

**TOWN OF VALDESE
TOWN COUNCIL SPECIAL MEETING
FEBRUARY 16, 2024**

The Town of Valdese Town Council met on Friday, February 16, 2024, at 3:00 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 @townofvaldese. The following were present: Mayor Charles Watts, Mayor Pro Tem Gary Ogle, Councilwoman Rexanna Lowman, Councilwoman Heather Ward, Councilman Glenn Harvey, and Councilman Paul Mears. Also present were: Interim Town Manager Bryan Steen, Town Attorney Tim Swanson, Town Clerk Jessica Lail, and various Department Heads.

Absent: None

A quorum was present.

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.

TABLED ORDINANCE DECLARING ROAD CLOSURES FOR THE TOWN OF VALDESE 2024 ANNUAL EVENTS

MOTION: Councilman Harvey made a motion to table this to the March 4, 2024 meeting, seconded by Councilwoman Ward.

DISCUSSION: Councilman Harvey would like for Public Works and the Police Department to review the details of the detour of this plan with merchants and citizens who are affected by it. Councilman Mears asked if this was the same road closure map, we have had in the past and Mayor Watts said yes. Councilman Harvey shared that he has been hearing for years that we were ignoring some of the people affected by this and noted that we have a new business on one of the bypassed streets this year. Councilman Mears is concerned that when we close roads it affects businesses and the more they know the better for them.

VOTE: Councilman Mears – Yes, Councilman Harvey – Yes, Councilman Ogle – Yes, Councilwoman Ward – Yes, Councilwoman Lowman – No. Motion carried.

APPROVED RECRUITMENT OF A TOWN MANAGER DISCUSSION Interim Town Manager Bryan Steen shared that he has giving Council some options and Councilman Harvey has looked at some companies that do this as a line of work.

MOTION: Councilman Harvey made a motion to accept the proposal from Baker Tilly Executive Search Firm, subject to review and final approval of that contract and any related budget amendments by Town Council at the March 4, 2024 Council Meeting, and subject to approval of the form of the contract by the Town Attorney, seconded by Councilwoman Ward.

DISCUSSION: Councilman Harvey shared that Council received eight proposals, seven were exclusively executive search firms, and Councilman Harvey, Councilman Ogle, and Interim Town Manager Bryan Steen reviewed them together and narrowed it down to three professional search firms. Councilman Harvey said that they checked references for all three and all had outstanding references. Councilman Harvey shared that of the seven professional firms the one that has done the most recent searches in North Carolina and for Towns nearest in size to Valdese was Baker Tilly. Councilman Harvey said that the fee was in the amount of \$17,000.00, which was lowest of the other professional firms.

Councilwoman Lowman reviewed some of the Towns that Baker Tilly completed searches and the Towns are very large compared to Valdese. Councilwoman Lowman feels that \$17,000.00 is more than we should be paying and WPCOG will do the search for \$3,500.00 and include a national search for an additional

\$2,049.00. Councilwoman Lowman is concerned about the amount of money we would spend using Baker Tilly.

Councilman Mears asked if Mr. Steen had a recommendation on a firm. Mr. Steen said that this is a Board decision depending on what level of recruitment you want to go to. Mr. Steen shared that this may be a step you have to go through in order to get a manager hired. Councilwoman Lowman asked who Burke County used when they hired a manager and Mr. Steen said it was WPCOG. Councilman Harvey highly recommends we go with Baker Tilly who is a dedicated professional, experienced, well-referenced search firm.

Councilwoman Ward is concerned using the WPCOG because we have had several managers retire in our area and we may get the leftovers at this point. Councilwoman Ward feels like a search firm would be more aggressive than the WPCOG.

Councilman Ogle feels this is the most important thing that the Council will have to do and thinks it is important to get a good manager.

Councilman Harvey shared that Baker Tilly would guarantee that if the candidate that Council selects leaves within two years, they will redo the search at no fee.

VOTE: Councilwoman Lowman – No, Councilman Harvey – Yes, Councilman Ogle – Yes, Councilwoman Ward – Yes, Councilman Mears – Yes. Motion carried.

APPROVED CONTRACT FOR OLD ROCK SCHOOL RENOVATIONS To obtain a copy of the 60-page contract, please contact the Town Clerk at the Valdese Town Hall.

Councilman Harvey made motion to accept the bid and award the contract for renovations of the Old Rock School to Houck Contracting, LLC in the total amount of \$1,093,549.60, consisting of the Base Bid (\$675,409.65), Alternate 1 (\$266,915.00), and Alternate1A (\$151,225.00), and approve Capital Project Ordinance Amendment #3-38 as submitted in the agenda packet to appropriate \$367,175.00 from the General Fund contingency (\$215,950.00) and Donations/Fundraiser Fund (\$151,225.00) to cover additional funds needed for the project, seconded by Councilman Mears. The vote was unanimous.

APPROVED RESOLUTION FOR THE SALE OF TOWN-OWNED PROPERTY-FAT AVE./INVENTORY OF TOWN-OWNED PROPERTY: Planning Director Larry Johnson asked the Council to adopt the resolution to authorize an upset bid. Mr. Johnson went through the history of the property again as was shared at the January 29, 2024 pre-agenda meeting. Mr. Johnson reminded Council that this is just to go through the upset bid process and at the end of the day, Council does not have to accept the offer.

RESOLUTION AUTHORIZING UPSET BID PROCESS

Sale of 0.41 Acre Tract at 118 Fat Ave NE, Valdese, NC (REID: 693)

WHEREAS, the Town of Valdese (the "Town") is the owner of that certain tract or parcel of real property (the "Property") situated in Lovelady Township, Valdese, North Carolina commonly known as 118 Fat Ave, Valdese, North Carolina, PIN: 2743541703, REID: 693, which Property is more particularly described in Deed Book 2284, Page 883-885 as follows:

BEGINNING on a point at the west edge of US Highway 70, the same being the southeast corner of the C.L. Parris Tract III property (Book 823, page 61, Burke County Registry) and runs with the west edge of US Highway 70, South 32° 31" West 103 .07 fee to a ½-inch iron pin set at the west edge of US Highway 70; thence with the north line of the Denise G. Cannon property the following two (2) courses and distances: (1) North 63° 57' 30" West 61.75 feet to a ¾-inch iron pipe set, (2) North 36° 38' 20" West total distance 144.44 feet to a point in the centerline of Fat Road (SR 1589); thence with the centerline of Fat Road the following two (2) courses

and distances: (1) North 47° 38' 30" East 63.97 feet, (2) North 59° 6' 10" East 46.57 feet; thence with the south line of the C.L. Parris property South 41° 44' 30" East total distance 165.00 feet to the point of BEGINNING and containing 0.49 acres, more or less. The above description is taken from a survey entitled "Property of Roland Gonzalez and wife, Janice Gonzalez" prepared by Associates Surveyors dated October 16, 1996, revised October 28, 1996.

BACK REFERENCE: Tax Foreclosure File No. 15 CvD 426, in the office of the Clerk of Superior Court of Burke County. See Estate File Nos. 99 E 471 and 99 E 472 in the office of the Clerk of Superior Court of Burke County and Book 871, page 508, Burke County Registry

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

WHEREAS, on or about December 22, 2023, the Town received an offer to purchase the Property from Brian Shuping for \$8,500.00; and

WHEREAS, Brian Shuping has paid the required five percent (5%) deposit of his offer.

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

1. The Town Council authorizes sale of the Property 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 \$1,000.00 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;
 - (b) the buyer must pay the purchase price in certified funds at the time of closing;
 - (c) the Property shall be sold "as is" and subject to all existing easements;

- (d) the Town will reserve easements for all town utility lines located on or under the Property; and
 - (e) the Property shall be conveyed by special warranty deed.
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.

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THIS RESOLUTION IS ADOPTED this _____ day of _____, 2024.

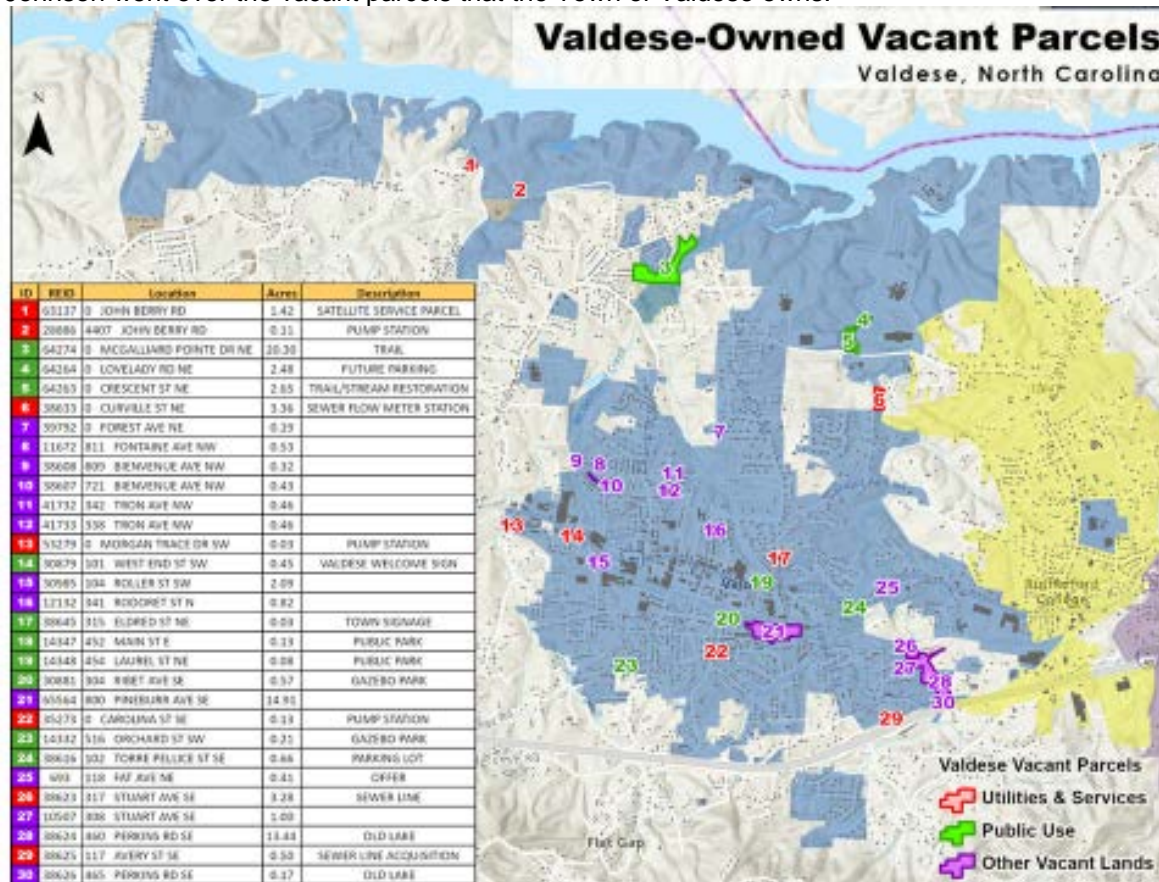
THE TOWN OF VALDESE,
a North Carolina Municipal Corporation

MOTION: Councilwoman Lowman made a motion to approve the resolution authorizing upset bid process for the sale of 118 Fat. Ave., NW, Valdese, seconded by Councilman Mears.

DISCUSSION: Councilman Harvey shared that at the Strategic Planning Session it was brought up that we need more affordable housing and the person that has put in the initial bid will do that. Councilman Harvey hopes that we get more bids on this at least for \$10,234.62 like the one the Town paid for it back in 2017.

VOTE: The vote was unanimous.

Mr. Johnson went over the vacant parcels that the Town of Valdese owns.



CONSIDERATION OF PARKS & RECREATION MASTER PLAN Parks & Recreation Director David Andersen shared the draft proposal from WPCOG for the Town of Valdese Comprehensive Parks and Recreation Plan. Mr. Andersen shared that this plan would take approximately 12 months to complete. Mr. Andersen noted that if we do consider the application for State grants, having a work in progress plan would be an advantage for us. Mr. Andersen said that we have not created a park in the Town without the assistance of a grant that requires or highly recommends the completion of a comprehensive plan. Mr. Andersen recommends that we engage the WPCOG for the comprehensive plan in the amount of \$23,000.00. Mayor Watts asked Scott Compton from the Parks & Rec Commission if he had anything to add. Mr. Compton said that they have done their due diligence in the eleven days allowed with firms and feel that the WPCOG will give us the baseline comprehensive plan that we need.

February 9, 2024

To: Valdese Town Manager and Town Council Members
From: Alison Adams, WPCOG Community and Regional Planning Director
Re: Town of Valdese Comprehensive Parks and Recreation Plan

The following proposal is in response to the Town of Valdese's desire to complete a Comprehensive Parks and Recreation Plan. The plan will consist of the following sections: demographics, public input, existing facilities, site plans/conceptual renderings, future recreation facilities/parks, cost estimates, and recommendations. As part of the process WPCOG will work with Town of Valdese staff to evaluate existing recreational facilities and parkland; develop estimates of parkland to be acquired; assess recreational facility development to address service shortfalls; develop cost estimates for facility improvements; provide all mapping for both the plan and public meetings; and develop and write the final plan. The plan will be completed over a 12-month period. WPCOG will also assist in developing 2025 grant applications for park and facility improvements based on recommendations included in the plan.

The plan will provide a road map for leadership that focuses on potential investments over the next ten years. Adoption of the plan also opens doors for major recreation funding opportunities, such as the Parks and Recreation Trust Fund (PARTF). By completing the plan, the Town will be well positioned to apply for a PARTF grant in 2025.

The cost of assembling the plan with the above items (covering staff time, supplies, and travel) is \$23,000. The amount can be paid on a quarterly basis or on a schedule preferred by the Town.

The project schedule for the plan is currently under development, and information on upcoming public input events will be forthcoming.

If you have any questions or would like to discuss this project further, please contact me at (704) 682-2681 or alison.adams@wpcog.org.

MOTION: Councilwoman Lowman made a motion that we go ahead and move forward with this proposal from the WPCOG in the amount of \$23,000.00, seconded by Councilman Ogle.

DISCUSSION: Councilman Ogle said he remembered having a contract from WPCOG when we voted on the Strategic Plan and wanted to know Mr. Swanson's thoughts on having a contract to review first. Mr. Swanson said that was correct and you could amend the motion to approve the contract with WPCOG subject to approval of the Town Attorney as to the form of the contract.

MOTION: Councilwoman Lowman made a motion to approve the contract with subject to the Town Attorney approval, seconded by Councilman Ogle.

DISCUSSION: Councilman Ogle is hoping we can do this at our next Council meeting so that our Attorney can look at it. Councilman Ogle was very pleased with what the WPCOG has done with the Strategic Plan.

Councilwoman Lowman stated that her motion was not moving it to March, it was to approve it today and then the Town Attorney will amend it.

Councilman Harvey addressed Mr. Scott Compton and thanked him for the work that his Commission is doing. Councilman Harvey said that the four Council members that were at the Strategic planning session agreed that we must have a pool solution this coming year. Councilman Harvey said if you look back at what WPCOG has done in the past, they had a contract proposal and this is one sheet of paper. Councilman Harvey cannot support giving \$23,000.00 to a company that has not given us an agreement or scope. Councilman Harvey does want them to proceed with a pool solution. Councilman Harvey asked if we approve the plan, would it help with anything on the solution to the pool and he does not understand the urgency on this item. Mr. Compton shared that in the private industry you receive a proposal with a price point that you agree upon, and then you receive a contract at that time. Mr. Compton said that they did not ask the WPCOG to give us a contract at this time.

MOTION: Councilman Harvey made a motion to table this until we have a definitive proposal, seconded by Councilwoman Ward.

DISCUSSION: Councilwoman Lowman does not understand the hatred towards the WPCOG because they have helped us for years. Councilwoman Ward said that it was not hatred; it is that we are only getting a couple of paragraph proposal and wants more detail. Councilman Harvey said he had nothing against WPCOG and they are great at planning. Councilwoman Lowman read the proposal from the WPCOG. Councilman Mears feels we should vote for this plan and move on as a vote of good faith.

VOTE: Councilman Mears – No, Councilman Ward – Yes, Councilman Ogle – No, Councilman Harvey – Yes, Councilman Lowman – No. The motion failed.

Town Attorney Tim Swanson asked if this would require a Budget Amendment. Mr. Andersen said that it would require a Budget Amendment.

AMENDED MOTION: Councilwoman Lowman made a motion to approve the contract with the WPCOG subject to Town Attorney approval and subject to approval of a Budget Amendment in the amount of \$23,000.00, seconded by Councilman Ogle.

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

TABLED APPOINTMENTS TO NEW COMMITTEES Councilman Harvey identified nominees for the Facilities Review Committee, which is a standing committee, established to have five members. Councilman Harvey nominated for 1-year term, Greg Refour who has created, bought, and sold businesses and has extensive construction management, 2-year terms for Jerry Hyde, Field Superintendent for Mathews Construction Co., and Tessa Collinson, General Manager for Saft American, 3-year terms, Roger Heavner, 32 years facilities manager for a major utility company, previous licensed contractor/plumber, and lastly Glenn Harvey, a CEO who was responsible for constructing two large commercial buildings, renovating other large commercial buildings, demolition of an abandoned hotel, and renovating numerous small commercial buildings.

Councilwoman Lowman said that she does not have a copy of this committee and did not know the names until just now. Councilwoman Lowman said the names were not in the agenda packet. Town Attorney Tim Swanson recommended handling these appointments individual versus as a group. Councilman Mears would appreciate a resume or more information on these names. Mayor Watts said we usually have a bio on appointments made.

MOTION: Councilman Harvey made a motion to approve the following five members of the Facilities Review Committee, 1-year term Greg Refour, 2-year terms Jerry Hyde and Tessa Collinson, 3-year terms Roger Heavner and Glenn Harvey, there was no second. The motion failed.

Mayor Watts asked if the people wishing to serve on the committees provide a bio and present those at the March 4, 2024, Council meeting.

MOTION: Councilman Mears made a motion that when the nominations are presented to the Council that we have some background information before making those appointments, seconded by Councilwoman Lowman.

DISCUSSION: Councilwoman Ward said that this was what she was saying earlier; she would like to have more information before voting on items.

VOTE: The vote was unanimous.

MOTION: Councilman Ogle made a motion to table this item until March 4, 2024 Council meeting, seconded by Councilman Harvey.

VOTE: The vote was unanimous.

Councilman Harvey thanked Morrissa Angi for bringing grant funds to the Town, WPCOG for their assistants on the grant process, all the citizens who we hope that will respond to the fundraising, and a special thanks to the party who stepped forward to donate money toward the Old Rock School project. Councilman Harvey finally thanked all the Valdese property owners because that is where the \$215,000 came from to make up the other short fall.

ADJOURNMENT: At 4:05 p.m., there being no further business to come before Council, Councilwoman Lowman made a motion to adjourn, seconded by Councilman Mears. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, March 4, 2024, 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

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