



**Town of Valdese
Town Council Meeting
Valdese Town Hall
102 Massel Avenue SW, Valdese
Monday, March 2, 2020
6:00 P.M.**

- 1. Call Meeting to Order**
- 2. Invocation**
- 3. Pledge of Allegiance**

4. Informational Items:

- A. Communication Notes
- B. Reading Material

5. Open Forum/Public Comment

Debbie Hawkins, President of REASON – Presentation
NC Historic Preservation - Announcement of Architectural Survey Project

6. Consent Agenda

All items below are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item 7.

- A. Approval of Regular Meeting Minutes of February 3, 2020
- B. Set Sunday, April 12, 2020 as Tax Lien Advertising Date for Real Property
- C. Reappointment of Seth Eckard as Chairman to Valdese ABC Board
- D. Annual Request to Sell Alcohol during Valdese Summer Events
- E. Parks & Recreation Commission Article Changes
- F. Set Public Hearing for Zoning Text Amendment – Off-Street Parking Requirements
- G. Lease Agreement at the Old Rock School with Dr. Kyle Barnes

7. New Business

- A. Public Hearing for Re-Zoning Map Amendment for R12-R12A-Residential Stroup Property
- B. Arbor Day Proclamation and Ceremony Update
- C. Award of Bid – Street Paving Project Ivy Lane
- D. General Nuisance for Noise Ordinance Text Amendment
- E. Budget Amendments

8. Manager's Report

- A. Concerts at the Rock presents: Carolina Blue, March 7, 2020 at 7:30 p.m.
- B. Annual Budget Retreat is scheduled for Monday, March 23rd, 2020, 9:00 a.m. – 5:00 p.m. & Tuesday, March 24th, 2020, 1:00 p.m. – 5:00 p.m.
- C. Next Council meeting scheduled for Monday, April 6, 2020, 6:00 p.m.

9. Mayor and Council Comments

10. Adjournment

COMMUNICATION NOTES

To: Mayor Black
Town Council

From: Seth Eckard, Town Manager

Date: February 29, 2020

Subject: Monday, March 2, 2020 Council Meeting

6. Consent Agenda

A. Approval of Regular Meeting Minutes of February 3, 2020

B. Set Sunday, April 12, 2020 as Tax Lien Advertising Date for Real Property

Staff recommends the aforementioned date be set as Tax Lien Advertising Date for real property.

C. Reappointment to Valdese ABC Board

Staff recommends the reappointment of Town Manager, Seth Eckard as Chairman to the Valdese ABC Board for, full three-year-term which expires April 1, 2023.

D. Annual Request to Sell Alcohol during Valdese Summer Events

Enclosed in the agenda packet are three requests to sell alcohol during Valdese Summer Events. (The Levee Brewery, Waldensian Style Wines, and Old Colony Players)

E. Parks & Recreation Commission Article Changes

Enclosed in the agenda packet is a memo and proposed updated Article I: Recreation, General, from Parks & Recs Director Doug Knight requesting approval of minor changes in the Articles of the Valdese Parks and Recreation Commission.

F. Set Public Hearing Date for Zoning Text Amendment

Enclosed in your packet is a memo from Planning Director Larry Johnson requesting that Council set a public hearing date on Monday, April 6, 2020, for a text amendment to Article F of the Valdese Ordinance, Off-Street Parking Requirements.

G. Lease Agreement at the Old Rock School with Dr. Kyle Barnes

Enclosed in your agenda packet is a lease agreement with Dr. Kyle Barnes. Dr. Kyle Barnes works with a current tenant, Dream Connections, Inc. Dream Connections, Inc. provides an adult day program service and Dr. Kyle Barnes offers patient care for their clients; he would like to continue to rent the storage space located on the lower level of the Old Rock School for file

storage/office space. Dr. Barnes has been a tenant since 2018. The space would be rented for \$50.00 per month.

Requested Action: Staff recommends that Council approve the lease agreement with Dr. Kyle Barnes for \$50.00 per month.

7. New Business

A. Public Hearing for Re-Zoning Map Amendment

WPCOG Planning Technician Hunter Nestor will present the proposed rezoning request by MC Morgan & Associates, Inc. for the parcel located at 108 Praley St. SW and Waldo St., from R-12 to R-12A Residential.

Requested Action: Staff requests that Council approve the rezoning as presented.

B. Arbor Day Proclamation and Ceremony Update

Enclosed in the agenda packet is a proclamation for Arbor Day 2020. Staff plans to hold a ceremony in conjunction with Valdese Elementary School in front of Valdese Rock School on Friday, March 20, 2020 at 1:30 p.m. Each student will be presented with a small tree. Public Works Director Bryan Duckworth will provide an update on the Tree City Celebration.

C. Award of Bid – Street Paving Project Ivy Lane

Enclosed in your agenda packet is a bid tabulation prepared by West Consultants for the 2020 Street Paving Project. The lowest bidder was Tri-County Paving, Inc., Jefferson, NC, in the amount of \$66,226.00. (Other bids: Evans Construction, Connelly Springs, NC - \$72,078.60, JT Russell & Sons, Conover, NC - \$75,147.77; and Carolina Paving of Hickory, Inc. - \$78,550.00. Public Works Director Bryan Duckworth will be at the meeting to discuss. A breakdown of the funding is also included in the agenda packet.

Requested Action: Staff recommends that Council award the bid to the lowest bidder, Tri-County Paving, Inc., Jefferson, NC, in the amount of \$66,226.00

D. General Nuisance for Noise Ordinance Text Amendment

Enclosed in your agenda packet is a Resolution amending the General Nuisance Noise Ordinance. Chief of Police Jack Moss will be presenting the proposed amendment, which will be adding civil penalties levied to repeat violators.

Requested Action: Staff recommends that Council approve the amendments to the General Nuisance for Noise Ordinance, as presented.

E. Budget Amendments

Enclosed in the agenda packet are budget amendments prepared by Finance Director Bo Weichel. These amendments will move funds into the appropriate accounts.

Requested Action: Staff requests that Council approve the budget amendments as presented.

READING MATERIAL

VALDESE FIRE DEPARTMENT - MONTHLY ACTIVITY REPORT

JANUARY 1st-31st, 2020

THE BELOW REPORT OUTLINES THE ACTIVITIES PERFORMED BY THE FIRE DEPARTMENT DURING THE MONTH OF JANUARY, 2020. THE REPORT SHOWS THE AMOUNT OF TIME SPENT ON EACH ACTIVITY AND THE TYPE AND NUMBER OF EMERGENCY FIRE DEPARTMENT RESPONSES.

<u>ACTIVITY / FUNCTION</u>	<u>MONTHLY TOTAL</u>
STATION DUTY	161 HOURS
VEHICLE DUTY	104 HOURS
EQUIPMENT DUTY	62 HOURS
EMERGENCY RESPONSES (ON DUTY)	51 HOURS
TRAINING (ON DUTY)	28.5 HOURS
FIRE ADMINISTRATION	198 HOURS
TRAINING ADMINISTRATION	10 HOURS
MEETINGS	25 HOURS
FIRE PREVENTION ADMINISTRATION	21 HOURS
FIRE PREVENTION INSPECTIONS	38 HOURS
<u>TYPE</u>	<u>NUMBER OF INSPECTIONS</u> <u>VIOLATIONS</u>
ASSEMBLY	1 8
BUSINESS	4 12
EDUCATIONAL	0 0
FACTORY/INDUSTRIAL	0 0
HAZARDOUS	1 6
INSTITUTIONAL	0 0
MERCANTILE	0 0
RESIDENTIAL	0 0
STORAGE	1 8
UTILITY/MISC	0 0
TOTAL INSPECTIONS:	7 34
PUBLIC RELATIONS	6.5 HOURS
HYDRANT MAINTENANCE	0 HOURS
SAFETY ADMINISTRATION	58 HOURS
SAFE KIDS ADMIN/CRS INSPECTIONS	16 HOURS
EXTRA DUTY FIRES	27 HOURS
NON-DEPARTMENTAL DUTIES	4 HOURS
EXTRA DUTY TRAINING	26 HOURS
EXTRA DUTY FIRE/MED STANDBY	0 HOURS
PHYSICAL TRAINING	19 HOURS
EXTRA DUTY MEDICAL RESPONSES	35 HOURS
VOLUNTEER FIREFIGHTER TRAINING	45 HOURS
TOTAL TRAINING MANHOURS:	99.5 HOURS

FIRE DEPARTMENT EMERGENCY RESPONSES:

<u>FIRE:</u>	<u>MONTHLY TOTAL</u>
FIRE ALARM	5
CARBON MONOXIDE ALARM	0
ODOR/SMOKE INVESTIGATION	1
MUTUAL AID TO STATION 63	2
MUTUAL AID TO STATION 66	1
MUTUAL AID TO STATION 67	1
MUTUAL AID TO STATION 70	1
STRUCTURE FIRE	1
OUTSIDE FIRE	0
STANDBY	0
SERVICE CALLS	5
ELECTRICAL HAZARD	<u>0</u>
	17
<u>MEDICAL:</u>	
ABDOMINAL PAIN	0
ALLERGIC REACTION	0
ASSAULT	0
ASSIST EMS	0
BACK PAIN	0
CANCELLED ENROUTE	0
CARDIAC	0
CHEST PAIN	1
CHOKING	0
CODE BLUE	0
DIABETIC	1
DOA	0
FAINTING	0
FALL	7
GUNSHOT	0
LACERATION/HEMORRAGE	0
OTHER	4
OVERDOSE/INTOXICATED	0
PREGNACY	0
PSYCHIATRIC	0
RESPIRATORY	9
SEIZURE	3
SICK	5
STABBING	0
STROKE	1
TRAUMATIC INJURY	0
UNCONSCIOUS	<u>3</u>
	34
<u>FIRE AND MEDICAL:</u>	
MOTOR VEHICLE ACCIDENT	2
<u>TOTAL RESPONSES:</u>	<u>53</u>

GREG STAFFORD, CHIEF
VALDESE FIRE DEPARTMENT

Community Affairs & Tourism Monthly Stats

JANUARY 2020

Tourism Statistics

Website Visits 4,756

	Top Pages Viewed
	COMMUNITY
	UTILITIES
	RECREATION
	OLD ROCK SCHOOL

TOP FIVE MARKETS: Morganton, Nashville, Valdese, Charlotte, Hickory

Approximate # of Visitors to the Tourism/CA Office 400

Tour Groups: 0

Community Affairs Stats

Old Rock School Rental Breakdown

AUDITORIUM	11
TEACHER'S COTTAGE	10
WALDENSIAN ROOM	12
CLASSROOMS	4
MAJOR EVENT (ENTIRE SCHOOL)	0
Major Events Held at the Old Rock School	Number of Attendees
HOME SCHOOL DRAMA	700
DARIN AND BROOKE BLUEGRASS CONCERT	315
VES ACADEMIC EXCELLENCE	650

Monthly Old Rock School Rentals 36

Monthly Old Rock School Rentals with Alcohol 0

Old Rock School Total Attendance 3346

CA Summary for January

In January 2020 the CA Department hosted Movies at the Rock: Wizard of Oz, and Bluegrass at the Rock: Darrin and Brooke Aldridge. Both events were very successful and enjoyed by hundreds of visitors and citizens of Valdese. Hallyburton Academy also held their graduation ceremony in January, and Valdese Elementary hosted four sessions of Academic Excellence Awards. The homeschool group that holds their classes every week at the ORS held their annual Drama performance, Vintage Jazz held a beauty pageant, and Old Colony Players held three weeks of practice, and two weekends of performances of their play, *Cat on a Hot Tin Roof*. The Community Affairs Department continues to gear up for the April Craft Market that will be held on Saturday, April 11th from 9am-4pm. Summer event planning is also in full gear.



TOWN OF VALDESE, NC

ADVANCED METERING INFRASTRUCTURE IMPLEMENTATION PROJECT

MONTHLY PROJECT SUMMARY REPORT

February 15, 2020

Prepared by:



703 W. Johnson St.
Raleigh, NC 27603

I. PROJECT SUMMARY

Overall Project Completion:

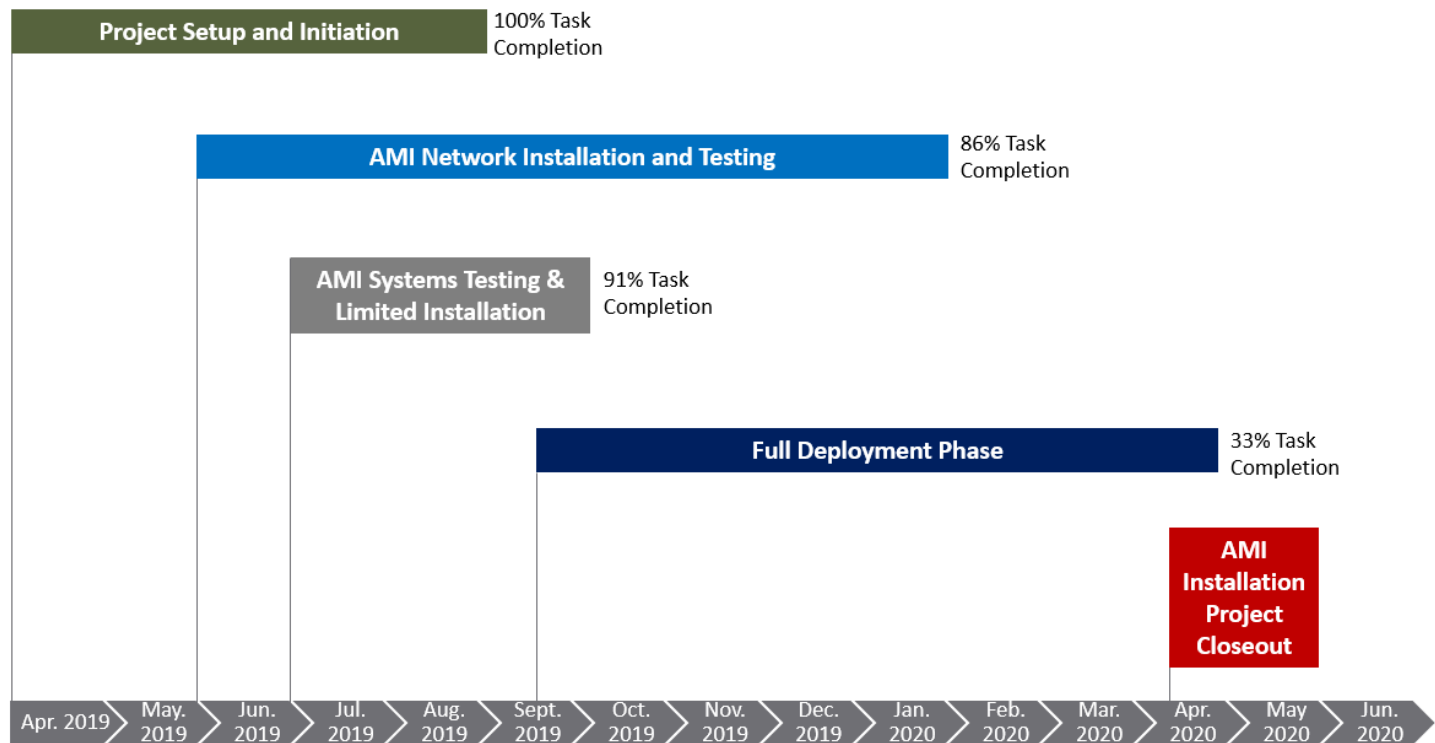


Figure 1. Town of Valdese AMI Project Progression Status

II. NETWORK

The tasks for network install and systems testing were scheduled to have been completed in the original project timeline estimates but are still in progress. However, significant progress has been made on setting up the remaining network infrastructure. As a result, the project team has agreed to commence installations on February 17, 2020 and as to limit delaying installations any further. The project team is working diligently to meet updated install targets and complete installations by the initial target date of April 30, 2020. The details on the remaining activities and reasons for completing the network installation is below:

Pending:

- Zion St. collector site – Duke is scheduled to install transformer to supply power; Mueller project manager is exploring potential to use generator in the interim
- Huffman St. collector site – Town is inspecting that power is available at site
- Enon Rd./Merritt Dr. collector site – power is available; Mueller to turn collector on
- 806 Oakland Ave. repeater site – repeater to be relocated to safer location; Town will need to set a breakaway pole

Completed:

- Collectors and related equipment have been installed; 8 out of 11 collectors are reporting on the network
- 38 repeaters have been installed and reporting on the network
- As of 2/15, 99.8% of reads are reporting on the network over a 3-day read window

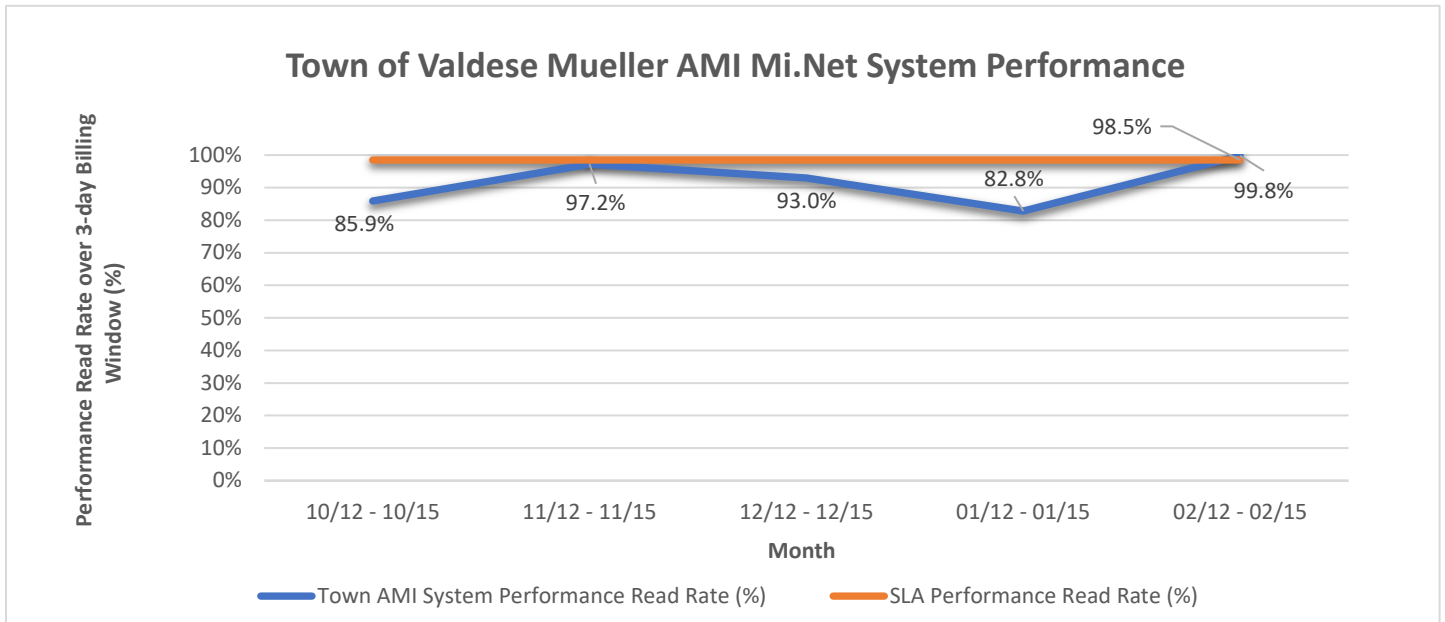


Figure 2. Town of Valdese AMI Network Performance Summary

III. INSTALLATION/EQUIPMENT

Completed:

- Installs in routes 47, 32, 61, 43, and 45 are completed; next route is 25

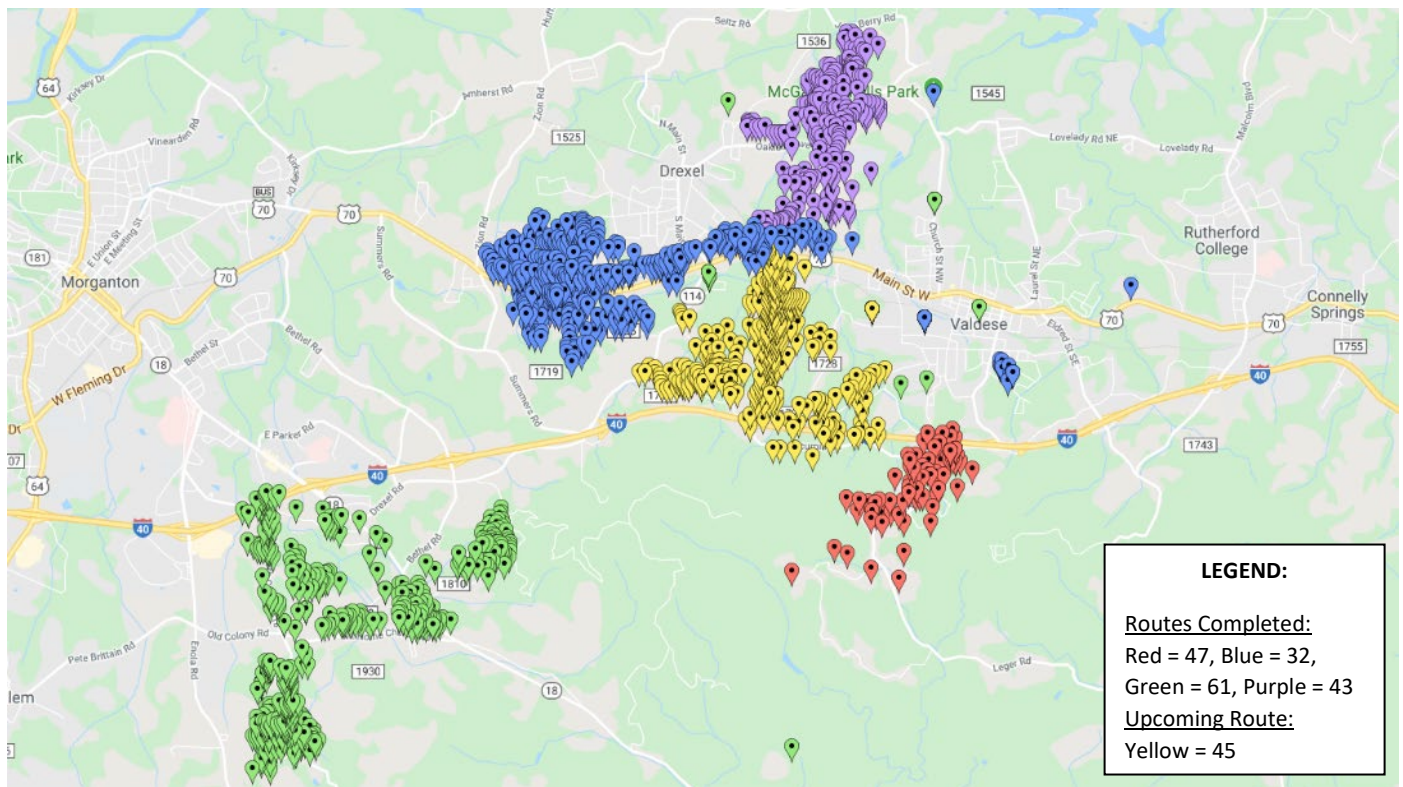


Figure 3. Town of Valdese Meter Install Progression Map

- The table below shows installs completed by route as of 2/15 (highlighted grey)
- While there is a route schedule for the installers, the Town is also conducting replacements of failed meters; meters outside of routes 32, 47, 61, 43, and 45 were replaced by Town staff

Routes	Total Active in Route	Installs Completed to Date	Remaining Installs	RTU	Follow Up/Issues
Commission Only	36	36	0	0	0
2	244	12	232	0	0
3	179	7	172	0	0
4	313	4	309	0	0
5	194	6	188	0	0
6	311	6	305	0	0
7	209	3	206	0	0
8	241	7	234	0	0
9	21	3	18	0	0
10	315	12	303	0	0
11	243	1	242	0	0
12	200	2	198	0	0
25	386	1	385	0	0
26	297	6	291	0	0
31	396	6	390	0	0
32	528	528	0	0	0
43	237	235	0	2	0
45	356	356	0	0	0
47	90	90	0	0	0
48	16	0	16	0	0
50	1	0	1	0	0
51	259	2	257	0	0
61	508	505	0	3	0
99	3	0	3	0	0
Total	5583	1828	3750	5	0

Table 1. Town of Valdese AMI Meter Installs Progression Summary

- Throughout the AMI Implementation project, data has been collected in the iForm work order management system specific to the installations. Data collected includes the following:
 - New meter size
 - Installation Performed by Sub Contractor/Prime/Utility
 - Work Order Type
 - Lid Types
 - Lid Drilling
 - Line Flushing
 - Work Order Status
 - Quality Control Results
- At project kickoff, installers were requested to collect the data specified above. Through data validation, it was noted that this task was not being completed in full or accurately. To enhance the data integrity, MeterSYS conducted on-site iForm training in January. MeterSYS will continue to perform data validation checks throughout the installation project to confirm data accuracy and completion for all future routes.

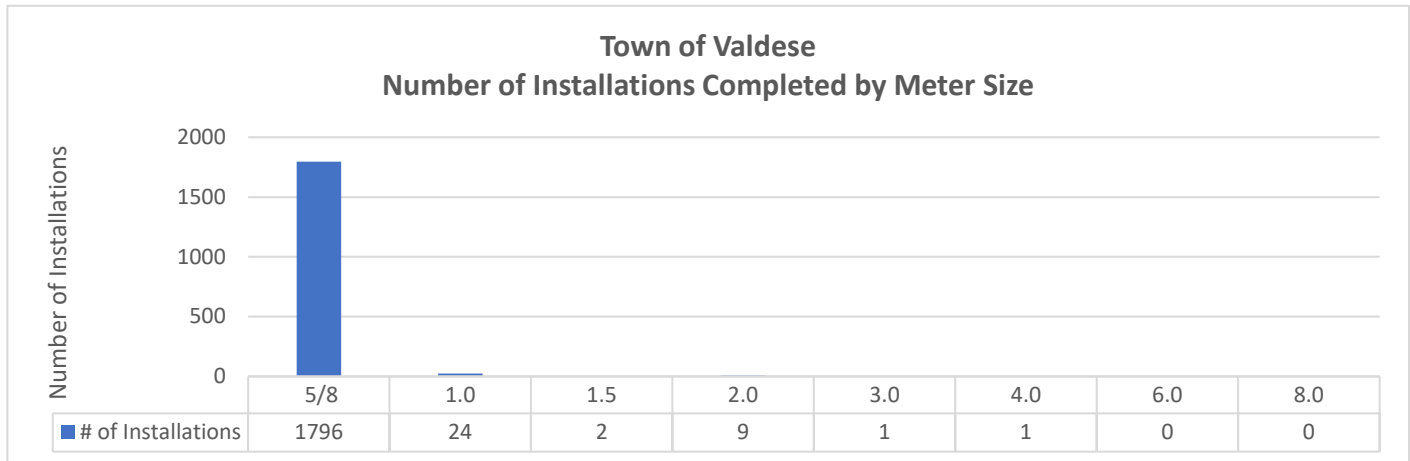


Figure 4. Number of Installations Completed by Meter Size

Next Steps:

- Installations are scheduled to resume 2/17 beginning with Route 25

EQUIPMENT	INVENTORY QUANTITY	REMAINING (AS OF 12/15)
5/8 X 3/4	5100	3309
1"	31	7
1.5"	13	11
2"	10	1
3"	3	2
4"	16	15
6"	12	12
8"	3	3
10"	1	1

Table 2. Town of Valdese AMI Meter Inventory Data

- Please note that the forecasted meter installation figures below for the remaining install phase will be updated based on any changes in resource allocation from Mueller for changing out meters.

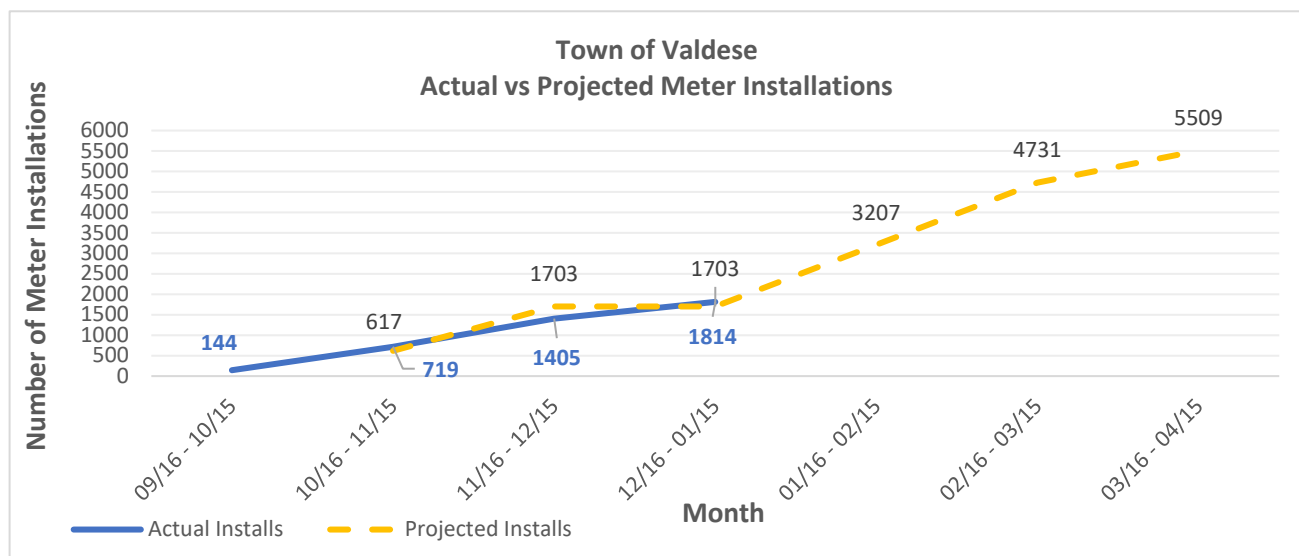


Figure 5. Town of Valdese Meter Install Progression Chart

IV. SYSTEMS INTEGRATION

Pending:

- Harris to write script for FTP (File Transfer Process) site
- Harris to provide quote for WaterSmart interface work

Next Steps:

- Run read and MMCO file for Rte 25 when completed, if successful to accept and signoff on systems integration
- Discuss WaterSmart interface work with Harris and Mueller

V. FINANCIALS MANAGEMENT

Project Element	Total Value	Total Expended to Date	Total % Expended
Equipment (excludes sales tax)	\$ 1,533,724	\$ 1,533,724	100%
Labor (excludes sales tax)	\$ 328,992	\$ 24,500	7%
Software	\$ 52,530.09	\$ 8,500	16%
Mueller Project Management	\$ 59,235	\$ 19,745	33%
Bond	\$ 15,700	\$ 15,700	0%
MeterSYS Program Management	\$ 198,743	\$ 84,519	43%
Harris Systems Integration	\$ 3,975	\$ 1,050	26%

Table 3. Valdese AMI Project Financials Summary

VI. UPCOMING ACTIVITIES

- Onsite Monthly Team Project Status Meeting – 2/26 at 10:30am
- WaterSmart Customer Engagement Platform Communications Pre-Planning Session – 2/26 at 11:30am

February 3, 2020, MB#31

**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

February 3, 2020, MB#31

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 JANUARY 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

February 3, 2020, MB#31

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 Sherriff'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 Sherriff'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 has 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 \$10,500 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.

February 3, 2020, MB#31

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

February 3, 2020, MB#31

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.

February 3, 2020, MB#31

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

COUNCIL AGENDA MEMO

To: Town Clerk
From: Bo D. Weichel / Finance Director
Agenda: 3/02/2020
Re: 2019 Delinquent Taxes

REQUEST

G.S. 105-369(a) mandates that the tax collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property".

BACKGROUND

A taxing unit has the option of also advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees.

G.S. 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30.

Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector's report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers of the intent to publish outstanding current tax liens.

ANALYSIS

In compliance with item (1) above, the Tax Collector reports a total amount of unpaid 2019 Real Property taxes to be \$110,064.58.

In compliance with item (3) above, written notice was provided on February 3, 2019.

RECOMMENDATION

The Tax Collector has informed Town Council of the unpaid tax amounts for the current fiscal year. It is recommended that Council issue an order to advertise all real tax amounts in the Morganton News Herald in an attempt to collect the outstanding amounts. The advertisement date will be Sunday April 12, 2020.

BUDGET ANALYSIS:***Budgetary Action***

Is a Budget Amendment required?

Yes

☐

No

☒
LIST THE EXPENDITURE CODE:

**ORDER OF THE TOWN OF VALDESE CITY COUNCIL
IN ACCORDANCE WITH NCGS 105-369**

State of North Carolina
Town of Valdese

To: Kimberly Cline, Tax Collector, Town of Valdese

- You are hereby authorized, empowered, and commanded to advertise tax liens on real property for failure to pay 2019 property taxes.
- You shall advertise said liens by publishing each lien in the local newspaper having general circulation in Valdese and adjacent areas.
- Advertisement of the liens shall be made on **Sunday April 12, 2020.**

This order shall be full and sufficient authority to direct, require, and enable you to advertise said tax liens in accordance with North Carolina General Statute 105-369.

Witness my hand and official seal, this 2nd day of March 2020.

John F. Black Jr.
Mayor

Attest:

Jessica Lail
Deputy Clerk

**VALDESE ABC BOARD
Staggered Three-Year Terms**

NAME/ADDRESS/TELEPHONE

TERM OF OFFICE

Seth Eckard, Chairman

P O Box 339
Valdese, NC 28690

E-mail: seckard@ci.valdese.nc.us

Office – 828-879-2116

Cell - 828-612-9474

Appointed 06/29/2015

to fill unexpired term of

Jeff Morse

Term Ends 04/01/2017

First Term Expires 04/01/2020

Second Term Expires 04/01/2023

WT Sorrell, III

Mailing address:

P O Box 726
Rutherford College, NC 28671

Home address:

102 Oakland Ct NE
Valdese, NC 28690

Cell/Office – 828-234-1111

E-mail: wtSorrell1@gmail.com

Term Ends 04/01/2021

First Term Expired: 04/01/2018
(filled u/t of Rostan)

John Heilman

500 Campbell Avenue SE
Valdese, NC 28690

Home – 828-879-8430

Cell – 828-443-5915

E-mail: john@drexeldrug.com

Term Ends 04/01/2022

First Term Expired: 04/01/2019
(filled u/t of Thompson)

Karen Clark-Caruso, Valdese ABC Store Manager

1018 Main Street West
Valdese, NC 28690

Office: 828-879-2227

Fax: 828-874-0332

E-mail: vabcmgr@gmail.com



The Levee Brewery & Pub
Peter Skelton - Owner
118 Main Street West
Valdese NC 28690

Town of Valdese,

The Levee Brewery & Pub respectfully requests to sell beer at the following events.

- Family Friday Nights Summer Concert Series Finale Celebration held on May 22nd, 2020 from 7:00pm to 10:00pm in the town parking lot located adjacent to the 100 block of West Main Street in Downtown Valdese.
- Valdese Independence Day Celebration held on July 3, 2020 from 5:00pm to 11:00pm located in parking spaces located adjacent to the 100 block of West Main Street in Downtown Valdese.
- Waldensian Festival event held on August 7, 2020 from 5:00pm until 11:00pm and August 8, 2020 from Noon until 11:00pm in parking spaces located adjacent to the 100 block of West Main Street in Downtown Valdese.
- Family Friday Nights Summer Concert Series Finale Celebration held on September 4th, 2020 from 7:00pm to 10:00pm in the town parking lot located adjacent to the 100 block of West Main Street in Downtown Valdese.

The Levee Brewery & Pub does have a Special Event permit and will follow the guidelines enforced by the North Carolina ABC Commission.

Sincerely,

Peter Skelton
Owner, The Levee Brewery & Pub

Eddie & Brenda Zimmerman
Waldensian Style Wines
2340 Quail Run
Connelly Springs, NC 28612

Town of Valdese,

Respectfully request to sell wine at the Independence Day Celebration on July 3, 2020 from 5:00pm until 11:00pm and the Waldensian Festival event held on August 7, 2020 from 5pm until 11pm and August 8, 2020 from 3pm until 10:00pm in in parking spaces located adjacent to the 100 block of West Main Street in Downtown Valdese.

All our wines are listed as North Carolina wines. Waldensian Style Wines does have a Special Event permit and will follow the guidelines enforced by the North Carolina ABC Commission.

Sincerely,



Eddie Zimmerman
Waldensian Style Wines Owner



Old Colony Players, Inc.

400 Main Street West Valdese North Carolina

PO Box 112 Valdese NC 28690 | oldcolonyplayers.com | 828.522-1150

Email: ftdfoutdoordrama@yahoo.com

February 17, 2020

Board of Directors

Chair

Louis Vinay

Secretary

Jennifer Icard-
Abernethy

Treasurer

Morrissa Angi

Members

Sharon Bowman
Mindy Knox
Josh Lail
Greg Mastin
Jon Mercer

General Manager

Edyth Pruitt

Bookkeeper

Karen Knight

Town of Valdese,

Old Colony Players respectfully request to sell beer at the following events.

- Family Friday Nights Summer Concert Series Kickoff Celebration held on May 22, 2020 from 7:00pm to 10:00pm in the town parking lot located adjacent to the 100 block of West Main Street in Downtown Valdese from the concession trailer.
- Valdese Independence Day Celebration held on July 3, 2020 from 5:00pm to 11:00pm located in parking spaces located adjacent to the 100 block of West Main Street in Downtown Valdese.

Old Colony Players is a 501(c)(3) tax-exempt nonprofit corporation and will secure a Special Event permit and will follow the guidelines enforced by the North Carolina ABC Commission.

Sincerely,

Edyth Pruitt
General Manager

"The mission of the Old Colony Players is to preserve Waldensian cultural heritage, promote quality theatre, and celebrate diverse artistic expression."

Memo

To: Jessica Lail

From: Doug Knight

cc: Town Council

Date: February 14, 2020

Re: Motion to approve changes in the Articles of the Valdese Parks and Recreation Commission

Meeting Date: Monday, March 2, 2020

TO: Town of Valdese Mayor, Town Council, Manager and Clerk

FROM: Doug Knight, Parks & Recreation Director

SUBJECT: Valdese Parks & Recreation Commission (VPRC) Appointments

SUMMARY OF INFORMATION/BACKGROUND: The Parks and Recreation Commission recently reviewed the Articles of the Commission and are recommending some minor changes in scope and operation.

ACTION: Staff and Commission request approval of changes to the Articles (attached with changes in red and phrases eliminated by marked through lines).

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, bequest 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.



TOWN OF VALDESE
NORTH CAROLINA'S FRIENDLY TOWN

P.O. BOX 339

VALDESE, NORTH CAROLINA 28690-0339

PHONE (828) 879-2120 | FAX (828) 879-2139 | TOWNOFVALDESE.COM

Memorandum

To: John Black, Mayor
Town Council

From: Larry Johnson, Planning Director
Hunter Nester, Technical Assistance Planner, WPCOG

Date: February 20, 2020

Subject: Set Public Hearing Date - Zoning Text Amendment

Staff respectfully request that Town Council set April 6, 2020 as the date to hold a public hearing for a text amendment to Article F of the Valdeese Zoning Ordinance, Off-Street Parking Requirements.

The Valdeese Planning Board is recommending revisions to the schedule of off-street parking spaces required.

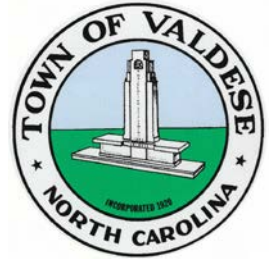
Any change to the zoning ordinance requires a public hearing by Town Council. Staff will present the recommendations of the Valdeese Planning Board and the proposed language at the public hearing.

If you have comments or questions, please contact the Planning Department.



State of North Carolina – County of Burke

Town of Valdese Lease Agreement



THIS AGREEMENT, made and entered into this **First** day of **April 2020**, by and between the TOWN OF VALDESE, hereinafter called “Lessor” and **Dr. Kyle Barnes** hereinafter called “Lessee”; Lessor and Lessee are hereinafter referred to collectively as the “Parties”.

ARTICLE 1.00

Creation of Tenancy, Term and General Conditions

- 1.01 **DEMISE OF PREMISES:** Lessor, for and in consideration of the rentals hereinafter provided and in further consideration of the covenants, conditions, and provisions hereinafter contained, does hereby demise and lease unto Lessee the property (hereinafter called “Premises”) located in that building known as the Valdese Old Rock School, Main Street, Valdese, Burke County, North Carolina, and being Suite(s) **Storage Room** as described on the attached Exhibit “A,” together with the right of access and use to the common areas of the building and parking, subject to the restrictions hereinafter set out.
- 1.02 **TERM:** The Lessee shall have and hold the premises for a period of time commencing the **First** day of **April, 2020** and extending to the **31st** day of **March 2021**.
- 1.03 **RENT:** Lessee agrees to pay Lessor a monthly rent of **\$50.00**. The first month’s rent shall be due and payable at the time of execution of this Lease, with each subsequent monthly rent being due and payable on the first day of the month for each and every month thereafter during the Lease term. In addition, the Lessee shall pay to the Lessor a deposit in the sum equal to one month’s rent. Said sum will be held by the Lessor and applied as a payment or partial payment of any damages that might occur by reason of a default under this agreement.
- 1.04 **UTILITIES:** During the term of this Lease the Lessor shall provide heating and air conditioning Monday through Friday of each week from 8:00 A.M. until 5:00 P.M., and such other times in the Lessor’s sole discretion. The Lessee shall be responsible for all other utilities, including electricity (other than lights) and telephone.
- 1.05 **TAXES:** During the term of this Lease the Lessor shall pay any taxes which might come due on the real property, however, the Lessee shall be responsible for all taxes on the personalty located on the premises.
- 1.06 **GENERAL CONDITIONS:** This Lease is made by Lessor and accepted by Lessee subject to the following:

- 35 of 69
- 1.01.1 All zoning regulations affecting the premises now or hereafter in force.
- 1.01.2 All ordinances, statutes, and regulations, and any presently existing violations thereof, whether or not of record.
- 1.01.3 The existing condition and state of repair of the premises.

ARTICLE 2.00

Use of Premises

2.01 CHARACTER OF USE:

- 2.01.1 The premises shall be used by the Lessee for a **Private Office & File Storage** and shall not be used by Lessee for any other purpose without the prior written consent of the Lessor.
- 2.01.2 Lessee covenants and agrees to comply with all legal requirements of the City, County, State and Federal Governments respecting any operation conducted, or any equipment installations or property located at the premises, and Lessee further covenants and agrees not to create or permit the creation of any nuisance on the premises, or to make any other offensive use thereof.

2.02 IMPROVEMENT AND ALTERATION OF PREMISES: Lessee shall not make, and shall not have the right to make any alterations, changes or improvements, structural, or otherwise in or to the premises without Lessor's prior written consent, provided, that if such consent is given, all such alterations, changes, and improvements shall be at Lessee's expense and shall become the property of Lessor at the termination of the Lease. The granting or denial of consent as provided for in this section shall be the subject of Lessor's sole and absolute discretion.

2.03 TRADE FIXTURES: Lessee will be permitted to install trade fixtures on the premises without necessity of written consent by Lessor, and shall be permitted to remove such fixtures upon the expiration of the Lease term, provided that the removal of such fixtures will not permanently damage the premises, and provided that Lessee shall return the premises to their condition at the commencement of this Lease.

ARTICLE 3.00

Condition of Premises

3.01 ACCEPTANCE OF PREMISES: Lessee acknowledges that the act of taking possession of the premises shall constitute conclusive evidence that Lessee has inspected and examined the premises, and that the same were and are in good and satisfactory condition.

3.02 MAINTENANCE: Lessee covenants and agrees to maintain said premises in their present condition, reasonable wear and tear excepted, during the term of this Lease or any extension thereof at Lessee's own cost and expense. Lessor shall maintain the roof, exterior walls, plumbing, heating and electrical

System except to the extent that the same shall be damaged by the negligence, misuse or overuse by Lessee in which case Lessee shall make said repairs.

In addition, the Lessor shall be responsible for and maintain all common areas in the building, which shall consist of halls and restrooms. The Lessee and its guests may use such common areas, but will make no business use of or store any property in any common areas.

- 3.03 PARKING:** The Lessee and its guests and/or customers, may use the parking lot adjacent to the building between the hours of 7:30 A.M. and 6:00 P.M. on Monday through Friday, and such other times subject to regulations and restrictions as may be determined by the Lessor.
- 3.04 ACCESS:** The Lessee shall have access to the building between the hours of 7:30 A.M. and 6:00 P.M. on Monday through Friday (except on Holidays) and such other times subject to regulations and the Lessor may determine restrictions. The Lessor reserves the right to secure and lock the building and otherwise limit access, as it should determine advisable during other hours.
- 3.05 CONDITIONS UPON TERMINATION:** Upon the expiration, termination or acceleration of Lessee's obligations under this Lease, Lessee shall return the premises to a condition at least as good as their condition upon the commencement of this Lease, ordinary wear and tear accepted.

ARTICLE 4.00

Insurance, Liability of Parties

- 4.01 CASUALTY INSURANCE:** Lessor shall carry, at Lessor's expense, fire insurance with extended coverage insuring loss or damage to the premises. Lessee shall be responsible for insuring Lessee's personal property on the premises.
- 4.02 LIABILITY INSURANCE:** Throughout the continuance of this Lease, Lessee shall keep the premises insured, at Lessee's sole cost and expense, against claims for personal injury or property damage under a policy of general liability insurance, with a single limit of at least \$500,000.
- 4.03 INDEMNIFICATION:** The Lessee will protect, indemnify, save and hold harmless the Lessor, its officers, agents, servants, and employees, from and against any and all claims, demands, expense, and liability, arising out of injury or property which may occur on or in the demised premises or which may arise, or in any way grow out of any act or omission of the Lessee, its (his) agents, subcontractors, servants, and employees of the use and occupancy of the demised premises by the Lessee or anyone using or occupying said premises as a guest, patron, or invitee of Lessee.
- 4.04 WAIVERS:** Insofar as it may be permitted by the terms of the fire or extended coverage insurance policy carried by the Lessor or Lessee, each party hereby releases the other with respect to any claim (including a claim for negligence) that it might have against the other party for loss, damage or destruction with respect to its property by fire or other casualty (including rental value or business interruption, as the case may be) occurring during the term of this Lease. In the event one or both of the

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parties' insurance policies do not permit this waiver, such party will immediately give notice of such denial to the other party and upon such request shall cause the other party to be named in such policy or policies as one of the name insured.

ARTICLE 5.00

Termination, Default, Remedies

- 5.01 HOLDOVER TENANCY:** In the event that Lessee remains in possession after the expiration of the term hereof or the validly commenced extension thereof and without the execution of a new Lease, Lessee shall not acquire any right, title or interest in or to the premises and in such event Lessee shall occupy the premises as Lessee from month to month and be subject to all conditions, provisions, and obligations of this Lease in so far as the same shall be applicable.
- 5.02 DEFAULT OR BREACH OF COVENANT:** If Lessee shall fail to timely make any payment of rent herein provided for, or promptly perform any other covenant or obligation imposed upon it hereunder and shall fail to make good such Default within ten (10) days after written notice from the Lessor to Lessee, Lessor may enter the premises and expel Lessee therefrom without prejudice to any and all other remedies that may be available to Lessor under the laws.
- 5.03 REMEDIES ARE CUMULATIVE:** To the extent that the remedies provided for under this Lease are not clearly inconsistent, they shall be cumulative, and Lessor shall be entitled to pursue all or any part of the remedies provided herein. The remedies specified in this Lease are in addition to, and not in lieu of any remedies otherwise available to Lessor by law or in equity. Pursuit of any remedy by Lessor shall not constitute a binding election of such remedy or prevent Lessor from seeking other relief.
- 5.04 COSTS AND ATTORNEYS FEES:** In addition to any other damages sustained by Lessor as a result of Lessee's Default, Lessor shall be entitled to recover of Lessee all reasonable attorneys' fees and costs incurred in pursuit of Lessor's remedies.
- 5.05 ACCEPTANCE OF SURRENDER:** No act or conduct of Lessor, including without limitation, the acceptance of the keys to the premises shall constitute an acceptance of the surrender of the premises by Lessor before the expiration of the term. Only a Notice from Lessor to Lessee shall constitute acceptance of the surrender of the Premises and accomplish a termination of this Lease.

ARTICLE 6.00

Destruction or Taking of Premises

- 6.01 DAMAGE BY CASUALTY OR FIRE:** If said premises should be damaged or destroyed by casualty, explosion or fire, as to be unfit for Lessee's continued use, then this Lease shall thereupon be terminated and the rent for the month in which the damage occurred shall be apportioned and refunded to Lessee; but if said premises should be damaged or destroyed by casualty, explosion or fire, however caused or

38 of 69
by the elements, or any cause or happening and still be fit for Lessee's continued use, then the same shall be promptly restored by Lessor to their previous condition and a just and fair proportion of the rent herein reserved shall abate until the same have been completely restored, and a like proportion of any rent unpaid in advance shall be refunded to Lessee.

The Lessor may, following damage as above provided, elect to terminate this Lease by providing the Lessee with written notice of its election within ninety (90) days of the occurrence of the damage.

ARTICLE 7.00

Additional Provisions

- 7.01 ASSIGNMENT AND SUBLETTING:** Lessee shall not have the right to assign or sublet the within Lease or sublet the premises in whole or in part without first obtaining the written consent of the Lessor. No approval of assignment or subletting shall be effective until the prospective assignee or Sublessee shall have given Lessor Notice acknowledging familiarity with the terms of this Lease and evidencing agreement to be bound thereby. Any assignment or subletting in violation of this provision shall be void and the discretion of the Lessor as to whether to permit such assignment or sublease is absolute.
- 7.02 RIGHT OF ENTRY:** Lessor shall have the right at all reasonable times to enter and inspect the premises, and to take any action which Lessor reasonably believes to be necessary to protect the premises from damage.

ARTICLE 8.00

Special Provisions

- 8.01 RELATIONSHIP OF PARTIES:** It is specifically understood that the parties hereto have created a Lessor-Lessee relationship with respect to the demised premises and that the Lessor shall in no way control or be responsible for the acts of the Lessee with respect to the operations carried out on the demised premises. The Lessee specifically agrees to indemnify and hold harmless the Lessor from any loss by reason of operation on the premises and it is further agreed to erect a suitable sign to be placed in a visible located on the demised premises indicating the name and ownership of the business being rented upon the property and further the Lessee agrees not to take any action that might in any way indicate any involvement by Lessor in the Lessee's business except as hereinafter set out.

ARTICLE 9.00

Interpretation, Execution

- 9.01 GOVERNING LAW:** The laws and decisions of the State of North Carolina will govern and control the construction, enforceability, validity, and interpretation of this Lease and of all agreements, instruments and documents heretofore, now or hereafter executed by Lessee and delivered to Lessor pertaining or relating to this Lease or the transaction contemplated herein.

- 9.02 MODIFICATION:** This Lease, together with the schedules and exhibits attached hereto, contains the full, final and exclusive statement of the Lease between Lessor and Lessee relating to the leasing of the premises and cannot be amended, altered, modified or terminated except by a written agreement signed by both Lessor and Lessee. The parties hereto specifically relinquish any rights they may have to orally rescind or otherwise terminate this Lease and acknowledge that they will not rely upon any such oral agreements.
- 9.03 SEVERABILITY:** If any clause or provision of this Lease is illegal, invalid or unenforceable under present or future laws effective during the term of extensions thereof, in that event it is the intention of the Parties hereto that the remainder of this Lease shall not be affected thereby.
- 9.04 CAPTIONS:** The caption of each Section is added as a matter of convenience only, and shall be considered of no effect in the construction of any provision of this Lease.
- 9.05 WORD USAGE:** Throughout this Lease, the masculine gender shall include the plural and vice versa, wherever the context requires such construction.
- 9.06 EFFECT UPON SUCCESSORS:** This Lease shall inure to the benefit of and shall be binding upon the heirs, executors, administrators, conservators, guardians, or other legal representatives and assigns of each party.
- 9.07 MULTIPLE SIGNATURES:** If there is more than one signer (exclusive of Lessor) of this Lease, whether as Lessee or a co-signer, their obligations will joint and several, and term "Lessee" will include each such party, jointly and severally.
- 9.08 QUIET ENJOYMENT:** The Lessor agrees that Lessee on paying the stipulated rental and keeping and performing the agreement and covenants herein contained, shall hold and enjoy the premises for the term aforesaid, subject however to the terms of this Lease, and further warrants that the use of the premises called for herein do not violate the terms of any zoning affecting the premises.

X_____

Town of Valdese

Seth Eckard, Town Manager

Lessor

X_____

Dr. Kyle Barnes.

Dr. Kyle Barnes, Owner

Lessee

X_____

Witness (Attest)

X_____

Witness

Memorandum

TO: Valdese Town Council
FROM: Larry Johnson, Planning Director
Hunter Nestor, WPCOG Community Regional Planner
DATE: February 13, 2020
SUBJECT: Rezoning Application 1-1-20

APPLICANT

MARK MORGAN, MC MORGAN & ASSOCIATES INC

PROPERTY OWNER:

JOHN RAY STROUP

REQUEST:

Applicant requests the property be rezoned from Residential District (R-12) to Residential District (R-12A). 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.

LOCATION:

251 PRALEY ST NW

LAND USE AND ZONING:

The current property is 9.22 acres and zoned Residential District (R-12). The property is also vacant and undeveloped.

Surrounding Zoning:

North: R-12

South: R-12 and B-1 Central Business District

East: R-8, R-12 and B-1 Central Business District

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

Surrounding Land Use:

North: Institutional - Valdese 1st Baptist Church

South: Residential (Vacant) and Commercial (First Citizens Bank)

East: Residential (Single family) and Vacant

West: Residential (Single Family), Commercial (Car Wash) and Valdese Elementary School

REVIEW/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 multi-family apartment project in Hildebran.

This rezoning request is consistent with the Future Land Use map in the "Valdese Vision" and will be permitted with a conditional use permit by Town Council.

RECOMMENDATION:

The Valdese Planning Board met January 27, 2020, to consider the request by applicant, Mark Morgan. Following review and discussion by the Planning Board, it was recommended unanimously that the Valdese Town Council approved the application (1-1-2020) and amends the zoning map to reflect a change in the Stroup property from R-12 to R-12A Residential.

Town of Valdese Rezoning Request 1-1-2020

SUBMITTED BY: MC MORGAN & ASSOCIATES, INCORPORATED

LOCATION:

108 PRALEY ST SW and Waldo St (Adjacent Parking Lot)



LOCATION: 108 PRALEY ST SW



Background

APPLICANT

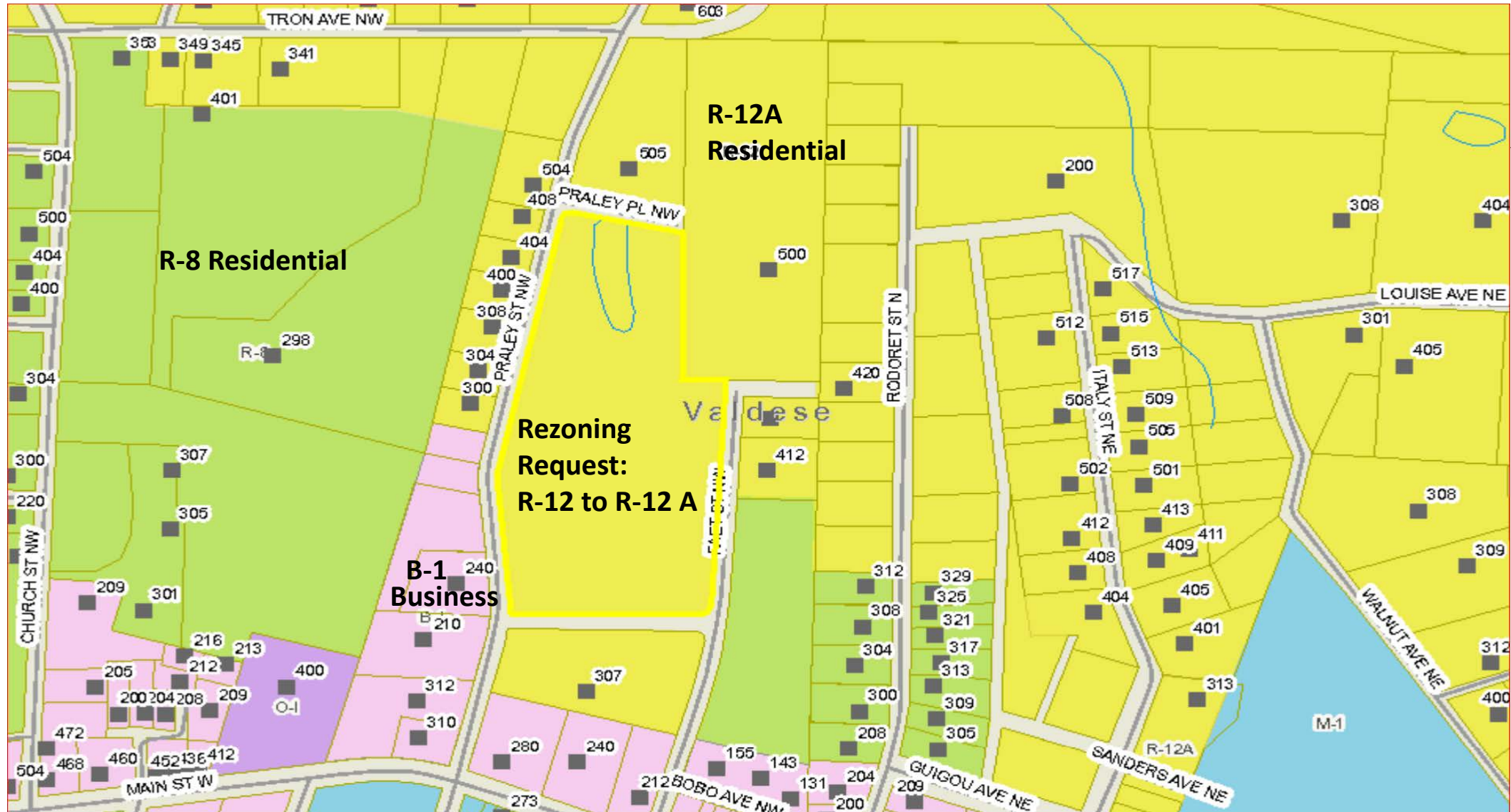
- Mark Morgan, MC Morgan & Associates, Incorporated

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.

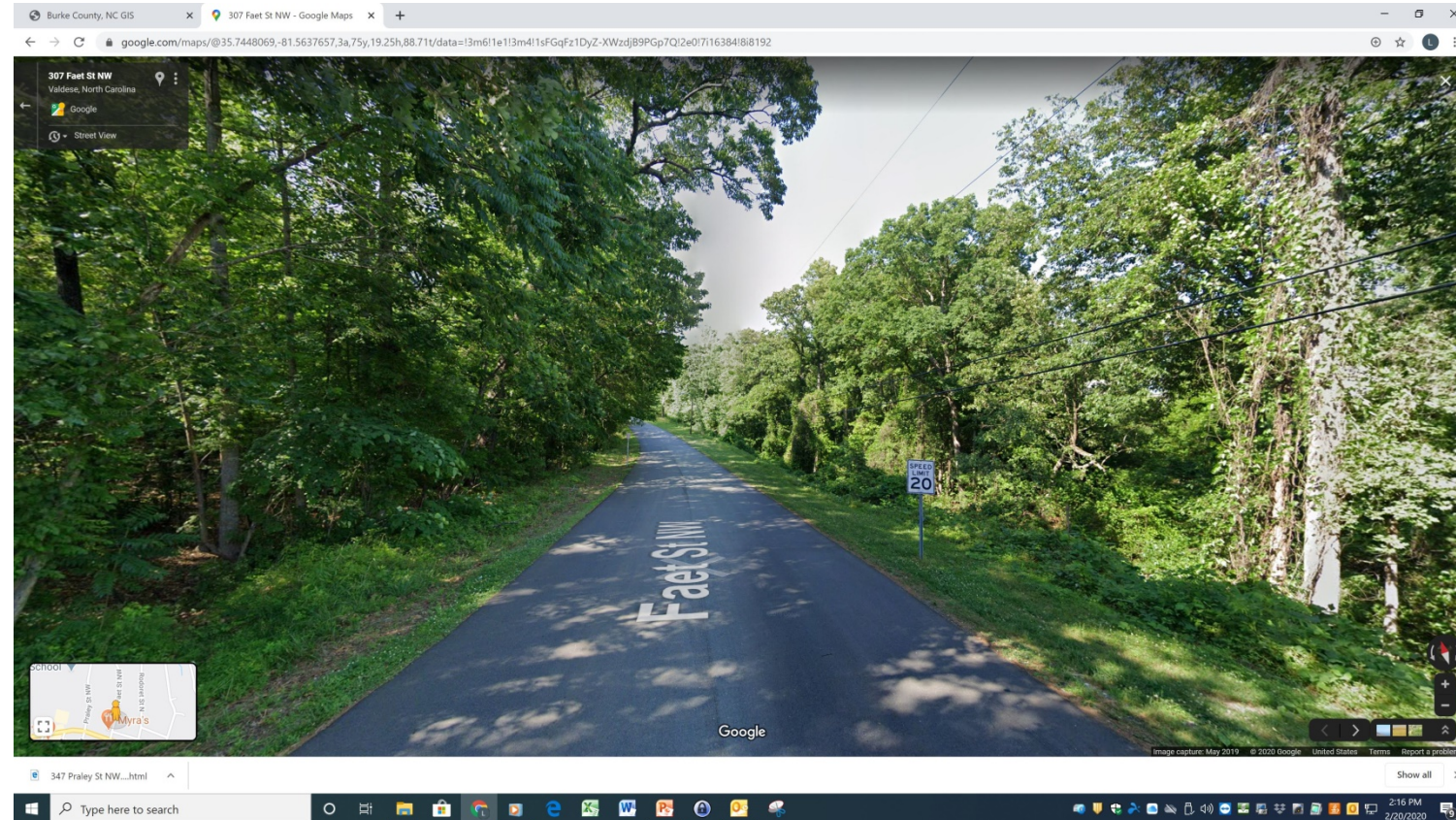


Surrounding Land Use and Zoning

NORTH/EAST

Zoning: Central Business

Land Use: BP Gas Station and Family Dollar



SOUTH/ EAST

Zoning: Office and Intuitionl
Land Use: Old Rock School



SOUTH

Zoning: M-1 Manufacturing

Land Use: South: Manufacturing



Zoning: M-1 Manufacturing and Central Business Land Use: Retail and Residential



WEST

Zoning: Central Business
Land Use: AutoZone Retail



WEST



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 "Valdese 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

Recommendation

The Valdese Planning Board met January 27, 2020, to consider the request by applicant, Mark Morgan. Following review and discussion by the Planning Board, it was recommended unanimously that the Valdese Town Council approved the application (1-1-2020) and amends the zoning map to reflect a change in the Stroup property from R-12 to R-12A Residential.

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.

John F. Black, Jr., Mayor

Arbor Day

The Town of Valdese proclaims March 20, 2020 as Arbor Day.



The Town of Valdese, in conjunction w/ Valdese Elementary School, would like to invite you to an Arbor Day ceremony on March 20, 2020 in front of Valdese Rock School. The program will begin at 1:30 P.M. Come join us in the celebration of Arbor Day.

****See Below****

Site – Valdese Town Hall

1 – Welcome

2- Thanks to Valdese Elementary

3- Planting of Arbor Day Tree and Explanation of Importance

4 – Presentation of trees to Fourth Graders of Valdese Elementary



Town of Valdese

Agenda Packet

Communication Notes

Submitted by: Bryan Duckworth

Public Works Director

Department: Public Works

Street Department

Contact Number: 828-879-2128

Date Submitted: February 21, 2020

Email: bduckworth@valdesenc.gov

Date of Council Meeting to consider item: March 2, 2020

Council Action Requested: Award of Contract for Ivy Lane Resurface – Tri-County Paving

Funding – Street Department – 10-5600-740 \$25000.00

Powell Bill - 10-5700-740 \$51348.00 (Budget Amendment to Follow)

Special Information:

Total Project Cost \$76348.00

Paving \$66226.00

Contingency \$6622.00

Project Inspection \$3500.00

Communication Notes – Project consist of complete milling and resurface of Ivy Lane. This street has consistently scored low on the last 2 street condition studies. Street serves 13 single family homes and is approximately 925 ft in length. Project bids came in 25% under engineer estimates.

February 20, 2020

Mr. Seth Eckard
Town Manager
Town of Valdese
PO Box 339
Valdese, NC 28690

RE: Bid Results
2020 Street Paving

Dear Mr. Eckard:

On Tuesday, February 18, 2020 at 2:00 PM, bids were received for the above referenced project. A bid tabulation is enclosed for your review. The lowest bid was submitted by Tri-County Paving, Inc., of Jefferson, North Carolina in the amount of \$66,226.00.

This bid appears to be complete in accordance with the instructions to bidders. Therefore, we recommend selecting the bid and awarding the contract to Tri-County Paving, Inc. in the amount of \$66,226.00.

If you have any questions concerning the above, please let me know.

Sincerely,

WEST CONSULTANTS, PLLC



Todd J. Poteet, P.E.

/bl
Enclosure

Town of Valdese
2020 Street Improvements Project
Burke County, North Carolina

Bid Tabulation

Line Item Description	Quantity	Unit	Tri-County Paving, Inc. Jefferson, NC	Evans Construction Connelly Springs, NC	JT Russell & Sons, Inc. Conover, NC	Carolina Paving of Hickory, Inc Hickory, NC
1. Milling of Ex. Asphalt	2,260	SY	\$4.50	\$3.50	\$3.95	\$7.50
2. Minor Grading/Undercutting	120	CY	\$10.00	\$25.00	\$75.00	\$15.00
3. ABC Stone for Undercut	240	TN	\$30.00	\$40.00	\$36.80	\$30.00
4. 3" S9.5C Asphalt Resurfacing	440	TN	\$104.90	\$112.44	\$105.00	\$115.00
5. Bonds and Mobilization (max. 3%)	1	LS	\$1,500.00	\$2,095.00	\$2,188.77	\$2,000.00
Total Base Bid			\$66,226.00	\$72,078.60	\$75,147.77	\$78,550.00
Total as Shown on Bid Form				\$72,075.00		

I, Todd J. Poteet, PE, do hereby certify that this is a true and correct canvass of bids received by the Town of Valdese for the Town of Valdese 2020 Street Improvements Project on Tuesday, February 18, 2020 at 2:00 PM.


Todd J. Poteet, PE
 Todd J. Poteet, PE

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

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 _____ DAY OF MARCH, 2020.

JOHN F. BLACK, JR., MAYOR

ATTEST:

TOWN CLERK

(corporate seal)

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.

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		51,348
Total		\$0	\$51,348

Amounts appropriated for expenditure are hereby amended as follows:

Account Description		Increase/ Debit	Decrease/ Credit
10.5700.740	Capital Outlay	51,348	
Total		\$51,348	\$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.