

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
DECEMBER 4, 2023**

The Town of Valdese Town Council met on Monday, December 4, 2023, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The Council meeting was live-streamed on YouTube @townofvaldese6907. The following were present: Mayor Charles Watts, Councilwoman Rexanna Lowman, and Councilman Paul Mears. Also present were: Town Attorney Tim Swanson, Town Clerk Jessica Lail, and various Department Heads.

Absent: Mayor Pro Tem Frances Hildebran, Councilman Tim Skidmore, Councilman Tim Barus

A quorum was present after the Council Elect took their Oaths of Office.

Mayor Watts 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: Mayor Watts read the Rules & Procedures for Public Comment.

Rule 5. Public Comment - Any individual or group who wishes to address the council shall inform the town clerk, Jessica Lail, any time prior to the start of the meeting, and provide their name, address and subject matter about which they wish to speak. Persons must be present if they wish to address the Council. Comments should be limited to five minutes per speaker. If the speaker's comments need to be addressed, upon the direction of the Council, someone from the management team will be in touch with you later. Please silence your cell phones.

QUESTIONS – RICK MCCLURD, 408 GARROU AVE SW, VALDESE: Mr. McClurd shared that he had a few questions from last month that were not answered. Mr. McClurd asked for the tax collector's salary, the line item in the budget for the new trash truck, and if we were going to get into the trash business again.

WELCOME – SANDI WALKER, 124 MAIN ST W, VALDESE: Ms. Walker shared that for 25 years, she has prayed for this Town and asked the Lord to bring us Godly people. Ms. Walker gave the new Council members a devotion book and reminded everyone that this Town was started with Godly people. Ms. Walker shared that Valdese is unique because of the Waldensian Heritage.

WATER RATES – JEAN-MARIE COLE, 705 BERTIS ST, VALDESE: Ms. Cole read about the Burke County water rates in the News Herald. Ms. Cole feels that Valdese should tell the County that we should not be double taxed for water because we already pay our fair share to the Municipalities.

OATHS OF OFFICE: Burke County Clerk of Superior Court Crystal Carpenter administered Oaths of Office to Councilman Glenn Harvey - Ward 1, Councilman Gary Ogle - Ward 4, and Councilwoman Heather Ward - Ward 5.

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF NOVEMBER 6, 2023

APPROVED SPECIAL MEETING MINUTES OF NOVEMBER 14, 2023

Councilman Mears made a motion to approve items A & B on the Consent Agenda, seconded by Councilwoman Ward. The vote was unanimous.

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: Councilman Harvey asked that *Item C: Approval of Special Meeting and Closed Session Minutes of November 20, 2023*, be removed from the Consent Agenda. Councilman Harvey made a motion to divide *Item C* into two separate items, seconded by Councilwoman Ward. The vote was unanimous.

APPROVED SPECIAL MEETING MINUTES OF NOVEMBER 20, 2023

December 4, 2023, MB#32

Councilman Mears made a motion to approve the Special Meeting Minutes for November 20, 2023, seconded by Councilwoman Lowman.

DISCUSSION: Councilman Harvey said those minutes addressed two action items, both of which had a budgetary impact, and there has been speculation regarding the amounts. Councilman Harvey asked if the two amounts could be reported to the Council. Assistant Town Manager/CFO Bo Weichel said that the budget amendment was for the Town Manager's accrued vacation in the amount of \$12,000(actual amount was \$12,500), and the severance pay was \$55,000(actual amount was \$55,188.76).

VOTE: The vote was unanimous.

APPROVED CLOSED SESSION MINUTES OF NOVEMBER 20, 2023

Councilman Mears made a motion to approve the Closed Session Minutes for November 20, 2023, seconded by Councilwoman Lowman.

DISCUSSION: Councilman Harvey said he was not at the meeting and did not feel he should approve meeting minutes he was not present for. Town Attorney Tim Swanson explained the duty to vote regardless if members were not present.

VOTE: Councilwoman Lowman – Yes, Councilman Ogle – Yes, Councilman Mears – Yes, Councilman Harvey - No, Councilwoman Ward – No. The vote was approved.

COUNCIL ORGANIZATIONAL MEETING: Mayor Watts stated that Council needs to nominate a Mayor Pro Tem. Councilwoman Lowman made a motion to nominate Paul Mears for Mayor Pro Tem. There was no second, and the motion did not carry.

Councilwoman Ward made a motion to nominate Councilman Ogle as Mayor Pro Tem, seconded by Councilman Harvey. The vote was unanimous.

PUBLIC SAFETY PROJECT REVIEW: Marty Beal, Architect with CBSA Architects, presented Council with a status report of the work CBSA has completed for the proposed Public Safety Building.

November 30, 2023

Valdese Public Safety
Status Report

Notice to Pause Work	11/13/2023
Report to Town Council	12/4/23
Status of work	Holding at 90%

Drawing Completion for Agency Review

Based upon restart - resume work mid-December.
 Drawing progression during December will be slow due to holidays & required end of year vacations.
 Drawings prepared for review end of January.
 USDA
 NCDOI
 NCDEQ
 Town of Valdese Zoning
 Burke County Building Inspection
 Modify drawings based upon drawing review comments.
 Receive Bids in April/May

Why Delay

Consultant groups experience heavy workloads.
 Labor shortage
 Replace production staff.
 Lengthy Replacement Search - Delay
 Replaced with Inexperience Staff - Delay
 Training Curve - Delay

Construction Cost Update

\$9,200,000

Renderings

Base Bid
 Alternate Bids
 Stone Base
 Bi-parting (Stacking) Equipment Bay Doors
 Trench Drain in Equipment Bays / Sallyport

Mayor Watts noted that he had been told some citizens thought we already had bid documents, which was untrue. Mr. Beal stated that construction documents had not been completed and the delay was due to the design team but not by intention. Councilman Harvey would have thought the construction documents would have been completed from previous experience in building commercial buildings. Councilwoman Lowman and Councilman Mears shared their disappointment in the timeline of the work that has been done and the lack of communication. Councilman Harvey asked if the 9.2 million construction estimate was for the building or total project cost. Mr. Beal stated it would be for hard costs, not soft costs, which do not include design, engineering, or geotechnical fees. With soft costs included, Mr. Beal feels the project's total cost may reach 10 million. Councilman Mears feels that the Town needs to proceed with finishing the construction documents so that the citizens know what it would cost to build a state-of-the-art building regardless of what the Council decides to do. Councilman Mears said that we have over 1.4 million in ARPA monies set aside and saved 1 million in a project fund, setting aside \$424,000 per year for this project and ABC store profit. Councilman Mears feels the construction documents would be beneficial to have.

Mr. Beal shared renderings of the proposed Public Safety Building:



BASE BID - VIEW 1



BASE BID - VIEW 2



BASE BID - VIEW 3



ALTERNATE BID - VIEW 1



ALTERNATE BID - VIEW 2



ALTERNATE BID - VIEW 3

December 4, 2023, MB#32

Assistant Town Manager/CFO Bo Weichel went through the financial report on the architect's contract. Mr. Weichel broke it out in three different ways. Mr. Weichel shared that we have paid half of the architect's contract in the amount of \$225,850.

Financial Update - CBSA Contract PUBLIC SAFETY FACILITY				
BASIC SERVICES	Contract	Contract Amount	Billed	Amount Paid
Schematic Design	15%	\$ 50,850	100%	\$ 50,850
Design Development	20%	\$ 67,800	100%	\$ 67,890
Construction Documents	40%	\$ 135,600	35%	\$ 47,460
Procurement	5%	\$ 16,950	0%	\$ -
Construction	19%	\$ 64,410	0%	\$ -
Closeout	1%	\$ 3,390	0%	\$ -
BASIC service totals	100%	\$ 339,000		\$ 166,200
SUPPLEMENTAL SERVICES				
Contract Lump Sum \$92,200				
Programming				\$ 16,200
Survey				\$ 6,500
USDA Reports/Requirements				\$ 27,000
Owner Meetings				\$ 2,700
SUPPLEMENTAL service totals				\$ 52,400
REIMBURSABLE EXPENSES				
Contract Lump Sum \$13,400				
None to Date				\$ -
AMENDMENTS				
8/2/21 Add'l Survey work				\$ 7,250
Total of green subtotals above				\$ 225,850

Mr. Weichel discussed the cash that we have on hand for the project.

Cash on Hand - Saved for the Project CAPITAL PROJECT FUND 35		
TOWN OF VALDESE	(for use at Council discretion)	\$ 1,090,562
STATE APPROPRIATION	(for existing/new building <u>ONLY</u>) (must return to State if unused)	\$ 386,510
Total Cash on Hand		\$ 1,477,072

AGREEMENT WITH WPCOG FOR HR SERVICES FOR TOWN MANAGER SEARCH: Mayor Watts shared the process of utilizing WPCOG for the Town Manager search. Mayor Watts stated that this was on the agenda tonight to inform the public. Mayor Watts shared that the Council has interviewed three former Town managers to serve as interim manager, possibly serving six months to get us through the budget process.

December 4, 2023, MB#32

Councilman Harvey thanked the current Council members for welcoming them to the Council and including them in the interviews. Councilman Harvey feels that any one of the three applicants would be great. Councilman Harvey feels that in the event a disaster occurs, and we need someone in charge until we get one of the applicants in place. Councilman Harvey identified a citizen with managerial experience to serve as an interim, interim manager, Mr. Edward "Eddie" B Perrou, and handed out Mr. Perrou's resume.

Councilman Harvey made a motion to modify the agenda to add Consideration of Interim Manager, seconded by Councilman Ogle.

DISCUSSION: Councilwoman Lowman stated that this was not something she expected tonight and thought we were looking seriously at interim managers who could be here by December 18, 2023. Councilman Mears shared that we have an Assistant Town Manager, Bo Weichel, who could fill this void until an interim is hired.

VOTE: The vote was unanimous.

Councilman Harvey made a motion that we engage Edward "Eddie" B Perrou as interim manager effective immediately, serving until an experienced interim manager can be in place; the negotiated contract cost is \$1.00 serving up until the next Council meeting, seconded by Councilman Ogle.

Councilman Mears made a motion to table this issue until we have the opportunity to interview this candidate until the next regular meeting, seconded by Councilwoman Lowman.

VOTE: Councilwoman Lowman - Yes, Councilman Mears – Yes, Councilman Harvey – No, Councilman Ogle – No, Councilwoman Ward – No. The motion did not carry.

Councilmembers discussed more concerns.

Councilman Harvey made a motion that we engage Edward "Eddie" B Perrou as interim manager effective immediately, serving until an experienced interim manager can be in place, negotiated contract cost is \$1.00 up until the next regular Council meeting, seconded by Councilman Ogle.

VOTE: Councilman Harvey – Yes, Councilman Ogle – Yes, Councilwoman Ward – Yes, Councilwoman Lowman – No, Councilman Mears – No. The motion was approved.

BUDGET AMENDMENTS: Assistant Town Manager/CFO Bo Weichel presented the budget amendment for the contract with WPCOG for Town Manager Search:

Budget Amendment #

5-10

Subject:

Contract with WPCOG for Town Manager Search

Description:

This amendment covers the unexpected expense of a Town Manager search contracted through the Council of Governments

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, 2024:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	General Fund Balance Appr.		3,500
Total		\$0	\$3,500

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4200.040	Professional Services	3,500	
Total		\$3,500	\$0

Section II:

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

Councilwoman Lowman made a motion to approve the budget amendment as presented.

Town Clerk Jessica Lail noted that *Item C: Agreement with the WPCOG* did not go to a vote. Town Attorney Tim Swanson feels that discussing the contract first makes sense before voting on a budget amendment.

Councilman Mears made a motion to table the budget amendment until the contract is considered. No second, the motion did not carried out.

BACK TO ORIGINAL MOTION: Councilwoman Lowman made a motion to approve the budget amendment as presented, seconded by Councilman Mears.

DISCUSSION: Councilman Harvey does not understand why we are amending the budget to something that does not exist.

VOTE: Councilman Mears – Yes, Councilwoman Lowman – Yes, Councilman Harvey – No, Councilman Ogle – No, Councilwoman Ward – No. The motion did not carry.

December 4, 2023, MB#32

Assistant Town Manager/CFO Bo Weichel presented the budget amendment for the Unified Development Ordinance:

Valdese Town Council Meeting

Monday, December 4, 2023

Budget Amendment # 4-10

Subject: Unified Development Ordinance

Description: Funds (\$45,967) for this contract with Green Heron Planning, LLC was budgeted in the prior fiscal year. Upon closing the books at fiscal year end (June 30, 2023) the project and contract had not yet been completed. The unused funds rolled into fund balance. This amendment pulls the unpaid funds back into the current budget for appropriation.

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, 2024:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
10.3990.000	General Fund Balance Appr.		33,717
Total		\$0	\$33,717

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.4900.740	Capital Outlay-Planning	33,717	
Total		\$33,717	\$0

Section II:

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

Councilman Ogle asked what the Unified Development Ordinance is and asked Planning Director Larry Johnson to explain it. Mr. Johnson explained that the Zoning Ordinance and Subdivision Regulations would be updated and combined into one unified document.

Councilwoman Lowman made a motion to approve the aforementioned Budget Amendment for the UDO, seconded by Councilman Harvey. The vote was unanimous.

CALLED SPECIAL MEETING ON DECEMBER 18, 2023 AT 6:00 PM Mayor Watts shared that this was an announcement for a called Special Town Council meeting that will be held on Monday, December 18, 2023, at 6:00 pm in the Council Chambers. Mayor Watts said that the new Council members requested most of the items. Councilman Harvey asked to add one item to the list: a preliminary audit report. Councilwoman Ward shared that she wants to be more transparent with the citizens.

- a. Adoption of 2024 Town Council Meeting Schedule
- b. Committee and Board appointments; new Committees (Members of any new committees to be appointed in January)
- c. Town Manager Position
- d. Public Safety Building
- e. Amendment of Town Council Rules and Procedures
- f. Budget Amendment (if applicable)
- g. Closed Session Pursuant to NC General Statute 143-318.11(a)(6)
- h. Preliminary Audit Report

Councilman Harvey made a motion to schedule for a called Special meeting on December 18, 2023, at 6:00 pm, seconded by Councilwoman Ward. The vote was unanimous.

December 4, 2023, MB#32

MAYOR'S REPORT: Mayor Watts made the following announcements:

Christmas in Valdese, Hatley Memorial Tree-Lighting and Christmas Carols by Valdese Elementary School at the Old Rock School, Hot Chocolate & Santa Visits, Thursday, December 7, 2023 at 6:00 p.m. Rain date December 8, 2023.

OCP Production: It's A Wonderful Life, Show Dates December 8 - 9 and 14-16, 2023, 7:30 p.m., and December 10 & 17, 2023, 3:00 p.m.; visit www.oldcolonyplayers.com for more information and to purchase tickets.

Mingle with Kris Kringle Breakfast, Saturday, December 9, 2023 at the Old Rock School, hosted by the Valdese Fire Department & Community Affairs.

Special Called Council Meeting, Monday, December 18, 2023, at 6:00 p.m.

Town Offices Will Be Closed December 25, 26 & 27, 2023, in Observance of Christmas and January 1, 2024, for New Year's Day

MAYOR AND COUNCIL COMMENTS: Councilman Mears shared that he is excited to work with the new Council members and gain a new perspective on some serious issues that have been debated for a while.

Councilman Harvey thanked the Council for including them and for the citizens that elected them.

Mayor Watts updated citizens on the Police Chief search. Mayor Watts shared that the applications are now open until filled and that we have received several applications. Mayor Watts shared that we will wait until an Interim Manager is hired to proceed with the interview process. Mayor Watts noted that we had two recreation football teams that won the championship in their age group and hopes to have them attend the Council meeting in January.

CLOSED SESSION: Mayor Watts called for a motion to recess into Closed Session under NC General Statute 143-318.11(a)(3) to consult with an attorney retained by the Town in order to preserve the attorney-client privilege between the Town attorney and the Town Council, which privilege is hereby acknowledged. At approximately 7:35 p.m., Councilman Harvey made a motion to recess into Closed Session pursuant to NC General Statute 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. Seconded by Councilwoman Ward. The vote was unanimous.

At 8:23 p.m., Councilman Ogle made a motion to return to Open Session, seconded by Councilwoman Lowman. The vote was unanimous.

Councilwoman Lowman made a motion to add to the agenda the Consideration of the CBSA Contract tonight, seconded by Councilman Mears. The vote was unanimous.

CONSIDERATION OF CBSA CONTACT: Councilwoman Lowman made a motion to terminate the contract with the CBSA architect, seconded by Councilwoman Ward. The vote was unanimous.

ADJOURNMENT: At 8:24 p.m., there being no further business to come before Council, Councilwoman Lowman made a motion to adjourn, seconded by Councilwoman Ward. The vote was unanimous.

Town Clerk

Mayor

jl