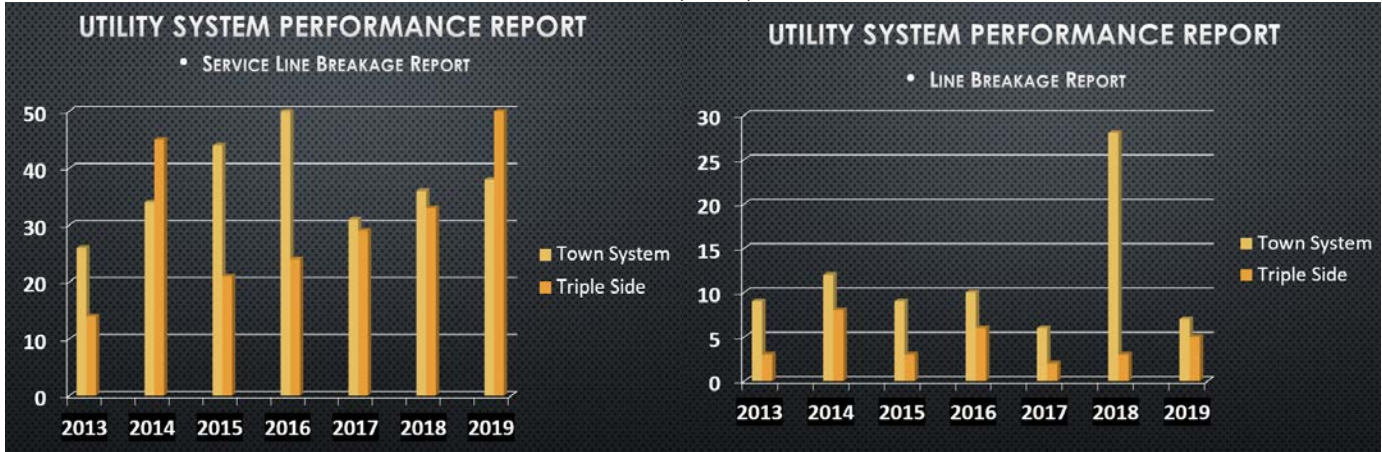
- WATER LINE REPLACEMENTS
- SAINT GERMAIN / RODORET S
- REPLACED (2) 24" TRANSMISSION LINE VALVES

ACTIVE / UPCOMING UTILITY

- ACTIVE
- AMI METER REPLACEMENT PROJECT
- 2018 WATER SYSTEM IMPROVEMENT PROJECT
- SCHEDULED – MAIN ST WATERLINE REPLACEMENT

UTILITY SYSTEM PERFORMANCE REPORT





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. Here are a few slides from Mr. Padgett's and McGill's presentation.

WATER NUMBERS

- 5000 RESIDENTIAL METERS
- 188 COMMERCIAL METERS
- 27 INDUSTRIAL METERS
- 3 WHOLESALE CUSTOMERS
- PERMITTED FLOW: 12 MGD
- CALENDAR YEAR 2019: AVERAGED 2.8 MGD

WASTEWATER NUMBERS

- 1661 RESIDENTIAL CUSTOMERS
- 157 COMMERCIAL CUSTOMERS
- 12 INDUSTRIAL CUSTOMERS
- 3 WHOLESALE CUSTOMERS
- PERMITTED TO TREAT 7.5 MGD
- CALENDAR YEAR 2019: AVERAGED 2.1 MGD

DISTRIBUTION AND COLLECTION NUMBERS

- APPROXIMATELY 150 MILES OF WATER LINES
- SOME LINES NEAR 100 YEARS OLD
- AVERAGE WATER METER AGE 20 YEARS PLUS
- 50 MILES OF SEWER LINES
- LINES 50+ YEARS OLD

METER PROJECT

- THE TOWN IS UPGRADING FROM THE EXISTING DRIVE-BY (AMR) SYSTEM TO A FIXED AND REAL-TIME READING NETWORK, REFERRED TO AS ADVANCED METERING INFRASTRUCTURE (AMI).
- THE TOWN METERS WERE DUE TO BE REPLACED BECAUSE OF THEIR AGE. APPROXIMATELY 20+ YEARS OLD.
- THIS IS A TECHNOLOGY AND GREEN IMPROVEMENT. LESS CARBON EMISSIONS FROM DRIVE BY METER READING.

SUSTAINING THE UTILITIES

ONGOING AND FUTURE PROJECTS THAT FUNDS HAVE ALREADY BEEN ALLOCATED		Funding
Centrifuge (Backdrive Controls)	\$ 300,000	Utility Fund
Grit Removal System	\$ 1,000,000	Meridian Incentive Package
Water Plant Generator	\$ 1,000,000	Meridian Incentive Package
Multiple Water Line Replacements	\$ 1,200,000	OPM, and 0% Loan
Water Plant MCC (Motor Control Center)	\$ 845,000	25% Grant, 0% Loan
Main Street Waterline Replacement	\$ 2,782,950	\$1M OPM, \$1,782,950 0% Loan
Bleach Conversion (Water Plant)	\$ 658,300	\$164,575 Grant, \$493,725 0% Loan
Collection System Assessment	\$ 150,000	100% Grant
Distribution System Assessment	\$ 150,000	100% Grant
Meter Project	\$ 2,265,386	\$1.7M 0% Loan, \$566k Grant
	\$ 10,351,636	

*Meridian Incentive Package: Town's total obligation/investment approximately \$250,000 plus tax incentives to Meridian

COMPLETED PROJECTS



Recent Accomplishments

- Scheduled Motor Fleet Replacement
- Triple District Water Line Replacement
- Eastwood & New Eastwood
- Sewer Asset Inventory & Assessment Grant
- Maintenance Equipment Replacement

Dye Branch Sewer Protection Project

Projects in Progress

- Advanced Metering Infrastructure
- Water System Hydraulic Model
- WTP Electrical Upgrades
- WWTP Centrifuge Upgrades
- WTP Disinfection Conversion
- Main Street Water Line Replacement
- Water Asset Inventory & Assessment Grant

Water Distribution System Hydraulic Model

LUNCH At 12:00 noon, Mayor Black invited everyone to enjoy lunch by JD's Smokehouse. At 12:42 p.m., Mayor Black called the meeting back to order.

PUBLIC WORKS Public Works Director Bryan Duckworth informed Council that the Public Works Department successfully completed street improvements throughout the town and is currently finishing up the last one for this year, Ivy Lane. Mr. Duckworth shared the proposed Street paving list for 2021 and went over services provided by our General Services. Mr. Duckworth informed Council of a possible \$1.00 increase to the current Recycling program and gave an overview of the importance of proper recycling. Mr. Duckworth informed Council that a Cemetery Expansion would need to take place in the near future. Here are a few slides from Mr. Duckworth's presentation.

Services Provided

Business Model

THE COST OF RECYCLING

The cost of a recycling program is the sum of fees for two services: the Collection Fee and the Net Processing Fee

PLANNING DEPARTMENT Planning Director Larry Johnson welcomed Council and provided an overview of past Code Enforcement work and asked Council if the new strategy of Code Enforcement is working now. Mr. Johnson introduced Ms. Alison Adams of WPCOG. Ms. Adams informed Council of the timeline of events that have occurred since the start of the contract. Ms. Adams shared the statistics from May 2019 to the current date.

Ms. Adams introduced the new Code Enforcement Officer, Todd Justice. Mr. Justice welcomed Council and gave a brief background of his work experience. Mr. Justice updated Council on the 11 active cases that he is currently working and

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highlighted a few properties that have been the most concern to many of our citizens. Mr. Justice explained the process of Code Enforcement and the five areas Code Enforcement covers for the town. Council discussed with WPCOG representatives the concern they have with some of the houses not being completed yet and informed WPCOG that the expectation had not been met from their contract.

Dustin Millsaps, Transportation Planning/GIS from WPCOG, introduced the online application that holds the code enforcement data. Mr. Millsaps gave a step-by-step presentation on how to use the application that allows Council to track the progress.

Planning Director Larry Johnson asked Council after hearing the WPCOGs presentation if Council is getting what wanted. Mr. Johnson is suggesting to move towards a more aggressive strategy to go into the Proactive contract. Mr. Johnson provided Council with a summary of zoning permits issued, subdivision updates, and housing developments for FY 19-20. Mr. Johnson also informed Council of the Planning Board agenda for 2020, which includes implementation of the "Valdese Vision" land use action plan, Central Business District expansion, creation of overlay zoning district called Downtown Business Corridor, Food trucks, parking requirements for residential uses, and clarification of zoning language. Here are a few slides from Mr. Johnson's presentation.

Timeline of Events

2019

- May 2019 - adopted ordinances and contract
- June 2019 - Meet and Greet with the Officer and began enforcement.
- July 2019 - added a second Code Enforcement Officer;
- July 2019 - GIS application created for Valdese, but not shared.
- November 2019 - GIS application shared with Town Manager
- December 2019 - personnel change (Brad/Patrick)

2020

- January 2020 - New GIS application created (improved version with search features)
- January/February 2020 - personnel change (Billy/Todd)
- February 2020 - Release of New GIS application to the Town, manager and council access.

Impact January 2020 – Current

- January 2020 to Current (Complaint only)
 - Abandoned Junk Motor Vehicles – 1
 - Minimum Residential Housing – 1
 - Non-residential Minimum – 2
 - Nuisance (includes trash and grass) – 7
 - Abandoned Manufactured Homes – 0
 - Total Cases requiring action – 11
 - Resolved Cases – 0
 - Abated (Town Money Spent to Resolve) – 0

Impact May 2019 – December 2019

- Statistics – May to December 2019 (Complaint Only)
 - Abandoned Junk Motor Vehicles – 11
 - Minimum Residential Housing – 2
 - Non-residential Minimum – 0
 - Nuisance (includes trash and grass) – 39
 - Abandoned Manufactured Homes – 7
 - Total Cases requiring action – 59
 - Resolved Cases – 59
 - Abated (Town Money Spent to Resolve) – 0
 - Total properties noted with violations – 135 in the system

PARKS & RECREATION Parks and Recreation Director Doug Knight shared an overview of the programs within the department and discussed various improvements made during FY 19-20. Mr. Knight informed Council of his CIP requests for FY 20-21. Mr. Knight shared with Council the vision for the Valdese Lakeside Park during FY 20-21, which includes several more amenities and a suspension bridge. Mr. Knight and Friends of the Valdese Rec will continue

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seeking grant funding based on a phased approach to the park, with no Town funds being spent on the project. Here are a few slides from Mr. Knight's presentation.

Bowling, Master's Swimming,
Aquatic & Fitness Classes, Senior
Activities

RenewActive
by UnitedHealthcare

SilverSneakers
by Trivity Health

Silver&Fit

Pool Resurfaced and Deck repairs made in 2019-20 CIP

CIP requests

-Gymnasium remodeling

-Fitness Center equipment

-Security Cameras

Suspension Bridge



COMMUNITY AFFAIRS Community Affairs Director Morrissa Angi summarized major events that were held in FY 19-20. Ms. Angi shared all the different promotional magazines/guides, where the Town of Valdese was featured. Ms. Angi informed Council of the many projects and renovations that Community Affairs completed this year. Ms. Angi highlighted the continued growth of the Town's social media presence. Ms. Angi presented a three-year CIP request to complete projects at the Teachers Cottage, downtown stage updates, and continued updates to the Old Rock School. Ms. Angi finished her presentation by announcing that the Old Rock School will celebrate its 100th birthday in 2022 and is already in the planning stages for special events. Here are a few slides from Ms. Angi's presentation.



Old Rock School Attendees & Events

Attendees: 43,846

Total events: 367

Visitors: 1,843

Annual Town Sponsored Events - Downtown

63 Events in 2019

Estimated Event Attendees - 48,900

E-Newsletter Subscribers - 5,086

Approximate Major Event Attendance -

Independence Day Celebration - 20,000

Waldensian Festival - 15,000

Summer Concert Series - 4,600

Treats in the Streets - 3,500

Concerts at the Rock - 1,600

Holiday Events - 4,200

Social Media Response to events -

SnapChat Filters - 12,300 views

Facebook - 10,700 | Reach 28,000

Instagram Followers - 1,400

Annual Website Visits - 74,654

Top Areas for Website Hits -

Morganton, Nashville, Charlotte

Top Interests

Music Events, Recreation, Old Rock School

Annual Statistics

Community Affairs & Tourism

Budget Review Presentation FY 2020-2021

VALDESE
NORTH CAROLINA

Photo Pick

Valdese, North Carolina 2020

After Photo
Coming Soon!



Revision of Vision Statement:
Settled in the foothills of the Blue Ridge Mountains entrenched in the spirit of the Waldenses, downtown Valdese, just off I-40 in Burke County, welcomes the entrepreneurial spirit to join the 15 new businesses that have opened since 2014. Downtown is forging the future as a safe, balanced, and family oriented third place center that is also devoted to the celebration of its culture, utilization of natural resources, and innovative thinking that guarantees a sustainable future for all people.

Projects:

Decades Book Fundraiser

Facade Grants

Relocation Packet - Internship Project

Main Street Update

Community Affairs & Tourism

Budget Review Presentation FY 2020-2021

POLICE DEPARTMENT Police Chief Jack Moss shared Police Department accomplishments for FY 19-20 and identified objectives for FY 2020-2021. Chief Moss thanked Public Works for all their help with updating two offices from water and mold damage. Chief Moss expressed his concern with the cracks in the brick in the Public Safety building. Chief Moss informed Council that the Police Department is fully staffed now, and they are working hard to rid the community from drugs and crime. Chief Moss explained that there would be more Speed Measurement Signs coming. Here are a few slides from Chief Moss presentation.

474

Budget Accomplishments 2019-2020

- Insurance replaced a patrol unit this budget year.
- Purchased three new patrol cars to initiate officer signed vehicles.

New Patrol Units:



Budget Accomplishments:

- Bimbo Bakeries is purchasing another Speed Measurement Sign.
- We replaced Taser.
- We updated two offices from water and mold damage.

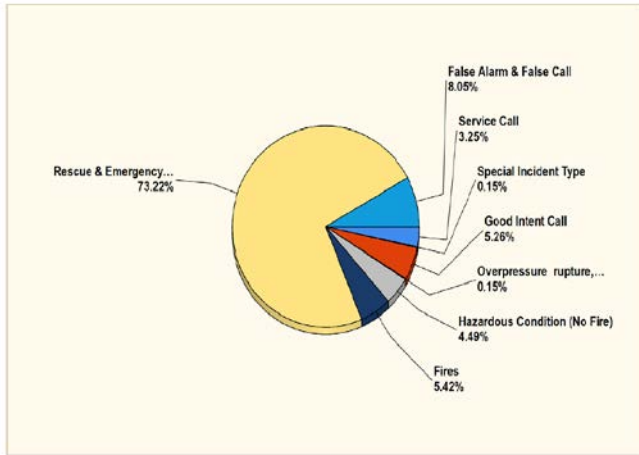
FIRE DEPARTMENT Fire Chief Greg Stafford shared departmental accomplishments, including the acquisition of Rescue UTV, the Junior Firefighter Program, and the Mingle with Kris Kringle event. Chief Stafford informed Council of all the existing programs the Fire Department is involved in. Mr. Stafford also provided an overview of calls and activities throughout FY 19-20 at the Fire Department. Mr. Stafford discussed upcoming purchases for FY 20-21 that will include rescue equipment that staff will have to become certified to use. Mr. Stafford expressed concerns with recruiting fire engineers. Mr. Stafford concluded with going over the many different certifications that the Fire Department employees currently hold. Here are a few slides from Chief Stafford's presentation.

OPERATIONS UTILIZING THE FIRE/RESCUE UTV



- Assisting with DHS Fire Academy Program
- Maintenance of all fire hydrants in the service district
- Fire prevention activities at the schools and daycares
- Total Fire Department Responses: **646**
 - **Fire - 182**
 - **Medical - 450**
 - **Fire and Medical - 14**

Miscellaneous Accomplishments



EXISTING PROGRAMS

- Assisting with DHS Fire Academy Program
- Junior Firefighter Program
- Maintenance of fire hydrants
- Safe Kids Program
- Smoke Detector Program
- Emergency Management/Hazard Mitigation
- Burke Co. Homeland Security Task Force
- Town of Valdese Workplace Safety Program

FINANCE DEPARTMENT Finance Director Bo Weichel closed the budget retreat with an overview and breakdown of the proposed General Fund CIP with a projected ten-year plan.

Town of Valdese - Summary of General Fund Capital Improvement Plan (CIP)

	Capital Budget 2020-21	Year 2 2021-22	Year 3 2022-23	Year 4 2023-24	Year 5 2024-25	Year 6 2025-26	Year 7 2026-27	Year 8 2027-28	Year 9 2028-29	Year 10 2029-30
Capital Expenditures by Department										
Administration	49,500	13,000	32,000	9,000	-	2,000	-	6,000	17,000	30,000
Public Works	-	5,000	10,000	53,500	13,000	16,500	41,000	64,000	50,000	50,000
Streets	450,000	277,000	-	-	450,000	-	40,000	300,000	12,000	587,000
Sanitation	-	-	-	-	-	-	-	40,000	-	-
Grounds	12,000	7,000	-	22,000	12,000	-	-	-	-	12,000
Police	41,000	33,000	66,000	85,000	36,000	36,000	36,000	39,000	36,000	53,000
Fire	54,000	23,200	56,000	165,000	40,000	12,000	50,000	-	600,000	250,000
Community Affairs	31,000	81,000	55,000	55,000	65,000	100,000	75,000	75,000	-	80,000
Parks & Recreation	120,000	55,000	23,000	25,000	75,000	25,000	-	17,000	10,000	-
Totals	757,500	494,200	242,000	414,500	691,000	191,500	242,000	541,000	725,000	1,062,000
Financing Sources										
Operating Revenues	281,099	281,099	281,099	281,099	246,000	264,471	264,471	264,471	264,471	264,471
Grants	50,000	-	-	-	-	-	-	-	-	-
Loan Proceeds	-	250,000	-	-	-	-	-	-	600,000	505,000
Reserved/Project Funds	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000
Fund Balance Appropriated	301,401	(161,899)	(164,099)	8,401	320,000	(197,971)	(147,471)	151,529	(264,471)	167,529
Totals	757,500	494,200	242,000	414,500	691,000	191,500	242,000	541,000	725,000	1,062,000
Remaining	-	-	-	-	-	-	-	-	-	-
10 year Fund Balance Effect:	12,949									

GENERAL DISCUSSION None.

ADJOURNMENT – Mayor Black adjourned the meeting at 5:20 p.m.

The next meeting is a regularly scheduled meeting on Monday, April 6, 2020, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

jl

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
APRIL 6, 2020**

The Town of Valdese Town Council met electronically via Zoom on Monday, April 6, 2020, at 6:00 p.m. The following were electronically 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 Jessica Lail, and various department heads.

Absent: Councilman Keith Ogle

A quorum was present.

Mayor Black called the meeting to order at 6:00 p.m.

OPEN FORUM/PUBLIC COMMENT: Citizens were asked to submit their public comments through a form on the Town's website. Deputy Town Clerk, Jessica Lail, read the comments aloud to the Council.

DEAL PROPERTY- KATHY DURHAM, 1779 ENON RD., VALDESE: Ms. Durham submitted the following comment: As a Burke County resident and water customer for Town of Valdese, I urge you to continue demolition efforts for the residential property at 909 West Main St. After living in Valdese for 5 years, I really love it, but do not love seeing this property that is, frankly, an eyesore. As a gateway property entering Valdese from Highway #70, the Town deserves a more pleasing site to better promote the outstanding lifestyle it offers to its citizens and future residents. Thank you for this opportunity to voice my opinion and thank you for being a proactive municipality. Valdese is a wonderful place to live and offers a wonderful quality of life. Kathy Durham

CODE ENFORCEMENT- KAY DRAUGHN, 108 W END STREET SW., VALDESE: Ms. Draughn submitted the following comments: Dear Valdese Town Council, Attorney, Manager & Clerk:

Regarding code enforcement, I encourage the VTC (Valdese Town Council) to:

- Continue to move forward with the 14 cases currently on the WPCOG's docket, especially demolition of the Deal property on Main Street.
- Continue to contract with the WPCOG for code enforcement services and support their recommendations. Despite the failure of the former code enforcement officer, the WPCOG is doing a good job and they have a good system in place. The new officer seems to be knowledgeable, is straightforward, appears to be a hard worker and has been helpful and responsive thus far.
- Work with the WPCOG to recoup contractual losses associated with shortcomings of the former code enforcement officer. The Town did not receive the service it expected and paid for.
- Transition from a complaint driven approach to a proactive approach and consider increasing funding for code abatement.

• Oppose waiving or reducing code enforcement/abatement fines. Taxpayers should not have to further subsidize violators. The fines that are collected should be used to offset monies spent for abatement. Regarding the virtual meetings:

- I applaud the VTC for holding its first virtual meeting. Many towns and municipalities in North Carolina cancelled their April meetings.

Regarding transparency & accessibility:

- To foster civic engagement and to improve transparency, I encourage the VTC to video or live stream its meetings and post them on a YouTube Channel and/or air them on a local cable channel.
- Further, I encourage the VTC to publish its monthly meeting agenda earlier. Currently, the agenda is published on Friday afternoon for a Monday evening meeting. Two (2) days is an inadequate amount of time for citizens to review the materials and prepare for the meeting.

Regarding litter on Hwy 70 across from the ABC Store / Shopping Center:

- I encourage the VTC to take whatever actions are possible to remove the litter in the ditch on Hwy 70 In front of the ABC Store / Shopping Center during the biannual Litter Sweep drive, April 11 -25.

Thank you for your service and for your consideration of these items

CODE ENFORCEMENT- JO BOGGS, 200 W END STREET SW., VALDESE: Ms. Boggs submitted the following comments: Regarding code enforcement, I encourage the Valdese Town Council to continue to move forward with the cases currently on the WPCOG docket, especially the demolition of the Deal property

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on Main Street. I also encourage the council to continue the contract with the WPCOG for code enforcement services and support their recommendations. Thank you for your service and your consideration of this request.

DOGS, CODE ENFORCEMENT, MCGAILLIARD FALLS- WILL MUELLER, 610 DIXIE AVE NW.,

VALDESE: Mr. Mueller submitted the following comments: Our concerns are as follows: 1) regarding the ongoing problem with dogs running loose in our neighborhood, especially on 600-700 Dixie Ave. NW, the dogs roam through yards in this area unchecked, and have gotten so brazen that they chase not only neighbors' vehicles, but now harass the postal delivery truck and drivers so much that the postal workers have refused to deliver mail to some houses on our street from time to time. The dogs are apparently owned by Ronnie Carver, living at the notorious Bass St. property, which is on the list for abatement. 2) We understand that the aforementioned Bass St. location is under appeal for possible abatement, and want to be assured that if Carver's appeal is denied the funds to carry out the abatement are already designated in the town's budget. 3) Regarding McGailliard Falls Park, the partially eroded bank adjacent to the overlook is not the only critical problem needed to be dealt with as soon as possible. There are several very tall trees still growing only a few feet away from the stump of the tree that destroyed the water wheel a few years ago. If one or more of those trees fell in the same direction, they could damage or destroy not only the new water wheel, but the mill building which the water wheel was used to power the grinding apparatus. 4) Regarding the town Code Enforcement: we feel that during the time that Billy Rickles was the Code Enforcement officer, Valdese definitely did not get the service the town had been promised, and hope that there is a way for the town to be reimbursed, or compensated some other way for services-not-rendered. Todd Justice, by comparison, is a very professional and conscientious Code Enforcement Officer

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF MARCH 2, 2020

APPROVED BUDGET RETREAT MINUTES OF MARCH 23, 2020

SPRING LITTER SWEEP, APRIL 11-25, 2020

SET PUBLIC HEARING DATE FOR CONDITIONAL USE PERMIT APPLICATION #1-3-20 PINE CROSSING (CROWHILL PARK) Staff requests Monday, May 4, 2020, as the date to hold a public hearing for Conditional use permit application #1-3-20.

SET PUBLIC HEARING DATE FOR CONDITIONAL USE PERMIT APPLICATION #2-3-20 TRON PLACE (STROUP) Staff requests Monday, May 4, 2020, as the date to hold a public hearing for Conditional use permit application #2-3-20.

APPROVED LEASE AGREEMENTS AT THE OLD ROCK SCHOOL WITH DREAM CONNECTIONS AND STILL WATERS COUNSELING, INC. Lease agreements for rental space at the Old Rock School. The Dream Connections Lease in the amount of \$1045 per month and the Still Waters Counseling Lease in the amount of \$305 per month.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

APPROVAL OF COUNCIL ELECTRONIC MEETING POLICY Mayor Black presented an Electronic Meetings Policy that will be used only in emergency situations.

TOWN OF VALDESE ELECTRONIC MEETINGS POLICY

When a State of Emergency has been declared that is applicable to the Town, the Town Council may hold a regular, special or emergency meeting as a remote, electronic meeting using technology such as Zoom, Ring Central, or another virtual or teleconferencing platform provided that one or both of the following conditions are met:

1. Meeting in person would pose a threat to health or safety of members of the Town Council, Town staff and the general public who might otherwise attend the meeting in person; or
2. Restrictions or prohibitions implemented in conjunction with the declaration of the State of Emergency make it impractical or not feasible to hold an in-person meeting of the Town Council.

The Mayor and participating Council members must be able to hear and speak to each other simultaneously during the electronic meeting. An electronic meeting conducted according to this policy shall be treated as though it were a meeting at which all of the Council members who are participating are actually present. Electronic participation by a member shall be deemed to be physical presence at the meeting.

The Town Clerk shall act as the electronic host of the meeting, and shall be responsible for monitoring which members are connected (present) during the meeting. Provided that a quorum is participating and connected to the meeting when the meeting is called to order, if one or more participating members is unintentionally disconnected and reconnection cannot be established within a reasonable time, this shall not defeat the presence of a quorum. For so long as the member is disconnected, the member shall not be counted as "present" for the purposes of counting votes. Notwithstanding the foregoing, any member participating may make a motion to adjourn the electronic meeting if one or more members becomes unintentionally disconnected from the electronic meeting and reconnection cannot be re-established within a reasonable time.

When stating or seconding a motion, a Council member shall identify himself or herself for the record before stating such motion or second. Voting shall be by roll-call vote.

In addition to complying with the meeting notice requirements of the North Carolina Open Meetings Law, the Town shall give as much advance notice to the Council members, the media and the public of the fact that a regular, special or emergency meeting will be an electronic meeting as is reasonable under the circumstances. An electronic meeting must allow access to the meeting by all members of the Council, the media and the public, subject to reasonable limitations in the technology used to hold the electronic meeting as to the number of people that can access the electronic meeting. The notice stating the meeting shall be an electronic meeting shall include the means by which the public can access the electronic meeting, and shall state a location for the public to view or hear the meeting.

Councilwoman Hildebran made a motion to approve the Electronic Meeting Policy, seconded by Councilwoman Stevenson. The vote was unanimous.

PUBLIC HEARING FOR TEXT AMENDMENT TO VALDESE ZONING ORDINANCE-OFF STREET PARKING Mayor Black stated that he would like more clarification on the Off-Street parking definitions on the proposed Zoning Ordinance for Off-Street Parking. Mayor Black suggested that the Public Hearing be tabled to the May 4th, 2020 meeting.

Councilwoman Stevenson made a motion to table the Public Hearing until the May 4th, 2020 Council meeting, seconded by Councilman Sweezy. The vote was unanimous.

AWARD OF BID – HIGH SERVICE PUMP REPLACEMENT Public Service Director Greg Padgett presented a Resolution with two bids recommended by McGill Associates, P.A., for the installation of a 3.0 MGD High Service Pump Replacement. The lowest bidder was from Charles R. Underwood, Inc., Sanford, NC, in the amount of \$78,048.00. (Other bid: ClearWater, Inc., Hickory, NC - \$181,000.00) Mr. Padgett explained that this ties into the MCC project that has already been approved by Council. Councilwoman Hildebran questioned the difference in the bid amounts but understood from a previous conversation with Mr. Padgett that ClearWater was not interested in winning the bid.

Councilman Sweezy made a motion to award the bid to Charles R. Underwood, Inc., in the amount of \$78,048, seconded by Councilwoman Stevenson. The vote was unanimous.

EROSION AT MCGALLIARD FALLS OVERLOOK Parks and Recreation Director Doug Knight presented two bid recommendations for the bank repairs at McGalliard Falls Park Overlook. Mr. Knight explained that during heavy rains this past winter, a section of the bank was partially washed out and

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needed to be repaired. The lowest bidder was Dickinson Hauling and Grading, Inc., Hickory, NC, in the amount of \$3,500. (Other bid: Danny Harris Grading, Morganton, NC - \$10,000 - \$15,000) Councilwoman Stevenson asked if this bid includes the removal of the trees that was mentioned as a problem in the public comment section. Mr. Knight explained that it was not included in this quote because it was a separate issue. Mr. Knight will be getting a quote for one of the trees that could potentially be an issue.

Councilwoman Hildebran made a motion to award the bid to Dickinson Hauling and Grading, Inc., in the amount of \$3,500, 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 6, 2020

Budget Amendment #

23

Subject:

Recreation - Emergency repairs to overlook at McGalliard Falls Park (reference memo from Doug Knight). This is to repair erosion issues on a section of bank next to the observation deck. Similar issues in 2013

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	Capital Projects		3,500
Total		\$0	\$3,500

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4250.740	Capital Outlay	3,500	
Total		\$3,500	\$0

Section II:

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

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

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

Mr. Eckard reminded all Valdese Citizens to complete the 2020 Census either through mail or online. Mr. Eckard stressed the importance of completing the census because it will impact the Town, County, and School System's revenue for the next ten years.

Town Offices Will Be Closed Friday, April 10, 2020, in observance of the Easter Holiday.

The next regular Council meeting is scheduled for Monday, May 4, 2020, at 6 p.m.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran addressed her constituents from the open forum regarding the Deal property. Councilwoman Hildebran stated that an order had been given to

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demolish according to our minimum housing code at 909 Main St. W. Mr. Deal has a total of 60 days to demolish the house himself, ten days to file an appeal to the Town which he did not do. After May 22, 2020, the Town can vote on an ordinance to demolish the house in conjunction with a budget amendment. This will be on the June 1st, 2020 agenda for consideration. Councilwoman Hildebran stated that we do not know how much this will cost yet.

Councilwoman Stevenson thanked the Valdese employees, citizens, business owners and healthcare workers for everything they are doing during this time.

Councilman Thompson thanked those who made the electronic meeting possible.

Mayor Black thanked everyone for what they are doing to address the needs of the Town. Mayor Black encouraged the citizens to pay attention to the request that has been made by the governor to keep the coronavirus under control.

ADJOURNMENT: At 6:26 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 4, 2020, 6:00 p.m.

Town Clerk

Mayor

jil

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
May 4, 2020**

The Town of Valdese Town Council met electronically via Zoom on Monday, April 6, 2020, at 6:00 p.m. The following were electronically 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 6:02 p.m.

OPEN FORUM/PUBLIC COMMENT: Citizens were asked to submit their public comments through a form on the Town's website. No public comments were submitted to the Deputy Town Clerk.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF APRIL 6, 2020

SET PUBLIC HEARING DATE FOR CONDITIONAL USE PERMIT APPLICATION #1-3-20 PINE CROSSING (CROWHILL PARK) Staff requests Monday, June 1, 2020, as the date to hold a public hearing for Conditional use permit application #1-3-20.

SET PUBLIC HEARING DATE FOR CONDITIONAL USE PERMIT APPLICATION #2-3-20 TRON PLACE (STROUP) Staff requests Monday, June 1, 2020, as the date to hold a public hearing for Conditional use permit application #2-3-20.

APPROVED UPDATED PERSONNEL POLICY David Hill from Piedmont Triad Regional Council consulted with the Town Manager and HR Director on updating the Town of Valdese Personnel Policy.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

PUBLIC HEARING FOR TEXT AMENDMENT TO VALDESE ZONING ORDINANCE-OFF STREET PARKING Mayor Black opened the Public Hearing. Planning Director Larry Johnson presented the following proposed changes in red and definitions to the Valdese Zoning Ordinance for Off-Street Parking. Mr. Johnson explained that this would not impact existing parking for residential. Mr. Johnson said this would apply to new housing construction going forward if approved. Mr. Johnson explained that this represents the minimal parking spaces, but the developer can increase the parking space number.

9-3074 Schedule of Parking Spaces

Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following types of property uses as follows:

<u>Use Classification</u>	<u>Parking Space Requirement</u>
Single Family Residential	2 spaces for each dwelling unit
Duplex	2 per unit
Group Living Facility	1 per 4 residents
Senior Housing	1 per unit
Multi-family	1.5 per unit
Commercial	1 space for each 500 square feet of gross floor area
Industrial	1 space for each 500 square feet of gross floor area
Office	1 space for each 500 square feet of gross floor area
Warehouse	1 space for each 4,000 square feet of gross floor area
Civic (i.e. churches, fraternal organizations, etc.)	1 space for each 500 square feet of gross floor area
High Schools or Colleges and Universities campuses (auditoriums, Stadiums, gymnasiums, assembly halls)	1 space for each 10 fixed seats and 1 space for each 10 moveable seats in the largest assembly area

9-3012 Definitions

Definitions to be added are as follows:

Group Living: The residential occupancy of a structure by a group of people, who do not meet the characteristics of Dwelling, multiple or multi-family. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for shorter periods are generally not considered group living. Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training or treatment, as long as they also reside at the site.

Senior Housing: Multi-family housing designed for and occupied by persons 55 years of age or older.

Parking, Off-Street: Space located outside of any street right-of-way or easement and designed to accommodate the parking of motorized domestic and commercial vehicles.

Councilman Ogle asked Mr. Johnson if there would be two parking spaces available at the housing across from the BP station. Mr. Johnson shared if that housing were approved, they would have to provide one and a half parking spaces. Mr. Johnson shared that the possible Senior Housing on Praley St. would have to provide one parking space. Councilwoman Stevenson expressed concern that one parking space would not be enough. Mr. Johnson shared that this would be the minimum requirement that the developer could provide more. Councilwoman Hildebran stated that she had a conversation with Mr. Johnson about her concern with the definition of Single Housing. Councilwoman Hildebran used the example of having a family with two teenagers, four cars but only having two parking spaces for each dwelling unit. Councilwoman Hildebran asked Mr. Johnson to explain the parking space requirement for Single-family housing. Mr. Johnson explained that if a new home is going up, they must provide a minimum of two parking spaces and that this does not affect what is currently built. Councilwoman Hildebran asked Mr. Johnson to define what one and a half spaces per unit means. Mr. Johnson used the example if a Multi-family, 60 unit housing was built under the current ordinance they would have to provide a minimum of 120 spaces, with the proposed new ordinance they would be required to provide 90 parking spaces.

Mayor Black asked Planning Director Larry Johnson and Deputy Town Clerk Jessica Lail if they received any public comments. No comments were received. Mayor Black closed the public hearing.

Councilman Sweezy made a motion to approve the Text Amendment to the Valdese Zoning Ordinance – Off-Street Parking, as presented, seconded by Councilman Ogle. The vote was unanimous.

AWARD OF BID – MAIN STREET WATERLINE PROJECT Public Service Director Greg Padgett presented a Resolution for an award of bid for the Main Street Waterline Replacement Project. Staff and McGill Associates, P.A., recommends awarding the bid to Iron Mountain Construction Co., Inc. in the amount of \$2,088,886.00. (Other bids: Hickory Sand Company, Inc. - \$2,762,965.00, Classic City Mechanical, Inc. - \$2,141,720.00, and Fuller & Co. Construction, LLC - \$2,068,457.05)

TOWN OF VALDESE

**RESOLUTION OF TENTATIVE AWARD OF THE BID
MAIN ST. WATERLINE REPLACEMENT
PROJECT (WIF-1955)**

WHEREAS, the Town of Valdese, North Carolina has received bids, pursuant to duly advertised notice therefore, for purchase and installation of the 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, and

WHEREAS, the McGill Associates, P.A., (Engineer) has reviewed the bids; and

WHEREAS, the consulting Engineer recommends **TENTATIVE AWARD OF THE BID** to Iron Mountain Construction Co. Inc. as the lowest responsible bidder.

WHEREAS, the council has considered the basis for the consulting Engineer's recommendations as presented by the consulting Engineer to the council at its May 4, 2020, meeting; and

WHEREAS, the council has considered information presented to the council relating to the town's prior experience with Iron Mountain Construction Co. Inc.; and

WHEREAS, Iron Mountain Construction Co. was the lowest responsible bidder for the project to 1) 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, in the total bid amount of \$2,088,886.00 and

NOW, THEREFORE, BE IT RESOLVED that **TENTATIVE AWARD OF THE BID** is made to Iron Mountain Construction Co. Inc. as the lowest responsible bidder with the Total Bid Amount of \$2,088,886.00.

Name of Contractor	Amount
1 <u>Classic City Mechanical</u>	<u>\$2,141,720.00</u>

- | | | |
|----|--|-----------------------|
| 2. | <u>Fuller & Co., Construction, LLC</u> | <u>\$2,068,457.05</u> |
| 3. | <u>Hickory Sand Company Inc.</u> | <u>\$2,762,965.00</u> |
| 4. | <u>Iron Mountain Construction Co. Inc.</u> | <u>\$2,088,886.00</u> |

BE IT FURTHER RESOLVED that such AWARD be contingent upon the approval of the North Carolina Department of Environmental Quality.

Upon motion of _____, seconded by _____, the above RESOLUTION was unanimously adopted.

This is 4th day of May, 2020.

John F. Black, Jr., Mayor
(Seal)

Attest:

Town Clerk

Councilwoman Hildebran asked why we were not awarding the bid to the lowest bidder. Mr. Padgett explained that we were awarding the bid to the lowest responsible bidder after reviewing and per the recommendation of the engineer. R.J. Mozeley with McGill Associates, P.A. shared with Council how critical the Main Street Project will be for the Town and that the nature of the project is complex and will require strict adherence to the bid and contract documents. Mr. Mozeley explained he has had experience with Fuller & Co. Inc., with projects dealing with the City of Shelby. He explained there was some difficulty with Fuller not adhering to the contract documents. Mr. Mozeley also stated that the Main Street Bid documents required a list of references from all bidders to establish their responsibility. In reaching out to some of the references, one in particular, was related to a project in the Town of Fallston and in conjunction with Cleveland County Water that had issues with Fuller from early on in the project with maintaining the contract documents. In looking further, Fuller had two instances where they had liquidated damages assessed for their projects, one being for the project in Fallston and the other for a project in the City of Charlotte. Mr. Mozeley explained with the Town's project, time is of the essence because it is located on Main Street. Town Manager Seth Eckard also contacted one of the references, and it was in line with Mr. Mozeley's findings. Councilman Ogle asked Town Attorney Marc Mitchell if he was comfortable with this legally. Town Attorney Marc Mitchell shared that it is within the Town's discretion as to who the responsible lowest bidder would be. He shared that Council is supposed to take into consideration skill judgment, integrity, financial resources, and ability. The Courts give the Council discretion on deciding this as long as there is a reasonable basis for deciding to go with the second-lowest bidder. Mr. Mitchell asked Public Service Director Greg Padgett to share what his experience has been with Iron Mountain in the past. Mr. Padgett shared that the Town just finished a project on St. Germain that Iron Mountain completed and no issues or phone calls from citizens were received. Iron Mountain also completed a large valve installation on the water transmission main from the Water Plant, and no issues occurred. Iron Mountain finished both projects on time, and the Town staff is very pleased with the work they have completed. Mayor Black reminded Council that issues have come up in the past where they went with the lowest bidder, and it did not turn out well. Councilwoman Hildebran expressed that she feels comfortable with the consultant's and staff's recommendation. Councilwoman Stevenson feels that this is an important street in Town, and it must be done correctly with good quality.

Councilwoman Hildebran made a motion to award the bid to Iron Mountain, Inc., in the amount of \$2,088,886.00, seconded by Councilwoman Stevenson. The vote was unanimous.

RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING – CLINE PUMP STATION

Public Service Director Greg Padgett presented a Resolution authorizing Town Manager Seth Eckard to sign for an application for grant funding from NC NEQ for the upgrading/refurbishment of the Cline Pump Station. Mr. Padgett shared that the pump station has had issues for many years and that the manholes would also be addressed.

RESOLUTION BY GOVERNING BODY OF APPLICANT

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 wastewater collection system and

WHEREAS, The Town of Valdese has need for and intends to construct a, wastewater collection system, project described as Cline Avenue Basin & Pump Station Upgrades, and

WHEREAS, The Town of Valdese intends to request state (loan or grant) assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE VALDESE 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 (loan or 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 and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Valdese to make scheduled repayment of the loan, to withhold from the Town of Valdese any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

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 (loan or 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 May 4, 2020 at Valdese, North Carolina.

John F. Black, Jr., Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Deputy Town Clerk of the Town of Valdese does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Valdese Town Council duly held on the 4th day of May, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of May, 2020.

Jessica Lail, Deputy Town Clerk

Councilman Ogle made a motion to approve Resolution to apply for grant funding for the Cline Pump Station, seconded by Councilman Sweezy. The vote was unanimous.

FY 20-21 BUDGET GENERAL DISCUSSION & RECOMMENDATIONS Mayor Black asked that this item be put on the agenda since the Budget Workshop was cancelled due to COVID-19. Mayor Black shared that one of the biggest issues right now is health insurance and introduced Dwayne Wilson of Dwayne

May 4, 2020, MB#31

Wilson Insurance & Financial Services to share what he knows right now with insurance renewals. Mr. Wilson discussed Blue Cross Blue Shield's tentative renewal quote at 17% and informed Council that our coverage is also being discussed with United Healthcare. Mr. Wilson shared that some larger claims have come in for April, which will have some effect on the quote. There are options to bundle medical, dental, and eye insurance to get a discount. Mr. Wilson will update staff as soon as the final quotes are received for Council and Staff to make a decision.

Mayor Black asked Council if they had any other questions regarding the budget. Councilman Sweezy shared for consideration that a one-cent increase in taxes would add \$36,000 to the budget. A three-cent increase would add \$108,000, which would give the Town more money to work with, and we would not have to cut anything else. Councilman Thompson asked the Mayor and Council how the citizens would feel about getting a three-cent tax increase. Councilwoman Stevenson thinks it would be very difficult at this time for citizens. Mayor Black shared that he has been in contact with Burke County in regards to their budget and understands that there may be money out there for Municipalities. Mayor Black shared that we may have to relook at our budget in January and adjust because we do not know how COVID-19 is going to affect us. Councilwoman Hildebran asked Town Manager Seth Eckard to explain our paving plan and asked if we would be getting any State money. Seth Eckard does not want to delay the capital project of paving due to the NC DOT projects being low and bids coming in low and feels this same trend will continue. Mr. Eckard knows that the federal government passed funding for cities with at least 500,000 citizens, which we would not qualify for. Mr. Eckard shared we may be eligible for some FEMA reimbursements, but it would not be a lot of money.

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

Community Affairs has created a new Downtown Valdese website. The website can be found at www.downtownvaldese.com.

The Old Rock School's Waldensian Room is currently under renovations.

Town Offices Will Be Closed Monday, May 25, 2020, in observance of the Memorial Day.

Town Manager Seth Eckard asked Planning Director Larry Johnson to give Council an update on the Deal property at 909 Main St. SW. Mr. Johnson shared that the sale of the property is complete. The new property owner is aware of the violations on the house and has already started making plans for renovation. The new owner has shared that the renovations will take approximately 12 – 18 months. His immediate attention will be given to the exterior. Mr. Johnson shared that he spoke with Code Enforcement Officer Todd Justice, and he has a seven-step process to go through with the new owner since there are current violations on the property.

Town Manager Seth Eckard asked Public Service Director Greg Padgett to give Council an update on the dog issue on Dixie Ave. Mr. Padgett shared that one of the dogs had been caught this morning. Mr. Padgett's understanding is the dogs have been hidden inside the house and is hopeful that the issue will be resolved this week.

MAYOR AND COUNCIL COMMENTS: None

ADJOURNMENT: At 7:17 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, June 1, 2020, 6:00 p.m.

Town Clerk

Mayor

jl

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
JUNE 1, 2020**

The Town of Valdese Town Council met on Monday, June 1, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue, SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and various department heads.

Absent: None.

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT: Citizens had the option to submit public comments through a form on the Town's website due to space being limited inside the Council Chambers. Deputy Town Clerk, Jessica Lail, read the public comments aloud to the Council.

POOL OPENING – AMANDA LENNEX, 4102 CHERRYWOOD DRIVE, HUDSON: Ms. Lennex submitted the following comments: As a parent and a healthcare worker I am aware of the current conditions concerning Covid19. However, as a patron of the Valdese Rec for several years, what plans are in place to open the pool for swimmers and recreation? As a family we frequent the use of the pool at a minimum of 6 days each week and pay dues yearly at the out of town rate. Along with the out of town dues amount we also spend money in the town for meals and other necessities each week. The pools in NC could have reopened on Friday the 22nd, but after being closed for over 2 months there were not any clear plans to move forward with this issue. The pool is not just a place to hang out or gather, but to some individuals it is an emotional getaway to work out frustrations and to achieve goals. Each and every swimmer works hard to achieve goals they have set for themselves and to take them out of the water indefinitely sets them back in any progress they have made. Our kids deserve better and our older patrons that are unable to do other forms of exercises due to their health and limitations are being done a disservice. Yes, we need to be aware of cleanliness and decreasing the spread of disease, but shouldn't we have done that all along and not just when a virus that has a recovery rate of 98% or higher spread panic and fear to shut down everything? What about the instances of heightened anxiety and depression in our children, adults, and elderly? We don't want to discuss that, just to social distance and reduce risks. There are risks with everything in life and how about we stop living in fear and live in hope for the future of all involved?

CODE ENFORCEMENT- KAY DRAUGHN, 108 W END STREET SW., VALDESE: Ms. Draughn submitted the following comments: Dear Valdese Town Council, Attorney, Manager & Clerk:

Regarding code enforcement, I encourage the VTC (Valdese Town Council) to:

- Continue to move forward with the cases currently on the WPCOG's docket.
- Notify adjoining property owners of the NOV hearing scheduled on June 11th for the Nordic Ventures (formerly owned by R. Deal) property on Main Street & W. End and advise whether that hearing is open to the public.
- Provide adjoining property owners with a written timeline for improvements or demolition to occur at the Nordic Ventures property as determined in the June 11 hearing.
- Oppose waiving or reducing code enforcement/abatement fines. Taxpayers should not have to further subsidize violators. The fines that are collected should be used to offset monies spent for abatement.

Regarding transparency & accessibility:

- To foster civic engagement and to improve transparency, I encourage the VTC to video or live stream its meetings and post them on a YouTube Channel and/or air them on a local cable channel.
- I encourage the Town to publish its monthly meeting agenda earlier. Currently, the agenda is published on Friday afternoon for a Monday evening meeting. Two (2) days is an inadequate amount of time for citizens to review the materials and prepare for the meeting.

Regarding Animal Services:

- To encourage all citizens to attend the Kittenpalooza scheduled for June 12 & 13 (10 am to 4 pm) at the Burke County Animal Services Center, 425 Kirksey Drive in Morganton.

- To spay or neuter your pets. Thank you for your service and for your consideration of these items.

DOG PROBLEM - WILL MUELLER, 610 DIXIE AVE NW., VALDESE: Mr. Mueller submitted the following comments: We, the members of the Rabbit Hill Neighborhood Watch, are pleased with the progress at the Bass St. location, and look forward to having that property cleaned up. In spite of Mr. Ervin's efforts, the dog problem is still not completely solved. One of the solid black ones trotted past our back door yesterday, and I have noticed one of the spotted ones several times on Paul Beach's driveway at the rear of his home, and sitting in the middle of Dixie Ave. on more than one occasion. We appreciate the efforts made so far regarding the dogs, and hope that the remaining animals can be rounded up and removed to Animal Services. Thanks to Keith Ogle for keeping us informed about progress at Bass St.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF MAY 4, 2020

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-

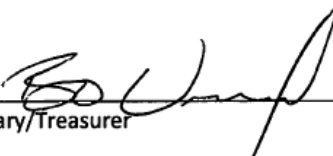
- Transportation: As a general rule, it is the Board's policy that an employee is authorized to use a private vehicle and be reimbursed at the current standard mileage rate. The current standard rate shall be the same as paid by the Town of Valdese following the IRS rate.
- Telephone: Any employee traveling 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 this the 18th day of May, 2020


Chairman

Attest:


Secretary/Treasurer

APPROVED VEDIC BOARD OF DIRECTORS APPOINTMENTS The VEDIC Board of Directors recommended the appointment of Nancy Page and the appointment of Suzanne Wallace to the VEDIC Board. The three-year-terms will expire July 1, 2023.

CORONAVIRUS RELIEF FUNDS

NORTH CAROLINA

BURKE COUNTY

AGREEMENT FOR USE OF
CORONAVIRUS RELIEF FUNDS
UNDER S.L. 2020-4

THIS AGREEMENT, made and entered into by and between **BURKE COUNTY**, a body politic and corporate of the State of North Carolina (the "County"); and the _____, a North Carolina municipal corporation located in Burke County, North Carolina (the "Municipality");

WITNESSETH:

WHEREAS, the North Carolina General Assembly has passed, and the Governor of North Carolina has signed into law, State Law 2020-4, entitled "An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19) Crisis" to be known as the "2020 COVID-19 Recovery Act" (the "Act"); and

WHEREAS, the Act sets aside \$150,000,000.00 to the Office of State Budget and Management (OSBM), to be distributed among certain counties; and

WHEREAS, under such legislation, Burke County's share of such funds is estimated to be \$1,772,221.00 (the "COVID Funds"); and

WHEREAS, the Act provides that a county may allocate a portion of these COVID Funds for use by municipalities within the county, but only if the transfer qualifies as a necessary expenditure as provided in the Act; and

WHEREAS, the County has established a protocol by which a municipality may receive COVID Funds under the Act; and

WHEREAS, the Municipality wishes to receive COVID Funds pursuant to the protocol and the terms of this Agreement.

NOW, THEREFORE, based upon the premises, and the mutual covenants contained herein, the County and the Municipality are agreed as follows:

1. SUBMISSION. Should the Municipality have expenditures that it believes will qualify as necessary expenditures as provided in the Act, it will submit an application for funding, using the form attached hereto.

2. BOARD APPROVAL. At the time of submission of an application, the Municipality shall submit a certified copy of the minutes of its board meeting 1) approving the application, 2) authorizing their Manager to obligate the Municipality to all rules and restrictions upon the COVID Funds, including this Agreement, and 3) agreeing to repay any COVID Funds determined by the County, the State, or the Federal Government as being improperly spent or spent for an ineligible purpose.

3. COMPLETION. No later than November 30, 2020 the Municipality will submit to the County a detailed report and a list of all expenses for which the Municipality requests reimbursement. No request for reimbursement received after November 30, 2020 shall be honored. Time is of the essence to the performance of this Agreement.

4. REIMBURSEMENT FOR ELIGIBLE EXPENSES. Upon submission of the Municipality's expenses, accompanied by receipts, the County will review said expenses to assure itself that all expenses submitted are eligible for reimbursement from the COVID Funds. Any expenses deemed ineligible by the County based upon the County's understanding of the Act, will not be reimbursed. Reimbursement requests should be submitted monthly by the 15th of each month for the prior month.

5. PAYMENT. Payment shall be made for approved expenses within thirty (30) days of approval.

6. RECOVERY OF DISALLOWED FUNDS. Should the County receive notice from the administrators or auditors of the Act, or the OSBM, that certain funds paid to the Municipality were in fact ineligible or otherwise must be refunded, then the County shall send written notice to the Municipality as provided in Section 9. The Municipality shall repay such funds reimbursed for ineligible expenses to the County within thirty (30) days of receipt of notice from the County.

7. INDEMNITY AND HOLD HARMLESS. The Municipality shall indemnify the County and hold the County harmless for any loss the County may incur based upon the granting to the Municipality of COVID Funds, based upon any ineligible expenditures, or failure to timely complete a project. Losses may include reimbursements, fines, penalties, and legal fees incurred by the County.

8. NOTICES. Whenever in this Agreement it shall be required or permitted that notice or demand be given or served by either party to this Agreement to or upon the other, such notice or demand shall be given or served, and shall not be deemed to have been given or served unless in writing, and forwarded by certified or registered mail, return receipt addressed as follows:

To the Municipality:

Attention: Manager

_____, North Carolina 28_____

To the County: COUNTY OF BURKE

Attention: County Manager
Post Office Box 219
Morganton, North Carolina 28680-0219

9. GOVERNING LAW, COUNTERPARTS, ENTIRE AGREEMENT, WAIVER, EFFECTIVENESS, ASSIGNMENT, HEADINGS, SEVERABILITY.

This Agreement shall be governed by and construed, interpreted and enforced in accordance with the laws of the State of North Carolina.

This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument representing the Agreement of the parties relating to the subject matter hereof.

The parties hereto have made no agreements or representations relating to the subject matter of this Agreement which are not set forth herein or herein provided for.

Any term or condition of this Agreement may be waived in writing at any time by the party or parties entitled to the benefit thereof.

No modification of this Agreement shall be valid unless in writing and signed by the parties hereto.

The waiver of breach of any term or condition of this Agreement shall not be deemed to constitute the waiver of any other breach of the same or any other term or condition. This Agreement shall become effective when signed by all the parties in the respective places indicated.

This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

The headings of this Agreement are for reference purposes only and shall not be used in construing or interpreting this Agreement.

If any one or more of the provisions contained in this Agreement shall be invalid, illegal or unenforceable in any respect under any applicable law, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

The sole venue for any action brought by either party to this contract shall be the state or federal courts serving Burke County, North Carolina.

IN WITNESS WHEREOF, the parties hereto have executed these presents, as of the day and year first above set forth.

BURKE COUNTY

By: _____

Its: _____

THE MUNICIPALITY

By: _____

Its: _____

Preaudit Statement

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

By: _____
Burke County Finance Officer

Preaudit Statement

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

By: _____
Municipality Finance Officer

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

PRESENTATION OF FY 2020-2021 PROPOSED BUDGET AND SCHEDULING OF PUBLIC HEARING FOR MONDAY, JUNE 29, 2020 The proposed budget was submitted to the Valdese Town Council on Friday, May 22, 2020.

Town Manager Seth Eckard said, "The preparation of this budget arrives at a time of unprecedented uncertainty. A pandemic has been declared across the globe and is changing the face of the world at a rapid pace. With consideration of these current economic conditions, our team presents a balanced budget that addresses current and future goals - without jeopardizing services to our residents. The proposed total of the FY 2020-2021 operating and capital budget is \$11,378,024. This includes a total General Fund budget of \$6,339,043 and a total Utility Fund budget of \$5,038,981. The proposed budget maintains a property tax rate of 54.5 cents per \$100 valuation.

We have incorporated a 10 percent overall reduction to the sales tax revenues for fiscal year 2020-2021. In dollars, this is a \$118,276 reduction of General Fund revenue. We anticipate this to be temporary – for one year – and then economic conditions stabilize to pre-COVID19 for next year's budget cycle. To account for the anticipated decrease in sales tax revenue, we are deferring several capital items to "Year 2" in the general fund capital improvement plan schedule.

In regards to Occupancy Tax revenue projections, we have budgeted \$65,000, next year we have budgeted \$32,500.

Despite the current economic conditions, three housing developments are moving forward: The former Houston Hosiery Mill is anticipated to be redeveloped into a 60-unit apartment complex, a 70-unit three story apartment complex is proposed at Crowhill Park, and a 60-unit senior housing developed is proposed off of Praley Street. We also have homes under construction at The Settings.

The Board of Trustees of the Local Government Employees' Retirement System (LGERS) voted to approve its planned 1.2 percent increase to the system's employer contribution rate for fiscal year 2020-21. This will be the second year of their mandatory rate increase.

General Fund – The proposed budget includes a total General Fund budget of \$6,339,043 and proposes maintaining the current tax rate.

Street Resurfacing

Various factors in the economy and the NCDOT budget have created a rare scenario where paving contractors are bidding work at very low prices. We are seeing upward of 20 to 30 percent lower cost than normal, and anticipate this continuing until November 2020. Because of these good prices, the CIP is proposing to do \$450,000 worth of paving projects in the upcoming budget year to take advantage of this "discount."

Recycling

Due to unfavorable economic conditions in the recycling industry and a three percent increase this upcoming year to our contract with Republic, the proposed budget includes a one dollar per month recycling fee increase.

Public Safety Building

The Town is in the process of selecting an architect to design a new public safety building that will replace the old deteriorating facility. Now is an optimal time to design and construct a new facility, given the historically low long-term financing rates and competitive bidding by local contractors. This project may take up to four years to complete.

General Fund Capital Projects:

In the Fiscal Year 2020-2021 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. Some of these capital projects will be delayed until mid-year to make sure revenues are coming in as projected.

The General Fund Budget reflects expenditures of \$636,500 in capital projects across multiple departments. Highlights include:

Fire Department

- Replace Fire Prevention Vehicle

Community Affairs

- Replace Teacher Cottage Roof
- Replace Teachers Cottage Flooring

Police Department

- Patrol Vehicle

Public Works

- Street Resurfacing (\$450,000)

Parks and Recreation

- Fitness Center Equipment
- Monitoring System for Community Center

Administration

- Replace Town Hall Server
- Replace Town Hall Vehicle
- Sealcoat and Restripe Parking Lot

Utility Fund

The Utility Fund budget for Fiscal Year 2020-2021 is \$5,038,981.

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
- Water AIA Assessment
- Cline Pump Station Rehabilitation
- Centrifuge Back drive and control replacement

At this time I will take any questions that Council may have.”

Councilman Ogle feels that the Budget looks very well. Mayor Black asked about the monitoring system for the Community Center and what it would look like. Town Manager Seth Eckard explained the Recreation Department would have camera footage of the pool deck and around the facility.

Councilman Ogle made a motion to set the public hearing for the FY 2019-2020 budget on Monday, June 29, 2020, at 6:00 p.m., Valdese Town Hall, seconded by Councilwoman Hildebran. The vote was unanimous.

PUBLIC HEARING FOR CONDITIONAL USE PERMIT APPLICATION #1-3-20 PINE CROSSING (CROWHILL PARK) Mayor Black introduced the Conditional Use Hearing and asked if anyone wished to speak either for or against to come forward and be sworn in by Deputy Town Clerk Jessica Lail. Ms. Lail administered oaths to Planning Director Larry Johnson, Bobby Funk with Mills Construction and Sherry Long, Chairman of the Board with the Western NC Housing Partnership.

Mayor Black declared the public hearing open.

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

Permit for Multi-family Development in R-8 Residential, Conditional Use Permit #1-3-2020.

APPLICANT:

WNC Housing Partnership

PROPERTY OWNER:

Town of Valdese

REQUEST:

On March 6, 2020, the applicant requests a Conditional Use Permit to allow a 66-unit multi-family residential development (PUD-R) in the R-8 Residential District.

LOCATION:

605 Pineburr Avenue SW (Crowhill Park Properties). Properties currently owned by the Town of Valdese. The applicant currently has an option to purchase if funding is approved.

LAND USE AND ZONING:

Comprised of two parcels totaling 6 acres, is currently vacant. The main parcel is being used by the owner for the temporary storage of leaves and yard debris. The smaller parcel is being used for egress and ingress into the main parcel.

The parcels are zoned R-8 Residential. The intent of the R-8 District is to provide for town scaled residential development within walking distance of services. The R-8 Residential District is a high density district in that it permits a host of residential uses including single family, duplexes, Class A manufactured homes and multi-family developments (conditional use permit)

SURROUNDING ZONING:

North: R-8 Residential

South: R-8 Residential, R-12 Residential

East: R-8 Residential

West: R-8 Residential

SURROUNDING LAND USES:

North: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

TRANSPORTATION:

Egress and Ingress to the property is by way of Pineburr Avenue SW. Pineburr is identified as a local residential street and is maintained by the Town. Partial resurfacing of Pineburr occurred in 2009.

A traffic count was conducted by the Town of Valdese Public Works Department. The count showed an average daily count of 540 on Pineburr Avenue SW, from Orchard Avenue to Hoyle Street. During peak time of 11:00 am, the average daily count was 41 vehicles. During the peak pm time of 1:00 pm, the vehicle count was 47 vehicles.

Public Services Director Greg Padgett has reviewed the plans for Pine Crossing Multifamily Development and has determined that Pineburr Avenue SW has the capacity to accommodate the additional traffic generated by the proposed development.

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 66 individual meters. However, the developer will have two options for securing sewer. Option #1 will be the installation of a privately

owned pump station. Option #2 will require acquisition of right to way by the developer to extend existing sewer to the site.

Additionally, Valdese Public Works Department shall not be responsible for any garbage pick-up.

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 the two parcels.

APPLICABLE CODE SECTIONS:

Section 9-3051 Neighborhoods Residential District (R-8)

- 1) The intent of the R-8 District is to provide for town scaled residential development within walking distance of services. The R-8 Neighborhoods Residential District is a high density district in that it permits a host of residential uses including single family, duplexes, and Class A manufactured homes.
- 2) Uses permitted with a conditional use permit: **Multi-family building**, Planned Unit Development-Business, **Planned Unit Development-Residential**, Public and Private School, Residential Care Facilities, Laundromats, Grocery Stores, Day Care Center, Mix Uses, Bakeries/Delicatessens, Barber and Beauty Shops and Floral Shops.

Section 3051.2 Off-Street Parking and Loading Requirements

- 1) Off Street parking and loading requirements shall be met for all uses as required by Article F.

Article F – Off-Street Parking Requirements

9-3071 Parking Spaces to be required and permanent

- i) The off-street parking space required shall be permanent spaces and shall not be used for any other purpose.
- ii) 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.
- iii) 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: Multi-family 1.5 spaces for each unit.

Section 9-3076 Parking Lot Design Requirements

- ii) 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.

Section 9-3077 Landscaping of Parking Area

- b) 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.
- c) 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.
- d) 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.
- e) Adhere to Tree and Shrub specifications.
- f) Meet the abutting property landscaping requirements.

Section 9-3111 Planned Unit Development – Residential (PUD-R)

- a) The purpose of the planned unit development – residential is to encourage the development of living environments, which meet the needs of the people who live in them by providing certain development privileges in exchange for preplanning and design considerations.

The planned unit development – residential provides flexibility in using new development concepts and in introducing variety into neighborhoods by encouraging mixed uses, variable lot size, and environmentally sensitive design, which promotes the conservation of open space and ensures substantial compliance with the intent of the Town of Valdese Zoning Ordinance.

- i. Encourage development that enhances the quality of life while protecting the health, safety and general welfare of residents;
 - ii. Encourage variety in housing opportunities;
 - iii. Encourage the development of a viable economic base;
 - iv. Encourage the development of land uses that will complement existing adjacent land uses;
- b) The Town Council may approve this form of development in the districts that allow it as a conditional use, if the conditions specified in this article are met.
 - i. At the time of application for a planned unit development, all land, structures and other real property shall be in single or joint ownership of whatever form, or the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the application for a planned unit development.
 - ii. A residential planned unit development shall be located on a site containing at least two (2) contiguous acres.

- iii. If land or structures within a proposed PUD-R are to be sold to more than one person, firm, corporation or other entity, then the proposed PUD-R shall be subject to the Town of Valdese Subdivision Ordinance. Deviations from said standards may be approved provided they are stated as part of the PUD-R Application Requirements.
 - iv. A minimum of 10 percent of the land area for the PUD-R shall be common open/recreational space. This area shall be identified as open/recreation space on the submitted plans, which shall be recorded in the Office of the Register of Deeds. In residential mixed use PUD-R's, required open space may not be part of any proposed platted single-family residential lots.
 - v. All new planned unit developments shall provide concrete sidewalks along both sides of all existing and proposed public streets within the PUD-R. Sidewalks shall only be required on the internal side of existing streets that are on the perimeter of the PUD-R. Sidewalks shall be a minimum of 5 feet wide and four inches thick. Sidewalks will not be required along alleys. All pedestrian segments shall meet or exceed ADA standards and shall be constructed of concrete.
 - vi. The design and layout of a PUD-R shall take into account the relationship of the site of the surrounding areas. Additionally, the perimeter of the PUD-R shall be so designed as to minimize any negative impact on adjacent properties.
 - vii. Development of a PUD-R may be phased, in which case all the property anticipated for the PUD-R development shall be submitted as part of the PUD-R development plan showing a conceptual depiction of the eventual development and approximate phase lines shown. During the phased development of a PUD-R, proportional overall common open space required shall be incorporated into each phase and be dedicated and installed or improved by the end of the construction of each proposed phase.
 - viii. Following review of the proposed PUD-R, the Planning Board shall recommend approval or denial of the application and accompanying PUD-R plans. Planning Board may recommend to Town Council conditional approval with such conditions as are necessary to ensure conformity to all applicable requirements. There were no conditions placed on the approval of the PUD-R by the Valdese Planning Board.
- c) In order for an application for a PUD-R to be approved, the Town Council must find that the proposed development will be compatible with comprehensive land use, and neighborhood development plans, and will not place an excessive traffic load on local streets. In addition, Town Council must find that the site can be developed according to a site plan that will be compatible with existing neighborhood development, and that the site can be provided with adequate utility services.

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

- 2) The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

Applicant complies

- 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

REVIEW/DISCUSSION:

The Valdese Town Council is required to 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 66 multifamily units located on the property currently owned by the Town of Valdese. The applicant currently maintains an option to purchase the property if funding for this project is approved by the State.

The proposed development is identified as a Planned Unit Development – Residential (PUD-R) permitted with conditional use approval from Valdese Town Council.

The project must meet or exceed all zoning requirements of the R-8 Neighborhood Residential District and Article F Off-Street Parking. Based upon the projection of 66 units, 1.5 parking spaces (minimum of 99) must be made available for the total number of units. The developer will be providing 116 spaces. The minimum area for each parking space shall be 9ft x 18ft.

Traffic count show an average daily count of 540 cars on Pineburr Avenue SW. Average count during the peak times of 11:00 am and 1:00 pm are 41 and 47 respectively.

The Town of Valdese Public Works Department has stated that the property is served by water and sewer. The applicant will have two options to obtain sewer to the site. Valdese Public Works agrees to one master meter serving the building in lieu of sixty (66) individual meters. If additional utility upgrades are required, the expense will be the responsibility of the developer. The Town of Valdese has the capacity to serve this development

The proposed project is consistent with Valdese's Master Land Use Plan.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed the Conditional Use Permit Application on Thursday, May 21, 2020 and unanimously voted to recommend approval without conditions.

Mr. Johnson explained that the Public Hearing was advertised appropriately and staff only received one phone call from a citizen who was in favor of the project.

Mr. Bobby Funk, Developer, with Mills Construction presented the following presentation:

Pine Crossing
2020






Overview

Seeking a Conditional Use Permit to allow development of a new 66-unit multifamily housing community

PUD meets all standards of the Ordinance while enhancing quality of life, health, safety and welfare of residents through the expansion of high quality new housing in Valdese

Development has taken great care to integrate seamlessly in the existing neighborhood with no negative impacts to surrounding neighbors, traffic or utilities capacity

Who We Are

Western N.C. Housing Partnership, Inc. (WNCHP) is a nonprofit 501(c)3 organization founded in 1994 celebrating 25 years in 2019

We are committed to developing high quality apartment residences for aging populations and workforce families within the thirty-one county region of Western North Carolina



Experienced Team

We will be working in tandem with Fred G. Mills, a tax credit developer with over 50 years of experience in housing development in North Carolina

The organization includes an in-house construction company that we will utilize – jobs will be created during construction

Over 3,000 units developed

Recent developments in: Granite Falls, Mocksville, Dallas NC, Asheville, Greenville NC, Tabor City, Raleigh, Lumberton, Charlotte, Bermuda Run



Site Details

6 acres

66 units

- 12 : 1BR
- 36 : 2BR
- 18 : 3BR

5 residential buildings

Proposed Development

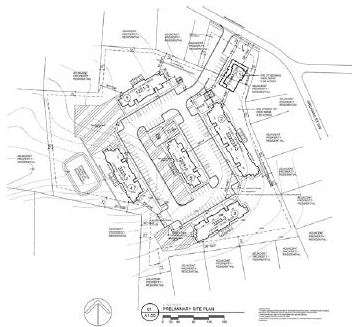
Amenities

Community center	On-site management
Kids play area and tot lot	24-hour emergency maintenance
Picnic area	On-site security cameras
Computer lab	

Projected Rents

Unit Size	Unit Count	40% AMI	50% AMI	60% AMI
1 BR	12	\$355	\$460	\$565
2 BR	36	\$420	\$515	\$630
3 BR	18	-	\$590	\$720

Rent includes water/sewer utilities. Note: Rents will be approved by NCHFA

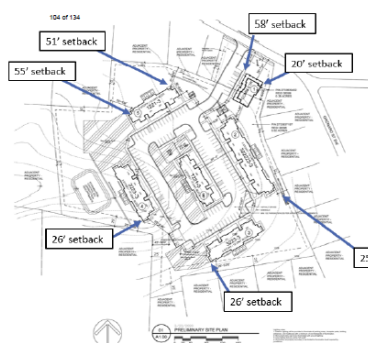


Site Details

Required Setbacks

- 25' Front
- 10' Side
- 25' Rear
- Exceeds all setback requirements

[Valdese Ord. 9-3111.1 (b)(12)]

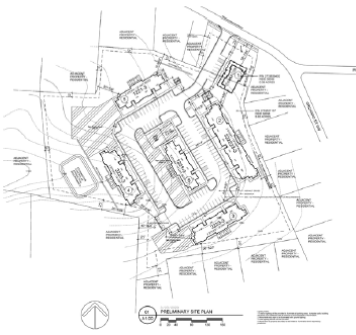


Site Details

Required Setbacks

- 25' Front
- 10' Side
- 25' Rear
- Exceeds all setback requirements

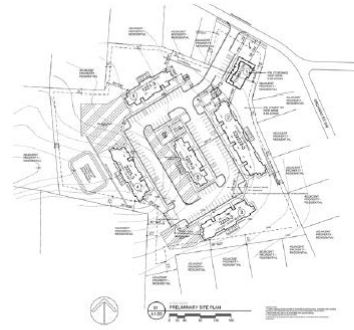
[Valdese Ord. 9-3111.1 (b)(12)]



Site Details

Topography & Buffering

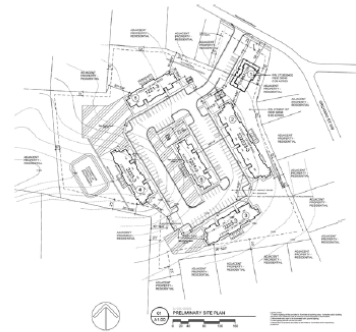
- Care was taken in designing the property to minimize any negative impact of surrounding properties
- Site layout takes advantage of grade changes to increase separation from surrounding housing
- Retaining walls are planned to account for the grade change which will further separate the development



Site Details

Topography & Buffering

- Trees and vegetation along the perimeter of property will be retained
- Screening will be built up as necessary to assure privacy is maintained

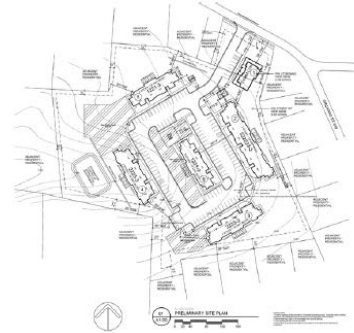


Site Details

Impervious Surface

- The site has less than 36% impervious surface to meet the ordinance requirement if the site requires a Sediment/Erosion Control Plan
- Building area does not exceed 30% of lot area
- Development will meet all storm water management requirements

[Valdese Ord. 9-3051.4 (d)(3 & 4)]

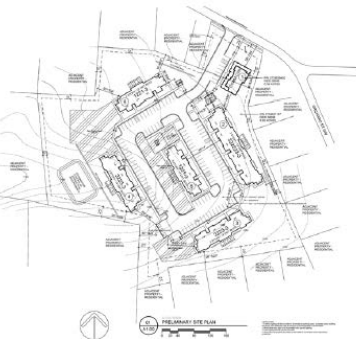


Site Details

Open Common Space

- 11%
- Exceeds PUD requirement

[Valdese Ord. 9-3111.1 (b)(4)]

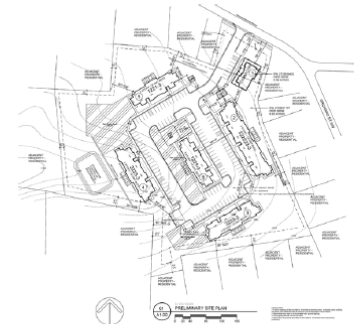


Site Details

Sidewalks

- ADA accessible sidewalks are provided through the property
- Sidewalks will be constructed along Pineburr Ave on the property per ordinance requirement

[Valdese Ord. 9-3111.1 (b)(5)]



Neighborhood Compatibility

- Several multifamily developments exist in the surrounding neighborhood
- This development will be walkable to downtown providing residents good access to shopping and dining amenities on Main Street

[Valdese Ord. 9-3111.1 (b)(5)]



Building Design

Dallas, NC | Completed 2014, Phase 2 Completed 2019

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Agenda

Economic Impact

- \$9.5 million total Investment
- An estimated local 100 jobs will be directly and indirectly supported through the development of this property
- Mills Construction will seek to hire local contractors as well as local permanent employees for management and maintenance

Traffic

- Traffic Count was conducted at the property for two weeks in Nov. 2019
 - Peak hour AM Traffic
 - 39 cars per hour
 - Peak hour PM Traffic
 - 56 cars per hour
- *Analysis*
 - Currently at its most busy hour, Pineburr Ave SW sees less than one car per minute
 - Traffic modeling estimates a total peak AM increase of 20 cars per hour and peak PM increase of 25 cars per hour
 - After development Pineburr Ave will likely an average of 1 car per minute during AM peak hour and 1.35 cars per minute during PM peak hour
- *Conclusion*
 - There is plenty of road capacity to serve this development without creating traffic problems

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Market Demand

- Comparable housing in the market is at 99% occupancy
- According to our market study this development would only satisfy 13% of current demand in the market area

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Long Range Plan Consistency

This development meets the Blueprint Burke Strategic Land Use Plan (2016-2030) Long Range Plan goals of:

- The Long-Range Plan's top housing goal is to encourage higher density development in primary growth areas near municipalities. Encouraging a variety of residential development will meet the needs of a diverse county population
- Develop policies that allow for higher density development in the primary growth areas near municipalities

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Mayor Black asked if there were additional comments or if anyone wished to speak either for or against the conditional use hearing. Deputy Town Clerk Jessica Lail swore in Melvin Nicely, Chad Huffman, Chana Van Meter, Deane Stein, Michelle Davis, Jeffrey Stein and Alice Nicely.

MELVIN NICELY – 610 MILTON AVE SW, VALDESE: Mr. Nicely shared with Council that he is opposed to having this housing development built in this area. Mr. Nicely expressed his concern is for his kids and grandkids and not knowing what type of person would be living there. Mr. Nicely does not feel that the people living there will be locals. Mr. Nicely thinks that the Town is only concerned about collecting money. Mr. Nicely stated he is very worried about the traffic and where the entrance and exit would be.

CHAD HUFFMAN – 628 WILSON AVE SW, VALDESE: Mr. Huffman shared with Council his concerns with people trespassing on his property, thinking it is a part of the park, and asked if there would be a barrier put up around the apartments. Mr. Funk, the Developer, shared with Mr. Huffman that if the need arises that they would work with the surrounding citizens. Mr. Huffman is concerned about the children in the area and the turkey buzzards that roost in the trees on the property. Mr. Huffman is also concerned about the narrow roads and the amount of traffic that this would bring.

CHANA VAN METER – 707 WILSON AVE SW, VALDESE: Ms. Van Meter asked Council if this project was inevitable and what a judicial-hearing is. Mayor Black explained that this project was not inevitable and what this hearing was about. Ms. Van Meter explained that several years ago, when this project was presented at Mt. Calvary that at that time, there were going to be 46 apartments and wants to know why it had gone up to 66 apartments. Ms. Sherry Long explained that the cost per unit was so high that the project was not funded, so to make it a feasible project, they have to increase the number of units. Ms. Van Meter asked if there would be fencing. Mayor Black explained that the developers would work with the surrounding citizens. Ms. Van Meter feels that this would ruin the area and is not happy about the project and does not think that this is the right thing to do.

DEANE STEIN – 609 PINEBURR AVE SE, VALDESE: Ms. Stein asked Council why there wasn't a speaker or video of the meeting streamed so that everyone attending could hear. Mayor Black explained that under these unusual circumstances, this was the best that we could do. Ms. Stein asked why this project was

going from 56 to 66 units. Ms. Sherry Long explained to Ms. Stein the reason why it had to be increased. Ms. Stein asked if a Land Survey had been completed to see if it would accommodate the building. Ms. Stein explained that there are turkey vultures in the area and wanted to know if anyone had looked into that. Ms. Sherry Long stated that part of the process would be contacting the Wildlife preservation to survey the land and send them the scope of work and that there had been a land survey. Ms. Stein said that citizens would be calling Wildlife to report. Ms. Stein feels that 66 apartments are too many and is worried about the traffic through the area. Ms. Stein asked if the grant was not awarded what would happen. Mayor Black explained that they would not purchase the property if the grant was not awarded.

MICELLE DAVIS – 624 MILTON AVE SW, VALDESE: Ms. Davis asked Council why this site. Town Manager Seth Eckard explained that the Town was approached by the developers to build this project. Ms. Davis is opposed to having the apartments built because it would be too crowded. Ms. Davis asked if the trees would be cut down and shared with Council how important that area is to her and her family. Ms. Davis stated that she would sell her house if this happened.

JEFFERY STEIN – 609 PINEBURR AVE SW, VALDESE: Mr. Stein has lived at his home for five years and came to Valdese because he loves this town. Mr. Stein explained that he has lived in apartments before and knows how that is. Mr. Stein has made peace with this idea but feels that with the traffic and people coming in he may sell his house. Mr. Stein informed Council the entrance would be right next to his house, and he does not need 66 units in his back yard.

ALICE NICELY – 610 MILTON AVE SW, VALDESE: Ms. Nicely asked Council why this property was not put into a Children's Park and said it was donated for that reason. Ms. Nicely shared history on how many children played in that area and how much she cleaned up the area. Ms. Nicely said the Town would never come and check the park out. Ms. Nicely's main complaint is there may not be a fence around the apartments and wants a fence put up. Ms. Nicely is opposed to the apartments and feels like her property will go down in value. Ms. Nicely thinks that the children need something on that end of the Town to be able to play at.

Mr. Johnson informed Council that some of the things shared were based on emotions and not factual information. Mr. Johnson explained to Council that the developer is not required to put up fencing but to put up a buffer. Mr. Johnson shared that they do meet the requirements to develop a 66 unit housing development.

Councilman Hildebran feels that there is a lot of misinformation and that the citizens don't have the true facts. Councilman Hildebran asked Mr. Johnson if the number of apartments had been changed. It was explained that around five years ago, the housing number was lower when the project was brought up. Mr. Johnson shared that no one called the Town to gather information or ask questions before the hearing and that the hearing had been advertised properly.

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, based on the factual issues and qualifications, seconded by Councilman Sweezy. All Council members voted aye except for Councilwoman Hildebran, who opposed.

PUBLIC HEARING FOR CONDITIONAL USE PERMIT APPLICATION #2-3-20 TRON PLACE (STROUP)

Mayor Black introduced the Conditional Use Hearing and asked if anyone wished to speak either for or against to please come forward and be sworn in by Deputy Town Clerk Jessica Lail. Ms. Lail administered oath to Mark Morgan, Real-estate Developer, with MC Morgan & Associates.

Mayor Black declared the public hearing open.

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

Permit for Multi-family Development in R-12 Zoning District, Conditional Use Permit #2-3-2020.

APPLICANT

MARK MORGAN, MC MORGAN & ASSOCIATES INC

PROPERTY OWNER:

JOHN RAY STROUP

REQUEST:

On March 9, 2020 the applicant requests a Conditional Use Permit to allow for a multi-family development in the R-12A zoning district.

LOCATION:

251 PRALEY ST NW

LAND USE AND ZONING:

The 9.22 vacant and undeveloped tract is zoned Residential District (R-12A).

The R-12A Residential District is intended to be a moderately quiet, medium-high density residential living areas consisting of single-family, duplexes and multi-family dwellings, along with limited home occupations and limited private and public community uses.

R-12A Residential is considered a “floating” zoning district. This designation is used to identify parcels within town limits that are conducive for apartments, condominiums, etc., and yet restrict other residential uses found in the R-8 Residential District.

Surrounding Zoning:

North: R-12 Residential

South: R-12 Residential

East: R-8 Residential and R-12 Residential

West: R-8 and B-1 Central Business District

Surrounding Land Use:

North: Vacant and Undeveloped

South: Single-Family Residential

East: Single-Family Residential and Office/Institutional (Valdese First Baptist Church)

West: Residential, Commercial (Car Wash) and Office/Institutional (Valdese Elementary School)

TRANSPORTATION:

The proposed egress and ingress to the property is by way of Praley Street NW. Praley Street NW is identified as a local residential street and is maintained by the Town.

A traffic count was conducted by the Town of Valdese Public Works Department. The count showed an average daily count of 821 on Praley Street NW. Peak times identified from the count were 10:00 am, with the average daily count of 91 vehicles. Between Noon and 3:00PM, the average vehicle count was 70 vehicles.

Public Services Director Greg Padgett has reviewed the plans for Tron's Place Multifamily Development and has determined that Praley Street NW has the capacity to accommodate the additional traffic generated by the proposed 60 unit elderly development.

UTILITIES:

The Town of Valdese has the capacity and will provide water and sewer services. A 6 inch water line and 8 inch sewer line lie within street right of way of Praley Street NW. One master meter is being proposed in lieu of 60 individual meters.

Additionally, Valdese Public Works shall not be responsible for any garbage pick-up or rough trash services.

LAND USE PLAN:

The Valdese Land Use Plan identifies the future land use as undeveloped.

CONDITIONAL USE REQUEST HISTORY:

There is no conditional use history on this property.

APPLICABLE CODE SECTIONS

(Please note that no technical compliance criterion is required.)

Section 9-3052 Neighborhoods Residential District (R-12A)

- 1) The R-12A district is intended to be a moderately quiet, medium-high density residential living area consisting of single-family, two-family and multi-family dwellings, along with limited home occupations and limited private and public community uses.
- 2) Uses permitted with a conditional use permit: **Multi-family building**, Residential Care Facilities, Planned Unit Development-Residential, Public and Private School, Gated Subdivisions.

Section 3052.2 Off-Street Parking and Loading Requirements

- 1) Off Street parking and loading requirements shall be met for all uses as required by Article F of the Zoning Ordinance.

Article F – Off Street Parking Requirements

9-3071 Parking Spaces to be required and permanent

- i) The off-street parking space required shall be permanent spaces and shall not be used for any other purpose.
- ii) 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.
- iii) Required off-street parking spaces for any use shall not be located more than 400 feet from the use they are intended to serve.

Section 9-3074 Schedule of Parking Spaces

- iv) Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following use classifications: Senior Housing, 1 space for each unit.

Section 9-3076 Parking Lot Design Requirements

- v) 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 concrete or asphalt.
 - 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.

Section 9-3077 Landscaping of Parking Area

- g) 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.
- h) 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.
- i) 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.
- j) Adhere to Tree and Shrub specifications.
- k) Meet the abutting property landscaping requirements.

Sec. 9-3147 Conditional Uses.

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 the various use districts.

POSSIBLE FINDINGS AS RELATED TO THE GENERAL STANDARDS FOUND IN SEC. 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

- 2) The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

Applicant complies

- 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

REVIEW/DISCUSSION:

The Valdese Town Council is required to 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 proposed 60 unit elderly/multi-family housing development is for the person's age 55 yrs. and older. The applicant plans to construct one 3-story building that will include (31) one-bedroom units and (29) two-bedroom units. The applicant currently maintains an option to purchase the property if funding for this project is approved by the State. The proposed development is permitted with conditional use approval from Valdese Town Council.

The application is for senior housing (age 55 years and older) and according to data from the Developer; this is a need in Burke County and more specifically in Valdese. The site is located one block from the center of town and will be visible along Main Street. Additionally, the apartments allow access to all the local amenities. Mr. Mark Morgan of MC MORGAN & ASSOCIATES INC has recently completed a 60 unit multi-family apartment project in Hildebran.

The project must meet or exceed all zoning requirements of the R-12A Neighborhood Residential District and Article F Off-Street Parking. Based upon the projection of 60 units, 1 parking space for each senior housing unit (minimum of 60) must be made available. The developer will be providing 64 spaces. The minimum area for each parking space shall be 9ft x 18ft, which is consistent with town's parking requirements.

Traffic count show an average daily count of 821 cars on Praley Street NW. Average count during morning and afternoon peak times of are 91 and 71 respectively.

The Town of Valdese Public Works Department has stated that the property will be served by a 6 inch water line and an 8 inch sewer line. Valdese 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 Town of Valdese has the capacity to serve the development.

Finally, proposed development is consistent with the Valdese Vision Plan.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed the Conditional Use Permit Application on Thursday, May 21, 2020 and unanimously voted to recommend Town Council approval without conditions.

Mr. Mark Morgan presented the following presentation:



Photo of Admiral Pointe Apts in High Point NC. Building design proposed in Valdese



Mr. Morgan shared this housing consists of 60 units, three stories, one to two-bedroom, and an all-inclusive apartment complex with an elevator. It also would include an internal clubhouse with a computer and work station, on-site management offices, a fitness center, a library, and on-site storage separate from the unit. The access in and out of the apartments would be on the Praley Street side. The rent ranges from \$400 - \$760. Mr. Morgan shared that a traffic study had been completed, and there was one car every two and a half minutes that came through.

Councilwoman Stevenson shared with Mr. Morgan that she has talked with several citizens that live on Faet Street and would like to know if their homes would be protected from looking at the back of the building. Mr. Morgan explained that this was a large building, but the building would be lowered about nine and a half feet because of the hills so you would see the top two stories. From the houses on Faet St., you would not see much of the building but trees.

Mr. Johnson explained to Council that this process is the same as the one before and may or may not be awarded. Mr. Johnson said it would be highly unlikely for two of these projects to be awarded.

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 Sweezy stated that he feels all conditions for this project have been met and made a motion to approve the Conditional Use Permit, seconded by Councilman Ogle. The vote was unanimous.

UPDATE TO SALARY & POSITION GRADE SCHEDULE Town Manager Seth Eckard explained to Council that two new positions had been created. The positions created were Public Service Director and Assistant Public Works Director. These positions were looked at by the Towns consultant, David Hill, who recommended the salary grade. Mayor Black confirmed that the Public Service Director would be over Public Works and the Water Resources, and the Assistant Public Works Director would be over the day-to-day operations at Public Works. Councilwoman Hildebran asked if we would save money. Town Manager said yes because we would not rehire the Public Works Director position. The Assistant Public Works Director is Allen Hudson.

Councilman Sweezy made a motion to approve the two new positions, seconded by Councilwoman Stevenson. The vote was unanimous.

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

Valdese Town Council Meeting

Monday, June 1, 2020

Budget Amendment #

24

Subject:

2020 Street Paving Project - Ivy Lane

Description:

This amendment covers an additional 28 tons of asphalt used along with undercutting and stabilizing areas of poor subgrade with crushed stone. This road when adopted was not to code with Town acceptable specifications, and thus the subgrade was in worse condition than initially anticipated.

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	Powell Bill-Restricted Fund Balance		5,500
Total		\$0	\$5,500

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5700.740	Capital Outlay	5,500	
Total		\$5,500	\$0

Section II:

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

Councilwoman Hildebran 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:

Mr. Eckard stated that June 2nd was the last day for architects to submit an RFQ for the Public Safety building. Mr. Eckard asked the Mayor to select two Council members to serve on the review committee. Councilman Sweezy volunteered to serve, and Mayor asked Councilmen Ogle if he would, and he agreed.

MAYOR AND COUNCIL COMMENTS:

Councilman Ogle shared that his preacher at Mt. Calvary recorded his sermons using his phone, Facebook, and YouTube and said it was something to think about in the future for recording Council meetings.

Councilwoman Hildebran addressed Ms. Draughn's public comment that has been mentioned several times regarding submitting the Council Agenda earlier. Ms. Hildebran asked Town Attorney Mark Mitchell if we are required by law to send the agendas out any earlier than we do. Mr. Mitchell stated that it was a courtesy to send it out, but he did not think it was required by law. Ms. Hildebran feels that we are very transparent and shared that sometimes the public may see the agenda before Council does. Ms. Hildebran asked the Council if they wanted the packets earlier, and if not, we need to let Ms. Draughn know. Councilwoman Stevenson does not want it published earlier in case something comes up last minute that we need to include. After a brief discussion, it was decided that the agendas would continue to be sent out as they are now, and the Town Manager would respond to Ms. Draughn. Ms. Hildebran also addressed the recording of the Council meeting and streaming it live. Mr. Johnson explained that the plan is to upgrade all the equipment in the Council Chambers in FY 22-23, and we could include that in the plans. Councilwoman Hildebran asked if staff would let Ms. Draughn know if she could attend the June 11th, 2020, 909 Main Street property hearing. Mr. Johnson explained that this was not a public hearing but a hearing for the new property owner to sit down with the Code Enforcement Officer to go over the process. Mr. Eckard will respond to Ms. Draughn.

ADJOURNMENT: At 8:30 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, June 29, 2020, 6:00 p.m., Valdese Town Hall.

jl Town Clerk

Mayor

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
JUNE 29, 2020**

The Town of Valdese Town Council met on Monday, June 29, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Roy F. Sweezy, and Councilman J. Andrew Thompson. 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:

FACE MASKS: CARLA BERRY, 204 COLOMBO ST. NW, VALDESE: Ms. Berry suggested that the Town provide face mask to citizens that cannot get masks. Ms. Berry also shared with Council that she is not speaking to the library and the budget but wants everyone to be careful about how it is addressed and how it is done. Ms. Berry does not want the Town to get stirred up.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF JUNE 1, 2020

APPROVED AGREEMENT WITH WPCOG FOR 2020-2021 TECHNICAL PLANNING ASSISTANCE The agreement with WPCOG for Technical Planning Assistance in the amount of \$24,551.00, an increase of \$481 in cost from FY 19-20.

APPROVED AGREEMENT WITH WPCOG FOR PUBLIC UTILITY GIS MAINTENANCE SERVICES The agreement with WPCOG for GIS Maintenance for FY 2020-2022 to maintain the utility and cemetery GIS in the amount of \$8,802.

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

FY 2020-2021 BUDGET PUBLIC HEARING & ORDINANCE ADOPTION: Mayor Black provided Public Hearing instructions to members of Council and those that wish to speak. Mayor Black opened the Public Hearing. Mayor Black asked Town Manager Seth Eckard if there had been any changes since the June 1st, 2020, Council meeting. Mr. Eckard said there were no changes, but the staff had conducted additional research on the Library donation and asked Finance Director Bo Weichel to provide Council with that information.

Here are Mr. Weichel's findings: "I reached out to Mr. Wilson to gain a better understanding of the library budget and usage. I asked him several questions with the goal of providing Council an analytical approach towards library funding.

I'd like to present the questions I asked along with the information gathered for each. The information sources is a mixed between Mr. Wilson, county Finance Director, and financial reports I looked at.

1. Upcoming proposed budget for each library branch.

What I found is that the County does not have a separate budget for each branch, other than a few specific categories. The majority of the proposed budget is lumped together for the library system as a whole.

Removing the outlier of capital projects last year, the upcoming budget for the whole library system has an overall increase of almost \$95,000. There are three factors that make up this increase:

- a. Morganton plans to contribute 30,000 toward their branch renovation
- b. The county is going to match that amount with another 30,000 for capital
- c. Library staff full time salary costs are increasing by 38,000

They made a few thousand in cuts to wind up at the 95,000 increase.

2. Breakdown of base salaries and title for positions staffed at the Valdese branch.

Was not provided salary information but I do have a listing of staff that service the Valdese branch.

- Full time: 2 library assistants and 2 Library Program Specialists
- Part time: 1 Library Page and 1 Library assistant

So there is a total of 4 full time and 2 part time staff dedicated to Valdese within the County budget.

3. Method of allocation or formula used for determining how revenues are distributed to each branch.

Response was they do not have an allocation formula for each branch.

4. A report or some form of documentation showing what specifically the Town's donation was spent on at the Valdese branch during the past year.

There is no way to be specific on what Valdese donation versus other revenues are spent on.

5. Any cost saving initiatives that may have been implemented in the last few years at any of the branches.

No response.

6. Explanation of the budget surplus of a couple hundred thousand shown in the County's audited financial statements for the prior two years.

They responded that the surplus was capital funds not used and subsequently carried over from the Valdese branch renovation. Since there is not any transparency between operating and capital budgets, there is no way of telling if all of this was surplus was 100% capital funds or a mix of both.

7. Explanation of where the Town's annual donation is recognized in the County budget.

All funds received by the municipalities are in the "Other Unrestricted Intergovernmental" revenue line which is proposed around \$700,000. So the town's contribution is included in that mix bag of revenue – available for any purpose the County sees fit. Not in a restricted category to be used only on the Valdese library.

8. Asked for a report showing data for Valdese library branch users.

The information provided shows that 1,077 current cardholders are citizens of Valdese.

Of this amount, 465 cardholders have been active within the past 6 months.

Over the past three years, 1,048 cardholders have checked out at least 1 item from the Valdese branch. Three years was used due to impacts from the virus this year and renovations last year possibly skewing the data.

What the report did not show was how many cardholders came to use a computer or attend programs."

Councilman Ogle asked Mr. Eckard if we have checked to see if the different counties around us pay towards their library. Mr. Eckard shared that in Caldwell County, none of the Municipalities give donations to the County Library System. Mr. Weichel said that the City of Conover gives to their County library.

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

WILL MUELLER, VALDESE: Mr. Mueller's comments were submitted online and were read by Deputy Town Clerk, Jessica Lail:

To: Mayor John F. Black; Town Manager Seth Eckard; Town Council Members J. Andrew Thompson, Susan Stevenson, Roy Sweezy, Frances Hildebran, Keith Ogle; Financial Officer Bo Weichel; Town Attorney Mitchell;

Dear Sirs and Ma'ams: It has come to the attention of those residents of Valdese for whom the Library is not just a "convenience", but a necessity for a town that would like to think of itself as forward-thinking and -acting, that funding for the Valdese Branch (which had already been reduced from \$50,000 to \$40,000 in last year's budget) is proposed to reduce further from \$40,000 to \$0 (that's Zero) in the budget for 2020-21.

Since 1982, when the Valdese Library became a branch of the Burke Co. Library System (and the Valdese Branch became co-owned by Valdese and Burke Co.), Valdese has contributed a share toward the financial support of its Library Branch. For some time now, that share has been \$50,000 per year (until last year, when it was reduced to \$40,000), approximately 1/6 (17%) of the yearly operating costs of our branch.

The concerned citizens of Valdese listed on the signed copies of our petition, ask each of you to search your hearts for the memory of a library, whether ours or some other, that helped you attain the education and knowledge that supported your rise to the position of responsibility that you hold today. Use that responsibility wisely, with compassion for those who seek knowledge and enlightenment, for they may wear your mantle of responsibility some day. We request that the Town Council and Manager re-visit the proposed budget with a sharpened pencil, find that \$50,000, and reinstate it as part of the budget beginning July 1, 2020.

Respectfully, Will Mueller

DEBBIE BRADLEY, VALDESE: Ms. Bradley shared some history with Council when she was the HR Director for the City of Morganton, and in 1985, there was discussion of the library going from non-profit to the county. Ms. Bradley has heard people say that Burke County should be solely responsible for the library and have been doing it for 35 years. She shared memories as a child using the library. Ms. Bradley still uses the library today and enjoys checking out books. Ms. Bradley feels it is an important resource. Ms. Bradley asked Council to consider putting in at least \$40,000.

KAY DRAUGHN, VALDESE: Ms. Draughn asked the Council to reinstate the library funding and provided a petition with 159 signatures of people who also wanted the library reinstated. Ms. Draughn feels that it is a valuable resource for the whole community and the County.

JEAN COLE, VALDESE: Ms. Cole shared with Council that she wanted to give a balanced public opinion on the library funding. Ms. Cole feels that as a Valdese citizen, she is double taxed in paying taxes for Valdese and Burke County toward the Library. Ms. Cole feels we need to revisit what taxes go where. Ms. Cole feels in the future, we should give the library money if we have it, but we need to wait and see.

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

Mayor Black informed Council that the FY 2020-2021 Fee Schedule, FY 2020-2021 General Fund Capital Improvement Plan, and FY 2020-2021 Utility Capital Improvements Plan need to be approved prior to the adoption of the Fiscal Year 2020-2021 Budget Ordinance.

Councilwoman Stevenson made a motion to adopt the **FY 2020-2021 Fee Schedule** as presented, seconded by Councilman Ogle. The vote was unanimous.

Councilwoman Hildebran made a motion to adopt the **FY 2020-2021 General Fund Capital Improvement Plan**, seconded by Councilman Sweezy. The vote was unanimous.

Councilman Sweezy made a motion to adopt the **FY 2020-2021 Utility Capital Improvements Plan**, seconded by Councilman Ogle. The vote was unanimous.

Councilman Sweezy feels that there are available funds to fund the Library for \$40,000 and possibly fund the Facade Grant Program that was cut out completely.

Councilman Sweezy made a motion to transfer available funds that have been made available due to circumstances to fund the Library at \$40,000 and any remainder to the Façade Grant Program, seconded by Councilwoman Hildebran.

Councilwoman Stevenson feels that we need to investigate where our funds are going at the Library. Councilwoman Stevenson says we had to cut essential equipment to the Fire Department, and the

employees are not getting a COLA this year. Councilwoman Stevenson feels we may need the money not spent on canceling Friday night activities in the future. Councilwoman Stevenson does want to fund the Library but feels it's too early to tie up funds. Councilwoman Hildebran feels that this has been a line item discussed for several years. Councilwoman Hildebran recommends that the Town's Manager, Finance Director, Manager of the County, and the Library Director meet to see if we can reach an agreement based on population and possibly come up with specific usage for the money. Councilman Thompson has received many phone calls and emails from citizens who want the Library funded but no calls from anyone who did not want to see the library funded. Town Manager Seth Eckard has already reached out to the Library Director to schedule a meeting to start a discussion on an agreement. Councilwoman Hildebran has received numerous phone calls, email, and text messages from citizens that want the Library funded and supports it. Mr. Eckard recommends if Council wants to fund the Library to use some of the savings that we will have from canceling the remainder of the Friday Night Concert Series for 2020. Also, money for Christmas light replacement or new ideas, and miscellaneous funds that included some money going to the Board of Elections. Mayor Black asked Finance Director where we were with our revenues currently. Mr. Weichel says we have not closed out the fourth quarter yet, but we are looking at around \$109,000 short on revenues that we should have received in the fourth quarter. \$50,000 from recreation, \$15,000 for recycling/trash, and \$40,000 from state shared revenues.

Mayor Black expressed to Council his concern with our employees not getting a COLA and feels that if they are going to fund the library, they need to find the dollars to provide the employees with a COLA. Mayor Black stated that we have always said our employees are the most valuable asset to the Town.

Councilwoman Stevenson feels that we are spending before we have it, and we need to wait to see what happens.

Mayor Black revisited the motion that was on the table before discussion: Councilman Sweezy made a motion to transfer available funds that have been made available due to circumstances to fund the library at \$40,000 and any remainder to the Façade Grant program, seconded by Councilwoman Hildebran. The vote was as follows: Hildebran-aye, Sweezy-aye, Thompson-aye, Ogle-nay, and Stevenson-nay.

TOWN OF VALDESE BUDGET ORDINANCE FISCAL YEAR 2020-2021

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, 2020, and ending June 30, 2021, in accordance with the chart of accounts heretofore established for this town:

GENERAL FUND - OPERATIONS	\$	5,702,543
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Governing Body	\$	67,971
Administration		1,001,572
Public Works		285,090
Maintenance & Grounds		260,513
Planning		121,284
Police		1,031,661
Fire		907,336
Street		360,498
Powell Bill		19,500
Sanitation		301,430
Recreation		832,030
Tourism/Community Affairs		513,658

GENERAL FUND - CAPITAL OUTLAY	\$	636,500
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Governing Body	\$	-
Administration		49,500
Public Works		-
Maintenance & Grounds		-
Planning		-
Police		41,000
Fire		45,000
Street		325,000
Powell Bill		125,000
Sanitation		-
Recreation		20,000
Tourism/Community Affairs		31,000

WATER SEWER FUND - OPERATIONS	\$	4,908,381
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Water	\$	1,956,317
Wastewater		1,858,506
Water & Sewer Construction		1,093,558

WATER SEWER FUND - CAPITAL OUTLAY	\$	130,600
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Water	\$	45,000
Wastewater		45,000
Water & Sewer Construction		40,600

TOTAL BUDGET	\$	11,378,024
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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, 2020 as follows:

GENERAL FUND	\$	6,339,043
UTILITY FUND		5,038,981

TOTAL REVENUES	\$	11,378,024
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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, 2020, 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 \$387,557,794 will generate a levy of \$2,047,557 with an estimated collection rate of 96.94%.

Section 4: As set forth in the Utility Fund Debt Service Section of the FY 2020-2021 budget document, the amount of \$386,674 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, 2020, and ending June 30, 2021.

Section 5: As set forth in the General Fund Debt Service Section of the FY 2020-2021 budget document, the amount of \$260,244 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, 2020, and ending June 30, 2021.

Section 6: The operating funds encumbered on the financial records of June 30, 2020 are hereby reappropriated into this budget.

Section 7: The corresponding "Fiscal Year 2020-2021 Rate and Fee Schedule" 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.

This ordinance is adopted on this the 29th day of June, 2020.

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

Attest: /s/ Town Clerk

Councilwoman Hildebran made a motion to adopt the **FY 2020-2021 Budget Ordinance**, seconded by Councilman Thompson. The vote to adopt was as follows: Hildebran-aye, Sweezy-aye, Thompson-aye, Ogle-nay, and Stevenson-nay.

APPROVED RESOLUTION FOR SUPPORT OF APPLICATION TO THE 2021 RECREATIONAL TRAILS PROGRAM

Resolution in Support of Application to the 2021 Recreational Trails Program – Valdese Lakeside Park Mountain Bike Trail System

WHEREAS the Division of Parks and Recreation, the North Carolina Trails Program and the North Carolina Trails Committee value trail projects that are legal, safe, managed and provide connectivity, reasonable public access and parking; and

WHEREAS the North Carolina State Trails Program administered by the North Carolina Division of Parks and Recreation is tasked with distributing funds from the 2021 Recreational Trails Program (RTP); and

WHEREAS the North Carolina Trails Program and North Carolina Trails Committee invite applications for RTP grant funding for sustainable, shovel-ready projects that leverage local funds to meet recreational trail needs, in an effort to provide low infrastructure economic development opportunities through natural resource tourism; and

WHEREAS the Town of Valdese supports the Valdese Lakeside Park Mountain Bike Trails RTP Grant application to design and construct approximately five miles of intermediate natural surface mountain bike trails at Valdese Lakeside Park; and

WHEREAS in order to receive funds the Town of Valdese is required to provide a 25 percent match, or \$62,500 to the requested grant amount of \$250,000; and

WHEREAS the Town of Valdese will use the planning and engineering costs that were incurred as part of the 2019 PARTF project as its 25 percent match for a trailhead parking area and an approximately 4,000 linear foot crushed fines greenway that will support the mountain bike trail system; and

WHEREAS the project will be completed within a 3-year time frame.

NOW THEREFORE the Town of Valdese Council resolves to support the application to the 2021 Recreational Trails Program.

RESOLUTION was unanimously adopted.

This is 29th day of June, 2020.

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

ATTEST:

/s/ Town Clerk

Councilwoman Hildebran made a motion to approve the Resolution for Support of Application to the 2021 Recreational Trails Program, seconded by Councilman Sweezy. The vote was unanimous.

Mayor Black asked Parks & Recreation Director Doug Knight to explain the plan with the Pool Bubble. Mr. Knight shared that the pool will only be open to a certain number of people, including lap swimmers who have to schedule their swim. Mr. Knight has to limit the number of swimmers. Revenues are down, so not taking down the bubble will save on expenses. Mr. Knight shared there is no safe way to take the bubble down six feet distancing. There will also be savings with the amount of chemicals that will not have to be put in the pool due to no sun exposure. The cost to take down the bubble is around \$12,000 that would be saved. Councilman Ogle asked why the pool couldn't be open all day. Mr. Knight shared that we only have one full-time lifeguard, but he is the supervisor and has other important tasks to complete in a day.

AWARD OF BID – CHLORINE DISINFECTION CONVERSION RJ Mozeley, with McGill & Associates, presented a Resolution for a tentative award of bid for the Water Treatment Plant Disinfectant Conversion Project. Staff and McGill Associates, P.A., recommends awarding the bid to the lowest responsible bidder Gilbert Engineering Company in the amount of \$676,600.00. (Other bids: The Harper Corporation - \$726,000.00 and Carolina Grading and Utilities - \$1,440,175.00)

RESOLUTION OF TENTATIVE AWARD

WHEREAS, the Town of Valdese, North Carolina has received bids, pursuant to duly advertised notice therefore, for construction of the Water Treatment Plant Disinfectant Conversion (NCDWI Project H-SRP-D-18-0163), and

WHEREAS, the Town's Consulting Engineer, McGill Associates, P.A. has reviewed the bids; and

WHEREAS, Gilbert Engineering Company, Inc. was the lowest responsive, responsible bidder for the Water Treatment Plant Disinfectant Conversion (NCDWI Project H-SRP-D-18-0163), in the total bid amount of \$676,600.00, and

WHEREAS, the consulting Engineer recommends **TENTATIVE AWARD** to the lowest responsive, responsible bidder.

NOW, THERE FORE, BE IT RESOLVED that **TENTATIVE AWARD** is made to the lowest bidder(s) in the Total Bid Amount of \$676,600.00.

Name of Contractor	Amount
1. <u>Gilbert Engineering Company</u>	<u>\$676,600.00</u>
2. <u>The Harper Corporation</u>	<u>\$726,000.00</u>
3. <u>Carolina Grading and Utilities</u>	<u>\$1,440,175.00</u>

BE IT FURTHER RESOLVED that such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Division of Water Infrastructure (Funding Agency) and upon additional funds offered from the Funding Agency to cover all project costs.

Upon motion of _____, seconded by _____, the above **RESOLUTION** was unanimously adopted.

This is 29th day of June 2020.

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

ATTEST:

/s/ Town Clerk

Mayor Black asked if the bid \$676,600.00 was close to the number that we had plugged into our CIP. Mr. Mozeley explained that it is an increase of \$225,000.00. It is now \$883,000.00 for the total project. The original construction bid was anticipated to be around the \$500,000.00 mark, but it came back at the higher level. \$164,575.00 was the original state principle forgiveness amount. The CIP will be adjusted next year to account for the increase. Mr. Mozeley stated that the equipment bids we received were more than what had been developed in the original estimates.

Councilman Ogle made a motion to award the tentative bid to Gilbert Engineering Company, in the amount of \$676,600.00, seconded by Councilwoman Hildebran. The vote was unanimous.

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

Town Offices will be closed on Friday, July 3rd, 2020, in observance of Independence Day.

We are very unfortunate we are going through the COVID-19 pandemic, and we hate that we cannot have our 4th of July celebration. We look forward to next year.

Please remember to complete your Census form. This will affect the Town's revenues for the next ten years.

MAYOR AND COUNCIL COMMENTS:

Councilwoman Hildebran shared that Mr. Daryl Johnson, who purchased the home at 909 Main St. from Mr. Deal, has passed away. This will put the house on hold until we find out who will own the property.

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., Councilman Sweezy 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 Councilman Ogle. The vote was unanimous.

At 7:03 p.m., Councilman Ogle made a motion to return to Open Session, seconded by Councilwoman Stevenson. The vote was unanimous.

TOWN MANAGER'S CONTRACT ADJUSTMENT Councilwoman Stevenson made a motion that if Council decided to terminate Mr. Eckard from his position, he would be paid six months of severance pay contingent upon his willingness to change his resignation notice from thirty days to ninety days, seconded by Councilwoman Hildebran. The vote was unanimous.

ADJOURNMENT: At 7:04 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, August 3, 2020, 6:00 p.m., Valdese Town Hall.

Town Clerk
jl

Mayor

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
AUGUST 3, 2020**

The Town of Valdese Town Council met on Monday, August 3, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and various department heads.

Absent: None.

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT: No comments

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING AND CLOSED SESSION MINUTES OF JUNE 29, 2020

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

WPCOG CODE ENFORCEMENT UPDATE: Code Enforcement Officer Todd Justice updated Council on 401 Bass Street. Mr. Justice shared a re-cap starting back on February 19th, 2020 when Ronnie Carver was issued a Notice of Violation for nuisance, unsanitary stagnate water, plant overgrowth, construction materials, trash/waste, and three junk vehicles. Mr. Carver cannot read so Mr. Justice worked with his son as well, walking through the property showing them what needed to be completed. Mr. Justice gave the Carver's until March 18th, 2020 to get everything cleaned up. After that deadline had passed, Mr. Justice issued the Carver's with an Order to Remove on March 19th, 2020. Mr. Carver had ten days to comply and/or appeal to the Town. On March 21st, 2020, Mr. Carver did appeal with Planning Director Larry Johnson. Mr. Justice shared that on May 28th, 2020, the Board of Adjustments met for the hearing. The Board of Adjustments voted to uphold the order to remove items from the property. Mr. Justice began the process to find a contractor to clean up the property. Mr. Justice put up a notice on the cars that were going to be towed. After the Carver's saw that, they chained the gates to the property. Mr. Justice went to the Burke County Magistrates office and got an Administrative search warrant to enter the property to confirm or deny that the owner of the property had complied. Mr. Justice shared they worked five-six hours on Friday and Saturday cleaning up the property. The Carver's wanted to save some of the items for scrap metal and Mr. Justice made a deal with them and gave more time for them to clean. The items were never cleaned up so Mr. Justice had the contractor come back and remove. Mr. Justice shared that if it hadn't been for the COVID crisis this process would have been completed in a more timely manner. Mr. Justice shared that if he would have to do it over, he would have included the house, pond, and the backside of the property.

Councilman Ogle shared that the Carver's have moved a lot of items to 708 Church Street. Mr. Justice shared that he has started the process on that property. Councilman Ogle shared that there was no power going from the house at 708 Church Street to the small shack behind it that the Carver's are living in. Councilman Ogle asked if that was legal and Mr. Justice did not know the answer. Mr. Justice will find out.

Councilwoman Hildebran asked for an update on the 909 Main Street property. Mr. Justice shared that Richard Deal sold the property to a Mr. Johnson in Virginia who passed away two weeks after he bought the property. The property is now in an estate. Mr. Johnson's sister is going through the process to sell the property. Mr. Justice explained that we cannot do anything with the property until it has a new owner.

JULY 2020 - CODE ENFORCEMENT ACTIONS TRACKER

CEO Todd Justice, 828-485-4264, todd.justice@wpcog.org

	Address	Status	Mailed NOV/Cit/Order	Category	Violation	Current Status	Latest Activity/Date	Next Suspense
1	822-Cline-Ave		Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
2	330 Sterling St		Y/N/N	Min Housing	Min Housing	On hold per order of TM	New renters on property	-
3	808 Colonial ST		Y/Y/N	Nuisance, AJNMV	Junk and Debris, Junk Vehicles	Cited, 28 FEB deadline. TM ordered bids on cleanup	Will remind owner of Order to Remove and begin bid process for cleanup	-
4	161-Laurel-Ave		Y/N/N	Non-Res-Min	Min-Standards-for-roof	Resolved	-	-
5	401 Bass St		Y/N/Y	Nuisance, AJNMV	Junk and Debris, Junk Veh	Currently in Abatement	Cert Receipt 8APR	-
6	708-Church-St		Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
7	708-Church-St		Y/N/N	AJNMV	2-junk-vehicles	Resolved	-	-
8	909-Main-St		Y/N/Y	Nuisance	Overgrown	Resolved	-	-
9	909 Main St		Y/N/Y	Min Housing	Min Housing	Waiting to determine new owner	-	-
10	804-Carolina-St		Y/N/N	Nuisance, AJNMV	Junk-and-Debris, Junk-Veh	Resolved	-	-
11	1300-Carolina-St		Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
12	1436 Main St		Y/N/N	Nuisance	Junk and Debris	NOV Issued	26MAY, still requires sig clean up	Deadline 3APR2020
13	1436 Main St		Y/N/N	AJNMV	Junk-Vehicle	Resolved	-	-
14	725-Tren-Ave		Y/N/N	AJNMV	2-Junk-Vehicles	Resolved	-	-
15	1017-Pringle-St-SW		Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
16	805 Carolina St		Y/N/N	Non-Res Min	Dilapidated outbuildings	Pending demolish	Waiting on COVID restrictions	-
17	520 Walnut Ave		Y/N/N	Min Res	Needs roof/paint	NOV mailed	Town will handle	-
18	102-Meytre-Ave		Y/N/N	Nuisance	Overgrowth	Resolved	-	-
19	321-Becker-St		Y/N/N	Nuisance	Overgrowth	Resolved	-	-
20	3305 Holly Hill		Y/N/N	Nuisance	Junk and Debris	NOV Issued	-	21AUG2020
21	216 Columbo St		Y/N/N	Nuisance	Junk and Debris	NOV Issued	-	21AUG2020
22	216 Columbo St		Y/N/N	AJNMV	Junk Vehicles	NOV Issued	-	21AUG2020
23	708 Church St		Y/N/N	Nuisance	Junk and Debris	NOV Issued	-	20AUG2020
24	708 Church St		Y/N/N	Res Min Housing	No Power	NOV Issued	-	20AUG2020
25	620-Perkins-Rd		Y/N/N	Nuisance	Junk-and-Debris	Resolved	-	-
26	616 Lincoln St		Y/N/N	AJNMV	Junk Vehicle	NOV Issued	-	21AUG2020
Key								
			Resolved/Abated		NOV = Notice of Violation			
			Owner Notified, proceeding		Cit = Citation, usually \$50 a day for 15 days			
			New violation		Order = Order to Remove, Repair or Demolish			

APPROVED UPDATED BBP WATER TANK INTERLOCAL AGREEMENT: President of Burke Development Alan Wood shared with Council that the bids for the water tank are in and before they can be executed the partners in the Burke Business Park would have to approve this updated interlocal agreement. The interlocal agreement covers the building of the tank and what happens after. Mr. Wood shared that if they get started in August with the construction it would be completed by November 2021.

NORTH CAROLINA BURKE COUNTY

INTERLOCAL AGREEMENT CONCERNING CONSTRUCTION AND OPERATION OF A WATER TANK FOR THE BURKE BUSINESS PARK

THIS INTERLOCAL AGREEMENT is made and entered into this 21st day of July, 2020, by and between the COUNTY OF BURKE, a body politic and corporate and a political division of the State of North Carolina (hereafter, the "County"); and the CITY OF MORGANTON, a municipal corporation organized and existing under the laws of the State of North Carolina (hereafter, the "City"); and also the BURKE PARTNERSHIP FOR ECONOMIC DEVELOPMENT, INC., the TOWN OF VALDESE, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter, "Valdese"), the TOWN OF RUTHERFORD COLLEGE, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter, "Rutherford College"), and the TOWN OF DREXEL, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter, "Drexel"), join as additional parties to this Agreement;

8. Funds Generated From the Project. The parties agree that income may be generated from the Water Tank by leasing space on the tank for third-party placement of antennas, or from similar placements upon the tank. Any such income so generated, shall be considered and used to reimburse the Governmental Partners for payments advanced for the Project in the same way and in the same ratio as BPED unrestricted funds, proceeds from the sale of Burke Business Park lots, and ad valorem property taxes are pledged to be used for reimbursement pursuant to the Amendment to Interlocal Development Agreement for Burke Business Park dated November 22, 2019 (the "BBP Amendment"). Upon reimbursement in full of the participating Governmental Partners, funds so generated shall be placed in the Common Fund for such uses as provided in the BBP Agreement.

Any funds generated from the sale or rental of the tank, or from scrapping the tank or other components, shall likewise be used to reimburse the participating Governmental Partners. Upon reimbursement in full of the participating Governmental Partners, funds so generated shall be placed in the Common Fund for such uses as provided in the BBP Agreement.

9. Rights and Obligations of the County. In addition to the foregoing, the County:

- (a) Agrees to continue to serve as applicant and owner for this Grant and any other grants for the Project;
- (b) Agrees to receive and accept all Grant funds as set forth above and to apply the same to the completion of the Project as required under the terms of the Grant;
- (c) Agrees to provide its share of any local matching funds required by the terms of the Grant received in connection with the Project;
- (d) Agrees that the City shall become the owner of the real property on which the Project is constructed, including the 500,000 gallon elevated water storage tank and associated infrastructure, upon completion of the Project, and with the written consent of the other local government owners of BDI, as evidenced by their execution of this Agreement. Title shall be as a fee simple determinable, subject to defeasance if said property ceases to be used as the location of the Water Tank.

10. Rights and Obligations of the City. In addition to the foregoing, the City:

- (a) Agrees to perform all its responsibilities under the West agreements; and to make the County a party to the West agreements, or assign to the County such rights thereunder as the County may request, to complete the Project;
- (b) Agrees, upon completion of the Project, to accept transfer of ownership of the Project, including the elevated water tank and all necessary and related infrastructure;
- (c) Agrees, upon completion of the Project, to be responsible for all operation, repairs and maintenance and costs associated therewith of the elevated water tank and associated infrastructure (except for the placement or replacement of any marketing messages upon the water tank), and for removal and/or replacement of the tank and other infrastructure when appropriate; to maintain the elevated water tank and associated infrastructure in proper working order and good repair so that fire protection and water service for the Burke Business Park is always available; to maintain insurance upon the elevated water tank and associated infrastructure to its full insurable value, with BDI being named as an additional insured; and
- (d) Agrees to provide its share of any local matching funding required by the terms of the Grant received in connection with the Project, which "match" may be in the form of the value of any services provided by City employees or agents, and at least \$75,000 of which shall be its payment to West Consultants, PLLC, for design work and contract management; and
- (e) Agrees to collaborate and cooperate with the County in all matters pertaining to the County's Grant set forth above, on all matters pertaining to the Project prior to completion of the same and for the close out of any above-referenced grant and subsequent transfer of ownership to the City; and to keep the County and BDI fully informed of all income sources and revenues set forth in Section 8, above; and to promptly turn over to BDI all such funds for distribution as provided in Section 8 and the BBP Amendment; and

11. Rights and Obligations of BDI. In addition to the foregoing, BDI:

- (a) Agrees, immediately upon completion of the Project and receipt of the written consent of the other local government owners of BDI, to convey to the City, by warranty deed, title in fee simple determinable to a tract of approximately one and one-half (1Y2) acres of real property, upon

which the elevated water tank is located. The exact dimensions of the tract to be conveyed, which shall be sufficient in size to fully accommodate the tank and any associated ground structures, shall be established by survey and incorporated into the deed description.

(b) Agrees to collaborate and cooperate with the County and the City in all matters pertaining to the obligations of the County or the City set forth above, on all matters pertaining to the Project prior to and after completion of the same, and for the close-out of the above-referenced grant and subsequent transfer of ownership to the City.

IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be executed by their authorized representatives and sealed by their authorized officers, and by the authority duly given, the day and year first above written.

This the 3rd day of August, 2020.

TOWN OF VALDESE

By: /s/ Mayor

Attest: /s/ Clerk

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

AWARD OF BID – STREET PAVING PROJECT: Public Service Director Greg Padgett presented the following bid tabulation prepared by West Consultants for the Street Paving Project of the following streets: Springwood Dr. NE & Oakland Ct NE, Ervin Ave NE, and Becker Ave NE. The lowest bidder was Midstate Contractors Inc., Hickory NC, in the amount of \$431,974.50. Other bids were:

Line Item Description	Quantity	Unit	Midstate Contractors, Inc. Hickory, NC	Maywood, Inc. Mountain City, TN	JT Russell & Sons, Inc. Conover, NC	Tri-County Paving West Jefferson, NC	JLS Company, LLC Skyland, NC	Evans Construction Connelly Springs, NC	Carolina Paving of Hickory, Inc
Base Bid - Springwood Drive NE & Oakland Court NE									
1. Milling/Removal of Ex. Asphalt	1	LS	\$17,168.50	\$25,000.00	\$14,230.00	\$14,479.00	\$18,000.00	\$40,014.00	\$10,000.00
2. Minor Grading/Undercutting	950	CY	\$20.50	\$20.00	\$33.75	\$10.00	\$15.30	\$20.00	\$15.00
3. ABC Stone for Undercut	1,600	TN	\$30.00	\$30.00	\$32.65	\$30.00	\$30.50	\$35.00	\$28.00
4. 3" 50 SC Asphalt	2,650	TN	\$72.00	\$72.41	\$81.25	\$99.00	\$105.00	\$100.00	\$115.00
5. Bonds and Mobilization (Max. 7%)	1	LS	\$9,900.00	\$9,840.00	\$5,000.00	\$1,061.48	\$11,224.55	\$11,400.00	\$7,500.00
Total Base Bid			\$303,983.50	\$303,508.35	\$337,228.00	\$365,257.48	\$388,809.55	\$391,518.00	\$299,000.00
Total as Shown on Bid Form \$300,003.50									
Alternate Bid A - Laurel Street SE									
A1. Milling/Removal of Ex. Asphalt	1	LS	\$9,456.00	\$10,000.00	\$10,000.00	\$9,780.00	\$13,278.00	\$13,008.00	\$7,500.00
A2. 3" 50 SC Asphalt	620	TN	\$75.00	\$76.91	\$84.75	\$99.90	\$105.00	\$101.00	\$115.00
A3. Stamping	1	LS	\$1,450.00	\$1,000.00	\$600.00	\$2,500.00	\$625.00	\$350.00	\$2,500.00
A4. Traffic Loop	1	LS	\$5,900.00	\$1,500.00	\$5,000.00	\$3,500.00	\$2,100.00	\$2,500.00	\$3,500.00
A5. Bonds and Mobilization (Max. 7%)	1	LS	\$1,400.00	\$1,883.33	\$2,000.00	\$2,331.54	\$2,433.00	\$3,350.00	\$1,800.00
Total Alternate Bid A			\$16,006.00	\$14,889.33	\$17,145.00	\$18,049.54	\$18,536.00	\$18,938.00	\$16,600.00
Alternate Bid B - Ervin Avenue NE									
B1. Milling/Removal of Ex. Asphalt	1	LS	\$10,220.00	\$10,000.00	\$7,350.00	\$6,054.00	\$10,375.00	\$7,350.00	\$15,000.00
B2. Minor Grading/Undercutting	140	CY	\$22.50	\$20.00	\$41.50	\$10.00	\$15.30	\$20.00	\$100.00
B3. ABC Stone for Undercut	325	TN	\$33.00	\$40.00	\$17.00	\$30.00	\$30.50	\$35.00	\$30.00
B4. 3" 50 SC Asphalt	500	TN	\$75.00	\$76.91	\$87.00	\$99.90	\$105.00	\$104.50	\$115.00
B5. Grading/Clearing/Raise Utilities for Eave	1	LS	\$6,000.00	\$5,000.00	\$40,000.00	\$5,000.00	\$9,200.00	\$4,000.00	\$10,000.00
B6. ABC Stone for Extension	400	TN	\$32.00	\$30.00	\$40.00	\$30.00	\$30.50	\$30.00	\$30.00
B7. Remove 12" CMP & Reinstall new 15"	1	LS	\$2,380.00	\$3,000.00	\$6,000.00	\$1,200.00	\$3,200.00	\$2,000.00	\$2,000.00
B8. Bonds and Mobilization (Max. 7%)	1	LS	\$7,480.00	\$7,767.65	\$1,000.00	\$1,500.00	\$2,285.89	\$2,700.00	\$2,400.00
Total Alternate Bid B			\$45,258.00	\$59,022.65	\$124,980.00	\$17,914.62	\$18,815.39	\$19,438.00	\$123,600.00
Alternate Bid C - Magnolia Avenue NE									
C1. Milling/Removal of Ex. Asphalt	1	LS	\$8,040.00	\$10,000.00	\$8,200.00	\$6,234.00	\$7,802.00	\$6,580.00	\$5,000.00
C2. Minor Grading/Undercutting	175	CY	\$22.00	\$20.00	\$33.75	\$10.00	\$15.30	\$20.00	\$10.00
C3. ABC Stone for Undercut	200	TN	\$33.25	\$40.00	\$36.00	\$30.00	\$30.50	\$35.00	\$30.00
C4. 3" 50 SC Asphalt	400	TN	\$75.00	\$76.91	\$89.00	\$99.90	\$105.00	\$108.63	\$115.00
C5. Bonds and Mobilization (Max. 7%)	1	LS	\$1,500.00	\$1,627.92	\$1,760.00	\$1,663.32	\$1,803.14	\$1,850.00	\$1,200.00
Total Alternate Bid C			\$11,792.50	\$55,891.92	\$65,466.25	\$57,187.32	\$61,987.64	\$64,122.60	\$61,450.00
Alternate Bid D - Becker Avenue NE									
D1. Milling/Removal of Ex. Asphalt	1	LS	\$7,386.00	\$10,000.00	\$6,850.00	\$5,781.00	\$7,196.00	\$6,062.00	\$5,000.00
D2. Minor Grading/Undercutting	120	CY	\$23.00	\$20.00	\$36.50	\$10.00	\$15.30	\$20.00	\$10.00
D3. ABC Stone for Undercut	200	TN	\$34.00	\$40.00	\$38.25	\$30.00	\$30.50	\$35.00	\$30.00
D4. 3" 50 SC Asphalt Reinforcing	340	TN	\$75.00	\$76.91	\$94.00	\$99.90	\$105.00	\$105.10	\$115.00
D5. Bonds and Mobilization (Max. 7%)	1	LS	\$1,270.00	\$1,396.48	\$1,525.00	\$1,408.41	\$1,524.96	\$1,535.00	\$1,000.00
Total Alternate Bid D			\$43,714.00	\$47,045.88	\$52,365.00	\$48,265.41	\$52,366.94	\$52,731.00	\$52,300.00
Total as Shown on Bid Form			\$375,945.88	\$375,945.88	\$375,945.88	\$375,945.88	\$375,945.88	\$375,945.88	\$375,945.88
Total Base Bid			\$549,083.00	\$549,083.00	\$549,083.00	\$549,083.00	\$549,083.00	\$549,083.00	\$549,083.00

I, Todd J. Potter, PE, do hereby certify that this is a true and correct tabulation of bids received by the Town of Valdese for the Town of Valdese 2021 Street Improvements Project on Thursday, June 18, 2020 at 2:00 PM.

Todd J. Potter
PE



Mr. Padgett shared that the streets chosen to be paved were identified by the paving committee and the roads picked fit within the budget. Councilwoman Hildebran expressed concern with the condition of Harris Ave. that goes to the proposed Subdivision Edelweiss. Councilwoman Hildebran felt the road needed to be resurfaced if a subdivision would go there. Mr. Padgett shared the next cycle of roads to be paved would be in three years.

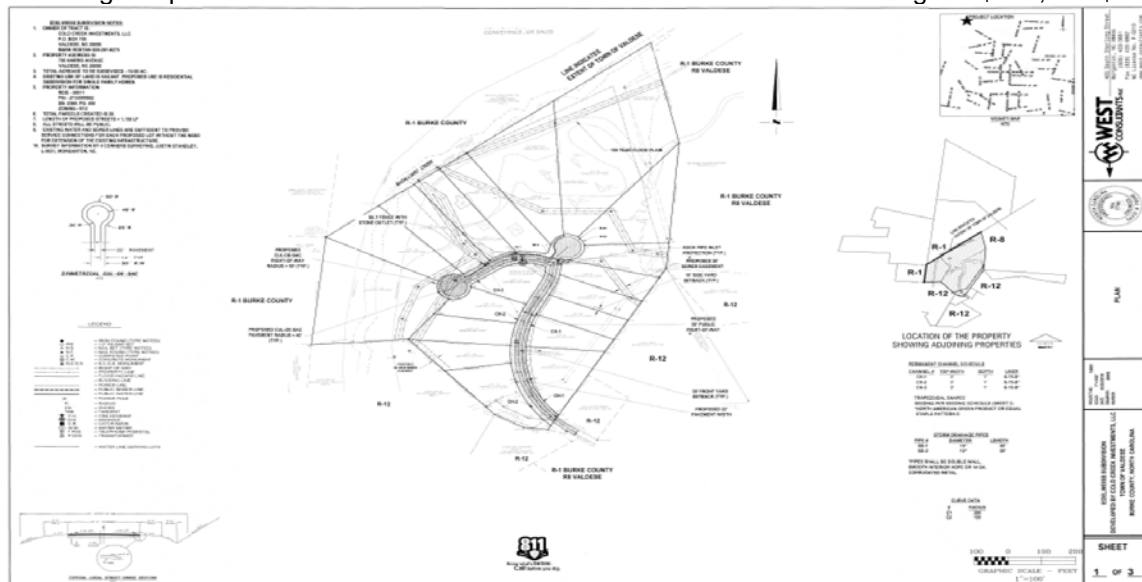
Councilman Ogle made a motion to award the bid to the lowest bidder, Midstate Contractors Inc., Hickory, NC, in the amount of \$431,974.50, seconded by Councilwoman Hildebran. The vote was unanimous.

DISCUSSION OF TRIPLE COMMUNITY PROPERTY, 1492 DREXEL RD.: Public Service Director Greg Padgett discussed the idea of selling the Triple Community Property and taking some of the funds to put into the IA building, located at 305 Church St. NW, to get it in usable condition. The IA building may be used for Public Works storage and the upstairs could be used by other departments. Mayor Black explained the process of selling the property. Councilwoman Hildebran asked if the debt of \$541,000 on the property had been paid off. Mr. Padgett explained it was not specifically on the property but the waterlines. Finance Director Bo Weichel shared that the remaining debt on the waterlines was \$295,000. There is no debt on the building. Councilwoman Hildebran asked if we should put some of the money into our current Public Works facility. Mr. Padgett explained that there is no room to grow at the current facility. All of the equipment has been moved out of the property. Attorney Marc Mitchell asked staff to look into the Deed of Trust.

Councilman Ogle made a motion to surplus the property, seconded by Councilwoman Hildebran. The vote was unanimous.

FINAL PLAT APPROVAL EDELWEISS SUBDIVISION: Planning Director Larry Johnson presented the final plat approval for Edelweiss Subdivision; preliminary plat approval was given at the June 3, 2019, Council meeting. Mr. Johnson explained to Council the process of Plat Approval. Mr. Johnson shared that the street (Harris) will be resurfaced to meet the street requirements for a Subdivision. This will be a public street. Mr. Johnson shared that the cost estimate for construction would be \$113,800. This would include the widening of the street, adding cul-de-sacs, and asphalt overlay. Mr. Johnson explained that Cold Creek Investments would be presenting the Town with a performance guarantee cash deposit of \$145,000. This amount represents 125% of the total infrastructure cost based on the Town's Engineer calculations. The agreement states that the competition date would be April 30, 2021. Mr. Johnson explained the Deed Restrictions for the Edelweiss Subdivision.

Mark Rostan with Cold Creek Investments shared with Council that construction, if approved, would start possibly this fall. Mr. Rostan explained that the houses can be different styles but have to stay within the size range required. The cost construction for the homes would be in the range of \$200,000-\$250,000.



Councilman Ogle made a motion to approve Edelweiss Subdivision Final Plat as presented, seconded by Councilwoman Stevenson. The vote was unanimous.

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

Valdese Town Council Meeting

Monday, August 3, 2020

Budget Amendment #

1

Subject: Solar radar speed sign

Description: Location of sign will be on Laurel St near Forest Dr.

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, 2021:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	Fund Balance Appropriated		3,450
	Total	\$0	\$3,450

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5600.330	Supplies & Equipment	3,450	
	Total	\$3,450	\$0

Section II:

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

Councilwoman Hildebran asked why the sign was being placed at Forest Dr. because the issue was coming from the curve on Laurel close to Main Street. Chief of Police Jack Moss explained that the sign can go anywhere on Laurel that Forest was only a suggestion. After a brief discussion, Town Manager Seth Eckard suggested that Planning Director Larry Johnson and Public Service Director Greg Padgett find the appropriate place to put the sign.

Councilman Sweezy made a motion to approve the aforementioned budget amendment, seconded by Councilwoman Hildebran. The vote was as follows: Thompson - Aye, Hildebran - Aye, Sweezy - Aye, Stevenson - Aye, and Ogle - Nay.

CAPITAL PROJECT ORDINANCE AMENDMENT: Finance Director Bo Weichel presented the following capital project ordinance amendment to Council:

Valdese Town Council Meeting

Monday, August 3, 2020

Capital Project Ordinance Amendment # 1-35

Subject: Public Safety building

Description: To amend capital project ordinance Fund 35
This recognizes \$100,000 reserved in the operating budget to be transferred into the project fund. These funds will be used to help pay for architect fees and other upfront costs associated with the project.

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended as follows.

Section I:

Revenues available to the Town to complete the projects are hereby amended as follows:

Account	Description	Decrease/ Debit	Increase/ Credit
35.3480.000	Transfer to Project		100,000
	Total	\$0	\$100,000

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
35.5300.040	Professional Services	100,000	
	Total	\$100,000	\$0

Section II:

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

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

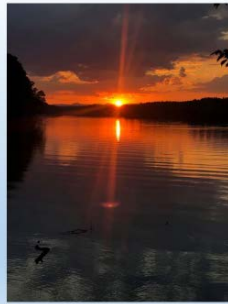
WATER & WAST WATER PLANT PROJECT UPDATES: Public Service Director Greg Padgett presented the following update:

Current Projects August 2020

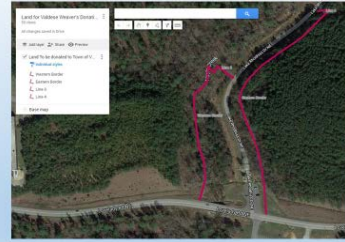
Project Name	Estimated Total Project Cost (\$)	Grant/Principal Forgiveness Amount (\$)	Loan Amount (\$)	Loan Rate (%)	Type of Funding	Target Completion Date
Hydraulic Model - Tool to review system	\$ 45,000	\$ -	N/A	N/A	Budget	completed
AMI Meter Replacement - Watersmart user interface should be ready in October, users can sign up and use	\$ 2,265,386	\$ 566,347	\$ 1,699,039	0.00%	SRP	Sep-20
2018 Water System Line Replacements - Consist of lines in Lakeview Acres Rd., Eastwood Subdivision, Logan Dr., Hill Dr., Zion Rd.	\$ 1,181,700	\$ 500,000	\$ 398,805	0.00%	DWSRF	Apr-20
AIA Sewer Assessment (I&I) - Identifies areas with inflow or infiltration issues.	\$ 150,000	\$ 150,000	-			Oct-20
Centrifuge Project - Replaces all the electrical and electronics that power and control the centrifuge.	\$ 300,000	\$ -	N/A	N/A	Budget	Mar-21
Replace Water Line Main Street - This line has had many breaks and is necessary to replace based on its age.	\$ 2,838,609	\$ 1,000,000	\$ 1,782,950	0.00%	DWSRF	Apr-21
Conversion to Sodium Hypochlorite - Safer for staff and the public.	\$ 882,973	\$ 164,575	\$ 718,398	0.00%	SRP	Oct-21
AIA Water Assessment - Tool to identify problem water areas.	\$ 150,000	\$ 150,000				Nov-21
WTP MCC Replacements - Outdated and obsolete electrical panels that control the raw and finish pumps.	\$ 858,770	\$ 210,692	\$ 648,078	0.00%	SRP	Jan-22
Totals	\$ 8,672,438	\$ 2,741,614	\$ 5,247,270			

PARKS & RECREATION PROJECT UPDATES: Parks and Recreation Director Doug Knight presented the following presentation update:

Valdese
Lakeside
Park
Update



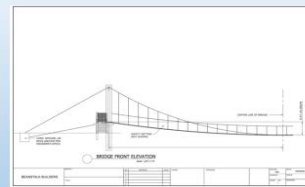
Street right of
Way – Lake
Rhodhiss Dr. NE
(Land Donated
by Valdese
Weavers)



Donated Land
from Caldwell
Timbers to
connect
Lakeside Park
to MFP



Bridge
Update



Trails
update
(free phone app
available)



Trail built by
FVR Trail
Blazers Club



RTP Grant
Application –
(5 miles of
mountain
bike trails)



Bathrooms –
(Port-a-Jon
provided by
Farris
Insurance
until October
31st)



Phase 1 amenities

- Site prep
- Parking
- Restrooms
- Dog Park
- Picnic Areas
- Nature viewing platform
- Canoe/Kayak launch
- 4000' Greenway trail

Phase 1 construction

- Plan is for project to go out to bid in September
- Come to Council in October or November to approve plan
- Break ground approximately 30 days after contract is awarded.

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

Town offices will be closed on Monday, September 7, 2020 in Observance of Labor Day.

The 45th Annual Waldensian Festival and the Family Friday Night Summer Concert Series have been officially canceled for the year.

MAYOR AND COUNCIL COMMENTS: Councilwoman Hildebran asked what the Town did with the surplus money that was reported in the reading material. Town Manager Seth Eckard shared that it goes into the General Fund, fund balance.

ADJOURNMENT: At 7:39 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next regular Council meeting scheduled for Tuesday, September 8, 2020, 6 p.m., due to Labor Day Holiday.

Town Clerk

Mayor

jl

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
SEPTEMBER 8, 2020**

The Town of Valdese Town Council met on Tuesday, September 8, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, 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: Councilman Keith Ogle and 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: No comments

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF AUGUST 3, 2020

SET PUBLIC HEARING FOR RE-ZONING APPLICATION #2-8-20 – LAKE VISTA PHASE IV: The Town of Valdese has received a petition from Natural Land Alliance Incorporated requesting the property located on Valdese Park Road NE and adjacent to Draughn High School be re-zoned from R-12A Residential to R-8 Residential. A public hearing will be held on Monday, October 5, 2020.

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.

APPROVED LEASE AGREEMENT AT OLD ROCK SCHOOL WITH David Harmon Studios, LLC: Annual Lease Agreement at the Old Rock School with David Harmon Studios, LLC in the amount of \$305 per month.

Councilwoman Hildebran 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

NEW EMPLOYEE/PROMOTION – PUBLIC WORKS: Public Service Director Greg Padgett informed Council that due to a sewer back-up, Public Works employees could not attend the meeting for introductions and will attend next month.

ARCHITECT FIRM FOR PUBLIC SAFETY BUILDING PROJECT PRESENTATION & APPROVAL: Finance Director Bo Weichel presented on behalf of the Architectural Review Committee a letter of engagement and contract with CBSA Architects for the design and engineering services of the new Public Safety Building. Mr. Weichel explained the process of the selection of the Architect firm. The review committee that was established consisted of Councilman Ogle, Councilman Sweezy, Town Manager Seth Eckard, Police Chief Jack Moss, Fire Chief Greg Stafford, and Finance Director Bo Weichel. Mr. Weichel published and advertised a Request for Qualifications document for engineering and design of the Public Safety Building. The proposals were due in June 2020 and the Town received 29 proposals. Mr. Weichel shared that the committee spent several weeks reading through the qualification packets and narrowed the list down to three. On July 16th, 2020, the committee held three separate interviews at the Town Hall. Mr. Weichel shared that the committee discussed each interview and unanimously voted on CBSA Architects. Mr. Weichel explained that negotiations on the contract began with CBSA.

Mr. Weichel introduced Mr. Marty Beal, Partner and Principal Architect with CBSA. Mr. Beal welcomed Council and thanked them for the opportunity to be partnering with the Town of Valdese. Mr. Beal shared with Council the team that will be included on the project. Mayor Black asked Mr. Beal what other Public Safety projects he had worked on. Mr. Beal shared that he has recently completed the Maiden Police Department, the City of Statesville's two Fire Stations as well as other projects, and the City of Hickory's Fire Station.

Councilman Sweezy made a motion to approve the Letter of Engagement, seconded by Councilwoman Stevenson. The vote was unanimous.

Councilwoman Stevenson made a motion to approve the Contract with CBSA, seconded by Councilwoman Hildebran. The vote was unanimous.

VALDESE ABC STORE PRESENTATION: Valdese ABC Store Manager, Karen Caruso, presented Council on behalf of the ABC Board and store employees with a \$25,000.00 distribution check. Ms. Caruso thanked her staff and volunteer Board for making the Valdese ABC store a success. Ms. Caruso projects that future distribution checks will be in the amount of \$100,000 yearly providing the continued growth of the store. Ms. Caruso shared that this year has been a great year for sales and also went over challenges they have faced. Ms. Caruso shared that the Valdese ABC store should be paid off in November 2021. Councilwoman Hildebran thanked Ms. Caruso for the wonderful job she has done with the store and asked where the distribution money was going. Town Manager Seth Eckard explained that it was going to go into the new Public Safety building. Town Manager Seth Eckard thanked Ms. Caruso for her leadership and success of the store. Ms. Caruso thanked Council for their continued support.

ANNUAL PROPERTY TAX COLLECTION REPORT: Tax Collector Kimberly Cline presented the following report:

Tax Year 2019	
Property Tax Statement Annual Settlement	
Property Valuations	
Real Estate	300,768,451
Personal	82,815,169
Senior Citizen Exemptions	(4,483,960)
Total Property Valuation Subject to Tax Rate	379,099,660
Levy	2,001,740
Discoveries	65,301
Late List Penalties	469
Total Levy	2,067,510
Less Collected as of 6/30/2019	2,016,898
Releases	11,722
Uncollected 2019	48,594
Ratio of Taxes Collected to Total Levy	98.12%
Motor Vehicle	
Levy	191,701
2019 Collection by Burke County	190,583
Collection Costs	7,843

Councilwoman Hildebran and Mayor Black thanked Ms. Cline for her hard work.

CHANGE OF OFFICIAL DEPOSITORY: Finance Director Bo Weichel presented the following Resolution:
TOWN of VALDESE
RESOLUTION
Designating First Citizens Bank 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; and

WHEREAS, Wells Fargo was designated as an official depository for the town, and the town council desires to annul Wells Fargo'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; and

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

WHEREAS, First Citizens Bank 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;

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

Section 1. First Citizens Bank (hereafter the "Official Depository") is hereby designated as the official depository 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, Tax Collector and countersigned by
- b. One of the following officers: Town Manager, 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 8th DAY OF SEPTEMBER, 2020.

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

ATTEST: /s/ Town Clerk

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

AMENDED OFFER AND ACCEPTANCE FOR BLEACH CONVERSION: Public Services Director Greg Padgett presented an amended offer and acceptance from the State to cover the funds for the Bleach Conversion project. This project was originally brought before Council in June 2020. Mr. Padgett shared that the additional loan amount is \$224,673 which brings the total to \$882,973. Councilwoman Stevenson asked if this would cause any problems to our CIP. Mr. Padgett said that adjustments would have to be made.

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Town of Valdese
P.O. Box 339
Valdese, North Carolina 28690

Project Number: H-SRP-D-18-0163

Drinking Water	<input checked="" type="checkbox"/>	Additional Amount for	Previous Total	Total Offered
Wastewater	<input type="checkbox"/>	Funding Increases		
State Revolving Fund (SRF)	<input type="checkbox"/>			
State Reserve Loan (SRP)	<input checked="" type="checkbox"/>	\$224,673	\$493,725	\$718,398
State Reserve Grant (SRP)	<input checked="" type="checkbox"/>		\$164,575	\$164,575
State Emergency Loan (SEL)	<input type="checkbox"/>			
Asset Inventory & Assessment Grant (AIA)	<input type="checkbox"/>			
Merger/Regionalization Feasibility Grant (MRF)	<input type="checkbox"/>			

Project Description:

Removal of the 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.

Total Financial Assistance Offer: **\$ 882,973**
Total Project Cost: **\$ 882,973**
Estimated Closing Fee*: **\$ 16,837**
For Loans
Principal Forgiveness: **\$ _____**
Interest Rate: **0% Per Annum**
Maximum Loan Term: **20 Years**

*Estimate closing fee calculated based on grant and loan amount.

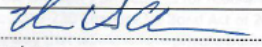
Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

Kim H. Colson, P.E., Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality

Signature:  Date: 9/5/2020

On Behalf of:

Town of Valdese

Name of Representative in Resolution:

Title (Type or Print):

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

Signature: _____ Date: _____

Councilwoman Stevenson made a motion to approve the amended the offer and acceptance for the Bleach Conversion project, seconded by Councilwoman Hildebran. The vote was unanimous.

WATER AIA CONTRACT: Public Services Director Greg Padgett presented to Council a Water Asset Inventory and Assessment (AIA) grant project contract. This grant is in the amount of \$150,000. Mr. Padgett explained that this project will help staff identify any issues with our water system and help staff take care of the system. Town Attorney Marc Mitchell shared concerns with paragraph nine of the Consulting Services Agreement. Paragraph nine says McGill Associates will have a limitation liability of \$50,000 and if they are negligent in any way, they can't be responsible for damages over \$50,000. In the past, this has not been in the agreement. Mr. Mitchell suggested voting on the contract if Council recommends contingent upon the removal of paragraph nine.

Councilwoman Hildebran made a motion to approve the Water AIA contract contingent upon the removal of paragraph nine, seconded by Councilman Sweezy. The vote was unanimous.

RESOLUTION FOR OFFER TO PURCHASE TOWN-OWNED PROPERTY LOCATED AT 1492 DREXEL RD.: Planning Director Larry Johnson updated Council on the Offer to Purchase, 1492 Drexel Rd. Staff advertised the property on Facebook and other forms of media to see if there was any interest. Mr. Johnson shared that a few people went to see the property but only one person presented an official offer. Mr. Johnson explained that if Council voted to approve this resolution we would proceed in advertising for upset bids. The deed of trust is in the amount of \$259,000. Planning Director Larry Johnson presented the following resolution:

**RESOLUTION AUTHORIZING UPSET BID PROCESS
(Sale of Triple Community property)**

WHEREAS, the Town of Valdese owns certain property located at 1492 Drexel Road in Valdese, NC, which is described as follows:

BEGINNING on an iron pipe on the east side of the High Peak Road, the most northern corner of the Lloyd Settlemire lot, and runs thence North 13°27' East with the road 169.75 feet to an iron pipe on the east edge of the road; thence South 76° 19' East 263.69 feet to an iron pipe; thence South 8°50' East 453.21 feet to an iron pipe at the branch; thence up the branch South 74° 53' West 146.96 feet to a rock, an old corner of the M.L. Stamey land; thence North 84° West with the old line 52 feet to an iron pipe at the Settlemire corner; thence with the Settlemire line North 62° West 124 feet to the BEGINNING, containing 2.65 acres, more or less, as surveyed and platted by E.A. Mallonee on April 10, 1965; and

BACK REFERENCE: Parcel 1, Tract 1 of Book 1735, page 641, Burke County Registry.

REID NO.: 38526, PIN NO.: 2723623951

WHEREAS, North Carolina General Statute §160A-269 permits the town to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the town has received an offer to purchase the property described above, in the amount of \$325,000, submitted by Brandon Settlemire and Michelle Settlemire; and

WHEREAS, Brandon Settlemire and Michelle Settlemire have paid the required five percent (5%) deposit of their offer;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF VALDESE RESOLVES THAT:

1. The town council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute §160A-269.

2. The town clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.

3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the town clerk within ten (10) days after the notice of sale is published. At the conclusion of the 10-day period, the town clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received 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 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 five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also 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 by certified check. The town will return the 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, which it will do within thirty (30) days after the final upset bid period has passed, and

(b) the buyer must pay the purchase price in certified funds at the time of closing; and

(c) the property shall be sold subject to all existing easements.

8. The town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject all bids at any time.

THIS RESOLUTION IS ADOPTED SEPTEMBER 8, 2020.

TOWN OF VALDESE

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

ATTEST: /s/ Town Clerk

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

SUB-DIVISION HOUSING UPDATES: Planning Director Larry Johnson presented the following presentation on sub-division housing in Valdese:

**Cottian Way
(Year 2005)**

16 lots
14 lots Sold
7 Permits Issued (\$ 1,436,000.00)
6 home occupied
1 New Construction for Sale

**Lake Rhodhiss Estates
(The Settings)
Year 2008**

210 Lots
187 Lots Sold
4 Permits Issued (\$ 1,366,040.00)
2 Homes Occupied
2 Home Under Construction

**Lake Vistas Phase I & II
(Year 2012)**

72 Lots
63 Lots Sold
8 Permits Issued (\$ 2,724,000.00)
8 Homes Occupied

**Waterside
(Year 2013)**

124 Lots
119 Lots Sold
16 Permits Issued
(\$5,365,000.00)
14 Homes Occupied
2 Homes Under Construction

**McGalliard Pointe
(Year 2015)**

5 Lots
3 lots sold
1 Permit Issued (\$490,000.00)
1 House Under Construction

**Island Pointe Shores at
Lake Vistas Phase III**

48 Lots
45 Lots Sold
4 Permits Issued (\$1,612,000.00)
49 Lots in all phases
2 Homes Occupied
2 Homes Under Construction

Edelweiss (Year 2020)

15 Lot Subdivision

Final Plat Approval – August 2020

TOTALS

494 Subdivision Lots

431 Lots Sold

40 Permits Issued

Permit Value
\$12,993,040.00

32 Homes Occupied

7 Under Construction

1 New Construction for Sale

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

Valdese Town Council Meeting

Tuesday, September 8, 2020

Capital Project Ordinance Amendment # 2-35

Subject: Public Safety building

Description: To amend capital project ordinance Fund 35
This recognizes a \$25,000 revenue distribution from the ABC Board net profits from FY 19-20. These funds will be saved to the Public Safety building project to help cover upfront costs such as architect fees.

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended as follows.

Section I:

Revenues available to the Town to complete the projects are hereby amended as follows:

Account	Description	Decrease/ Debit	Increase/ Credit
35.3480.001	Distributions		25,000
	Total	\$0	\$25,000

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
35.5300.040	Professional Services	25,000	
	Total	\$25,000	\$0

Section II:

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

Valdese Town Council Meeting

Tuesday, September 8, 2020

Capital Project Ordinance Amendment # 1-56

Subject: Water Meter Replacement project

Description: To amend capital project ordinance Fund 56
The original CPO was approved at the August 6, 2018 meeting
This is to account for change order #1 (detailed below) approved by the Division of Water Infrastructure. The amount will increase the overall approved reimbursable portion of the loan amount.

- Additional 5/8" and 1" meters to accommodate additional service points needed in the Triple service territory.
- Additional 1" meters required for Project due to unanticipated number of 1" meters in the Triple service territory.
- Additional Meter Radios (MiNodes) and Through-the-Lid antennas (TLA) to install the additional meters from above.
- Purchase of 2" Solid State meter for specific customer Icard Water Corporation, due to usage history and analysis.
- Additional 5/8", 1", 1.5", and 2" meters, associated equipment, and labor cost to finish project meter deployment. Additional meters needed due to miscalculation on material needs at the beginning of the project.
- Additional/miscellaneous parts and materials need to complete non-standard large meter installations. Parts needed to accommodate meters with different lay lengths or damaged infrastructure not accounted for as a standard like-for-like installation.

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
56.3480.002	SRP Loan		165,000
56.3480.000	Loan Closing Fee		44,358
Total		\$0	\$209,358

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
56.8120.041	Administration	88,358	
56.8120.760	Construction	121,000	
Total		\$209,358	\$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

Tuesday, September 8, 2020

Capital Project Ordinance Amendment # 1-58

Subject: Water Plant Bleach Conversion

Description: To amend capital project ordinance Fund 58
The original CPO was approved at the January 7, 2019 meeting.
In accordance with the amended funding offer and acceptance from the Division of Water Infrastructure, this will increase the loan amount \$224,823 and the loan fee \$4,494. The interest rate remains at 0% for this loan. This amendment is necessary due to the lowest bid coming in higher than projected for this project.

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
58.3970.000	Valdese Utility Fund		4,494
58.3480.001	State Reserve Loan		224,823
Total		\$0	\$229,317

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
58.8100.760	Construction	224,823	
58.8100.042	Loan Admin Fee	4,494	
Total		\$229,317	\$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.

Mayor Black asked Mr. Weichel why the Water Meter Replacement Project was more than we expected. Mr. Padgett shared that the extra meters that we have to purchase are partially due to the installers installing approx. 170 units in vacant lots. The installers will remove them and we will have those meters to use in the future. Mr. Padgett informed Council that we have had a few issues with the Water Meter Replacement Project but staff is working through them.

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

CODE ENFORCEMENT ABATEMENT: WPCOG Code Enforcement Officer Todd Justice updated Council on 708 Church Street. A notice of violation was sent and the property owner had until September 7th, 2020 to get the power turned on to the building behind their home. Town Manager Seth Eckard said that they did get the power turned on but there are other violations to address. Mr. Eckard shared that we have two paths to go down, one being a daily fine and the other is abatement. Mr. Justice feels that the owners of 708 Church Street are able to clean up the property and recommends a daily fine for 15 days at \$50.00 a day. If the property owner does become compliant, the town can waive the fines. Town Attorney Marc Mitchell suggested giving the property owner a time and date before the fines would occur.

Councilwoman Hildebran asked the status of 909 Main Street. Mr. Justice shared that the situation has not changed much because the property is in probate. Mr. Justice explained that it will be a while before the Town can do anything about it due to the death of the property owner.

Councilwoman Stevenson asked about the status of 520 Walnut Ave. Planning Director Larry Johnson shared that notices have been sent and the Town is working on getting the owner's help using CDBG program funds. Code Enforcement will be handling the overgrown grass issue.

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

	Address	Status	Mailed NOV/Cit/Order	Category	Violation	Current Status	Latest Activity/Date	Next Suspense
1	832 Cline Ave	Green	Y/N/N	Nuisance	Junk and Debris	Resolved		
2	330 Sterling St	Yellow	Y/N/N	Min Housing	Min Housing	On hold per order of TM		
3	808 Colonial St	Yellow	Y/Y/N	Nuisance, AJNMV	Junk and Debris, Junk Veh	On hold per order of TM		
4	161 Laurel Ave	Green	Y/N/N	Non-Res Min	Min Standards for roof	Resolved		
5	401 Bass St	Green	Y/N/Y	Nuisance, AJNVM	Junk and Debris, Junk Veh	Resolved		
6	708 Church St	Green	Y/N/N	Nuisance	Junk and Debris	Resolved		
7	708 Church St	Green	Y/N/N	AJNVM	2 Junk Vehicles	Resolved		
8	909 Main St	Green	Y/N/Y	Nuisance	Overgrown	Resolved		
9	909 Main St	Red	Y/N/Y	Min Housing	Min Housing	Waiting to determine new		
10	804 Carolina St	Green	Y/N/N	Nuisance, AJNVM	Junk and Debris, Junk Veh	Resolved		
11	1300 Carolina St	Green	Y/N/N	Nuisance	Junk and Debris	Resolved		
12	1436 Main St	Yellow	Y/N/N	Nuisance	Junk and Debris	NOV Issued	26 MAY, still requires sig clean up	Deadline 3 APR 2020
13	1436 Main St	Green	Y/N/N	AJNMV	Junk Vehicle	Resolved		
14	725 Tron Ave	Green	Y/N/N	AJNMV	2 Junk Vehicles	Resolved		
15	1017 Praley St SW	Green	Y/N/N	Nuisance	Junk and Debris	Resolved		
16	805 Carolina St	Yellow	Y/N/N	Non-Res Min	Dilapidated outbuildings	Pending demolish	Waiting on COVID restrictions	
17	520 Walnut Ave	Green	Y/N/N	Min Res	Needs roof/paint	NOV mailed	Town will handle	
18	102 Meytre Ave	Green	Y/N/N	Nuisance	Overgrowth	Resolved		
19	321 Becker St	Green	Y/N/N	Nuisance	Overgrowth	Resolved		
20	3305 Holly Hill	Green	Y/N/N	Nuisance	Junk and Debris	Resolved		

SEP 2020 - CODE ENFORCEMENT ACTIONS TRACKER

CEO Todd Justice, 828-485-4264, todd.justice@wpcog.org

21	216 Columbo St		Y/N/N	Nuisance	Junk and Debris	NOV Issued	Extended	31AUG2020
22	216 Columbo St		Y/N/N	AJNMV	Junk Vehicles	NOV Issued	Extended	31AUG2020
23	708 Church St		Y/N/N	Nuisance	Junk and Debris	NOV Issued		20AUG2020
24	708 Church St		Y/N/N	Res Min Housing	No Power	Resolved		
25	630 Perkins Rd		Y/N/N	Nuisance	Junk and Debris	Resolved		
26	616 Lincoln St		Y/N/N	AJNMV	Junk Vehicle	Resolved		
27	814 Cline Ave		Y/N/N	Nuisance	Overgrowth	NOV Issued		20AUG2020
28	1326 Carolina Ave		Y/N/N	Nuisance	Junk and Debris	NOV Issued		18SEP 2020
29	408 Pineburr Ave		Y/N/N	Nuisance	Overgrowth	Resolved		
30	3386 Holly Hills		Y/N/N	Nuisance	Overgrowth	Resolved		
31	5388 Montoya View Ct		Y/N/N	Nuisance	Overgrowth	NOV Issued		11SEP 2020
32	719 Hickory Ave		Y/N/N	AJNMV	Junk Vehicle	NOV Issued		18SEP 2020
Key								
				Resolved/Abated	NOV = Notice of Violation			
				Owner Notified, proceeding	Clt = Citation, usually \$50 a day for 15 days			
				New violation	Order = Order to Remove, Repair or Demolish			

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

A reminder to the community to complete 2020 Census – Deadline is September 30, 2020.

MAYOR AND COUNCIL COMMENTS: No comments

ADJOURNMENT: At 7:14 p.m., there being no further business to come before Council, Councilwoman Hildebran made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next regular Council meeting is scheduled for Monday, October 5, 2020, at 6:00 p.m.

Town Clerk

Mayor

jl

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

The Town of Valdese Town Council met on Monday, October 5, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and various department heads.

Absent: None.

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT:

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

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF SEPTEMBER 8, 2020

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

RESOLUTION BY GOVERNING BODY OF APPLICANT

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

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

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

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

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

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

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

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

ATTEST: /s/ Town Clerk

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

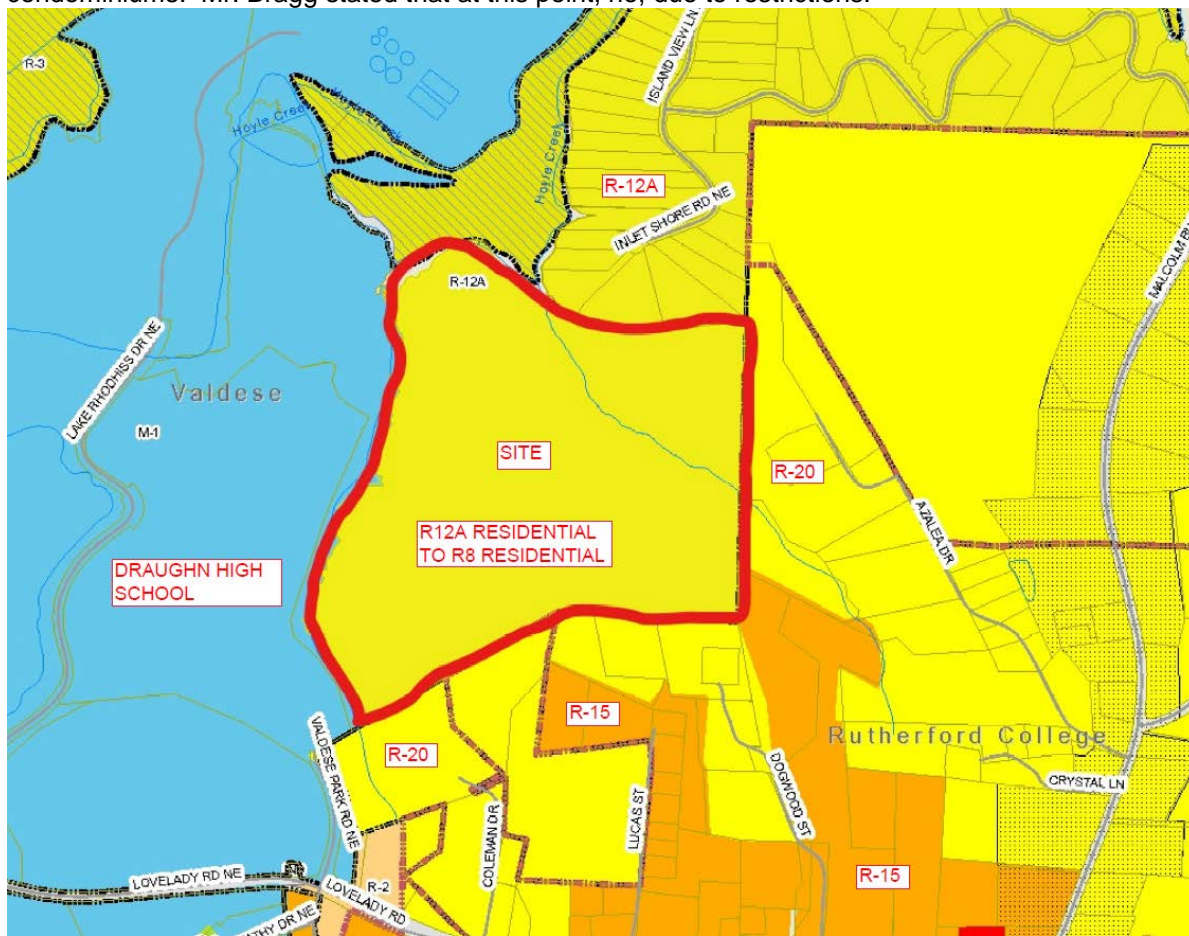
End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None.

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

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

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



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

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

Councilman Ogle made a motion to approve the re-zoning of the property from R-12A – R-8, seconded by Councilman Sweezy. The vote was unanimous.

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

RESOLUTION
(Sale of Triple Community Property)

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

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

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

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

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

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

THIS, THE 5TH DAY OF OCTOBER, 2020.

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

ATTEST: /s/ Town Clerk

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

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

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

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

October 5, 2020, MB#31
DRAFT OF
TOWN OF VALDESE GOLF CART ORDINANCE

Purpose, disclaimer, and assumption of risk.

- (a) The purpose of this article is to provide a means of travel that is convenient, cost-effective, and energy efficient. In order to promote the safety of drivers, passengers, and the general public, the operation of golf carts must comply with applicable state laws and Town of Valdese regulations pertaining to the operation of traditional motor vehicles, and must also comply with the specific provisions included in this article.
- (b) Golf carts are not designed for nor manufactured to be used on public streets, and the Town of Valdese neither advocates nor endorses the golf cart as a safe means of travel on public streets. The Town of Valdese shall in no way be liable for accidents, injuries, or deaths involving or resulting from the operation of a golf cart.
- (c) Any person who owns, operates, or rides on a golf cart on a public street within the Town of Valdese does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

Definitions of words and phrases.

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

- (a) Golf Cart. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) mph.
- (b) Golf Cart Operator. The individual in physical control of a golf cart that is moving or has its key inserted and in the on position.

Operation of golf carts permitted.

- (a) Golf carts meeting the requirements of this article may be operated in public parking areas and on the public streets of the Town of Valdese that are posted at a speed limit of 35 mph or lower, with the exception of the following streets: Main St East from Eldred St. to town limits, Main St. West from Morganton St to town limits, Church Street, Laurel Street North, Carolina Street, Eldred Street South, Praley Street, Hoyle Street, Lovelady Road, and Lake Rhodhiss Drive. It shall be unlawful to operate any golf cart that is not properly registered with and permitted by the Town of Valdese or to operate any golf cart at any place or in any manner not authorized herein.
- (b) A golf cart may be operated only from dawn until dusk. Golf carts are permitted to be driven, in a straight line, across any prohibited street.
- (c) The operation of golf carts in the following circumstances is exempt, and is not subject to the provisions of this article:
 - (1) The operation of a golf cart on private property with the consent of the owner,
 - (2) The operation of a golf cart on private streets,
 - (3) The operation of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and the golf cart is only used during such event; and
 - (4) The operation of a golf cart by Town of Valdese personnel, by other governmental agencies, and by public services agencies on official business.

Golf carts do not qualify as electric personal mobility devices.

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

Registration and permit requirements.

- (a) No golf cart may be operated on any public street within the Town of Valdese or on any property owned or leased by the Town of Valdese unless the golf cart has first been registered with the Town of Valdese and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this article.
- (b) An initial registration and annual renewal fee in the amounts set forth in the Town of Valdese's Schedule of Fees will be charged by the Town of Valdese to cover the costs of implementing and maintaining this article.
- (c) The owner of the golf cart shall complete an application provided by the Town of Valdese, and the golf cart shall be inspected by the Town of Valdese Police Department for compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart. To evidence that registration, the owner shall be issued an annual registration decal which shall be displayed on the driver side of the golf cart.

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

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

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

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

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

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

Standards of operation.

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

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

Penalties and remedies.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE U

Section 7-1250

Lakeside Drive is a public vehicular area.

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

Section 7-1251

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

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

Section 7-1252

Erecting speed signs.

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

Section 7-1253

Parking.

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

Adopted the 5th day of October, 2020.

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

ATTEST: /s/ Town Clerk

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

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

October 5, 2020, MB#31

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

LAKESIDE PARK

Lakeside Park Design and Bidding Update

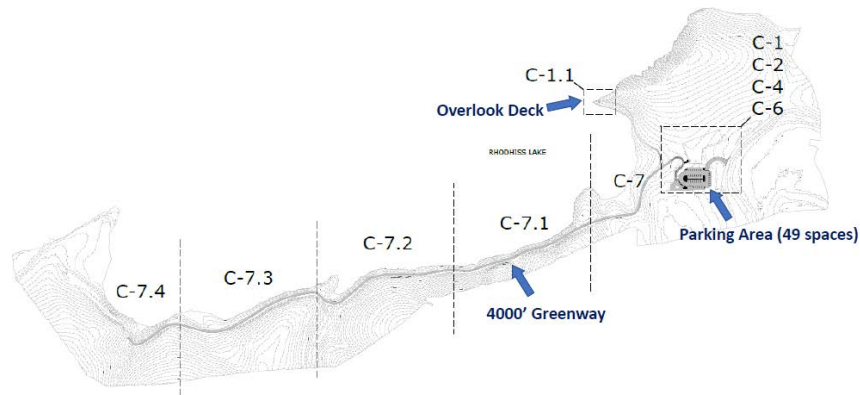
Alex Gotherman, PLA,
Director of Design

October 5, 2020

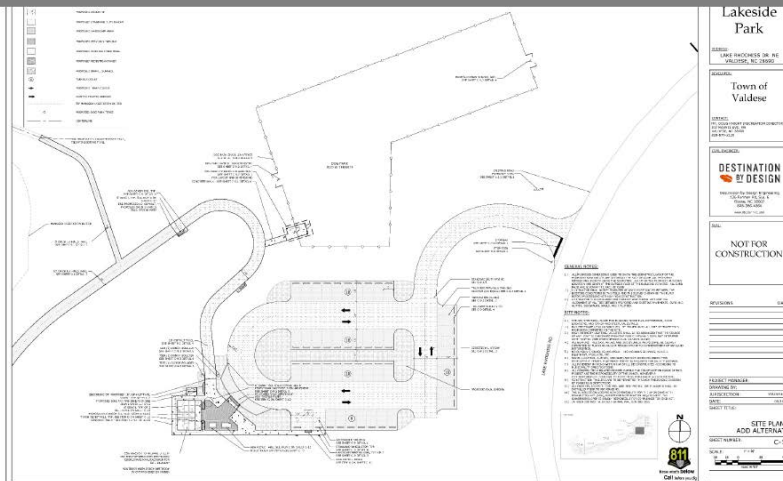
DESTINATION
BY DESIGN



Project Extents

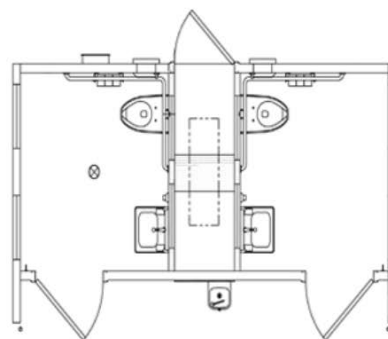


Visitor Orientation Area





\$75,000



Original Signage

Kiosk



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

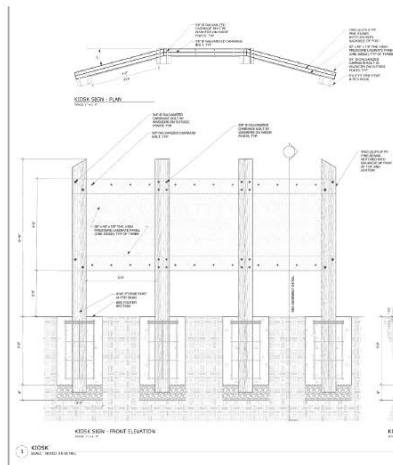
Entrance Sign



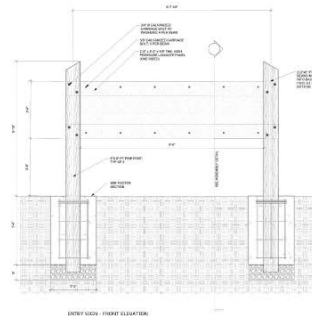
- Entrance Sign
 - Temporary Park Entrance Sign
 - Material – Outdoor Canvas
 - Fence or Metal Frame Mounted

Signage

Kiosk



Entrance Sign



Furnishings



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

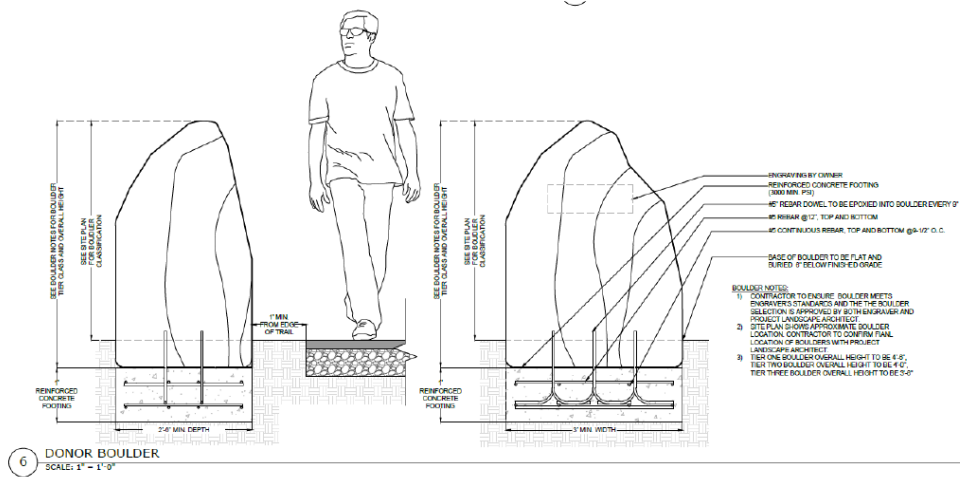


- Picnic Tables
 - Sitescapes – 8" Avondale
 - Material – IPE or Recycled Plastic with Black Recycled Steel footings
 - ADA Accessible Table



- Trash Receptacles
 - Avondale IPE

Donor Boulders



Overlook



Overlook



Budget Considerations

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



Requested Action



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



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

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

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

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

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

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

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

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

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

TOWN OF VALDESE
WATER DISTRIBUTION SYSTEM ASSESSMENT
CAPITAL PROJECT BUDGET ORDINANCE

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

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

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

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

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

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

	\$ 152,250	
	=====	

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

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

	\$ 152,250	
	=====	

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

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

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

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

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

Adopted this 5th day of October, 2020.

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

ATTEST: /s/ Town Clerk

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

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

Valdese Town Council Meeting

Monday, October 5, 2020

Capital Project Ordinance Amendment # 1-59

Subject: Main St. Waterline Replacement

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

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended as follows.

Section I:

Revenues available to the Town to complete the projects are hereby amended as follows:

Account	Description	Decrease/ Debit	Increase/ Credit
59.3480.001	DWSRF Loan	74,064	
59.3970.002	Transfer from Utility Fund	1,481	
	Total	\$75,545	\$0

Amounts appropriated for capital projects are hereby amended as follows:

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

Section II:

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

Valdese Town Council Meeting

Monday, October 5, 2020

Capital Project Ordinance Amendment # 2-41

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

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended as follows.

Section I:

Revenues available to the Town to complete the projects are hereby amended as follows:

Account	Description	Decrease/ Debit	Increase/ Credit
41.3970.003	Rostan Donation		14,000
	Total	\$0	\$14,000

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
41.4350.740	Public Art	14,000	
	Total	\$14,000	\$0

Section II:

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

Capital Project Ordinance Amendment # 3-35

Subject: Public Safety building

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

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended as follows.

Section I:

Revenues available to the Town to complete the projects are hereby amended as follows:

Account	Description	Decrease/ Debit	Increase/ Credit
35.3480.000	Transfer to Project		250,017
	Total	\$0	\$250,017

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
35.5300.040	Professional Services	250,017	
	Total	\$250,017	\$0

Section II:

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

Capital Project Ordinance Amendment # 2-55

Subject: 2018 Water System Improvements

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

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended as follows.

Section I:

Revenues available to the Town to complete the projects are hereby amended as follows:

Account	Description	Decrease/ Debit	Increase/ Credit
55.3480.002	DWSRF Loan (zero interest)		39,700
	Total	\$0	\$39,700

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
55.8120.761	Construction	39,700	
	Total	\$39,700	\$0

Section II:

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

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

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

Valdese Town Council Meeting

Monday, October 5, 2020

Budget Amendment #

2

Subject:

Improvements to vacant lot near Splash Pad

Description:

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

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	Fund Balance Appropriated		1,893
Total		\$0	\$1,893

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.740	Capital Outlay	1,893	
Total		\$1,893	\$0

Section II:

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

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

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

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

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

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

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

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

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

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

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

Town Clerk
jl

Mayor

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

The Town of Valdese Town Council met on Monday, November 2, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilwoman Frances Hildebran, Councilman J. Andrew Thompson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and Police Chief Jack Moss.

Absent: Councilwoman Susan Stevenson and Councilman Keith Ogle

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT:

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

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

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

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

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

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

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

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

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF OCTOBER 5, 2020

APPROVED ELECTRIC LINE EASEMENT AT BURKE BUSINESS PARK

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

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

W I T N E S S E T H:

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

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

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

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

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

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

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

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

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

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

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

GRANTOR:

BURKE PARTNERSHIP FOR ECONOMIC
DEVELOPMENT INC.

By: _____
President

Attest:

Secretary

GRANTEE:

CITY OF MORGANTON

By: _____
Mayor

Attest:

Clerk

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

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

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

OCT 2020 - CODE ENFORCEMENT ACTIONS TRACKER

CEO Todd Justice, 828-485-4264, todd.justice@wpcog.org

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

OCT 2020 - CODE ENFORCEMENT ACTIONS TRACKER

CEO Todd Justice, 828-485-4264, todd.justice@wpcog.org

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

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

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

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

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

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

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

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

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

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

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

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

Town Clerk

Mayor

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**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
DECEMBER 7, 2020**

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, 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: 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: None

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF NOVEMBER 2, 2020

RESOLUTION ADOPTING 2021 TOWN COUNCIL MEETING SCHEDULE:

**TOWN OF VALDESE
RESOLUTION ADOPTING 2021 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 2021:

January 4, 2021	
February 1, 2021	
March 1, 2021	
March 22, 2021	Annual Budget Retreat - Old Rock School - Waldensian Room Day 1: 9:00 a.m. – 5:00 p.m.
March 23, 2021	Annual Budget Retreat - Old Rock School - Waldensian Room Day 2: 1:00 p.m. – 5:00 p.m.
April 12, 2021	April 5 th is Easter Monday and break for Burke County Schools
April 19, 2021	Council Budget Workshop 1 Dinner Town Hall - Community Room, 6:00 p.m.
May 3, 2021	
May 24, 2021	Council Budget Workshop 2 (If needed) Town Hall – Community Room, 6:00 p.m.
June 7, 2021	
June 28, 2021	Budget Public Hearing; serves as the July Council Meeting
August 2, 2021	
September 7, 2021	Tuesday, due to Labor Day Holiday

October 4, 2021	
November 1, 2021	
November 9, 2021	Tuesday, Annual Dinner Meeting with Valdese Merchants Association Old Rock School - Waldensian Room, 6:30 p.m.
December 6, 2021	

This 7th day of December, 2020.

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

APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS:

2021 Board and Commission Appointments/Reappointments

Arbor-Beautification (3-year terms)

Reappointment of Councilman Keith Ogle
Reappointment of Ronnie Pruitt

Parks and Recreation Commission (3-year terms)

Reappointment of Beth Heile
Reappointment of Grayson Turner
Reappointment of Donnie Edwards

Planning Board & Board of Adjustment (4-year terms)

Reappointment of Scott Watts

Public Art Commission (3-year terms)

Appointment of Sharon Bowman
Reappointment Gretchen Costner
Reappointment Linda Rostan
Reappointment Councilman Andy Thompson

Valdese Housing Authority (5-year term)

Appointment of Patricia Ribet Garrou

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

PRESENTATION OF SAFETY AWARDS: Safety Director Charlie Watts shared that the Safety Awards Program's goal is to recognize facilities, towns, and companies that go the extra mile to ensure their employees have a safe workplace. Each department has received an award from the North Carolina Department of Labor for 2019. Mr. Watts presented the following safety awards: Administration – 32nd consecutive year, Water – 3rd consecutive year, Wastewater – 4th consecutive year, Police – 1st consecutive year, Fire – 5th consecutive year, Community Affairs – 9th consecutive year, Public Works – 2nd consecutive year, and Parks & Recreation – 9th consecutive year.

PRESENTATION OF FISCAL YEAR ENDING JUNE 30, 2020 FINANCIAL UPDATE: Mr. Phil Church of Lowdermilk Church, & Co., informed Council that the highlight sheets had been provided and a final detailed report of the audit will be provided later. The Local Government Commission is behind this year. This year we had an A1 33 Audit because of the level of funding from the State regarding the new meter system. Mr. Phil Church reviewed the following highlight sheets:

TOWN OF VALDESE

Financial Highlights
Years Ended June 30, 2020 and 2019

<u>General Fund (Includes Powell Bill Funds)</u>	<u>2020 Summarized Budget</u>	<u>2020</u>	<u>2019</u>
Total assets		\$ 4,734,056	\$ 4,479,555
Fund balance		\$ 4,528,448	\$ 4,164,568
Fund balance - Reserved for Streets - Powell Bill (included in total fund balance)		\$ 9,107	\$ 57,421
Total revenue	\$ 4,933,980	\$ 5,043,110	\$ 5,428,003
Total expenditures	\$ 5,440,217	\$ 4,771,543	\$ 5,129,278
Revenues over (under) expenditures before other financing sources (uses)		\$ 271,567	\$ 298,725
Other income (expense)	\$ 506,237	\$ 92,313	\$ 1,699,790
Increase (decrease) in fund balance		\$ 363,880	\$ 1,998,515
Ad valorem taxes collected		\$ 2,220,386	\$ 2,015,158
Percent of taxes collected - current year levy		97.89%	96.32%
Investment income		\$ 89,543	\$ 63,668
Fund Balance Available			
Unassigned Fund Balance		<u>3,524,437</u>	<u>3,105,101</u>
Expenditures and other financing sources and uses		4,771,543	5,129,278
Unassigned Fund Balance Percentage		73.86%	60.54%

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

<u>Water and Sewer Fund</u>	<u>2020</u>	<u>2019</u>
Cash, cash equivalents and investments	\$ 829,467	\$ 811,332
Total assets	\$25,005,206	\$23,184,697
Net position	\$20,630,921	\$20,925,241
Operating revenue	\$ 4,947,109	\$ 4,968,903
Operating expenses	\$ 5,139,005	\$ 4,825,593
Operating income (loss)	\$ (191,895)	\$ 143,310
Nonoperating revenue (expenses)	\$ (177,114)	\$ (194,257)
Transfers (to) from	\$ (126,935)	\$ (387,000)
Capital Contributions	\$ 201,624	\$ 1,111,132
Change in net position, includes \$960,430 of depreciation expense 2020	\$ (294,320)	\$ 673,185
Accounts receivable - customers	\$ 561,937	\$ 552,754
Investment income	\$ 12,830	\$ 14,075
Days sales in accounts receivable	41.48	40.60
Fund Balance Available		
Unrestricted Fund Balance	<u>\$ 1,265,793</u>	<u>\$ 1,322,495</u>
Expenditures and other financing sources and uses	5,139,005	4,825,593
Unrestricted Fund Balance Percentage	24.63%	27.40%

December 7, 2020, MB#31

Town Manager Seth Eckard pointed out what a great job Kim Cline, Tax Collector, was doing collecting taxes. Mayor Black confirmed that once we get the Local Government Commission's approval and get the final hard copy of the report, Council will vote to approve.

APPROVED FY 20-21 AUDIT CONTRACT – LOWDERMILK CHURCH & CO., LLP: Finance Director Bo Weichel informed Council that the FY 2020-2021 audit contract was being presented in the amount of \$16,310. The fee does reflect a \$350 increase, but the contract price has not changed over the previous four years. Mayor Black asked Mr. Weichel if he was pleased with working with the auditors. Mr. Weichel has been pleased with the Lowdermilk Church & Co. team.

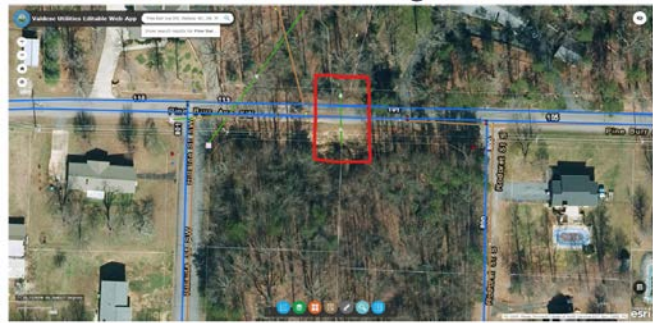
Councilman Ogle made a motion to approve the aforementioned contract for the FY 2020-2021, seconded by Councilwoman Stevenson. The vote was unanimous.

AWARD OF BID-ROAD CULVERT REPLACEMENT-PINEBURR AVE. SW: Public Service Director Greg Padgett presented Council with an informal bid for the road culvert replacement on Pineburr Ave. SW, which is between Rodoret St. South and Hillside. The following pictures were presented:

Aerial view of storm pipe location



Area of work showing utilities



Offset looking South on Pineburr

Erosion undercutting Pineburr(North side)



Mr. Padgett shared that the culvert is approximately 50 ft. in length but needs to be extended. Two of the culvert have dropped off due to erosion under two big poplar tree roots. Mr. Padgett shared that this task is something that the Town cannot do and feels that it is in the best interest to contract it. This would include removing the existing 24-inch RCP and the installation of 60 ft. of new 36-inch HDPE with bedding. Mr. Padgett recommends awarding the bid to the lowest bidder Max Prestwood Water and Sewer, Inc., in the amount of \$47,840. Mr. Padgett explained that this bid came in late, but since it was lower and he has worked with this company, he wanted to include it in the informal bid. The funds for this project will come out of the Utility Fund. Other bids were: Eggers Construction Co., \$91,597.50, Iron Mountain Construction Co., Inc., \$54,760, and Hickory Sand Co., Inc., \$51,760. Councilwoman Hildebran asked Town Attorney Marc Mitchell if we could award the bid to Max Prestwood since it came in late. Mr. Mitchell explained that it was an informal bid process, and it would be acceptable.

Councilman Ogle made a motion to approve the bid to Max Prestwood Water and Sewer, Inc., in the amount of \$47,840 for the road culvert replacement, seconded by Councilwoman Hildebran. The vote was unanimous.

APPROVED ADOPTION OF RESOLUTION TO LEASE NEW POLICE OPERATIONAL PROGRAMMING SYSTEM: Police Chief Jack Moss shared with Council that Burke County 911 Center currently houses the

December 7, 2020, MB#31

Central Square CAD/RMS system that Valdese, Morganton, Drexel, and Burke County Sherriff Department utilizes for daily operations. This system holds all of the police reports that are shared. Chief Moss explained that the system had been used since 2000. The company informed Burke County approximately eighteen months ago that they were no longer providing support for the current operating system. Chief Moss shared that each Police Department as a group looked at four different companies and decided upon Motorola Solutions. Motorola came in at a lower price with all the systems needed to operate. Chief Moss shared that staff recommends Council adopt the Resolution to enter into a five-year lease option with Motorola contingent upon Burke County's Board of Commissioners' approval at their December 2020 meeting. Finance Director Bo Weichel shared the payment schedule with the first payment beginning in December 2022.

AMORTIZATION SCHEDULE - Normal Amortization, 360 Day Year					
	Date	Lease Payment	Interest	Principal	Balance
Lease	12/15/2020				\$73,918.00
Rate	12/15/2021		\$ -	\$ -	\$73,918.00
	12/15/2021	Rate: 2.83%		Compounding: Annual	
1	12/15/2022	\$ 19,805.16	\$ 2,091.88	\$ 17,713.28	\$56,204.72
2	12/15/2023	\$ 19,805.16	\$ 1,590.59	\$ 18,214.57	\$37,990.15
3	12/15/2024	\$ 19,805.16	\$ 1,075.12	\$ 18,730.04	\$19,260.11
4	12/15/2025	\$ 19,805.16	\$ 545.05	\$ 19,260.11	\$ -
Grand Totals		\$ 79,220.64	\$ 5,302.64	\$ 73,918.00	

CERTIFIED LESSEE RESOLUTION

At a duly called meeting of the Governing Body of the Lessee (as defined in the Lease) held on December_____, 2020, the following resolution was introduced and adopted.

BE IT RESOLVED by the Governing Board of Lessee as follows:

1. Determination of Need. The Governing Body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment or other personal property described in the Lease between Town of Valdese (Lessee) and Motorola Solutions, Inc. (Lessor).
2. Approval and Authorization. The Governing body of Lessee has determined that the Lease, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment or other personal property, and the Governing Board hereby approves the entering into of the Lease by the Lessee and hereby designates and authorizes the following person(s) referenced in the Lease to execute and deliver the Lease on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transactions contemplated by the Lease.
3. Adoption of Resolution. The signatures in the Lease from the designated individuals for the Governing Body of the Lessee evidence the adoption by the Governing Body of this Resolution.

December 7, 2020, MB#31

Councilwoman Stevenson made a motion to adopt the Resolution to enter into a lease agreement with Motorola Solutions, contingent upon Burke County's approval, seconded by Councilman Ogle. The vote was unanimous.

CAPITAL PROJECT ORDINANCE AMENDMENT: Finance Director Bo Weichel presented the following Capital Project Ordinance Amendment:

Valdese Town Council Meeting

Monday, December 7, 2020

Capital Project Ordinance Amendment # 1-34

Subject: Lakeside Park Phase I

Description: To amend capital project ordinance Fund 34
The original CPO was approved at the November 4, 2019 meeting.
This amendment is to account for an additional \$100,000 private donation.

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
34.3970.003	Donations		100,000
Total		\$0	\$100,000

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
34.6200.760	Construction	100,000	
Total		\$100,000	\$0

Section II:

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

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

BUDGET AMENDMENTS: Finance Director Bo Weichel presented the following Budget Amendments:

December 7, 2020, MB#31

Valdese Town Council Meeting

Monday, December 7, 2020

Budget Amendment #

3

Subject: Upgrades to Old Rock School

Description: The Town was gifted \$25,000 by the Rostan Foundation to be used at Rock School for the following improvements:
 - Remove and replace side door with ADA compliant features
 - Automatic door lock system for all entry doors
 - Upgrades to camera security system

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
10.3350.000	Donations		25,000
	Total	\$0	\$25,000

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.740	Capital Outlay	25,000	
	Total	\$25,000	\$0

Section II:

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

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

Valdese Town Council Meeting

Monday, December 7, 2020

Budget Amendment #

4

Subject: Culvert replacement on Pineburr Ave SW

Description: Contract includes replacement of asphalt, shoring of the north and south side of Pineburr Ave. with stone, and general restoration to impacted work area.

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		51,345
	Total	\$0	\$51,345

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
30.8120.740	Capital Outlay	51,345	
	Total	\$51,345	\$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.

Mr. Weichel presented the seconded budget amendment and made a change to reflect the change of the award of bid to the lowest bidder in the amount of \$47,840.

Councilman Ogle made a motion to approve the changed budget amendment to \$47,840, seconded by Councilwoman Stevenson. The vote was unanimous.

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

Visits from Santa was held on Saturday, December 5, 2020, at 10:00 a.m.

Christmas in Valdese with Christmas Tree Lighting was on Saturday, December 5, 2020, at the Old Rock School.

Downtown merchants are encouraged to decorate their storefronts, and the public will vote. Submissions are due by Monday, December 7, 2020, voting will start, Tuesday, December 8 - 11, 2020, and winners will be announced Monday, December 14, 2020.

Letters to Santa can be placed in the mailbox at the Old Rock School.

Submissions for the Home Holiday Decorating contest are due by Monday, December 7, 2020. Winners will be announced on Monday, December 14, 2020.

Story Time with Santa will be held on the Town of Valdese Facebook page on December 8, 10, 15, and 17 at 7:30 p.m.

Town Offices Will Be Closed December 24, 25 & 28, 2020, in observance of Christmas and January 1, 2021, for New Year's Day.

MAYOR AND COUNCIL COMMENTS:

Councilwoman Hildebran updated Council on the property located at 909 Main Street. Councilwoman Hildebran shared that an action to condemn the property is moving forward, and an order to demolish the house has been issued. It is scheduled to be advertised for demolition early next year. A couple has made an offer on the property that is being considered by the person who inherited the house. Councilwoman Hildebran explained that the clock would start over with the new owners if the offer was accepted.

Councilwoman Stevenson shared that she has received many positive comments on the Visit from Santa over the weekend. Mayor Black stated that he did as well but did have a suggestion from Citizens. The suggestion is to determine a time when Santa would be traveling through the neighborhoods.

ADJOURNMENT: At 6:48 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, January 4, 2021, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

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