



**Town of Valdese  
Town Council Meeting  
Valdese Town Hall  
102 Massel Avenue SW, Valdese  
Monday, November 1, 2021  
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**

**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 October 4, 2021
- B. Request to Sell Alcohol during Town Event at the Old Rock School

**7. New Business**

- A. Appointment of New Town Attorney
- B. Family Friday Nights – Permanent Stage Location
- C. Budget Amendments
- D. Capital Project Ordinance

**8. Manager's Report**

- A. Bluegrass at the Rock: Doyle Lawson & Quicksilver, November 6<sup>th</sup>, 2021, at 7:30 p.m. Visit [www.townofvaldese.com](http://www.townofvaldese.com) for ticket information.
- B. Christmas in November Craft & Gift Show at the Old Rock School is scheduled Friday, November 12<sup>th</sup>, 2021, 4:00 pm – 8:00 pm & Saturday, November 13<sup>th</sup>, 2021, 9:00 am – 2:00 pm
- C. Town Offices Closed on November 11<sup>th</sup> in Observance of Veterans Day & November 25<sup>th</sup> & 26<sup>th</sup> in Observance of Thanksgiving
- D. Saturday, December 4<sup>th</sup>, 2021, Valdese Christmas Parade, 10:00 am
- E. Bluegrass at the Rock: Sister Sadie, December 4<sup>th</sup>, 2021, at 7:30 p.m. Visit [www.townofvaldese.com](http://www.townofvaldese.com) for ticket information.
- F. Next Regular Council meeting scheduled for Monday, December 6, 2021

**9. Mayor and Council Comments**

**10. Adjournment**

## COMMUNICATION NOTES

**To:** Mayor Black  
Town Council

**From:** Seth Eckard, Town Manager

**Date:** October 29, 2021

**Subject:** Monday, November 1, 2021 Council Meeting

### 6. Consent Agenda

#### A. Approval of Regular Meeting Minutes of October 4, 2021

#### B. Approval to Sell Alcohol during Town Event at the Old Rock School

Enclosed in the agenda packet is a request from Waldensian Style Wines to sell wine at the November Craft & Gift Show event on Friday, November 12, 2021, from 4:00 p.m. to 8:00 p.m. & Saturday, November 13, 2021, from 9:00 a.m. to 2:00 p.m., Waldensian Room at the Old Rock School.

### 7. New Business

#### A. Appointment of New Town Attorney

Enclosed in the agenda packet is a memo from Town Manager Seth Eckard, Attorney profile, and an Engagement Letter from Timothy D. Swanson with YOUNG, MORPHIS, BACH & TAYOR, LLP, for the appointment of the next Town Attorney for Valdese Town Council. After the retirement announcement of current Town Attorney Marc Mitchell, Mayor Black appointed a committee to search for the next attorney. The selected panel interviewed four applicants, and they unanimously recommend Mr. Swanson. Mr. Swanson's hourly rate is \$235.00 per hour for all work performed under the Engagement Letter and \$125.00 per hour for services provided by his paralegal, Kayla Wallace.

**Requested Action:** The interview committee recommends the appointment of Timothy D. Swanson with YOUNG, MORPHIS, BACH & TAYLOR, LLC, to serve as the next Town Attorney.

#### B. Family Friday Nights – Permanent Stage Location

Enclosed in the agenda packet is a memo from Community Affairs Director Morrissa Angi. Ms. Angi will present an in-depth presentation on the change of the Family Friday Night series venue and the construction of a permanent stage located at the Temple Field behind the Old Rock School. The permanent stage will result in approximately \$4,000 cost savings per year for stage

rentals. Funding for the permanent stage would be raised through fundraising efforts and contributions.

**Requested Action:** Staff recommends that Council approve a change of venue and the construction of a permanent stage located at Temple Field for the summer concert series.

### **C. Budget Amendments**

Enclosed in the agenda packet are three budget amendments prepared by Finance Director Bo Weichel. These amendments will move funds to the appropriate account. Mr. Weichel will be at the meeting to present.

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

### **D. Capital Project Ordinance – Community Center Gymnasium Renovation**

Enclosed in the agenda packet is a memo and Capital Project Ordinance prepared by Finance Director Bo Weichel. This amendment will move funds to appropriate accounts. Mr. Weichel will be at the meeting to present this amendment.

**Requested Action:** Staff recommends that Council approve the Capital Project Ordinance as presented.

# READING MATERIAL

**VALDESE FIRE DEPARTMENT - MONTHLY ACTIVITY REPORT****SEPTEMBER 1st-30th, 2021**

THE BELOW REPORT OUTLINES THE ACTIVITIES PERFORMED BY THE FIRE DEPARTMENT DURING THE MONTH OF SEPTEMBER, 2021. THE REPORT SHOWS THE AMOUNT OF TIME SPENT ON EACH ACTIVITY AND THE TYPE AND NUMBER OF EMERGENCY FIRE DEPARTMENT RESPONSES.

<b><u>ACTIVITY / FUNCTION</u></b>	<b><u>MONTHLY TOTAL</u></b>
STATION DUTY	155 HOURS
VEHICLE DUTY	110 HOURS
EQUIPMENT DUTY	48 HOURS
EMERGENCY RESPONSES (ON DUTY)	42 HOURS
TRAINING (ON DUTY)	120 HOURS
FIRE ADMINISTRATION	206 HOURS
TRAINING ADMINISTRATION	4 HOURS
MEETINGS	11 HOURS
FIRE PREVENTION ADMINISTRATION	58 HOURS
FIRE PREVENTION INSPECTIONS	38 HOURS

<b><u>TYPE</u></b>	<b><u>NUMBER OF INSPECTIONS</u></b>	<b><u>VIOLATIONS</u></b>
ASSEMBLY	2	6
BUSINESS	6	8
DAYCARE	0	0
FACTORY	4	65
HAZARDOUS	0	0
INSTITUTIONAL	0	0
MERCANTILE	3	34
RESIDENTIAL	0	0
STORAGE	0	0
UTILITY/MISC	0	0
REINSPECTIONS	4	1
<b>TOTAL:</b>	<b>19</b>	<b>114</b>

PUBLIC RELATIONS	5 HOURS
HYDRANT MAINTENANCE	6 HOURS
SAFETY ADMINISTRATION	9 HOURS
SAFE KIDS ADMIN/CRS INSPECTIONS	15 HOURS
EXTRA DUTY FIRES	17 HOURS
NON-DEPARTMENTAL DUTIES	0 HOURS
EXTRA DUTY TRAINING	41 HOURS
EXTRA DUTY FIRE/MED STANDBY	6 HOURS
PHYSICAL TRAINING	14 HOURS
EXTRA DUTY MEDICAL RESPONSES	25 HOURS
VOLUNTEER FIREFIGHTER TRAINING	38 HOURS
<b>TOTAL TRAINING MANHOURS:</b>	<b>199 HOURS</b>

**FIRE DEPARTMENT EMERGENCY RESPONSES:**

<b><u>FIRE:</u></b>	<b><u>MONTHLY TOTAL</u></b>
FIRE ALARM	6
OUTSIDE FIRE	1
ILLEGAL BURN	1
TREE DOWN	1
ELECTRICAL HAZARD	0
STRUCTURE FIRE	1
SMOKE INVESTIGATION	0
SERVICE CALL	3
VEHICLE FIRE	0
STANDBY	<u>2</u>
	<b>15</b>
<b><u>MEDICAL:</u></b>	
ABDOMINAL PAIN	1
ALLERGIC REACTION	0
ANIMAL BITE	0
ASSAULT	0
ASSIST EMS	2
BACK PAIN	1
CANCELLED ENROUT	0
CARDIAC	0
CHEST PAIN	1
CHOKING	0
CODE BLUE	1
DIABETIC	2
DOA	0
FAINTING	0
FALL	10
HEADACHE	0
HEMORRHAGE	1
OTHER	1
OVERDOSE/INTOXICATED	2
PREGNACY	0
PSYCHIATRIC	0
RESPIRATORY	4
SEIZURE	0
SICK	3
STROKE	2
TRAUMATIC	0
UNCONSCIOUS	2
UNKNOWN	<u>0</u>
	<b>33</b>
<b><u>FIRE AND MEDICAL:</u></b>	
MOTOR VEHICLE ACCIDENT	<u>1</u>
	<b>1</b>
<b><u>TOTAL RESPONSES:</u></b>	<b><u>49</u></b>

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GREG STAFFORD, CHIEF  
VALDESE FIRE DEPARTMENT

# Community Affairs & Tourism Monthly Stats

## October 2021

### Tourism Statistics

*townofvaldese.com Visits* 2,691 views

*visitvaldese.com Visits (reported from Oct 4-Oct 24)* 5,060 views

*downtownvaldese.com Visits* 1,540 views

*Top 5 Pages Viewed: 1)Utilities 2)Water Department 3) Events 4) Career Opportunities 5) Directory*

### Facebook

*# of followers* 13,885

*Total # of engaged* 2,441

*Daily Total Reach* 149,100

### Zoho Social Media Monthly Report: Postive vs. Negative Feedback

Postive 99.61%

Negative .39%

TOP FIVE MARKETS: Morganton, Valdese , Hickory, Drexel, Granite Falls

*Approximate # of Visitors to the Tourism/CA Office* 390

### Community Affairs Stats

#### Old Rock School Rental Breakdown

AUDITORIUM	4
TEACHER'S COTTAGE	15
WALDENSIAN ROOM	10
CLASSROOMS	1
MAJOR EVENT (ENTIRE SCHOOL)	1
Major Events Held at the Old Rock School	Number of Attendees
Carolina Southern Regal Pageant	110
Monthly Old Rock School Rentals	35
Old Rock School Total Attendance	892

#### CA Summary for October 2021

Fall events and activities are in full swing for the Community Affairs department. Planning began early in the month for the annual Treats in the Streets celebration, such as securing participating merchants, organizing the costume contest, and event promotion. Barkside Grooming partnered with the department to sponsor another successful virtual pet costume contest. The department also started a successful new Halloween activity-a scavenger hunt in the Old Rock School windows, "The Old Rock BOOS". Families came to find hidden objects in the windows, using an interactive map. Posters for the Great Gobbler Art Contest are also slowly making their way out of the office as families pick them up in hopes of winning one of several prizes sponsored by Farris Insurance Agency! Heavy preparation for upcoming Christmas events are underway including booking the last vendors for the Christmas in November Craft Show, promoting floats for the Christmas parade and planning the Mingle with Kringle and Christmas in Valdese events. Rentals of the Old Rock School facilities have remained incredibly busy, hosting 2 pageants, a wedding, and multiple parties and classes. Day to day operations also included local business promotions on social media, seasonal decor of the Old Rock School, and managing ticket sales for a busy Bluegrass season.

## VALDESE POLICE DEPARTMENT

Jack W. Moss  
Chief of Police  
Post Office Box 339  
121 Faet Street  
Valdese, North Carolina 28690

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Telephone 828-879-2109  
Fax 828-879-2106

Oct 28, 2021

To: Seth Eckard  
From: Chief Moss  
Re: Boots on the ground

Progress reports: Boots on the Ground

Location:

Officer Visits:

McGalliard Falls	98	Visual Checks / Walk around
Old Rock School	72	Visuals Checks / Walk around
Children's Park	63	Visual Checks / Walk around
Community Center	64	Visual Checks / Walk around
Lakeside Park	49	Community Contact
Main St Extra Patrol		Nightly Door Checks
Business/Residential Contact	69	Community Policing
Family Fun Night	0	Community policing
Myra's Car show		When event takes place now



Our officer have logged 179 residential/business security checks, 424 extra patrols and 69 community policing contacts in 30 days for a total of 672 events related to the safety, security and public interest. These checks and extra patrols include all of the standard residential checks, business, and boots on the ground CAD logs.

**TOWN OF VALDESE  
TOWN COUNCIL REGULAR MEETING  
OCTOBER 4, 2021**

The Town of Valdese Town Council met on Monday, October 4, 2021, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., 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 Clerk Jessica Lail, and various department heads.

Absent: Town Manager Seth Eckard

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:**

**RECOGNIZING POLICE & FIRE DEPARTMENT, CINDY STEVENS – 505 PINEBURR AVE., VALDESE:**

Ms. Stevens shared a story about a car accident she was involved in. She said the Valdese Police Department was very professional and responded quickly. Ms. Stevens also shared her appreciation to the Fire Department, especially Keshia, who kept her calm. Ms. Stevens thanked both the Fire and Police Department.

**PROCLAMATION FOR BURKE COUNTY, NC NONPROFIT DAY (AKA 1BURKEGIVES):** Jean VanNoppen, VP of Marketing and Communications with Burke County United Way and Mayor Black presented the following Proclamation:

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

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

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

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

**Whereas**, Tuesday, November 30, 2021 observance of "Burke County, NC Nonprofit Day" (aka 1BurkeGives) provides a unique opportunity for the citizens of Burke County to join together in appreciation and support of the many contributions made by nonprofit organizations to our continued wellbeing while boosting awareness for continued growth.

**Now, therefore**, I, Mayor Black, Mayor, do hereby proclaim Tuesday, November 30, 2021 as Burke County, NC Nonprofit Day (aka 1BurkeGives) and encourage all citizens to recognize the positive impact nonprofit organizations have on the quality of life of the citizens of Burke County.

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

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

**APPROVED REGULAR MEETING MINUTES OF SEPTEMBER 7, 2021**

**APPROVED ORDINANCE DECLARING ROAD CLOSURE FOR THE TOWN OF VALDESE ANNUAL EVENT:**

**October 4, 2021, MB#31**  
**AN ORDINANCE DECLARING ROAD CLOSURE**  
**FOR TOWN OF VALDESE SPECIAL EVENTS**

WHEREAS, for many years the Town of Valdese has sponsored the Draughn High School Homecoming Parade; and

WHEREAS, the Town of Valdese desires to schedule the Draughn High School Parade on Tuesday, October 12, 2021; and

WHEREAS, part of US 70/Main Street in Valdese will need to be closed for the parade; and

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

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

**DRAUGHN HIGH SCHOOL HOMECOMING PARADE**

Date: October 12, 2021

Time: 6:30pm to 7:30pm

Route: Main Street (US 70) from Hoyle Street to Eldred Street

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

This ordinance shall take effect upon adoption.

THIS, the 4<sup>th</sup> day of October, 2021.

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

ATTEST: /s/ Town Clerk

**APPROVED REQUEST FROM OLD COLONY PLAYERS TO SELL ALCOHOL AT ANNUAL EVENT:**

Request from Old Colony Players to sell alcohol at the *The Rocky Horror Show* on the nights of October 15<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 28<sup>th</sup>, 29<sup>th</sup>, and 30<sup>th</sup> at the Fred B. Cranford Amphitheatre.

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

***End Consent Agenda***

**ITEMS REMOVED FROM CONSENT AGENDA:** None

Mayor Black asked the Town Attorney to speak to a few items under New Business. Town Attorney Marc Mitchell stated that items B (Discontinued Benefits for Council) and C (Stipend Adjustments for Council) could not be voted on tonight. Mr. Mitchell referenced G.S. 160A-64, which states, *the council may fix its own compensation and the compensation of the mayor and any other elected officers of the city by adoption of the annual budget ordinance.....* Therefore, whatever the compensation is now will have to remain the same until the next adoption of the annual budget year.

Councilman Sweezy made a motion to remove items B and C from the agenda, Councilwoman Hildebran seconded. The vote was unanimous.

**INTRODUCTION OF NEW EMPLOYEES:** Parks & Recreation Director Doug Knight introduced new Athletic Supervisor Connor Taylor. Police Chief Jack Moss introduced Administrative Assistant to the Police Department Harley Cheseck-Brown.

**REMOVED - DISCONTINUED BENEFITS FOR COUNCIL**

**REMOVED - STIPEND ADJUSTMENTS FOR COUNCIL**

**APPROVED RESOLUTION FOR SALE OF PROPERTY, 4250 RALPH PATTON RD.:** Finance Director  
Bo Weichel presented the following Resolution:

**RESOLUTION**  
(Sale of 4250 Ralph Patton Road Property)

WHEREAS, Nathaniel Saunders (Saunders) offered to purchase from the Town of Valdese for the sum of \$7,500 that parcel located at 4250 Ralph Patton Road in Morganton, North Carolina, which has been assigned REID No. 38216 and PIN 2711174572 by the Burke County Tax Office, said property being Parcel 2, Book 1735, page 641, Burke County Registry (the Property); and

WHEREAS, at its September 7, 2021, regular meeting, the town council adopted a resolution proposing to accept this offer; and

WHEREAS, as required by G.S. 160A-269, the town council directed town representatives to publish notice of the town's intent to accept the offer and notice that persons could raise the bid, and that notice was published; and

WHEREAS, more than ten (10) days expired without there being an upset bid, and the \$7,500 offer made by Saunders is the last and highest bid for the Property; and

WHEREAS, the town does not need the Property, and the town therefore desires to accept the offer made by Saunders and sell the Property to him upon the terms hereafter set forth;

IT IS THEREFORE RESOLVED pursuant to G.S. 160A-269 that the sale of the Property to Saunders for the purchase price of \$7,500 is approved; that the Property shall be sold "as is" and subject to all existing easements; and that the town shall reserve easements for all town utility lines located on or under the property, if any. The town manager is authorized and directed to deliver to Saunders a special warranty deed for the Property upon receipt of the purchase price.

THIS, THE 4<sup>TH</sup> DAY OF OCTOBER, 2021.

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

ATTEST: /s/ Town Clerk

Morganton News Herald  
Advertising Affidavit

PO Box 968  
Hickory, NC 28603

Account Number  
3464176  
Date  
September 19, 2021

TOWN OF VALDESE  
ATTN: CHERYL DAVE  
PO BOX 339  
VALDESE, NC 28680

Date	Category	Description	Ad Number	Ad Size
09/19/2021	Legal Notices	TOWN OF VALDESE PUBLIC NOTICE The public will take no: 000741511	2 x 27 L	

**Publisher of  
Morganton News Herald  
Burke County**  
Before the undersigned, a Notary Public duly commissioned, qualified,  
and authorized by law to administer oaths, personally appeared the  
Publisher's Representative who by being duly sworn deposes and says:  
that he/she is authorized to make this affidavit and sworn statement; that  
the notice or other legal advertisement, a copy of which is attached hereto,  
was published in the News Herald on the following date:

09/19/2021

and that the said newspaper in which such notice, paper document, or  
legal advertisement was published, was at the time of each and every such  
publication, a newspaper meeting all the requirements and qualifications  
of Section 1-597 of the General Statutes of North Carolina.

*[Signature]*  
Billing Representative

Newspaper reference: 000741511  
Sworn to and subscribed before me, this 19th day of September, 2021.

*[Signature]*  
Notary Public  
State of Virginia  
County of Hanover  
My commission expires: 10/31/2025  
Commission Expires: 10/31/2025

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

TOWN OF VALDESE PUBLIC NOTICE	
The public will take notice that the town council of the Town of Valdese has received and proposes to accept an offer to purchase from the Town of Valdese for the sum of \$7,500 that parcel of land located at 4250 Ralph Patton Road, Morganton (REID No. 38216 and PIN 2711174572), which contains approximately 0.18 acres.	
Any person may, within ten (10) days from the publication of this notice, increase this bid by submitting in writing to the Town Clerk at 102 Masse! Avenue SW, Valdese, North Carolina 28690, an offer increasing the amount of the bid being considered by at least 10% of the first \$1,000 and 5% of the remainder, accompanied by a bid deposit in the amount of 5% of the increased bid.	
Upon receiving a timely increased bid accompanied by the required deposit, the clerk will readvertise that offer for raised bids as required by G.S. 160A-269.	
Jessica Lail, Clerk	
PUBLISH: September 19, 2021	

Mr. Weichel explained that this was published for an upset bid process, and no other bids came in.

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

**APPROVED NEW LEASE AGREEMENT AT OLD ROCK SCHOOL WITH TRANQUILITY DAY SPA:**

Community Affairs Director Morrissa Angi presented Council with a new lease agreement for Tranquility Day Spa. Ms. Angi shared that a long-term tenant passed away, and now there is an opening for the space. Ms. Angi shared the information on the proposed new tenant, Tammy Benfield, a medical esthetician who offers a variety of facials and services. The Lease is in the amount of \$350.00.

Councilman Ogle made a motion to approve the lease agreement for Tranquility Day Spa as presented, seconded by Councilwoman Stevenson. The vote was unanimous.

**MANAGER'S REPORT:** Mayor Black made the following announcements:

Bluegrass at the Rock: *Lonesome River Band* is October 9<sup>th</sup>, 2021, at 7:30 p.m. Visit [www.townofvaldese.com](http://www.townofvaldese.com) for ticket information.

Treats in the Streets is scheduled for Friday, October 29<sup>th</sup>, 2021, from 4:00-6:00 p.m.

**MAYOR AND COUNCIL COMMENTS:**

Councilwoman Hildebran asked if we are taking the proper protocol for social distancing at the Old Rock School during concerts. Ms. Angi explained that we are not limiting the number of tickets because we are not under a mandate at this time. The Old Rock School is encouraging attendees to wear face masks.

Councilman Ogle shared that in talking to citizens they want to see the new public safety building drawings. Councilman Ogle stated that we were not building anything or have not approved anything yet. Councilman Ogle wants to stop those rumors. Councilman Ogle would like to see the posters of the layout in the Town Hall. Councilwoman Hildebran also stated that the Council is not hiding anything and are being as transparent as we can be. Councilwoman Hildebran said we are holding off on the plans because we are waiting for it to be designed. Ms. Hildebran feels that this Town is in a good place and does not appreciate all the false things being said. Councilwoman Stevenson agrees that we are transparent. Councilman Thompson thinks that if it would make the citizens feel better to see the plans, we should provide them. Councilman Sweezy expressed his concerns with all that is being said with the new public safety building and feels citizens should get the facts before sharing.

**ADJOURNMENT:** At 6:25 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next regular Council meeting is scheduled for Monday, November 1, 2021.

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Town Clerk

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Mayor

jl

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

Town of Valdese,

I respectfully request to sell wine at the Christmas in November Craft & Gift Show hosted by the Historic Valdese Foundation as a vendor from 4:00 pm until 8:00 pm on November 12<sup>th</sup> and from 9:00 am until 2:00 pm on November 13<sup>th</sup>, 2021, at the Old Rock School. 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



# 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  
Valdeese Town Council

From: Seth Eckard, Town Manager

Date: October 30, 2021

Subject: Appointment of New Town Attorney

Mayor Black and I reached out to several attorneys in the Morganton-Hickory-Lenoir area to gauge the interest and qualifications of those who would like to serve as the next Town Attorney for Valdeese. Four attorneys expressed interest in serving. Mayor Black appointed a committee to interview the candidates. The interview committee consisted of Councilman Ogle, Councilwoman Hildebran, Town Manager Seth Eckard, and Town Clerk/HR Director Jessica Lail. The four candidates were interviewed on September 29, 2021, and a unanimous decision was made to select Timothy Swanson with YOUNG, MORPHIS, BACH & TAYLOR, LLP, out of Hickory.

**Requested Action:** The interview committee recommends the appointment of Timothy Swanson from the firm YOUNG, MORPHIS, BACH & TAYLOR, LLC, to serve as the next Town Attorney.

YOUNG, MORPHIS,  
BACH & TAYLOR, LLP  
ATTORNEYS AT LAW

Attorney Profile

Timothy D. Swanson



Timothy D. Swanson

Partner

TimothyS@hickorylaw.com  
(828) 322-4663  
Fax (828) 324-2431

**AREAS OF CONCENTRATION**

Commercial and  
Business Litigation  
Real Property Litigation  
Fiduciary and Trust Litigation  
Insurance Litigation  
Community Association Law  
Municipal Government Law

Timothy Swanson has a broad-based litigation practice in state and federal courts, including the North Carolina Business Court. The majority of his litigation practice focuses on shareholder and derivatives litigation, real property litigation, eminent domain and condemnation litigation, fiduciary and trust litigation, and insurance litigation. He has over a decade of experience representing fiduciaries, beneficiaries, title insurance companies, municipalities, manufacturing and textile companies, automobile dealers and lenders, medical groups, and entrepreneurs.

Timothy also regularly assists homeowner and condominium associations with litigation and non-litigation matters, counseling boards of directors on issues involving governance and best practices, drafting, reviewing and advising on declarations, bylaws, policies and procedures, and third party contracts, and assisting with fiduciary litigation, declaratory judgment actions, collections, violation hearings, and enforcement actions.

**BAR ADMISSIONS**

2006, North Carolina  
2007, Western District of North  
Carolina, United States District  
Court  
2016, Middle District of North  
Carolina, United States District  
Court  
2016, United States Court of  
Appeals for the Fourth Circuit

**EDUCATION**

J.D., 2006, Campbell University  
B.A., 2003, Lenoir-Rhyne University,  
*magna cum laude*

**PROFESSIONAL AND COMMUNITY  
ACTIVITIES**

American Bar Association, Section on:  
Litigation  
North Carolina Bar Association,  
Sections on: Litigation and Business  
Law  
Catawba County Bar Association,  
Former Board Member and  
Treasurer  
YMCA of Hickory Board of Managers,  
Former Board Member

**PUBLICATIONS**

*Constitutionality of Age Restricted  
Communities in North Carolina*,  
NCBA Real Property Section, Vol.  
30, No.3, February 2009.  
*Looking Into The Crystal Ball To  
Determine Reasonable  
Amendments*, North Carolina  
Lawyers Weekly, Vol. 19, No. 44,  
January 15, 2007; NCBA Real  
Property Section, Volume 28, No. 2.  
December 2006.





**YOUNG, MORPHIS, BACH & TAYLOR, LLP**  
ATTORNEYS AT LAW

NORTH PARK BUILDING  
858 2ND STREET NE, SUITE 200 (28601)  
POST OFFICE DRAWER 2428  
HICKORY, NORTH CAROLINA 28603-2428  
[www.hickorylaw.com](http://www.hickorylaw.com)

CHARLES R. YOUNG, SR. (RETIRED) ♦  
THOMAS C. MORPHIS (1947 - 2009)  
WAYNE M. BACH  
TERRY M. TAYLOR ♦  
PAUL E. CULPEPPER  
KEVIN C. MCINTOSH  
JIMMY R. SUMMERLIN, JR.  
TIMOTHY D. SWANSON  
JOHN W. CRONE III  
JORDAN L. FAULKNER  
JARRYD A. DE BOER

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

October 4, 2021

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

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

RE: Engagement Letter

Dear Mr. Eckard:

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

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

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

Letter to Town of Valdese  
October 4, 2021  
Page 2

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

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

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

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

Very truly yours,

YOUNG, MORPHIS, BACH & TAYLOR, LLP

Timothy D. Swanson

Letter to Town of Valdese  
October 4, 2021  
Page 3

## ACCEPTANCE

Accepted by the Town Council for and on behalf of the Town of Valdese, North Carolina, this  
the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE TOWN OF VALDESE,**  
a North Carolina Municipal Corporation

## ATTEST:

(SEAL)

\_\_\_\_\_  
John F. Black, Jr., Mayor

\_\_\_\_\_  
Jessica Lail, Town Clerk

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ a Notary Public of said county and state, certify that  
Jessica Lail personally came before me this day and acknowledged that she is Town Clerk of the  
Town of Valdese, a North Carolina municipal corporation, and that by authority duly given and  
as the act of the Town Council of the Town of Valdese, the foregoing instrument was signed in  
its name and by its Mayor, John F. Black, Jr., sealed with its corporate seal and attested by her as  
its Town Clerk.

WITNESS my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

☞ NOTARY SEAL

**Community Affairs**

# Memo

**To:** Valdese Town Council

**From:** Morrissa Angi – Director Community Affairs

**cc:** Seth Eckard

**Date:** 10/19/2021

**Re:** Family Friday Nights – Permanent Stage Location

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Valdese hosted an extremely successful Family Friday Nights summer concert series in 2021. The venue change to Temple Field behind the Old Rock School brought record crowds of all ages including locals and visitors alike. The move allowed the Community Affairs Department to enhance the concert series by offering activities, games, cooling areas, restrooms, larger concession stand and more.

Community Affairs solicited feedback from downtown businesses and attendees which resulted in support of the location change. 85% of surveyed attendees preferred the Temple Field location for reasons ranging from parking accessibility to cooler temperatures on the grassy field. Temple Field is roughly six times the size of the town parking lot near the former Wells Fargo Building where the concerts have been previously held. This size difference accommodates many more attendees as the event continues to grow in popularity. The 2021 location change provided the event the opportunity to strengthen and offer a safer environment for families to enjoy.

Due to the overwhelming success of the season and positive feedback received, staff has researched options to construct a permanent stage area for events at Temple Field. With the recent demolition of the IA Building, a site for a permanent stage could easily be created and could accommodate a 20x30 raised stage with slanted roof, bordered by a ground level dance floor space. Staff will present an in depth presentation for your consideration on November 1, 2021.

Funding for the construction of a permanent stage, electrical service, dance floor and landscaping would be raised through fundraising efforts and contributions. The creation of a permanent stage would result in an approximate cost savings to the town of \$4,000 annually for stage rentals. It is staff's recommendation that Town Council approve a change of venue and the construction of a permanent stage located at Temple Field for the summer concert series.



## Valdese Town Council Meeting

Monday, November 1, 2021

Budget Amendment #

7

Subject:

Repairs to exterior rock at Town Hall

Description:

Several areas of rock are dislodging and falling from the exterior walls. This exposes the wall to water damage and poses a safety risk with rock falling from the building.

This amends the budget to allow for unplanned repairs to the building.

## Proposed Action:

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

## Section I:

The following revenues available to the Town will be increased:

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

Amounts appropriated for expenditure are hereby amended as follows:

		Increase/ Debit	Decrease/ Credit
Account	Description		
10.4200.150	Maintenace Buildings & Grounds	6,500	
Total		\$6,500	\$0

## Section II:

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

## Valdese Town Council Meeting

Monday, November 1, 2021

Budget Amendment #

6

Subject:

Foundation Forward Educational Park sidewalk replacement

Description:

At the August Council meeting, a proposal was presented by Foundation Forward, Inc. with three options to replace sidewalk in front of the new park. Council voted to pay the replacement in full. This amends the budget to allow for that expense.

## Proposed Action:

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

## Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	General Fund Balance Appropriated		5,800
Total		\$0	\$5,800

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4350.150	Maintenace Buildings & Grounds	5,800	
Total		\$5,800	\$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, November 1, 2021

## Capital Project Ordinance Amendment # 3-41

## Subject:

To amend capital project ordinance Fund 41: PUBLIC ART

This recognizes a recent Rostan donation for public art and accounting functions to balance the fund's accounts.

## Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended as follows.

## Section I:

Revenues available to the Town to complete the projects are hereby amended as follows:

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

Amounts appropriated for capital projects are hereby amended as follows:

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

## Section II:

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



# 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  
Valdeese Town Council

From: Bo Weichel, Finance Director

Date: October 29, 2021

Subject: Capital Project Ordinance – Community Center Gymnasium Renovation

The FY 2021-22 adopted CIP budget includes funds to match a donation from Valdeese native David Brinkley to honor long-time coach Wayne Owens. Mr. Owens was a leader for Valdeese youth athletics and the Valdeese Community Center throughout the late 1950s through the early 1970s. In tribute to Mr. Owens, David Brinkley has donated funds to renovate the gymnasium at the Valdeese Community Center in Owen's honor. The planned renovations include new flooring, new basketball goals, new bleachers, wall padding, gym dividing curtain, scoreboards, and lobby renovation. In addition to his donation, Mr. Brinkley is working with the Town to garner additional donations toward the project. This project ordinance will enable the Town to designate this as a multi-year project as additional donations and revenue sources are gathered.

**Requested Action:** Staff recommends that Council approve the Capital Project Ordinance as presented.



TOWN OF VALDESE  
COMMUNITY CENTER GYMNASIUM RENOVATION  
CAPITAL PROJECT ORDINANCE

Be it ordained by the Town Council of the Town of Valdese that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted.

Section 1. The project authorized is the Community Center Gymnasium Renovation. Project proposes replacing the gym floor along with other upgrades to gym features such as bleachers, scoreboards, basketball goals, wall padding, and lobby renovation. The project is to be financed by private donations and a Town match budgeted in the FY 2021-22 CIP.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the program ordinance and the budget contained herein.

Section 3. The following revenues are anticipated to be available to contribute to this project:

<b>Source</b>	<b>Amount</b>	<b>Assigned Account Number</b>
Donations	\$ 50,000	37.3970.001
Town Match	50,000	37.3970.002
	-----	
	\$ 100,000	
	=====	

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

<b>Source</b>	<b>Amount</b>	<b>Assigned Account Number</b>
Renovations	\$ 100,000	37.6200.150
	-----	
	\$ 100,000	
	=====	

Section 5. The finance officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting to town council required by the program procedures, loan agreement(s), grant agreement(s) and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The finance officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 8. The budget officer is directed to include a detailed analysis of the past and future cost and revenues on this project in every budget submission made to this board.

Section 9: Copies of this project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 1st day of November 2021.

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John F. Black, Jr., Mayor

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Jessica Lail, Town Clerk