



**Town of Valdese
Town Council Meeting
Valdese Town Hall
102 Massel Avenue SW, Valdese
Monday, October 5, 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

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 September 8, 2020
- B. Resolution to accept revised Offer for Funding – Bleach Conversion Project

7. New Business

- A. Introduction of New Employees
- B. Public Hearing for Re-Zoning Application #2-8-20
- C. Resolution for Sale of Property, 1492 Drexel Rd.
- D. Award a Bid – Centrifuge Project
- E. Golf Cart Ordinance Discussion
- F. Resolution & Ordinance for Lakeside Drive – Public Vehicular Area
- G. Award of Bid – Lakeside Park Phase I
- H. Capital Project Ordinance – Water Distribution System Assessment
- I. Capital Projects Ordinance Amendment
- J. Budget Amendment

8. Manager's Report

- A. Old Colony Players Productions *The Crucible*, October 9-10, 16-17 and 23-24, 2020. Visit www.oldcolonyplayers.com for location information and to purchase tickets.
- B. Treats Thru the Streets, Friday, October 30, 2020, 4:00-6:00 p.m.
- C. Next Regular Council meeting scheduled for Monday, November 2, 2020

9. Mayor and Council Comments

10. Adjournment

COMMUNICATION NOTES

To: Mayor Black
Town Council

From: Seth Eckard, Town Manager

Date: October 2, 2020

Subject: Monday, October 5, 2020 Council Meeting

6. Consent Agenda

A. Approval of Regular Meeting Minutes of September 8, 2020

B. Resolution to accept the revised Offer for Funding – Bleach Conversion Project

Enclosed in the agenda packet is a memo from Public Service Director Greg Padgett and a Resolution to accept the revised Offer for Funding – Bleach Conversion Project. This project was voted on at the September 8th, 2020 Council meeting. Staff is requesting Council adopt an official resolution as a requirement of the State.

Requested Action: Staff recommends that Council approve the Resolution as presented.

7. New Business

A. Introduction of New Employees

Public Service Director Greg Padgett will introduce Assistant Public Works Director Allen Hudson and Utility Field Service Tech Saul Pearson, Fire Chief Greg Stafford will introduce Fire Engineer Mathew Chapman and Fire Marshall Levi Henry, and Police Chief Jack Moss will introduce Officer Billy Hicks and Officer Mackenzie Gavin.

B. Public Hearing for Re-Zoning Application #2-8-20

Planning Director Larry Johnson will present the proposed re-zoning requested by Natural Land Alliance Incorporated (Lake Vista Phase IV) for the property located on Valdese Park Road NE and adjacent to Draughn High School re-zoned from R-12A Residential to R-8 Residential. The R-8 Residential District intends to provide town-scaled residential development within walking distance of services, along with a range of lot sizes. Enclosed in your agenda packet is a memo, 9-3051 Neighborhoods Residential District Article, and maps showing the re-zoning area. Larry Bragg, with Natural Land Alliance Incorporated, will be at the meeting to answer questions.

Requested Action: Staff recommends that Council approve the re-zoning as presented.

C. Resolution for Sale of Property, 1492 Drexel Rd.

At the September 8th, 2020 meeting, Council adopted a resolution proposing the acceptance of an offer to purchase town-owned property at 1492 Drexel Rd., Valdese. In accordance with G.S. 160A-269, a notice was published detailing Council's intent to accept the offer and informed the public that any person could raise the bid. After receiving no additional bids, the highest bid received was from Brandon and Michelle Settlemyre, in the amount of \$325,000.00. Enclosed in the agenda packet is a resolution approving the sale of the property.

Requested Action: Staff recommends that Council approve the sale of the property located at 1492 Drexel Rd., Valdese to Mr. and Mrs. Settlemyre for the purchase price of \$325,000.00.

D. Award of Bid – Centrifuge Project (Electrical Controls Replacement)

Enclosed in the agenda packet is a bid recommendation award, and certified bid tabulation from McGill Associates, P.A., for the Wastewater Treatment Plant Centrifuge electrical controls replacement. Staff is recommending the bid be awarded to the lowest bidder, Connelly Springs Electric, in the amount of \$74,800. (Other bids: Fountain Services, LLC - \$219,500, and Smart Electric Company, Inc. - \$114,598) This project consists of the removal of existing centrifuge controls and installing a new centrifuge main control panel. Public Service Director Greg Padgett will be at the meeting to discuss.

Requested Action: Staff recommends that Council award the bid to the lowest bidder, Connelly Springs Electric, in the amount of \$74,800.

E. Golf Cart Ordinance Discussion

Enclosed in the agenda packet is a draft of the proposed Golf Cart Ordinance. This draft has been discussed by our Public Safety staff and provides their best recommendations. Police Chief Jack Moss will be at the meeting to present the proposed ordinance and answer questions.

F. Resolution & Ordinance for Lakeside Drive – Public Vehicular Area

Enclosed in the agenda packet is a memo and Resolution establishing Lakeside Drive as a public vehicular area, a speed limit of 20 mph for Lakeside Drive and parking restrictions. Police Chief Jack Moss will be at the meeting to present and discuss.

Requested Action: Staff recommends that Council approve the Resolution and Ordinance as presented.

G. Award of Bid – Lakeside Park Phase I

Enclosed in the agenda packet is a memo, bid recommendation award, and certified bid tabulation from Destination by Design for the construction of Lakeside Park Phase I. Staff is recommending the bid be awarded to the lowest bidder, Patton Construction Group, Inc., in the amount of \$513,800. Other bids with alternative options are included in the agenda packet. Alex Gotherman, Urban Designer & Planner with Destination by Design, will be at the meeting to present.

Requested Action: Staff recommends that Council award the bid to the lowest bidder, Patton Construction Group, Inc., in the amount of \$513,800.

H. Capital Project Ordinance – Water Distribution System Assessment

Enclosed in the agenda packet is a Capital Project Ordinance for the Water Distribution System Assessment (H-AIA-D-20-0203). The contract was approved by Council at the September 8th, 2020 meeting. This ordinance will move funds to appropriate accounts. Mr. Weichel will be at the meeting to present.

Requested Action: Staff recommends that Council approve the Capital Project Ordinance for the Water Distribution System Assessment (H-AIA-D-20-0203), as presented.

I. Capital Project Ordinance Amendments

Enclosed in the agenda packet are four Capital Project Ordinance Amendments prepared by Finance Director Bo Weichel. These amendments will move funds to appropriate accounts. Mr. Weichel will be at the meeting to present these amendments.

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

J. Budget Amendment

Enclosed in the agenda packet is a Budget Amendment prepared by Finance Director Bo Weichel for improvements to the vacant lot near the Splash Pad. 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 Budget Amendment as presented.

READING MATERIAL

VALDESE FIRE DEPARTMENT - MONTHLY ACTIVITY REPORT**AUGUST 1st-31st, 2020**

THE BELOW REPORT OUTLINES THE ACTIVITIES PERFORMED BY THE FIRE DEPARTMENT DURING THE MONTH OF AUGUST, 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	214 HOURS
VEHICLE DUTY	103 HOURS
EQUIPMENT DUTY	64 HOURS
EMERGENCY RESPONSES (ON DUTY)	46 HOURS
TRAINING (ON DUTY)	159 HOURS
FIRE ADMINISTRATION	197 HOURS
TRAINING ADMINISTRATION	28 HOURS
MEETINGS	8 HOURS
FIRE PREVENTION ADMINISTRATION	4 HOURS
FIRE PREVENTION INSPECTIONS	0 HOURS

<u>TYPE</u>	<u>NUMBER OF INSPECTIONS</u>	<u>VIOLATIONS</u>
ASSEMBLY	0	0
BUSINESS	0	0
DAYCARE	0	0
FACTORY/INDUSTRIAL	0	0
HAZARDOUS	0	0
INSTITUTIONAL	0	0
MERCANTILE	0	0
RESIDENTIAL	0	0
STORAGE	0	0
UTILITY/MISC	0	0
REINSPECTIONS	0	0
TOTAL:	0	0

PUBLIC RELATIONS	12 HOURS
HYDRANT MAINTENANCE	1 HOURS
SAFETY ADMINISTRATION	32 HOURS
SAFE KIDS ADMIN/CRS INSPECTIONS	11 HOURS
EXTRA DUTY FIRES	28 HOURS
NON-DEPARTMENTAL DUTIES	3 HOURS
EXTRA DUTY TRAINING	17 HOURS
EXTRA DUTY FIRE/MED STANDBY	0 HOURS
PHYSICAL TRAINING	54 HOURS
EXTRA DUTY MEDICAL RESPONSES	38 HOURS
VOLUNTEER FIREFIGHTER TRAINING	131 HOURS
TOTAL TRAINING MANHOURS:	307 HOURS

FIRE DEPARTMENT EMERGENCY RESPONSES:

<u>FIRE:</u>	<u>MONTHLY TOTAL</u>
FIRE ALARM	2
ODOR/SMOKE INVESTIGATION	0
MUTUAL AID TO STATION 67	1
VEHICLE FIRE	0
STRUCTURE FIRE	1
OUTSIDE FIRE	0
ELECTICAL HAZARD	2
SERVICE CALLS	2
TREE DOWN	3
ILLEGAL BURN	<u>0</u>
	11
<u>MEDICAL:</u>	
ABDOMINAL PAIN	1
ALLERGIC REACTION	0
ANIMAL BITE	0
ASSAULT	0
ASSIST EMS	1
BACK PAIN	0
CANCELLED ENROUTE	0
CARDIAC	0
CHEST PAIN	1
CHOKING	0
CODE BLUE	0
DIABETIC	0
DOA	0
FAINTING	3
FALL	3
GUNSHOT	0
LACERATION/HEMORRAGE	2
OTHER	0
OVERDOSE/INTOXICATED	1
PREGNACY	0
PSYCHIATRIC	2
RESPIRATORY	3
SEIZURE	3
SICK	8
STABBING	0
STROKE	0
TRAUMATIC INJURY	0
UNCONSCIOUS	<u>3</u>
	31
<u>FIRE AND MEDICAL:</u>	
MOTOR VEHICLE ACCIDENT	<u>1</u>
	1
<u>TOTAL RESPONSES:</u>	<u>43</u>

GREG STAFFORD, CHIEF
VALDESE FIRE DEPARTMENT



TOWN OF VALDESE, NC

ADVANCED METERING INFRASTRUCTURE IMPLEMENTATION PROJECT

MONTHLY PROJECT SUMMARY REPORT

September 2020

Prepared by:



703 W. Johnson St.
Raleigh, NC 27603

I. PROJECT SUMMARY

Overall Project Completion:

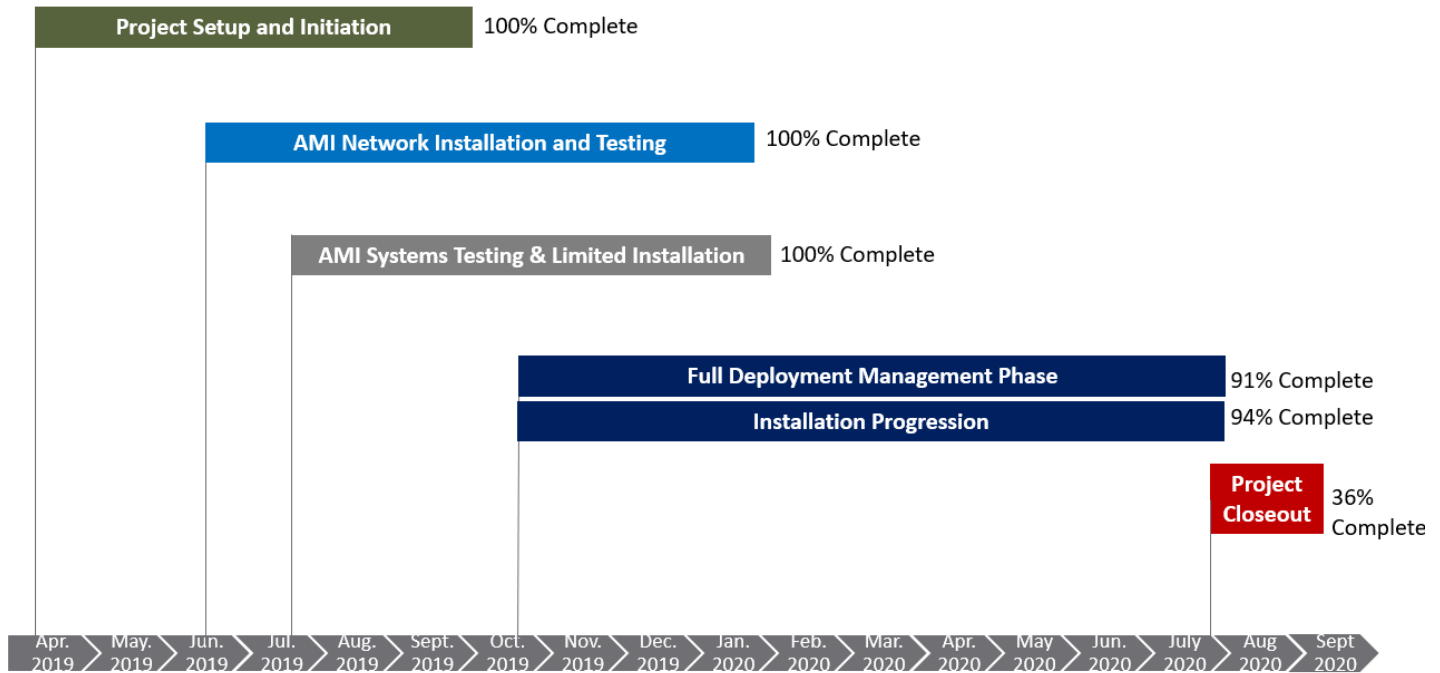


Figure 1. Town of Valdese AMI Project Progression Status

- The tasks that are in progress in the Full Deployment Management Phase are:
 - Node performance optimization mitigation by Mueller
 - MeterSYS QC/QA audits of installs, management of RTU list, and oversight of installation progression and data quality
- Section III details the status of the Installation Progression milestone
- MeterSYS is currently working on the project closeout activities and documents for the Town's acceptance

II. NETWORK

As of 9/14:

98.8%

of installed meters are reporting over a 3-day read window



Figure 2. Mi.Net Network Alert Notifications Screenshot

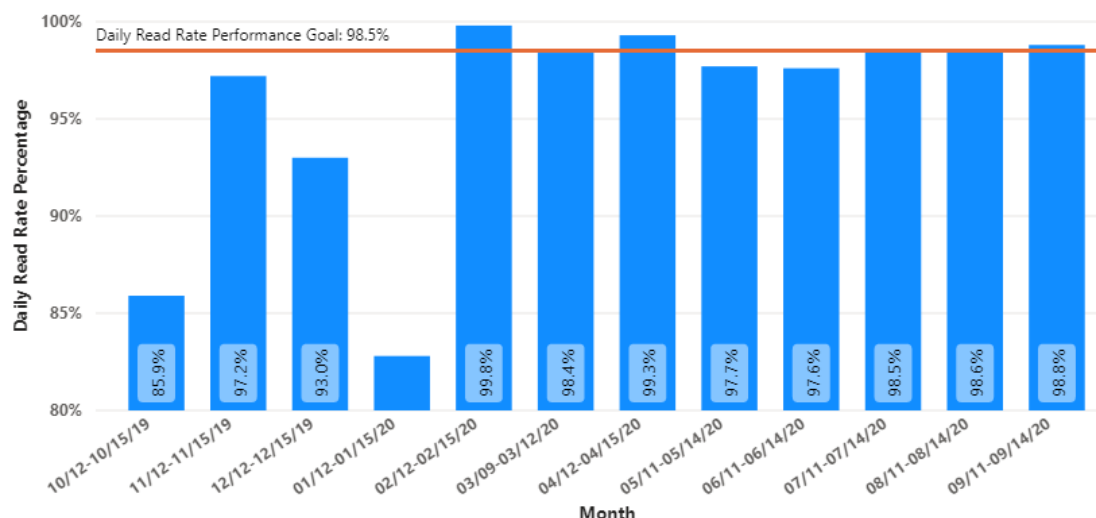


Figure 3. Monthly Network Performance Read Rate Percentage

III. INSTALLATION/EQUIPMENT

5266
 INSTALLATIONS COMPLETE

Completed Routes:

47, 32, 61, 43, 45, 25,
 26, 31, 48, 51, 2, 3, 4,
 5, 6, 7, 9, 10, 11, 12

**In Progress Route: 8 (Last
 Route)**

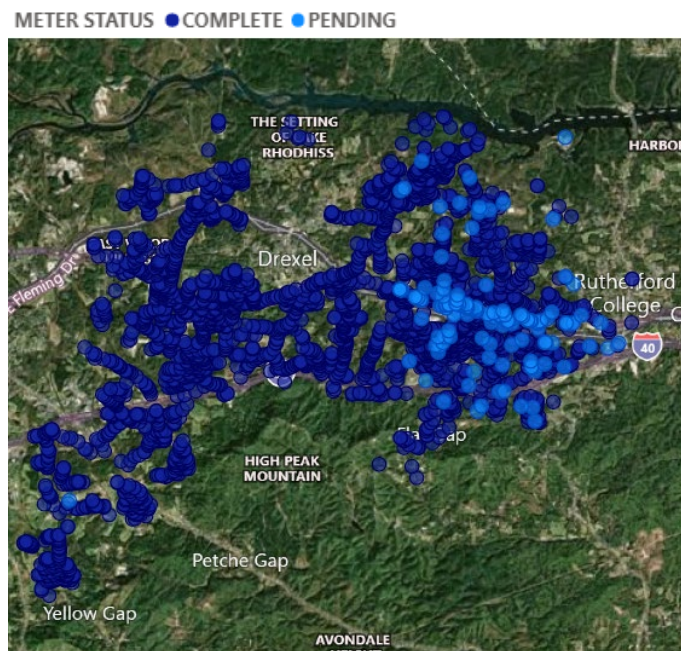


Figure 4. Meter Installation Progression Map as of 9/13

ROUTE	TOTAL	COMPLETE	PENDING
8	243	30	213
11	243	221	22
7	211	196	15
12	200	186	14
6	312	302	10
10	315	305	10
5	195	189	6
4	316	311	5
3	179	176	3
32	531	528	3
9	26	24	2
25	389	387	2
26	299	297	2
61	512	510	2
2	246	245	1
31	398	398	0
43	238	238	0
45	356	356	0
47	90	90	0
48	16	16	0
50	1	1	0
51	260	260	0
Total	5576	5266	310

Table 1. Meter Installation Status by Route as of 9/13

- Explanation on the additional installed 2" and 3" meters in Table 2. Installs by Meter Size to the right:
 - 2" meter at 105 Sara Ln was changed out with a non-Mueller meter at the Town's request
 - 2" meter at 208 Rodoret St S was retrofitted instead of replaced at the Town's request
 - 3" meter at 690 Lovelady Rd NE was replaced with a non-Mueller meter at the Town's request
 - 3" meter at 502 Hoyle St SW was retrofitted instead of replaced at the Town's request
- MeterSYS will complete the next QA audits in routes 12 and 8 after installs are completed

METER SIZE	ORIGINAL CONTRACT QTY	ACTUAL CONTRACT QTY	INSTALLED
5/8" - RDM	5100	5424	5116
1"	31	126	97
1 1/2"	13	21	15
2"	10	13	15
3"	3	3	5
4"	16	16	10
6"	12	12	8
8"	3	3	0
10"	1	1	0
Total	5189	5619	5266

Table 2. Installs by Meter Size as of 9/13

IV. EQUIPMENT AND INVENTORY

- 300 additional 5/8" meters received on 8/25/2020

V. SYSTEMS INTEGRATION

- MeterSYS was onsite on 9/4 to conduct additional Mi.Net training for billing staff, perform systems data cleanup, and provide support in manually changing out meters
- Systems sub-team called scheduled on 9/14 to correct meter changeout exceptions in Harris
- Systems integration sign-off documents pending until exceptions resolved

- MeterSYS will continue to monitor and complete QC audits of install/billing data

VI. FINANCIALS MANAGEMENT

- Council approved additional funds on 9/8 to complete the project
- Change order documents submitted to State for review and approval for additional funds
- Next Pay Request submitted to Town on 9/14 for payment

DESCRIPTION	VENDOR/ PRIME	APPROPRIATION	PERCENT EXPENDED	EXPENDED FUNDS	REMAINING FUNDS
SYSTEM IMPROVEMENTS	MUELLER	\$ 1,990,180.63	95%	\$ 1,898,593.84	\$ 91,586.79
PROJECT MANAGEMENT	METERSYS	\$ 198,742.50	79%	\$ 156,986.42	\$ 41,756.08
CONTINGENCY / CHANGE ORDER		\$ 170,051.00	62%	\$ 104,979.80	\$ 65,071.20
	MUELLER			\$ 98,754.80	
	HARRIS			\$ 6,225.00	
GRANT ADMINISTRATION	WEST	\$ 6,022.00	100%	\$ 6,022.00	\$ -
TOTAL		\$ 2,364,996.13	96%	\$ 2,271,561.86	\$ 198,414.07

Figure 5. AMI Project Spend as of 9/14

VII. UPCOMING ACTIVITIES

- Ongoing project status calls every Wednesday at 10:30AM
- Mi.Net Tier III job specific training is in progress of being scheduled

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
SEPTEMBER 8, 2020**

The Town of Valdese Town Council met on Tuesday, September 8, 2020, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, and Councilman Roy F. Sweezy. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Deputy Town Clerk Jessica Lail, and various department heads.

Absent: Councilman Keith Ogle and Councilman J. Andrew Thompson

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT: No comments

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF AUGUST 3, 2020

SET PUBLIC HEARING FOR RE-ZONING APPLICATION #2-8-20 – LAKE VISTA PHASE IV: The Town of Valdese has received a petition from Natural Land Alliance Incorporated requesting the property located on Valdese Park Road NE and adjacent to Draughn High School be re-zoned from R-12A Residential to R-8 Residential. A public hearing will be held on Monday, October 5, 2020.

APPROVED LEASE AGREEMENT AT OLD ROCK SCHOOL WITH P&W RAILROAD CLUB: Annual Lease Agreement at the Old Rock School with P & W Railroad Club in the amount of \$230 per month.

APPROVED LEASE AGREEMENT AT OLD ROCK SCHOOL WITH David Harmon Studios, LLC: Annual Lease Agreement at the Old Rock School with David Harmon Studios, LLC in the amount of \$305 per month.

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

NEW EMPLOYEE/PROMOTION – PUBLIC WORKS: Public Service Director Greg Padgett informed Council that due to a sewer back-up, Public Works employees could not attend the meeting for introductions and will attend next month.

ARCHITECT FIRM FOR PUBLIC SAFETY BUILDING PROJECT PRESENTATION & APPROVAL: Finance Director Bo Weichel presented on behalf of the Architectural Review Committee a letter of engagement and contract with CBSA Architects for the design and engineering services of the new Public Safety Building. Mr. Weichel explained the process of the selection of the Architect firm. The review committee that was established consisted of Councilman Ogle, Councilman Sweezy, Town Manager Seth Eckard, Police Chief Jack Moss, Fire Chief Greg Stafford, and Finance Director Bo Weichel. Mr. Weichel published and advertised a Request for Qualifications document for engineering and design of the Public Safety Building. The proposals were due in June 2020 and the Town received 29 proposals. Mr. Weichel shared that the committee spent several weeks reading through the qualification packets and narrowed the list down to three. On July 16th, 2020, the committee held three separate interviews at the Town Hall. Mr. Weichel shared that the committee discussed each interview and unanimously voted on CBSA Architects. Mr. Weichel explained that negotiations on the contract began with CBSA.

Mr. Weichel introduced Mr. Marty Beal, Partner and Principal Architect with CBSA. Mr. Beal welcomed Council and thanked them for the opportunity to be partnering with the Town of Valdese. Mr. Beal shared with Council the team that will be included on the project. Mayor Black asked Mr. Beal what other Public Safety projects he had worked on. Mr. Beal shared that he has recently completed the Maiden Police Department, the City of Statesville's two Fire Stations as well as other projects, and the City of Hickory's Fire Station.

Councilman Sweezy made a motion to approve the Letter of Engagement, seconded by Councilwoman Stevenson. The vote was unanimous.

Councilwoman Stevenson made a motion to approve the Contract with CBSA, seconded by Councilwoman Hildebran. The vote was unanimous.

VALDESE ABC STORE PRESENTATION: Valdese ABC Store Manager, Karen Caruso, presented Council on behalf of the ABC Board and store employees with a \$25,000.00 distribution check. Ms. Caruso thanked her staff and volunteer Board for making the Valdese ABC store a success. Ms. Caruso projects that future distribution checks will be in the amount of \$100,000 yearly providing the continued growth of the store. Ms. Caruso shared that this year has been a great year for sales and also went over challenges they have faced. Ms. Caruso shared that the Valdese ABC store should be paid off in November 2021. Councilwoman Hildebran thanked Ms. Caruso for the wonderful job she has done with the store and asked where the distribution money was going. Town Manager Seth Eckard explained that it was going to go into the new Public Safety building. Town Manager Seth Eckard thanked Ms. Caruso for her leadership and success of the store. Ms. Caruso thanked Council for their continued support.

ANNUAL PROPERTY TAX COLLECTION REPORT: Tax Collector Kimberly Cline presented the following report:

Tax Year 2019	
Property Tax Statement Annual Settlement	
Property Valuations	
Real Estate	300,768,451
Personal	82,815,169
Senior Citizen Exemptions	(4,483,960)
Total Property Valuation Subject to Tax Rate	379,099,660
Levy	2,001,740
Discoveries	65,301
Late List Penalties	469
Total Levy	2,067,510
Less Collected as of 6/30/2019	2,016,898
Releases	11,722
Uncollected 2019	48,594
Ratio of Taxes Collected to Total Levy	98.12%
Motor Vehicle	
Levy	191,701
2019 Collection by Burke County	190,583
Collection Costs	7,843

Councilwoman Hildebran and Mayor Black thanked Ms. Cline for her hard work.

CHANGE OF OFFICIAL DEPOSITORY: Finance Director Bo Weichel presented the following Resolution:
TOWN of VALDESE
RESOLUTION
Designating First Citizens Bank an Official Depository

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

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

WHEREAS, Wells Fargo was designated as an official depository for the town, and the town council desires to annul Wells Fargo's selection as an official depository for town funds; and

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

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

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

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

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

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

- a. One of the following officers: Finance Officer, Tax Collector and countersigned by
- b. One of the following officers: Town Manager, Mayor, Mayor Pro Tempore, Treasurer

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

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

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

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

THE FOREGOING RESOLUTION IS ADOPTED THIS 8th DAY OF SEPTEMBER, 2020.

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

ATTEST: /s/ Town Clerk

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

AMENDED OFFER AND ACCEPTANCE FOR BLEACH CONVERSION: Public Services Director Greg Padgett presented an amended offer and acceptance from the State to cover the funds for the Bleach Conversion project. This project was originally brought before Council in June 2020. Mr. Padgett shared that the additional loan amount is \$224,673 which brings the total to \$882,973. Councilwoman Stevenson asked if this would cause any problems to our CIP. Mr. Padgett said that adjustments would have to be made.

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Project Number: H-SRP-D-18-0163

Town of Valdese
P.O. Box 339
Valdese, North Carolina 28690

Drinking Water	<input checked="" type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Wastewater	<input type="checkbox"/>			
State Revolving Fund (SRF)	<input type="checkbox"/>			
State Reserve Loan (SRP)	<input checked="" type="checkbox"/>	\$224,673	\$493,725	\$718,398
State Reserve Grant (SRP)	<input checked="" type="checkbox"/>		\$164,575	\$164,575
State Emergency Loan (SEL)	<input type="checkbox"/>			
Asset Inventory & Assessment Grant (AIA)	<input type="checkbox"/>			
Merger/Regionalization Feasibility Grant (MRF)	<input type="checkbox"/>			

Project Description:

Removal of the existing gaseous chlorine disinfection equipment and replacement with sodium hypochlorite ('bleach') disinfection equipment including: a chemical storage building with overhead door, a fill station, bulk storage tanks and day tanks with appropriate secondary containment, transfer and metered-dose chemical feed pumps and related HVAC, instrumentation and control equipment.

Total Financial Assistance Offer: **\$ 882,973**
Total Project Cost: **\$ 882,973**
Estimated Closing Fee*: **\$ 16,837**
For Loans
Principal Forgiveness: **\$**
Interest Rate: **0% Per Annum**
Maximum Loan Term: **20 Years**

*Estimate closing fee calculated based on grant and loan amount.


Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Kim H. Colson, P.E., Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

Signature:  Date: 9/5/2020

On Behalf of:

Town of Valdese

Name of Representative in Resolution:

Title (Type or Print):

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

Signature: _____ Date: _____

Councilwoman Stevenson made a motion to approve the amended the offer and acceptance for the Bleach Conversion project, seconded by Councilwoman Hildebran. The vote was unanimous.

WATER AIA CONTRACT: Public Services Director Greg Padgett presented to Council a Water Asset Inventory and Assessment (AIA) grant project contract. This grant is in the amount of \$150,000. Mr. Padgett explained that this project will help staff identify any issues with our water system and help staff take care of the system. Town Attorney Marc Mitchell shared concerns with paragraph nine of the Consulting Services Agreement. Paragraph nine says McGill Associates will have a limitation liability of \$50,000 and if they are negligent in any way, they can't be responsible for damages over \$50,000. In the past, this has not been in the agreement. Mr. Mitchell suggested voting on the contract if Council recommends contingent upon the removal of paragraph nine.

Councilwoman Hildebran made a motion to approve the Water AIA contract contingent upon the removal of paragraph nine, seconded by Councilman Sweezy. The vote was unanimous.

RESOLUTION FOR OFFER TO PURCHASE TOWN-OWNED PROPERTY LOCATED AT 1492 DREXEL RD.: Planning Director Larry Johnson updated Council on the Offer to Purchase, 1492 Drexel Rd. Staff advertised the property on Facebook and other forms of media to see if there was any interest. Mr. Johnson shared that a few people went to see the property but only one person presented an official offer. Mr. Johnson explained that if Council voted to approve this resolution we would proceed in advertising for upset bids. The deed of trust is in the amount of \$259,000. Planning Director Larry Johnson presented the following resolution:

**RESOLUTION AUTHORIZING UPSET BID PROCESS
(Sale of Triple Community property)**

WHEREAS, the Town of Valdese owns certain property located at 1492 Drexel Road in Valdese, NC, which is described as follows:

BEGINNING on an iron pipe on the east side of the High Peak Road, the most northern corner of the Lloyd Settlemire lot, and runs thence North 13°27' East with the road 169.75 feet to an iron pipe on the east edge of the road; thence South 76° 19' East 263.69 feet to an iron pipe; thence South 8°50' East 453.21 feet to an iron pipe at the branch; thence up the branch South 74° 53' West 146.96 feet to a rock, an old corner of the M.L. Stamey land; thence North 84° West with the old line 52 feet to an iron pipe at the Settlemire corner; thence with the Settlemire line North 62° West 124 feet to the BEGINNING, containing 2.65 acres, more or less, as surveyed and platted by E.A. Mallonee on April 10, 1965; and

BACK REFERENCE: Parcel 1, Tract 1 of Book 1735, page 641, Burke County Registry.

REID NO.: 38526, PIN NO.: 2723623951

WHEREAS, North Carolina General Statute §160A-269 permits the town to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the town has received an offer to purchase the property described above, in the amount of \$325,000, submitted by Brandon Settlemire and Michelle Settlemire; and

WHEREAS, Brandon Settlemire and Michelle Settlemire have paid the required five percent (5%) deposit of their offer;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF VALDESE RESOLVES THAT:

1. The town council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute §160A-269.

2. The town clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.

3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the town clerk within ten (10) days after the notice of sale is published. At the conclusion of the 10-day period, the town clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

4. If a qualifying higher bid is received, the town clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the town council.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid. The deposit may be made by cashier's check or by certified check. The town will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The town will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that:

(a) the town council must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed, and

(b) the buyer must pay the purchase price in certified funds at the time of closing; and

(c) the property shall be sold subject to all existing easements.

8. The town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject all bids at any time.

THIS RESOLUTION IS ADOPTED SEPTEMBER 8, 2020.

TOWN OF VALDESE

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

ATTEST: /s/ Town Clerk

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

SUB-DIVISION HOUSING UPDATES: Planning Director Larry Johnson presented the following presentation on sub-division housing in Valdese:

**Cottian Way
(Year 2005)**

16 lots
14 lots Sold
7 Permits Issued (\$ 1,436,000.00)
6 home occupied
1 New Construction for Sale

**Lake Rhodhiss Estates
(The Settings)
Year 2008**

210 Lots
187 Lots Sold
4 Permits Issued (\$ 1,366,040.00)
2 Homes Occupied
2 Home Under Construction

**Lake Vistas Phase I & II
(Year 2012)**

72 Lots
63 Lots Sold
8 Permits Issued (\$ 2,724,000.00)
8 Homes Occupied

**Waterside
(Year 2013)**

124 Lots
119 Lots Sold
16 Permits Issued
(\$5,365,000.00)
14 Homes Occupied
2 Homes Under Construction

**McGalliard Pointe
(Year 2015)**

5 Lots
3 lots sold
1 Permit Issued (\$490,000.00)
1 House Under Construction

**Island Pointe Shores at
Lake Vistas Phase III**

48 Lots
45 Lots Sold
4 Permits Issued (\$1,612,000.00)
49 Lots in all phases
2 Homes Occupied
2 Homes Under Construction

Edelweiss (Year 2020)

15 Lot Subdivision

Final Plat Approval – August 2020

TOTALS

494 Subdivision Lots

431 Lots Sold

40 Permits Issued

Permit Value
\$12,993,040.00

32 Homes Occupied

7 Under Construction

1 New Construction for Sale

CAPITAL PROJECT ORDINANCE AMENDMENTS: Finance Director Bo Weichel presented the following Capital Project Ordinance Amendments:

Valdese Town Council Meeting

Tuesday, September 8, 2020

Capital Project Ordinance Amendment # 2-35

Subject: Public Safety building

Description: To amend capital project ordinance Fund 35
This recognizes a \$25,000 revenue distribution from the ABC Board net profits from FY 19-20. These funds will be saved to the Public Safety building project to help cover upfront costs such as architect fees.

Proposed Action:

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

Section I:

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

Account	Description	Decrease/ Debit	Increase/ Credit
35.3480.001	Distributions		25,000
	Total	\$0	\$25,000

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
35.5300.040	Professional Services	25,000	
	Total	\$25,000	\$0

Section II:

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

Valdese Town Council Meeting

Tuesday, September 8, 2020

Capital Project Ordinance Amendment # 1-56

Subject: Water Meter Replacement project

Description: To amend capital project ordinance Fund 56
 The original CPO was approved at the August 6, 2018 meeting
 This is to account for change order #1 (detailed below) approved by the Division of Water Infrastructure. The amount will increase the overall approved reimbursable portion of the loan amount.

- Additional 5/8" and 1" meters to accommodate additional service points needed in the Triple service territory.
- Additional 1" meters required for Project due to unanticipated number of 1" meters in the Triple service territory.
- Additional Meter Radios (MiNodes) and Through-the-Lid antennas (TLTA) to install the additional meters from above.
- Purchase of 2" Solid State meter for specific customer Icard Water Corporation, due to usage history and analysis.
- Additional 5/8", 1", 1.5", and 2" meters, associated equipment, and labor cost to finish project meter deployment. Additional meters needed due to miscalculation on material needs at the beginning of the project.
- Additional/miscellaneous parts and materials need to complete non-standard large meter installations. Parts needed to accommodate meters with different lay lengths or damaged infrastructure not accounted for as a standard like-for-like installation.

Proposed Action:

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

Section I:

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

Account	Description	Decrease/ Debit	Increase/ Credit
56.3480.002	SRP Loan		165,000
56.3480.000	Loan Closing Fee		44,358
Total		\$0	\$209,358

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
56.8120.041	Administration	88,358	
56.8120.760	Construction	121,000	
Total		\$209,358	\$0

Section II:

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

Valdese Town Council Meeting

Tuesday, September 8, 2020

Capital Project Ordinance Amendment # 1-58

Subject: Water Plant Bleach Conversion

Description: To amend capital project ordinance Fund 58
 The original CPO was approved at the January 7, 2019 meeting.
 In accordance with the amended funding offer and acceptance from the Division of Water Infrastructure, this will increase the loan amount \$224,823 and the loan fee \$4,494. The interest rate remains at 0% for this loan. This amendment is necessary due to the lowest bid coming in higher than projected for this project.

Proposed Action:

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

Section I:

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

Account	Description	Decrease/ Debit	Increase/ Credit
58.3970.000	Valdese Utility Fund		4,494
58.3480.001	State Reserve Loan		224,823
Total		\$0	\$229,317

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
58.8100.760	Construction	224,823	
58.8100.042	Loan Admin Fee	4,494	
Total		\$229,317	\$0

Section II:

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

Mayor Black asked Mr. Weichel why the Water Meter Replacement Project was more than we expected. Mr. Padgett shared that the extra meters that we have to purchase are partially due to the installers installing approx. 170 units in vacant lots. The installers will remove them and we will have those meters to use in the future. Mr. Padgett informed Council that we have had a few issues with the Water Meter Replacement Project but staff is working through them.

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

CODE ENFORCEMENT ABATEMENT: WPCOG Code Enforcement Officer Todd Justice updated Council on 708 Church Street. A notice of violation was sent and the property owner had until September 7th, 2020 to get the power turned on to the building behind their home. Town Manager Seth Eckard said that they did get the power turned on but there are other violations to address. Mr. Eckard shared that we have two paths to go down, one being a daily fine and the other is abatement. Mr. Justice feels that the owners of 708 Church Street are able to clean up the property and recommends a daily fine for 15 days at \$50.00 a day. If the property owner does become compliant, the town can waive the fines. Town Attorney Marc Mitchell suggested giving the property owner a time and date before the fines would occur.

Councilwoman Hildebran asked the status of 909 Main Street. Mr. Justice shared that the situation has not changed much because the property is in probate. Mr. Justice explained that it will be a while before the Town can do anything about it due to the death of the property owner.

Councilwoman Stevenson asked about the status of 520 Walnut Ave. Planning Director Larry Johnson shared that notices have been sent and the Town is working on getting the owner's help using CDBG program funds. Code Enforcement will be handling the overgrown grass issue.

SEP 2020 - CODE ENFORCEMENT ACTIONS TRACKER
CEO Todd Justice, 828-485-4264, todd.justice@wpcog.org

	Address	Status	Mailed NOV/Cit/Order	Category	Violation	Current Status	Latest Activity/Date	Next Suspense
1	832 Cline Ave		Y/N/N	Nuisance	Junk and Debris	Resolved		
2	330 Sterling St		Y/N/N	Min Housing	Min Housing	On hold per order of TM		
3	808 Colonial St		Y/Y/N	Nuisance, AJNMV	Junk and Debris, Junk Veh	On hold per order of TM		
4	161 Laurel Ave		Y/N/N	Non-Res Min	Min Standards for roof	Resolved		
5	401 Bass St		Y/N/Y	Nuisance, AJNVM	Junk and Debris, Junk Veh	Resolved		
6	708 Church St		Y/N/N	Nuisance	Junk and Debris	Resolved		
7	708 Church St		Y/N/N	AJNVM	2 Junk Vehicles	Resolved		
8	909 Main St		Y/N/Y	Nuisance	Overgrown	Resolved		
9	909 Main St		Y/N/Y	Min Housing	Min Housing	Waiting to determine new		
10	804 Carolina St		Y/N/N	Nuisance, AJNVM	Junk and Debris, Junk Veh	Resolved		
11	1300 Carolina St		Y/N/N	Nuisance	Junk and Debris	Resolved		
12	1436 Main St		Y/N/N	Nuisance	Junk and Debris	NOV Issued	26 MAY, still requires sig clean up	Deadline 3 APR 2020
13	1436 Main St		Y/N/N	AJNMV	Junk Vehicle	Resolved		
14	725 Tron Ave		Y/N/N	AJNMV	2 Junk Vehicles	Resolved		
15	1017 Praley St SW		Y/N/N	Nuisance	Junk and Debris	Resolved		
16	805 Carolina St		Y/N/N	Non-Res Min	Dilapidated outbuildings	Pending demolish	Waiting on COVID restrictions	
17	520 Walnut Ave		Y/N/N	Min Res	Needs roof/paint	NOV mailed	Town will handle	
18	102 Meytre Ave		Y/N/N	Nuisance	Overgrowth	Resolved		
19	321 Becker St		Y/N/N	Nuisance	Overgrowth	Resolved		
20	3305 Holly Hill		Y/N/N	Nuisance	Junk and Debris	Resolved		

SEP 2020 - CODE ENFORCEMENT ACTIONS TRACKER

CEO Todd Justice, 828-485-4264, todd.justice@wpcog.org

21	216 Columbo St		Y/N/N	Nuisance	Junk and Debris	NOV Issued	Extended	31AUG2020
22	216 Columbo St		Y/N/N	AJNMV	Junk Vehicles	NOV Issued	Extended	31AUG2020
23	708 Church St		Y/N/N	Nuisance	Junk and Debris	NOV Issued		20AUG2020
24	708 Church St		Y/N/N	Res Min Housing	No Power	Resolved		
25	630 Perkins Rd		Y/N/N	Nuisance	Junk and Debris	Resolved		
26	616 Lincoln St		Y/N/N	AJNMV	Junk Vehicle	Resolved		
27	814 Cline Ave		Y/N/N	Nuisance	Overgrowth	NOV Issued		20AUG2020
28	1326 Carolina Ave		Y/N/N	Nuisance	Junk and Debris	NOV Issued		18SEP 2020
29	408 Pineburr Ave		Y/N/N	Nuisance	Overgrowth	Resolved		
30	3386 Holly Hills		Y/N/N	Nuisance	Overgrowth	Resolved		
31	5388 Montoya View Ct		Y/N/N	Nuisance	Overgrowth	NOV Issued		11SEP 2020
32	719 Hickory Ave		Y/N/N	AJNMV	Junk Vehicle	NOV Issued		18SEP 2020
Key								
				Resolved/Abated	NOV = Notice of Violation			
				Owner Notified, proceeding	Clt = Citation, usually \$50 a day for 15 days			
				New violation	Order = Order to Remove, Repair or Demolish			

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

A reminder to the community to complete 2020 Census – Deadline is September 30, 2020.

MAYOR AND COUNCIL COMMENTS: No comments

ADJOURNMENT: At 7:14 p.m., there being no further business to come before Council, Councilwoman Hildebran made a motion to adjourn, seconded by Councilwoman Stevenson. The vote was unanimous.

The next regular Council meeting is scheduled for Monday, October 5, 2020, at 6:00 p.m.

Town Clerk

Mayor

jl



TOWN OF VALDESE

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: Greg Padgett, Public Service Director

Date: October 5th, 2020

Subject: Resolution to accept revised Offer for Funding – Bleach Conversion Project

The resolution included in the agenda packet is for funding that Council has already approved at the September 8th, 2020 meeting. Staff is asking Council to adopt an official resolution as a requirement of the State. My apologies for the oversight during the initial approval that a resolution was not presented. Once adopted, the resolution will satisfy the requirements of the State funding agency.

Please, feel free to email me or call with any questions or clarifications prior to the council meeting.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collections systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has provided an amended offer for a State Revolving Loan and State Grant in the new total amount of amount of **\$882,973** which is comprised of \$718,398 in State Reserve Loan and \$164,575 in State Reserve Grant for the construction of the **Water Treatment Plant Bleach Conversion Project**, and

WHEREAS, the **Town of Valdese** intends to construct said project in accordance with the approved plans and specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF VALDESE TOWN COUNCIL:

That **Town of Valdese** does hereby accept the amended State Revolving Loan and State Revolving Grant offer of **\$882,973**.

That the **Town of Valdese** does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the (loan or grant) offer Section II-Assurance will be adhered to.

That **Seth Eckard, Town Manager**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the **5th day of October, 2020** in Valdese, North Carolina.

SEAL

John F. Black, Jr., Mayor

ATTEST:

Town Clerk

Town of Valdese Personnel Report					
	Employee Name	Position	Previous Position	Department	Date of Event
Promotions					
	Allen Hudson	Assistant Public Works Director	Utility Crew Leader	Public Works	3/30/2020
New Hires					
	Matthew Chapman	Fire Engineer		Fire Department	4/6/2020
	Billy Hicks	Police Officer		Police Department	8/15/2020
	MacKenzie Gavin	Police Officer		Police Department	8/29/2020
	Saul Pearson	Utility Field Service Tech		Public Works	9/28/2020
Transfers					
	Levi Henry	Fire Marshal	Police Officer	Fire Department	5/6/2020

Memorandum

TO: Valdese Town Council
FROM: Larry Johnson, Planning Director
Hunter Nestor, WPCOG Community Regional Planner
DATE: September 29th, 2020
SUBJECT: Rezoning Application 2-8-20

APPLICANT

NATURAL LAND ALLIANCE, INC

PROPERTY OWNER:

NATURAL LAND ALLIANCE, INC

REQUEST:

The applicant requests the property identified by Burke County PIN: 2744742158 and located at the end of Valdese Park Road, adjacent to Draughn High School, be rezoned from Residential District (R-12A) to Residential District (R-8).

LOCATION:

104.97 acres east of Draughn High School

LAND USE AND ZONING:

The current vacant and undeveloped 104.97-acre property is zoned Residential District (R-12A).

Surrounding Zoning:

North: R-12A

South: R-20 (Rutherford College)

East: R-20 (Rutherford College)

West: M-1 Manufacturing

Surrounding Land Use:

North: Residential

South: Residential

East: Residential

West: Institutional

REVIEW/DISCUSSION:

This rezoning request is part of a master residential plan proposed by Natural Land Alliance. It will also offer various residential, commercial opportunities, a marina, and throughout the parcel greenway/walkways.

Phase One of the Valdese Master Plan will be the development of the Parkside Neighborhood. Parkside will consist of 39 lots, with the average lot size being approximately 8,000 square feet), consistent with the lot size requirements of the R-8 Residential District. Parkside will be served with municipal water and gravity sewer.

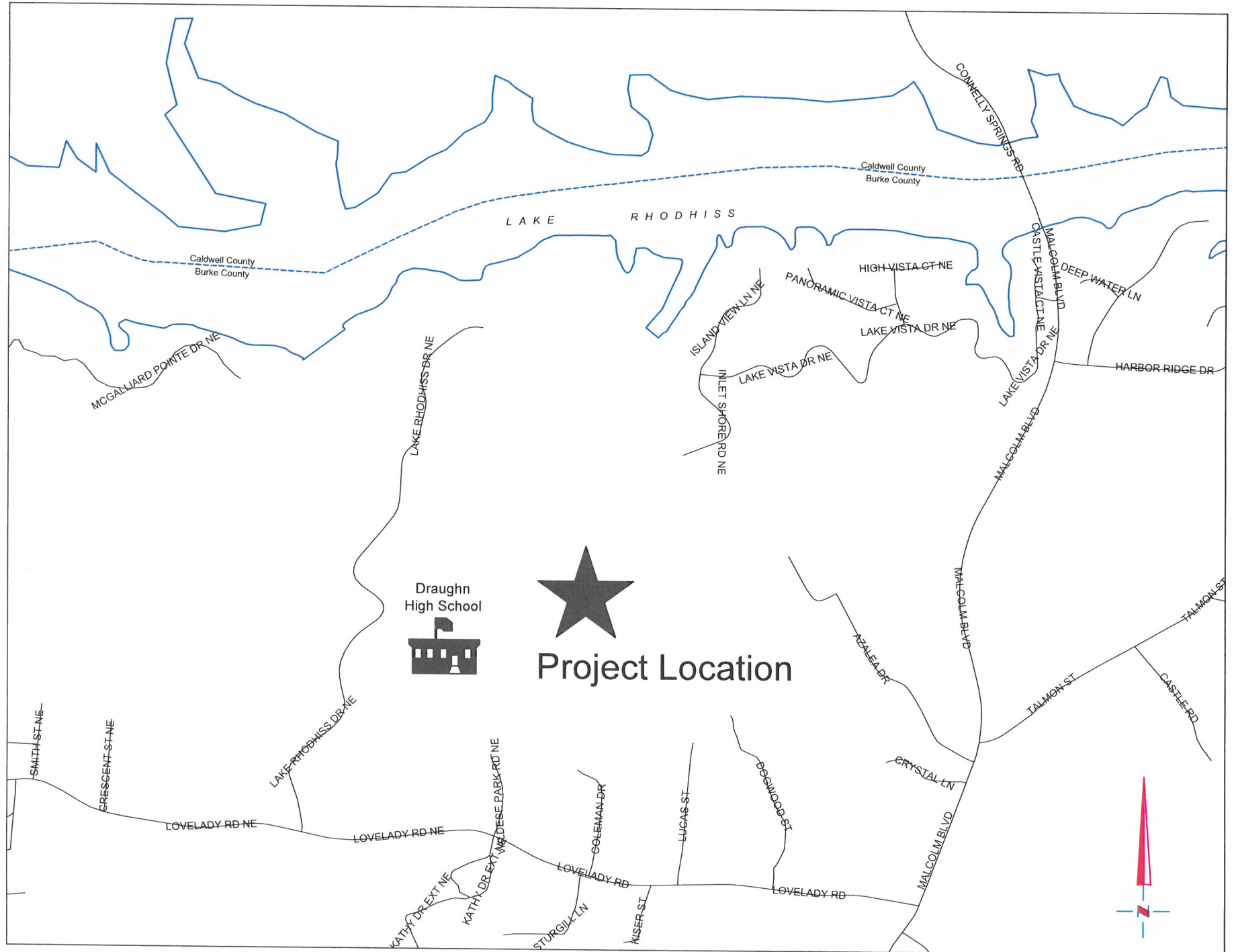
The parcel is contiguous with properties that are located within the Town of Rutherford College with a zoning designation of R-20. R-20 Zoning District is defined as a residential district consisting of lots for single-family, non-commercial agriculture, home occupations, bed and breakfast, and public and Private Park. Staff finds that the rezoning designation to R-8 Residential would not be a conflict with the uses of neighboring properties in Rutherford College.

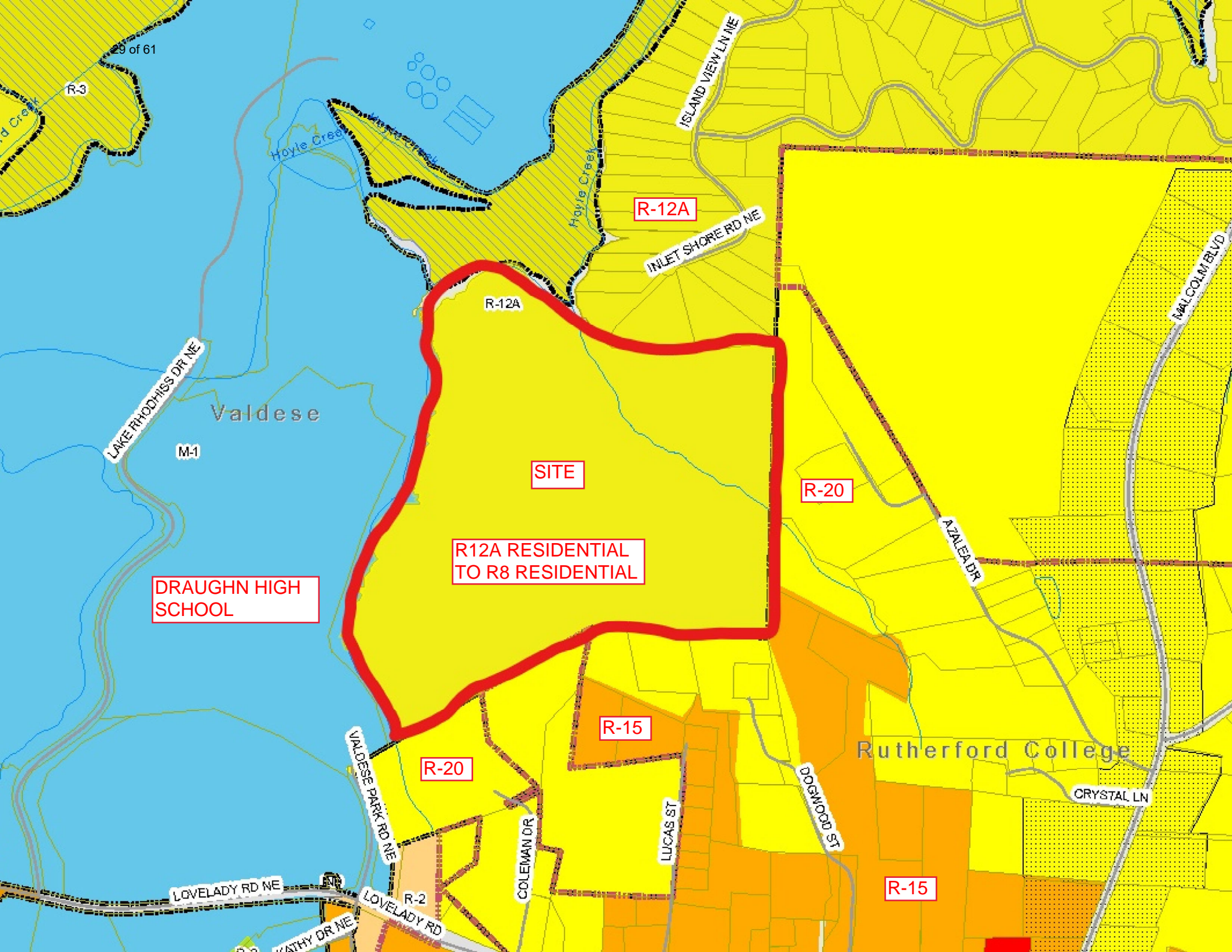
The parcel of land for which Natural Land Alliance petitioned for rezoning is 104.97 acres. Because of parcel size, the change from R-12A to R-8 Residential cannot be construed as "spot" zoning.

Finally, the Valdese Bluff Master Plan will be subject to a conditional use permit.

RECOMMENDATION:

The Valdese Planning Board met August 24th to consider a request by Natural Land Alliance, Incorporated to rezone its 104.97-acre parcel from Residential District (R-12A) to Residential District (R-8). Following review and discussion, it was unanimously recommended that the Valdese Town Council approve the request. Please note that the Natural Land Alliance request is consistent with the Future Land Use Map in the "Valdese Vision."





R-3

29 of 61

Hoyle Creek

Hoyle Creek

ISLAND VIEW LN NE

R-12A

INLET SHORE RD NE

R-12A

LAKE RHODISS DR NE

Valdese

M-1

DRAUGHN HIGH SCHOOL

SITE

R12A RESIDENTIAL
TO R8 RESIDENTIAL

R-20

AZALEA DR

MALCOLM BLVD

Rutherford College

CRYSTAL LN

DOGWOOD ST

LUCAS ST

COLEMAN DR

R-20

R-15

VALDESE PARK RD NE

LOVELADY RD NE

R-2

LOVELADY DR

KATHY DR NE

R-15

Valdeese Bluffs

VALDESE, NC
MASTER PLAN

Prepared for:
Natural Land Alliance



- 1

VISTAS
- 2

TOWN PARK
- 3

WALK RCV
CONNECTOR
- 4

LAKE VALDESE PARK
- 5

TO DOWNTOWN
- 6

HIGH SCHOOL
- 7

COMMERCIAL

NEIGHBORHOOD	ROAD LENGTH (FT)	AREA (ACRES)	LOT COUNT	AVERAGE LOT SIZE (ACRES)	AVERAGE LOT SIZE (S.F.) (NO GREEN SPACE)	AVERAGE LOT WIDTH (FT)	CURRENT ZONING	ZONING REQUESTED
Parkside	950	7.2	39	0.18	8,042	60	R-12A	R-8
Peninsula Point	2,492	12.5	65	0.19	8,377	60	R-12A	R-8
Waterside	1,550	9.2	28	0.33	14,313	80	R-12A	R-8
Overlook	2,364	19.3	101	0.19	8,315	60	R-12A	R-8
TOTALS	9,910	48.2	233	0.21	9,007			

Master Plan is Preliminary & Subject to Change

ARTICLE E USE REQUIREMENTS BY DISTRICT

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

Intent: The district shall provide for town-scaled residential development within walking distance (generally one-fourth ($\frac{1}{4}$) mile) of services. Streets shall be interconnected and a range of lot sizes is encouraged. The Neighborhood Residential District is to permit the completion and conformity of residential subdivisions.

9-3051.1 Permitted Uses

- (a) Uses permitted by right:
 - (1) Boarding House
 - (2) Cemeteries
 - (3) Churches
 - (4) Essential services 1 and 2
 - (5) Family Care Homes
 - (6) Government buildings up to 5,000 square feet of gross floor area
 - (7) Manufactured Homes, Class A
 - (8) Modular Home
 - (9) Neighborhood and outdoor recreation
 - (10) Parks
 - (11) Single-family Homes
 - (12) Two-family Homes (duplexes)
- (b) Uses permitted with Special Requirements
 - (1) Accessory dwellings
 - (2) Bed and breakfast inns
- (c) Uses permitted with a conditional use permit :
 - (1) Bakeries, delicatessens and the like, provided the products prepared or processed on the premises shall only be sold at retail and only on the premises
 - (2) Barber and beauty shops
 - (3) Day Care Center
 - (4) Florist shops, but not commercial greenhouses
 - (5) Grocery stores
 - (6) Laundromats
 - (7) Mixed uses
 - (8) Multi-family building
 - (9) Planned Unit Development – Business
 - (10) Planned Unit Development – Residential
 - (11) Produce stands and open air markets, retail only

- (12) Public and private elementary and secondary schools
 - (13) Residential Care Facility
 - (14) Detached Garage located in front yard
 - (15) Ten-Acre Exempt Development
 - (16) Gated Subdivision
- (d) Permitted accessory structures and uses:
- (1) Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot
 - (2) Day Care Home
 - (3) Home occupations

9-3051.2 Off-Street Parking and Loading Requirements

Off-street parking and loading requirements shall be met for all uses as required by Article F of this Ordinance.

9-3051.3 Sign Requirements

See Article H of this Ordinance.

9-3051.4 Dimensional Requirements

- (a) Minimum Lot Width;
 - (1) Single-family Home – 50 feet
 - (2) Two-family Home – 60 feet
 - (3) Multi-family Homes – 70 feet for three dwelling units plus 10 feet for each (4) additional dwelling unit
 - (4) Non-residential buildings – 70 feet
- (b) Minimum Building Setback;
 - (1) Minimum front building setback: 20 feet
 - (2) Minimum side building setback: 10 feet (15 feet for side abutting a street ROW)
 - (3) Minimum rear building setback: 25 feet
- (c) Maximum Building Height
 - (1) Maximum building height for residential structures: 40 feet
 - (2) Maximum building height for non-residential structures: 50 feet
- (d) Minimum Lot Sizes and Maximum Lot Coverages

*Development activities that **do not** require a Sedimentation/Erosion Control Plan under State law are subject only to Sections 1 and 3 below.*

- (1) Lots deeded prior to October 1, 1993, to be developed for single-family detached dwellings:

- (a) either water OR sewer: 20,000 square feet;
 (b) water and sewer: 8,000 square feet;

Maximum permissible lot coverage by principal and accessory buildings shall not exceed 40% of the total lot area.

- (2) Lots deeded on or after October 1, 1993, to be *developed for single-family detached dwellings where the development **requires** a Sedimentation/Erosion Control Plan under State law:*

- (a) OPTION 1:

- no water AND no sewer: 40,000 square feet;
 either water OR sewer: 20,000 square feet;
 water and sewer: 8,000 square feet;

Maximum permissible impervious surface coverage as defined in this ordinance shall not exceed 36% of the total lot area **or 24% of the total lot area if the lot is located in a WS-4 critical area or abuts a curb & gutter street system.**

- (b) OPTION 2:

- no water AND no sewer: 40,000 square feet;
 either water OR sewer: 21,780 square feet (1/2 acre);
 water and sewer: 14,520 square feet (1/3 acre), **or**
21,780 square feet (1/2 acre) if the lot is located within a WS-4 critical area or if the lot abuts a curb and gutter street system.

Maximum permissible lot coverage by principal and accessory buildings *shall not exceed 30% of the total lot area.*

- (3) Lots to be developed for multi-family dwellings, where the development does not require a Sedimentation/Erosion Control Plan under State law:

Water and sewer required

- water and sewer: 8,000 square feet for the first unit,
 4,000 square feet for the second unit, and
 3,000 square feet for each additional unit.

Maximum permissible lot coverage by principal and accessory buildings shall not

exceed 30% of the total lot area.

- (4) Lots to be developed for multi-family dwellings, where the development requires a Sedimentation/Erosion Control Plan under State law:

(a) OPTION 1:

Water and sewer required

water and sewer: 8,000 square feet for the first unit,
4,000 square feet for the second unit, and
3,000 square feet for each additional unit.

Maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed 36% of the total lot area, **or 24% of the total lot area if the lot is located within a WS-4 critical area or if the lot abuts a curb and gutter street system.**

(b) OPTION 2:

Water and sewer required

water and sewer: 14,520 square feet (1/3 acre) for each unit, **or**
21,780 square feet (1/2 acre) for each unit if the lot is
located within a WS-4 critical area or if the lot abuts a
curb and gutter street system.

Maximum permissible lot coverage by principal and accessory buildings shall not exceed 40% of the total lot area.

RESOLUTION
(Sale of Triple Community Property)

WHEREAS, Brandon Settlemyre and Michelle Settlemyre (the Settlemyres) offered to purchase from the Town of Valdese for the sum of \$325,000 that parcel located at 1492 Drexel Road in Valdese, North Carolina, which has been assigned REID No. 38526 and PIN 2723623951 by the Burke County Tax Office, said property being Parcel 1, Tract I of Book 1735, page 641, Burke County Registry (the Property); and

WHEREAS, at its September 8, 2020, regular meeting, the town council adopted a resolution proposing to accept this offer; and

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

WHEREAS, more than ten (10) days expired without there being an upset bid, and the \$325,000 offer made by the Settlemyres is the last and highest bid for the Property; and

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

IT IS THEREFORE RESOLVED pursuant to G.S. 160A-269 that the sale of the Property to the Settlemyres for the purchase price of \$325,000 is approved; that the Property shall be sold subject to all existing easements; and that the proper officers are authorized and directed to execute and deliver to the Settlemyres a deed for the Property upon receipt of the \$325,000 purchase price.

THIS, THE 5TH DAY OF OCTOBER, 2020.

John F. Black, Jr., Mayor

ATTEST:

Town Clerk

(corporate seal)



September 14, 2020

Mr. Seth Eckard
Town Manager
Town of Valdese
Post Office 339
Valdese, North Carolina 28690

RE: Award Recommendation
Wastewater Treatment Plant Centrifuge Electrical
Controls Replacements
Town of Valdese
Burke County, North Carolina

Dear Mr. Eckard:

On September 11th, 2020, the Town conducted an informal bid opening for the subject project. Connelly Springs Electric submitted the lowest bid and is a reputable local electrical contractor. As you may be aware, the project generally consists of removal of existing centrifuge controls and installing a new centrifuge main control panel to control the two (2) new centrifuge VFD start panels and the sludge pump feeder control panel. SCADA will also be upgraded as part of this project to monitor the new system. This will involve modifications to the existing plant SCADA system.

Connelly Springs Electric has successfully completed projects in the past for the Town and has also had preliminary correspondence with the Town in producing their Bid. We, therefore, recommend that the Town award the project to Connelly Springs Electric in the bid amount of **\$74,800.00.**

Enclosed for your use is the Certified Bid Tabulation. Please do not hesitate to contact us if you have any questions.

Sincerely,
McGill ASSOCIATES, P.A.

A handwritten signature in blue ink, appearing to read 'Nicholas Huffman', is written over a horizontal line.

Nicholas Huffman, PE
Electrical Project Manager

NCH:

Enclosures

CERTIFIED
BID Tabulation

**WASTEWATER TREATMENT PLANT CENTRIFUGE ELECTRICAL EQUIPMENT
 REPLACEMENT**

Town of Valdese

Burke County, North Carolina

Friday, September 11th, 2020; 5:00 pm

via Email

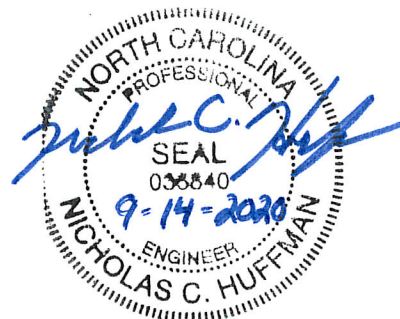
Bidder	Bid Amount
Connelly Springs Electric	\$74,800
Fountain Services, LLC	\$219,500
Smart Electric Company, Inc	\$114,598

This is to certify that the informal bids tabulated herein were received by 5:00 pm local time on the 11th day of September 2020 by Greg Padgett, Public Services Director via email.

Nicholas C. Huffman, PE



1240 19th St Ln NW
 Hickory, North Carolina 28601
 Firm License No. C-0459



DRAFT OF TOWN OF VALDESE GOLF CART ORDINANCE

Purpose, disclaimer, and assumption of risk.

(a) The purpose of this article is to provide a means of travel that is convenient, cost-effective, and energy efficient. In order to promote the safety of drivers, passengers, and the general public, the operation of golf carts must comply with applicable state laws and Town of Valdese regulations pertaining to the operation of traditional motor vehicles, and must also comply with the specific provisions included in this article.

(b) Golf carts are not designed for nor manufactured to be used on public streets, and the Town of Valdese neither advocates nor endorses the golf cart as a safe means of travel on public streets. The Town of Valdese shall in no way be liable for accidents, injuries, or deaths involving or resulting for the operation of a golf cart.

(c) Any person who owns, operates, or rides on a golf cart on a public street within the Town of Valdese does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

Definitions of words and phrases.

The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this article, except in any instance where otherwise specifically provided or where the context clearly indicates a different meaning.

(a) Golf Cart. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) mph.

(b) Golf Cart Operator. The individual in physical control of a golf cart that is moving or has its key inserted and in the on position.

Operation of golf carts permitted.

(a) Golf carts meeting the requirements of this article may be operated in public parking areas and on the public streets of the Town of Valdese that are posted at a speed limit of 35 mph or lower, with the exception of the following streets: Main St East from Eldred St. to town limits, Main St. West from Morganton St to town limits, Church Street, Laurel Street North, Carolina Street, Eldred Street South, Praley Street, Hoyle Street, Lovelady Road, and Lake Rhodhiss Drive. It shall be unlawful to operate any golf cart that is not properly registered with and permitted by the Town of Valdese or to operate any golf cart at any place or in any manner not authorized herein.

(b) A golf cart may be operated only from dawn until dusk. Golf carts are permitted to be driven, in a straight line, across any prohibited street.

(c) The operation of golf carts in the following circumstances is exempt, and is not subject to the provisions of this article:

- (1) The operation of a golf cart on private property with the consent of the owner,
- (2) The operation of a golf cart on private streets,
- (3) The operation of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and the golf cart is only used during such event; and
- (4) The operation of a golf cart by Town of Valdese personnel, by other governmental agencies, and by public services agencies on official business.

Golf carts do not qualify as electric personal mobility devices.

Golf carts do not qualify as electric personal mobility devices used to assist disabled or elderly individuals.

Registration and permit requirements.

(a) No golf cart may be operated on any public street within the Town of Valdese or on any property owned or leased by the Town of Valdese unless the golf cart has first been registered with the Town of Valdese and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this article.

(b) An initial registration and annual renewal fee in the amounts set forth in the Town of Valdese's Schedule of Fees will be charged by the Town of Valdese to cover the costs of implementing and maintaining this article.

(c) The owner of the golf cart shall complete an application provided by the Town of Valdese, and the golf cart shall be inspected by the Town of Valdese Police Department for compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart. To evidence that registration, the owner shall be issued an annual registration decal which shall be displayed on the driver side of the golf cart.

(d) In order to register a golf cart and secure an annual permit, the owner of the golf cart and the golf cart must meet the following requirements as applicable:

- (1) The owner must be at least eighteen (18) years old and possess a valid driver's license;

(2) The owner must possess and maintain liability insurance in an amount not less than the minimum limits required by North Carolina state law for motor vehicles operated on public streets in the state (currently § 20- 279.221 of G.S. Ch. 20, Article 9A);

(3) The golf cart must not have been modified to exceed a speed of twenty (20) mph; and

(4) The golf cart must be limited to a maximum of three (3) rows of seats.

e) In order to register a golf cart and secure an annual permit, the golf cart must have the following safety features installed:

(1) Two (2) operating front headlights, visible from a distance of at least two hundred fifty (250) feet;

(2) Two (2) operating tail lights, with brake lights and turn signals, visible from a distance of at least two hundred fifty (250) feet;

(3) A rear vision mirror;

(4) At least one (1) reflector per side;

(5) A parking brake;

(6) A windshield;

(7) Seatbelts for all seating positions on the golf cart; and

(8) A rear “Slow Moving Vehicle” triangle reflector no less than 12 inches in height and width.

(f) Prior to the issuance of an initial permit or an annual renewal, the owner shall sign an acknowledgment as part of the application for permit that he/she has read and understands the provisions of this article.

(g) All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles that are not manufactured for operation on a golf course, and a golf cart that has been modified so that it no longer meets

the definition of a golf cart, may not be registered as a golf cart under this article, nor shall such vehicles be operated on public streets within the Town of Valdese unless such vehicles are registered and permitted under the motor vehicle laws of the state.

Standards of operation.

(a) It is unlawful to operate a golf cart on a public street or public parking area within the Town of Valdese unless the following requirements are met:

(1) The golf cart must display a valid annual registration decal issued by the Town of Valdese.

(2) The operator of the golf cart must be at least eighteen (18) years of age and licensed to drive upon the streets, roads, and highways of the state, and the operator may operate the golf cart only in accordance with such driver's license. The operator must have the valid driver license in his/her possession while operating the golf cart.

(3) The operator of the golf cart and each passenger must be properly seated while the golf cart is in motion. The seating capacity as designed for the golf cart shall not be exceeded. The operator of the golf cart shall be responsible for each passenger's compliance with this provision.

(4) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than twenty (20) miles per hour.

(5) Golf carts must be operated at the extreme right of roadway and must yield to all vehicular and pedestrian traffic.

(6) No golf cart may be operated in a negligent, careless, or reckless manner.

(7) Golf carts must be operated in accordance with all applicable state and local traffic laws and ordinances, including all laws, regulations, and ordinances pertaining to the possession and consumption of alcoholic beverages.

(8) Golf carts are subject to the same parking regulations as traditional motor vehicles, and may be parked in the same manner and in the same places designated for the parking of traditional motor vehicles only.

(9) Golf carts may be parked in handicapped parking spaces only if the operator has a valid handicapped placard or sticker and the same is clearly posted or displayed in the golf cart.

(10) Golf carts may not be operated on any sidewalk or bicycle path, except for golf carts operated by governmental officials for official purposes.

(11) Golf carts may not be used for the purpose of towing another cart, trailer, or vehicle of any kind, including a person on roller skates, skateboard, or bicycle.

(12) The possession of open containers of alcohol and the consumption of alcohol by the operator or a passenger of a golf cart is prohibited and shall subject the operator and offending passenger(s) to enforcement of local and state law pertaining to such activity.

Penalties and remedies.

(a) Any person violating the motor vehicle laws of the state that also apply to golf carts registered under this article shall be subject to the penalties prescribed in state law for said violation.

(b) Any person who knowingly allows an underage driver to operate a golf cart shall be charged and subject to the penalties prescribed in state law for contributing to the delinquency of a minor.

(c) Pursuant to the provisions of G.S. 160-175 and G.S. 14-4, any person violating the provisions of this article or failing to comply with any of its requirements shall be guilty of an infraction and required to pay a penalty of not more than fifty dollars (\$50.00) plus the costs of court. Operating a golf cart under the influence of an impairing substance on a public street is a violation of state law, and is punishable as provided therein.

(d) The Town of Valdese may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the owner of the golf cart is involved in three (3) or more violations of this article and/or violations of state law within a three-year time period. Said revocation and/or denial of a permit shall be effective for one (1) year.

(e) The Town of Valdese may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the owner of the golf cart is charged with operating a golf cart under the influence of an impairing substance, aiding and abetting the operation of the golf cart under the influence of an impairing substance, or operating a golf cart in a careless and reckless manner. Said revocation or denial of a permit shall be effective for one (1) year, unless the charge is dismissed or the owner or, if applicable, the operator is acquitted, in which event the permit shall be immediately reinstated or the application for the permit shall be approved if the conditions of this article have been met.

(f) All revocation periods shall be effective from the date of the notification of revocation letter, provided that the revoked registration decal is surrendered to the police department within fourteen (14) days of the date of notification. If the revoked registration decal is not

surrendered within fourteen (14) days, then the revocation shall be effective; however, the one (1) year period shall not begin until the date the registration decal is surrendered to, or seized by, the police department.

(g) In addition to or in lieu of any other penalty herein provided, violation of any provision of this article shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) per violation.

(h) In addition to or in lieu of any other remedy herein provided, the Town of Valdese may use any remedy provided for in G.S. 160A-175, including the ordering of appropriate equitable relief, including injunctions, or a combination of remedies.

MEMORANDUM

RE: Regulation of driving on and parking along Lakeside Drive

The paved road running to the Valdese Treatment Plant and to the parking area of Lakeside Park is more than a mile long. That road is paved, but it does not meet the standards required for that road to become a town street.

The town has an easement allowing the town to use that road as a means of ingress and egress to and from the treatment plant. That easement does not permit the use of the road as a means of ingress and egress to and from Lakeside Park, however. That problem is about to be resolved. The Shufords have agreed to donate to the town the property they own on which the road is located. The question has come up as to how the town should regulate the use of that paved road after the town becomes the owner of the road.

One option would be for the town to dedicate that road as a town street. There are several problems with that approach. First, that road does not meet town street standards, and the cost to upgrade the road to town street standards would be prohibitive. If the town dedicated the road as a town street despite the fact that it did not meet town street standards, when the town sought to impose its street standards on developers in the future, those developers could claim that because the town did not enforce its street standards against itself the town should not be able to enforce those standards against others. In addition, the property that would be dedicated as a town street would need to be surveyed. That survey work would be expensive. There would also be a question as to whether and under what circumstances traffic on that road could be controlled late at night if the street were to become a public street.

Another possibility would be to treat that road as a public vehicular area. G.S. 20-4.01(32) defines a public vehicular area as any area that is used by the public for vehicular traffic at any time, including by way of illustration and not limitation, any drive, driveways, road, roadway, street, alley or parking lot upon the grounds and premises of any of the follows:

- 1) "...parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions."

G.S. 20-141(a) states that no person shall drive a vehicle on a highway or in a public vehicular area at a speed greater than is reasonable and prudent. That statute would enable the police to write citations for exceeding a safe speed along this public vehicular for driving faster than was reasonable and prudent.

If the town treated this road as a public vehicular area, the town would not be able to establish a speed limit. G.S. 20-141(e) permits the establishment by ordinance of speeds slower than 35 mph upon all “streets” that are not part of the state highway system. A “street” is defined as a “highway”, which is defined as a place “open to the use of the public as a matter of right for the purposes of vehicular traffic.” Because this road would not qualify as a town street, an enforceable speed limit for that road could not be established.

But as stated earlier, if the road is treated as a public vehicular area, citations for exceeding a safe speed could be written. Although a speed limit could not be legally enforced, the town could nevertheless erect speed limit signs as an indication as to what the town considered to be the maximum reasonable and prudent speed for that road. In that instance, the issue in court would be whether the speed at which the motorist was traveling was reasonable and prudent, not whether the speed shown on the speed limit signs was exceeded. The speed limit signs could serve as evidence as to the speed the town considered to be a maximum reasonable and prudent speed for that road.

As has been discussed before, after the donation of the Shuford property there would still part of the road that the town would not own. That small part of the road appears to be owned by the Board of Education as shown on the map recorded in Plat Book 44, page 282, Burke County Registry. With this memorandum is an enlarged part of that map showing the Board of Education property in question. We have discussed the possibility of the Board of Education donating that property to the town. If the town opened the road as a public street, the town would need to own the Board of Education part of the road in order to dedicate the road as a public street. On the other hand, if the town treated the road as a public vehicular area and not a public street, while it would certainly be preferable for the town to obtain ownership of the Board of Education part of the road, I do not think that as a practical matter ownership of that Board of Education property would be necessary.

The town also wants to control parking along Lakeside Drive. The town would own all of the property along both sides of the drive with the possible exception of the small part owned by the Board of Education. The town should be able to control parking by ordinance under G.S. 160A-74 if the drive is treated as a public vehicular area and not dedicated as a public street. If the drive were to be dedicated as a public street, G.S. 160A-301 could also be used to regulate parking.

It is my recommendation that the town treat this road as a public vehicular area and not a public street for the reasons set forth above. In addition, treating that road as a public vehicular area would allow the town to close the road when the park was not open. As to parking, the town could adopt an ordinance prohibiting parking at certain places and at certain times. In drafting an ordinance, thought would need to be given as to where parking should be prohibited and when those

parking restrictions should apply. Thought would also need to be given as to whether to erect “speed limit” signs and, if so, what speed should be a maximum reasonable and prudent speed for that road. Thought would also need to be given as to whether that road should be closed to vehicular traffic when the park was closed and, if so, whether signs to that effect should be erected.

RESOLUTION ESTABLISHING LAKESIDE DRIVE
AS A PUBLIC VEHICULAR AREA, ESTABLISHING
A REASONABLE AND PRUDENT SPEED FOR LAKESIDE DRIVE, AND
PROVIDING FOR PARKING RESTRICTIONS

WHEREAS, the Town of Valdese is the owner of a paved road running from Lovelady Road to Lakeside Park in the Town of Valdese. This road also provides a means of ingress and egress to the Town of Valdese Wastewater Treatment Plant. This road is known as and hereafter referred to as “Lakeside Drive”; and

WHEREAS, G.S. 20-4.01(32) defines a public vehicular area as any area that is used by the public for vehicular traffic at any time, including by way of illustration and not limitation, any road or parking lot upon the grounds and premises of parks maintained and supported by a subdivision of the State of North Carolina such as the Town of Valdese; and

WHEREAS, Lakeside Drive provides the sole means of ingress and egress to and from Lakeside Park; and

WHEREAS, the town council desires to confirm that Lakeside Drive is part of Lakeside Park and therefore a public vehicular area as defined by G.S. 20-4.1(32); and

WHEREAS, G.S. 20-141(a) provides that no person shall drive a vehicle on a public vehicular area at a speed greater than is reasonable and prudent; and

WHEREAS, the town council of the Town of Valdese, with advice from the Valdese Police Department, has determined that any person driving a vehicle on Lakeside Drive at speed greater than 20 mph would be driving on that public vehicular area at a speed that is greater than is reasonable and prudent; and

WHEREAS, one or more 20 mph speed limit signs should be erected along Lakeside Drive to make the public aware that exceeding a speed of 20 mph on Lakeside Drive is considered to be driving at a speed greater than is reasonable and prudent,

NOW, THEREFORE, THE TOWN COUNCIL ADOPTS THE FOLLOWING ORDINANCE as Article U of Part 7 of the Code of Ordinances:

ARTICLE U

Section 7-1250 **Lakeside Drive is a public vehicular area.**

The paved road known as Lakeside Drive, which runs from Lovelady Road to Lakeside Park, is part of Lakeside Park. Lakeside Drive is therefore a public vehicular area. (see G.S. 20-4.01(32)(1)).

Section 7-1251 **Presumption of G.S. 20-141(a) violation.**

The town council, upon recommendation of the Valdese Police Department, finds that driving on Lakeside Drive at a speed greater than 20 mph would be operating a vehicle at a speed greater than is reasonable and prudent. It is therefore presumed that any person operating a vehicle on Lakeside Drive at a speed greater than 20 mph would be violating G.S. 20-141(a).

Section 7-1252 **Erecting speed signs.**

One or more 20 mph maximum speed signs shall be installed along Lakeside Drive to provide notice to the public that operating a vehicle on Lakeside Drive at a speed greater than 20 mph is presumed to be operating at a speed greater than is reasonable and prudent in violation of G.S. 20-141(a).

Section 7-1253 **Parking.**

No person shall park a motor vehicle on or along the side of Lakeside Drive or on any other part of Lakeside Park except in those parking areas established and marked as such by the Town of Valdese. In addition to all other available remedies, a violation of this section is punishable as provided in Section 7-1230. The owner of a vehicle parked in violation of this section shall be deemed to have appointed any appropriate law enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle.

Adopted the ____ day of October, 2020.

John F. Black, Jr., Mayor

ATTEST:

Town Clerk

(corporate seal)

COUNCIL AGENDA MEMO

To: Town Clerk
From: Bo D. Weichel, Finance Director
Date: October 5, 2020
Re: Lakeside Park Phase I

REQUEST

To award the construction contract with Patton Construction.

BACKGROUND

In 2018 the Town acquired a 300-acre tract of land along Lake Rhodhiss with the intention of a future park area with trails and other outdoor features. Since this time, the Friends of Valdese Recreation and town staff have teamed up with Destination By Design to develop a plan for Lakeside Park.

Over the past several months, the park design and engineering have been completed and went out for bids in September. Due to the size of the project, this was a formal sealed bid process.

Funding sources for the construction of Lakeside Park phase I include private donors along with an NC DEQ grant and NC PARTF grant. There will not be any town funds provided towards this project.

ANALYSIS

The Town received four bids with the lowest responsible, responsive bidder being Patton Construction, as shown on the attached bid tabulation form. In summary, the quoted price included a base bid along with several added alternates.

Base Bid	482,300
Alternate 1) Dog Park	60,600
Alternate 2) Overlook Deck	31,500
Alternate 3) TrueGrid permeable paving	93,600
Total Bid Amount	\$ 668,000

The base bid includes several features including:

- Gravel parking areas with 49 spaces
- Visitor orientation area / entry plaza with a kiosk
- 10-foot wide x 200-foot long asphalt trail leading from the entry plaza
- ADA compliant trails with crushed fines
- Bike pad and bike rack system
- Outdoor benches, picnic tables, and trash receptacles
- Donor boulders
- Water, sewer, and concrete pad for restrooms

A kayak launch and pre-fabricated restrooms are outside of the scope of this contract. A two-stall restroom facility will be installed under a separate contract.

RECOMMENDATION

Due to budgetary constraints, staff recommends for Council to award the contract to Patton Construction for the following amount:

Base Bid	482,300
Alternate 2) Overlook Deck	31,500
Total Contract Amount	\$ 513,800

Friends of Valdese Recreation will be pursuing other designs and funding options for the dog park.

BUDGET ANALYSIS:***Budgetary Action***

Is a Budget Amendment required?

Yes

☐

No

☒



Destination by Design Studios, PLLC
136 Furman Road, Suite 6
Boone NC 28607

September 30, 2020

Seth Eckard
Town Manager
Town of Valdese, NC
102 Massel Ave SW
Valdese, NC 28690

Re: Valdese Lakeside Park

Dear Mr. Eckard,

We have reviewed the bids submitted for the above-referenced project on September 28, 2020. Following the Bid Opening, the apparent low Bidder was Patton Construction Group, Inc.

We recommend the project be awarded to the lowest responsive and responsible Bidder as follows:

Patton Construction Group, Inc.	\$482,300 (Base Bid)
	<u>\$ 31,500 (Overlook Deck Add Alternate)</u>
	\$513,800 (Total Contract Amount)

Please find attached a copy of the bid tabulation sheets for this Project.

If you have any questions or comments, please contact us at your earliest convenience.

Thank you,

A handwritten signature in black ink that reads "Charles A. Gotherman". The signature is written in a cursive, flowing style.

Charles A. Gotherman, PLA
Destination by Design Studios, PLLC



BID TABULATION

9/28/2020

Organization: Town of Valdese

Project Title: Valdese Lakeside Park

BIDDERS (Name GC):				
	Patton Construction Group, Inc.	Wilkie Construction Company SE, LLC	Eagle Wood, INC	Baker Grading & Landscaping
Rank:	(1)	(2)	(3)	(4)
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BID ITEMS:

Base Bid	\$ 482,300.00	\$ 631,000.00	\$ 727,023.00	\$ 945,000.00	
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DEDUCTIVE ALTERNATES:

ADDITIVE ALTERNATES:

(1) Dog Park	\$60,600.00	\$49,460.00	\$67,460.00	\$30,000.00	
(2) Overlook Deck	\$31,500.00	\$39,420.00	\$37,230.00	\$100,000.00	
(3) Parking Lot	\$93,600.00	\$107,100.00	\$63,000.00	\$50,000.00	

Sub-total:	\$ 185,700	\$ 195,980	\$ 167,690	\$ 180,000	\$ -
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Bid total

(Base Bid + Alternates)

\$	668,000	\$	826,980	\$	894,713	\$	1,125,000	\$	-
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Explanation of Rejected Bidder(s):

I certify that this is a true tabulation of bids received.

Charles A. Lotherman

9/28/2020

Charles A. Gotherman

Date

Destination by Design Studios, PLLC

**TOWN OF VALDESE
WATER DISTRIBUTION SYSTEM ASSESSMENT
CAPITAL PROJECT BUDGET ORDINANCE**

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

Section 1. The project authorized is the **Water Distribution System Assessment (H-AIA-D-20-0203)**. The project is to be financed by Town of Valdese contributions in addition to a State Reserve Grant.

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

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

<u>Source</u>	<u>Amount</u>	<u>Assigned Account Number</u>
Town Contribution	\$ 2,250	62.3480.000
State Grant	150,000	62.3480.001

	\$ 152,250	
	=====	

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

<u>Source</u>	<u>Amount</u>	<u>Assigned Account Number</u>
Professional Services	\$ 150,000	62.8100.040
Grant Fee	2,250	62.8100.570

	\$ 152,250	
	=====	

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

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

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

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

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

Adopted this 5th day of October, 2020.

John F. Black, Jr., Mayor

Town Clerk

Valdese Town Council Meeting

Monday, October 5, 2020

Capital Project Ordinance Amendment # 1-59

Subject: Main St. Waterline Replacement

Description: To amend capital project ordinance Fund 59
 The original CPO was approved at the January 7, 2019 meeting.
 In accordance with the lower than projected bid amount awarded and authority to award letter from the Division of Water Infrastructure, this will decrease the original CPO and reallocate other budget figures.

Proposed Action:

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

Section I:

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

Account	Description	Decrease/ Debit	Increase/ Credit
59.3480.001	DWSRF Loan	74,064	
59.3970.000	Transfer from Utility Fund	1,481	
Total		\$75,545	\$0

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
59.8120.040	Engineering Design	30,000	
59.8120.042	Loan Admin Fee		1,481
59.8120.045	ER/EID Prep	5,000	
59.8120.760	Construction		309,064
59.8120.761	Contingency	200,000	
Total		\$235,000	\$310,545

Section II:

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

Valdese Town Council Meeting

Monday, October 5, 2020

Capital Project Ordinance Amendment # 2-41

Subject:

To amend capital project ordinance Fund 41:
PUBLIC ART
This recognizes a recent Rostan donation for public art to balance the project fund.

Proposed Action:

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

Section I:

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

Account	Description	Decrease/ Debit	Increase/ Credit
41.3970.003	Rostan Donation		14,000
Total		\$0	\$14,000

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
41.4350.740	Public Art	14,000	
Total		\$14,000	\$0

Section II:

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

Valdese Town Council Meeting

Monday, October 5, 2020

Capital Project Ordinance Amendment # 3-35

Subject: Public Safety building

Description: To amend capital project ordinance Fund 35
This balances the budget for the project in accordance with the approved contract with CBSA Architects

Proposed Action:

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

Section I:

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

Account	Description	Decrease/ Debit	Increase/ Credit
35.3480.000	Transfer to Project		250,017
Total		\$0	\$250,017

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
35.5300.040	Professional Services	250,017	
Total		\$250,017	\$0

Section II:

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

Valdese Town Council Meeting

Monday, October 5, 2020

Capital Project Ordinance Amendment # 2-55

Subject: 2018 Water System Improvements

Description: To amend capital project ordinance Fund 55
 The original CPO was approved at the August 6, 2018 meeting.
 In accordance with change orders 1 through 8 approved by the
 Division of Water Infrastructure, this amendment is necessary to
 close out the project for completion.

Proposed Action:

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

Section I:

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

Account	Description	Decrease/ Debit	Increase/ Credit
55.3480.002	DWSRF Loan (zero interest)		39,700
Total		\$0	\$39,700

Amounts appropriated for capital projects are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
55.8120.761	Construction	39,700	
Total		\$39,700	\$0

Section II:

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

Valdese Town Council Meeting

Monday, October 5, 2020

Budget Amendment #

2

Subject:

Improvements to vacant lot near Splash Pad

Description:

Last fiscal year, the Town was gifted \$7,000 by the Rostan Foundation for use at Recreation for land improvements at the lot near the splash pad. At the end of the fiscal year there was an unused balance remaining of \$1,893. This amendment pulls this out of fund balance to be used this year for further improvements at the empty lot.

Proposed Action:

BE IT ORDAINED by the Council of the Town of Valdese that, pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	Fund Balance Appropriated		1,893
Total		\$0	\$1,893

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6250.740	Capital Outlay	1,893	
Total		\$1,893	\$0

Section II:

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