

AGENDA
www.townofvaldese.com

Town of Valdese Town Council
102 Massel Avenue SW, Valdese, NC

Monday, February 3, 2025
6:00 p.m., Valdese Town Hall, Council Chambers

The Town Council Meeting will be livestreamed on YouTube [@townofvaldese](https://www.youtube.com/@townofvaldese).

1. **Call Meeting to Order**
2. **Invocation**
3. **Pledge of Allegiance** (*Led by the Valdese PD Volunteer Chaplains*)
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 Pre-Agenda Meeting Minutes of January 6, 2025
- B. Approval of Closed Session Minutes of January 6, 2025
- C. Approval of Regular Meeting Minutes of January 13, 2025
- D. Approval of Closed Session Minutes of January 13, 2025
- E. Approval of FY 25-26 Audit Contract - Lowdermilk Church & Co., LLP
- F. Approval of Request from Valdese American Legion Ladies Auxiliary to Sell Alcohol at Town Sponsored Event
- G. Approval of Request from Waldensian Style Wines to Sell Alcohol at Town Sponsored Events
- H. Approval of Budget Amendment – Wayne Owens Gymnasium Gutter & Fascia

7. New Business

- A. Public Hearing – Proposed New Unified Development Ordinance (UDO) *(Presented by Ashley Young, WPCOG & Ben Hitchings, Green Heron Planning)*
- B. Public Hearing – Rezoning of 401 Morgan St. SE, Valdese *(Presented by Ashley Young, WPCOG)*
- C. Adoption of Community Development Block Grant-Infrastructure (CDBG-I) Documents *(Presented by Sherry Griffin)*
- D. Approval of RFQ for Engineering Services for the Berrytown Waterline Replacement Project *(Presented by WPCOG)*
- E. Presentation of Financial Update for Fiscal Year Ending June 30, 2024 *(Presentation by Lowdermilk Church & Co., LLP)*
- F. Approval of Resolution Withdrawing Lovelady Rd Sidewalk Phase I Project Application *(Presented by Bo Weichel)*
- G. Recreation Department Expenditure Overview: 7-year Analysis *(Presented by Bo Weichel)*
- H. Status of Ongoing or Approved Projects *(Presented by Bo Weichel)*
 - i. Public Safety Facilities Update
 - ii. Water Plant Upgrade Project/Lenoir Interconnect Project
 - iii. FY 24 Year-To-Date Financial Results
 - iv. Strategic Plan: Citizens Priorities
 - v. Status of Comprehensive Parks and Recreation Plan
 - vi. Town Manager Search Process *(Presented by Mayor Watts)*
- I. Potential Valdese Town Charter Amendment *(Council Discussion)*
- J. FY 25-26 Budget Plans and Schedule
 - i. Review of General Schedule *(Presented by Bo Weichel)*
 - ii. Plan for Review of Budget-Related Employee Benefits: Payroll Plan, Position Vacancies, Group Insurance Premium, Etc. *(Presented by Bo Weichel & Council)*
 - iii. Other Budget Planning Considerations *(Council Discussion)*

8. Interim Manager's Report

- A. Bluegrass at the Rock presents: Joe Mullins & The Radio Ramblers, Saturday, February 8, 2025 at 7:30 p.m., at the Old Rock School
- B. Invitation to 177th Waldensian Edict of Emancipation & Falo(bonfire) Event, Saturday, February 15, 2025 at 5:30 p.m. Event hosted by Waldensian Heritage Museum at the Old Rock School.
- C. Next Agenda Review Council meeting is scheduled for Monday, February 24, 2025, 6:00 p.m., Council Chambers, Valdese Town Hall

- D. OCP Production: The Last Five Years, Show Dates: February 28 – March 9, 2025, Fridays, Saturdays at 7:30 p.m. & Sundays 2:30 p.m., Location TBD
Visit www.oldcolonyplayers.com for more information and to purchase tickets.
- E. Next Regular Council meeting is scheduled for Monday, March 3, 2025, 6:00 p.m., Council Chambers, Valdese Town Hall

9. Mayor and Council Comments

10. Adjournment

The Town of Valdese holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting time. Contact Town Hall at 828-879-2120 or TDD Phone Line (hearing impaired) 1-800-735-2962.

READING MATERIAL

Community Affairs & Tourism Monthly Stats

January 2025

Tourism Statistics

<i>visitvaldese.com views</i>	5,208
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<i>townofvaldese.com views</i>	8,677
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Top 5 Pages Viewed (townofvaldese):Home, Utilities, Recreation, Schedule & Fees, Career Opp.

Facebook

<i># of followers</i>	19,829
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<i>Page Views (last 28 days)</i>	320,087
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<i>Post Reach (last 28 days)</i>	63,279
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Facebook Reactions/Feedback (last 28 days)

Interactions: 2,443 Link Clicks: 531

TOP FIVE AUDIENCE LOCATIONS (Cities):Morganton, Valdese, Hickory, Lenoir, Drexel

<i>Approximate # of Visitors to the Tourism/CA Office</i>	220
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Community Affairs Stats

Old Rock School Rental Breakdown

AUDITORIUM	12
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TEACHER'S COTTAGE	13
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WALDENSIAN ROOM	6
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CLASSROOMS	8
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MAJOR EVENT (ENTIRE SCHOOL)	0
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Major Events Held at the Old Rock School	Average Number of Attendees
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N/A	N/A
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<i>Monthly Old Rock School Rentals</i>	39
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Old Rock School Total Attendance	3,230
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CA Summary for January 2025

January is a welcomed break after a busy holiday event schedule in December and the department uses the down time to dive head first into Spring/Summer event planning! Vendor applications for the Spring Craft Market, Waldensian Festival, and Independence Day Celebration went live this month and were distributed to the recipients in our vendor database. Entertainment booking for the Festival, FFN Summer Concerts and Independence Day are also underway. The first Bluegrass at the Rock concert of the year had to be postponed due to inclement weather, however, the band could fortunately return to Valdese on March 22. The Old Rock School looks forward to hosting Joe Mullins & the Radio Ramblers next in the lineup in February. Monthly rentals remain steady, and will pick up in February with several major events booked that month. Morrissa and Annie have registered for the NC Main Street Conference in March and look forward to attending the event in Mooresville. The department is also working with the Waldensian Heritage Museum on the upcoming Edict of Emancipation Celebration to take place February 15th at the Old Rock School.

Surplus Personal Property Report for Valdese Town Council
February 2025
(August 1, 2024 – January 31, 2025)

<u>Date</u>	<u>Dept</u>	<u>Item(s)</u>	<u>Method of Disposal</u>	<u>Sold To</u>	<u>Selling Price</u>
4/14/24 (Left off last report by accident.)	PW	2000 international 4900 (Garbage Truck)	GOVDeals	Ivan Mijailovic	4,625.00
8/5/24	PW	Small Tow Behind Sprayer	GovDeals	John Casey	180.00
8/5/24	Police	Police Radios	GovDeals	Edward Figueroa	323.13
12/18/24	PW	2014 Ford F150 2wd	GovDeals	John Baldwin	5,700.00
1/7/25	PW	2009 Sewer Jetter Pipe Hunter	GovDeals	Brice Rhodes	15,800.00

TOWN OF VALDESE
Revenue Statement
 Period Ending: December 31, 2024
10 GENERAL FUND

Account Description	Account Number	Estimated Revenue	Activity This Period	Revenue To Date	Uncollected To Date	Percent Collected %
2015 AD VALOREM TAXES	10-3010-151	0.00	83.48	83.48	-83.48	0.00
2018 AD VALOREM TAXES	10-3010-181	0.00	1,292.12	1,292.12	-1,292.12	0.00
2020 AD VALOREM TAXES	10-3010-201	5,000.00	497.48	497.48	4,502.52	9.95
2021 AD VALOREM TAXES	10-3010-211	6,500.00	898.90	898.90	5,601.10	13.82
2022 AD VALOREM TAXES	10-3010-221	12,000.00	3,038.55	3,038.55	8,961.45	25.32
2023 AD VALOREM TAXES	10-3010-231	20,000.00	13,237.67	13,237.67	6,762.33	66.18
2024 AD VALOREM TAXES	10-3010-241	2,234,454.00	1,604,732.04	1,604,732.04	629,721.96	71.81
MOTOR VEHICLE TAXES	10-3100-000	222,000.00	119,415.09	119,415.09	102,584.91	53.79
TAX REFUNDS	10-3120-001	-7,885.00	0.00	0.00	-7,885.00	0.00
TAX PENALTY & INTEREST	10-3170-000	10,000.00	2,754.36	2,754.36	7,245.64	27.54
OCCUPANCY TAX	10-3200-000	95,000.00	58,106.31	58,106.31	36,893.69	61.16
INTEREST EARNED ON INVESTMENT	10-3290-000	243,000.00	391,770.71	391,770.71	-148,770.71	161.22
RENTS	10-3310-000	74,400.00	37,924.30	37,924.30	36,475.70	50.97
ABC STORE	10-3330-000	133,000.00	21,807.84	21,807.84	111,192.16	16.39
OTHER	10-3350-030	-38,350.00	-39,814.87	-39,814.87	1,464.87	103.82
UTILITY FRANCHISE TAX	10-3370-000	440,000.00	246,743.78	246,743.78	193,256.22	56.07
ALCOHOL/BEVERAGE TAX	10-3410-000	19,500.00	0.00	0.00	19,500.00	0.00
POWELL BILL ST ALLOCATION	10-3430-000	166,300.00	201,178.51	201,178.51	-34,878.51	120.97
UNRESTRICTED SALES TAX	10-3450-010	1,879,492.00	953,407.43	953,407.43	926,084.57	50.72
JAIL FEES	10-3580-000	500.00	433.68	433.68	66.32	86.73
REFUSE COLLECTION FEES	10-3590-000	210,000.00	105,988.51	105,988.51	104,011.49	50.47
RECYCLE FEES	10-3590-010	86,000.00	43,552.40	43,552.40	42,447.60	50.64
SOLID WASTE DISPOSAL TX	10-3590-020	3,800.00	1,915.43	1,915.43	1,884.57	50.40
CEMETERY REVENUES	10-3610-000	5,000.00	1,600.00	1,600.00	3,400.00	32.00
SALES TAX CERTIFICATION REFUN	10-3670-000	5,000.00	2,253.40	2,253.40	2,746.60	45.06
SALE OF FIXED ASSETS	10-3830-000	0.00	180.00	180.00	-180.00	0.00
FINES	10-3930-002	0.00	75.00	75.00	-75.00	0.00
HOUSING AUTHORITY	10-3970-020	20,000.00	28,205.00	28,205.00	-8,205.00	141.02
PARAMOUNT FORD	10-3970-021	1,910.00	880.95	880.95	1,029.05	46.12
XTREME MACHINES	10-3970-022	809.00	309.50	309.50	499.50	38.25
ORS FACILITY RENTALS	10-3970-025	22,075.00	6,677.00	6,677.00	15,398.00	30.24
ORS AUDITORIUM & TICKET SALES	10-3970-026	58,000.00	22,805.00	22,805.00	35,195.00	39.31

TOWN OF VALDESE
Revenue Statement
 Period Ending: December 31, 2024
10 GENERAL FUND

Account Description	Account Number	Estimated Revenue	Activity This Period	Revenue To Date	Uncollected Percent To Date	Collected %
ORS LEASES	10-3970-027	25,492.00	14,807.00	14,807.00	10,685.00	58.08
C.A. TOURS	10-3970-028	1,000.00	0.00	0.00	1,000.00	0.00
YOUTH SPORTS REGISTRATION FEE	10-3970-029	14,500.00	8,392.00	8,392.00	6,108.00	57.87
COMMUNITY CENTER MEMBERSHIPS	10-3970-030	153,500.00	57,803.02	57,803.02	95,696.98	37.65
COMMUNITY CENTER CONCESSIONS	10-3970-031	44,000.00	23,352.24	23,352.24	20,647.76	53.07
SUMMER SWIM TEAM	10-3970-032	4,500.00	60.00	60.00	4,440.00	1.33
BOWLING	10-3970-033	55,000.00	23,131.80	23,131.80	31,868.20	42.05
VENDING	10-3970-034	1,200.00	520.00	520.00	680.00	43.33
RECREATION CREDIT CARD FEES	10-3970-035	3,000.00	1,228.87	1,228.87	1,771.13	40.96
WALDENSIAN FOOTRACE	10-3970-036	4,000.00	3,683.96	3,683.96	316.04	92.09
MCGALLIARD FALLS CONCESSIONS	10-3970-038	4,000.00	342.25	342.25	3,657.75	8.55
RECREATION MISC REV & PARK RE	10-3970-039	32,000.00	15,141.00	15,141.00	16,859.00	47.31
ORS FACILITY FEES	10-3970-126	2,000.00	838.19	838.19	1,161.81	41.91
TEACHERS COTTAGE RENTALS	10-3970-127	8,000.00	3,578.00	3,578.00	4,422.00	44.72
MERCHANDISE SALES	10-3970-128	2,000.00	0.00	0.00	2,000.00	0.00
C.A. CONCESSIONS	10-3970-129	3,000.00	1,242.50	1,242.50	1,757.50	41.41
PRO RATA	10-3970-300	1,100,000.00	549,999.96	549,999.96	550,000.04	50.00
CAPITAL PROJECTS	10-3970-302	221,000.00	221,000.00	221,000.00	0.00	100.00
FESTIVAL	10-3970-920	20,000.00	4,790.00	4,790.00	15,210.00	23.95
FUND BALANCE APPROPRIATED	10-3990-000	267,677.39	13,460.77	13,460.77	254,216.62	5.02
TOTAL FUND REVENUE:		7,893,374.39	4,775,321.13	4,775,321.13	3,118,053.26	60.49
TOTAL REVENUE:		7,893,374.39	4,775,321.13	4,775,321.13	3,118,053.26	60.49%

TOWN OF VALDESE
Encumbrances & Expenditure Statement
 Period Ending: December 31, 2024
10 GENERAL FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (4100) GOVERNING BODY							
SALARIES & WAGES	10-4100-020	28,750.00	7,050.00	7,050.00	0.00	21,700.00	24.52
FICA TAX PAYABLE	10-4100-050	2,199.00	485.78	485.78	0.00	1,713.22	22.09
GROUP INSURANCE PAYABL	10-4100-060	25,388.00	8,365.73	8,365.73	0.00	17,022.27	32.95
TRAVEL EXPENSE	10-4100-140	2,500.00	0.00	0.00	0.00	2,500.00	0.00
DEPT SUPPLIES	10-4100-330	100.00	32.92	32.92	0.00	67.08	32.92
MISCELLANEOUS	10-4100-570	500.00	0.00	0.00	0.00	500.00	0.00
TOTAL DEPT: (4100) GOVERNING BODY		59,437.00	15,934.43	15,934.43	0.00	43,502.57	26.80

TOWN OF VALDESE
Encumbrances & Expenditure Statement

01/27/25 10 of 627 Fiscal Year: 2025
 10:34:12 Fiscal Month Range: 1-6
 (D)

Period Ending: December 31, 2024

10 GENERAL FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (4200) ADMINISTRATION							
SALARIES & WAGES	10-4200-020	432,672.00	186,878.51	186,878.51	589.00	245,204.49	43.32
PART TIME PAY	10-4200-022	18,800.00	3,996.00	3,996.00	0.00	14,804.00	21.25
PROFESSIONAL SERVICES	10-4200-040	162,916.00	39,172.58	39,172.58	0.00	123,743.42	24.04
HEALTH REIMBURSEMENT (10-4200-041	60,000.00	29,613.26	29,613.26	0.00	30,386.74	49.35
FICA TAX PAYABLE	10-4200-050	36,962.00	14,372.44	14,372.44	45.00	22,544.56	39.00
GROUP INSURANCE PAYABL	10-4200-060	48,775.00	20,612.59	20,612.59	0.00	28,162.41	42.26
RETIREMENT EXPENSE	10-4200-070	62,617.00	22,349.04	22,349.04	85.00	40,182.96	35.82
UNEMPLOYMENT CHARGES	10-4200-080	3,000.00	0.00	0.00	0.00	3,000.00	0.00
TELEPHONE	10-4200-110	24,350.00	7,766.42	7,766.42	0.00	16,583.58	31.89
POSTAGE	10-4200-111	4,000.00	1,004.50	1,004.50	0.00	2,995.50	25.11
PRINTING EXPENSE	10-4200-120	3,100.00	318.82	318.82	0.00	2,781.18	10.28
UTILITY EXPENSE - ELEC	10-4200-130	10,500.00	5,047.26	5,047.26	0.00	5,452.74	48.06
TRAVEL EXPENSE	10-4200-140	11,010.00	96.48	96.48	0.00	10,913.52	0.87
MAINT & REPAIR BLDG &	10-4200-150	17,045.00	5,672.00	5,672.00	0.00	11,373.00	33.27
MAINT & REPAIR - EQUIP	10-4200-160	4,600.00	634.26	634.26	0.00	3,965.74	13.78
MAINT & REPAIR - AUTO	10-4200-170	250.00	0.00	0.00	0.00	250.00	0.00
ADVERTISING	10-4200-260	2,850.00	1,389.42	1,389.42	0.00	1,460.58	48.75
AUTO SUPPLIES GAS	10-4200-311	1,000.00	35.18	35.18	0.00	964.82	3.51
AUTO SUPPLIES OIL	10-4200-314	50.00	0.00	0.00	0.00	50.00	0.00
DEPT SUPPLIES & MATL	10-4200-330	15,100.00	2,627.68	2,627.68	0.00	12,472.32	17.40
CONTRACTED SERVICES	10-4200-450	38,820.00	16,074.99	16,074.99	0.00	22,745.01	41.40
IT	10-4200-490	77,830.00	46,474.84	46,474.84	0.00	31,355.16	59.71
DUES & SUBSCRIPTIONS	10-4200-530	29,801.00	16,226.34	16,226.34	7,730.00	5,844.66	80.38
INSURANCE & BONDS	10-4200-540	161,188.72	140,766.63	140,766.63	0.00	20,422.09	87.33
MISC EXPENSE	10-4200-570	10,350.00	3,505.12	3,505.12	0.00	6,844.88	33.86
CAPITAL OUTLAY	10-4200-740	27,591.28	5,591.28	5,591.28	0.00	22,000.00	20.26
BURKE COUNTY LIBRARY	10-4200-930	40,000.00	20,000.00	20,000.00	0.00	20,000.00	50.00
DEBT SERVICE	10-4200-962	88,878.00	88,878.00	88,878.00	0.00	0.00	100.00
CONTINGENCY	10-4200-990	18,000.00	0.00	0.00	18,000.00	0.00	100.00
TOTAL DEPT: (4200) ADMINISTRATION		1,412,056.00	679,103.64	679,103.64	26,449.00	706,503.36	49.96

01/27/25 11 of 627 Fiscal Year: 2025
10:34:12 Fiscal Month Range: 1-6
(D)

TOWN OF VALDESE
Encumbrances & Expenditure Statement
Period Ending: December 31, 2024
10 GENERAL FUND

Selected Department *Page 3*
(ALL) All Departments

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
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TOWN OF VALDESE
Encumbrances & Expenditure Statement

01/27/25 12 of 627 Fiscal Year: 2025
 10:34:12 Fiscal Month Range: 1-6
 (D)

Period Ending: December 31, 2024

10 GENERAL FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (4250) PUBLIC WORKS ADMINISTRATION							
SALARIES & WAGES	10-4250-020	98,202.00	48,256.43	48,256.43	0.00	49,945.57	49.14
OVER TIME PAY	10-4250-021	2,304.00	654.77	654.77	571.00	1,078.23	53.20
PROFESSIONAL SERVICES	10-4250-040	550.00	300.00	300.00	0.00	250.00	54.54
FICA TAX PAYABLE	10-4250-050	7,593.00	3,552.03	3,552.03	44.00	3,996.97	47.36
GROUP INSURANCE PAYABL	10-4250-060	18,730.00	10,027.77	10,027.77	0.00	8,702.23	53.53
RETIREMENT PAYABLE	10-4250-070	13,563.00	6,610.28	6,610.28	83.00	6,869.72	49.35
PRINTING EXPENSE	10-4250-120	500.00	0.00	0.00	0.00	500.00	0.00
UTILITY EXPENSE ELECT	10-4250-130	7,560.00	4,402.07	4,402.07	0.00	3,157.93	58.22
UTILITY EXPENSE GAS	10-4250-131	3,150.00	395.36	395.36	525.36	2,229.28	29.22
TRAINING & TRAVEL	10-4250-140	2,500.00	0.00	0.00	0.00	2,500.00	0.00
MAINT & REPAIR BLDGS &	10-4250-150	16,000.00	8,214.76	8,214.76	21.40	7,763.84	51.47
MAINT & REPAIR EQUIP	10-4250-160	4,000.00	446.05	446.05	0.00	3,553.95	11.15
MAINT & REPAIR AUTO	10-4250-170	1,500.00	0.00	0.00	0.00	1,500.00	0.00
AUTO SUPPLIES GAS	10-4250-311	5,500.00	970.27	970.27	0.00	4,529.73	17.64
AUTO SUPPLIES TIRES	10-4250-313	1,420.00	0.00	0.00	0.00	1,420.00	0.00
AUTO SUPPLIES OIL	10-4250-314	184.00	115.83	115.83	0.00	68.17	62.95
DEPT SUPPLIES & MATERI	10-4250-330	25,000.00	7,415.78	7,415.78	0.00	17,584.22	29.66
CHEMICALS	10-4250-332	500.00	0.00	0.00	0.00	500.00	0.00
UNIFORMS	10-4250-360	1,580.00	938.17	938.17	18.05	623.78	60.52
CONTRACTED SERVICES	10-4250-450	10,016.00	2,416.00	2,416.00	0.00	7,600.00	24.12
DUES & SUBSCRIPTIONS	10-4250-530	2,325.00	1,000.00	1,000.00	0.00	1,325.00	43.01
CAPITAL OUTLAY	10-4250-740	87,662.00	75,050.00	75,050.00	0.00	12,612.00	85.61
TOTAL DEPT: (4250) PUBLIC WORKS ADMINISTRATION		310,339.00	170,765.57	170,765.57	1,262.81	138,310.62	55.43

TOWN OF VALDESE
Encumbrances & Expenditure Statement

01/27/25 13 of 627 Fiscal Year: 2025
 10:34:12 Fiscal Month Range: 1-6
 (D)

Period Ending: December 31, 2024

10 GENERAL FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (4350) MAINTENANCE & GROUNDS DEPARTMENT							
SALARIES & WAGES	10-4350-020	152,035.00	72,527.32	72,527.32	0.00	79,507.68	47.70
OVER TIME PAY	10-4350-021	8,505.00	4,240.90	4,240.90	1,507.00	2,757.10	67.58
PART TIME PAY	10-4350-022	22,227.00	13,586.25	13,586.25	572.00	8,068.75	63.69
FICA TAX PAYABLE	10-4350-050	13,439.00	6,717.49	6,717.49	159.00	6,562.51	51.16
GROUP INSURANCE	10-4350-060	37,244.00	15,461.09	15,461.09	0.00	21,782.91	41.51
RETIREMENT	10-4350-070	22,511.00	10,369.09	10,369.09	218.00	11,923.91	47.03
TRAVEL	10-4350-140	400.00	0.00	0.00	0.00	400.00	0.00
MAINT & REPAIR BLDGS &	10-4350-150	15,866.00	6,072.71	6,072.71	0.00	9,793.29	38.27
MAINT & REPAIR EQUIP	10-4350-160	3,480.00	932.81	932.81	0.00	2,547.19	26.80
MAINT & REPAIR AUTO	10-4350-170	1,500.00	126.05	126.05	62.64	1,311.31	12.57
AUTO SUPPLIES - GAS	10-4350-311	6,500.00	1,500.53	1,500.53	0.00	4,999.47	23.08
AUTO SUPPLIES DIESEL	10-4350-312	928.00	296.13	296.13	0.00	631.87	31.91
AUTO SUPPLIES - TIRES	10-4350-313	1,350.00	852.44	852.44	10.00	487.56	63.88
AUTO SUPPLIES - OIL	10-4350-314	566.00	101.94	101.94	0.00	464.06	18.01
DEPT SUPPLIES & MATERI	10-4350-330	4,250.00	337.87	337.87	11.99	3,900.14	8.23
CHEMICALS	10-4350-332	2,500.00	0.00	0.00	0.00	2,500.00	0.00
UNIFORMS	10-4350-360	2,400.00	1,155.75	1,155.75	27.44	1,216.81	49.30
CONTRACT SERVICES	10-4350-450	500.00	202.81	202.81	0.00	297.19	40.56
CONT SERVICES - HELPIN	10-4350-451	0.00	0.00	0.00	0.00	0.00	0.00
MISC EXPENSE	10-4350-570	2,500.00	1,365.94	1,365.94	0.00	1,134.06	54.63
CAPITAL OUTLAY	10-4350-740	3,000.00	0.00	0.00	0.00	3,000.00	0.00
ARBOR BEAUTIFICATION	10-4350-927	10,800.00	454.49	454.49	0.00	10,345.51	4.20
TOTAL DEPT: (4350) MAINTENANCE & GROUNDS DEPARTMEN		312,501.00	136,301.61	136,301.61	2,568.07	173,631.32	44.43

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Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (4900) PLANNING DEPARTMENT							
PART TIME PAY	10-4900-022	41,900.00	19,050.13	19,050.13	0.00	22,849.87	45.46
PROFESSIONAL SERVICES	10-4900-040	7,000.00	318.00	318.00	0.00	6,682.00	4.54
FICA TAX EXPENSE	10-4900-050	3,205.00	1,231.86	1,231.86	0.00	1,973.14	38.43
GROUP INSURANCE EXPENS	10-4900-060	9,155.00	0.00	0.00	0.00	9,155.00	0.00
TRAVEL EXPENSE	10-4900-140	500.00	0.00	0.00	0.00	500.00	0.00
MAINT & REPAIR EQUIP	10-4900-160	3,500.00	0.00	0.00	0.00	3,500.00	0.00
ADVERTISING	10-4900-260	1,125.00	0.00	0.00	0.00	1,125.00	0.00
DEPT SUPPLIES & MATL	10-4900-330	700.00	0.00	0.00	0.00	700.00	0.00
CONTRACTED SERVICES	10-4900-450	3,000.00	0.00	0.00	0.00	3,000.00	0.00
ABATEMENTS	10-4900-451	7,000.00	226.25	226.25	0.00	6,773.75	3.23
DUES & SUBSCRIPTIONS	10-4900-530	344.00	0.00	0.00	0.00	344.00	0.00
MISC EXPENSE	10-4900-570	1,000.00	0.00	0.00	0.00	1,000.00	0.00
CAPITAL OUTLAY	10-4900-740	29,895.00	13,037.50	13,037.50	16,857.50	0.00	100.00
TOTAL DEPT: (4900) PLANNING DEPARTMENT		108,324.00	33,863.74	33,863.74	16,857.50	57,602.76	46.82

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Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (5100) POLICE DEPARTMENT							
SALARIES & WAGES	10-5100-020	745,532.00	386,034.23	386,034.23	0.00	359,497.77	51.78
OVER TIME PAY	10-5100-021	20,762.00	7,747.76	7,747.76	4,138.00	8,876.24	57.24
PART TIME PAY	10-5100-022	10,989.00	4,116.75	4,116.75	429.00	6,443.25	41.36
EXTRA DUTY HOURS	10-5100-024	38,386.00	14,937.21	14,937.21	0.00	23,448.79	38.91
PROFESSIONAL SERVICES	10-5100-040	1,800.00	1,168.84	1,168.84	0.00	631.16	64.93
FICA TAX EXPENSE	10-5100-050	61,220.00	29,964.82	29,964.82	351.00	30,904.18	49.51
GROUP INSURANCE EXPENS	10-5100-060	138,482.00	74,917.09	74,917.09	0.00	63,564.91	54.09
DEFERRED COMP 401K	10-5100-065	36,284.00	18,050.81	18,050.81	195.00	18,038.19	50.28
RETIREMENT EXPENSE	10-5100-070	115,116.00	57,864.39	57,864.39	653.00	56,598.61	50.83
TELEPHONE	10-5100-110	6,471.00	2,673.98	2,673.98	0.00	3,797.02	41.32
POSTAGE	10-5100-111	1,825.00	974.80	974.80	0.00	850.20	53.41
PRINTING EXPENSE	10-5100-120	500.00	0.00	0.00	0.00	500.00	0.00
TRAINING & TRAVEL	10-5100-140	8,400.00	1,039.20	1,039.20	0.00	7,360.80	12.37
MAINT & REPAIR BLDG &	10-5100-150	2,688.00	514.31	514.31	0.00	2,173.69	19.13
MAINT & REPAIR EQUIP	10-5100-160	4,517.00	365.42	365.42	0.00	4,151.58	8.09
MAINT & REPAIR AUTO	10-5100-170	18,175.00	13,863.24	13,863.24	0.00	4,311.76	76.27
AUTO SUPPLIES GAS	10-5100-311	45,000.00	10,134.28	10,134.28	0.00	34,865.72	22.52
AUTO SUPPLIES TIRES	10-5100-313	5,500.00	1,851.44	1,851.44	0.00	3,648.56	33.66
AUTO SUPPLIES OIL	10-5100-314	2,000.00	1,118.71	1,118.71	751.00	130.29	93.48
DEPT SUPPLIES & MATL	10-5100-330	21,600.00	1,896.70	1,896.70	0.00	19,703.30	8.78
UNIFORMS	10-5100-360	16,940.00	8,793.87	8,793.87	0.00	8,146.13	51.91
CONTRACTED SEVICES	10-5100-450	19,198.00	523.00	523.00	1,400.00	17,275.00	10.01
IT	10-5100-490	11,634.00	6,019.65	6,019.65	0.00	5,614.35	51.74
DUES & SUBSCRIPTIONS	10-5100-530	224.00	0.00	0.00	0.00	224.00	0.00
INSURANCE & BONDS	10-5100-540	2,065.00	2,065.00	2,065.00	0.00	0.00	100.00
CAPITAL OUTLAY	10-5100-740	56,203.00	38,735.78	38,735.78	0.00	17,467.22	68.92
DEBT SERVICE - CARS	10-5100-910	18,471.00	18,470.13	18,470.13	0.00	0.87	99.99
TOTAL DEPT: (5100) POLICE DEPARTMENT		1,409,982.00	703,841.41	703,841.41	7,917.00	698,223.59	50.48

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DEPT (5300) FIRE DEPARTMENT							
SALARIES & WAGES	10-5300-020	368,105.00	174,064.29	174,064.29	0.00	194,040.71	47.28
OVER TIME PAY	10-5300-021	6,195.00	3,474.29	3,474.29	2,720.00	0.71	99.98
PART TIME PAY	10-5300-022	65,875.00	6,336.50	6,336.50	0.00	59,538.50	9.61
EXTRA DUTY HOURS	10-5300-024	41,400.00	23,672.58	23,672.58	0.00	17,727.42	57.18
PROFESSIONAL SERVICES	10-5300-040	6,980.00	80.00	80.00	0.00	6,900.00	1.14
FICA TAX EXPENSE	10-5300-050	36,722.00	15,962.19	15,962.19	209.00	20,550.81	44.03
GROUP INSURANCE EXPENS	10-5300-060	86,534.00	45,586.10	45,586.10	0.00	40,947.90	52.68
RETIREMENT EXPENSE	10-5300-070	56,592.00	27,334.53	27,334.53	392.00	28,865.47	48.99
TELEPHONE	10-5300-110	1,080.00	332.50	332.50	0.00	747.50	30.78
POSTAGE	10-5300-111	200.00	21.40	21.40	0.00	178.60	10.70
PRINTING EXPENSE	10-5300-120	500.00	17.60	17.60	0.00	482.40	3.52
UTILITIES EXPENSE ELEC	10-5300-130	15,840.00	8,400.38	8,400.38	0.00	7,439.62	53.03
UTILITIES EXPENSE GAS	10-5300-131	5,005.00	735.79	735.79	0.00	4,269.21	14.70
TRAINING & TRAVEL	10-5300-140	19,320.00	5,278.01	5,278.01	0.00	14,041.99	27.31
MAINT & REPAIR BLDGS &	10-5300-150	6,350.00	2,587.80	2,587.80	0.00	3,762.20	40.75
MAINT & REPAIR EQUIP	10-5300-160	12,210.00	7,400.75	7,400.75	0.00	4,809.25	60.61
MAINT & REPAIR AUTO	10-5300-170	19,110.00	7,842.70	7,842.70	0.00	11,267.30	41.04
AUTO SUPPLIES GAS	10-5300-311	2,530.00	590.43	590.43	0.00	1,939.57	23.33
AUTO SUPPLIES DIESEL	10-5300-312	10,350.00	5,991.91	5,991.91	0.00	4,358.09	57.89
AUTO SUPPLIES TIRES	10-5300-313	10,600.00	0.00	0.00	0.00	10,600.00	0.00
AUTO SUPPLIES OIL	10-5300-314	2,025.00	884.18	884.18	0.00	1,140.82	43.66
DEPT SUPPLIES & MATL	10-5300-330	38,955.00	10,886.51	10,886.51	0.00	28,068.49	27.94
UNIFORMS	10-5300-360	7,000.00	1,314.68	1,314.68	0.00	5,685.32	18.78
CONTRACTED SERVICES	10-5300-450	23,942.00	14,897.91	14,897.91	0.00	9,044.09	62.22
IT	10-5300-490	9,000.00	8,798.84	8,798.84	0.00	201.16	97.76
DUES & SUBSCRIPTIONS	10-5300-530	6,545.00	640.00	640.00	0.00	5,905.00	9.77
INSURANCE & BONDS	10-5300-540	25,815.00	16,962.52	16,962.52	0.00	8,852.48	65.70
SAFETY	10-5300-572	9,660.00	3,990.67	3,990.67	0.00	5,669.33	41.31
CAPITAL OUTLAY EQUIP	10-5300-740	75,000.00	55,008.33	55,008.33	0.00	19,991.67	73.34
DEBT SERVICE LADDER TR	10-5300-912	52,761.00	52,761.00	52,761.00	0.00	0.00	100.00

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TOTAL DEPT: (5300) FIRE DEPARTMENT		1,022,201.00	501,854.39	501,854.39	3,321.00	517,025.61	49.42

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Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (5600) STREET DEPARTMENT							
SALARIES & WAGES	10-5600-020	151,847.00	75,170.20	75,170.20	0.00	76,676.80	49.50
OVER TIME PAY	10-5600-021	9,181.00	4,762.16	4,762.16	1,887.00	2,531.84	72.42
PROFESSIONAL SERVICES	10-5600-040	1,000.00	0.00	0.00	0.00	1,000.00	0.00
FICA TAX EXPENSE	10-5600-050	12,064.00	5,878.26	5,878.26	145.00	6,040.74	49.92
GROUP INSURANCE EXPENS	10-5600-060	37,148.00	18,543.11	18,543.11	0.00	18,604.89	49.91
RETIREMENT EXPENSE	10-5600-070	21,554.00	10,782.17	10,782.17	272.00	10,499.83	51.28
UTILITIES EXPENSE ELEC	10-5600-130	2,064.00	1,048.82	1,048.82	0.00	1,015.18	50.81
UTILITIES EXPENSE ST L	10-5600-133	102,948.00	49,252.90	49,252.90	0.00	53,695.10	47.84
UTILITY EXPENSE TRAFFI	10-5600-134	1,344.00	501.72	501.72	0.00	842.28	37.33
TRAINING & TRAVEL	10-5600-140	1,000.00	200.00	200.00	0.00	800.00	20.00
MAIT & REPAIR BLDGS &	10-5600-150	17,100.00	93.79	93.79	0.00	17,006.21	0.54
MAINT & REPAIR EQUIP	10-5600-160	10,000.00	8,108.08	8,108.08	55.00	1,836.92	81.63
MAINT & REPAIR AUTO	10-5600-170	12,000.00	3,444.95	3,444.95	0.00	8,555.05	28.70
AUTO SUPPLIES GAS	10-5600-311	3,800.00	977.13	977.13	0.00	2,822.87	25.71
AUTO SUPPLIES DIESEL	10-5600-312	16,047.00	9,532.94	9,532.94	0.00	6,514.06	59.40
AUTO SUPPLIES TIRES	10-5600-313	5,500.00	29.89	29.89	0.00	5,470.11	0.54
AUTO SUPPLIES OIL	10-5600-314	2,954.00	0.00	0.00	0.00	2,954.00	0.00
DEPT SUPPLIES & MATL	10-5600-330	8,600.00	710.68	710.68	0.00	7,889.32	8.26
CHEMICALS	10-5600-332	2,000.00	0.00	0.00	0.00	2,000.00	0.00
UNIFORMS	10-5600-360	2,800.00	1,911.63	1,911.63	65.56	822.81	70.61
CONTRACTED SERVICES	10-5600-450	1,080.00	0.00	0.00	0.00	1,080.00	0.00
TRANSFER TO STREETS PR	10-5600-900	375,000.00	375,000.00	375,000.00	0.00	0.00	100.00
DEBT SERVICE	10-5600-910	53,743.00	53,743.00	53,743.00	0.00	0.00	100.00
TOTAL DEPT: (5600) STREET DEPARTMENT		850,774.00	619,691.43	619,691.43	2,424.56	228,658.01	73.12

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DEPT (5700) POWELL BILL							
MAINT & REPAIR BLDG &	10-5700-150	4,000.00	520.57	520.57	2,816.92	662.51	83.43
MAINT & REPAIR - PATCH	10-5700-151	8,000.00	1,187.94	1,187.94	0.00	6,812.06	14.84
DRAINAGE AND STORM SEW	10-5700-154	3,000.00	0.00	0.00	0.00	3,000.00	0.00
SNOW AND ICE REMOVAL	10-5700-155	3,800.00	0.00	0.00	0.00	3,800.00	0.00
DEPT SUPPLIES & MATL	10-5700-330	2,500.00	88.55	88.55	0.00	2,411.45	3.54
CAPITAL OUTLAY SIDEWAL	10-5700-730	20,000.00	0.00	0.00	0.00	20,000.00	0.00
CAPITAL OUTLAY	10-5700-740	125,000.00	125,000.00	125,000.00	0.00	0.00	100.00
TOTAL DEPT: (5700) POWELL BILL		166,300.00	126,797.06	126,797.06	2,816.92	36,686.02	77.93

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DEPT (5800) SANITATION							
SALARIES & WAGES	10-5800-020	36,931.00	19,276.98	19,276.98	0.00	17,654.02	52.19
OVER TIME PAY	10-5800-021	2,232.00	1,116.95	1,116.95	448.00	667.05	70.11
FICA EXPENSE	10-5800-050	2,930.00	1,540.23	1,540.23	35.00	1,354.77	53.76
GROUP INSURANCE EXPENS	10-5800-060	9,311.00	4,992.01	4,992.01	0.00	4,318.99	53.61
RETIREMENT EXPENSE	10-5800-070	5,235.00	2,750.29	2,750.29	65.00	2,419.71	53.77
POSTAGE	10-5800-111	3,000.00	768.54	768.54	0.00	2,231.46	25.61
PRINTING EXPENSE	10-5800-120	900.00	900.00	900.00	0.00	0.00	100.00
MAINT. & REPAIR-EQUIPM	10-5800-160	2,000.00	0.00	0.00	0.00	2,000.00	0.00
MAINT. & REPAIR-AUTO &	10-5800-170	5,000.00	0.00	0.00	0.00	5,000.00	0.00
ADVERTISING	10-5800-260	600.00	0.00	0.00	0.00	600.00	0.00
AUTO SUPPLIES GAS	10-5800-311	4,000.00	767.17	767.17	0.00	3,232.83	19.17
AUTO SUPPLIES DIESEL	10-5800-312	1,500.00	866.78	866.78	0.00	633.22	57.78
AUTO SUPPLIES-TIRES	10-5800-313	2,290.00	0.00	0.00	0.00	2,290.00	0.00
AUTO SUPPLIES-OIL	10-5800-314	628.00	0.00	0.00	0.00	628.00	0.00
DEPT. SUPPLIES & MATER	10-5800-330	1,400.00	1,000.00	1,000.00	0.00	400.00	71.42
CHEMICAL	10-5800-332	200.00	0.00	0.00	0.00	200.00	0.00
UNIFORMS	10-5800-360	1,260.00	297.68	297.68	13.08	949.24	24.66
CONTRACTED SERVICES	10-5800-450	304,400.00	128,270.65	128,270.65	0.00	176,129.35	42.13
CAPITAL OUTLAY	10-5800-740	6,000.00	3,042.00	3,042.00	0.00	2,958.00	50.70
TOTAL DEPT: (5800) SANITATION		389,817.00	165,589.28	165,589.28	561.08	223,666.64	42.62

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DEPT (6200) RECREATION DEPARTMENT							
SALARIES & WAGES	10-6200-020	292,874.00	147,255.93	147,255.93	0.00	145,618.07	50.28
PART-TIME PAY	10-6200-022	284,784.00	143,893.58	143,893.58	0.00	140,890.42	50.52
PROFESSIONAL SERVICES	10-6200-040	1,000.00	120.00	120.00	0.00	880.00	12.00
FICA TAX EXPENSE	10-6200-050	44,112.00	21,874.54	21,874.54	0.00	22,237.46	49.58
GROUP INSURANCE EXPENS	10-6200-060	56,550.00	30,254.31	30,254.31	0.00	26,295.69	53.50
RETIREMENT EXPENSE	10-6200-070	39,864.00	20,115.16	20,115.16	0.00	19,748.84	50.45
TELEPHONE	10-6200-110	400.00	0.00	0.00	0.00	400.00	0.00
UTILITIES EXPENSE-ELEC	10-6200-130	40,000.00	25,133.22	25,133.22	0.00	14,866.78	62.83
UTILITY EXPENSE-GAS	10-6200-131	50,000.00	8,810.05	8,810.05	0.00	41,189.95	17.62
TRAINING & TRAVEL	10-6200-140	3,000.00	1,759.93	1,759.93	0.00	1,240.07	58.66
MAINT & REPAIR-BLDGS	10-6200-150	22,800.00	16,811.86	16,811.86	0.00	5,988.14	73.73
PARKS REPAIRS	10-6200-151	24,728.00	12,787.08	12,787.08	0.00	11,940.92	51.71
MAINT & REPAIR-EQUIPME	10-6200-160	16,500.00	9,569.66	9,569.66	0.00	6,930.34	57.99
MAINT & REPAIR-AUTO	10-6200-170	1,000.00	454.03	454.03	0.00	545.97	45.40
ADVERTISING	10-6200-260	1,500.00	1,322.28	1,322.28	0.00	177.72	88.15
AUTO SUPPLIES-GAS-UNLE	10-6200-311	3,500.00	951.20	951.20	0.00	2,548.80	27.17
AUTO SUPPLIES-OIL	10-6200-314	240.00	50.74	50.74	0.00	189.26	21.14
DEPT SUPPLIES & MATERI	10-6200-330	32,050.00	20,193.92	20,193.92	0.00	11,856.08	63.00
CHEMICALS	10-6200-332	15,000.00	11,434.93	11,434.93	0.00	3,565.07	76.23
UNIFORMS	10-6200-360	1,500.00	1,500.00	1,500.00	0.00	0.00	100.00
CONTRACTED SERVICES	10-6200-450	37,200.00	24,113.40	24,113.40	0.00	13,086.60	64.82
WALDENSIAN FOOTRACE	10-6200-454	4,852.00	4,851.07	4,851.07	0.00	0.93	99.98
SWIM TEAM	10-6200-480	2,148.00	1,713.88	1,713.88	0.00	434.12	79.79
P F R CONCESSIONS	10-6200-481	33,000.00	15,088.41	15,088.41	0.00	17,911.59	45.72
P F R OTHER	10-6200-484	9,000.00	3,594.70	3,594.70	0.00	5,405.30	39.94
DUES AND SUBSCRIPTIONS	10-6200-530	3,545.00	590.00	590.00	0.00	2,955.00	16.64
CAPITAL OUTLAY	10-6200-740	87,278.00	75,717.00	75,717.00	0.00	11,561.00	86.75
DEBT SERVICE	10-6200-910	19,483.00	0.00	0.00	0.00	19,483.00	0.00
TOTAL DEPT: (6200) RECREATION DEPARTMENT		1,127,908.00	599,960.88	599,960.88	0.00	527,947.12	53.19

TOWN OF VALDESE
Encumbrances & Expenditure Statement

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Period Ending: December 31, 2024

10 GENERAL FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (6250) COMMUNITY AFFAIRS							
SALARIES & WAGES	10-6250-020	180,309.00	89,359.21	89,359.21	0.00	90,949.79	49.55
OVER TIME PAY	10-6250-021	2,624.00	0.00	0.00	2,624.00	0.00	100.00
PART-TIME PAY	10-6250-022	33,000.00	16,438.50	16,438.50	0.00	16,561.50	49.81
PROFESSIONAL SERVICES	10-6250-040	1,380.00	0.00	0.00	0.00	1,380.00	0.00
FICA TAX EXPENSE	10-6250-050	16,400.00	7,948.80	7,948.80	201.00	8,250.20	49.69
GROUP INSURANCE EXPENS	10-6250-060	35,424.00	19,094.45	19,094.45	0.00	16,329.55	53.90
RETIREMENT EXPENSE	10-6250-070	24,711.00	12,125.16	12,125.16	294.00	12,291.84	50.25
POSTAGE	10-6250-111	5,500.00	307.09	307.09	0.00	5,192.91	5.58
PRINTING EXPENSE	10-6250-120	4,600.00	563.49	563.49	0.00	4,036.51	12.25
UTILITIES EXPENSE-ELEC	10-6250-130	34,000.00	23,527.00	23,527.00	0.00	10,473.00	69.19
UTILITIES EXPENSE-GS	10-6250-131	11,500.00	466.98	466.98	0.00	11,033.02	4.06
TRAINING & TRAVEL	10-6250-140	200.00	66.42	66.42	0.00	133.58	33.21
MAINT. & REPAIR-BLDGS	10-6250-150	30,075.00	19,606.94	19,606.94	0.00	10,468.06	65.19
MAINT & REPAIR-EQUIPME	10-6250-160	2,400.00	1,604.74	1,604.74	0.00	795.26	66.86
MAINT & REPAIR-AUTO	10-6250-170	200.00	0.00	0.00	0.00	200.00	0.00
ADVERTISING	10-6250-260	8,000.00	1,630.93	1,630.93	0.00	6,369.07	20.38
AUTO SUPPLIES-GAS-UNLE	10-6250-311	300.00	0.00	0.00	0.00	300.00	0.00
AUTO SUPPLIES-OIL	10-6250-314	100.00	0.00	0.00	0.00	100.00	0.00
DEPT SUPPLIES & MATERI	10-6250-330	7,000.00	4,841.54	4,841.54	0.00	2,158.46	69.16
EVENT SUPPLIES & DECOR	10-6250-331	14,000.00	6,150.19	6,150.19	0.00	7,849.81	43.93
CONCESSION STAND TRAIL	10-6250-332	4,000.00	2,301.19	2,301.19	0.00	1,698.81	57.53
CONTRACTED SERVICES	10-6250-450	40,850.00	13,715.92	13,715.92	0.00	27,134.08	33.57
CONT SERVICES-ENTERTAI	10-6250-452	86,775.00	32,485.22	32,485.22	0.00	54,289.78	37.43
CONT SERVICES - TOURIS	10-6250-453	500.00	0.00	0.00	0.00	500.00	0.00
IT	10-6250-490	500.00	270.00	270.00	0.00	230.00	54.00
DUE AND SUBSCRIPTIONS	10-6250-530	1,050.00	561.73	561.73	0.00	488.27	53.49
WELLNESS	10-6250-572	7,000.00	6,006.20	6,006.20	0.00	993.80	85.80
CAPITAL OUTLAY	10-6250-740	43,137.39	10,704.21	10,704.21	0.00	32,433.18	24.81
BUILDING REUSE & FACAD	10-6250-920	5,000.00	0.00	0.00	0.00	5,000.00	0.00
FESTIVAL	10-6250-922	22,700.00	19,594.59	19,594.59	0.00	3,105.41	86.32
MAIN STREET PROGRAM	10-6250-924	3,000.00	1,298.18	1,298.18	0.00	1,701.82	43.27

TOWN OF VALDESE
Encumbrances & Expenditure Statement

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Period Ending: December 31, 2024

10 GENERAL FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
VALDESE TOURISM COMMIS	10-6250-925	97,500.00	55,069.94	55,069.94	12,500.00	29,930.06	69.30
TOTAL DEPT: (6250) COMMUNITY AFFAIRS		723,735.39	345,738.62	345,738.62	15,619.00	362,377.77	49.92
TOTAL FUND: (10) GENERAL FUND		7,893,374.39	4,099,442.06	4,099,442.06	79,796.94	3,714,135.39	52.94
TOTAL EXPENDITURES		7,893,374.39	4,099,442.06	4,099,442.06	79,796.94	3,714,135.39	52.94

TOWN OF VALDESE
Revenue Statement
 Period Ending: December 31, 2024
30 UTILITY FUND

Account Description	Account Number	Estimated Revenue	Activity This Period	Revenue To Date	Uncollected Percent To Date	Collected %
INTEREST EARNED ON INVESTMENT	30-3290-000	20,000.00	20,712.71	20,712.71	-712.71	103.56
OTHERS	30-3350-030	0.00	700.00	700.00	-700.00	0.00
UTILITY BILL PENALTIES	30-3350-040	60,000.00	58,250.32	58,250.32	1,749.68	97.08
WATER CHARGES - RES	30-3710-010	3,499,980.00	1,837,591.17	1,837,591.17	1,662,388.83	52.50
WATER CHARGES - COMM	30-3710-011	302,820.00	194,158.60	194,158.60	108,661.40	64.11
WATER CHARGES - IND	30-3710-012	493,906.00	274,840.12	274,840.12	219,065.88	55.64
WASTE WATER CHARGES	30-3710-020	1,499,938.00	822,065.35	822,065.35	677,872.65	54.80
LONG TERM MONITORING	30-3710-021	18,900.00	9,195.31	9,195.31	9,704.69	48.65
TAP & CONNECTIN FEES	30-3730-000	40,000.00	43,000.00	43,000.00	-3,000.00	107.50
RECONNECTIN FEES	30-3750-000	60,000.00	58,365.60	58,365.60	1,634.40	97.27
TOWN OF DREXEL	30-3810-020	226,800.00	93,496.61	93,496.61	133,303.39	41.22
BURKE CNTY-E BURKE SYST-WW	30-3810-030	122,472.00	72,437.50	72,437.50	50,034.50	59.14
BURKE COUNTY WATER	30-3810-032	113,400.00	48,168.08	48,168.08	65,231.92	42.47
RC WATER CORP	30-3810-040	243,810.00	121,424.56	121,424.56	122,385.44	49.80
RC WW	30-3810-042	17,325.00	9,659.35	9,659.35	7,665.65	55.75
TRIPLE COMM WATER CORP	30-3810-060	0.00	38.50	38.50	-38.50	0.00
ICARD WATER CORP	30-3810-070	132,000.00	95,095.99	95,095.99	36,904.01	72.04
CONNELLY SPRINGS MAINT	30-3810-080	23,000.00	11,500.00	11,500.00	11,500.00	50.00
SALE OF FIXED ASSETS	30-3830-000	0.00	5,375.00	5,375.00	-5,375.00	0.00
FUND BALANCE-APPROPRIATED	30-3990-000	893,940.42	-10,000.00	-10,000.00	903,940.42	-1.11
TOTAL FUND REVENUE:		7,768,291.42	3,766,074.77	3,766,074.77	4,002,216.65	48.48
TOTAL REVENUE:		7,768,291.42	3,766,074.77	3,766,074.77	4,002,216.65	48.48%

TOWN OF VALDESE
Encumbrances & Expenditure Statement
 Period Ending: December 31, 2024
30 UTILITY FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (8100) WATER DEPARTMENT							
SALARIES & WAGES	30-8100-020	359,653.00	184,214.81	184,214.81	0.00	175,438.19	51.22
OVER TIME PAY	30-8100-021	11,024.00	6,749.78	6,749.78	0.00	4,274.22	61.22
PROFESSIONAL SERVICES	30-8100-040	61,500.00	10,270.65	10,270.65	0.00	51,229.35	16.70
FICA TAX EXPENSE	30-8100-050	27,663.00	14,206.75	14,206.75	0.00	13,456.25	51.35
GROUP INSURANCE EXPENS	30-8100-060	75,785.00	40,173.82	40,173.82	0.00	35,611.18	53.01
RETIREMENT EXPENSE	30-8100-070	49,396.00	25,979.21	25,979.21	0.00	23,416.79	52.59
TELEPHONE	30-8100-110	1,300.00	659.88	659.88	0.00	640.12	50.76
UTILITES EXPENSE-ELECT	30-8100-130	310,356.00	156,274.27	156,274.27	0.00	154,081.73	50.35
UTILITES EXPENSE-FUEL	30-8100-132	5,000.00	4,632.87	4,632.87	0.00	367.13	92.65
TRAINING & TRAVEL	30-8100-140	3,500.00	2,332.27	2,332.27	0.00	1,167.73	66.63
MAINT & REPAIR-BLDGS	30-8100-150	28,770.00	1,464.94	1,464.94	0.00	27,305.06	5.09
MAINT. & REPAIR-EQUIPM	30-8100-160	531,129.00	19,962.65	19,962.65	0.00	511,166.35	3.75
MAINT. & REPAIR-AUTO &	30-8100-170	680.00	438.48	438.48	0.00	241.52	64.48
ADVERTISING	30-8100-260	600.00	0.00	0.00	0.00	600.00	0.00
AUTO SUPPLIES-GAS-UNLE	30-8100-311	4,000.00	1,045.25	1,045.25	0.00	2,954.75	26.13
AUTO SUPPLIES-DIESEL	30-8100-312	400.00	400.00	400.00	0.00	0.00	100.00
AUTO SUPPLIES-TIRES	30-8100-313	625.00	605.99	605.99	0.00	19.01	96.95
AUTO SUPPLIES-OIL	30-8100-314	162.00	0.00	0.00	0.00	162.00	0.00
DEPT SUPPLIES & MATERI	30-8100-330	3,400.00	1,103.08	1,103.08	0.00	2,296.92	32.44
CHEMICALS	30-8100-332	236,400.00	129,447.38	129,447.38	0.00	106,952.62	54.75
LAB SUPPLIES	30-8100-333	23,000.00	14,470.21	14,470.21	0.00	8,529.79	62.91
WATER TESTING-PROFESSI	30-8100-334	15,900.00	433.88	433.88	0.00	15,466.12	2.72
UNIFORMS	30-8100-360	5,200.00	940.02	940.02	0.00	4,259.98	18.07
CONTRACTED SERVICES	30-8100-450	6,540.00	1,787.28	1,787.28	0.00	4,752.72	27.32
IT	30-8100-490	500.00	0.00	0.00	0.00	500.00	0.00
DUES AND SUBSCRIPTIONS	30-8100-530	10,664.00	3,500.00	3,500.00	240.00	6,924.00	35.07
INSURANCE AND BONDS	30-8100-540	27,000.00	27,000.00	27,000.00	0.00	0.00	100.00
SAFETY	30-8100-572	3,000.00	635.45	635.45	0.00	2,364.55	21.18
CAPITAL OUTLAY	30-8100-740	337,372.42	35,043.42	35,043.42	55,576.00	246,753.00	26.86
DEBT SERVICE	30-8100-910	71,324.00	0.00	0.00	0.00	71,324.00	0.00
PRO RATA	30-8100-920	550,000.00	274,999.98	274,999.98	0.00	275,000.02	50.00

TOWN OF VALDESE
Encumbrances & Expenditure Statement
 Period Ending: December 31, 2024

30 UTILITY FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
VEDIC	30-8100-930	12,500.00	12,500.00	12,500.00	0.00	0.00	100.00
ECONOMIC DEVEL BPED	30-8100-931	12,012.00	12,011.50	12,011.50	0.00	0.50	99.99
CONTINGENCY	30-8100-990	221,000.00	221,000.00	221,000.00	0.00	0.00	100.00
TOTAL DEPT: (8100) WATER DEPARTMENT		3,007,355.42	1,204,283.82	1,204,283.82	55,816.00	1,747,255.60	41.90

TOWN OF VALDESE
Encumbrances & Expenditure Statement

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30 UTILITY FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (8110) WASTE WATER DEPARTMENT							
SALARIES & WAGES	30-8110-020	404,191.00	203,621.91	203,621.91	0.00	200,569.09	50.37
OVER TIME PAY	30-8110-021	232.00	0.00	0.00	0.00	232.00	0.00
PROFESSIONAL SERVICES	30-8110-040	2,500.00	0.00	0.00	0.00	2,500.00	0.00
FICA TAX PAYABLE	30-8110-050	30,801.00	14,907.98	14,907.98	0.00	15,893.02	48.40
GROUP INSURANCE EXPENS	30-8110-060	91,218.00	49,028.41	49,028.41	0.00	42,189.59	53.74
RETIREMENT EXPENSE	30-8110-070	54,999.00	27,708.07	27,708.07	0.00	27,290.93	50.37
TELEPHONE	30-8110-110	3,600.00	1,088.00	1,088.00	0.00	2,512.00	30.22
UTILITIES EXPENSE-ELEC	30-8110-130	225,000.00	92,570.29	92,570.29	0.00	132,429.71	41.14
UTILITIES EXPENSE-FUEL	30-8110-132	7,500.00	4,932.02	4,932.02	0.00	2,567.98	65.76
TRAVEL EXPENSE	30-8110-140	4,925.00	422.83	422.83	0.00	4,502.17	8.58
MAINT. & REPAIR-BLDGS	30-8110-150	105,660.00	49,645.23	49,645.23	384.36	55,630.41	47.35
MAINT. & REPAIR-EQUIPM	30-8110-160	170,085.00	21,570.40	21,570.40	18,085.24	130,429.36	23.31
MAINT. & REPAIR-AUTO	30-8110-170	8,100.00	556.10	556.10	0.00	7,543.90	6.86
ADVERTISING	30-8110-260	100.00	0.00	0.00	0.00	100.00	0.00
AUTO SUPPLIES-GAS-UNLE	30-8110-311	5,000.00	575.49	575.49	0.00	4,424.51	11.51
AUTO SUPPLIES-TIRES	30-8110-313	1,900.00	12.95	12.95	0.00	1,887.05	0.68
AUTO SUPLIES-OIL	30-8110-314	750.00	72.96	72.96	0.00	677.04	9.72
DEPT. SUPPLIES & MATER	30-8110-330	12,000.00	383.72	383.72	0.00	11,616.28	3.19
CHEMICALS	30-8110-332	121,293.00	60,032.00	60,032.00	13,000.00	48,261.00	60.21
LAB SUPPLIES	30-8110-333	12,000.00	5,134.91	5,134.91	0.00	6,865.09	42.79
WOOD CHIPS	30-8110-336	61,000.00	5,892.66	5,892.66	20,000.00	35,107.34	42.44
UNIFORMS	30-8110-360	8,090.00	3,497.05	3,497.05	196.72	4,396.23	45.65
CONTRACTED SERVICES	30-8110-450	28,840.00	17,338.16	17,338.16	0.00	11,501.84	60.11
IT	30-8110-490	500.00	18.14	18.14	0.00	481.86	3.62
LONG TERM MONITORING	30-8110-500	31,000.00	23,266.95	23,266.95	570.00	7,163.05	76.89
DUES AND SUBSCRIPTIONS	30-8110-530	14,521.00	4,369.30	4,369.30	0.00	10,151.70	30.09
INSURANCE AND BONDS	30-8110-540	32,000.00	32,000.00	32,000.00	0.00	0.00	100.00
SAFETY	30-8110-572	2,500.00	1,421.61	1,421.61	0.00	1,078.39	56.86
CAPITAL OUTLAY	30-8110-740	1,112,500.00	32,263.30	32,263.30	113,755.75	966,480.95	13.12
PRO RATA	30-8110-920	550,000.00	274,999.98	274,999.98	0.00	275,000.02	50.00
VEDIC	30-8110-930	12,500.00	12,500.00	12,500.00	0.00	0.00	100.00

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TOWN OF VALDESE
Encumbrances & Expenditure Statement
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30 UTILITY FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
ECONOMIC DEV BPED	30-8110-931	12,747.00	367.50	367.50	0.00	12,379.50	2.88
TOTAL DEPT: (8110) WASTE WATER DEPARTMENT		3,128,052.00	940,197.92	940,197.92	165,992.07	2,021,862.01	35.36

TOWN OF VALDESE
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30 UTILITY FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEPT (8120) WATER & SEWER CONSTRUCTION							
SALARIES & WAGES	30-8120-020	431,950.00	185,873.33	185,873.33	0.00	246,076.67	43.03
OVER TIME PAY	30-8120-021	26,283.00	6,896.74	6,896.74	0.00	19,386.26	26.24
PART-TIME PAY	30-8120-022	23,400.00	13,217.70	13,217.70	0.00	10,182.30	56.48
PROFESSIONAL SERVICES	30-8120-040	112,877.00	12,553.50	12,553.50	0.00	100,323.50	11.12
HEALTH REIMBURSEMENT (30-8120-041	29,000.00	5,414.24	5,414.24	0.00	23,585.76	18.67
FICA TAX EXPENSE	30-8120-050	36,343.00	15,452.44	15,452.44	0.00	20,890.56	42.51
GROUP INSURANCE EXPENS	30-8120-060	84,376.00	35,326.71	35,326.71	0.00	49,049.29	41.86
RETIREMENT EXPENSE	30-8120-070	59,513.00	25,522.05	25,522.05	0.00	33,990.95	42.88
TELEPHONE	30-8120-110	2,700.00	1,076.46	1,076.46	0.00	1,623.54	39.86
POSTAGE	30-8120-111	650.00	0.00	0.00	0.00	650.00	0.00
PRINTING EXPENSE	30-8120-120	1,500.00	0.00	0.00	0.00	1,500.00	0.00
UTILITIES EXPENSE-ELEC	30-8120-130	24,660.00	12,005.63	12,005.63	0.00	12,654.37	48.68
TRAINING & TRAVEL	30-8120-140	9,570.00	501.49	501.49	0.00	9,068.51	5.24
MAINT. & REPAIR-BLDGS	30-8120-150	59,750.00	5,088.19	5,088.19	600.00	54,061.81	9.52
MAINT. & REPAIR EQUIPM	30-8120-160	13,650.00	2,696.61	2,696.61	0.00	10,953.39	19.75
MAINT & REPAIR-AUTO	30-8120-170	3,693.00	821.90	821.90	97.98	2,773.12	24.90
ADVERTISING	30-8120-260	100.00	0.00	0.00	0.00	100.00	0.00
AUTO SUPPLIES-GAS-UNLE	30-8120-311	13,500.00	2,837.49	2,837.49	0.00	10,662.51	21.01
AUTO SUPPLIES-DIESEL	30-8120-312	5,000.00	4,547.11	4,547.11	0.00	452.89	90.94
AUTO SUPLIES-TIRES	30-8120-313	4,200.00	1,657.75	1,657.75	0.00	2,542.25	39.47
AUTO SUPPLIES-OIL	30-8120-314	2,180.00	36.99	36.99	0.00	2,143.01	1.69
DEPT. SUPPLIES & MATER	30-8120-330	90,164.00	57,598.42	57,598.42	2,085.00	30,480.58	66.19
METERS	30-8120-331	30,000.00	744.60	744.60	871.92	28,383.48	5.38
CHEMICALS	30-8120-332	2,100.00	0.00	0.00	0.00	2,100.00	0.00
UNIFORMS	30-8120-360	3,328.00	2,601.30	2,601.30	98.90	627.80	81.13
CONTRACTED SERVICES	30-8120-450	155,073.00	91,509.00	91,509.00	73.57	63,490.43	59.05
IT	30-8120-490	1,000.00	0.00	0.00	0.00	1,000.00	0.00
DUES AND SUBSCRIPTIONS	30-8120-530	5,849.00	0.00	0.00	1,760.00	4,089.00	30.09
INSURANCE AND BONDS	30-8120-540	31,000.00	31,000.00	31,000.00	0.00	0.00	100.00
SAFETY	30-8120-572	5,060.00	203.36	203.36	0.00	4,856.64	4.01
CAPITAL OUTLAY	30-8120-740	77,600.00	74,591.00	74,591.00	0.00	3,009.00	96.12

01/27/25 30 of 627 Fiscal Year: 2025
 10:43:56 Fiscal Month Range: 1-6
 (D)

TOWN OF VALDESE
Encumbrances & Expenditure Statement
 Period Ending: December 31, 2024

Selected Department *Page 6*
 (ALL) All Departments

30 UTILITY FUND

Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unencumbered Balance	% Spent
DEBT SERVICE	30-8120-910	286,815.00	15,995.00	15,995.00	0.00	270,820.00	5.57
TOTAL DEPT: (8120) WATER & SEWER CONSTRUCTION		1,632,884.00	605,769.01	605,769.01	5,587.37	1,021,527.62	37.44
TOTAL FUND: (30) UTILITY FUND		7,768,291.42	2,750,250.75	2,750,250.75	227,395.44	4,790,645.23	38.33
TOTAL EXPENDITURES		7,768,291.42	2,750,250.75	2,750,250.75	227,395.44	4,790,645.23	38.33

JANUARY 6, 2025, MB#33

**TOWN OF VALDESE
TOWN COUNCIL PRE - AGENDA MEETING
JANUARY 6, 2025**

The Town of Valdese Town Council met on Monday, January 6, 2025, 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 @townofvaldese. The following were present: Mayor Charles Watts, Mayor Pro Tem Gary Ogle, Councilwoman Rexanna Lowman, and Councilman Glenn Harvey. Also present were: Interim Town Manager Bo Weichel, Town Attorney Tim Swanson, Town Clerk Jessica Lail, and various Department Heads.

Absent: Ward 2 Vacant Seat

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.

Councilwoman Lowman made a motion to add Appointment of Ward 2 Council Representative to the January 6, 2025 pre-agenda, seconded by Councilman Harvey. The vote was unanimous.

APPOINTMENT OF WARD 2 COUNCIL REPRESENTATIVE Councilwoman Lowman nominated Melinda Pons Zimmerman to the open Ward 2 Council seat, seconded by Councilman Harvey. The vote was unanimous.

Mayor Watts congratulated Melinda Zimmerman and noted that she would take her Oath of Office at the January 13, 2025, Council meeting.

REVIEW AND DISCUSSION OF JANUARY 13, 2025 PRELIMINARY AGENDA:

UNDER CONSENT AGENDA:

INTERIM MANAGER TO EVALUATE, DEVELOP A PLAN AND REPORT ON THE FOLLOWING:

Councilman Harvey stated that he had proposed this initiative and invited the Council to share any questions or comments. Councilwoman Lowman inquired whether the Town's Employer Visitation Plan for 2025 would continue to include visits to local industries. Councilman Harvey confirmed that it would and noted that several major employers had yet to be visited.

- i. Town's opportunity to participate in Federal Disaster Relief Funding;
- ii. Town's need and opportunities for Additional Public Safety Building Funding;
- iii. Town's participation in Patriot Relief program;
- iv. Town's development of a high-level DOT Long-Range Street Resurfacing Program plan;
- v. Town's water quality issues/complaints;
- vi. Town's Employer Visitation Plan for 2025;

UNDER NEW BUSINESS:

PUBLIC SAFETY FACILITIES UPDATE Interim Town Manager Bo Weichel shared the following update on the Public Safety Facilities:

- i. Number of General Contractors sent RFQ
- ii. Responses or Reactions to Date
- iii. Next anticipated Action

JANUARY 6, 2025, MB#33

Public Safety Facilities RFQ process update

i. Request for Qualifications solicitation:

- ✓ Sent directly to ten General Contractors who have DB experience
- ✓ Posted on the NC eVP Procurement site for local government project advertisements
- ✓ Shared with Design Build Institute of America (DBIA)

ii. Responses to date

- ✓ Received one "not interested"
- ✓ Had three that requested and toured 215 E. Main - although not a requirement for SOQ
- ✓ Received several acknowledgment responses, but no comment on interest level

iii. Next action

- ✓ SOQ due January 31st
 - ✓ Review of SOQ early February
 - ✓ Select several to interview during late February
-

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

WARD 2 COUNCIL VACANCY Mayor Watts noted that this would be added to the January 13, 2025 agenda as the swearing in of Melinda Zimmerman.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

APPOINTMENT TO BOARDS/COMMISSIONS/COMMITTEES Mayor Watts reviewed the current openings on the Town's Boards, Commissions, and Committees:

Planning Board/Board of Adjustments – One Board seat and two Alternate seats are available. Mayor Watts noted that Mark Rostan has applied for the Board seat, while Benton Brinkley and Jordan Greene have applied for the Alternate positions.

Facilities Review Committee – Two seats are available. Mayor Watts mentioned that Thomas Oxentine has applied for one of the positions.

Interested citizens are encouraged to apply by submitting their applications to the Town Clerk. Applications can be accessed by clicking on this [link](#).

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

PERSONNEL CONSIDERATIONS RELATIVE TO BUDGET PLANNING Councilman Harvey noted that the Town conducted a Pay Study in 2018 and recommended hiring a consultant to update the study as part of the upcoming budget process, with completion by the end of June. He also emphasized the importance of reviewing employee benefits and expressed interest in implementing staff development training.

- i. Compa-Pay Salary and Position Study RFP
- ii. Review of Employee Benefits Program
- iii. Staff Development Training Plan and Near-term Needs
 - Plan for Optimum Use of \$30,000 budgeted for FY 25
 - Needs Identified for FY 26 Planning

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

MANAGEMENT CONSULTING RFP Councilman Harvey noted that there are several indicators suggesting the need for an organizational structure and operations analysis, recommending the use of a management consulting firm. He also emphasized the importance of reviewing outdated forms and contracts. Councilwoman Ward expressed hope that this analysis would provide employees with a clearer understanding of their defined roles and responsibilities.

JANUARY 6, 2025, MB#33

- i. Broad Analysis of Organization Structure and Staffing Needs
- ii. In-depth Analysis of Operations
- iii. Identify Town Control Documents (forms, contracts) for legal counsel review

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

STATUS OF ONGOING OR APPROVED PROJECTS Interim Town Manager Bo Weichel shared the following update on the listed projects:

- i. Strategic Planning: 2025 Citizens' Priorities Survey
- ii. Rec Center ADA and Pool Cover Contracts
- iii. Status of Pool Cover Capital Fund Drive
- iv. Hoyle Creek Excavating and Trail Contract
- v. Lovelady Lake Shore to Crescent Sidewalk

Status of Projects

- i. 2025 Citizens' Priority Survey
 - ✓ January round has been delivered with utility bills
 - ✓ Online version has been active since 1/2/25 and will remain so through February
 - ✓ February round will be delivered with utility bills
- ii. Rec Center Pool cover project
 - ✓ AIA contract included with agenda Item I
 - ✓ Separate ADA work will be coordinated once the main contract has begun
- iii. Pool cover capital campaign fund drive
 - ✓ Update will be presented at January 13th by Rec Commission
- iv. Hoyle Creek Restoration and Side Path project
 - ✓ Mid December preliminary meeting with the McGill team
 - ✓ Evaluating the best approach to maximize use of the State funding
- v. Lovelady Sidewalk project
 - ✓ Will discuss under agenda Item K

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

APPROVAL OF ORDINANCE DECLARING ROAD CLOSURES FOR THE TOWN OF VALDESE 2025 ANNUAL EVENTS

Interim Town Manager Bo Weichel noted that the only change is that the Independence Day Celebration will now take place on July 4, 2025.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

APPROVAL OF AMENDMENT TO DATE ON AUDIT CONTRACT

Interim Town Manager Bo Weichel reported that the original Audit Contract had a submittal deadline of October 31, 2024, which the Local Government Commission (LGC) has extended to December 31, 2024. He noted that the audit has already been submitted, and the contract update is simply a formality.

RESULT: PLACED ON THE CONSENT AGENDA AT THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

APPROVAL OF AIA DOCUMENT STANDARD FORM AND GENERAL CONDITION CONTRACT –

POOL STRUCTURE Interim Town Manager Bo Weichel stated that Attorney Tim Swanson has reviewed the contract from Houck Contracting, LLC for the pool structure, totaling \$1,793,930.00.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

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CAPITAL PROJECT ORDINANCE AMENDMENT – POOL STRUCTURE Interim Town Manager Bo Weichel noted that this aligns with the AIA Contract, which will be used to manage the funds.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

MUNICIPAL AGREEMENT APPROVAL – LOVELADY ROAD SIDEWALK PROJECT Interim Town Manager Bo Weichel reviewed the location of the proposed sidewalk project from Laurel St. NE to Crescent St. NE. He explained that this is a federally funded project administered through the Department of Transportation (DOT), with funding provided on a reimbursement basis. The project requires a 20% local match, with the DOT covering 80% of the cost. The Town’s out-of-pocket match will be just under \$300,000.

The Western Piedmont Council of Governments (WPCOG) is managing the grant for the Town, and Daniel Odom from WPCOG provided an overview of the process, which began on June 3, 2024, through the present. Council members discussed concerns about the Town’s financial obligations with several major projects on the horizon. Mr. Weichel emphasized that the Town must cover the costs upfront before receiving reimbursement.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

CAPITAL PROJECT ORDINANCE – LOVELADY ROAD SIDEWALK PROJECT If the Lovelady Sidewalk Project is approved, this Capital Project Ordinance (CPO) will be established to manage the funds.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON JANUARY 13, 2025, AT 6:00 P.M.

INTERIM MANAGER’S REPORT: Interim Town Manager Bo Weichel will report at the January 13, 2025, meeting.

At 6:47 p.m., Councilwoman Lowman made a motion to go into closed session, seconded by Councilman Ogle. The vote was unanimous.

- Closed Session Pursuant to NC General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee.
- 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 8:47 p.m., Councilwoman Lowman made a motion to return to open session, seconded by Councilwoman Ward. The vote was unanimous.

ADJOURNMENT: At 8:48 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

JANUARY 13, 2025, MB#33

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
JANUARY 13, 2025**

The Town of Valdese Town Council met on Monday, January 13, 2025, 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 @townofvaldese. The following were present: Mayor Charles Watts, Mayor Pro Tem Gary Ogle, Councilwoman Rexanna Lowman, Councilwoman Heather Ward, Councilwoman Melinda Zimmerman, and Councilman Glenn Harvey. Also present were: Interim Town Manager Bo Weichel, Town Attorney Tim Swanson, Town Clerk Jessica Lail, and various Department Heads.

Absent:

A quorum was present.

Mayor Watts called the meeting to order at 6:00 p.m.

Reverend Wesley Hendrix from Mount Zion Missionary Baptist Church, Valdese offered the invocation. Following the invocation, Mayor Watts led in the Pledge of Allegiance to the Flag.

OATH OF OFFICE: Valdese Town Clerk Jessica Lail administered Oath of Office to Councilwoman Melinda Zimmerman - Ward 2.

OPEN FORUM/PUBLIC COMMENT: Mayor Pro Tem Gary Ogle read the following open forum/public comment guidelines: The council shall provide at least one period for public comment per month during a regular meeting, unless no regular meeting is held that month. Any individual or group who wishes to address the council shall inform the town clerk, any time prior to the start of the meeting, and provide their name, address and subject matter about which they wish to speak. Person(s) must be present if they wish to address the Council. Comments should be limited to five minutes per speaker.

Open Forum is not intended to require Council or staff to answer impromptu questions. Speakers will address all comments to the entire Council as a whole and not one individual member. Discussions between speakers and the audience will not be permitted. Speakers will maintain decorum at all times. Speakers are expected to be courteous and respectful at all times regardless of who occupies the Council chairs. These guidelines will help ensure that a safe and productive meeting is held and all those wishing to address the Council will be afforded the opportunity.

SIDEWALK PROJECT – BETH HEILE, 5291 MINERAL SPRINGS MTN AVE, VALDESE: Ms. Heile reported that the Friends of the Valdese Rec were invited to assist with the Lovelady Sidewalk Project. She emphasized their understanding of the dedication required to navigate a complex project with big community impact. Ms. Heile expressed concern that, given the time and effort invested and the benefit the sidewalk would provide to the Town, it would be disappointing if this previously approved project did not move forward.

SEVERAL THINGS – RICK MCCLURD, 408 GARROU AVE SE, VALDESE: Mr. McClurd discussed the Lovelady Sidewalk Project, noting the high pedestrian traffic along Carolina and its potential benefits. However, he expressed concern about designating \$300,000 from the Town's budget at this time. He also addressed the pool cover, questioning its cost-effectiveness based on reported usage numbers. He noted that with only around 61 users from Valdese using the pool in the wintertime, and 50-100 outside the Town, the investment may not be justified at this time. Mr. McClurd suggested reconsidering the project in a future budget cycle, given other financial priorities such as the Fire and Police Department projects. Additionally, he raised concerns about potential tax increases due to upcoming major expenses, emphasizing the importance of maintaining a balanced budget while being mindful of residents' financial burdens.

SIDEWALK – ALLEN KING, 929 MAIN ST W, VALDESE: Mr. King addressed the Council regarding infrastructure spending priorities. He expressed concerns about the lack of sidewalks in his area and suggested a pedestrian bridge over Highway 70 for safety, though he acknowledged its impracticality and high cost. Mr. King noted the allocation of funds for the Lovelady Sidewalk Project, arguing that federal and

local tax dollars should be directed toward more essential needs, such as improving Police and Fire Department facilities and increasing Officer salaries. He also questioned the justification for the proposed pool cover, noting the limited number of users compared to its cost. Mr. King urged the Council to focus on fiscal responsibility, prioritize essential services, and reconsider funding for non-critical projects. Mr. King encouraged the Council to, "JUST SAY NO."

POOL – SUSAN STEVENSON, 1009 CREEKSIDE DR, VALDESE: Ms. Stevenson addressed the Council with several concerns, including the public safety building, road conditions, and the town manager position. However, her primary focus was on the pool structure. She urged the Council to uphold its previous approval of the project and avoid reversing course, emphasizing that many town projects, including the public safety building, have faced delays without progress. She highlighted the extensive work and planning that has gone into the pool project, noting that the existing bubble, originally expected to last 10 years, has remained in use for 25 years. She stressed the importance of maintaining a year-round pool for senior citizens, students, and the community, as it provides critical recreational opportunities and enhances the Town's reputation. Ms. Stevenson also referenced positive recognition Valdese has received for its Recreation facilities and urged the Council to remain committed to their campaign promise of maintaining Town services. She concluded by requesting that the Council move forward with the project so attention can be shifted to other pressing Town needs.

POOL/SIDEWALK – MARGARET SUNDELL, 3018 BEAR PAW AVE NW, VALDESE: Ms. Sundell addressed the Council regarding two key topics: the pool cover and the sidewalk project. She voiced support for the Council's previous vote in favor of a new pool cover, emphasizing that a permanent structure would provide long-term reliability and encourage greater community use. Regarding the sidewalk project, she highlighted the \$1.43 million in federal funding awarded to the Town in June of the previous year. She explained that this is a standard NCDOT agreement, requiring a \$286,000 local match spread over five years. She commended the efforts of Council members and staff in securing the grant and stressed the importance of utilizing the funds. Ms. Sundell warned that rejecting the grant could negatively impact the Town's ability to secure future funding. She urged the Council to move forward with the project, emphasizing its benefits for residents, employees, visitors, and future growth, as well as its alignment with broader state initiatives.

SIDEWALK – MARK SMALL, 712 MARIA AVE, VALDESE: Mr. Small addressed the Council, emphasizing the importance of prioritizing essential infrastructure over discretionary projects. He compared government spending to a wish list, cautioning against committing funds to every proposed initiative. While acknowledging the federal grant's 80/20 funding structure for the sidewalk project, he stressed that the Town's 20% contribution could be better allocated to more pressing needs. He highlighted critical infrastructure concerns, including Police and Fire facilities, water and sewer plant upgrades, street repairs, and the costly pool cover project. Additionally, he warned of potential future financial burdens on residents due to anticipated EPA regulations requiring plumbing replacements. Mr. Small urged the Council to focus on expanding the tax base through new industry and market value housing rather than increasing spending on amenities. He cautioned that underfunding infrastructure in favor of non-essential projects could jeopardize the Town's financial stability. Concluding with a reference to a well-known movie line, "How about no?"

POOL – LINDA CABOT, 822 GARDIOL AVE NE, VALDESE: Ms. Cabot addressed the Council, expressing concern over the town's perceived lack of progress on key projects. She questioned why the town remains stalled on multiple issues, including the pool cover, police and fire facilities, hiring a town manager, and the sidewalk project. Additionally, she voiced frustration over what she sees as excessive spending on the town attorney. She emphasized that the town has historically been admired but now appears unable to move forward, with decisions being revisited repeatedly. Ms. Cabot acknowledged her role as a taxpayer and expressed a willingness to contribute to essential services but stressed the need for responsible action. She warned that failure to make progress could deter qualified candidates from seeking the town manager position. Concluding, she urged the Council to break the cycle of inaction and take decisive steps to advance the town's priorities.

WATER BILL – TERRY MORRIS, 2284 ZION RD, MORGANTON: Ms. Morris, a resident of Morganton, addressed the Council regarding concerns over increased water bills for former Triple Community Water residents. She stated that her base water bill had risen by 50% to \$57.75 and expressed frustration that

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nearly 800 affected residents had no input or opportunity to appeal the increase. She also noted that many of her neighbors are on fixed incomes and struggling with the higher costs. Ms. Morris shared that she had met with the County Manager in December and was displeased to learn that while Valdese residents received a property tax reduction, her community was facing significantly higher water bills. She and other residents are now exploring options such as reconnecting their wells to reduce costs. She also described past interactions with town officials, including a town manager's suggestion to run a hose from her house to her barn as an impractical solution. Another town official reportedly stated that the higher water rates were due to the installation of industrial-grade equipment. Ms. Morris concluded by expressing disappointment in the town's handling of the water system transition, stating that it feels like the affected residents are unfairly shouldering the burden of the town's tax cuts.

ADDED ITEM: Councilman Harvey made a motion to add the *Interim Town Manager Contract Amendment* to the agenda, seconded by Councilwoman Ward. The vote was unanimous and motion carried. Mayor Watts noted that would be our first item under new business.

Councilman Harvey made a request to remove items 7 F, G, H from the consent agenda.

CONSENT AGENDA: (enacted by one motion)

APPROVED PRE-AGENDA MEETING MINUTES OF NOVEMBER 18, 2024

APPROVED REGULAR MEETING MINUTES OF DECEMBER 2, 2024

APPROVED CLOSED SESSION MINUTES OF DECEMBER 2, 2024

APPROVED SPECIAL CALLED MEETING MINUTES OF DECEMBER 11, 2024

APPROVED CLOSED SESSION MINUTES OF DECEMBER 11, 2024

APPROVED AMENDMENT TO DATE ON AUDIT CONTRACT Audit contract between the Town of Valdese and Lowdermilk Church & Co., L.L.P. has been updated to reflect a new submission deadline to the LGC, extended from October 31, 2024, to December 31, 2024.

Councilman Harvey made a motion to approve the aforementioned items on the Consent Agenda, seconded by Councilwoman Zimmerman. The vote was unanimous and motion carried.

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: *Items 7 F, G, H

***7 F: APPROVED RESOLUTION SUPPORTING HOUSE BILL 971 AND COMPLIANCE WITH NCGS §143-805** Councilman Harvey emphasized that this policy simply ensures that Town employees and officials are prohibited from using Town devices or networks to access inappropriate content, such as pornographic material.

TOWN OF VALDESE
RESOLUTION
PROHIBITING VIEWING OF PORNOGRPAHY
ON TOWN NETWORKS AND DEVICES

WHEREAS, House Bill 971 / North Carolina General Statute §143-805 requires all public agencies to adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by the Town of Valdese; and

WHEREAS, the Town of Valdese prohibits the viewing of pornography by its employees on the Town's network or devices owned or maintained by the Town.

NOW, THEREFORE, be it resolved that the following policies shall apply in the Town of Valdese:

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No employees of the Town of Valdese, elected officials, or Town appointees shall view pornography on any computer network owned, leased, maintained, or otherwise controlled by the Town, whether on a Town owned and maintained device, or a privately owned or controlled device.

No employee, elected official, or appointee of the Town shall view pornography on a device owned, leased, or maintained or otherwise controlled by the Town.
Each year, and no later than August 1, the Town shall report information required in NCGS §143-805 to the State Chief Information Officer.

This policy shall not apply to investigation, law enforcement training, or actions related to law enforcement purpose; identifying potential security or cyber security threats, establishing, testing, and maintaining firewalls, protocols, and otherwise implementation of this policy; or other exceptions as specifically set forth in NCGS §143-805(d).

The terms used herein shall be defined as set forth in NCGS §143-805(g).

Any employee, elected official, or appointee of the Town who has saved pornography to a device owned, leased, maintained or otherwise controlled by the Town shall remove, delete or uninstall the pornography no later than January 1, 2025.

Any employee of the Town who violates any provision of this policy shall be subject to disciplinary action under the Town's personnel policy.

Any appointee of the Town who violates the provision of this policy shall be subject to removal by the Town Board.

Any elected official who violates any provision of this policy shall be subject to censure proceedings. *BE IT FURTHER RESOLVED* that this Resolution shall become effective on the date of its adoption. This the ____ day of _____, 2025.

/s/ Charles Watts, Mayor

ATTEST:

/s/ Town Clerk

***7 G: APPROVED INTERIM MANAGER TO EVALUATE, DEVELOP A PLAN AND REPORT ON THE FOLLOWING:** Councilman Harvey would like to add to *i. Town's opportunity to participate in Federal Disaster Relief Funding, Wildfire Prevention*, given the severity of the ongoing wildfires in California—one of the worst disasters in the nation's history. He believes the federal government may introduce new funding programs and wants to ensure the Town is well-positioned to take advantage of any available assistance.

- i. Town's opportunity to participate in Federal Disaster Relief Funding and Wildfire Prevention;
- ii. Town's need and opportunities for Additional Public Safety Building Funding;
- iii. Town's participation in Patriot Relief program;
- iv. Town's development of a high-level DOT Long-Range Street Resurfacing Program plan;
- v. Town's water quality issues/complaints;
- vi. Town's Employer Visitation Plan for 2025;

***7 H: APPROVED COLLABORATION BETWEEN VALDESE CODE ENFORCEMENT AND WPCOG TO EVALUATE, DEVELOP A PLAN, AND REPORT ON THE TOWN'S CURRENT ENFORCEMENT OF ABANDONED, NONCOMPLIANT AND/OR NEGLECTED PROPERTIES AND RECOMMENDED IMPROVEMENTS** Councilman Harvey noted that many citizens attend Council meetings to report violations related to homes and zoning ordinances. He expressed concern that the current approach is not effective and suggested seeking assistance from the WPCOG to improve enforcement and resolution efforts.

Councilman Harvey made a motion to approve the removed items from the Consent Agenda, seconded by Councilman Ogle. The vote was unanimous and motion carried.

ADDED ITEM: Councilman Ogle made a motion to add a **CLOSED SESSION PURSUANT TO NC GENERAL STATUTE 143-318.11(A)(6)** to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee, seconded by Councilwoman Zimmerman. The vote was unanimous and motion carried.

ADDED ITEM – APPROVED INTERIM TOWN MANAGER CONTRACT AMENDMENT Councilman Harvey stated that Attorney Swanson has presented the Council with an amendment to the Interim Manager's contract, extending the expiration date beyond December 31, 2024, until a permanent Town Manager is hired and begins their role.

Councilman Harvey made a motion to approve the amendment that Attorney Swanson has drafted and recommended, seconded by Councilwoman Ward. The vote was unanimous and motion carried.

PUBLIC SAFETY FACILITIES UPDATE Interim Town Manager Bo Weichel shared the following update on the Public Safety Facilities:

- i. **Number of General Contractors sent RFQ**
- ii. **Responses or Reactions to Date**
- iii. **Next anticipated Action**

Public Safety Facilities RFQ process update

i. Request for Qualifications solicitation:

- ✓ Sent directly to ten General Contractors who have DB experience
- ✓ Posted on the NC eVP Procurement site for local government project advertisements
- ✓ Shared with Design Build Institute of America (DBIA)

ii. Responses to date

- ✓ Received one "not interested"
- ✓ Had three that requested and toured 215 E. Main - although not a requirement for SOQ
- ✓ Received several acknowledgment responses, but no comment on interest level

iii. Next action

- ✓ SOQ due January 31st
- ✓ Review of SOQ early February
- ✓ Select several to interview during late February

APPROVED APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

Planning Board: Councilwoman Lowman made a motion to appoint Mark Rostan to the Planning Board to fill the unexpired term of Roy Sweezy, seconded by Councilman Ogle. The vote was unanimous and motion carried.

Councilwoman Lowman made a motion to appoint Benton Brinkley to the Alternate term on the Planning Board filling the unexpired term of Barry Zimmerman, seconded by Councilwoman Ward. The vote was unanimous and motion carried.

Councilwoman Lowman made a motion to appoint Jordan Greene to the Alternate term on the Planning Board filling the unexpired term of Cindy Stephens who move to the main part of the Planning Board, seconded by Councilwoman Ward. The vote was unanimous and motion carried.

Facilities Review Committee: Councilwoman Lowman made a motion to appoint Tom Oxentine to the Facilities Review Committee who has experience in the Fire Department, seconded by Councilwoman Zimmerman.

Discussion: Councilman Harvey noted that when the Facilities Review Committee presented its final report to the Council, it recommended that the committee be terminated; however, no formal motion was made to do so. He questioned whether the committee still has a role and highlighted that its members brought

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valuable construction and facilities management experience. Additionally, he expressed uncertainty about whether the applicant has a background in construction.

Vote: Councilwoman Lowman – Yes, Councilman Harvey – No, Councilman Ogle – Yes, Councilwoman Ward – Yes, Councilwoman Zimmerman – Yes. The motion was approved and carried.

PERSONNEL CONSIDERATIONS RELATIVE TO BUDGET PLANNING Councilman Harvey emphasized the need for a review of the employee benefits program and expressed interest in providing staff development training. Interim Town Manager Bo Weichel noted that \$25,000 is allocated for training, with \$5,000 designated specifically for the Police Department. He explained that the Town had been waiting to see if a Town Manager would be hired before proceeding but stated that staff could move forward if the Council wished. Councilwoman Lowman suggested waiting until a Town Manager is in place, while Councilman Harvey proposed considering process improvement or team-building training.

- i. **Compa-Pay Salary and Position Study RFP** – Councilman Harvey moved this discussion under Management Consulting RFP.
- ii. **Review of Employee Benefits Program**
- iii. **Staff Development Training Plan and Near-term Needs**
 - **Plan for Optimum Use of \$30,000 budgeted for FY 25**
 - **Needs Identified for FY 26 Planning**

Councilwoman Ward made a motion to roll the staff development training over to next budget, seconded by Councilman Ogle. The vote was unanimous and motion carried.

NOT APPROVED - MANAGEMENT CONSULTING RFP Councilman Harvey proposed hiring a consulting firm to assess the Town's organizational structure, staff operations, and make recommendations in collaboration with the Interim or permanent Town Manager. He shared that he reached out to several consulting firms and had a 30-minute conversation with one, which he found insightful. Along with Mr. Weichel and Councilwoman Ward, they discussed the possibility of conducting a Phase I study to identify necessary improvements and determine associated costs.

- i. **Broad Analysis of Organization Structure and Staffing Needs**
- ii. **In-depth Analysis of Operations**
- iii. **Identify Town Control Documents (forms, contracts) for legal counsel review**

Motion: Councilman Harvey made a motion for the Interim Manager to issue a RFP to management consulting firms seeking proposals to study the Town of Valdese operations, seconded by Councilwoman Ward.

Discussion: Councilwoman Lowman inquired whether the consulting firm's assessment would include a salary study. Councilman Harvey clarified that the organizational review would take place before any pay study. He reminded the Council that the last salary study was conducted in 2018, and while the recommendation was to budget \$500,000 to bring all salaries in line, the Council at that time approved only \$130,000 for salary adjustments. Councilwoman Zimmerman shared her past experience with a management consultant firm, noting that the outcome had little impact and essentially "disappeared." She suggested that if the Town moves forward with this, it should focus on firms with expertise in public services and reminded the Council that a pay study is already planned in the CIP for the next few years.

Vote: Councilwoman Lowman – No, Councilman Harvey – Yes, Councilman Ogle – No, Councilwoman Ward – Yes, Councilwoman Zimmerman – No. The motion was not approved.

STATUS OF ONGOING OR APPROVED PROJECTS Interim Town Manager Bo Weichel updated the following:

- i. **Strategic Planning: 2025 Citizens' Priorities Survey** – The survey was mailed out with utility bills in January/February, and an online version will be available through the end of February.

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- ii. **Rec Center ADA and Pool Cover Contracts** – These will be discussed later in the meeting.
- iii. **Status of Pool Cover Capital Fund Drive** – This will be discussed later in the meeting.
- iv. **Hoyle Creek Excavating and Trail Contract** - The Town has secured \$2.2 million in discretionary state funding for a side path along Lake Rhodhiss Drive and stream restoration work. An RFQ process was completed to hire engineering design services, with McGill Associates selected for the project. A kickoff meeting was held in mid-December, and their team has already begun an existing conditions survey. Field data collection will continue through January and February, with environmental field surveys scheduled to begin later this month. Coordination with NCDOT is ongoing to ensure a smooth project process.
- v. **Lovelady Road to Crescent Sidewalk** - This will be discussed later in the meeting.

Council members took a five-minute break.

APPROVED ORDINANCE DECLARING ROAD CLOSURES FOR THE TOWN OF VALDESE 2025 ANNUAL EVENTS

AN ORDINANCE DECLARING ROAD CLOSURE FOR TOWN OF VALDESE SPECIAL EVENTS

WHEREAS, the Town of Valdese desires to schedule an Independence Day Celebration; Annual Waldensian Festival; Treats in the Streets; and the Annual Valdese Christmas Parade; and

WHEREAS, part of US 70/Main Street in Valdese will need to be closed for each of these special events; and

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

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

2025 Independence Day Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on July 4, 2025 from 5:00 PM until 11:00 PM.

2025 Waldensian Festival Kickoff Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on August 8, 2025 from 5:00 PM until 11:00 PM.

2025 Waldensian Festival Celebration (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on August 9, 2025 from 5:30 AM until 11:00 PM.

2025 Valdese Treats in the Streets (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on October 31, 2025 from 3:30 PM until 6:30 PM.

2025 Valdese Christmas Parade (*Description of Closure: 1.19 mi. US 70 Main St from Hoyle St to Eldred St*) on December 6, 2025 from 9:30 AM until 12 Noon.

Signs shall be erected giving notice of the limits and times of these street closures as required by G.S. 20-169. THIS, the 13th day of January, 2025.

/s/ Charles Watts, Mayor

ATTEST:

/s/ Town Clerk

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Councilwoman Lowman made a motion to approve the road closures for 2025, seconded by Councilwoman Ward. The vote was unanimous and motion carried.

TABLED FOR SIX MONTHS - AIA DOCUMENT STANDARD FORM AND GENERAL CONDITION CONTRACT – POOL STRUCTURE

Interim Town Manager Bo Weichel presented the most recent financial data covering the period from October to April, along with usage statistics. Membership tracking began this month, with a focus on visitors using day passes, as there is no scan card system in place for that. Early data indicates an average of 75 daily visitors, with attendance rising to around 96 when a covered facility is available for pool parties, especially on weekends. Additionally, swim lessons are offered three times a week, with participation rates ranging between 30 and 32. Councilwoman Lowman pointed out that Silver Sneakers members are not included in these numbers. Mr. Weichel clarified that Silver Sneakers participants are categorized as day visits.

Covered Pool October - April	
Electric	\$3,283
Natural Gas	\$23,614
Part Time Staff	\$87,833
Chemicals	\$11,293
Expenses	\$126,023
Aquatic Day Passes	\$10,796
Pool Parties	\$10,243
Swim Lessons	\$2,262
Aquatics Memberships	\$11,673
Revenue	\$34,974
Net Operational Cost <i>(Expense - Revenue)</i>	\$91,049

Current Aquatics Memberships	
Resident	61
Non-Resident	88
Aquatic Usage	
Avg. Visits Per Day	75 visitors/day
Covered Pool Parties_Saturdays (when available)	96 patrons
Covered Pool Parties_Sundays (when available)	75 patrons
Cover Pool Swim Lessons 5pm (3x per week)	32 per session
Cover Pool Swim Lessons 5pm (3x per week)	30 per session

Mr. Weichel explained that to date, \$97,000 has been spent on the project, including \$90,486 for architectural services and \$6,500 for geotechnical testing. If the project proceeds to construction, the remaining architect contract will cost approximately \$22,000. Additional expenses include ADA compliance work required for grant eligibility.

The total project cost is estimated at just over \$2 million. However, with grant funding and a \$100,000 private donation, the Town’s potential financial obligation stands at approximately \$1.43 million. A capital campaign with a \$300,000 fundraising goal is set to launch. Mr. Compton is available to provide further details on the campaign.

POOL PROJECT IMPACT ON TOWN RESERVES	
Paid to date from Town Reserves	
Architect: Design Development & Construction Documents	\$ 90,486
CVET: Geotechnical Services (soil borings/ analysis report)	\$ 6,500
To be paid from Town Reserves	
Architect: Construction Administration	\$ 21,768
Houck Bid for Cover	\$1,793,930
Moss-Marlow quote for ADA work	\$ 123,000
Total to be Advanced from Reserves	\$2,035,684
Less Amounts of Reimbursement	
NC Grant (portion to be used for ADA accommodations)	\$ (500,000)
Private Donor Contribution	\$ (100,000)
Net Depletion of Reserves	\$1,435,684
Less any amount raised by approved fund drive	
Goal	\$ (300,000)

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Scott Compton, Chairperson of the Parks and Recreation Commission, provided an update on the capital funds campaign for the pool structure. A fundraising framework has been established, modeled after previous successful campaigns, such as the Wayne Owens Gymnasium. Key initiatives include:



What's Been Done?:

- Donation Request Letters Drafted
- Donation Tiers Established
- Donor Recognition Established
 - Donor Wall/ Plaques in Pool Lobby
 - Banners in Pool Area
- Donation Events Identified
 - Polar Plunge (February)
 - Swim-a-Thon (August)

What's to Do Before/At Launch?:

- Finalize Website
- Send finalized request letters to community members and patrons
 - Include donation form/letter in water bill mailing in March
- Finalize and send press release announcing the start of the campaign
- Print Posters for the Pool/Fitness Center lobby for users to easily see campaign information and progress.

Mr. Compton noted pending Town Council approval, the campaign is set to launch immediately. The estimated project timeline is approximately 240 days from the start of construction. Councilwoman Ward was concerned about the pool being shut down during the summer. Mr. Weichel reminded Council the grant is effective for three years.

Councilwoman Ward expressed concerns about prioritization and strategic planning for town projects. She noted that while the pool enclosure is important to many residents, the town must first address critical public safety needs, including facilities for police and fire personnel. She emphasized the importance of following the town's strategic plan, which prioritizes public safety and hiring a new town manager before taking on additional projects. She acknowledged the council's efforts in the manager search and stressed the need for patience and focus to ensure effective governance. Councilwoman Ward also highlighted concerns from residents in Ward 5 regarding lack of investment in their area, citing past removals of recreational amenities and unmet infrastructure needs. She firmly opposed any tax increases and urged the council to stay committed to the strategic plan, advocating for a temporary pause on the pool enclosure project until public safety priorities are addressed.

Councilman Harvey expressed surprise that discussions on the pool cover project were moving forward despite the Council's unanimous vote on October 7 prioritizing public safety facilities, specifically the police station. He reiterated that this was communicated to the town and the Parks and Recreation Commission. He emphasized the importance of making fact-based decisions, citing his background in management and finance. He referenced previous budget discussions from June 2022, noting that at the time, the pool bubble was deemed structurally sound for another decade, yet it collapsed multiple times within months. He highlighted the irony that on Election Day, when a new majority was elected due to concerns over a 67% tax increase, the pool bubble collapsed again. Councilman Harvey recalled a December 2023 meeting where the Rec Center Director proposed a \$423,000 solution for a new bubble and ventilation system, which could have been largely covered by a \$500,000 ADA grant. However, the Parks and Recreation Commission pursued a different approach, leading to the current proposal costing approximately \$1.435 million. He expressed concerns about the financial impact of using reserves for this project, questioning how it might affect funding for the public safety building. He concluded by seeking clarity on whether delaying the pool cover project would also delay necessary ADA compliance upgrades at the Rec Center.

Mr. Weichel discussed the separation of ADA compliance work from the main bid package, ensuring it can proceed independently under the grant with updated quotes. This work falls below the formal bidding

threshold, allowing for direct contractor engagement and reimbursement under the grant. The discussion then shifted to the indoor pool cover project, with concerns raised about previous data inconsistencies on pool usage and cost estimates. Some council members expressed frustration over evolving figures and the urgency of the decision. The Parks and Recreation Commission's efforts to secure grant funding for the project were acknowledged, but members debated the financial impact of allocating \$1.4 million from reserves. Council members deliberated on whether borrowing funds for the pool cover was a viable alternative to depleting reserves, weighing the impact on future borrowing capacity for the public safety building. Some argued that delaying the project could increase costs, while others stressed prioritizing public safety infrastructure, citing a previous unanimous vote to make it the town's top priority. Concerns were raised about the town's fund balance and maintaining financial stability for unforeseen emergencies. Historical context was provided regarding the ongoing delays in addressing the deteriorating public safety building, including past engineering recommendations that were not acted upon. The conversation concluded with calls to refocus on the public safety project before committing significant funds to other expenditures.

Motion: Councilman Harvey made a motion to table this item for six months, which will give us an opportunity to responses back from the RFQ for the Public Safety Facilities, seconded by Councilwoman Ward.

Vote: Councilwoman Ward – Yes, Councilwoman Zimmerman – No, Councilman Ogle – Yes, Councilman Harvey – Yes , Councilwoman Lowman – No. The motion carried.

NO ACTION CAPITAL PROJECT ORDINANCE AMENDMENT – POOL STRUCTURE Mayor Watts said there would not be a need to address this item that went in conjunction with the pool structure.

NO MOTION MUNICIPAL AGREEMENT APPROVAL – LOVELADY ROAD SIDEWALK PROJECT

Interim Town Manager Bo Weichel provided an overview of Phase 1 of the project, which is funded through an 80/20 match, with \$1.14 million in federal grant funds and approximately \$286,000 from Town reserves. Phase 1 extends from Laurel to Crescent. Mr. Weichel noted if Phase 1 moves forward, Phase 2 would be considered, extending the project from Crescent to Lake Rhodhiss Drive. The estimated town contribution for Phase 2 would be around \$500,000. Mr. Weichel noted the application process for Phase 2 would be in the spring.

Councilman Harvey highlighted when they learned they had a 30-day window for applying for available federal LAPP funds totaling \$3.5 million, open to municipalities within the Greater Hickory Metropolitan Organization, covering four counties. He noted that WPCOG warned us that there was a requiring 20% local match and intensive project management. As a member of the Transportation Advisory Committee, he became aware of the opportunity and discussed it with Interim Manager Steen and Planning Director Johnson, advocating for a modest application. However, instead of pursuing his recommendations like bicycle paths, updating traffic controls, redoing intersections, etc., a two-phase project was submitted, requesting \$3.6 million—exceeding the total available funding. By the time the application reached the Council, it was too late to modify. He supported the request but expressed concerns about the project's feasibility, likening it to Pittsburgh's "Bridge to Nowhere."

Councilwoman Zimmerman emphasized that demonstrating a commitment to the project could enhance Valdese's standing with the Greater Hickory Metropolitan Organization (GHMO), increasing the likelihood of securing future grant funding. Conversely, failing to follow through might negatively impact the Town's ability to receive grants moving forward.

Mayor Watts asked Council what there pleasure was and no one made a motion.

NO ACTION CAPITAL PROJECT ORDINANCE – LOVELADY ROAD SIDEWALK PROJECT Mayor Watts said there would not be a need to address this item that went in conjunction with the sidewalk project.

INTERIM MANAGER'S REPORT:

Correction on Valdese Recreation Center pool availability on July 4th

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Town Offices Closed Monday, January 20, 2025 in Observance of Martin Luther King Day

OCP Production: Willy Wonka Jr., Show Dates: January 23 - February 2, 2025, Thursdays, Fridays, Saturdays at 7:30 p.m. & Sundays 2:30 p.m. Visit www.oldcolonyplayers.com for more information and to purchase tickets.

Next Agenda Review Council meeting is scheduled for Monday, January 27, 2025, 6:00 p.m., Council Chambers, Valdese Town Hall

Public Input Meeting – Parks & Rec Comprehensive Plan, Tuesday, January 28, 2025, 11:00 a.m. – 12:30 p.m., Splash Pad Multi-Purpose Room, 408 Hill St. SE, Valdese

Public Input Meeting – Parks & Rec Comprehensive Plan, Saturday, February 1, 2025, 10:00 a.m. – 11:30 a.m., Splash Pad Multi-Purpose Room, 408 Hill St. SE, Valdese

Next Regular Council meeting is scheduled for Monday, February 3, 2025, 6:00 p.m., Council Chambers, Valdese Town Hall

Bluegrass at the Rock welcomes Joe Mullins & The Radio Ramblers - February 8, 2025 at 7:30pm Old Rock School Auditorium - tickets available at visitvaldese.com

MAYOR AND COUNCIL COMMENTS

Mayor Watts expressed appreciation for the Public Works Department's excellent work on the streets. He also acknowledged the Old Rock School staff for hosting events that brought many visitors to town, highlighting his enjoyment of the Hatley Memorial Tree Lighting Ceremony. Regarding the town manager search, he noted that progress has been slower than hoped, and no candidate has been selected yet. He reminded the Council to be cautious about conducting town business via email and text.

Councilwoman Zimmerman acknowledged the town's public safety staff, including firefighters and police. She noted that last Thursday was Law Enforcement Appreciation Day and expressed her hope that officers received recognition from the community. She publicly thanked them for their service and reiterated the town's appreciation for their work.

ADDED - CLOSED SESSION PURSUANT TO NC GENERAL STATUTE 143-318.11(A)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee.

At 8:30 p.m., Councilman Ogle made a motion to go into closed session, seconded by Councilwoman Ward. The vote was unanimous and motion carried.

At 8:41 p.m., Councilman Ogle made a motion to return to open session, seconded by Councilwoman Ward. The vote was unanimous and motion carried.

ADJOURNMENT: At 8:43 p.m., there being no further business to come before Council, Councilman Harvey made a motion to adjourn, seconded by Councilwoman Ward. The vote was unanimous and motion carried.

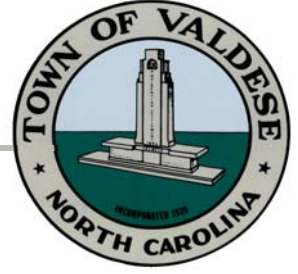
Town Clerk

Mayor

jl

Town of Valdese

COUNCIL MEMO



Resolution
 Ordinance
 Contract
 Discussion
 Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Annual Audit

Meeting: 2/3/2025

Presenter: Bo Weichel, Interim Town Manager

ITEM OF INTEREST:

FY 2024-25 Annual Audit Contract

BACKGROUND INFORMATION:

Last year the Town solicited an RFP process to retain auditing and financial statement services for the following three (3) years. Lowdermilk Church & Co. was the awarded CPA firm based on their price and excellent results for the Town in prior years.

The North Carolina Local Government Commission (LGC) does not enforce formal bid requirements for auditing services due to the professional relationship formed between auditors and clients over an extended work history. The Secretary of the Local Government Commission approves all local government contracts for audit or audit-related work. Which must be presented annually to the governing board for adoption.

Lowdermilk Church & Co. offers a competitive rate for their services and is widely known for their professional staff and service throughout the local government community. The proposed fees for the Town for fiscal years ending June 30, 2025 is \$18,250. This price reflects an increase of \$350 over the prior year.

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

Accept and approve the audit contract for FY ending June 30, 2025 with Lowdermilk Church & Co., LLP.

LIST OF ATTACHMENTS:

LGC-205 form (Contract to Audit Accounts)

The of and	Governing Board Town Council
	Primary Government Unit Town of Valdese
	Discretely Presented Component Unit (DPCU) (if applicable) NA

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Lowdermillk Church & Co., LLP
	Auditor Address 121 North Sterling Street, Morganton, NC 28655

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/25	Date Audit Will Be Submitted to LGC 12/31/25
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Must be within six months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the! Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall besubjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall!be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate!DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic!financial statements shall include budgetary comparison information in a budgetary comparison statement,!rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. If the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period, the Auditor shall perform the audit in accordance with *Government Auditing Standards* (GAGAS). The Governmental Unit is subject to federal single audit requirements in accordance with Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards*, Subpart F (*Uniform Guidance*) and the State Single Audit Implementation Act. Currently the threshold is \$750,000 for a federal single audit and \$500,000 for a State Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501) the Auditor and Governmental Unit(s) should discuss, in advance of the execution of this contract, the responsibility for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512) to ensure proper submission.

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within six months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Preparing financial statements in their entirety shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name: Bo Weichel	Title and Unit / Company: Interim Town Manger/CFO	Email Address: bweichel@valdesenc.gov
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OR Not Applicable (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

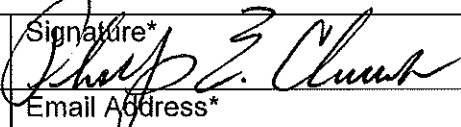
4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	Town of Valdese
Audit Fee (financial and compliance if applicable)	\$ 12775
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$ 5475
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$ 18,250

Discretely Presented Component Unit	NA
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Lowdermillk Church & Co., LLP	
Authorized Firm Representative (typed or printed)* Phillip E. Church	Signature* 
Date* 1-14-25	Email Address* phil.church@lowdermillkchurchcpa.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Valdese	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)* Charles Watts	Signature*
Date	Email Address* mayor@valdesenc.gov

Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by This Transaction:	\$ 18,250
Primary Governmental Unit Finance Officer* (typed or printed) BoWeichel	Signature*
Date of Pre-Audit Certificate*	Email Address* bweichel@valdesenc.gov

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
NA	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by this Transaction:	\$
DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

Lowdermilk Church & Co., L.L.P
Certified Public Accountants

121 North Sterling Street
Morganton, North Carolina 28655
Phone: (828) 433-1226
Fax: (828) 433-1230

January 13, 2025

To the Honorable Mayor and Members of the
Town Council
Town of Valdese
Valdese, North Carolina

We are pleased to confirm our understanding of the services we are to provide for Town of Valdese, North Carolina for the year ended June 30, 2025.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements, of Town of Valdese, North Carolina as of and for the year ended June 30, 2025. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Town of Valdese, North Carolina's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Town of Valdese, North Carolina's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budgetary Comparison Information.
- 3) Law Enforcement Officers' Special Separation Allowance Schedules of Changes in Total Pension Liability and Total Pension Liability as a Percentage of Covered Payroll.
- 4) Local Government Employee's Retirement System Schedule of the Proportionate Share of Net pension Liability (Asset) and Schedule of Contributions.
- 5) Schedule of Changes in Total OPEB Liability and Related Ratios.

We have also been engaged to report on supplementary information other than RSI that accompanies Town of Valdese, North Carolina's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements.

- 1) Combining and Individual Fund Financial Statements.
- 2) Budgetary Schedules.
- 3) Other Schedules.
- 4) Schedule of Expenditures of Federal and State Awards

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such

matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry.

We have identified the following significant risk(s) of material misstatement as part of our audit planning:

- Improper revenue recognition.
- Management override of controls.

The significant risk above were identified in the prior-period audit and we believe they are still relevant, however, planning has not been concluded and modifications may be made.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including the system of internal control, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Town of Valdese, North Carolina's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of Town of Valdese, North Carolina's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on Town of Valdese, North Carolina's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Responsibilities of Management for the Financial Statements and Single Audit

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and State awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America; and for compliance with applicable laws and regulations (including federal and State statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of financial statements, schedule of expenditures of federal and State awards, all financial records, and related information available to us; for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers); and for the evaluation of whether there are any conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for the 12 months after the financial statements date or shortly thereafter (for example, within an additional three months if currently known). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal and State awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

You are responsible for identifying all federal and State awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains, and indicates that we have reported on, the schedule of expenditures of federal awards. You also agree to [include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and State awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

With regard to publishing the financial statements on your website, you understand that websites are a means of distributing information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information on the website with the original document.

Other Services

We will also assist in preparing the financial statements, schedule of expenditures of federal and State awards, and related notes of Town of Valdese, North Carolina in conformity with accounting principles generally accepted in the United States of America and the Uniform Guidance based on information provided by you. We will also prepare the following based on information provided by you: AFIR, Data Collection Form and Unit Data Input Worksheet and updating depreciation schedules. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal and State awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statements, schedule of expenditures of federal and State awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, the schedule of expenditures of federal and State awards, and related notes and that you have reviewed and approved the financial statements, the schedule of expenditures of federal and State awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations and schedules we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal and State awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the Federal Audit Clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the Town, however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Lowdermilk Church & Co., L.L.P. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Local Government Commission or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Lowdermilk Church & Co., L.L.P. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Local Government Commission. If we are aware that a federal or State awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Phillip E. Church is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

To ensure that Lowdermilk Church & Co., L.L.P.'s independence is not impaired under the AICPA *Code of Professional Conduct*, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, confirmation service provider fees, etc.) except that we agree that our gross fee, including expenses, will not exceed \$18,250. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will keep you informed of any problems we encounter and our fees will be adjusted accordingly. We are required to inform you that we charge interest at a rate of 18% per annum on all invoice over 30 days old.

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter

Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to Honorable Mayor and the Town Council of the Town of Valdese, North Carolina. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

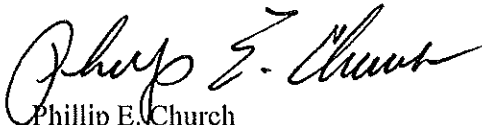
If circumstances occur related to the condition of your records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue reports, or withdrawing from the engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

You have requested that we provide you with a copy of our most recent external peer review report and any subsequent reports received during the contract period. Accordingly, our 2021 peer review report accompanies this letter.

We appreciate the opportunity to be of service to Town of Valdese, North Carolina and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,



Phillip E. Church
Partner

RESPONSE:

This letter correctly sets forth the understanding of Town of Valdese, North Carolina.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

Town of Valdese

AGENDA MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Town of Valdese Alcohol Request Letters

Meeting: February 8, 2025

Presenter: Bo Weichel

ITEM OF INTEREST:

Annual alcohol request letters for Independence Day, Waldensian Festival and the Christmas in November Craft Show. The parties the letters are from are requesting Town Council permission to sell beer or wine at the events listed.

BACKGROUND INFORMATION:

The Valdese American Legion Ladies Auxillary requests to sell beer at the Valdese Independence Day Celebration on 7/4/25 on Main Street in the designated beer garden area. All patrons will be id verified and wristbanded. The Legion will secure all required permitting throught NC ABC commission.

- The Valdese American Legion Ladies Auxillary has sold beer for the Indeppence Day Celebration for several years. This event serves as a fundraiser for their organization as outlined in their request letter.

Waldensian Style Wines requests to sell wine and wine slushies at the Spring Craft Market, Valdese Indeppence Day Celebration, Waldensian Festival, and Christmas in November Craft Show. Waldensian Style Wines will verify id's and will wristband those who purchase wine. Waldensian Style Wines will secure all required permitting throught NC ABC commission.

-Waldensian Style Wines is a locally owned winery and has sold wine at Valdese events for several years. The events generate revenue for their business and helps continue the preservation of "Waldensian Style Wine."

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

Approve request letters

LIST OF ATTACHMENTS:

Letter from Valdese American Legion Ladies Auxillary
Letter from Eddie Zimmerman - Waldensian Style Wines



Town of Valdese,

Strategic planning for our annual fundraising efforts for the American Legion Post 234 in Valdese has begun. With this being said I, Tamara Strickley Commander of Post 234, would like to formally request permission for our Ladies Auxiliary to sell beer at the following Town sponsored events:

-Independence Day Celebration on July 4, 2025 from 5:00pm until 11:00pm
(In the designated area in the 100 block of West Main Street in Downtown Valdese)

The American Legion was founded in 1919 in Paris, France, at the close of World War I. The organization now includes veterans of World War II, Korea, Vietnam, Lebanon/Grenada periods, Operation Just Cause in Panama, Desert Storm, Enduring Freedom, Operation Iraqi Freedom and Global War On Terror. The American Legion Post 234 in Valdese, North Carolina provides local outreach to veterans, provides support to local schools, and serves community needs.

It Is our mission to support the community, provide for local veterans of all ages, and raise awareness and engage in fundraisers for veterans concerns both nationally and within the city of Valdese, NC. In order to meet our mission and provide these services in our community, we rely on these fundraisers and the generosity of individuals and businesses for support. Without the assistance of community-minded Individuals just like you, we wouldn't be able to serve veterans and their families both locally and abroad as well as contribute to needs within our community each year.

Thank you for considering our request.

Sincerely,
Tamara Strickley
Post Commander
American Legion Post 234
Phone: 828-879-8982 with any questions.
Tax Classifications: 601 (c)19 Not for profit military organization
FIN: 56-1881998



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

Town of Valdese,

Waldensian Style Wines respectfully requests to sell wine at the following events:

- Craft Market – Saturday, April 26th, 2025 from 9am-4pm behind the Old Rock School
- Independence Day Celebration on July 4, 2025 from 5:00pm until 11:00pm
- 49th Annual Waldensian Festival
 - August 8, 2025 from 5pm until 11pm
 - August 9, 2025 from 9am until 5pm(In the designated area in the 100 block of West Main Street in Downtown Valdese)
- Christmas in November Craft & Gift Show located at the Old Rock School (Waldensian Room)
 - November 7, 2025 from 4pm until 8pm
 - November 8, 2025 from 9am until 2pm

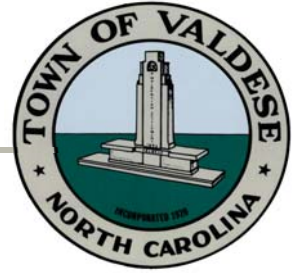
All our wines are listed as North Carolina wines. Waldensian Style Wines does have a Special Event permit and will follow the guidelines enforced by the North Carolina ABC Commission.

Sincerely,

Eddie Zimmerman
Waldensian Style Wines Owner

Town of Valdese

AGENDA MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Budget amendment 8-10: Wayne Owens Gymnasium Gutter and Fascia

Meeting: February 3, 2025

Presenter: Bo Weichel, Interim Town Manager

ITEM OF INTEREST:

Gutter and fascia board along eastern side of Wayne Owens gymnasium.

BACKGROUND INFORMATION:

Valdese Parks and Recreation staff recently observed water entering the bowling alley. Subsequent investigation by a local contractor revealed that the gutter along the adjacent gymnasium has detached from the fascia board due to fascia rot.

To prevent further water damage to the bowling alley, immediate repairs are necessary to replace the fascia materials, prevent further rot, and reattach the gutter.

BUDGET IMPACT:

Repairs not to exceed \$5,600.

RECOMMENDATION / OPTIONS:

Proceed with soliciting additional of quotes and a budget amendment for repairs not to exceed \$5,600

LIST OF ATTACHMENTS:

Four (4) images of gutter and bowling alley wall and ceiling

Budget Amendment # 8-10

Subject: Wayne Owens Gymnasium Gutter and Fascia

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, 2025:

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.		5,600
Total		\$0	\$5,600

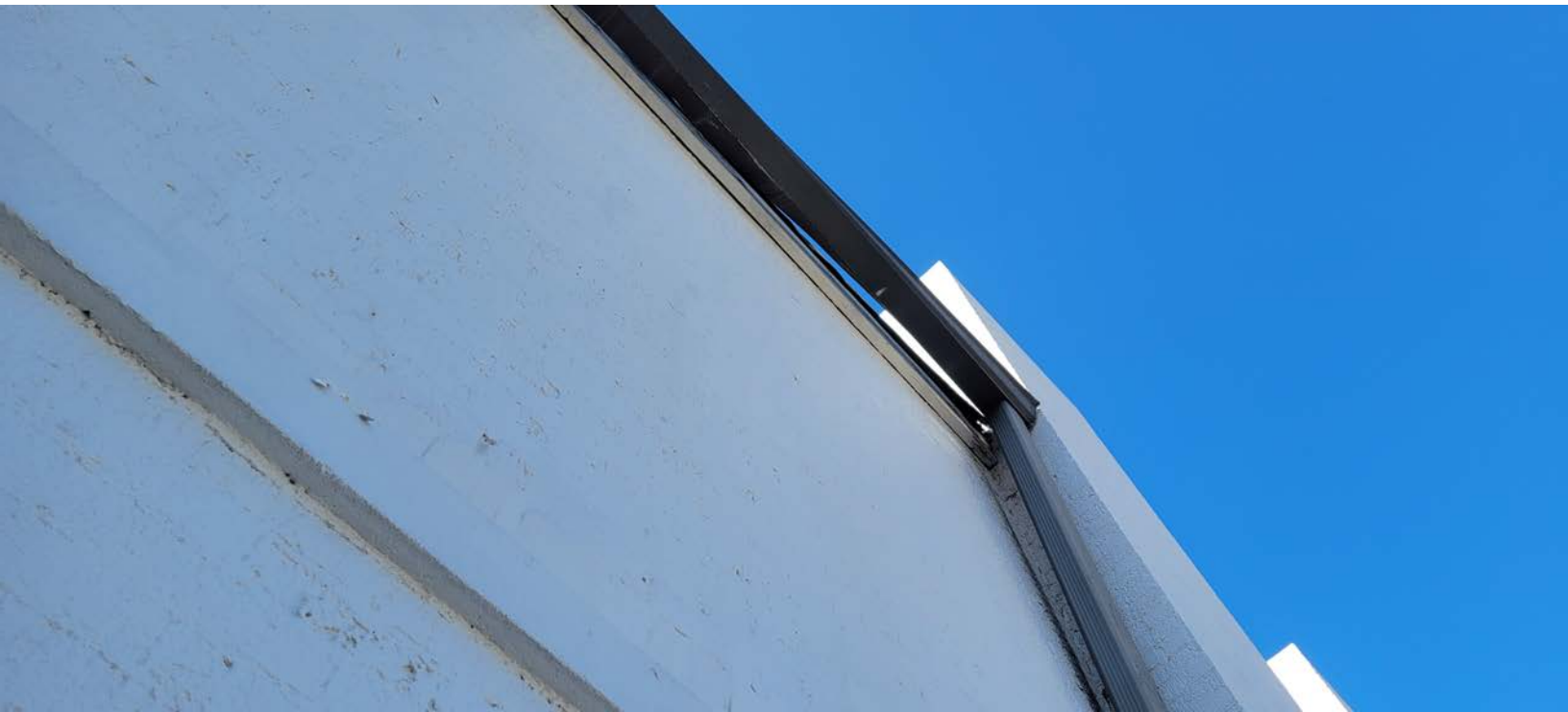
Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.6200.150	Maint. Repair of Buildings	5,600	
Total		\$5,600	\$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.









Town of Valdese

AGENDA MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Adoption of UDO

Meeting: Council Meeting - February 3, 2025

Presenter: Ben Hitchings, Green Heron Planning LLC; Ashlev Young, WPCOG Senior Planner/Valdese Interim Planner

ITEM OF INTEREST:

Adoption of Unified Development Ordinance (UDO) which combines and replaces the Town's current Zoning Ordinance, Subdivision Regulations, and Flood Damage Prevention Ordinance.

BACKGROUND INFORMATION:

Communities across North Carolina have been adopting UDOs to combine planning and development ordinances into a single, easy-to-use document, clarify guidelines with improved text and better graphics, and address persistent code issues and changes to state law.

Over the past two years, Green Heron Planning, LLC, Ben Hitchings, has worked with former planning director, Larry Johnson, and Town Attorney, Tim Swanson, to develop the Town's UDO by doing the following: (1) Combine the Town's existing Zoning Ordinance, Subdivision Regulations, and Flood Damage Prevention ordinance into a single, easy-to-use document; (2) Create summary tables to provide a quick reference on the Development Review Procedures, Permitted Uses, and Dimensional Standards established by the Town; (3) Clarify and update the ordinance standards and procedures to remove conflicting language and help comply with current state and federal law; and (4) Update and modernize the development standards to address community land use and development issues on selected topics.

The result is a document that, once adopted by the Town Council, will be easier to use and better meet the current planning and development needs of the Town. UDOs are living documents that often change with the evolving needs of the community. As a result, the Town should make periodic updates to the UDO to meet the needs of the community.

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

Staff recommends adoption of the UDO with the provision that the UDO shall be effective for all new development, including any proposed additions or enlargements to existing development, upon adoption by the Town Council. For existing unaltered development, the UDO shall become effective on July 1, 2025. +

LIST OF ATTACHMENTS:

Technical Memorandum; Ordinance to Adopt the Unified Development Ordinance; UDO Document; Consistency and Reasonableness Statement; List of Major UDO Revisions

TO: Valdese Town Council
From: Ashley Young, Interim Planner (WPCOG)
DATE: February 3, 2025
SUBJECT: Unified Development Ordinance (UDO)

REQUESTED ACTION: Adoption of Unified Development Ordinance (UDO) which combines and replaces the Town's current Zoning Ordinance, Subdivision Regulations, and Flood Damage Prevention Ordinance.

BACKGROUND: Communities across North Carolina have been adopting UDOs to combine planning and development ordinances into a single, easy-to-use document, clarify guidelines with improved text and better graphics, and address persistent code issues and changes to state law.

Over the past two years, Green Heron Planning, LLC, Ben Hitchings, has worked with former planning director, Larry Johnson, and Town Attorney, Tim Swanson, to develop the Town's UDO by doing the following: (1) Combine the Town's existing Zoning Ordinance, Subdivision Regulations, and Flood Damage Prevention ordinance into a single, easy-to-use document; (2) Create summary tables to provide a quick reference on the Development Review Procedures, Permitted Uses, and Dimensional Standards established by the Town; (3) Clarify and update the ordinance standards and procedures to remove conflicting language and help comply with current state and federal law; and (4) Update and modernize the development standards to address community land use and development issues on selected topics.

The result is a document that, once adopted by the Town Council, will be easier to use and better meet the current planning and development needs of the Town. UDOs are living documents that often change with the evolving needs of the community. As a result, the Town should make periodic updates to the UDO to meet the needs of the community.

REVIEW CRITERIA:

1. Planning Board Recommendation: Planning Board reviewed the UDO throughout 2024 with former Planning Director, Larry Johnson, and consultant, Ben Hitchings. During the Planning Board Meeting on December 16, 2024 the Board reviewed and unanimously recommended the UDO for approval by Council.
2. Consistency with the Valdese Vision: A Land Use Plan: The Planning Board found the UDO to be consistent with the Valdese Vision adopted by the Valdese Town Council under the following provisions: (1) bringing the town's ordinances into compliance with current state statutes; (2) protecting natural environment and quality of life; (3) providing a clear and easy to understand ordinance that enhances readability; and (4) overall consistent with the Valdese Vision Plan.

RECOMMENDED ACTION:

Staff finds the Unified Development Ordinance (UDO) **consistent** with the Valdese Vision: A Land Use Action Plan for the Future, and recommends approval with the following consistency statement:

Consistency Statement:

The Town of Valdese Council recommends approval of the Town of Valdese Unified Development Ordinance (UDO) under the following consistencies:

1. Brings the Town's ordinances into compliance with current state statutes;
2. Protection of the natural environment and quality of life for the community by including the floodplain and watershed ordinances within the UDO;
3. Providing a clear and easy to understand ordinance by combining currently separate ordinances into one cohesive document, enhancing formatting for readability, and by adding use tables to clearly illustrate what uses are permitted within zoning districts and steps for approval.
4. The UDO is consistent with the current land use plan, Valdese Vision Land Use Action Plan.

**ORDINANCE OF THE TOWN OF VALDESE TO ADOPT THE UNIFIED
DEVELOPMENT ORDINANCE**

WHEREAS, in 2014, the Town of Valdese (the “*Town*”) adopted a comprehensive land use plan entitled “The Valdese Vision: A Land Use Action Plan for the Future” (the “*Comprehensive Plan*”) to guide the growth, development, and investments made in the Town and focus on land use, environmental protection, and infrastructure planning; and

WHEREAS, the Town has not undertaken a major revision of the zoning ordinance in over twenty (20) years; and

WHEREAS, the Unified Development Ordinance (“*UDO*”), a copy of which is attached hereto as **Exhibit A**, is a Town-wide effort to update the Town’s development-related ordinances and regulations and consolidate them into one comprehensive document; and

WHEREAS, the UDO is divided into ten (10) sections: Chapter 1 (General Provisions); Chapter 2 (Administration); Chapter 3 (Zoning Districts); Chapter 4 (Use Standards); Chapter 5 (Development Standards); Chapter 6 (Subdivision Regulations); Chapter 7 (Flood Damage Prevention); Chapter 8 (Watershed Protection); Chapter 9 (Nonconformities); Chapter 10 (Enforcement); Chapter 11 (Interpretation and Definitions); and

WHEREAS, the UDO incorporates the best of the existing code with contemporary best practices and updates in the law into a new set of regulations, aligns the Town’s development-related ordinances and regulations with the vision adopted in the Comprehensive Plan, and builds from other Town policies and initiatives to strategically guide the Town’s future growth and development in a manner consistent with the Comprehensive Plan; and

WHEREAS, N.C. Gen. Stat. § 160D-604 and the current zoning ordinance provides that the Planning Board shall consider and make recommendations to the Town Council concerning each proposed zoning amendment and that, upon recommendation, Town Council shall hold a public hearing to consider the proposed amendment; and

WHEREAS, on December 16, 2024, the Planning Board considered and voted unanimously to recommend that Town Council amend the current zoning ordinances by adopting the UDO and found the UDO to be consistent with the Town’s Comprehensive Plan.

NOW, THEREFORE, be it hereby **ORDAINED**, by the Town Council of the Town of Valdese that:

SECTION 1. The UDO Public Hearing Draft, released on January ____, 2025, and presented to Town Council for public hearing on February 3, 2025, together with the Planning Board’s recommendations dated December 16, 2024, and the revisions directed to Town Council (collectively the “*UDO*”), are hereby adopted and enacted into the Town Code on February 3, 2025. The UDO shall be codified into the Town Code as a new Chapter ____.

SECTION 2. The UDO, as further set forth in the ordinance, shall be effective as follows:

- A. The UDO shall apply to all existing and new land and development in the Town beginning on July 1, 2025.
- B. Between February 3rd, 2025 and July 1, 2025, the UDO shall be available as an alternative set of Town land use requirements for all new development proposed, including any additions or enlargements to existing development and any changes of use on any properties. Any applications for new development that are submitted after February 3rd, 2025 and before July 1, 2025 may choose to be reviewed under either the new UDO or the existing development standards. No development application will be accepted for review during this time period until a letter has been provided that is signed by all property owners and notarized by a licensed Notary Public for all property proposed for inclusion in the new development. The letter shall state which set of development standards the applicant has chosen to have their project reviewed under, the existing standards or the new standards, and that they authorize this review using the applicable procedures specified by the Town in its ordinances.

SECTION 3. Except as otherwise authorized in this section, upon adoption of the UDO the following text amendments to the UDO may be made without further public hearing:

- A. Codify changes approved by Town Council in conjunction with the approval of the UDO.
- B. The addition of or changes to graphics; and
- C. To correct typographical or cross-reference errors.

SECTION 4. If any portion of the UDO is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions thereof. All laws, regulations or ordinances which are in conflict with the UDO are repealed as of the effective date hereof.

SECTION 5. The UDO has been adopted following a duly advertised public hearing held by Town Council and upon a recommendation and statement of consistency from the Town’s Planning Board.

ORDAINED by Town Council for the Town of Valdese, North Carolina, this ____ day of February, 2025.

THE TOWN OF VALDESE,
a North Carolina Municipal Corporation

(SEAL)

ATTEST:

By: _____
Charles Watts, Mayor

Jessica Lail, Town Clerk



Town of Valdese, NC Unified Development Ordinance

(Final Draft, 1-28-25)

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	Town of Valdese, NC Unified Development Ordinance
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CHAPTER 1: GENERAL PROVISIONS

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CHAPTER 1: GENERAL PROVISIONS

1.1 TITLE, AUTHORITY, AND PURPOSE

1.1.1 TITLE

This ordinance shall be known as the “Unified Development Ordinance” or “UDO,” and includes the “Watershed Chapter,” the “Flood Damage Prevention Chapter,” and “Subdivision Regulations,” among others. The map identified by the title “Official Zoning Map, Valdese, NC,” may be known as the “Zoning Map” or “Watershed Map.”

1.1.2 AUTHORITY

The Valdese Town Council enacts this Unified Development Ordinance under the authority granted by Chapter 160D and Chapter 160A, Article 8 of the North Carolina General Statutes, as well as any applicable or related local act or ordinance. .

1.1.3 PURPOSE

As authorized in Chapter 160D of the North Carolina General Statutes, this UDO regulates the uses of buildings, structures, and land for trade, industry, commerce, residence, recreation, public activities, or other purposes; the size of yards, and other open spaces; the location, height, bulk, number of stories, and size of buildings and other structures; the density and distribution of the population; creating districts for said purposes and establishing the boundaries thereof; the subdivision of land; defining certain terms used herein; providing penalties for violations; providing for a Board of Adjustment and Planning Board and defining the duties and powers of said Boards; repealing conflicting Chapters, and for other purposes.

1.2 APPLICABILITY

1.2.1 EFFECTIVE DATE

- A. This UDO shall apply to all existing and new land and development in the town of Valdese beginning on July 1, 2025.
- B. Between February 3rd, 2025 and July 1, 2025, this UDO shall be available as an alternative set of Town land use requirements for all new development proposed, including any



additions or enlargements to existing development and any changes of use on any properties.

1. Any applications for new development that are submitted after February 3rd, 2025 and before July 1, 2025 may choose to be reviewed under either the existing development standards or the new UDO standards.
2. No development application will be accepted for review during this time period until a letter has been provided that is signed by all property owners and notarized by a licensed Notary Public for all property proposed for inclusion in the new development.
 - a. The letter shall state which set of development standards the applicant has chosen to have their project reviewed under -- the existing standards or the new UDO standards -- and that they authorize this review using the applicable procedures specified by the Town in its ordinances.

1.2.2 JURISDICTIONS

Planning and development provisions of Chapter 160D shall apply to all property within the corporate limits of the Town of Valdese, and within any extraterritorial jurisdiction that may be established for the Town.

1.2.3 DEVELOPMENT APPROVALS RUN WITH LAND

Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made under this UDO attach to and run with the land.

1.2.4 ZONING MAP

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town of Valdese Clerk, and bearing the seal of the Town of Valdese. Said Map shall be retained in the office of the Planning Department of the Town of Valdese.

1.3 LEGAL STATUS

1.3.1 CONFLICT WITH OTHER REGULATIONS

Unless otherwise prohibited by N.C.G.S. 160A-174(b), when regulations in this UDO require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the



regulations made under authority of Chapter 160D of the North Carolina General Statutes shall govern. Unless otherwise prohibited by G.S. 160A-174(b), when the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations in this UDO, the provisions of that statute or local ordinance or regulation shall govern.

1.3.2 REPEAL OF EXISTING ZONING CHAPTER

On July 1, 2025, once this UDO has gone into effect for all property in the town of Valdese, all zoning Chapters or parts of same now in effect in the Town are hereby repealed; provided, however, that all suits at law or in equity and/or all prosecutions resulting from the violation of any zoning Chapter heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned because of the adoption of this UDO but shall be prosecuted to their finality the same as if this UDO had not been adopted; any violations of existing zoning Chapters, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this UDO shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

1.3.3 VALIDITY

Should any section or provision of this UDO be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the UDO as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.





Town of Valdese, NC Unified Development Ordinance

CHAPTER 2: ADMINISTRATION

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CHAPTER 2: ADMINISTRATION

2.1 SUMMARY OF DEVELOPMENT REVIEW PROCEDURES

All proposals for the use of buildings, structures, and land shall follow the development review procedures for the applicable development review type identified in Table 2.1-1.

TABLE 2.1-1: SUMMARY OF DEVELOPMENT REVIEW PROCEDURES

KEY:		N = Newspaper advertisement providing published notice L = Letter providing mailed notice S = Sign providing posted notice C = Correspondence to applicable agencies						
APPLICATION TYPE	UDO SECTION	PROCESS TYPE	NOTIFICATION REQUIREMENT	PRE-APPLICATION MEETING	REVIEW RESPONSIBILITIES			
					PLANNING DIRECTOR	PLANNING BOARD	BOARD OF ADJUSTMENT	TOWN COUNCIL
Appeals								
Floodplain	7.3.4.D	Quasi-Judicial	L	?			D	
Zoning	2.8.6	Quasi-Judicial	L, S	?	R		D	
Certificate of Occupancy		Administrative		?	D			
Floodplain Development Permit	7.3.2	Administrative	C	?	D			
High-Density Development Permit	8.5.7	Quasi-Judicial	N, C	?	R	D		
Major Subdivision	6.2.8							
Sketch Plan		Administrative		?	D			
Preliminary Plat		Administrative	C	?	R	R		D
Final Plat		Administrative		?	R	R		D
Minor Subdivision	6.2.3							
Sketch Plan		Administrative		?	D			
Final Plat		Administrative		?	D			
Multi-Phased Development		Legislative	N, L, S	?	R	R		D
Planned Unit Development		Legislative	N, L, S	?	R	R		D
Sign Permit	5.5	Administrative		?	D			
Site Plan				?				
Major		Administrative	C	?	R	R		D
Minor		Administrative		?	D			
Special Use Permit (SUP)	2.9	Quasi-Judicial	N, L, S	?	R	D		
UDO Amendment	2.8							
Map Amendment		Legislative	N, L, S	?	R	R		D
Text Amendment		Legislative	N	?	R	R		D
UDO Compliance Letter		Administrative		?	D			
UDO Interpretation		Administrative		?	D			
Variance								
Floodplain	7.3.5	Quasi-Judicial	L		R		D	
Major Watershed	8.2.4(B)	Quasi-Judicial	N, C	?	R		D ¹	
Minor Watershed	8.2.4(B)	Quasi-Judicial	L	?	R		D	
Zoning		Quasi-Judicial	L, S	?	R		D	
Vested Rights Approval	2.7				Same as for underlying permit			

NOTES:

1. With review and approval by the N.C. Environmental Management Commission.



2.2 PLANNING BOARD

2.2.1 ESTABLISHMENT OF THE PLANNING BOARD

- A. The Planning Board is hereby established as provided in N.C.G.S. § 160D-301.
1. The Planning Board shall consist of five regular (5) members and two (2) alternate members appointed by the Town Council for four (4) year staggered terms.
 2. Each Planning Board Member shall take an oath of office before starting his or her duties, as required in N.C.G.S. § 160D-309.
- B. The Planning Board shall adhere to the following rules:
1. Alternate members of the Planning Board shall attend all meetings and hearings but may fully participate only at those meetings at which one or more regular members are absent or are unable to participate in hearing a case because of financial or other interest.
 2. Alternate members must be well informed, ready, and capable of serving as a Board Member whenever circumstances make that necessary.
 3. Except at the election of the Chair, Vice-Chair, and Secretary, at no time shall more than five (5) members participate officially in any meeting or hearing.
 4. Alternate members may ask questions and offer comments and suggestions but may not make or second motions and may not vote on recommendations, decisions, or other issues unless filling the role of a regular member.
 5. Any vacancies in the membership shall be filled for the unexpired term in the same manner as the initial appointments. An alternate member will fill the vacancy until a new member can be approved to fill the unexpired seat.
 6. The members appointed to the Board shall be residents and citizens of the Town. If the Town ever establishes an area of extraterritorial jurisdiction, then representation shall be provided on the Planning Board in the manner required in N.C.G.S. § 160D-307.

2.2.2 DUTIES OF THE PLANNING BOARD

The Planning Board shall have the following powers and duties:

1. The Planning Board shall be responsible for reviewing and making recommendations regarding the following:



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1. Adoption of or amendments to the Comprehensive Plan and related plans;
 2. Amendments to the text of this UDO;
 3. Applications for zoning map changes;
 4. Preliminary and final plat review for major subdivisions;
 5. Applications for multi-phased developments;
 6. Site plan review for major subdivisions; and
 7. Vested right approvals.
2. The Planning Board shall be responsible for reviewing and deciding the following:
 1. Applications for High-Density Development Permits; and
 2. Applications for Special Use Permits.
 3. All decisions and recommendations of the Planning Board shall require an affirmative vote.
 1. Tie votes shall be considered decisions or recommendations for denial.
 4. The Planning Board shall perform related duties as directed by the governing board.
 5. The Planning Board may exercise additional powers as may be described elsewhere in this UDO.

2.2.3 OFFICERS, MEETINGS, QUORUM OF PLANNING BOARD

- A. On the date and at the time of the first regular meeting in January, the Planning Board shall elect a chair and a vice-chair from its members who shall serve for one (1) year or until re-elected or until their successors are elected.
- B. The Planning Board shall adopt rules of procedure for the conduct of its business, consistent with State law and this UDO.
- C. Meetings of the Planning Board shall be held once a month or at the call of the Chair. The Planning Board shall keep minutes of its proceedings.
- D. All meetings of the Planning Board shall be open to the public.
 1. A majority of the members (excluding alternate members unless they are fully participating at a meeting at which one or more regular members are absent or are unable to participate) shall constitute a quorum.



2.2.4 CONFLICTS OF INTEREST

- A. Members of the Town of Valdese Planning Board shall not vote on any decision regarding a development regulation adopted where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the planning board member.
- B. An appointed board member shall not vote on any zoning amendment if the landowner of the property or the applicant is a person with whom the member has a close familial, business, or other associational relationship.
- C. If an objection is raised to a board member's participation at or before the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

2.3 BOARD OF ADJUSTMENT

2.2.1 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

- A. A Board of Adjustment is hereby established as provided in Chapter N.C.G.S. § 160D-302.
- B. The Planning Board shall function as the Board of Adjustments as provided in N.C.G.S. § 160D-302.
 - 1. The officers of the Board of Adjustment shall be the same officers as the Planning Board.
- C. Each Board of Adjustment member shall take an oath of office before starting his or her duties, as required in N.C.G.S. § 160D-309.

2.3.2 DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall have the following powers and duties as specified in Table 2.1-1:

- A. The Board of Adjustment shall be responsible for final action regarding the following:
 - 1. Applications for variances, including zoning variances, floodplain variances, and major and minor watershed variances (in its role as Watershed Review Board); and
 - 2. Appeals of administrative decisions.

-
- B. The Board of Adjustment shall perform related duties as directed by the governing board.

2.3.3 OFFICERS, MEETINGS, QUORUM OF BOARD OF ADJUSTMENT

- A. The Board of Adjustment shall elect a chair and a vice-chair from its members who shall serve for one (1) year or until re-elected or until their successors are elected.
- B. The Board of Adjustment shall adopt rules of procedure for the conduct of its business, consistent with State law and this UDO.
- C. Meetings of the Board of Adjustment shall be held once a month or at the call of the Chair. The Board of Adjustment shall keep minutes of its proceedings. All meetings of the Board of Adjustment shall be open to the public.
- D. A majority of the members of the Board of Adjustment shall constitute a quorum.

2.3.4 CONFLICTS OF INTEREST

- A. Members of the Board of Adjustment shall not vote on any appeal or variance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- B. An appointed board member shall not vote on any appeal or variance if the landowner of the property or the applicant is a person with whom the member has a close familial, business, or other associational relationship.
- C. Quasi-Judicial Decisions – A member of the Board of Adjustment exercising quasi-judicial functions according to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision-maker.
 - 1. Impermissible violations of the due process include, but are not limited to, a member having a fixed opinion before hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or financial interest in the outcome of the matter.
- D. Resolution of Objection – If an objection is raised to a board member's participation at or before the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.



2.3.5 QUASI-JUDICIAL PROCEDURE

Process Required. – The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, follow statutory procedures for evidentiary hearings and quasi-judicial decisions required by N.C.G.S. § 160D-406, on any appeal or variance petition, which comes before it.

1. Notice of Hearing.

- (a) As per N.C.G.S. § 160D-406, notices of hearings shall be mailed to (1) the person or entity whose appeal, application or request is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing.
- (b) In the absence of evidence to the contrary, the county tax listing shall be used to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- (c) Staff shall transmit to the Board of Adjustment all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board, a copy is also provided to the applicant and to the property owner if that person is not the applicant. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
- (d) All parties with standing shall be allowed to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments.
- (e) For appeals of administrative decisions, the administrator or staff person who made the decision (or his or her successor if the person is no longer employed) shall be present at the quasi-judicial hearing to appear as a witness.
- (f)

2. Action by Board of Adjustment.



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- (a) The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal.
 - (b) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.
 - (c) The board shall vote in accordance with state law. Vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under N.C.G.S. § 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
 - (d) Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be approved by the board, signed by the chair or other duly authorized member of the board, and protected from further editing. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.
 - (e) If any aggrieved party wishes to receive a written copy of the decision of the Board of Adjustment, then the aggrieved party, as stated in N.C.G.S. § 160D1402(c), should file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Board of Adjustment prior to the date the decision becomes effective.
 - (f) The decision of the Board of Adjustment shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

3. Presentation of Evidence.

- (a) The applicant, the Town of Valdese, and any person who would have standing to appeal the decision under N.C.G.S. § 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing.
- (b) Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Board of Adjustment.
- (c) Objections regarding jurisdictional and evidentiary issues, including, but not limited



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- to, the timeliness of an appeal or the standing of a party, may be made to the Board of Adjustment.
- (1) The Board of Adjustment chair shall rule on any objections, and the chair's rulings may be appealed to the full Board of Adjustment.
 - (2) These rulings are also subject to judicial review pursuant to N.C.G.S. § 160D-1402.
 - (3) Objections based on jurisdictional issues may be raised for the first time on judicial review.
4. **Appearance of Official; New Issues.** The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.
 5. **Oaths.** The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
 6. **Subpoenas.** The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under N.C.G.S. § 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.
 7. **Appeals in Nature of Certiorari.** When hearing an appeal pursuant to N.C.G.S. § 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in N.C.G.S. §
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160D-1402(j).

8. Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under N.C.G.S. § 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
9. Decisions. The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.
10. Judicial Review. - Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to N.C.G.S. § 160D-1402. Appeals shall be filed within the times specified in N.C.G.S. § 160D-1405(d). The governing board of the local government that is a party to the judicial review of the quasi-judicial decision shall have the authority to settle the litigation, subject to Article 33C of Chapter 143 of the North Carolina General Statutes.

2.3.6 STAY OF PROCEEDINGS

- A. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Board of Adjustment and any subsequent appeal in accordance with N.C.G.S. § 160D-



1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board.

- B. Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or the Town of Valdese may request and the board may grant a stay of a final decision of development approval applications, including zoning permits affected by the issue being appealed.

2.3.7 FEES FOR SPECIAL USE PERMITS, VARIANCES, AND APPEALS

A fee, set by the Valdese Town Council through the adoption of a Fee Schedule, shall be paid to the Town of Valdese, North Carolina for each application for a variance, special use permit, or appeal to cover the necessary administrative costs and advertising.

2.3.8 VARIANCES

- A. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:
1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing a property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.
- B. The Board of Adjustment shall not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension or



expansion of a nonconforming use, or would change the district boundary, or zoning classification of any or all of the subject property.

- C. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

2.4 TOWN COUNCIL

2.4.1 DUTIES OF THE COUNCIL

The Town Council shall make all land use and development decisions assigned to it in the UDO and in Table 2.1-1.

2.4.2 CONFLICTS OF INTEREST

- A. Per N.C.G.S. § 160D-109, Town Council members shall not vote on any legislative or quasi-judicial land use or development decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- B. In addition, a council member shall not vote on any legislative or quasi-judicial land use or development decision if the landowner or the applicant is a person with whom the council member has a close family, business, or other associational relationship.
- C. If an objection is raised to a council member's participation at or before the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the council shall by majority vote rule on the objection.

2.5 ZONING ENFORCEMENT OFFICER

2.5.1 DUTIES OF THE ZONING ENFORCEMENT OFFICER

- A. This Chapter shall be administrated and enforced by the Zoning Enforcement Officer who shall be appointed by the Town Manager, and is hereby empowered:
 - 1. To issue a zoning permit when these regulations have been followed or, to refuse to issue the same in the event of noncompliance. Written notice of such refusal and reason, therefore, shall be given to the applicant.

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2. To collect the fees set forth herein for a zoning permit, variances, appeals, rezoning, special use permits, and subdivisions.
 3. To make and keep all records necessary and appropriate to the office, including a record of the issuance and denial of all zoning permits and receipt of complaints of violation of this Chapter and action taken to the same.
 4. To inspect any building and/or land to determine whether any violations of this Chapter have been committed or exist.
 5. To enforce this Chapter and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress and may institute an injunction, mandamus, or other necessary action.
 6. To keep the Board of Adjustment advised of all matters other than routine duties on the enforcement of this Chapter and to transmit all applications and records on appeals, variances, or requests for Special Use permit approval.

2.5.2 CONFLICTS OF INTEREST

- A. No Zoning Enforcement Officer shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.
- B. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.
- C. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under Chapter 160D of the North Carolina General Statutes unless the staff member is the owner of the land or building involved.
- D. No staff member or other individual or an employee of a company contracting with the Town of Valdese to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town of Valdese.



2.6 ZONING PERMIT

2.6.1 ZONING PERMIT REQUIRED

Within the corporate limits of the Town of Valdese no building, sign, or other structure shall be erected, moved, added to, or structurally altered before a zoning permit has been issued by the Valdese Planning Department of the Town of Valdese.

2.6.2 APPLICATION FOR A ZONING PERMIT

- A. Each application for a zoning permit shall be made in person or electronically using the current Town forms if provided by the landowner or his/her representative or a person holding a valid option, lease, or contract to purchase and –accompanied by a permit fee, set by the Town Council in its current adopted fee schedule.
- B. The landowner representative or authorized person shall show or provide the following:
 - 1. The actual dimensions of the lot to be built upon;
 - 2. The size and location of all buildings existing on the lot;
 - 3. The size and location of the proposed new construction;
 - 4. The existing and intended use of all parts of the land or building;
 - 5. Such other information about the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.
- C. Any zoning permit issued shall become invalid if the work authorized by it has not substantially commenced within twelve (12) months of its date of issue or if the work authorized by it is suspended, stopped, or is abandoned.
 - 1. For the purposes of this ordinance, a project is considered to have not substantially commenced unless either one of the following has occurred:
 - (a) The development has installed substantial on-site infrastructure, such as but not limited to the installation of a road, water line, sewer line, or stormwater management pond; or
 - (b) The development has received and maintained a valid building permit for the construction and approval of a building foundation.
- B. Unless otherwise provided by law, zoning permits run with the land.



2.6.3 PERMIT CHOICE

- A. If a development permit applicant submits a permit application for any type of development and an ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.
- B. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit.
- C. If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the Town for a period of six consecutive months or more, the application review shall be discontinued and the development regulations in effect at the time permit processing is resumed shall be applied to the application.
- D. Where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit.
 - 1. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit.
- E. For purposes of this subsection, erosion and sedimentation control permit or a sign permit is not an initial development permit.

2.7 VESTED RIGHTS

- A. The types of development approvals that are eligible to be a **site-specific vesting plan** are those listed in the definition of this term in Chapter 11.



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- B. The notice and approval process for a site-specific vesting plan shall be the same as that for the underlying permit type, and may be included as part of that underlying review and approval if requested as part of the permit application.
 - C. A vested right for a site-specific vesting plan remains vested for two years.
 - 1. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the Town of Valdese.
 - D. Notwithstanding the provisions of section, the Town of Valdese may provide for rights to be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations.
 - E. Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months.
 - F. The 24-month discontinuance period is automatically tolled during the pendency of any Board of Adjustment proceeding regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this ordinance.
 - G. The purpose of this section is to implement the provisions of N.C.G.S. § 160D-108.1 under which a statutory zoning vested right is established upon approval of a site-specific vesting plan.

2.8 AMENDMENTS

2.8.1 PROCEDURES FOR AMENDMENTS

The Town Council may amend, supplement or change the text regulations and zoning district lines on the official Zoning Map according to the following procedures:

1. **Initiation of Amendments.** Proposed changes or amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, or by one or more owners or lessees of property within the area proposed to be changed or affected.



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2. **Downzoning.** No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
 - (a) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
 - (b) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
 - (c) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.
 3. **Petition.** A petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied and the names and addresses of the owner or owners of the property.
 - (a) Such petition shall be filed with the Zoning Enforcement Officer not later than three (3) weeks before the meeting at which the petition is to be considered.
 4. **Fee.** A fee, as specified in the current adopted fee schedule, shall be paid to the Town Clerk of the Town, North Carolina, for each petition for an amendment to cover the costs of advertising and other administrative expenses involved.

2.8.2 ACTION BY THE PLANNING BOARD

- A. The Planning Board shall consider and make recommendations to the Town Council concerning each proposed zoning amendment.
- B. The Planning Board, at its discretion, may hold a public hearing if deemed necessary by the Planning Board.
- C. Otherwise, the Planning Board will send its recommendation directly to the Town Council who shall hold a public hearing for every proposed zoning amendment.
- D. The recommendation to Town Council shall include a written statement that evaluates whether the amendment is consistent with the Town of Valdese's Land Use Action Plan and any other adopted plan that exists and is applicable.



2.8.3 REQUIRED NOTIFICATIONS

- A. Legal Notice of Public Hearing. No amendment shall be adopted by the Town Council until after public notice and hearing.
- B. Under N.C.G.S. § 160D-601, notice of public hearing shall be published in a newspaper of general circulation in the Town at least once each week for two (2) successive weeks before the hearing.
 - 1. The first notice shall appear in the newspaper not less than ten (10) days or more than twenty-five (25) days before the scheduled date of the hearing.
 - 2. In computing, this notice period, the day of publication is not to count but the day of the hearing shall be included.
- C. Mail Notice Requirements.
 - 1. Under N.C.G.S. § 160D-602 whenever the amendment involves a change in the zoning classification of a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land adjoining, even if separated by a street, railroad, or other transportation corridors, shall be mailed a notice of the proposed reclassification and a notice of the public hearing required.
 - 2. Such notice shall be sent by first-class mail to the last address listed for such owners on the county tax listing.
 - 3. The person responsible for making the mailed notice shall certify to the Town Council that such notice was indeed prepared and mailed.
- D. Under N.C.G.S. § 160D-602(c), whenever an amendment involves a change in the zoning classification of a parcel of land, the Town shall prominently post a notice of the public hearing in the site proposed for rezoning or on an adjacent right-of-way.
 - 1. When multiple parcels are included within a proposed zoning map amendment, the Town shall post sufficient notices to provide reasonable notice to interested persons.
- E. Substitute Notice.
 - 1. Under N.C.G.S. § 160D-602(b) individual mailed notices may be waived if the Zoning Map amendment involves more than fifty (50) properties, owned by a total of at least fifty (50) different owners, and the Town elects to publish notice of the hearing as required by N.C.G.S. § 160D-601.



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2. The public hearing notice shall be published following N.C.G.S. § 160D-60, provided the advertisement is no less than one-half a page.
 3. The Town must notify by first-class mail any property owner who resides outside the circulation area of the newspaper in which the notice is published.
 - (a) The notice must be mailed to the last address listed for such owners on the most recent county tax listing.
 - (b) Absent evidence to the contrary, the Town of Valdese may rely on the county tax records to determine who is a landowner.

2.84 TOWN COUNCIL ACTION

- A. The Town Council shall consider changes and amendments to the UDO as often as necessary, provided, however, that should the Town Council deny a request for a zoning amendment, it shall not thereafter accept any other petition for the same change of zoning district affecting the same property, or any portion thereof, until the expiration of one (1) year from the date of such previous denial.
- B. Before taking such lawful action as it may deem advisable, the Town Council shall consider the Planning Board's recommendations on each proposed zoning amendment.
 1. If no recommendations are received from the Planning Board within thirty (30) days after their meeting, the proposed amendment shall be deemed to have been approved by the Planning Board.
- C. Before adopting or rejecting any zoning amendment, Town Council shall adopt a statement describing whether its action is consistent with the adopted Land Use Plan and explaining why the Council considers its action to be reasonable and in the public interest (N.C.G.S. § 160D-605).
- D. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.
- E. A plan amendment and a zoning amendment may be considered concurrently.
- F. The plan consistency statement is not subject to judicial review.
- G. If a zoning map amendment qualifies as a "large-scale rezoning" under N.C.G.S. § 160D-602(b), the governing board statement describing plan consistency may address the overall



rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

H. Additional Reasonableness Statement for Rezoning

1. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Town Council.
2. This statement of reasonableness may consider, among other factors:
 - (a) The size, physical conditions, and other attributes of the area proposed to be rezoned;
 - (b) The benefits and detriments to the landowners, the neighbors, and the surrounding community;
 - (c) The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
 - (d) Why the action is taken is in the public interest; and
 - (e) Any changed conditions warranting the amendment.
3. If a zoning map amendment qualifies as a "large-scale rezoning" under N.C.G.S. §160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

I. Single Statement Permissible – The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

J. Under no circumstances shall the Town Council adopt such amendments that would cause the UDO to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission.

1. Amendments affecting the watershed protection portions of the UDO shall be filed with the North Carolina Division of Water Resources.

2.8.5 APPEALS

Appeals of administrative decisions under N.C.G.S. § 160D-405 shall be made to the Board of Adjustment.



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- A. Appeals of decisions according to erosion and sedimentation control regulations, stormwater control, or housing code provisions shall be made to the Board of Adjustment, unless other Town ordinances specify a different review body, in which case the specified review body shall hear the appeal.
 - B. The property owners or signers have 30 days from receipt of the written notice of the determination to file an appeal.
 - C. In the absence of evidence to the contrary, notice given pursuant to N.C.G.S. § 160D-403(b) by first-class mail is deemed received by the property owner or signer on the third business day following deposit of the notice for mailing with the United States Postal Service.
 - D. Staff shall transmit (written or electronic) to the Board all documents and exhibits that constitute the record for the matter being considered.
 - E. Staff shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
 - F. An appeal of enforcement actions stays all enforcement actions, including fines, during the appeal process.
 - G. If, however, the staff person who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation, then enforcement proceedings are not stayed except by a restraining order, which may be granted by a court.
 - H. The Board of Adjustment shall meet to hear the appeal within 30 days following the filing of the appeal.
 - I. The appeal shall not apply to any amendment, which initially zones a property added to the territorial coverage because of annexation or other means.

2.8.6 APPEALS TO SUPERIOR COURT

Pursuant to N.C.G.S. 160D-1401, appeals against any change in or amendment to the Zoning Ordinance or Zoning Map may be filed in Superior Court.

2.8.7 ZONING OF ANNEXED AREAS

- A. Any areas annexed into the Town, upon annexation, shall be rezoned to an appropriate zoning district, upon recommendation by the Planning Board and approval by the Town



Council following notifications and public hearings as required by North Carolina General Statutes, including N.C.G.S. §§160D-202 and 160D, Article 6.

- B. Where possible, the Town will work to initiate the rezoning so that it can be adopted at the same time as it completes the process of annexation of an area.

2.9 SPECIAL USE PERMITS

2.9.1 SPECIAL USES

The Planning Board shall grant in particular cases and subject to the principles, procedures, conditions, and safeguards described in the UDO, permits for Special Uses in regulations and set forth as special uses under the various use districts.

2.9.2 DECISION-MAKING PROCESS

- A. The Planning Board shall not grant a Special Use Permit unless and until:
1. A written application for a Special Use Permit is submitted to the Planning Director indicating the section of this UDO under which the Special Use Permit is sought.
 - (a) For the purposes of this UDO, no application shall be considered to have been submitted until it is complete.
 2. Public hearings shall be conducted using the procedures described in UDO Subsection 2.2.5.
 3. The Planning Board finds that in the particular case in question the use for which the Special Use Permit is sought will not:
 - (a) Adversely affect the health, or safety of persons residing or working in the neighborhood of the proposed use, and
 - (b) Will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
 4. In granting such a permit, the Planning Board may establish such conditions as are reasonable and appropriate to help ensure that the proposed use will conform to the requirements and spirit of the UDO.



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- (a) Petitioners must provide written consent to the Town to any conditions established for the special use permit before the special use permit can be valid.
 - (b) Town Council does not have the authority to impose conditions and safeguards for which the council does not have authority under state statutes to regulate or which the courts have held to be unenforceable.
- B. If at any time after a Special Use Permit has been issued, the Town Council finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a Special Use Permit, the permit shall be terminated and the operation of such a use discontinued.
- C. If a Special Use Permit is terminated for any reason, it may be reinstated only after a public hearing is held.
- D. When deciding Special Use Permits, the Town Council shall follow quasi-judicial procedures as specified in UDO Subsection 2.2.5. This includes:
- 1. No vote greater than a majority vote shall be required for the Council to issue such permits.
 - 2. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite majority.
 - 3. Every such decision of the Council shall be subject to review of the superior court like certiorari consistent with N.C.G.S. § 160D-406.

2.9.3 CHANGES TO APPROVED SPECIAL USE PERMITS

- A. **Major Amendments.** Except as allowed under Minor Modifications below, all changes to approved special use permits are major amendments and shall follow the same process applicable for the original approval.
- B. **Minor Modifications.** The Planning Director is authorized to review and approve administratively a minor modification to an approved special use permit, subject to the following limitations.
- 1. **General Limitations.** The minor modification:
 - (a) Does not involve a change in uses permitted or the density of overall development permitted;



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- (b) Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
 - (c) Meets all other ordinance requirements.
2. **Site Design.** Site design minor modifications are limited adjustments to the terms or design of an approved development plan or plat, including a site plan attached as a condition to a special use permit. In addition to the general limitations for minor modifications, a site design minor modification must:
- (a) Comply with underlying zoning standards and other applicable conditions of the approval;
 - (b) Be limited to a minor change such as, without limitation, a minor adjustment to road configuration or internal circulation, a minor adjustment to building location, or a minor adjustment to utility alignment.
3. **Dimensional Standards.** Dimensional standard minor modifications are adjustments to the dimensional standards of the zoning ordinance. Dimensional standards may only be modified upon a finding by the administrator, based on evidence from the permit holder, that the modification is needed to address a site characteristic or technical design consideration not known at the time of initial approval.
- (a) In addition to the general limitations for minor modifications, dimensional standard minor modifications are limited to:
 - (1) An adjustment to parking requirements up to the lesser of 10 spaces or 10 percent of the total parking.
 - (2) An adjustment to setback requirements up to the lesser of 10 feet or 10 percent of the standard setback.
 - (3) An adjustment to landscape standards up to 10 percent of the required landscaping, based on the number or dimensions of plants, trees, or other screening features required.
- C. **Appeals and Variances.** A decision on a minor modification may be appealed to the Board of Adjustment as an administrative determination.
- 1. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

2.10 CONDITIONAL ZONING

- A. Purpose. This UDO authorizes the creation of conditional zoning districts proposed by the property owners and customized to the context of a particular development project or land use on a particular site. Each conditional zoning district includes one or more conditions of approval that help the project conform to the adopted ordinances and plans of the Town of Valdese, and mitigate the impacts reasonably expected to be generated by the development or use of the site.
- B. Procedure. Each conditional district may only be considered by the Town Council through a legislative decision-making process, following the procedures for zoning map amendments outlined in this Ordinance.
- C. Initiating a Conditional Rezoning. A conditional zoning proposal may only be considered by the Town Council in response to a petition signed by all owners of the property proposed for one of the following:
1. Planned Unit Development; or a
 2. Multi-Phased Development proposed in one of the general use zoning districts specified in Chapter 3.
- D. Conditions and Requirements. The approval for each conditional district shall specify all conditions of development and use of land, and for Multi-Phased Developments, how those conditions differ from the requirements of the corresponding general use district.
1. Specific conditions may be proposed by the petitioner, by staff, or by the Town Council, but only those conditions approved by the Town Council and consented to by the petitioner in writing may be incorporated into the zoning regulations.
 2. Such conditions must be designed to help the project conform to the Town of Valdese's adopted ordinances and plans, and/or mitigate the impacts reasonably expected to be generated by the development or use of the site.
 3. For Planned Unit Developments, such conditions may be stricter or less strict than those in the UDO.
 4. For Multi-Phased Developments, such conditions may be:
 - a. Stricter than the corresponding general use district;



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- b. Less strict than the corresponding general use district, as long as all of the following requirements are met:
 - i. No dimensional standard is relaxed by more than 10%;
 - ii. The uses permitted by the corresponding general use district are not expanded; and
 - iii. The density of overall development is not increased beyond the density allowed in the corresponding general use district.
 - 5. For both Planned Unit Developments and Multi-Phased Developments, an approved project shall not be valid until the applicant has provided a signed list of all the specified conditions.
- E. Eligible Uses.
- 1. For Planned Unit Developments, any uses allowed in Table 4.1-1 Permitted Uses except for those in the “Warehousing and Industrial Uses” category are eligible to be considered in the corresponding conditional district, as modified by any conditions of approval.
 - 2. For Multi-Phased Developments, uses allowed by right in the general use district are eligible to be considered in the corresponding conditional district, as modified by any conditions of approval.
- F. Development Standards. For Multi-Phased Developments, any proposed development within a conditional district must meet all requirements of the corresponding general use district, as modified by any conditions of approval.
- G. Submittal of Site Plan. This zoning option is intended only for development proposals that are ready to proceed from plan approval to construction in a timely manner. As a result, each project must include a site plan that meets the site plan requirements listed in this UDO, as modified by any site-specific conditions.
- H. Relationship to Overlay District Standards. Regulations applicable in an overlay zoning district shall apply to a conditional district. If the standards governing a conditional district expressly conflict with those governing an overlay district, the more restrictive standards shall apply.
- I. Revisions to Approved Conditional Zonings.
- 1. Major Amendments. Except as allowed under Minor Modifications below, all

changes to approved special use permits are major amendments and shall follow the same process applicable for the original approval.

2. Minor Modifications. The Planning Director is authorized to review and approve administratively a minor modification to an approved special use permit, subject to the following limitations.
 - a. General Limitations. The minor modification:
 - i. Does not involve a change in uses permitted or the density of overall development permitted;
 - ii. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
 - iii. Meets all other ordinance requirements.
 - b. Site Design. Site design minor modifications are limited adjustments to the terms or design of an approved development plan or plat, including a site plan attached as a condition to a special use permit. In addition to the general limitations for minor modifications, a site design minor modification must:
 - i. Comply with underlying zoning standards and other applicable conditions of the approval;
 - ii. Be limited to a minor change such as, without limitation, a minor adjustment to road configuration or internal circulation, a minor adjustment to building location, or a minor adjustment to utility alignment.
 - c. Dimensional Standards. Dimensional standard minor modifications are adjustments to the dimensional standards of the zoning ordinance. Dimensional standards may only be modified upon a finding by the administrator, based on evidence from the permit holder, that the modification is needed to address a site characteristic or technical design consideration not known at the time of initial approval.
 - i. In addition to the general limitations for minor modifications, dimensional standard minor modifications are limited to:



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- a. An adjustment to parking requirements up to the lesser of 10 spaces or 10 percent.
 - b. An adjustment to setback requirements up to the lesser of 10 feet or 10 percent of the standard setback.
 - c. An adjustment to landscape standards up to 10 percent of the required landscaping, based on the number or dimensions of plants, trees, or other screening features required.
- J. Appeals and Variances. A decision on a minor modification may be appealed to the Board of Adjustment as an administrative determination.
- 1. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

2.11 MORATORIA

- A. Town Council may adopt temporary moratoria on any development approval required by law, except to develop and adopt new or amended plans or development regulations governing residential uses, as specified in N.C.G.S. §160D-107.
- B. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant the imposition of the moratorium and may not exceed the period necessary to correct, modify, or resolve such conditions.
- C. Except in cases of an imminent and substantial threat to public health or safety, before adopting a development regulation imposing a 60 day or shorter moratorium, Town Council shall hold a legislative hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing.
- D. A moratorium 61 days or longer, or any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of N.C.G.S. § 160D-601.
- E. Absent of an imminent threat to public health or safety, a moratorium does not apply to any project for which a valid building permit has been issued and is outstanding, to any project for which a special use permit application has been accepted as complete, to development outlined in an approved site-specific vesting plan, to development for which

substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by Town Council before the call for a hearing to adopt the moratorium.

- F. Any preliminary subdivision plat accepted for review by the Town of Valdese Town Council before the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
1. Notwithstanding the foregoing, if a complete application for development approval has been submitted before the effective date of a moratorium, N.C.G.S. § 160D-108(b) applies when permit processing resumes.
- G. Any development regulation establishing a development moratorium must include, at the time of adoption, each of the following:
1. A statement of the problems or conditions necessitating the moratorium and what courses of action, an alternative to a moratorium, were considered by the Town of Valdese and why those alternative courses of action were not deemed adequate.
 2. A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to the imposition of the moratorium.
 3. A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to the imposition of the moratorium.
 4. A statement of the actions, and the schedule for those actions, proposed to be taken by the Town of Valdese during the duration of the moratorium to address the problems or conditions leading to the imposition of the moratorium.
- H. No moratorium may be subsequently renewed or extended for any additional period unless the Town of Valdese has taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension.
- I. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings outlined in subdivisions (1) through (4) of subsection G of this section, including what new facts or conditions warrant the extension.
- J. Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the



enforcement of the moratorium.

- K. Actions brought under this section shall be scheduled for an expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts.
 - 1. In such actions, the Town of Valdese has the burden of showing compliance with the procedural requirements of this subsection.





Town of Valdese, NC Unified Development Ordinance

CHAPTER 3: ZONING DISTRICTS

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CHAPTER 3: ZONING DISTRICTS

3.1 USE DISTRICTS

The Town is hereby divided into eleven (11) zoning districts designated as follows:

R-12	Residential District
R-12A	Residential District
R-8	Residential District
O-I	Office-Institutional District
DBC	Downtown Business Corridor District
B-1	Central Business District
B-2	General Business District
PUD	Planned Unit Development
M-1	General Manufacturing District
FP	Floodplain Overlay District

3.2 RESIDENTIAL DISTRICTS

3.2.1 RESIDENTIAL DISTRICT (R-12)

Intent: The district shall provide for agricultural uses as well as single-family development. The purpose of the R-12 District is to provide an adequate amount of land for agricultural uses and single-family residential development. Uses that would interfere with the quiet, less urban residential nature of single-family neighborhoods, such as multi-family and commercial uses, are not appropriate in this district.

3.2.2 RESIDENTIAL DISTRICT (R-12A)

Intent: The R-12A district is intended to be a moderately quiet, medium-high density residential living area consisting of single-family, two-family, and multi-family dwellings, along with limited home occupations and limited private and public community uses.

3.2.3 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.

3.3 COMMERCIAL DISTRICTS

3.3.1 DOWNTOWN BUSINESS CORRIDOR DISTRICT (DBC)

Intent: The purpose of the Downtown Business Corridor District is to accommodate and encourage further expansion and renewal along Main Street Valdese. Select business, retail, professional, financial, cultural, and other related services are encouraged to provide a corridor of select retail opportunities.

3.3.2 B-1 CENTRAL BUSINESS DISTRICT (B-1)

Intent: The purpose of Central Business District is to accommodate and encourage further expansion and renewal in the historic/business core of the Town of Valdese. A variety of business, retail, professional, financial, cultural, and other related services are encouraged in an effort to provide the mix of activities necessary to shoppers.

3.3.3 GENERAL BUSINESS DISTRICT (B-2)

Intent: The General Business District intends to encourage the establishment of areas for a general business that does not require a central location. These districts are generally located along major radial highways leading out of town, providing retailing goods and services to the traveling public and residents.

3.3.4 OFFICE/INSTITUTIONAL DISTRICT (O-I)

Intent: The Office-Institutional District is designed to provide a wide range of professional and institutional uses, as well as space for public and quasi-public uses.

3.4 PLANNED UNIT DEVELOPMENT

3.4.1 PLANNED UNIT DEVELOPMENT (PUD)

Intent: The purpose of the planned unit development is to encourage the development of living and working environments, which meet the needs of the people who live in them by providing certain development privileges in exchange for preplanning and design considerations. The planned unit development provides flexibility in using new development concepts and in introducing variety into neighborhoods by encouraging mixed uses, variable lot size, and environmentally sensitive design, which promotes the conservation of open space and ensures substantial compliance with the intent of this UDO. It is the purpose of this Section to:

- A. Encourage development that enhances the quality of life while protecting the health, safety, and general welfare of residents;
- B. Encourage variety in housing opportunities;
- C. Encourage the development of a viable economic base;
- D. Encourage the development of land uses that will complement existing adjacent land uses; and
- E. Provide guidelines for the development of planned unit developments.

The Town Council may approve this form of development in the districts that allow it through a conditional zoning process that follows the procedures specified in Section 2.10.

3.4 INDUSTRIAL DISTRICT

3.4.1 GENERAL MANUFACTURING DISTRICT (M-1)

Intent: This district is intended to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.



3.5 FLOOD DAMAGE PREVENTION DISTRICT

3.5.1 FLOODPLAIN OVERLAY DISTRICT (FP)

Intent: This district is intended to assist in protecting against the hazard, loss of life, and severe flood damage in Flood Plain areas. This overlay district is established to be the flood hazard area shown on the U.S. Housing and Urban Development FIA Flood Hazard Boundary Maps for the Town of Valdese. Uses in this district are intended to be associated with open space, recreational and agricultural land uses and shall not hinder the movement of floodwaters.

3.6 DIMENSIONAL STANDARDS

All uses in each zoning district shall be subject to the dimensional standards as listed in Table 3.6-1.



TABLE 3.6-1: DIMENSIONAL STANDARDS

DIMENSIONAL REQUIREMENT				ZONING DISTRICT											
				R8	R12A	R12	DBC	B-1	B-2	O-I	M-1	FP			
Minimum Lot Width (feet)	Single-Family Home			50	70	70	0/35 ⁸	0/35 ⁸	0/35 ⁸	0					
	Two-Family Home			60											
	Multi-Family Homes			70 ¹	70	70	0/35 ⁸	0/35 ⁸	0/35 ⁸	0	0/35 ⁸	0 ⁹ /35 ⁸			
	Non-Residential Building			70	70										
Minimum Building Setback (feet)	Front			20	35	35	0	0	40	20	25/50 ¹⁴	_ ¹⁶			
	Side			10 ²	10 ²	10 ²	0 ¹⁰ /15 ¹¹	0 ¹⁰ /15 ¹¹	10 ⁶ /20 ¹³	10 ⁶	10 ⁶ /50 ¹⁴				
	Rear			25	25	25	0 ¹⁰ /15 ¹¹	0 ¹⁰ /15 ¹¹	10/20 ¹³	15	20/50 ¹⁴				
Maximum Building Setback (feet)							5 ¹²								
Maximum Building Height (square feet)	Residential Structures			40	40	40	50	50	50	50		_ ¹⁶			
	Non-Residential Structures			50	50	50	50	50	50	50	50 ¹⁵	_ ¹⁶			
Minimum Lot Size (square feet)	Single-Family Detached Dwellings	Lots Deeded Before 10/1/93	Water <u>or</u> Sewer		20,000	20,000	20,000	0	0	0	0	0	_ ¹⁶		
			Water <u>and</u> Sewer		8,000	12,000	12,000	0	0	0	0	0			
		Lots Deeded On or After 10/1/93 (where S&E Control Plan required under State law)	Option 1	No Water <u>and</u> No Sewer		40,000	40,000	40,000	0	0	0	0		0	
				Either Water <u>or</u> Sewer		20,000	20,000	20,000	0	0	0	0		0	
				Water <u>and</u> Sewer		8,000	12,000	12,000	0	0	0	0		0	
			Option 2	No Water <u>and</u> No Sewer		40,000	40,000	40,000							
				Either Water <u>or</u> Sewer		21,780	21,780	21,780							
				Water <u>and</u> Sewer		14,520 or 21,780 ³	14,520 or 21,780 ³	14,520 or 21,780 ³							



DIMENSIONAL REQUIREMENT					ZONING DISTRICT								
					R8	R12A	R12	DBC	B-1	B-2	O-I	M-1	FP
Minimum Lot Size (square feet) (continued)	Multi-Family Dwellings	S&E Erosion Control Plan <u>not required</u>	Water and Sewer Required		8,000/4,000/3,000 ⁴	12,000/4,000/3,000 ⁴		0	0	0	0	0	
		S&E Erosion Control Plan <u>required</u>	Water and Sewer Required	Option 1	8,000/4,000/3,000 ⁴	12,000/4,000/3,000 ⁴							
				Option 2	14,520 or 21,780 ³	14,520 or 21,780 ³							
Maximum Lot Coverage (% of total lot area covered by principal and accessory buildings)	Single-Family Detached Dwellings	Lots Deeded <u>Before</u> 10/1/93		40%	40%	40%	100% or 36%/24% ⁷	100% or 36%/24% ⁷	100% or 36%/24% ⁷	100% or 36%/24% ⁷	100% or 36%/24% ⁷	100% or 36%/24% ⁷	- ¹⁶
		Lots Deeded <u>On or After</u> 10/1/93	Option 1	36%/24% ⁵	36%/24% ⁵	36%/24% ⁵	100% or 36%/24% ⁷	100% or 36%/24% ⁷	100% or 36%/24% ⁷	100% or 36%/24% ⁷	100% or 36%/24% ⁷	100% or 36%/24% ⁷	- ¹⁶
			Option 2	30%	30%	30%							
	Multi-Family Dwellings	S&E Erosion Control Plan <u>not required</u>	Water and Sewer Required		30%								
		S&E Erosion Control Plan <u>required</u>	Water and Sewer Required	Option 1	36%/24% ⁵								
Option 2	40%												

NOTES:

1. The minimum lot width is 70 feet for three dwelling units, plus 10 feet for each additional dwelling unit.
2. The minimum side setback is 15 feet for side adjoining a street ROW.
3. The larger minimum lot size is required if the lot is located within a WS-4 critical area or if the lot adjoins a curb and gutter street system.
4. The minimum lot size for first unit is 8,000 s.f. in the R8 district and 12,000 s.f. in the R12A district. In both districts, the minimum lot size for the second unit is 4,000 s.f., and 3,000 s.f. for each additional unit.
5. The smaller maximum lot coverage percentage is required if the building is located in a WS-4 critical area or it adjoins a curb and gutter street system.
6. An average of 10 feet may meet the side building setback requirements under the following requirements:
 - A) A Special Use Permit is required.
 - B) Under no circumstances shall the principal building be any closer than five (5) feet from the side property line.
 - C) An opaque, vegetative buffer is required along the side property line where the averaging option is approved. However, if topography or other issues make the buffer impractical, other options may be used.
7. Within the Office-Institutional District, development activities can cover 100% of the lot area not within the required setbacks. However, if the development activity requires a Sedimentation/Erosion Control Plan, the maximum permissible impervious surface coverage, as defined by this UDO, 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 adjoins a curb and gutter street system.
8. Minimum frontage on a public street shall be thirty-five (35) feet.
9. The minimum front setback shall be 0 or as required by the underlying zoning district, whichever is greater.
10. If a side yard or rear yard is provided, it must be at least 10 feet wide.
11. The minimum side and/or rear setback shall be 15 feet for a side and/or rear adjoining a residential district.
12. The maximum front setback is 5 feet, if provided.
13. The minimum side and/or rear setback shall be 20 feet for a side and/or rear adjoining a residential district.
14. The minimum front, side, and/or rear setback shall be 50 feet where it adjoins a residential district.
15. Buildings exceeding 50 feet in height are permitted upon issuance of a Special Use Permit.
16. Minimum building setback, maximum building height, min. lot size, and max. lot coverage shall meet those of underlying zoning district.



Town of Valdese, NC Unified Development Ordinance

CHAPTER 4: USE STANDARDS

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CHAPTER 4: USE STANDARDS

4.1 PERMITTED USES

Uses are allowed with approval from the Town based on the review process listed in Table 4.1-1 for each use in each zoning district.

TABLE 4.1-1: PERMITTED USES

Key P = Use permitted with subdivision plat and/or site plan approved by Town staff USS = Use permitted with subdivision plat and/or site plan approved by Town staff, and compliance with Use-Specific Standards referenced SUP = Use permitted with approval of a Special Use Permit issued by the Town; CZ = Conditional Zoning Blank Cell = Use prohibited												
Use Category	Use	Zoning Districts								Conditional Zoning District	Overlay District	Use-Specific Standards
		R8	R12A	R12	DBC ¹	B-1 ²	B-2 ³	O-I ⁴	M-1			
Accessory Uses	Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot	P	P	P		P	P	P	P			
	Accessory uses permitted in underlying zoning district(s)										P	
	Day care home	P	P	P				P				4.3.9
	Drop boxes (on-premise only)				P	P		P				
	Parcel drop boxes				P							
	Home occupation	P	P	P		P	P	P				
	Non-structural industrial and commercial accessory uses, including loading areas, parking areas, and private airport landing strips										P	
	Offices that are accessory to any permitted use of this district								P			
	Open storage as an accessory use								P			
Residential non-structural accessory uses										P		



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Use Category	Use	Zoning Districts								Conditional Zoning District	Overlay District	Use-Specific Standards
		R8	R12A	R12	DBC ¹	B-1 ²	B-2 ³	O-I ⁴	M-1			
Agricultural and Animal Uses	Agricultural uses, including general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, and wild crop harvesting but not agricultural industry										P	
	Animal keeping			USS								4.3.3
	Bona fide farms but not agricultural industry			SUP								
	Farmers market					P	P					
	Kennels						USS		USS			4.3.14
	Open-air markets, retail only					P	P					
	Produce stands	P	P	P				P	P			
	Veterinary hospital or clinic						P	P	P			
Residential Uses	Single-family homes	P	P	P		P	SUP	USS				R8 setback
	Two-family homes (duplexes)	P	P									
	Townhome	P	P		SUP	SUP	SUP	SUP				
	Manufactured Homes, Class A	P										4.3.15
	Manufactured Homes, Class B											4.3.15
	Manufactured Home Parks (in USS)											4.3.16
	Modular Home	P	P	P		P	SUP	P				
	Multi-family building	SUP	SUP		SUP	SUP	SUP	SUP				
	Accessory dwellings	USS	USS	USS				USS				4.3.1
	Temporary health care structure	USS	USS	USS								4.3.22
	Family care homes	P	P	P								
	Residential care facility	SUP	SUP	SUP			P	P				
	Planned unit development									CZ		4.3.19
	Ten-acre exempt development	SUP	SUP	SUP								
	Gated subdivision	SUP	SUP	SUP								
	Bed and breakfast inns	USS	USS	USS		USS	USS	USS				4.3.7
	Boarding house	P	P				P	P				
	Hotels, Motels				P	P	P					
Detached garage in front or side yard [see "accessory uses and structures" to allow in backyard]		USS	USS								4.3.10	



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Use Category	Use	Zoning Districts								Conditional Zoning District	Overlay District	Use-Specific Standards
		R8	R12A	R12	DBC ¹	B-1 ²	B-2 ³	O-I ⁴	M-1			
Civic Uses	Business colleges, barber + beauty schools, art schools, music + dance studios, and similar orgs., but not vocational schools, all without students in residence					P	P					
	Cemeteries	P	P	P								
	Churches	P	P	P	P	P	P	P				
	Commercial, industrial trade schools						P		P			
	Community center					P	P	P				
	Govt. buildings up to 5,000 square feet of gross floor area	P	P	P				P				
	Government buildings				P	P	P					
	Libraries					P		P				
	Municipal, county, state, and federal govt. uses, which must have specific location, i.e. stream gauge station, sewerage pump station, etc.										P	
	Museums				P	P	P	P				
	Music or dance institution schools							P				
	Neighborhood + outdoor recreation	P	P	P		P	P	P				
Parks	P	P	P	P	P	P	P			P		
Public and private elementary and secondary schools	SUP	SUP	SUP		SUP	SUP	SUP					
Recreation and Entertainment	Adult establishments								SUP and USS			4.3.2
	Amusements such as indoor theaters, poolrooms, and bowling alleys				P	P	P					
	Auditoriums, armories, publicly owned recreation facilities				P	P	P	P				
	Clubs and lodges catering exclusively to member and their guests						P					
	Electronic gaming operations							USS				4.3.11
	Marinas								SUP		SUP	



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Use Category	Use	Zoning Districts								Conditional Zoning District	Overlay District	Use-Specific Standards
		R8	R12A	R12	DBC ¹	B-1 ²	B-2 ³	O-I ⁴	M-1			
Recreation and Entertainment (continued)	Private and public recreational uses, including, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, playgrounds, greenways, wildlife and nature preserves, hiking trails, and equestrian trails										P	
Medical Uses	Hospice and palliative care facility							P	P			
	Hospitals							P	P			
	Medical or professional services				P	P		P	P			
	Nursing homes							P	P			
Transportation and Utility Uses	Automobile parking lots				P	P		P				
	Bus terminals and railroad stations							P	P			
	Essential services 1 and 2	P	P	P				P	P		USS	4.3.12
	etc.											
	Essential Services 3								SUP		SUP	
	Public garages							P				
	Taxi stands							P				
Tele-communications Uses	Alternative tower structure	USS	USS	USS	USS	USS	USS	USS	USS			4.3.21
	Antenna (attached or collocation)	USS	USS	USS	USS	USS	USS	USS	USS			4.3.21
	Small wireless facility	USS	USS	USS	USS	USS	USS	USS	USS			4.3.21
	Telecommunications tower							USS	USS			4.3.21



Key
 P = Use permitted with subdivision plat and/or site plan approved by Town staff
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 Blank Cell = Use prohibited

Use Category	Use	Zoning Districts								Conditional Zoning District	Overlay District	Use-Specific Standards	
		R8	R12A	R12	DBC ¹	B-1 ²	B-2 ³	O-I ⁴	M-1				
Retail, Eating, Drinking, and Service Uses	Alcoholic beverages, packaged, retail sales					P	P						
	Art galleries				P	P	P	P					
	Artisan food + beverage producer				P	USS	USS		USS			4.3.4	
	Automobile parts and supplies sales, new						P						
	Automotive repair, minor						P		P				
	Automobile sales, major						USS					4.3.5	
	Automobile sales, minor						USS		USS			4.3.5	
	Bakeries, delis, and the like, if products prepared/processed on site only sold at retail on site	SUP				P	P	P					
	Bars				P	P	P						
	Brewpubs				P	P		P					
	Car washes, detail shops						P						
	Child care institution						P	P					
	Chiropractic Center				P								
	Cigar bar												
	Convenience stores						P						
	Day care center	SUP	USS				USS	USS	USS				4.3.10
	Feed, seed, + fertilizer sales, retail						P						
	Financial services				P	P	P	P					
	Flea markets								SUP				
	Florist shops, but not commercial greenhouses	SUP				P	P	P					
	Food stores, retail only						P						
	Funeral home						P	P					
	Grocery stores	SUP											
	Gunsmiths						P						
	Hand-made crafts, retail sale of, and production for on-site sales				P	P							
	Locksmiths						P						
Massage therapy				P	P	P							
Microbreweries				P	P	P	P						
Mixed uses	SUP			P	P	P	P						
Mobile/manufactured home sales lots								SUP					
Newsstands, newspaper offices, and printing facilities incidental to such offices						P	P						



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Use Category	Use	Zoning Districts								Conditional Zoning District	Overlay District	Use-Specific Standards
		R8	R12A	FP	DBC ¹	B-1 ²	B-2 ³	O-I ⁴	M-1			
Retail, Eating, Drinking, and Service Uses (continued)	Office equipment and supplies, sales and service					P	P					
	Outdoor seasonal sales					USS	USS					4.3.18
	Pawnshops						P					
	Personal service establishment						P					
	Photographic studios and camera supply stores				P	P	P					
	Planned Unit Development -- Business	SUP			SUP	SUP	SUP	SUP	SUP			
	Plumbing, heating, and refrigeration sales/service, but excluding open storage						P					
	Radio and television, electronics repair and sales				P	P	P					
	Restaurants, excluding drive-through windows				P	P	P	USS				
	Restaurants, including drive-through windows as an accessory use						P					
	Retail printing, publishing, and reproduction establishments					P	P					
	Retail sales				p ⁵	P	P					
	Any lawful retail, service, repair, or wholesale use not specifically referred to in this section, provided no use shall be dangerous or detrimental to the health, safety, welfare, or general character of this zone or the Town								SUP			
	Telecommunication offices							P				
	Vape shop											
Office Uses	Business office type				P	P	P	P	P		SUP	

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Use Category	Use	Zoning Districts								Conditional Zoning District	Overlay District	Use-Specific Standards	
		R8	R12A	FP	DBC ¹	B-1 ²	B-2 ³	O-I ⁴	M-1				
Warehousing and Industrial Uses	Agricultural industry									SUP			
	Automotive repair, major							SUP		P			
	Automotive wrecking yards and scrap metal dealers									SUP			4.3.6
	Brewery, large									P			
	Brewery, small							SUP		P			
	Crematory or crematorium							USS					4.3.7
	Landfill									SUP			
	Lumberyards									SUP			
	Manufacturing, heavy									SUP			
	Manufacturing, medium									P			
	Manufacturing, light							USS		P			4.3.17
	Mini-warehouses							P					
	Mixing plants for concrete or paving materials									SUP			
	Precision instrument manufacturing									P			
	Recycling center									P			
	Recycling collection points									P			
	Recycling plant									P			
	Sign painting and fabrication shops							SUP					
	Stone cutting, crushing, and polishing									SUP			
	Tobacco processing and storage									SUP			
Truck terminal									P				
Upholstery shops									P				
Wholesale and warehousing establishments, and prohibiting the storage of hazardous or offensive materials such as uncured hides, explosives, and nuclear waste products									P				
Winery									P				

NOTES:

1. Within the DBC District, all principal and accessory non-residential uses shall be conducted wholly within enclosed buildings except for outdoor dining facilities associated with a restaurant, incidental displays of produce and merchandise or published materials, vending machinery, displays associated with official festivals, and similar incidental outdoor displays.
2. Within the B-1 District, all principal and accessory non-residential uses shall be conducted wholly within enclosed buildings with the exception of gasoline pumps, drive-through service, outdoor dining facilities associated with a restaurant, incidental displays of produce and merchandise or published materials, vending machinery, displays associated with official festivals and similar incidental outdoor displays.
3. Within the B-2 District, all principal and accessory non-residential uses shall be conducted wholly within enclosed buildings with the exception of gasoline pumps, drive-through service, outdoor dining facilities associated with a restaurant, incidental displays of produce and merchandise or published materials, display of motor vehicles for sale, vending machinery, displays associated with official festivals and similar incidental outdoor displays.
4. Within the O-I District all principal and accessory uses shall be conducted wholly within enclosed buildings except for drive-through service, vending machinery, incidental displays of merchandise, displays associated with official festivals, and similar incidental outdoor displays.
5. The "Retail, sales and service" use in the DBC district excludes sales or leasing of passenger vehicles, motorcycles, light, and medium trucks, and other recreational vehicles.

4.2 UNLISTED USES

4.2.1 INTERPRETATION OF UNLISTED USES

- A. Procedure for approving unlisted uses.** When a proposed use is not specifically listed in Table 4.1-1 Permitted Uses, the Planning Director may permit the use upon a finding that the standards of subsection 4.2.1(B), Standards for Approving Unlisted Uses, are met. The Planning Director shall give due consideration to the purpose and intent statements in this ordinance concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) proposed.
- B. Standards for approving unlisted uses.** In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including, but not limited to, the following:
1. The volume and type of sales, whether retail, wholesale, or other.
 2. The size and type of items sold and nature of inventory on the premises.
 3. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, and distribution.
 4. Any dangerous, hazardous, toxic, or explosive materials used in the processing.

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5. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building.
 6. The type, size, and nature of buildings and structures.
 7. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts.
 8. Transportation requirements, including the demand for people and freight, by volume type and characteristic of traffic generation to and from the site.
 9. Trip purposes and whether trip purposes can be shared by other use types on the site.
 10. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types.
 11. The amount and nature of any nuisances generated on the premises, including, but not limited to, noise, smoke, odor, glare, vibration, radiation, and fumes, and whether these nuisances are contained within fully enclosed buildings or not.
 12. Any special public utility requirements for serving the proposed use type, including, but not limited to, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities.
 13. The impact on adjacent lands and the surrounding neighborhood created by the proposed use, which should not be greater than that of other uses in the zoning district.

C. Effect of finding by Ordinance Administrator.

1. Use found to be appropriate. When the Planning Director finds that an unlisted use is appropriate and congruent with the base zoning district for which it is proposed, he or she shall issue a written opinion allowing such use to be established in the particular district. If the Planning Director believes that requests for such a use will become common, or that adding the use to Table 4.1-1 Permitted Uses is beneficial, he or she shall initiate a text amendment to insert the use into Table 4.1-1 in a convenient and expeditious manner.
2. Use found to be inappropriate. When the Planning Director finds that an unlisted use is inappropriate and incongruent with the base zoning district for which it is proposed, he or she shall issue a written opinion stating that such use is not allowed in the particular district.



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- (a) This finding may be appealed to the Board of Adjustment in accordance with the procedures for appealing an administrative decision.

4.3 USE-SPECIFIC STANDARDS

4.3.1 ACCESSORY DWELLINGS

Accessory Dwellings may be created on the same property as a single-family dwelling as an accessory use, only if such units comply with the following limits, requirements, and conditions:

- A. An Accessory Dwelling must meet all standards of the minimum housing code for independent living units.
- B. The principal use of the lot shall be a single-family dwelling.
- C. Manufactured homes shall not be used as Accessory Dwellings.
- D. No more than one accessory dwelling shall be permitted on a single lot in conjunction with the principal dwelling unit.
- E. The Accessory Dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- F. A detached Accessory Dwelling shall be housed in a building not exceeding 650 square feet of first-floor area (maximum footprint); the structure may be a dwelling only or may combine a dwelling with a garage, workshop, studio, or similar use. The accessory dwelling living area shall not exceed 650 square feet of floor area.
- G. A detached Accessory Dwelling shall be located in the established rear yard and meet the setback standards applicable for accessory buildings.
- H. The maximum height for an Accessory Dwelling shall be 20 feet.
- I. The Accessory Dwelling must comply with the Town of Valdese Utility Connection Requirements.
- J. An Accessory Dwelling must be registered with the Planning Director at the time a certificate of occupancy is obtained.



4.3.2 ADULT ESTABLISHMENTS

Adult Establishments as defined in North Carolina General Statute Sec. 14-202.10 are subject to the following requirements:

- A. All windows, doors, entries, etc. for shall be so located, covered, screened, or otherwise treated (such treatment shall not include painting) so that views of the interior of the establishment shall not be visible to the public from any public or semi-public area, or public or semi-public street.
- B. No adult establishment shall be located within a radius of one thousand (1,000) feet of another adult establishment.
- C. No more than one Adult Establishment may be located within the same structure.
- D. No principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult use/sexually oriented business.
- E. No adult establishment shall be located within a radius of one thousand (1,000) feet of any residential zoning , nursing home, retirement home, church, child care center, park, or playground, or school.
- F. All distances related to Adult Establishments shall be measured as follows:
 - 1. Separation is measured from the closest edge of the building occupied by an adult use to the nearest residential zoning district or the property line of protected use.
 - 2. The distance for separation between adult uses shall be measured from the closest edges of the buildings occupied by adult uses.
- G. All structures associated with an adult-use/sexually oriented business shall be set back at least 40 forty feet from all property lines and street right-of-way.
- H. Any adult establishment shall be located on an individual lot of record and shall not be part of combined development.
- I. Except for business signs permitted with the zoning ordinance, no other promotional materials, displays, or signs shall be visible from sidewalks, walkways, alleys, or streets.
- J. No merchandise or pictures of the products or entertainment on the premises shall be displayed in windows or any area viewed from the sidewalk in front of the building. Neither the performance nor any photograph, drawing, sketch, or other pictorial or graphic representation of a performance displaying any portion of the breast below the top of the



areola or any pubic hair, buttocks, genitals, or anus may be visible outside of the adult establishment.

- K. No signs shall be placed in any window. A one-square-foot sign is permitted on the door to state hours of operation and admittance to adults only.
- L. All adult establishments shall be open to inspection at all reasonable times by any law enforcement officers, the Planning Director, or such other persons as the Planning Director may designate in the ordinary course of his duties.
- M. Nothing shall be construed to permit the operations of any business or the performance of any activity prohibited under any other section of the Valdese Zoning Ordinance or the laws of the Town of Valdese or the State of North Carolina.

4.3.3 ANIMAL KEEPING

- A. **Purpose.** The purpose of this section is to regulate the keeping of a horse, mule, goat, cattle, fowl, and other birds that are not part of a bona fide farming operation. The Chapter applies to properties located within the corporate limits of the Town.
- B. **Prohibitions.** Horses, mules, goats, cattle, all other types of livestock, fowl, and other birds shall not be permitted within the Town limits, except as provided in Subsection C.
- C. Exceptions:
 - 1. Horses: The keeping of horses is permitted provided the following conditions are met:
 - (a) Allowed only in the R-12 Residential Zoning District.
 - (b) A minimum of three acres of property is available for each horse.
 - (c) The part of the property where the horse is kept shall be completely enclosed by a fence.
 - 2. Chickens. The keeping of chickens is permitted in the R-8, R-12, and R-12-A Residential Districts, provided the following conditions are met:
 - (a) Maximum number of chickens on the property – 10.
 - (b) No Roosters are allowed.
 - (c) Placement of the pen shall be in the rear yard only.
 - (d) No free-range (chickens are penned at all times).



-
- (e) Pens shall be a minimum of 100 feet from all adjoining residences.
 - (f) Pens shall be a minimum of 50 feet from all property lines.
 - (g) Must comply with all applicable provisions of the Town of Valdese Animal Code (ex. cleanliness, odor).
3. Keeping Domestic Pets. In all zones where dwelling units are allowed, domestic animals are allowed to be kept as household pets.
- (a) Up to an aggregate of 6 domestic animals per dwelling unit is permitted subject to restrictions outlined in Section 8-2008 through Sections 8-2012, and Section 8-2022 of the Town of Valdese Code of Chapter.
 - (b) Birds (canary, parakeet, etc.); amphibian/reptile (turtle, lizard, etc.); rodent (rat, hamster, gerbil, etc.); and tropical fish are excluded from the numerical limitations.

4.3.4 ARTISAN FOOD AND BEVERAGE PRODUCER

Artisan Food and Beverage Producer are subject to the following requirements:

- A. The total floor area shall not exceed 5,000 square feet. The 5,000 square foot limitation does not apply to the M-1 Manufacturing District.
- B. Shall include one or more accessory uses such as a tasting room, taproom, restaurant, retail, demonstration area, education, and training area or other use incidental to the artisan food and beverage producer.
- C. All activities associated with the production, bottling, storage, and sales shall be conducted entirely within an enclosed structure. No outdoor storage of any kind, including but not limited to, raw materials, byproducts, equipment, and inventory shall be permitted.
- D. Must comply with all other standards of the zoning district having jurisdiction.
- E. Conditions with the building shall be controlled to minimize noise and odor.
- F. Must comply with all other standards of the zoning district having jurisdiction.

4.3.5 AUTOMOBILE SALES, MAJOR OR MINOR

- A. All properties engaged in "Automobile Sales, Major" as defined in this ordinance must meet all of the following requirements:



1. Vehicles for sale shall be parked only on surfaces paved with asphalt or concrete;
 2. An indoor showroom that will accommodate at least 2 vehicles shall be built or provided;
 3. The storage of inoperable vehicles for more than 7 days shall be prohibited;
 4. All vehicles for sale shall be separated from other vehicles for sale by a distance of not less than (4) feet; and
 5. All vehicles shall be setback five (5) feet from any right of way line.
- B. All properties engaged in “Automobile Sales, Minor” as defined in this ordinance must only meet the requirements of Subsections 1, 3, 4, and 5 of Section 4.3.5(A).

4.3.6 AUTOMOBILE WRECKING YARDS AND SCRAP METAL DEALERS

“Automobile wrecking yards and scrap metal dealers” are only allowed in the specified zoning districts through the process identified, provided the premises include a buffer.

4.3.7 BED AND BREAKFAST INNS

Bed and Breakfast Inns are subject to the following requirements:

- A. The operators must be full-time residents of the premises.
- B. No more than four (4) bedrooms may be devoted to guest accommodations.
- C. One non-illuminated sign, a maximum of 4 square feet, is permitted.
- D. Minimum parking spaces required – 2 spaces plus 1 space for each room devoted to guest accommodations.

4.3.8 CREMATORY OR CREMATORIUM

Crematory or Crematorium is subject to the following requirement:

- A. Use: No crematory shall be established **except** as an accessory use or structure to a North Carolina licensed funeral home in the B-2 General Business District.
- B. License: Any funeral home operating a crematory shall have and maintain a licensed crematory manager on staff, keep in force and affect all other licenses required under the North Carolina Crematory Act, and provide proof of continued re-licensing.



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- C. **Air Quality:** Before issuance of a zoning permit, the applicant shall provide a certification from the North Carolina Division of Air Quality that the applicant complies with all air quality regulations or that the Division of Air Quality does not require a permit.
 - D. **Building:** The maximum footprint of the crematory shall not exceed 400 square feet. The exterior/veneer must be of similar material and design as the principal structure.
 - E. **Size:** Crematory operations shall not contain more than one (1) cremation chamber.
 - F. **Location:** No crematory shall be established on a funeral home lot within 200 feet of any existing residential dwelling on adjacent parcels or within 150 feet of any property line.
 - G. **Other:** A crematory must comply with and be maintained in compliance with all applicable public health and environmental laws and rules and meet all of the standards established by the North Carolina Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina State Board of Funeral Services.

4.3.9 DAY CARE HOMES AND DAY CARE CENTERS

All Day Care Homes and Day Care Centers shall meet the following standards:

- A. In single-family residential districts, day care homes must be clearly incidental to the residential use of the dwelling and must not change in the essential residential character of the dwelling.
- B. Play space must be provided per the regulations of the NC Department of Health and Human Services.
- C. The outdoor play space as required by the Department of Health and Human Services must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space.
- D. A Day Care Center shall provide a minimum of 25 square feet of indoor space per child.
- E. A Day Care Center shall provide a minimum of 75 square feet of outdoor space per child, subject to the following conditions.
 - 1. Play space may not be in the established front yard.
 - 2. Fences must comply with the fence regulations in Section 4.4.
 - 3. Day Care Centers in a residential district on a site greater than three acres shall have frontage on a collector or thoroughfare street.



- 4. A Day Center must meet a permitted lot type for the district in which it is to be located.
- F. There is no limit on the hours of operation of a Day Care Center, but no outdoor play shall be permitted after sunset.



4.3.10 DETACHED GARAGES (SIDE YARD OR FRONT YARD)

- A. Garages in Side Yards: The following standards shall apply to all detached garages located in side yards:
1. The garage shall not be used as a dwelling unit.
 2. The garage must meet all minimum setback requirements for the primary structure in the applicable zoning district.
 3. The maximum wall height shall not exceed 15 feet.
 4. The footprint of any detached garage shall not exceed six hundred seventy-six square feet (676 sf), or 10 percent of the lot area up to 1,200 square feet, whichever is greater.
 5. The garage shall be enclosed with an operable garage door to be maintained in good working order.
 6. If the garage door is on the front façade, the door shall be kept closed when the house is unoccupied for more than a day.
 7. A buffer as described in Section 5.2.3(B) is required between the garage and the side property line.
 - a. This buffer requirement shall be waived by the Town if the garage is constructed of a material of like kind and quality as that of the primary structure.
- B. Breezeway Connected Dwelling to Detached Garage: A breezeway connection between a single-family dwelling and detached garage is allowed provided the following design standards are met:
1. The breezeway must be physically attached to both buildings.
 2. The breezeway must be at least 6 feet in width and can be no more than 30 feet in length.
 3. The breezeway must consist of a roof, with more than sixty percent of the total perimeter enclosed by walls, doors, or windows.
 4. The breezeway height shall not exceed 15 feet, measured from the average grade to the highest part of the structure.
 5. Walkways are not permitted on the roof of a breezeway.



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- C. Garages in Front Yards: The following standards shall apply to a detached garage that is completely or partially within the front yard:
1. A buffer as described in Section 5.2.3(B) is required between the garage and the side property line.
 - a. This buffer requirement shall be waived by the Town if the garage is constructed of a material of like kind and quality as that of the primary structure.
 2. A garage shall only be considered for placement in the front yard when the topography or other natural features make it impractical to locate the garage in the side or rear yard.
 3. A minimum of 75 percent of the principal structure shall be visible from all viewpoints along the front property line.
 4. A garage shall only be allowed in a residential lot that has a natural ground slope of 25% or greater, as measured from the center of the front lot line to the center of the front facade of the principal building, or in a residential lot where the only feasible driveway route to the principal building would result in the driveway slope being greater than 18% due to topography and/or natural obstructions.

4.3.11 ELECTRONIC GAMING OPERATIONS

Electronic Gaming Operations are subject to the following requirements:

- A. Electronic Gaming Operations are allowed only in the B-2 General Business District as a principal use.
- B. Electronic Gaming Operations are not allowed as an accessory use in any zoning district.
- C. No electronic gaming operation shall be located within one thousand (1,000) feet of another electronic gaming operation.
- D. No electronic gaming operation shall be located within one thousand (1,000) feet of any residential district, nursing home, retirement home, church, child care center, school, park, or playground.
- E. All distances related to Electronic Gaming Operations shall be measured as follows:
 1. The distance for the separation from residential zoning districts and protected uses shall be measured from the closest edge of the building in which an electronic gaming



operation is located to the nearest residential zoning district or to the property line of each protected use.

2. The distance for separation between electronic gaming operations shall be measured from the closest edges of the buildings in which an electronic gaming operation is located.
- F. Any location for Electronic Gaming operations must meet the parking requirement of the B-2 General Business District.
- G. Each Electronic Gaming Operation shall have all required permits and licenses and shall have paid all applicable fees outlined in the Town's fee schedule.

4.3.12 ESSENTIAL SERVICES

- A. "Essential Services 1 and 2" are allowed in the Floodplain Overlay district, provided the location, design, elevation, and construction shall minimize or eliminate damage by flooding.

4.3.13 HOME OCCUPATIONS

- A. In a zoning district in which a home occupation is permitted, the home occupation must meet the following requirements:
1. The home occupation must be incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
 2. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
 3. The use shall employ no person who is not a resident of the dwelling.
 4. A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
 5. There shall be no visible outside display of stock in trade that is sold on the premises.
 6. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
 7. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor a street.
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8. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
 9. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
 10. Home occupations shall be limited to those uses which do not draw clients to the dwelling regularly.
 11. No business identification or advertising signs are permitted.
 12. All home occupations shall require a zoning permit. Permits are not transferable from address to address.
 13. There may be one annual inspection by the town staff to ensure the home occupation is operating within the requirements specified by this Chapter. The town staff shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by the zoning permit for safety and compliance purposes.
 14. In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. no later than 9:00 p.m.
 15. No more than one home occupation shall be permitted within any single dwelling unit or accessory structure.
 16. There shall be no deliveries to or from a home occupation with a vehicle larger than a three-quarter-ton truck.
 17. No home occupation shall cause an increase in the use of any public utilities or services (water, sewer, garbage collection, etc.) so that the combined total use for the dwelling unit and home occupation purposes exceeds the average for residences in the neighborhood.
 18. Home occupations shall comply with all local, state, and federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.
 19. Any non-conforming home occupation shall be discontinued or comply with all applicable provisions of this section within sixty (60) days after the home occupation first became non-conforming.



B. The following uses are permitted in a home occupation:

1. Architectural, drafting, and graphic services;
2. Art restoration
3. Art/photography studio
4. Barber Shop
5. Beauty salons
6. Consulting offices
7. Contracting offices
8. Data processing
9. Dressmaking, sewing, and tailoring
10. Electronic assembly and repair
11. Engineering services
12. Financial planning and investment services
13. Flower arranging
14. Gardening and landscaping services
15. Home crafts
16. House cleaning services
17. Insurance sales broker
18. Interior design
19. Jewelry making and repair
20. Locksmith
21. Mail order (not including retail sales from the site)
22. Real estate sales broker
23. General sales representative



24. Tutoring

25. Furniture upholstery

C. The following uses are prohibited in a home occupation:

1. Adult-oriented businesses

2. Large Appliance Repair

3. Automotive repair shops

4. Automotive painting

5. Carpentry/cabinet making

6. Caterers and food vendors

7. Commercial cabinetry shop

8. Dance studios

9. Furniture construction

10. Kennels

11. Machine shops

12. On-site vehicular sales

13. Rental businesses

14. Engine/mechanical repair shops

15. Trucking services

16. Welding shops

17. Other uses not listed as a permitted use.

4.3.14 KENNELS

Kennels are subject to the following requirements:

A. The minimum lot size for a Kennel shall be as outlined in the following:

Number of Animals	Minimum Lot Size (Acres)
1-10	2
11-20	4
21-30	6
<p>Notes:</p> <ol style="list-style-type: none"> 1) The minimum lot size may be waived by the Planning Department if the Kennel is entirely enclosed to protect adjacent uses from noise, odors, and other objectionable characteristics. 2) An additional 10 animals may be added for each additional acre of land over 6 acres. 	

- B. Outdoor Kennels shall maintain a minimum setback of 400 linear feet from any existing residential structure on an adjoining lot.
- C. All structures associated with an Outdoor Kennel shall maintain a minimum setback of 200 feet from all lot lines.
- D. Indoor Kennels shall maintain a minimum setback of 100 linear feet from any residential structure on an adjoining lot.
- E. All structures associated with an Indoor Kennel shall maintain a minimum setback of 50 feet from all lot lines.
- F. The operator shall comply with requirements of the North Carolina Department of Agriculture and Consumer Services, Subchapter 52J (Animal Welfare Section)
- G. The operator shall provide written evidence of compliance with county and state standards.

4.3.15 MANUFACTURED HOMES

- A. **Purpose.** Because of the use, transportability, and manner of construction of manufactured homes and because of the susceptibility of the manufactured homes for use in high-density concentrations, it is necessary to regulate manufactured homes and manufactured home parks to ensure that their occupants have access to an appropriate, safe, sanitary and attractive living environment.
- B. **Location.**
 1. No manufactured home shall be permitted in any district for any use other than living or sleeping purposes.



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2. Manufactured homes are permitted only in the R-8 District, and must comply with each of the following:
 - (a) Individual manufactured homes are allowed by right in the R-8 Residential District, provided they meet the minimum lot and setback requirements of that district and are placed on a permanent foundation.
 - (b) One (1) manufactured home may be parked or temporarily stored on any lot outside of a manufactured home park for a period not exceeding seventy-two (72) hours, provided no living quarters are maintained nor any business is conducted therein while such manufactured home is so parked or temporarily stored.
 - (c) A temporary building or structure, including construction trailers for office use, is permitted in conjunction with any permitted construction; provided permits for such use shall be issued for periods not to exceed twelve (12) months but may be renewed for additional periods up to six (6) months if necessary for the completion of the construction in any zoning district.
 - (d) An existing manufactured home shall not be replaced with another manufactured home unless it is located in the R-8 District. Class B manufactured homes shall not replace existing manufactured homes. Manufactured homes in the R-8 District may be replaced only by Class A manufactured homes.

C. Provisions for Manufactured Homes.

1. Class B manufactured homes shall not be permitted in the Town.
2. Class A manufactured homes shall be permitted only in the R-8 District. Only one Class A manufactured home shall be permitted on a lot unless it replaces an existing manufactured home in a manufactured home park.
3. Manufactured homes shall be subject to the following requirements:
 - (a) If municipal utilities are not available, the well (if applicable) and septic tank (if applicable) must be approved by the Burke County Health Department.
 - (b) Class A manufactured homes shall contain at least one thousand one hundred and fifty (1,150) square feet of enclosed and heated living area.
 - (c) The pitch of the manufactured home roof shall have a minimum vertical rise of at least three (3) feet for each twelve (12) feet of horizontal run, and the roof shall be finished with a type of shingle that is commonly used in standard residential



construction. The roof shall be the original roof of the structure as installed by the manufacturer.

- (d) The exterior siding, for all manufactured homes, shall consist predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard; and the exterior siding shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- (e) Manufactured homes shall have at the front entrance either a deck or porch with steps. All other entrances shall have permanent steps. The minimum area for decks and porches shall be 100 square feet. Decks, porches, and steps must be built in compliance with the North Carolina Building Code.
- (f) All manufactured homes shall be placed with the front of the home running parallel to the street that provides access to the manufactured home. On cul-de-sacs, manufactured homes shall be sited with the front of the home running parallel to the street providing access. Manufactured homes placed in manufactured home parks may be placed perpendicular to interior private streets.
- (g) Manufactured homes shall have the entire perimeter of the home enclosed from the ground to the bottom of the structure in compliance with the following requirements:
 - (1) The underpinning must consist of brick, masonry, or concrete block with a stucco finish. This provision is encouraged for manufactured homes on land leased to the homeowner (see N.C.G.S. 160D-910(g)).
 - (2) Products and materials manufactured for underpinning shall be installed following the manufacturer's specifications.
 - (3) The under skirting shall be vented in accordance with the North Carolina Building Code.
 - (4) The under skirting must be installed within thirty (30) days after the final inspection date by the Burke County Building Inspections.
- (h) The manufactured home's footings shall meet the requirements outlined in the North Carolina Building Code.

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- (i) The towing tongue, wheels, axles, and transporting lights shall be removed upon final placement of the manufactured home. If the tongue cannot be removed, it must be underpinned and screened with shrubbery.

4.3.16 MANUFACTURED HOME PARKS

- A. The creation of manufactured home parks is not allowed in the Town.
- B. Existing manufactured home parks at the time of adoption of this UDO may remain subject to the requirements of this section, but neither the size of the parcel on which the existing manufactured home park is located nor the number of manufactured homes located in the manufactured home park shall be increased.
- C. In manufactured home parks, manufactured homes may be replaced within 180 days of the removal of the home by only Class A manufactured homes that meet the provisions of Section 4.3.13 and other applicable provisions.
- D. Manufactured homes, because of their use, transportability, manufacture, and manner of construction, location, and susceptibility for use in high-density concentration both as units and persons, tend to place inhabitants of manufactured homes in an unfavorable position to obtain services necessary for a safe and healthful living environment.
- E. It is the purpose of this Section to provide protection for the public against unwise and hazardous existing manufactured home parks and provide a reasonably safe and sound environment for manufactured home park inhabitants and to:
 - 1. Promote public health, safety, welfare, and orderly residential development.
 - 2. Ensure that every individual manufactured home lot (stand) has safe and efficient vehicular access for residents of the home, emergency vehicles, utility and service vehicles, and others needing access to the park.
 - 3. Provide adequate buffering and screening to ensure privacy and protection for both the residents in the park and adjacent property owners.
 - 4. Provide sufficient open space for outdoor uses essential to the manufactured home.
 - 5. Ensure the furnishing of adequate water supply and sewage disposal systems.
 - 6. Provide an acceptable environment for small communities of manufactured homes.
 - 7. Provide a process by which existing manufactured home parks will be improved to meet the minimum level of safety, sanitation, comfort, and privacy.

4.3.17 MANUFACTURING, LIGHT

Manufacturing, Light in the B-2 General Business District is subject to the following requirements:

- A. All activities shall be conducted entirely within an enclosed building.
- B. Outdoor storage of goods and materials used in the assembly, fabrication, or processing is prohibited.
- C. Total floor area shall not be more than 10,000 square feet per zoning lot.
- D. Business shall not employ more than 20 employees.
- E. Parking and loading requirements shall be per Section 5.4.
- F. Shall meet all North Carolina State environmental standards.

4.3.18 OUTDOOR SEASONAL SALES

Outdoor Season Sales are subject to the following conditions:

- A. Outdoor Seasonal Sales may be open for eight (8) weeks per calendar year.
- B. The use may be located on a vacant lot or a lot occupied by a nonresidential use.
- C. Construction of a permanent building is not permitted.
- D. Storage of goods in or sale of goods from a trailer(s) on the site is prohibited.
- E. Parking may be provided and need not comply with Article F.
- F. The use, including all sale items, parking, and maneuvering shall observe a setback line of 20 feet.
- G. Sale items shall not be located in the sight distance triangle as outlined in Section 5.3.7 Visibility at Intersections.
- H. Any signage shall be per the sign requirements of the underlying zoning district.
- I. The operator is responsible for the removal of any vestige of the outdoor sale including signage.
- J. The owner of the property shall, if not the same as the outdoor seasonal sales operator, give written permission for seasonal sales to the operator.



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- K. Stands shall be open on two or more sides.

4.3.19 PLANNED UNIT DEVELOPMENT

All Planned Unit Developments must meet the following requirements:

- A. Prior to application, the applicant shall submit a concept plan to the Planning Director for review and non-binding advisory comment by the Town staff and Planning Board in accordance with the regular review schedule. The concept plan shall describe the following:
1. The boundaries of the site;
 2. Significant topographical and other natural features affecting development of the site;
 3. The type, intensity, and approximate location of all uses proposed;
 4. The approximate location on the site of the proposed buildings, structures, and other improvements;
 5. The approximate dimensions, including height, of the proposed buildings and other structures;
 6. The approximate location of all parks, buffers, and protected open space; and
 7. The approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, stormwater facilities, and pedestrian walkways.

The applicant shall consider all comments received and make revisions as appropriate to the project design and plans prior to formal submittal.

- B. Each proposed PUD must follow the process for conditional zoning included in Section 2.10, as modified by the provisions in this section.
- C. Each proposed PUD shall include a development plan that follows the application requirements for a major subdivision included in Section 6.2.8(B).
- D. At the time of application for a planned unit development, all land, structures, and other real property shall be in single or joint ownership of whatever form, or the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the application for a planned unit development.
- E. A planned unit development shall be located on a site containing at least two (2) contiguous acres.
- F. A PUD may propose any permitted uses in Table 4.1-1 except for those in the Warehousing and Industrial Uses category, as long as all applicable use-specific conditions are addressed.
- G. If land or structures within a proposed PUD are to be sold to more than one person, firm, corporation, or other entity, then the proposed PUD shall be subject to Chapter 6:



Subdivision Regulations. Deviations from said standards may be proposed provided they are stated as part of the PUD Application Requirements.

- H. A minimum of 10 percent of the land area for the PUD shall be a common open/recreational space. This area shall be identified as open/recreation space on the submitted plans, which shall be recorded in the Office of the Register of Deeds. Required open space may not be part of any proposed platted single-family residential lots.
- I. All new planned unit developments shall provide concrete sidewalks along both sides of all existing and proposed public streets within the PUD. Sidewalks shall only be required on the internal side of existing streets that are on the perimeter of the PUD. Sidewalks shall be a minimum of 5 feet wide and four inches thick. Sidewalks will not be required along alleys. All pedestrian segments shall meet or exceed ADA standards and shall be constructed of concrete.
- J. The design and layout of a PUD shall consider the relationship of the site of the surrounding areas. Additionally, the perimeter of the PUD shall be so designed as to minimize any negative impact on adjacent properties.
- K. Development of a PUD may be phased, in which case, all the property anticipated for the PUD development shall be submitted as part of the PUD development plan showing a conceptual depiction of the eventual development and approximate phase lines shown. During the phased development of a PUD, proportional overall common open space required shall be incorporated into each phase and be dedicated and installed or improved by the end of the construction of each proposed phase.
- L. Following a review of the proposed PUD, the Planning Board shall recommend approval or denial of the application and accompanying PUD development plan. The Planning Board may recommend to Town Council approval with such conditions as allowable in Section 2.10.
- M. For an application for a PUD to be approved, the Town Council must find that the proposed development will be compatible with the comprehensive land use plan, and neighborhood development plans, and will not place an excessive traffic load on local streets. Also, Town Council must find that the site can be developed according to a site plan that will be compatible with existing neighborhood development and that the site can be provided with adequate utility services.
- N. Site development within the PUD shall conform to the PUD development plan and associated requirements of the PUD approved by the Town Council. Modification of the development plan may be made in accordance with the requirements in Section 2.10(I).



4.3.20 RESTAURANTS IN O-I DISTRICT

Restaurants in the O-I district are subject to the following requirements:

- A. Outdoor storage of goods and materials used in assembly, fabrication, or processing is prohibited.
- B. A buffer, as outlined in Section 5.2, is required where such use is adjacent to a residentially zoned area.
- C. Must comply with all state and federal alcohol laws.
- D. Must comply with all other standards of the zoning district having jurisdiction.

4.3.21 TELECOMMUNICATIONS FACILITIES

A. General Guidelines and Requirements:

- 1. Purpose; Goals. The purpose of this subsection is to establish general guidelines for the sighting of towers and antennas. The goals of this subsection are to:
 - (a) Encourage the location of towers in non-residential/non-historical areas, and minimize the total number of towers throughout the community.
 - (b) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
 - (c) Encourage strongly the joint use of new and existing tower sites.
 - (d) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
 - (e) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- 2. Principal Use. Telecommunication towers shall be considered principal uses.
 - (a) Alternative tower structures may be considered principal or accessory uses.
 - (b) For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot size and coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.



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3. Administrative Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:
- (a) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, utility pole, or other free-standing, non-residential structure) in any zoning district that is more than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure or increase the height of the structure by more than 10%, whichever is greater.
 - (b) Installing an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, utility pole, or other free-standing, non-residential structure) in any commercial or industrial zoning district that is less than fifty (50) feet in height so long as such addition does not add more than twenty (20) feet to the height of the existing structure or increase the height of the structure by more than 10%, whichever is greater.
 - (c) Installing an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower or increase the height of the structure by more than 10%, whichever is greater.
 - (d) Locating any alternative tower structure in any zoning district if, in the judgment of the Zoning Administrator, it conforms with the goals outlined in Section 4.3.21(A) of this UDO.
 - (e) Replacing an existing tower that adds no more than 20 feet to the overall height of the existing structure.
 - (f) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the B-2 General Business District and the M-1 General Manufacturing District, provided that such towers and antennas shall be located within seven hundred and fifty (750) feet of the Interstate 40 right-of-way and provided that the following requirements are also met:
 - (1) Evidence must be provided which establishes that the communications tower is structurally designed to support at least one additional user and the application includes a statement that the owner of the tower is willing to permit other users



(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. The tower owner may require that such other users agree to negotiate regarding reasonable compensation for any liability which may result from such attachment. The site plan shall show a location for at least one equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.

- (2) To provide spatial separation and create a visual block from adjacent properties and streets, a buffer shall be installed around the outside of all improvements on the site, including the tower and guy anchors, any ground buildings or equipment, and security fencing. The tower's guy anchors may be screened or fenced separately to comply with the requirements of this subsection. Buffering shall be required as stated in Section 5.2.
- (3) The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. The tower's guy anchors may be screened or fenced separately to comply with the requirements of this subsection.
- (4) No outside storage shall be allowed on any telecommunication facility site.
- (5) Associated buildings shall not be used as a place of employment for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (6) The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport. Any lighting shall not project onto the surrounding residential property.
- (7) The minimum lot size requirement shall be under the zoning district where the tower is proposed to be located or the setback requirements of Section 4.3.21(A)(3)(f)(11), whichever is greater.
- (8) The color of the tower shall be neutral, except to the extent required by Federal law, to minimize its visual impact.



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- (9) To protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels certified by the FCC.
- (10) No commercial advertising shall be allowed on the facility's site.
- (11) Setback of the base of the tower from all adjacent property lines shall be one foot for each foot in height. To encourage shared use of towers, applications for towers that will operate with more than one user immediately upon completion may have a 10% reduction in the required setbacks, but in no case shall the setback be less than those required for the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a 60 % reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. To encourage the location of towers in existing forested areas with a minimum depth of sixty-five (65) feet, the tower may have a 20% reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. These reduced setbacks shall not be cumulative. Said setback reductions shall only be allowed upon a professional engineering certification which states that the construction of the structure will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.
- (12) Notice shall be provided to the Zoning Administrator when the tower is placed out of service. Towers that are not used for six (6) months or more shall be removed by the owner within 120 days of receipt of notification to that effect.
- (13) Monopole construction for all new telecommunication towers shall be required. Stealth technology and application are encouraged to be consistent with the surrounding area.
- (14) A telecommunications tower shall not exceed the maximum height of one hundred ninety-nine (199) feet above ground level.
- (g) Locating a telecommunication tower on Town-owned property in any zoning district anywhere in the Town Limits as a principal or accessory use if the Town Manager approves this use of Town property and the Zoning Administrator determines that conforms to goals outlined in Section 4.3.21(A)(1) of this UDO and meets all the requirements of Section 4.3.21(A)(3)(f).

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- (h) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure no more than (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance, whichever is greater.
 - (i) Increasing the square footage of the existing equipment compound by up to 2,500 square feet.
 - (j) Review a collocation of a small wireless facility consistent with the provisions of G.S. 160D-935 – 938.
- B. Pursuant to G.S. 160D-934(b), a collocation or eligible facilities request application is deemed complete unless the Town provides notice that the application is incomplete in writing to the applicant within 45 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The Town may deem an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, State, and local safety requirements. The Town may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.
- C. Pursuant to G.S. 160D-934(c), the Town shall issue a written decision approving an eligible facilities request application within 45 days of such application being deemed complete. For a collocation application that is not an eligible facilities request, the Town shall issue its written decision to approve or deny the application within 45 days of the application being deemed complete.

4.3.22 TEMPORARY HEALTH CARE STRUCTURES

- A. Definitions. The following definitions shall apply to Temporary Health Care Structures:
- B. Activities of daily living. - Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- C. Caregiver. - An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first- or second-degree relative of the mentally or physically impaired person for whom the individual is caring.



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- D. First- or second-degree relative. - A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- E. Mentally or physically impaired person. - A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- F. Temporary family health care structure. - A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
- G. The Town of Valdese shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.
- H. The Town of Valdese shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.
- I. Only one temporary family health care structure shall be allowed on a lot or parcel of land. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.
- J. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town of Valdese. The Town of Valdese may require that the applicant provide evidence of compliance. The evidence may involve the annual inspection by the Town of the temporary family health care structure at reasonable times and convenient to the caregiver, not limited to any annual compliance confirmation and annual renewal of the doctor's certification.
- K. Notwithstanding subsection (i) of this section, any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances,
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and other requirements, including Article 11 of this Chapter, as if the temporary family health care structure were permanent real property.

- L. No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- M. Any temporary family health care structure installed under this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.
- N. The Town of Valdese may revoke the permit granted under subsection (e) of this section if the permit holder violates any provision of this section or N.C.G.S. 160A-202. The Town may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or N.C.G.S. 160A-202.
- O. Temporary family health care structures shall be treated as tangible personal property for purposes of taxation.

4.4 PERMITTED ACCESSORY USES AND STRUCTURES

4.4.1 PERMITTED ACCESSORY USES

The following accessory uses are permitted:

- A. Accessory uses and structures that are related to and incidental to the permitted principal use or structure on the lot (see Section 5.3.7).
- B. Fences and Walls: Fences consisting of masonry, rock, wire, or wooden material and hedges may be installed on any residential lot, provided that the height of such fencing or walls shall be limited to a maximum height of four (4) feet in the front yard. Fencing and walls in the side or rear yard of residential property shall be limited to a maximum of eight (8) feet in height. Retaining walls and required screenings shall not be subject to the above height requirements.
- C. Parking Lots (see Section 5.4, Off-Street Parking Requirements).





Town of Valdese, NC Unified Development Ordinance

CHAPTER 5: DEVELOPMENT STANDARDS

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CHAPTER 5: DEVELOPMENT STANDARDS

5.1 APPLICABILITY

5.1.1 USE

No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved, or structurally altered except in conformity with the regulations of this UDO or amendments thereto, for the district in which it is located.

5.1.2 HEIGHT

No building shall hereafter be erected or altered to exceed the height limit, or to exceed the density regulations of this UDO or amendments thereto, for the district in which it is located.

5.1.3 LOT SIZE

No lot shall be reduced in size so that the lot width or depth, front, side, or rear yards, lot area per family, or other requirements of this UDO are not maintained, except in cases of street widening.

5.1.4 YARD USE LIMITATIONS

No part of a yard or other open space required around any building to comply with the provisions of this UDO shall be included as a part of a yard or other open space similarly required for another building.

5.1.5 ONE PRINCIPAL BUILDING ON ANY LOT

Every building hereafter erected, moved, or structurally altered shall be located on a lot of record, and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, industrial, or commercial buildings in an appropriate zoning district, as permitted by Chapters 2, 3, and 4 of this UDO.

5.1.6 BUILDING LOT MUST ADJOIN PUBLIC STREET

No building shall be constructed, erected upon, or moved to any lot that does not adjoin by at least thirty-five (35) feet a publicly dedicated or maintained street or on a private street, that meets the standards of the North Carolina Department of Transportation Street standards as to maintenance, disclosure, and construction except as provided in Section 5.3.2, Provisions for



Landlocked Lots, Section 5.3.9, Provisions for Ten-Acre Exempt Developments, and Section 5.3.10, Provisions for Gated Subdivisions.

5.1.7 NECESSARY REPAIRS PERMITTED

Nothing in this UDO shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the Building Inspector, the Fire Chief, or any other duly authorized Town officials.

5.1.8 WATER AND SEWER REQUIREMENTS

The lot sizes for the various districts in Table 3.6-1 of this UDO were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to every lot. The lack of adequate systems for one or both facilities may require larger lot areas or, in some instances, not permit development as intended.

5.2 BUFFERS

5.2.1 INTENT

The purpose of this article is to preserve and protect the health, safety, and general welfare of the residents of the Town of Valdese by promoting the environmental and public benefits of buffers. It is intended to improve compatibility and provide a transition between different zones and preserve the character and aesthetics of an area (see “Buffer” definition in Section 11.2).

5.2.2 STANDARDS

- A. When an industrial and commercial property is developed adjacent to vacant property zoned residential or when nonresidential uses are developed in residential zones, a buffer shall be required.
- B. The planted buffers as provided in Section 5.2 shall be required in all industrial and commercial zones when these areas adjoin residential zones and for all nonresidential uses in residential zones.
- C. All plant types required in this article shall consist of plants at least three (3) feet in height when planted.



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- D. When two (2) rows of plantings are required, plants shall be staggered in a triangular pattern so that there is a plant spaced the required distance apart as specified in Section 5.2.3(D).
 - E. When the existing natural buffer provides adequate screening, the existing buffer should remain. The Zoning Enforcement Officer shall determine if sufficient buffer does exist.
 - F. The buffer shall be shown in detail on the site plan approved by the Town.
 - G. The buffer shall be installed and approved before a certificate of occupancy will be granted except when seasonal weather conditions are not conducive; a temporary certificate of occupancy may be issued for up to ninety (90) days.
 - H. The buffer shall be maintained, and dead and diseased plants replaced by the owner or occupant of the premises. The outside storage of materials shall be prohibited in the area between the planted buffer and the residential district. The owner or occupant of the premises shall properly and continuously maintain this area.
 - I. If a fence is erected on the residential district side of the planted buffer by the party establishing the buffer, the fence shall be one of the following types:
 - 1. A six-foot-high wood, basket weave type fence;
 - 2. A six-foot-high picket type fence;
 - 3. A six-foot-high chain-link type fence;
 - 4. A six-foot-high open type fence; or
 - 5. A six-foot-high solid masonry wall.
 - J. Fences with barbed or razor wire shall be located on the inside of the buffer. The height of the buffer plantings shall equal the height of the barbed or razor wire at the time of the planting.

5.2.3 PLANTING SPECIFICATIONS

- A. Manufacturing-Industrial Zones (M-1) that adjoin residential zones (R-8, R-12, R-12A): A planted buffer shall reach a minimum height of eight (8) feet. Plants used on a buffer shall be a species that forms a continuous year-round opaque screen within three (3) years after planting. The planted buffer shall be composed of two (2) rows of plants no more than 10 feet apart in each row. One of the plant types listed in Section 5.2.3(D) shall be used, and



the plants shall be located no further apart than the distance indicated for each plant type. The planted buffer area shall be at least ten (10) feet wide.

- B. Commercial or Business Zones (B-1, B-2, O-1) that adjoin residential zones (R-8, R-12, R-12A) and non-residential uses in residential zones (R-8, R-12, R-12A): A planted buffer shall reach a minimum height of six (6) feet. Plants used on a buffer shall be a species that forms a continuous year-round opaque screen within three (3) years after planting. The planted buffer shall be composed of one (1) row of plants no more than 10 feet apart in the row. One of the plant types listed in Section 5.2.3(D) shall be used, and the plants shall be located no further apart than the distance indicated for each plant type. The planted buffer area shall be at least ten (10) feet wide.
- C. Required buffer heights and topographic considerations: The required height of the planted buffer shall be measured with the elevation of the edge of the adjacent area to be screened. In such cases as the ground elevation of the location at which the screen is to be planted is less than the elevation of the proposed building site, the required height of the screen shall be increased in an amount equal to the said difference in elevation.
- D. Plant types and spacing: Below are listed the types of plants that shall be used in planted buffers and the maximum distance each plant type shall be planted apart. Substitution for another plant type not listed is to be made in writing to the zoning administrator and is subject to verification that the proposed plant will thrive and provide adequate screening. No more than thirty (30) percent of the total plantings in a buffer shall be deciduous plants.

<i>Plant</i>	<i>Distance Apart (in feet)</i>
Arbor Vitae	4
Ligustrum Japonicum and varieties	5
Photinia	5
Holly	5
a. Nellie R. Stevens	5
b. Fosters #2	4
c. Savannah	4
d. Bufordi	5
Eleagnus Pungens	5
Osmanthus Varieties	4
Pfitzer Juniper	4
Doublefle Viburnum	5
Forsythia	3
White Pine	8 to 10
Scotch Pine	5 to 6
Deodara Cedar	8 to 10

Dogwood	8 to 10
Flowering Cherry	8 to 10
Flowering Crabapple	8 to 10
Bradford Pear	8 to 10
Oak	8 to 10
Linden	8 to 10
Leyland Cypress	8 to 10

5.3 MISCELLANEOUS PROVISIONS

5.3.1 LOT OF RECORD

- A. Where the owner of property consisting of one (1) or more lots of record in any district at the time of adoption of this UDO or his successor in title does not own sufficient contiguous land to conform to the minimum area and width requirements of this UDO, such property may be used as a building site, provided that the requirements of the district are complied with or a variance is obtained from the Board of Adjustment.
- B. Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at any time after the adoption of this UDO and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this UDO for the district in which such lots are located.
- C. Every lot to be built upon shall adjoin, by at least thirty-five (35) feet, a public street or another public way, and no dwelling shall be placed or built upon a lot that does not adjoin upon a public street or another public way by the same distance except as provided in Section 5.3.2, Provisions for Landlocked Lots, Section 5.3.9 Provisions for Ten-Acre Exempt Development, and Section 5.3.10, Provisions for Gated Subdivisions.

5.3.2 FLAG LOTS

Lots or parcels that are approved by the Town which have an access corridor providing a minimum of thirty-five (35') of frontage on an approved public street, with the bulk of the lot or parcel being otherwise landlocked by other property. Such access shall have a minimum width of 35 feet. The area of the access corridor shall be excluded in computing the lot area and width, and the length of said strip shall not exceed one hundred (100) feet.

5.3.3 PROVISIONS FOR LANDLOCKED LOTS

- A. Existing landlocked lots within the residential zoning district, defined as a lot that does not adjoin a public street by at least thirty-five (35) feet and therefore does not meet the requirement that the lot has a minimum frontage on a public street of thirty-five (35) feet, may nevertheless be developed for one single-family dwelling unit if the lot otherwise meets the zoning requirements of the zone in which the lot is located and provided that the lot has a recorded easement of ingress and egress to and from a public street which is appurtenant to the lot and which meets all of the following requirements:
- (1) A private easement with a minimum continuous width of twenty-five (25) feet is acquired from intervening property owners; provided, however, an easement with a minimum continuous width of less than twenty-five (25) feet and a maximum length of three hundred (300) feet may be permitted only in situations where an easement with a minimum continuous width of twenty-five (25) feet would create a nonconformity for this UDO;
 - (2) The recorded documents creating the easement provide that public service, utility and emergency personnel and vehicles shall have freedom of ingress and egress to and from the landlocked property;
 - (3) The recorded documents include a maintenance agreement specifying the party or parties responsible for maintaining the easement and its traveled surface;
 - (4) The easement has and maintains at all times an all-weather surface of gravel, concrete, or asphalt with a minimum continuous width of ten (10) feet to ensure access of public service, utility, and emergency personnel and vehicles; and
 - (5) The landlocked lot or lots are not subdivided.

5.3.4 FRONT YARD SETBACKS FOR DWELLINGS

The front yard setback requirements of this UDO for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed dwelling and the same side of the same block and use district as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way line, whichever is greater.



5.3.5 SETBACKS ALONG THOROUGHFARES

A. Under the authority granted by N.C.G.S. § 160D-916 the following setback requirements shall apply to lots along thoroughfares:

1. The minimum street setbacks for lots in each zoning district that adjoins a thoroughfare shown in the Adopted Thoroughfare Plan shall be measured from the existing right-of-way line for each classification of the thoroughfare and shall meet the following requirements:

Thoroughfare Classification	Additional Setback
Existing street recommended for securing additional right-of-way of 10 feet or less	10 feet
Existing street recommended for securing additional right-of-way of more than 10 feet	One-half the difference between the existing and recommended rights-of-way, but less than 10 feet
Not recommended for securing additional right-of-way	No additional setback required
Note: Where rights-of-way for street widening have been acquired, setbacks shall be measured from the right-of-way line that has been established.	

2. Use of Additional Setback. The additional setback adjacent to the existing right-of-way may not be developed for parking but may be used for fences, buffers, landscaping, signs, lighting fixtures, or other similar improvements.

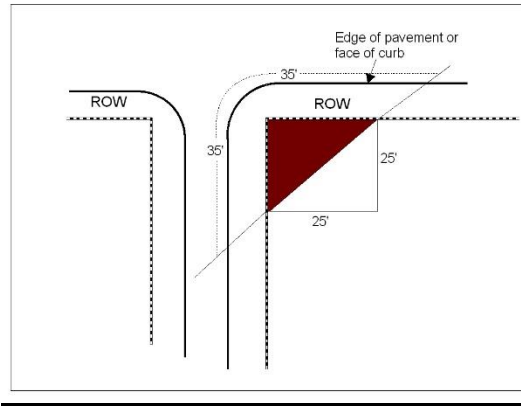
5.3.6 HEIGHT LIMITATIONS

A. The height limitations of this UDO shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments; water towers; chimneys; smokestacks; conveyors; flag poles; masts; serials and similar structures except as otherwise noted in the vicinity of airports. Telecommunications towers shall adhere to the height restrictions of Section 4.3.21.



5.3.7 VISIBILITY AT INTERSECTIONS

- A. The minimum development standards outlined in this Section shall apply to land adjoining street intersections delineated as follows:



1. A triangular area formed by:
 - (a) Intersecting the edge of pavement measuring 35 feet in each direction along the pavement edge from the point of intersection, and on the third side by the diagonal line connecting the ends of the 35-foot sides as illustrated; or
 - (b) Starting at the edge of pavement within the roadway, intersect the street right of way lines measuring 25 feet in each direction from the point of intersection along the street right of way, and on the third side by the diagonal line connecting the ends of the 35-foot sides as illustrated
2. Within the triangular areas as described above, and except as provided below, no structure, sign, plant, shrub, tree, berm, fence, wall, or other objects of any kind shall be installed, constructed, set out, or maintained to obstruct cross-visibility at a level that exceeds 30 inches above the level of the center of the street.
3. On streets maintained by the North Carolina Department of Transportation, additional sight distance requirements may apply.
4. In other than 90-degree intersections or where grades mandate, the Town of Valdese may impose additional sight triangles, as long as they begin within the roadway or edge of pavement of a proposed or existing street, as required in N.C.G.S. § 160A-306(b).
5. Exemptions include the following:
 - (a) The restrictions outlined in Section 5.3.6(A) shall not apply to the following:

- (1) Existing natural grades which, because of the natural topography, rise 30 or more inches above the level of the center of the adjacent intersection;
- (2) Limbs and foliage from trees outside the triangular area trimmed in such a manner that no limbs or foliage extend into the triangular area between 30 and 96 inches above the level of the center of the adjacent intersection;
- (3) Fire hydrants, public utility poles, street markers, governmental signs, electrical junction boxes, and traffic control devices.
- (4) The clear sight triangles at street intersection restrictions established in this Section shall not apply to structures located in the B-1 Central Business District.

5.3.8 LOCATION OF ACCESSORY BUILDINGS OR STRUCTURES

- A. On any residential lot, except as hereafter provided, accessory buildings shall not be located in any front or side yard, shall not cover more than thirty percent (30%) of any rear yard, and shall be at least five (5) feet from any other building on the same lot and at least twenty (20) feet from any buildings used for human habitation on adjoining lots. Also, the size of the footprint of any accessory structure shall not exceed the size of the total footprint of the principal structure, and the footprint of the accessory structure shall not be greater than 1,000 square feet. All parts of the building, including the footings and roof overhang, shall be a minimum of ten (10) feet from any lot line; and further provided that in the case of corner lots such buildings or structures shall be set back at least twenty (20) feet from any side line right-of-way line. Exception: residential accessory buildings located in the B-1 Zoning District shall be a minimum of five (5) feet from any lot line.
- B. Residential carports may be permitted in the side yard of a single-family dwelling provided such carports meet the side yard setback of a principal structure for the applicable zoning district. For this section, a residential carport shall be defined as an accessory building consisting of a roof where the side walls are open and where the purpose of such a structure is to provide covered parking for non-commercial (passenger) motor vehicles. The storage of materials or equipment, other than motor vehicles, in a residential carport, is prohibited if the carport is not located in the rear yard.
- C. A detached garage may be permitted in the side or front yard if it follows the requirements in Section 4.3.9.
- D. Residential accessory buildings may be located in a front or side yard provided the lot is used for single-family purposes and is greater than five (5) acres in size (area). In such a case, the residential accessory building shall be set back from the front property line a



minimum of 200 feet and shall meet all other applicable setbacks. In addition, the size of the footprint of any accessory structure shall not exceed the size of the total footprint of the principal structure, and the footprint of the accessory structure shall not be greater than 1,000 square feet.

- E. On any commercial or industrial lot, accessory buildings may be located in a side or rear yard, provided they do not cover more than fifty percent (50%) of the total area of the lot. Such accessory buildings shall be at least ten (10) feet from any other building on the same lot and at least twenty (20) feet from any buildings used for human habitation on adjoining lots. Vehicular canopies for gas pumps may project into a required front setback; provided, however, such canopies may project no closer than within five (5) feet of the right of way line or property line, and such structures may not extend into a required buffer or side yard setback areas. All parts of each accessory building, including the footings and roof overhangs, shall be a minimum of ten (10) feet from any lot or right of way line. Fuel pumps shall be at least twenty (20) feet from property or right of way lines. Accessory buildings and structures shall be set back at least twenty (20) feet from any side property or right of way line. Exception: non-residential accessory buildings located in the B-1 Zoning District shall be a minimum of five (5) feet from any lot or right of way line.
- F. Swimming pools may be allowed in side yards if all of the following conditions are met:
1. Maximum size of the accessory (swimming pool) shall be 27 feet in diameter;
 2. No additional accessory building permitted in the side yard;
 3. Minimum setback from any property line shall be 10 feet;
 4. Minimum setback from any other building on the same lot shall be 5 feet;
 5. The pool, with any surrounding decking, shall not encroach into the front yard; and
 6. A 6-ft privacy fence shall be installed around the perimeter of the pool within 60 days following installation.

5.3.9 PROPERTY MAINTENANCE

- A. This section shall apply to all properties within the Town jurisdiction.
- B. Town of Valdese Code Enforcement staff shall have primary responsibility for enforcing this section.
- C. Construction. All new structures shall be designed, constructed, and maintained per the following standards:

-
1. All structures shall comply with applicable provisions of this UDO, the North Carolina State Building Code as adopted by N.C. State Building Code Council, the Town Minimum Housing Code, and other development standards that may be adopted and/or amended by the Town from time to time.
- D. Maintenance. All structures erected, occupied, or continued under this UDO shall be maintained in good structural condition, in compliance with all applicable codes and provisions of this. Specifically:
1. All existing structures shall comply with applicable provisions of this UDO and the following codes including but not limited to the: North Carolina State Building Code Volume IX – Existing Buildings, the requirements of the code under which the building was built, and the Town Minimum Housing Code.
 2. A structure shall have no more than 20 percent of its exterior roofs, walls, and other elements of the structure covered with disfigured, cracked, or peeling surface materials for more than 30 consecutive days.
 3. A structure shall not be maintained with broken windows, holes in exterior surfaces including roofs and walls, ripped awnings, loose materials, loose elements, or other obvious exterior defects for more than 30 consecutive days. Exterior materials shall form a weather-tight surface with no holes, excessive cracks, or decayed surfaces that permit air to penetrate rooms where such rooms are designed, used, permitted, or intended for human occupancy or use.
 4. A structure shall not have weeds, trees, vines, or other vegetation growing upon it greater than 12 inches in height in an untended manner for more than 15 consecutive days.
 5. All site lighting, parking areas, fences, railings, driveways, curbs, wheel stops, sidewalks, gutters, stormwater management areas and systems, and other improvements and appurtenances shall be maintained in working order and reasonably free of defects.

5.3.10 PROVISIONS FOR 10-ACRE EXEMPT DEVELOPMENTS

- A. Ten-Acre Exempt Developments shall be approved by the Town upon the allowance of a Special Use Permit. Before an application for the permit is approved, there shall be findings that the following general standards are met:
1. The use will not materially endanger public health, safety, and general welfare.
 2. The use:



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- (a) Will not substantially injure the value of adjoining; or
 - (b) The use is consistent with any adopted area plans that encompass the property subject to the application.
3. The development access road shall remain private.
 4. The development access road shall be constructed following the North Carolina Fire Prevention Code standards.
 5. An easement shall be granted to the Town to guarantee access for Public Safety, Public Works, and Planning Department.
 6. An entity other than the Town, such as property owners, homeowners' association, community group, property management company, or similar type of organizations, shall be responsible for upkeep and maintenance.
 7. The development shall not exceed 5 (five) building tracts.
 8. Public Works shall not be responsible for any garbage pick-up, rough trash services, white goods, or yard waste, except at a designated area located nearest the entrance to the property, as approved by the Town.
 9. The development shall comply with the requirements outlined in the Code of Chapters Part 5 Municipal Utilities, Chapter 1, Water Supply and Distribution, and Chapter 2, Sewer Collection and Disposal.

5.3.11 PROVISIONS FOR GATED COMMUNITIES

- A. Gated Subdivisions shall be approved by the Town upon the allowance of a Special Use Permit. Before an application for the permit is approved, there shall be findings that the following general standards are met:
 1. The use will not materially endanger public health, safety, and general welfare.
 2. The use will not substantially injure the value of adjoining or abutting property.
 3. The use is consistent with any adopted area plans that encompass the property subject to the application.
 4. Subdivision roads within gated subdivisions shall remain private.



5. Subdivision roads shall be paved following the North Carolina Department of Transportation Road Standards and shall comply with the North Carolina Fire Prevention Code standards.
6. The subdivision gate and access road for ingress and egress shall be compliant with the North Carolina Fire Prevention Code and subject to approval by the Planning Department, Fire Department, Police Department, and Public Works Department.
7. An easement shall be granted to the Town to guarantee access for Public Safety, Public Works, and Planning Department.
8. An entity other than the Town, such as property owners, homeowners' association, community group, property management company, or similar type of organizations, shall be responsible for upkeep and maintenance.
9. The gated ingress/egress areas, along with the exterior gate(s) encompassing the development, shall be kept in working order and shall be repaired and/or replaced in the event they are disabled and/or damaged.
10. The development shall comply with the requirements outlined in the Code of Chapters Part 5 Municipal Utilities, Chapter 1, Water Supply and Distribution, and Chapter 2, Sewer Collection and Disposal.

5.4 OFF-STREET PARKING REQUIREMENTS

5.4.1 PARKING TO BE REQUIRED AND PERMANENT

- A. Off-street parking space shall be provided per this Article in all districts, except the B-1 Central Business District, the function of which makes it impractical to impose such requirements.
- B. The off-street parking space required by this section shall be permanent space and shall not be used for any other purpose.
- C. Each parking space shall be:
 1. Angle parking:
 - (a) 30-degree, 45-degree, 60-degree or 90-degree
 - (b) Minimum nine (9) feet by eighteen (18) feet; or



2. Parallel parking:
 - (a) Minimum seven (7) feet by twenty (20) feet.
 - (b) On State of North Carolina maintained roads, an eleven (11) foot lane width is recommended.
3. The parking standards are for one vehicle, exclusive of adequate egress and ingress, drives, maneuvering space, and landscaping.

D. Minimum aisle widths shall be according to the angle of the parking as follows:

Angle of Parking	Minimum Width of Aisle
0 (parallel)	12 feet
30	12 feet
45	12 feet
60	16 feet
90	24 feet

- E. Off-street parking spaces shall not be located in such a manner that parked cars will extend onto a public street or sidewalk.
- F. Off-street parking areas shall not be permitted within the front yard in the B-1 Zoning District.
- G. Off-street parking areas shall be setback at least 10 feet from any public street.
- H. Required off-street parking spaces for any use shall be located no more than 400 feet from the use they are intended to serve. This standard does not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums, hospitals, and other places of assembly.

5.4.2 USE OF PARKING LOTS PERMITTED

- A. The required parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half (1/2) of the parking space required for **churches, theaters, or**

assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

- B. No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling the area requirements for off-street parking required by the terms of this UDO.
- C. Parking in one zoning district in connection with the principle use in another zoning district is permitted so long as all requirements of Section 5.4, are met.
- D. If parking areas are lighted, the lighting fixtures shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Light standards shall not exceed 30 feet in height and the light direction angle shall not exceed 45 degrees from vertical.

5.4.3 ENFORCEMENT

Each application for a zoning permit shall include information as to the location and dimensions of off-street parking space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this UDO are met.

5.4.4 SCHEDULES OF PARKING SPACES

Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following types of property uses as follows:

USE CLASSIFICATION	PARKING SPACE REQUIREMENT
Single Family	2 for each dwelling unit
Duplex	2 per unit
Group Living Quarters	1 per 4 residents
Senior Housing	1 per unit
Multi-family	1.5 per unit
Commercial	1 space for every 500 square feet of gross floor area
Industrial	1 space for every 500 square feet of gross floor area
Office	1 space for every 500 square feet of gross floor area
Warehouse	1 space for every 4,000 square feet of gross floor area
Civic	1 space for every 500 square feet of gross floor area

High Schools or Colleges and University Campuses (auditoriums, stadiums, gymnasiums, assembly halls)	1 space for each 10 fixed seats and 1 space for each 10 moveable seats in the largest assembly area
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5.4.5 REQUIRED LOADING AND UNLOADING

- A. Every building or structure used for business, trade, or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public right-of-way. Such space shall have access to an alley or street.

For this Section 5.4.5, an off-street loading space shall have a minimum dimension of twelve (12) feet by forty (40) feet and overhead clearance of fourteen (14) feet in height above the alley or street grade.

- B. Off-street loading and unloading shall be permanently maintained by the owners and occupants of the following types of property uses on the basis indicated:
1. Retail operations: One (1) loading space for every 5,000 square feet of gross floor area or fraction thereof.
 2. Wholesale and industrial operations: One (1) loading space for every 10,000 square feet of gross floor area or fraction thereof.

5.4.6 PARKING LOT DESIGN REQUIREMENTS

Off-street parking areas should be designed to create a safe and comfortable passage for pedestrians. All off-street parking lots, including exits, entrances, drives, and parking areas shall:

- A. Be designed to allow for traffic movement following generally accepted geometric design principles;
- B. Have physical access to a public street;
- C. Be so designed that stormwater runoff from the parking area does not create erosion, flooding, or other nuisance condition or hazard, on the parking area property or adjoining properties or roadways. Wherever practicable, runoff shall be directed into existing stormwater conveyances, such as ditches, curbs, and storm sewers. In no case shall runoff be directed onto adjoining properties in locations that previously did not receive runoff;
- D. Off-street parking areas, loading, egress and ingress, and maneuvering space shall be paved with asphalt or concrete. Any parking area not paved at the time of adoption of this UDO

shall be allowed to continue as such until an expansion of the building or parking area occurs. At such time, the parking area must be paved and meet current landscaping requirements;

- E. Be maintained as long as the use, which it serves, exists. Each parking space shall be marked and maintained; and
- F. Unless otherwise required by these regulations, all off-street parking with more than 10 automotive vehicles that adjoins any plot zoned or used for single-family residential purposes, shall be screened with landscaped devices following Section 5.4.7(B) to protect residences from light, glare, noise, and fumes.

5.4.7 LANDSCAPING OF PARKING AREAS

- A. The landscaping requirements of this section shall apply to land, public and private, designated as multi-family, recreational, institutional, industrial, or commercial land uses, which is required to have or provide forty (40) or more parking spaces.
 - 1. All those multi-family, recreational, institutional, industrial, and commercial land uses which are required to have one (1) to thirty-nine (39) nineteen spaces must comply with the street yard requirements only.
 - 2. All parking areas regardless of size shall meet buffer requirements outlined in Section 5.4.7(C).
- B. Parking area landscaping requirements of this section are as follows:
 - 1. Landscaping shall be placed in a manner that meets the intent of this UDO and shall be maintained.
 - 2. Any fraction of requirements shall be rounded up to the next whole number.
 - 3. Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection to constitute a traffic hazard.
 - 4. Credit for using existing trees on site greater than or equal to those required by standards shall be two (2) trees for every one tree retained.
 - 5. When using an existing tree, the area under the drip line (maximum extension of branches) of the tree must remain undisturbed. This includes grading, fill, paving, etc.
 - 6. If an existing tree dies, it must be replaced with two (2) trees during the next planting season.



7. If any vegetation dies, replacement is required within the next planting season.

C. Landscaping requirements for interior areas of parking areas:

1. Interior areas are defined in this subsection as the areas within the property used for vehicular storage, parking, or movement.
2. Landscaped planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside medians, or between rows of cars.
3. There shall be one (1) large shade tree for every two thousand (2,000) square feet of the total parking area.
4. There shall be one shrub for every one thousand (1,000) square feet of the total parking area. Shrubs must be eighteen (18) inches tall at planting and reach a minimum height of thirty (30) inches in three (3) years.
5. All trees and shrubs are to be planted within a landscaped planting area not less than one hundred sixty-two (162) square feet in area.
6. No vehicular parking space shall be farther than fifty (50) feet from a planting area.
7. No more than fifty (50%) percent of the trees and/or shrubs shall be deciduous.

D. Landscaping requirements for street yards of parking areas:

1. Street yards are defined in this subsection as the area between the public right-of-way and interior area.
2. Street yards are required to be a minimum of ten (10) feet in width.
3. One (1) large shade tree is required every fifty (50) feet or one (1) small tree is required every twenty-five (25) feet along the street frontage.
4. Shrub beds shall meet the following requirements:
 - a. Shrub beds are required every forty (40) feet along the street frontage;
 - b. Each bed shall have:
 - i. An area of fifty (50) square feet minimum; and
 - ii. A minimum of ten (10) shrubs per shrub bed.



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- c. Berms may be used instead of shrubs if they meet all of the following stipulations:
- i. Berms must be the required height of shrubs with no more than a 3:1 slope;
 - ii. Shorter shrubs may be used in combination with berms as long as the required total height is met;
 - iii. Berms must be capped or topped with groundcover vegetation;
 - iv. Berms shall be grassed;
 - v. Berms must occupy sixty (60%) percent of the frontage area; and
 - vi. Fences may be used in combination with berms as long as the fence is compatible in materials and color to the building and is not more than forty (40%) percent of the required height.

E. Tree and shrub specifications:

1. "Tree" as used herein means any tree, evergreen or deciduous, whose mature height of its species can be expected to exceed fifteen (15) feet for a small tree and thirty-five (35) feet for a large tree (except in cases where this would require the planting of incompatible species with the surrounding environment, such as overhead utility lines, then acceptable species may be used).
 - a. The tree, existing or planted, shall be at least eight (8) feet in height and six and one-quarter (6 1/4") inches in circumference (two (2) inches in diameter) measured at one-half (1/2') foot above grade for newly planted trees and measured at four (4) feet above grade for existing trees.
2. Each shrub shall attain a minimum of thirty (30") inches in height within three (3) years of planting.
 - a. All shrubs shall be a minimum of eighteen (18") inches tall when planted.
 - b. All shrubs planted on berms may have lesser height provided the combined height of the berm and plantings after three (3) years is at least thirty (30") inches in height.

F. Abutting property landscaping requirements

1. Any non-residential use located or developed on property adjoining any residential district, unless separated by a public street or rail right-of-way, shall provide landscaping



as outlined in Section 5.2 Buffers. Landscaping shall be provided even if the adjoining residentially zoned property is vacant. A buffer shall be provided along the full length of any common property line and shall be maintained as long as the conditions requiring the screening exist.

2. Screening for any parking area regardless of use or zoning district shall meet the requirements of Section 5.2.

5.4.8 DUMPSTERS/TRASH CANS

Dumpsters and trash containers shall meet all the requirements of the Solid Waste Chapter as adopted by the Town.

5.4.9 COMPLIANCE WITH STORMWATER AND EROSION CONTROL MEASURES

Parking areas constructed or improved under this UDO shall comply with all applicable stormwater and erosion control standards adopted by the Town.

5.5 SIGN REGULATIONS

5.5.1 PURPOSE

The purpose of this section is:

- A. To maintain public safety and traffic safety by ensuring that signs are properly designed, constructed, installed, and maintained;
- B. To minimize the distractions and obstruction of view that contributes to traffic hazards and endangers public safety;
- C. To protect existing development and promote high standards of quality in new development by encouraging appropriately designed, placed, and sized signage; and
- D. To permit the effective use of signs as a means of commercial and noncommercial communication without dominating the visual appearance of the areas in which they are located; and
- E. To minimize the possible adverse effect of signs on nearby public and private property.

5.5.2 APPLICABILITY

- A. Except as otherwise provided in this UDO, it shall be unlawful to construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Town. Also, a certificate of occupancy for the change in the use of a property shall require compliance with Section 5.5 Sign Regulations.
- B. Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign to render it in violation of this UDO.

5.5.3 GENERAL PROVISIONS

The following provisions shall apply to all signs:

- A. Construction Standards. All signs shall be constructed and installed following the applicable provisions of the North Carolina State Building Code.
- B. Electrical Standards. All illuminated signs shall be installed following the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.
- C. Maintenance of Signs. All signs shall be maintained in good structural and aesthetic conditions. Deficiencies such as chipped paint, broken plastic, missing letters, and exposed light bulbs shall be evidence of a lack of maintenance.
- D. Content. Content of the message, commercial or non-commercial, is not regulated by this UDO.
- E. No sign shall be placed to obstruct the clear sight triangle at a street intersection.
- F. Whenever the ordinance permits a commercial sign, a non-commercial message may be substituted for the commercial message. The right to substitute the non-commercial message does not waive any other requirement imposed the Town's ordinances as to the number, size, type, construction, location, lighting, safety or other regulated attribute.

5.5.4 DISTRICT CLASSIFICATION

For purposes of this Article, zoning districts are classified as follows:



R-12 (Residential)	Residential
R-12A (Residential)	Residential
R-8 (Residential)	Residential
FP (Floodplain Overlay)	Mixed Use
O-I (Office-Institutional)	Mixed-Use
B-1 (Central Business)	Mixed-Use
B-2 (General Business)	Commercial
M-1 (Manufacturing)	Commercial

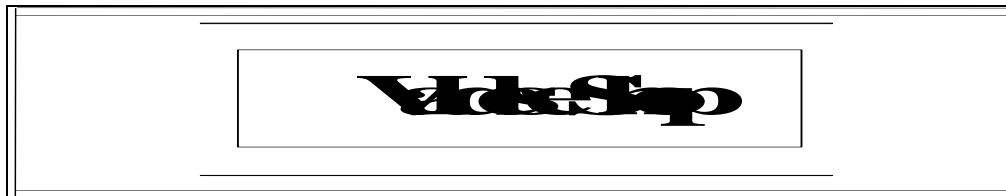
5.5.5 SIGN TYPES

Sign types are defined as follows:

A. Wall Mounted Signs

One or a combination of the wall sign types below may be used on a building. The Wall sign area is the total square footage of all wall signs associated with a business or structure.

1. A flush wall sign is mounted or applied directly to the building wall, generally on the fascia. It may in no instance extend above the parapet; in the residential and mixed-use districts, it must be located **below** the parapet.



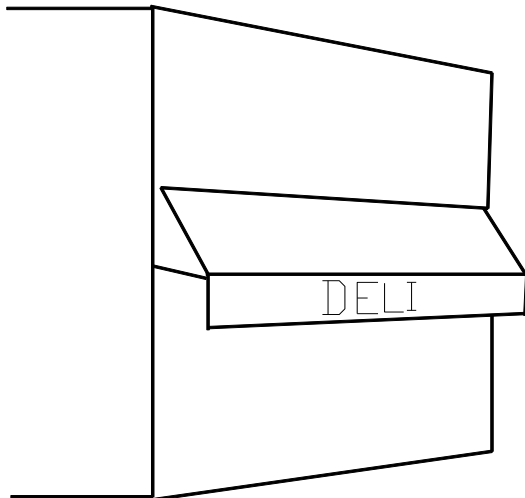
2. A hanging sign is also a wall sign. A hanging sign is suspended from a simple bracket attached to a building wall and requires 9 or more feet of vertical clearance from the ground.

It is most appropriately used along pedestrian-oriented streets to identify attached or closely spaced shops, restaurants, and service businesses. Only one hanging sign is

permitted per building or business bay (in a multi-tenant building). The sign face area does not include the area of the bracket. A hanging sign may project no more than 5 feet from the building wall. It may project up to 5 feet over a sidewalk in a town-maintained right-of-way (or state ROW if permitted). However, in any case, the sign shall not be closer than 3 feet to power or other utility line or the outside edge of street pavement.



3. A canopy or awning sign is a sign copy applied directly onto a canopy or awning.



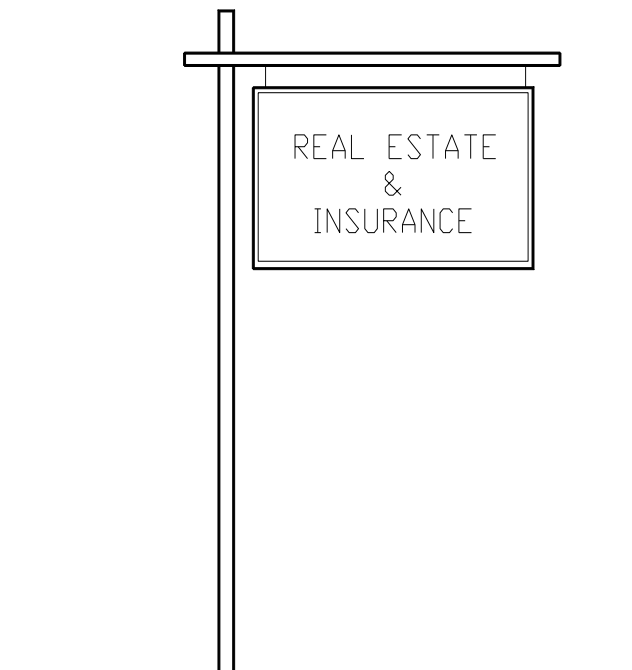
B. Ground Mounted Signs are defined as follows:

1. A monument sign is mounted generally flush with the ground plane. It may not be mounted on a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed three feet in height and are

included in the measurement of sign height. All signs shall be set back at least ten (10) feet from any property or right-of-way line.



2. A raised sign may hang from a pole and beam frame as illustrated below, or be placed within a frame mounted on up to two supporting poles. All signs shall be set back at least ten (10) feet from any property or right-of-way line.



5.5.6 SIGN MEASUREMENT

- A. Sign Face Area: the area within a single, continuous perimeter enclosing the characters, lettering, logos, illustrations, and ornamentation, together with any material or color-forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

- B. Sign Height: The distance from the ground plane beneath the sign to the highest point of the sign’s frame. Ornamentation atop signs, such as small caps and spires, are not included in the height measurement.

5.5.7 PERMANENT ON-PREMISES SIGNS REQUIRING A PERMIT

On-Premise Signs are allowed, as indicated in the chart below.

<p style="text-align: center;">INSTITUTIONAL IN ANY DISTRICT</p> <p>Wall Mounted Sign: 1 square foot of sign surface area for every linear foot of building frontage up to a maximum of 75 square feet</p> <p style="text-align: center;"><u>Ground Mounted Sign</u> (Only Monument Style Permitted)</p> <ul style="list-style-type: none"> • Maximum Number: 1 per street front • Maximum Area: 50 square feet • Maximum Height: 10 feet • Setback: Must be setback at least 10 feet from any right-of-way or property line. <p>For the purpose of this section, institutional facilities include public schools, libraries, and buildings operated by the Town of Valdese.</p>	<p style="text-align: center;">ANY BUILDING TYPE IN A MIXED USE DISTRICT EXCEPT A SINGLE-FAMILY HOUSE (B-1, O-I, FP)</p> <p style="text-align: center;"><u>Wall Mounted Sign</u></p> <ul style="list-style-type: none"> • For single-story buildings, 1 square foot of sign surface area for every linear foot of building frontage up to a maximum of 50 square feet. • For multi-story buildings, 1.5 square feet of sign surface area for every linear foot of building frontage up to a maximum of 75 square feet. <p style="text-align: center;"><u>Ground Mounted Sign</u></p> <ul style="list-style-type: none"> • Maximum Number: 1 per street front • Maximum Area: 32 square feet • Maximum Height: 8 feet • Setback: Must be setback at least 10 feet from any right-of-way or property line. <p style="text-align: center;"><u>Flag Signs Prohibited</u></p>
<p style="text-align: center;">ANY BUILDING TYPE IN A COMMERCIAL DISTRICT EXCEPT SINGLE-FAMILY HOUSE (B-2, M-1)</p> <p style="text-align: center;"><u>Wall Mounted Sign</u></p> <ul style="list-style-type: none"> • One (1) wall sign shall be permitted for each principal building frontage or storefront of an individual bay or store. • Wall signs shall be limited to one (1) square foot per linear foot of principal building front façade, not to exceed one hundred twenty (120) square feet for any single sign. • Each secondary business is allowed Secondary Business Sign (<i>defined in Section 9-3106</i>), up to a maximum area of sixty (60) square feet. • Notwithstanding the above, the total area of all wall mounted signs shall not exceed 10% of the applicable wall face area. <p style="text-align: center;"><u>Ground Mounted Sign</u> (Only Monument Style Permitted)</p> <ul style="list-style-type: none"> • Maximum Number: 1 per street front • Maximum Area: 50 square feet • Maximum Height: 12 feet • Setback: Must be setback at least 10 feet from any right-of-way or property line. 	<p style="text-align: center;">PLANNED DEVELOPMENT ENTRANCE SIGN</p> <ul style="list-style-type: none"> • Maximum Number: 1 per street front • 2 sign faces may be used with a wall, fence, or other architectural entrance feature • Maximum Area: 24 square feet • Maximum Height: 8 feet • (permitted for all-residential, mixed use, and non-residential projects of 10 acres or more) • Limited to name and/or logo

5.5.8 ELECTRONIC MESSAGE SIGNS

A. Electronic Message signs are permitted as a component of otherwise permitted on premise signage subject to the following regulations:

1. Electronic Message Signs are prohibited in all zoning districts unless used in connection with the Town of Valdese or public-school facilities.
2. Graphic images are prohibited.
3. Each message on the sign must be displayed for a minimum of *eight (8) seconds*.
4. The message must be complete during the duration of the display, without continuation in content to the next image. Transitions from one static message to the next shall appear instantaneous without the appearance of movement of any kind.
5. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.
6. Each static message display shall be limited to one monochrome color display on a solid black background at any one time and have a medium resolution true pixel pitch of no greater than twenty (20) mm. Full-color display is permitted provided such signs have a high-resolution true pitch of ten (10) mm or less.
7. The level of direct or indirect illumination on the vertical surface of any electronic message sign shall not exceed three (3) foot candles for wall-mounted and two (2) foot candles for ground-mounted signs.
8. The electronic message sign shall not exceed fifteen (15) square feet or seventy (70) inches diagonally.
9. Electronic Message Display Signs must meet all other requirements for on premise signs.

B. Limited Exceptions:

1. Time, Date, and Temperature (TDT) Signs display area shall not exceed five (5) square feet per face, and shall not be included in the allowable sign area provided such displays collocated within an existing sign.
2. Petroleum Digital Price Signage:



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- (a) The display area shall not exceed ten (10) square feet, and illuminated numerals shall not exceed twelve (12) inches in height.
 - (b) Signs shall be collocated on an approved ground-mounted or pole mounted sign
 - (c) The digital display area shall not be calculated as part of the total allowable display area
 - (d) The sign may contain single-faced or double-faced display areas.
3. Lottery signs shall be limited to a maximum of two square feet and subject to the requirements outlined in Section 5.5.8. Lottery signs shall not be calculated as part of the allowable display area.

5.5.9 PERMANENT OFF-PREMISE SIGNS

- A. To direct the public-at-large to non-commercial community facilities of general interest, permanent off-premises directional signs may be erected in addition to signs otherwise permitted in these regulations.
- B. This authorization is limited to non-commercial public service directional signs.
- C. Non-Commercial Public Service Directional Signs are permitted subject to the following standards:
 - 1. The community facility is open to the general public and operated by a non-commercial civic, charitable, religious, community, or similar organization.
 - 2. No more than 2 directional signs shall be erected for each facility.
 - 3. Signs may not exceed 4 square feet in area or 5 feet in height.
 - 4. Signs may be placed no more than one mile from the subject property.
 - 5. Along state roads, such signs shall be located outside of the right-of-way or farther than 11 feet from the edge of any public street, whichever distance from the edge of pavement is greater; signs shall not violate the sight distance triangle requirements of this UDO.
 - 6. Along town-maintained roads, such signs shall be located outside of the right-of-way or farther than 11 feet from the edge of any public street, whichever distance from the edge of pavement is greater; signs shall not violate the sight distance triangle requirements of this UDO.



7. No sign shall be placed on private property without the written consent of the property owner on the permit application.
8. Every Non-Commercial Public Service Directional Sign shall be separated by a distance of 400 feet from any other such sign on the same side of the street and by a distance of 200 feet from any other such sign on the opposite side of a street.

5.5.10 SUBDIVISION, MULTI-FAMILY, AND MANUFACTURED-HOME PARK SIGNS

At any entrance to a residential subdivision, multi-family development, or manufactured home park, a maximum of two signs identifying the subdivision, development, or park are permitted. The sign face area of each sign shall not exceed 16 square feet.

5.5.11 TEMPORARY SIGNS REQUIRING A PERMIT

- A. Properties being offered for sale or lease, or properties undergoing construction or development may post temporary signs on site, subject to the requirements below:
 1. Signs at the front of the development:
 - a. Only one primary sign and two secondary signs shall be allowed per street in front of the development.
 - b. The maximum sign face area of a primary sign shall not exceed 32 square feet; the height of ground-mounted signs shall not exceed 6 feet.
 - c. The maximum sign face area of secondary signs shall not exceed 12 square feet; the height of ground-mounted signs shall not exceed 6 feet.
 - d. Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or two years, whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the Building Inspections Department. If a project is not completed in two years, a new permit must be obtained. However, in no instance shall more than 2 permits be issued for a development. Additional permits shall not allow secondary signs. All secondary signs shall be removed when the first permit issued expires.
 - e. The signs shall be removed within 72 hours after the sale, lease, or rental of the property, or after a request has been submitted to the Town or its designees for a final inspection of the completed development on the property.



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2. Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development:
 - a. Shall be permitted so long as such signs do not exceed 12 square feet in sign area, 6 feet in height, and are removed upon completion of the portion of the project to which the signs are giving direction.
 - B. Flag signs shall be allowed in the B-2 General Business and M-1 Manufacturing Districts, provided they meet the following requirements:
 1. One (1) sign shall be permitted per property;
 2. Signs can be erected up to 14 days per calendar year; and
 3. The sign cannot be located inside any public right-of-way.

5.5.12 TEMPORARY OFF-PREMISE SIGNS REQUIRING APPROVAL

The following temporary off-premise signs are permitted subject to the standards below.

- A. Temporary off-premise signs or banners for special community events open to the general public, provided:
 1. At least five business days before signs are to be posted, the designated representative of the sponsoring group shall provide a sign installation and removal plan for review by the Zoning Enforcement Officer, who shall grant written permission for signs to be posted if the standards in this section are met.
 - a. Signs or banners shall be located outside of the public right-of-way or farther than 11 feet from the edge of any public street, whichever distance from the edge of pavement is greater; signs shall respect the sight distance triangle.
 - b. Signs or banners may be posted up to 14 days before the event and must be removed within 7 days following the event.
 2. Every temporary off-premise sign or banner shall be separated by a distance of 400 feet from any other such temporary off-premise sign on the same side of a street and by a distance of 200 feet from any other sign on the opposite side of a street.
 3. Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights, or devices in any place or



manner prohibited by the provisions herein, nor on private property without the written consent of the owner.

- B. Real estate signs not exceeding a total of 2 square feet in sign face area shall be permitted.
- C. Temporary cross-street banners for community events may be approved by the Town Manager according to policies established by the Town Council.

5.5.13 SIGNS PERMITTED WITHOUT A PERMIT

- A. Notwithstanding the above, changing or replacing the permanent copy on a lawful sign shall not require a permit provided the copy change does not change the nature of the sign to render it in violation of this UDO.
- B. The following types of signs are exempt from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of this UDO.
 - 1. Historical markers erected by a government body, memorial signs, plaques, or grave markers.
 - 2. Public interest signs.
 - 3. Public information kiosks on public or private property, subject to design approval by the Town Council and written permission of the owner of the property upon which the kiosk is to be placed.
 - 4. On-premises directional and instructional signs not exceeding 6 square feet in area, unless such sign is a monument sign, in which case it may not exceed 9 square feet. Maximum height: 4 feet.
 - 5. Identification signs not exceeding 2 square feet in area, not of a commercial nature, and bearing only property identification numbers and names, post office box numbers, and names of occupants of the premises. Maximum height: 4 feet.
 - 6. Window signs shall be allowed on the inside or outside window glass of non-residential properties provided that they cover an area with a total copy area not exceeding 50 percent of the window or glass. Open/closed signs shall be included in the total window sign area.
 - 7. Incidental signs used in conjunction with equipment or other functional elements of use or operation. These shall include but are not limited to, drive-thru window menu boards, signs of automatic teller machines, gas pumps, express mailboxes, vending machines, or newspaper delivery boxes.



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8. Official flags on permanent poles, emblems, or insignia of government, corporation, professional, fraternal, civic, religious organizations.
 9. Political Signs provided that:
 - a. Political signs located in the right of way along NCDOT maintained roads are subject to N.C.G.S. § 136-32.
 - b. Political signs located in the right of way along local roads subject to the requirements of N.C.G.S. § 136-32, as amended, including the following:
 - i. The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected.
 - ii. Signs must be placed in accordance with the following:
 - a. No sign shall be permitted in the right-of-way of a fully controlled access highway.
 - b. No sign shall be closer than three feet from the edge of the pavement of the road.
 - c. No sign shall obscure motorist visibility at an intersection.
 - d. No sign shall be higher than 42 inches above the edge of the pavement of the road.
 - e. No sign shall be larger than 864 square inches in area.
 - f. No sign shall obscure or replace another sign.
 - c. Political signs are prohibited on Town-owned property, except when the Town property is being used as a polling site.
 - i. In such cases, political signs may only be placed on the Town property starting one day before the election, and must be removed the day after the election.
 10. The following temporary signs are allowed on residential property at any time, provided they meet the following requirements:
 - a. A property owner may place no more than one sign;



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- b. The sign face shall be no larger than four (4) square feet in area.
11. Signs on property that is being offered for sale or lease, other than the temporary signs described in Section 5.5.11, provided they meet the following requirements:
- a. Signs located on a single-family home or lot, a duplex, triplex, or quad, or an individual unit within an attached housing development shall not exceed 6 square feet. Maximum height: 4 feet.
 - b. Signs located on all other uses shall not exceed one square foot for every 5 linear feet of frontage of the advertised property, up to a maximum sign face area of 32 square feet and a maximum height of 6 feet.
 - c. Only one sign per street front of the advertised property shall be erected.
 - d. Properties having a continuous frontage over 850 linear feet may be allowed additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property.
 - e. Signs shall not be illuminated.
 - f. Signs shall be removed within 7 days after the sale is closed or rent or lease transaction is finalized.
12. Signs on property undergoing construction or development, other than the temporary signs described in Section 5.5.11, provided they meet the following requirements:
- a. Signs located on single-family lots or duplex, triplex, or quadruplex lots shall not exceed 6 square feet in area. Rider signs not exceeding 2 square feet in area shall be permitted in addition to the 6 square feet. Maximum height: 4 feet.
 - b. Signs for all other uses shall not exceed one square foot for every 5 linear feet of frontage of property under construction, up to a maximum sign face area of 32 square feet and a maximum height of 6 feet.
 - c. Signs are confined to the site of construction.
 - d. Only one sign per street front of the property under construction shall be erected.
 - e. Signs shall not be illuminated.
 - f. Signs shall be removed within 7 days of the termination of a project.



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13. Temporary signs on properties selling farm products provided they meet the following requirements:
- a. Signs are located on the premises where the products are sold in conjunction with a bona fide farm use.
 - b. Signs shall not exceed 32 square feet in area or 6 feet in height.
 - c. Only one sign shall be erected.
 - d. Signs shall be removed within 7 days of the termination of sale activities.
14. Temporary special event signs or banners, provided:
- a. No more than one sign per street front shall be permitted per event.
 - b. Signs shall be located on the property on which the event will occur.
 - c. Signs shall not exceed 32 square feet in area or 6 feet in height.
 - d. Signs shall be erected no sooner than 14 days before and removed 7 days after the event.
15. Temporary banners in the commercial and mixed-use district, provided they meet the following requirements:
- a. Only one banner per establishment shall be allowed at a time.
 - b. All banners shall be attached in total to a building wall or permanent canopy extending from a building.
 - c. No paper banners shall be allowed.
 - d. Banners shall be erected for a period not to exceed 2 weeks.
 - e. No more than 6 such signs per establishment shall be erected within a calendar year.
 - f. No banner shall extend above the second occupiable floor level of a building.
 - g. All banners shall be considered temporary banners.
16. Signs in association with athletic fields, provided they meet the following requirements:
- a. Signs may only be posted with the permission of the property owner.



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- b. Signs may be attached to the interior face of any fence which encloses or partially encloses an athletic playing field upon the property of a school or public park subject to the following conditions:
 - i. No sign face area shall be visible from any public street or any adjoining property in a residential or mixed-use district.
 - ii. No sign shall extend above the top of the enclosing fence.

17. Open/Closed Signs, provided they meet the following requirements:

- a. Illuminated or non-illuminated
- b. Shall not exceed 2 square feet in surface area.

5.5.14 MASTER SIGNAGE PROGRAMS

Master signage programs provide latitude to develop appropriate signage designs for new or existing areas with special unifying features. Master signage programs require approval by the Town Council following review and recommendation by the Town of Valdese Planning Board.

5.5.15 PLANNED DEVELOPMENT FLEXIBILITY OPTION

- A. To provide flexibility and incentives for coordinated, well-designed sign systems for large-scale development, special provisions varying the standards of this UDO may be approved by the Town Council.
- B. The Planned Development Flexibility Option is initiated by the developer by submission of a Master Sign Program to the Planning Director, who shall first place the request on the agenda of the Planning Board for a recommendation, and then on the agenda of the Town Council for approval, subject to the following requirements:
 - 1. The development shall be:
 - a. A planned residential, nonresidential, or mixed use development;
 - b. 10 acres or greater in size;
 - c. A hospital or other large scale institutional complex; a large scale cultural, civic or recreational facility; or a similar large-scale development.
 - 2. A Master Sign Program that includes the following information is submitted:



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- a. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
 - b. Proposed number and location of signs.
 - c. Sign Illumination Plans.
 - d. Plans for landscaping or architectural features to be used in conjunction with such plans.
3. The proposed signs meet the following criteria:
- a. All signs are coordinated in terms of design features.
 - b. The maximum size of detached signs is not increased by more than 25%.
 - c. The number of detached signs along a street frontage does not exceed three (3).
 - d. The maximum height of a detached sign does not exceed 12 feet.
 - e. Multi-information directional signs are no greater than 16 square feet and are located in the interior of a development.
 - f. Changeable copy highlighting special events on signs for cultural, civic, or recreational facilities shall not exceed 25% of the sign face area of a sign.

5.5.16 PROHIBITED SIGNS

The following signs are prohibited in all zoning districts:

- A. Signs attached to utility poles, street signs, or placed on Town-owned property; other than those signs approved by the Town or the North Carolina Department of Transportation as outlined in G.S. 136-32 may be removed;
- B. Roof signs;
- C. Portable signs;
- D. Flashing, fluttering, swinging, rotating, and electronic scrolling signs; provided, however, electronic time and/or temperature signs are permitted.
- E. Signs that by their position, illumination size, shape or color, obstruct, impair, obscure, or interfere with traffic signs, signal devices, or visibility at intersections (see Section 5.3.6 Visibility at Intersections);



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- F. Vehicular signs as defined in Section 11.2 of this UDO;
 - G. Off-premise signs, including Outdoor Advertising Signs. See Sections 5.5.8 and 5.5.12, special exceptions for certain non-commercial signs (Example: directional signs, real-estate directional signs, etc.). Town-owned directional signs are not prohibited by this Section;
 - H. Obsolete signs: Signs that do not comply with the provisions of this UDO and identify or advertise a use that has ceased operation for one year or more. Obsolete signs shall be removed;
 - I. Signs which use a series of two or more signs placed in a line parallel to a street or highway right-of-way, or similar fashion, all carrying a single advertising message, part of which is contained on each sign;
 - J. Other signs not expressly allowed by this UDO;
 - K. Any sign that incorporates a television screen, a computer screen, electronic images, or electronic characters that do not meet the standards for Electronic Message Signs;
 - L. Any illuminated tubing is not permitted, including but not limited to those outlining property lines, open sales areas, rooflines, doors, windows, landscaping, or the edges of the wall, except for perimeter down-lighting that is shielded to illuminate open sales areas but no land outside those areas;
 - M. Illuminated signs in any residential district, except as provided in Section 5.5.8; and
 - N. Electronic Message Signs, unless expressly permitted by this UDO.

5.5.17 APPLICATION AND ISSUANCE OF SIGNS PERMITS

- A. Application: Applications for permits, if required, shall contain or have attached the following information:
 - 1. The street name and street number of the building, structure, or lot on which a sign is to be placed;
 - 2. Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign;
 - 3. If the applicant is not the owner or lessee of the lot on which the sign will be located, written permission from the property owner or a designated representative stating



agreement that the sign may be erected on the parcel for which the permit has been applied shall be required;

4. A site or plat plan of the property involved, showing accurate placement of the proposed sign, intended use(s) of the property, and zoning district designation;
5. Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Enforcement Officer. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and size of existing wall signs shall also be included;
6. Address assignment. No permit for a sign shall be issued unless a street address has been assigned according to the requirements of the Town or the Burke County 911 Address Chapter, whichever is applicable; and
7. Other information as the Zoning Enforcement Officer may require determining full compliance with this and other applicable codes.

B. Issuance of Permit

1. Upon the filing of an application for a sign permit, the Zoning Enforcement Officer shall examine the plans and specifications, and, as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed.
2. If the proposed sign is following all the requirements of this UDO and other applicable codes, a permit will be issued.
3. Any permit issued under this section shall automatically become null and void unless the work for which it was issued has visibly commenced within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.
4. The applicant shall be responsible for obtaining a building or electrical permit from the Building Inspection Department when required by applicable local and state codes.

C. Fees: To obtain a sign permit, all fees, under the requirements of the permitting agency, shall be paid.

D. Completion of Construction: The permit holder shall notify the Town upon completion of construction and installation of any sign for which a permit is required.



5.5.18 UNLAWFUL CUTTING OF TREES AND SHRUBS

No person may, to increase or enhance the visibility of any sign, damage, trim, destroy or remove any trees, shrubs, or other vegetation located:

- A. Within the right-of-way of any public street or road, unless the work is done under the express written authorization of the Town or other agency having jurisdiction over the streets.
- B. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done under the express authorization of the person owning the property where such trees or shrubs are located.
- C. In any areas where such trees or shrubs are required to remain under a permit issued under this UDO.





Town of Valdese, NC Unified Development Ordinance

CHAPTER 6: SUBDIVISION REGULATIONS

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CHAPTER 6: SUBDIVISION REGULATIONS

6.1 GENERAL PROVISIONS

6.1.1 PURPOSE

- A. The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the Town of Valdese.
- B. It is further designed to provide:
 - 1. For the orderly growth and development of the Town;
 - 2. For the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities;
 - 3. For the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of right-of-way or easements for streets and utility purposes; and
 - 4. For the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare.
- C. This chapter is designed to further facilitate:
 - 1. Adequate water, sewerage, parks, schools, and playgrounds and
 - 2. The further re-subdivision of larger tracts into smaller tracts of land.

6.1.2 SERVICES AND PERMITS

- A. No street shall be accepted and maintained by the Town;
- B. Nor shall any street lighting, water, or sewer be extended to nor connect with any subdivision of land;
- C. Nor shall any permit be issued by an administrative agent or department of the Town for the construction of any building or other improvement requiring a permit upon any land for which plat approval is required, unless and until the requirements outlined in this chapter have been complied with.

6.1.3 PREREQUISITE TO PLAN RECORDING

After the effective date of this UDO, each major subdivision plat of land within the Town's jurisdiction shall be approved by the Town Council following a recommendation from the Planning Board before plat recordation. Minor subdivisions, as defined in the chapter, shall be approved by the Subdivision Administrator before plat recordation. Nothing herein compels the approval of any proposed subdivision by the Town Council or the Subdivision Administrator except under the provisions of this chapter.

6.1.4 REGISTRATION OF PLATS

Registration of all plats shall be in accordance with N.C.G.S. § 47-30.

6.1.4 THOROUGHFARE PLANS

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon an officially adopted thoroughfare plan of the Town, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this UDO.

6.1.5 SCHOOL SITES ON LAND USE PLAN

- A. N.C.G.S. § 160D-804 provides for the reservation of school sites under a comprehensive land-use plan approved by the Town Council.
- B. Prior to approval of a proposed school site, the Town Council and the Burke County Board of Education shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land-use plan.
- C. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the Town shall immediately notify the Board of Education, and the Board of Education shall promptly decide whether it still wishes the site to be reserved.
 1. If the Board of Education does not wish to reserve the site, it shall so notify the Town of Valdese, and no site shall be reserved.
 2. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation.
 - (a) The Board of Education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings.

- (b) If the Board of Education has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as free of the reservation.

6.1.6 ZONING AND OTHER PLANS

Proposed subdivisions must comply in all respects with the zoning requirements and other requirements of this UDO and with the requirements of any other adopted plans.

6.2 PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

6.2.1 APPROVAL PREREQUISITE TO PLAT RECORDATION

No final plat of a general subdivision within the jurisdiction of the Town as established in Section 1.2.1 Jurisdictions shall be recorded by the Register of deeds of Burke County until it has been approved by the proper board or official as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this UDO.

6.2.2 PLAT REQUIRED

Under 160D, Article 8 of the North Carolina General Statutes, a final plat shall be prepared, approved, and recorded according to the provisions of this UDO whenever any subdivision of land takes place. Whenever any manipulation of property lines or property boundaries takes place within the jurisdiction of the Town as established in Section 1.2.1 Jurisdictions of this UDO that is exempt from these regulations as provided by Section 11.2 of this UDO, a plat displaying such change must be presented to the Subdivision Administrator. Each plat must be accompanied by a fee outlined in the Town's Fee Schedule.

6.2.3 MINOR SUBDIVISION APPROVAL PROCESS

- A. Property owners or their authorized agents may apply to the Planning Director for minor subdivision approval.
- B. If the land to be subdivided meets the requirements of a minor subdivision as defined in Section 11.2, the subdivider will not have to follow the same procedures as for a major subdivision.
- C. The Subdivision Administrator shall review and have authority to approve minor subdivision plats that meet the applicable UDO requirements.

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- D. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or a representative to make applications for development approvals.
 - E. The developer of a **minor subdivision** shall obtain all required permits and provide all necessary information related to water, sewer, sediment/erosion control, stormwater control, stream assessment, wetland assessment, and watershed, historical and archeological sites.
 - F. The review process for a minor subdivision shall be adequate to protect the public interest but shall also provide minimum delay and expense to the subdivider. A preliminary plat is not required. The developer may go from a sketch plan to a final plat if the Subdivision Administrator determines that the applicant's sketch plan is on track to meet all applicable UDO requirements. However, the following minor plat approval process may be used only where the subdivision meets the requirements of a minor subdivision as defined in Section 11.2.

6.2.4 PROCEDURE FOR REVIEW OF MINOR SUBDIVISION

A preliminary plat shall not be required for approval for minor subdivisions. Before submission of a final plat, the subdivider shall submit to the Subdivision Administrator the sketch plan of the proposed subdivision containing the following information:

- A. A sketch vicinity map showing the location of the subdivision with neighboring tracts, subdivisions, roads, and waterways;
- B. The boundaries of the entire tract and the portion of the tract to be subdivided;
- C. The total acreage to be subdivided;
- D. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- E. The existing street layout and right-of-way width, lot layout, and size of lots;
- F. The name, address, and telephone number of the owner;
- G. The name, if any, of the proposed subdivision;
- H. Streets and lots of adjacent developed or platted properties; and
- I. The zoning classification of the tract of land and adjacent properties.

6.2.5 REVIEW PROCEDURE

- A. The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this chapter and shall advise the subdivider or his agent of the regulations of the proposed minor subdivision and the procedures to be followed in the preparation and submission of the final plat.
- B. Upon approval of the sketch plan, the subdivider shall be advised that the final plat may be prepared as long as it conforms to the sketch plan. The approval of the sketch plan shall in no way be construed as constituting official approval of the final plat.
- C. A copy of the sketch plan shall be retained as part of the files of the Subdivision Administrator, with the original drawing being returned to the subdivider or his authorized agent.

6.2.6 FINAL PLAT APPROVAL FOR MINOR SUBDIVISIONS

- A. The Subdivision Administrator shall review the final plat for complete compliance with the requirements outlined for final plat approval of these minor subdivision regulations. The final plat shall be complete and show all information required for final plats in Section 6.2.8(C) and all certifications and notarizations required in Section 6.2.7 Certifications to Be Depicted on Plat for final plat approval of a minor subdivision.
- B. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the state by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements outlined in N.C.G.S. § 47-30, as amended, and the Manual of Practice for Land Surveying in North Carolina. In the event of a conflict between the provisions for plats, subdivision, and mapping requirements outlined in N.C.G.S. § 47-30 as amended and the Manual of Practice for Land Surveying in North Carolina, the provisions as outlined in N.C.G.S. § 47-50, as amended, shall control.
- C. Three copies of the final plat shall be submitted to the Subdivision Administrator. One of these shall be on reproducible material; two shall be black or blue line paper prints. Material and drawing medium for the original shall be following the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Burke County Register of Deeds. In the event of a conflict between material and drawing medium for the original as outlined in the Manual of Practice for Land Surveying in North Carolina and the requirements of the Burke County Register of Deeds, the requirements of the Burke County Register of Deeds shall control.

- D. The final plat shall be of a size suitable for recording with the Burke County Register of Deeds and shall be at a scale of no less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

6.2.7 CERTIFICATIONS TO BE DEPICTED ON PLAT

The final plat shall meet the specifications in Section 6.2.10. The following certificates shall appear on all three copies of the final plat:

- A. Certificate of ownership and dedication:

<p>I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Valdese, and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.</p>	
Owner	Date

- B. Certificate of survey and accuracy:

Following the Manual of Practice for Land Surveying in North Carolina: On the face of each map prepared for recordation, there shall appear a certificate executed by the person making the survey or map including deeds any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not surveyed must be indicated on the map and a statement included in the certificate revealing the source of the information. The certificate shall take the following form:

State of North Carolina	Burke County
<p>I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book __, Page __, Book __, Page __, etc.) (Other); the ratio of precision as calculated by latitudes and departures is 1: __</p>	

(that the boundaries not surveyed are shown as broken lines plotted from information found in Book ___, Page ___); that this map was prepared following G.S. 47-30 as amended.

Witness my hand and seal this ____ day of _____ 20__.

Registered Land Surveyor Official Seal

Registration Number

C. Under N.C.G.S. § 47-30, the following certificate must be included on the final plat:

State of North Carolina	Burke County
<p>I, _____, review officer of the Town of Valdese, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.</p>	
_____	_____
Review Officer	Date

D. During his review of the final plat, the Subdivision Administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, the

cost shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.

- E. If the Subdivision Administrator finds that the minor subdivision final plat is in full compliance with the requirements of this article, the administrator may then sign the following certification:

I hereby certify that the minor subdivision plat hereon **has been found to comply with the minor subdivision regulations** for the Town of Valdese and is hereby approved for recording in the office of the Register of Deeds.

Subdivision Administrator

Date

- F. If the Subdivision Administrator does not approve the final plat, he shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this article and resubmit the same for reconsideration by the Subdivision Administrator, or appeal to the Board of Adjustment. If the subdivider appeals to the Board of Adjustment, the Board of Adjustment shall review and approve or disapprove the final plat within two (2) regularly scheduled Board of Adjustment meetings after it receives the plat and recommendations of the Subdivision Administrator.

6.2.8 MAJOR SUBDIVISION APPROVAL PROCESS

Applicants for major subdivisions shall comply with the following requirements.

- A. **Sketch Plan for Major Subdivisions:** Prior to the preliminary plat submission, the subdivider shall submit to the Subdivision Administrator a sketch plan of the proposed subdivision for review and comment containing the following information:
1. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
 2. The boundaries of the tract and the portion of the tract to be subdivided;
 3. The total acreage to be subdivided;

-
4. The existing and proposed uses of the land within the subdivision and the existing uses of the land adjoining it;
 5. The proposed street layout with approximate pavement and right-of-way width, lot layout, and size of lots;
 6. The name, address, and telephone number of the owner;
 7. The name of the proposed subdivision;
 8. Streets and lots of the adjacent developed or platted properties;
 9. The zoning classification of the tract and the adjacent properties;

B. Preliminary Plat – Submission Review

1. For every subdivision within the territorial jurisdiction established by Section 1.2.1 of this UDO which does not qualify for the abbreviated minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the Planning Board before any construction or installation of improvements may begin.
2. Eight copies of the preliminary plat (as well as any additional copies which the Subdivision Administrator determines are needed to be sent to other agencies) shall be submitted to the Subdivision Administrator at least 20 days before the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat. The Subdivision Administrator shall review the preliminary plat for general compliance with the requirements of this UDO and any other applicable Chapters and shall advise the subdivider or his authorized agent of the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval for the recording of the subdivision by the Planning Board or the Town Council as required by this UDO.
3. Submission of the preliminary plat shall be accompanied by the fee as outlined in the Town's Fee Schedule.
4. Preliminary plats shall be of a suitable size for recording with the Burke County Register of Deeds and shall be at a scale of no less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines. (Reference to Section 6.2.10(C) and 6.2.2)
5. Preliminary plats shall meet the specifications in Section 6.2.10(F). For the purposes of this ordinance, no application shall be considered to have been submitted until it is complete.

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6. After having received the preliminary plat from the subdivider, the Subdivision Administrator shall submit copies of the preliminary plat and any other accompanying material to other officials or agencies concerned with new development including, but not limited to:
 - (a) The district highway engineer as to proposed streets, highways, and drainage systems;
 - (b) The County Environmental Health Director or Town of Valdese Public Works Director as to proposed water or sanitary sewer systems; and
 - (c) Any other agency or official designated by the Planning Board or other Town official.
 7. The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting, which follows at least 20 days after the Subdivision Administrator receives the preliminary plat and the comments from the appropriate agencies.
 8. The Planning Board shall, in writing, recommend approval, special approval with recommended changes to bring the plat into compliance, or disapproval with reasons within 20 days of its first consideration of the plat.
 9. If the Planning Board recommends approval of the preliminary plat, it shall retain one copy of the plat for its minutes and transmit two copies of the plat to the Town Council with its recommendation.
 10. If the Planning Board recommends special approval of the preliminary plat, it shall keep one copy of the plat for its minutes, transmit two copies of the plat and its recommendation to the Town Council, and return the remaining copies of the plat and its recommendation to the subdivider.
 11. If the Planning Board recommends disapproval of the preliminary plat, it shall retain one copy of the plat for its minutes, transmit two copies of the plat and its recommendation to the Town Council, and return the remaining copies of the plat and its recommendation to the subdivider.
 12. If the Planning Board does not make a written recommendation within 30 days after its first consideration of the plat, the subdivider may apply to the Town Council for approval or disapproval.
 13. If the Planning Board recommends disapproval of the preliminary plat, the subdivider may request the preliminary plat be presented to the Town Council at its next regularly scheduled meeting for consideration.

14. If the Town Council approves the preliminary plat, such approval shall be noted on two plats. One plat shall be retained by the Town Council, and one copy shall be returned to the subdivider. If the Town Council approves the preliminary plat with conditions, approval shall be noted on two plats along with a reference to the conditions. One plat along with the conditions shall be retained by the Town Council, and one preliminary plat along with the conditions shall be returned to the subdivider. If the Town Council disapproves of the preliminary plat, the reasons for such disapproval shall be specified in writing. One plat and the reasons shall be retained by the Town Council, and one plat shall be returned to the subdivider.

C. Information to Be Contained or Depicted on the Preliminary and Final Plats

The preliminary and final plats shall depict or contain the information indicated in the following table. An "X" indicates that the information is required:

INFORMATION	Preliminary	Final
Title Block Containing <ul style="list-style-type: none"> ▪ Property designation ▪ Name of Owner ▪ Location (including township, county, and state) ▪ Date or dates survey was conducted and plat prepared ▪ A scale of drawing in feet per inch listed in words or figures ▪ A bar graph. ▪ Name, address, registration number of the registered land surveyor 	X	X
Name of the subdivider	X	X
A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area.	X	X
Corporate limits, township boundaries, county lines if on the subdivision tract	X	X
Names, addresses, and telephone numbers of all owners, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	X	X
Registration numbers and seals of professional engineers	X	X

The boundaries of the tract, or portion thereof, to be subdivided, distinctly, and accurately represented with all bearings and distances shown.	X	X
North arrow and orientation	X	X
The names of owners of adjacent properties	X	X
The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands.	X	X
The names of any adjoining subdivisions of record or proposed and under review.	X	X
The zoning classifications of the tract to be subdivided and adjoining properties.	X	X
Existing property lines of the tract to be subdivided and adjoining properties.	X	X
Existing buildings or other structures watercourses, railroads, bridges, culverts, storm drains on the land to be subdivided and land immediately adjoining.	X	X
Proposed lot lines, lot and block numbers, and approximate dimensions	X	X
Lots numbered consecutively throughout the subdivision.		X
Wooded areas, marshes, swamps, rock outcrops, ponds, lakes, streams, streambeds, and any other natural features affecting the site.	X	X
<ul style="list-style-type: none"> ▪ The exact location of the flood hazard, floodway, and floodway fringe from the community's FEMA maps ▪ Base flood elevation data for subdivisions that contain at least five (5) lots or fifty acres, whichever is less 	X	X

STREET INFORMATION	Preliminary	Final
Proposed streets	X	X
Existing and platted streets on adjoining properties and in the proposed subdivision	X	X
Rights-of-way locations and dimensions	X	X
Pavement widths	X	X
Design engineering data for all corners and curves	X	X
Typical street cross-sections	X	X
Street names	X	X
Street maintenance agreement following Section 6.4.5 and 6.4.6 of thisUDO.		X

Type of street dedication; all streets must be designated “public” or “private.” <i>Where public streets are involved which will be dedicated to the Town, the subdivider must submit all street plans to the Subdivision Administrator for approval before preliminary plat approval.</i> <i>Where public streets are involved which will not be dedicated to the Town, the subdivider shall supply the Subdivision Administrator with all the appropriate documentation for NCDOT District Highway Office review and approval.</i>	X	X
Where streets are to be dedicated to the public but have not been accepted into the Town or the state system before lots are sold, a statement explaining the status of the streets is following Section 6.4.6 of this UDO.		X
If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the NCDOT, Division of Highways’ Manual on Driveway Regulations.		X
Evidence that the subdivider has obtained such approval	X	X

OPEN/COMMON/PUBLIC SPACE	Preliminary	Final
Location of all easements	X	X
Trails	X	X
Natural buffers	X	X
Pedestrian or bicycle paths	X	X
Parks and recreation areas with specific type indicated	X	X
School sites	X	X
Areas to be dedicated to or reserved for public use	X	X
Areas to be used for purposes other than residential with the purposes of each stated	X	X

The future ownership of recreation and open space lands.	X	X
<i>Dedication or reservation for public use to the governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership.</i>		

UTILITY INFORMATION	Preliminary	Final
Location of all utility easements	X	X
If deemed necessary by the Subdivision Administrator, the plans for utility layouts including:	X	X
Sanitary sewers		
Storm sewers		
Other drainage facilities, if any		
Water distribution lines		
Natural gas lines		
Telephone lines		
Cable or Internet lines		
Electric lines (Developer is not required as a condition of subdivision approval to bury an existing above ground power line and outside the subdivision)		
Plans should illustrate connections to existing systems, showing line sizes, the location of fire hydrants, blow-offs, manholes, force mains, and gate valves.		

Plans for individual water supply and sewerage disposal systems, if any	X	X
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SITE CALCULATIONS	Preliminary	Final
Acreage in the total tract to be subdivided	X	X
Acreage in parks and recreation areas, and other non-residential uses	X	X
Total number of parcels created	X	X
The acreage of each lot in the subdivision	X	X
Linear feet in streets	X	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places	X	X
Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line (with errors of closure), block line, and building line, whether curved or straight and including true north point. This should include the radius, central angle, point of tangency, tangent distance and arcs, and chords of all curved streets and curved property lines. All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.		X
The accurate location and description of all monuments, markers, and control points		X
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established	X	X

A copy of the erosion control plan is submitted to the appropriate authority if such a plan is required.	X	X
A topographic map with contour intervals of no greater than 20 ft. at a scale of no less than 1:24,000.	X	
All certifications required in Section 6.2.7		X
Any other information considered by either the subdivider, Planning Board or Town Council to be pertinent to the review of the plat.	X	X

Plats not illustrating or containing the above-listed data shall be returned by the Subdivision Administrator to the subdivider or his authorized agent for completion and resubmission.

6.2.9 IMPROVEMENTS AND PERFORMANCE GUARANTEES

A. Improvements Installation

1. Upon the approval of the preliminary plat by the Planning Board and Town Council, the subdivider may proceed with the preparation of the final plat and install the required improvements or arrange for the installation of the required improvements following the approved preliminary plat and the requirements of this UDO.
2. Before approval of a final plat, the subdivider shall have completed the installation of the improvements or provided guarantees of such installation, as specified in this UDO.

B. Town Participation and Costs

The Town, at the election of the Town Council, may participate in the costs of providing water and sewer services and in the cost of paving streets and sidewalks, including curb and guttering, following the plans shown on the approved plat. If the subdivider desires Town participation, a written request should be made to the Town before the installation of any improvements.

C. Performance Guarantees

1. Following approval of the preliminary plat by the Town Council, the subdivider, may proceed with the preparation of the final plat and the installation of or arrangement for required improvements following the approved preliminary plat and the requirements

of this UDO. Before approval of a final plat, the subdivider shall have installed the improvements specified in this UDO or guaranteed their installation as provided herein.

No final plat will be accepted for review by the Planning Board or Town Council unless accompanied by a written notice by the Town Manager and/or Town Engineer acknowledging compliance with the improvement and guarantee standards of this UDO. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this UDO.

2. Instead of requiring the completion, installation, and dedication of all improvements before final plat approval, the Town may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once the said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Town Council if all other requirements of this UDO are met. To secure this agreement, the subdivider shall provide, subject to the approval of Town Council, either one or a combination of the following “performance Guarantees” in N.C.G.S. § 160D-804.1:
 - (a) Surety performance bond(s). The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina.
 - (b) Letter of Credit. An irrevocable letter of credit or other instruments readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town.
 - (c) Equivalent Security. The subdivider shall provide a form of guarantee that provides equivalent security to a surety bond or letter of credit
3. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with Town Council an agreement between the financial institution and himself guaranteeing the following:
 - (a) That the escrow account shall be held in trust until released by the Town Council and may not be used or pledged by the subdivider in any other matter during the term of escrow; and
 - (b) That in case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Town Council, and submission by Town Council to the financial institution of an engineer’s estimate of the amount needed to complete the improvements, immediately either pay to

the Town the funds estimated to complete the improvements, up to the full balance of the escrow account or deliver to the Town any other instrument fully endorsed or otherwise made payable in full to the Town.

4. Amount -- The amount of any performance guarantee required under this section shall be equal to 125% of the cost, as estimated by the subdivider and approved by Town Council, of installing all required improvements, and shall be payable to the Town. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated.

5. Duration - The Performance Guarantee shall initially be one year unless the developer determines that the scope of work for the required improvement necessitates a longer duration.

6. Extension - If the current performance guarantee is likely to expire before completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued if the developer has demonstrated reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee. Such extension shall only be for duration necessary to complete the required improvements. Any extension or new guarantee required hereunder shall be provided to the planning director no later than 120 days prior to the expiration of the then-effective performance guarantee. If a new performance guarantee is issued, the amount shall not exceed 125% of the total cost of all incomplete improvements.

7. Inspection – The Town shall conduct an inspection of the improvements subject to a performance guarantee within 30 days of a request received from a developer and advise the developer whether the improvements are completed to the required specifications. In the event the Town and developer disagree whether a required improvement is completed to the specifications of the Town, a developer may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the specifications of the Town.

8. Release - The performance guarantee shall be returned or released, as appropriate, within 30 days upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. complete or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the Town. The Town shall return letters of credit or

escrowed funds within 30 days upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to Town acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to its acceptance, upon request by the developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.

9. Timing. – The Town, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.

10. Coverage. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion. No performance guarantee may be required for maintenance of any improvement once the improvement is completed to the specification of the Town or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the Town.

11. Legal responsibilities. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:

- a. The local government to whom the performance guarantee is provided.
- b. The developer at whose request or for whose benefit the performance guarantee is given.
- c. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

12. Multiple guarantees. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

13. Upon default, meaning failure on the part of the subdivider to complete the required improvements on time as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Town Council, pay all or any portion of the bond or escrow fund to the Town the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Town Council, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the subdivider any funds not spent in completing the improvements.

D. Defects Guarantee

1. The Town Council shall require a bond guaranteeing utility taps, curbs, gutters, street pavement, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one year. If said improvements are constructed at different times, then said guarantee shall continue until one year from the date of acceptance of the improvement last constructed. The amount of the bond shall be determined by the Town Manager or consulting engineer and shall be in cash or made by a surety company authorized to do business in North Carolina.
2. The Town Council shall require the subdivider to submit a letter to the Town Clerk in which he agrees to maintain all improvements and any ditch which has been dug in connection with the installation of such improvements. The obligation to maintain all improvements and ditches shall be binding to the subdivider for one year following the acceptance of the improvements by the Town.

E. Final Plat Review

No final plat will be accepted for review by the Planning Board or Town Council unless accompanied by written notice by the Staff Planner acknowledging compliance with this UDO.

6.2.10 FINAL PLAT APPROVAL PROCESS**A. Final Plat Approval**

1. The final plat may be approved for only that portion of the preliminary plat, which the subdivider proposes to record and develop; however, all properties on the final plat shall conform to all requirements of this UDO.
2. No final plat shall be approved unless and until the subdivider shall have installed, in that area represented on the final plat, all improvements required by this UDO (or shall have guaranteed their installation as provided for in Section 6.2.9 of this UDO and all permanent reference points described in Article D of this chapter).

B. Plats Submitted

1. The subdivider shall submit five (5) copies of the final plat, so marked, to the Subdivision Administrator not less than twenty (20) days before the Planning Board meeting at which the approval of the plat is to be considered. One additional copy shall be prepared under N.C.G.S. § 47-30 and shall bear all the required certifications outlined in Section 6.2.7 of this UDO, at which time it will be considered for approval.

2. The reproducible drawing shall be given to the Subdivision Administrator not later than the date of the Planning Board meeting at which approval is requested. The plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; provided, however, a written extension of this time limit may be granted by the Planning Board on or before the first anniversary of the approval.

C. Size of Plat and Scale

Final plats shall be of a size suitable for recording with the Burke County Register of Deeds. Where the size of land areas or suitable scale to assure legibility requires, maps may be placed on two or more sheets with appropriate match lines. Final plats shall be drawn at a scale of one (1) inch equals two hundred (200) feet, or greater.

D. Plats Prepared

The final plat shall be prepared by a surveyor licensed and registered to practice in the State of North Carolina. The final plat shall substantially conform to the preliminary plat as it was approved. The final plat shall conform to the provisions of Section 47-30 of the General Statutes of North Carolina.

E. Certifications Required

The following signed certificates shall appear on the reproducible copy of the final plat, which is submitted to the Planning Board by the subdivider:

1. CERTIFICATION OF OWNERSHIP AND DEDICATION

I hereby certify that I am/we are the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of <u>the Town of</u> Valdese and that I/we hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.	
_____	_____
Owner	Date

(Notary Statement)

2. CERTIFICATE OF SURVEY AND ACCURACY

In accordance with the Manual of Practice for Land Surveying in North Carolina: On the face of each map prepared for recordation, there shall appear a certificate executed by the person making the survey or map including deeds any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not surveyed must be indicated on the map and a statement included in the certificate revealing the source of the information. The certificate shall take the following form:

State of North Carolina	Burke County
<p>I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, Book ____, Page ____, etc.) (Other); the ratio of precision as calculated by latitudes and departures is 1: ____ (that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____); that this map was prepared following G.S. 47-30, as amended.</p>	
<p>Witness my hand and seal this ____ day of _____ 20__.</p>	
<p>_____</p> <p>Registered Land Surveyor</p>	<p>Official Seal</p>
<p>_____</p> <p>License or Registration Number</p>	

3. CERTIFICATE OR APPROVAL OF THE DESIGN AND INSTALLATION OF UTILITIES, AND OTHER REQUIRED IMPROVEMENTS

I hereby certify that all required improvements have been installed acceptably and according to the Town of Valdese specifications and standards in the Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to Town of Valdese have been received.

Valdese Town Manager

Date

4. If the Planning Board approves the final plat, such approval shall be indicated on each copy of the plat by the following signed certificate:

CERTIFICATION OF APPROVAL BY THE PLANNING BOARD

The Town of Valdese Planning Board hereby approves the final plat for the _____ Subdivision.

Chairman, Town of Valdese Planning Board

Date

- If the Town Council approves the final plat, such approval shall be shown on each recordable plat by the following signed certificate:

CERTIFICATION OF APPROVAL BY THE TOWN COUNCIL

<p>Certificate of Approval for Recording</p> <p>I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance for the Town of Valdese, North Carolina and that this plat has been approved by the Town Council for recording in the Office of the Register of Deeds of Burke County.</p>	
<p>_____</p> <p>Town Clerk, Town of Valdese</p>	<p>_____</p> <p>Date</p>

6. CERTIFICATE OF PRIVATE STREET DESIGNATION

<p>All roads in this subdivision are hereby declared private and shall not be maintained by the Town of Valdese or the North Carolina Department of Transportation. The maintenance of all streets and roads in this subdivision shall be the responsibility of _____, and it shall be the responsibility of _____ to bring the roads up to the standards of the North Carolina Department of Transportation Secondary Roads Council or the Town of Valdese before any private streets or roads on this plat are included, at any time after the approval of this plat, into the North Carolina State Maintained Road System or the Town’s municipal system.</p> <p style="text-align: center; margin-top: 20px;">_____</p> <p style="text-align: center;">Subdivider or Agent</p>
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7. CERTIFICATE OF REVIEW OFFICER APPROVAL

State of North Carolina	Burke County
<p>I, _____, review officer of Town of Valdese, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.</p>	
<hr style="width: 80%; margin: 0 auto;"/> Review Officer	<hr style="width: 80%; margin: 0 auto;"/> Date

F. Contents Required

The final plat shall depict or contain the information listed in Section 6.2.8(C). Plats not illustrating or containing the data listed in Section 6.2.8(C) shall be returned by the Subdivision Administrator to the subdivider or his authorized agent for completion and resubmission.

6.2.11 FINAL PLAT REVIEW PROCEDURE

Final plats shall be reviewed according to the following procedure:

A. Planning Board Review

1. The Planning Board shall approve or disapprove the final plat within thirty (30) days of its first consideration. During its review of the final plat, the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the subdivider, and the plat shall not be approved until such errors have been corrected.
2. If the Planning Board disapproves of the final plat, the Subdivision Administrator shall state in writing its reasons for such action, specifying the provisions of this UDO with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval, and one copy shall be retained by the Planning Board as part of its proceedings. If the final plat is disapproved, the subdivider

may make such changes as will bring the plat into compliance with the provisions of this UDO and resubmit same for reconsideration by the Planning Board.

B. Town Council Review

1. Upon approval of the final plat by the Planning Board, the Town Council shall review and approve or disapprove the plat at its next regularly scheduled meeting, which takes place at least fifteen (15) days after the Planning Board submits its recommendation. This applies only if the Planning Board recommendation is submitted at least fifteen (15) days before the Town Councils' regularly scheduled meeting.
2. If the final plat is disapproved by the Town Council, the reasons for such disapproval shall be stated in writing, specifying the provision(s) of this UDO with which the final plat does not comply. One (1) copy of such reasons shall be retained by the Town Council as a part of its proceedings, one (1) copy shall be transmitted to the Subdivision Administrator, and one (1) copy shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance with this UDO and resubmit same for consideration by the Planning Board as identified in Section 6.2.11(A).

C. Disposition of Copies

Upon action by the Town Council on the final plat, the Subdivision Administrator shall retain one copy and return the reproducible copy and any other copies to the developer. The reproducible plat shall be filed with the Register of Deeds. One (1) print shall be retained by the Subdivision Administrator.

D. Recording the Final Plat

1. The subdivider shall file the approved major subdivision final plat with the Register of Deeds of Burke County for recording within sixty (60) days after the date of the Town Council approval. Otherwise, such approval shall be null and void.
2. The subdivider shall file the approved minor subdivision final plat with the Register of Deeds of Burke County for recording within sixty (60) days after the date of the Subdivision Administrator approval. Otherwise, such approval shall be null and void.

E. Re-subdivision Procedures

For any re-platting or re-subdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision. Lot sizes may, however, be varied on an approved plan after recording, provided that:

-
1. No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan;
 2. Drainage, easements, or rights-of-way shall not be changed;
 3. Street alignment and block sizes shall not be changed;
 4. The property line between the back of the lots shall not be changed;
 5. The rear portion of lots shall not be subdivided from the front parts; and
 6. The character of the area shall be maintained.

F. Recombination of Land

1. Any plat or any part of any plat may be voided by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be voided.
2. Such instruments shall be approved by the same agencies as approved on the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
3. Such instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
4. When lots have been sold, the plat may be voided in the manner provided in subsections (1) through (3) of this section by all owners of the lots in such plat joining in the execution of such writing.

6.2.12 APPEALS OF PLAT DECISIONS MADE BY TOWN COUNCIL

Appeals of preliminary and final plat decisions made by the Town Council must be filed with Superior Court in the manner described in NCGS 160D-1403.

6.3 INSTALLATION OF PERMANENT REFERENCE POINTS AND IMPROVEMENTS

6.3.1 PERMANENT REFERENCE POINTS

A. Location of Permanent Reference Points

Before the approval of the final plat, permanent reference points shall have been placed per the following requirements:

1. **SUBDIVISION CORNER TIE:** At least one corner of the subdivision shall be designated by course and distance (tie) as required by standards of practice outlined in N.C.G.S. § 47-30.
2. **MONUMENTS:** Within each block of a subdivision, at least two (2) Monuments designed and designated as Control Corners shall be installed. Installation of monuments shall be following the standards of practice outlined in N.C.G.S. § 47-30.
3. **PROPERTY MARKERS:** A steel or wrought iron pipe, solid iron pin, rebar, or the equivalent not less than one-half (1/2) inches in diameter and at least eighteen (18) inches in length shall be set at all property corners or offset in the property line if the property corner is inaccessible (center of creek or street, etc.), except those located by monuments. A marker shall also be set at a point of curve, point of intersection, property corner, point of tangency along street right of way, and reference point unless a Monument is placed at said points. Additional Markers shall be placed where necessary.

6.3.2 PUBLIC SITES AND OPEN SPACES

In subdividing property, due consideration should be given by the subdivider and the Planning Board to the designation of suitable sites for parks, schools, and other uses. Such provision should be indicated on the sketch plan so that it may be determined when and in what manner such areas will be required.

6.3.3 ACCESS TO PARKS, SCHOOLS, ETC.

Streets shall be designed and walkways dedicated to assuring convenient access to adjacent parks, playgrounds, schools, and other places of public assembly. Dedicated walkways shall not be less than ten (10) feet in width.

6.3.4 RESTRICTIONS ON LAND SUBJECT TO FLOODING

- A. Lots that are subject to flooding shall not be established in subdivisions to create residential building sites except as herein provided. Where the developer proposes to provide a levee or raise the floor elevations above the flood level, an engineering report shall accompany the subdivision application.
- B. If there is any watercourse of any type running through or within one hundred and fifty (150) feet of the property proposed for subdividing, the prospective subdivider shall furnish reasonable evidence to the Planning Board that residential lots within the subdivision will not be flooded.
- C. No proposed residential building lot shown that is wholly subject to flooding shall be approved.
- D. The Town of Valdese will utilize the most current Flood Insurance Rate Map (FIRM).

6.3.5 DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Street requirements for subdivisions shall meet the current Minimum Construction Standards of North Carolina Department of Transportation, Division of Highways, and all of the requirements of this UDO. In the case of conflict in requirements, the more stringent shall apply except in the case of specific exceptions allowed for hillside subdivisions.

6.4 REQUIRED IMPROVEMENTS, DEDICATION, AND RESERVATION

6.4.1 GENERAL REQUIREMENTS

Each major subdivision shall contain the improvements specified in this article, which shall be installed following the requirements of this UDO and paid for by the subdivider unless other means of financing are specifically stated in this UDO. The land shall be dedicated and reserved in each major subdivision as specified in this article. Each major subdivision shall adhere to the minimum standards of design established by this article.

6.4.2 CONFORMITY TO EXISTING MAPS OR PLANS

The location and width of all proposed streets shall conform to the official plans, the adopted thoroughfare plan, maps of the Town of Valdese, and existing or amended plans of the Planning

Board. Property owners must reserve the required right-of-way for proposed road improvements identified in the adopted thoroughfare plan when developing the property.

6.4.3 CONTINUATION OF EXISTING ROADS

The proposed road layout shall be coordinated with the existing road system of the surrounding area, and, where possible, existing principal roads shall be extended.

6.4.4 ACCESS TO ADJACENT PROPERTIES

Where, in the opinion of the Planning Board, it is desirable to provide access to an adjoining property, proposed roads shall be extended by dedication to the boundary of such property, and a temporary turnaround shall be provided.

6.4.5 PRIVATE STREETS

Private streets may be allowed in subdivisions, 10-acre Exempt Developments, and Gated Subdivisions, provided they meet minimum construction standards of NC Department of Transportation Subdivision Roads manual, the Town of Valdese subdivision general requirements and minimum standards of design, and the North Carolina State Fire Code. The Town will not maintain any private street. The Town will not accept into its street maintenance system any private street that does not meet the standards listed in this UDO.

6.4.6 SUBDIVISION STREET DISCLOSURE STATEMENT

- A. All streets shown on the final plat shall be designated following G.S. 136-102.6 as either public or private. The designation of the streets as public shall be conclusively presumed as an offer of dedication to the public.
- B. Where streets are dedicated to the public but not accepted into the Town's municipal system, before lots are sold, a statement explaining the status of the street shall be included in the final plat.
- C. For all private streets, a disclosure statement naming the responsible party for street maintenance shall be included on the final plat per Section 6.2.10(E)(6).

6.4.7 LARGE TRACTS AND PARCELS

Where land is subdivided into lots greater than one (1) acre and less than ten (10) acres, such parcels shall be arranged to allow for the opening of future roads and logical further re-subdivision.

6.4.8 LOTS

1. All lots shall front upon a public or private street.
2. Every lot must front for at least thirty-five (35) feet on a public or private street.
3. Insofar as practical, side lot lines shall be at right angles to straight lines or radial to curbed street lines.

6.4.9 FLAG LOTS

The Planning Board may approve flag lots in exceptional cases where it is impractical to serve an isolated lot by a public street.

- A. The frontage of the flag lot shall have a minimum width of thirty-five (35) feet providing an access strip between two (2) regular lots to the isolated building site.
- B. The area of such strip shall be excluded in computing the lot area and width, and the length of said strip shall not exceed one hundred (100) feet.
- C. The lot must be able to meet all dimensional and size requirements of the designated zoning district.

6.4.10 CONTOUR MAPS

- A. A contour map shall be provided if requested by the Subdivision Administrator.
- B. The contour interval required will depend upon topographic and drainage characteristics and shall be specified by the Subdivision Administrator.

6.4.11 STREET NAMES

- A. Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets.
- B. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc.

6.5 DESIGN STANDARDS

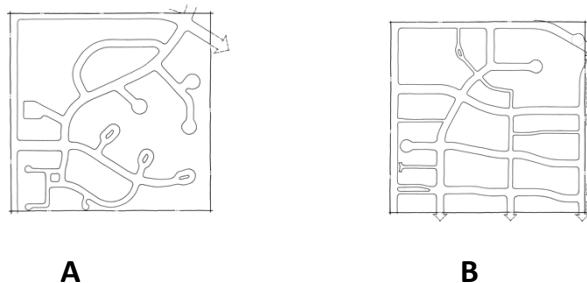
6.5.1 GENERAL STANDARDS

- A. The following design standards shall be considered minimum requirements unless the subdivision qualifies as a Hillside Subdivision (See Section 6.5.8) or the Cluster Design Open Space option is used (See Section 6.5.7).
- B. Streets or roads of types not listed in the following standards, such as arterials, shall meet the requirements of the Thoroughfare Plan, the NCDOT, and the Planning Board.

6.5.2 PUBLIC STREETS

A. Interconnected Street Pattern.

All streets shall be designed, within natural limitations of the land, to form part of an interconnected pattern as illustrated below:



A	A common subdivision showing a poor street layout due to few connections and many dead ends.
B	Better street layouts showing multiple links and a gridded network of streets.

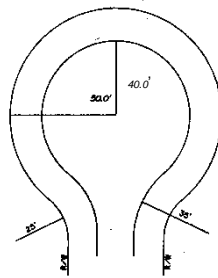
B. Right of Way Widths.

Minimum street right-of-way widths shall be in accordance with the major street plan and shall be not less than the following:

TYPE OF STREET	MINIMUM RIGHT-OF-WAY (FEET)
(1) Arterial	100
(2) Collector Streets - Minor	60
(3) Local or Minor (Residential Streets)	50
(5) Cul-de-sacs*	100
(6) Alleys**	20

* The distance from the edge of the pavement of the cul-de-sac to the right-of-way line shall not be less than the distance from the edge of the pavement to the right-of-way line on the street into the cul-de-sac

** Only allowed with a Special Use Permit in a Planned Unit Development



C. Pavement Widths.

Width for local roads and streets shall be as follows:

ROAD TYPE	PAVEMENT WIDTH WITH CURB AND GUTTER	PAVEMENT WIDTH WITHOUT CURB AND GUTTER
Residential Collector	30	24
Local or Minor (Residential Streets)	22	22
Cul-de-sac	80	80
Alley*	16	16

* Only allowed with a Special Use Permit in a Planned Unit Development

D. Grades.

Street grades shall be as follows:

Street Type	Maximum Grade	Minimum Grade without Curb & Gutter	Minimum Grade with Curb and Gutter
Local or Minor	12%	0.5%	1%
Collector	9%	0.5%	1%
Alley*	12%	0.5%	1%
Cul-de-sac	5%	1%	1%

* Only allowed with a Special Use Permit in a Planned Unit Development

1. Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the centerline of said intersection.

E. Horizontal Curves.

Where a centerline deflection angle occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

Street Type	Radius (in feet)
Collector Streets	230
Local or Minor	150
Alley*	35

* Only allowed with a Special Use Permit in a Planned Unit Development

1. Vertical Curves.

All vertical curves shall have such length as necessary to provide safe sight distance based on NCDOT Minimum Construction Standards for Subdivision Roads.

2. Intersections.

Streets shall be laid out as follows:

- (a) Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than seventy-five (75) degrees.
- (b) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- (c) Intersections with a major street or highway shall be at least eight hundred (800) feet apart. This requirement may be waived by the Planning Board if such a requirement would prevent a property owner fronting on a major street or thoroughfare from having access to such a major street or highway.

3. Cul-de-sacs.

- (a) Permanent dead-end streets are strongly discouraged except when required by extreme topography, water, other natural features.
- (b) When permitted, no dead-end street shall be longer than 1200 feet or provide access to more than twelve lots.
- (c) Measurement shall be from the centerline of the last intersection of a through the street to the center of the turnaround of the cul-de-sac.
- (d) Cul-de-sacs should not be used to avoid connection with an existing street or to avoid extension of an important street.

4. Marginal Access Streets.

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. When reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

5. Nonresidential Streets.

- (a) The subdivider of a nonresidential subdivision shall provide streets following the NCDOT Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, and the standard of this UDO, whichever are stricter regarding each particular item.

-
- (b) Cross-access between adjacent commercial subdivisions, existing and new, is strongly encouraged wherever possible.

6. Access Points.

- (a) Subdivisions that front on more than one public road shall provide a minimum of one access point on at least two (2) public roads.
- (b) Exceptions may be made due to extreme topography, water, and other natural features.
- (c) If a subdivision has more than one access point on the same public road, those access points must be separated by at least 300 feet or as many feet as possible based on the property's road frontage, topography, water, and other natural features affecting the property.

6.5.3 BLOCKS

The maximum and minimum length and width of blocks shall be as follows:

A. Length.

Block lengths shall not exceed twelve hundred (1200) feet nor be less than four hundred (400) feet. Where deemed necessary by the Planning Board, a pedestrian path easement of at least ten (10) feet in width may be required.

B. Widths.

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographic conditions or adjoining a water area, in which case a single tier of lots may be approved.

C. Block Numbers.

Block numbers shall conform to the Town street numbering system, if applicable.

6.5.4 LOT DESIGNS

A. General

1. All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located.

2. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning district. It is not sufficient merely for the average lot to meet zoning requirements.

B. Lots

1. The size, shape, and orientation of lots shall reflect due consideration for topography and drainage.
2. Lots shall conform to the requirements of this UDO and also shall conform to the following provisions.

C. Arrangement

1. All lots shall front upon a public or private street.
2. Every lot must front for at least thirty-five (35) feet on a public or private street.
3. Insofar as practical, side lot lines shall be at right angles to straight lines or radial to curved street lines.
4. Double frontage lots shall be avoided wherever possible except where marginal access streets will be provided as per Section 6.5.2(E)(4).

D. Lake Frontage Lots

1. Lake frontage lots shall have a minimum width of one hundred (100) feet at the front building line.
2. All other lots within four hundred and sixty feet (460) of the official pond level of the lakes within Burke County shall have a minimum width of one hundred (100) feet at the front building line.
3. Lots shall also adhere to Rule 15A NCAC 02B.0243 by the NC Division of Water Resources entitled Catawba River Basin: Protection and Maintenance of Existing Riparian Buffers.

E. Area

All lots shall have an area that complies with the requirements of the zoning district in which the lot is located.

F. Width

All lots shall have a minimum width that complies with the requirements of the zoning district in which the lot is located.

G. Depth

All lots shall have a minimum mean depth that complies with the requirements of the zoning district in which the lot is located.

H. Orientation of Lot Lines

Side lot lines shall be substantially at right angles or radial to street lines.

I. Building Setback Lines

Building setback lines shall comply with the requirements of the zoning district in which the lot is located.

J. Easements

1. Utility and drainage easements centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet in width and ten (10) feet on either side of the property lines. A greater width may be required for the installation and maintenance of the facility.
2. Pedestrian path easements of ten (10) feet in width shall be provided when such area is required by the Planning Board.
3. Where a subdivision is or will be traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and an additional width of twelve and one-half (12.5) feet from said lines of the watercourse for the construction and maintenance.

K. Stormwater Drainage

1. The subdivision must meet the latest adopted requirements specified by the state sediment and erosion control program, Town of Valdese watershed protection ordinance, Phase II Storm Water Ordinance, national flood insurance program, US Army Corp of Engineers regulations (Section 404 of the Clean Water Act), and any other jurisdictional requirements under local, State, and Federal rules or laws. Terms used in

this section are as defined in the North Carolina Erosion and Sediment Control Planning and Design Manual.

2. Where curbs and gutters are constructed, they shall be under the standards of the North Carolina Department of Transportation's "Guidelines for Curb Cuts and Ramps for Handicapped Persons."
3. No surface water shall be channeled or directed into a sanitary sewer.
4. Where feasible, the subdivider shall connect the stormwater drainage system to an existing storm drainage system.
5. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
6. Surface drainage courses shall have side slopes of at least three (3) feet or horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each one hundred (100) feet of horizontal distance.
7. Where a subdivision is or will be traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and an additional width of twelve and one-half (12.5) feet of the said lines of the watercourse for the construction and maintenance.
8. Where storm sewers, drains, and structures are installed, they shall be of a size and type and location as required by this UDO, Town of Valdese standards, and good engineering practices.
 - (a) The minimum size of storm drains shall be fifteen (15) inches in diameter.
 - (b) The design flow for storm sewer collectors shall be at least a ten (10) year storm frequency and the design flow shall be at a twenty-five (25) year storm frequency for culverts and storm sewers crossing streets.
 - (c) Storm drains carrying water from the street right-of-way shall be placed along lot lines where feasible and shall extend for a distance of thirty-five (35) feet minimum back of the building line.

-
- (d) All off-street storm drains or extensions shall be installed initially by the subdivider, and the responsibilities thereafter shall be transferred to the purchaser(s) (or property owners association if applicable).
 - (e) Such extensions shall have permanent easements centered with the pipe.
 - (f) The utility easement shall be of width determined necessary for maintenance purposes by the Town of Valdese Public Works Department based upon enclosure depth, topography, and location of existing and proposed improvements, but no less than 20 feet.
 - (g) The Town shall have a right to enter for maintenance purposes where it determines that the public health, safety, or general welfare constitutes a public necessity for such maintenance. However, the Town does not otherwise maintain off-street storm drains.
 - (h) Where easements are required, they shall be noted on the Final Plat.
9. All pipes in street rights-of-way shall be constructed of N.C. Department of Transportation approved plastic, reinforced concrete, corrugated aluminum, or aluminized steel.
10. Culverts shall be provided to accommodate all-natural water flow and shall be sufficient length to permit a full-width roadway and the required slopes.
- (a) Cross drains shall be built on straight line, and grade shall be laid on a firm base but not on rock.
 - (b) Pipes shall be laid with the spigot pointing in the direction of the flow and with the end filled and matched to provide tight joints and a smooth, uniform invert.
 - (c) They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot (1') below the roadbed.
11. Where off-site runoff is to be conveyed through the subdivision, the design of pipes and/or channels shall be based on the full build-out of the off-site drainage area(s) based on current zoning.
12. Where stormwater is released from a storm drainage system, whether onto the developed tract or to an off-site tract, the water shall be released in a non-erosive manner such that downstream properties are not damaged. Such protection shall be designed based on the design storm applicable to the storm drainage system.

6.5.5 WATER AND SEWER UTILITIES

- A. All lots within new major subdivisions shall connect to the Town water system and sanitary sewer system if available. These utilities shall be installed at the subdivider's expense.
- B. Water and sanitary sewer systems shall be designed by a qualified North Carolina registered professional engineer. System design and construction shall be per this UDO, Town of Valdese standards, and good engineering practices, as well as with all applicable local, state, and federal rules and laws.
- C. All easements for water and sewer lines to be installed outside the public street right-of-way shall have a minimum width of twenty-five (25) feet, centered with the pipeline.

6.5.6 PEDESTRIAN WALKWAYS

- A. All major subdivisions are encouraged to incorporate pedestrian facilities. These facilities include but are not limited to sidewalks, walking trails, paths, bicycle lanes, and greenways. New facilities shall connect to existing facilities if there are any present.
- B. All sidewalks shall conform to all current Americans with Disabilities Act (ADA) standards. All sidewalks shall be placed in the right-of-way.

6.5.7 CLUSTER DEVELOPMENT AND PLANNED UNIT DEVELOPMENT

- A. Purpose:
 - 1. The purpose of providing for the clustering of development and the resultant open space is to offer recreation at or near each home, to improve the appearance of the area through the preservation of green space, to counter the undesirable effects of urban congestion and monotony, and to encourage group participation in community activities by all ages on a local block or neighborhood basis. This assists in building community and personal stability and security. Local parks, recreation areas, and other spaces in a planned neighborhood pattern are intended to conserve areas of natural beauty, encourage cooperative relationships between neighbors, and help promote public health, safety, and general welfare.
 - 2. The purpose of this Section is to provide an alternative subdivision procedure for single-family use; or governed by the minimum lot size requirements of this Subdivision Ordinance (see Section 6.5.4).
 - (a) This is to be accomplished by permitting the density of dwelling units contemplated by the minimum lot size requirements to be maintained on an overall basis when

applied to specific tracts of land and thereby provide for desirable and proper open space.

- (b) Cluster subdivisions shall follow requirements for planned unit developments in Subsections A, C, D, E, G, H, I, J, and K of Section 4.3.19.

6.5.8 HILLSIDE SUBDIVISIONS

A. Hillside Subdivisions shall comply with the following standards for Street Design:

1. **Widths:** The public or private street shall have a right-of-way of not less than fifty (50) feet, except that a right-of-way of forty (40) feet will be permitted if a reduced width is essentially unavoidable and is approved by the Planning Board.
2. **Cul-de-sacs:**
 - (a) Permanent dead-end streets are strongly discouraged except when required by extreme topography, water, or other natural features.
 - (b) The required turnaround on a dead-end private street in a hillside subdivision shall have a roadway diameter of not less than fifty (50) feet and a right-of-way diameter of not less than sixty (60) feet.
 - (c) If the street length does not exceed three hundred (300) feet and if construction difficulties will not permit a turnaround, the use of a “Y” or a “T” or other turning space of a design such as will allow a vehicle with a wheelbase of at least twenty (20) feet to complete a turning movement with a maximum of one backing movement, may be permitted if approved by the Planning Board.
3. **Grading**
 - (a) Grading will not be required for the full right-of-way in hillside subdivisions if the Planning Board determines that full grading will prevent convenient access to adjoining property or will destroy the natural beauty of the site by excessive cut and fill.
 - (b) However, where the slope extends beyond the right-of-way, slope easements shall be added where needed. The easement shall extend ten (10) feet beyond the top of the cut where cut exceeds fifteen (15) feet vertically.

4. Street Grades

In hillside land subdivisions, maximum street grades permitted shall be fourteen percent (14%) unless the Planning Board determines that a steeper grade is essentially unavoidable and would not create excessive danger.

5. Street Improvements for Hillside Subdivisions

Hillside Subdivisions shall comply with the following standards for Pavement:

- (a) Pavement widths shall not be less than specified in Section 6.5.2 and 6.4.5 except where the average cross slope is sixteen percent (16%) or greater, pavement widths may be reduced with Planning Board approval as follows:
 - (1) Where the average cross slope is between sixteen percent (16%) and thirty-three percent (33%), minimum pavement width may be reduced to eighteen (18) feet.
 - (2) Where the average cross slope is greater than thirty-three percent (33%), no street shall be constructed.
 - (3) Where pavement width is reduced, on-street parking shall not be permitted.

6. Hillside Lots

All lots in a hillside subdivision shall meet the requirements of the zoning designation of the property.



Town of Valdese, NC Unified Development Ordinance

CHAPTER 7: FLOOD DAMAGE PREVENTION

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CHAPTER 7: FLOOD DAMAGE PREVENTION

7.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, OBJECTIVE, AND SEVERABILITY

7.1.1 STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of Valdese, North Carolina, does ordain as follows:

7.1.2 FINDINGS OF FACT

- A. The flood prone areas within the jurisdiction of the town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

7.1.3 SEVERABILITY

If any section, clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.

7.1.4 STATEMENT OF PURPOSE

It is the purpose of this chapter to promote public health, safety, and general welfare and to public and private losses due to flood conditions within flood prone areas by provisions designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

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- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 - C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
 - D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
 - E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. of 8/6/07)

7.1.5 OBJECTIVES

The objectives of this chapter are to:

- A. Protect human life, safety, and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business losses and interruptions;
- E. Minimize damage to private and public property due to flooding;
- F. Make flood insurance available to the community through the National Flood Insurance Program;
- G. Maintain the natural and beneficial functions of floodplains;
- H. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- I. Ensure that potential buyers are aware that property is in a special flood hazard area.

7.1.6 SEVERABILITY

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this chapter.



7.2 GENERAL PROVISIONS

7.2.1 LANDS TO WHICH CHAPTER APPLIES

This chapter shall apply to all special flood hazard areas within the jurisdiction of the town.

7.2.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its flood insurance study (FIS) for Burke County dated September 5, 2007, and the most recent associated digital flood insurance rate map (DFIRM) panels, including any digital data developed as part of the FIS, and all revisions thereto.

7.2.3 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within special flood hazard areas determined in accordance with the provisions of Section 7.2.2 of this chapter.

7.2.4 COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

7.2.5 ABROGATION AND GREATER RESTRICTIONS

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

7.2.6 INTERPRETATION

In the interpretation and application of this chapter all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.



7.2.7 WARNING AND DISCLAIMER OF LIABILITY

- A. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes.
- B. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages.
- C. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

7.2.8 PENALTIES FOR VIOLATION

- A. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense by a fine not exceeding two hundred dollars (\$200.00) or imprisonment not to exceed thirty (30) days, or both.
- B. In addition to the misdemeanor penalty, a violation of this chapter shall also be a civil offense and shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) each day such violation continues. Each day's continuing violation shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

7.3 ADMINISTRATION

7.3.1 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Town Planning Director or his designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this chapter.

7.3.2 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

- A. Application requirements. Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special

flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section 7.2.2 of this chapter, or a statement that the entire lot is within the special flood hazard area;
 - (c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 7.2.2 of this chapter;
 - (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 7.2.2 of this chapter;
 - (e) The base flood elevation (BFE) where provided as set forth in Section 7.2.2, Section 7.3.3, or Section 7.4.3 of this chapter;
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (g) The certification of the plot plan by a registered land surveyor or professional engineer.
2. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - (a) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (b) Elevation in relation to NAVD 1988 to which any nonresidential structure in zone AE, A or AO will be flood-proofed; and
 - (c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;
3. If floodproofing, a floodproofing certificate using the current form from the Federal Emergency Management Agency (FEMA) with supporting data and an operational plan



that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

4. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:
 - (a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - (b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 7.4.2(D)(3) when solid foundation perimeter walls are used in zones A, AO, AE, and A1-30;
 5. Usage details of any enclosed areas below the lowest floor.
 6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 7. Certification that all other local, state and federal permits required prior to floodplain development permit issuance have been received.
 8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Section 7.4.2(F) and (G) of this chapter are met.
 9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- B. Permit requirements. The floodplain development permit shall include, but not be limited to:
1. A description of the development to be permitted under the floodplain development permit.
 2. The special flood hazard area determination for the proposed development in accordance with available data specified in Section 7.2.2.

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3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
 4. The regulatory flood protection elevation required for the protection of all public utilities.
 5. All certification submittal requirements with timelines.
 6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 7.4.5 have been met.
 7. The flood openings requirements.
 8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
 9. A statement, that all materials below BFE/RFPE must be flood resistant materials.
- C. Certification requirements.
1. Elevation certificates.
 - (a) An elevation certificate using the current form from the Federal Emergency Management Agency (FEMA) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - (b) A final as-built elevation certificate using the current form from the Federal Emergency Management Agency (FEMA) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built



construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

2. Floodproofing certificate.

(a) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate using the current form from the Federal Emergency Management Agency (FEMA), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Flood proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

3. If a manufactured home is placed within zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 7.4.2(C)(2).

4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

5. Certification exemptions. The following structures, if located within zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(a) Recreational vehicles meeting requirements of Section 7.4.2(F)(1);



(b) Temporary structures meeting requirements of Section 7.4.2(G); and

- (1) Accessory structures less than one hundred fifty (150) square feet meeting requirements of Section 7.4.2(H).

D. Determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

7.3.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied.
- B. Advise permittee that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, etc.) may be required.



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- C. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
 - D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
 - E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 7.4.5 are met.
 - F. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 7.3.2(A)(11).
 - G. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 7.3.2(A)(11).
 - H. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Section 7.3.2(A)(11).
 - I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 7.3.2(A)(11) and Section 7.4.2(B).
 - J. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.
 - K. When base flood elevation (BFE) data has not been provided in accordance with Section 7.2.2, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Section 7.4.3 and 7.4.4, in order to administer the provisions of this chapter.
 - L. When base flood elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Section 7.2.2, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.
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- M. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the letter of map amendment (LOMA) issued by FEMA in the floodplain development permit file.
- N. Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- Q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- R. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
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- S. Follow through with corrective procedures of Section 7.3.4.
 - T. Review, provide input, and make recommendations for variance requests.
 - U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 7.2.2 of this chapter, including any revisions thereto including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs.
 - V. Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-F) and letters of map revision (LOMR).

7.3.4 CORRECTIVE PROCEDURES

- A. Violations to be corrected. When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B. Actions in event of failure to take corrective action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - 1. That the building or property is in violation of the floodplain management regulations;
 - 2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - 3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- C. Order to take corrective action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the flood damage prevention ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 (one hundred eighty) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.



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- D. Appeal. Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
 - E. Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

7.3.5 VARIANCE PROCEDURES

- A. The Board of Adjustment as established by the Town, hereinafter referred to as the “appeal board,” shall hear and decide requests for variances from the requirements of this chapter.
- B. Any person aggrieved by the decision of the appeal board may appeal such decision to superior court, as provided in N.C. General Statutes Chapter 160D-406(k).
 - 1. Public notice for the Board of Adjustment public hearing to decide the case shall be provided consistent with the public notice requirements for quasi-judicial cases specified in Section 2.3.5(A)(1)(a).
- C. Variances may be issued for:
 - 1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - 2. Functionally dependent facilities if determined to meet the definition as stated in Section 7.5 of the UDO, provided provisions of Sections 7.3.5(I)(2), (I)(3), and (I)(5) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - 3. Any other type of development, provided it meets the requirements of this section.
- D. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;



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2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location as defined in Section 7.5 of the UDO as a functionally dependent facility, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- E. A written report addressing each of the above factors shall be submitted with the application for a variance.
- F. Upon consideration of the factors listed above and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this chapter.
- G. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the base flood elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
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- H. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- I. Conditions for variances.
1. Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 4. Variances shall only be issued prior to development permit approval.
 5. Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 6. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met.
 - (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the special flood hazard area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable federal, state and local laws.

- (e) The town has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

7.4 PROVISIONS FOR FLOOD HAZARD REDUCTION

7.4.1 GENERAL STANDARDS

In all special flood hazard areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this chapter, shall meet the requirements of “new construction” as contained in this chapter.
- I. Nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially



within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.

- J. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 7.3.5(l)(6). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 7.3.2(A)(11).
- K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- L. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- N. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- O. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- P. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

7.4.2 SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in Section 7.2.2, Section 7.4.3, the following provisions, in addition to the provisions of Section 7.4.1, are required:



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- A. Residential construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 7.5 of this UDO.
- B. Non-residential construction.
1. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 7.5 of this UDO.
 2. Structures located in A, AE, AH, AO, and A99 zones may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
 3. For AO zones, the floodproofing elevation shall be in accordance with Section 7.4.6(C)(2).
 4. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 7.3.2(C) along with the operational plan and the inspection and maintenance plan.
- C. Manufactured homes.
1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 7.5 of this UDO.
 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to N.C.G.S. § 143-143.15.
 3. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by

reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

4. All enclosures or skirting below the lowest floor shall meet the requirements of Section 7.4.2(D).
 5. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.
- D. Elevated buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 2. Shall not be temperature-controlled or conditioned;
 3. Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
 4. Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - (b) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (c) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;



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- (d) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

E. Additions/improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (b) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.



4. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

- (a) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions;
- (b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

F. Recreational vehicles. Recreational vehicles shall either:

- 1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- 2. Meet all the requirements for new construction.

G. Temporary non-residential structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- 1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- 2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;



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3. The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
 4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 5. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.
- H. Accessory structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:
1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 2. Accessory structures shall not be temperature-controlled;
 3. Accessory structures shall be designed to have low flood damage potential;
 4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 5. Accessory structures shall be firmly anchored in accordance with the provisions of Section 7.4.1(A);
 6. All service facilities such as electrical shall be installed in accordance with the provisions of Section 7.4.1(D); and
 7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 7.4.2(D)(3).

An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 7.3.2(A)(11).

- I. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and

hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

2. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
3. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 7.4.2(B) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (a) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
5. Other Development.
 - (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 7.4.5 of this ordinance.
 - (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 7.4.5 of this ordinance.
 - (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to



the other side, that encroach into regulated floodways shall meet the limitations of Section 7.4.5 of this ordinance.

- (d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

7.4.3 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

- A. Within the special flood hazard areas designated as approximate zone A and established in Section 7.2.2, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 7.4.1 shall apply:
1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 2. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - (a) When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in Sections 7.4.1 and 7.4.2.
 - (b) When floodway data is available from a federal, state, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Sections 7.4.2 and 7.4.5.
 - (c) All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with Section 7.2.2, and utilized in implementing this chapter. However, this requirement may be waived if the development ensures all building envelopes exclude any special flood hazard areas.



- (d) When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in Section 9-3202. All other applicable provisions of Section 9-3205.2 shall also apply.

7.4.4 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. The standards of Sections 7.4.1 and 7.4.2; and
- B. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

7.4.5 FLOODWAYS AND NON-ENCROACHMENT AREAS

- A. Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in 7.2.2.
- B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles.
- C. The following provisions, in addition to standards outlined in 7.4.1 and 7.4.2, shall apply to all development within such areas:
 - 1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice

according to FEMA guidelines and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or

(b) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment.

2. If Section 7.4.5(C)(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) The anchoring and the elevation standards of Section 7.4.2(C); and
 - (b) The no encroachment standard of Section 7.4.5(C)(1).

7.4.6 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

- A. Located within the special flood hazard areas established in Section 7.2.2, are areas designated as shallow flooding areas.
- B. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.
- C. In addition to Section 7.4.1 and Section 7.4.2, all new construction and substantial improvements shall meet the following requirements:
 1. The reference level shall be elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
 2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 7.4.6(C)(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 7.3.2(A)(11) and Section 7.4.2(B).



3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

7.5 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a

Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building”: See “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood” See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”.

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The

evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.



“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM’s Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of this chapter and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be

reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (e) Is fully licensed and ready for highway use.

(For the purpose of this chapter, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood

Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 7.2.2 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.



“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any five-year period whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial damage” also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any five-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 7.3.5 of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in



question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 7.3 and 7.4 of this chapter is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

7.6 LEGAL STATUS PROVISIONS

7.5.1 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted May 4, 1987 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced.

The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Valdese enacted on May 4, 1987, as amended, which are not reenacted herein are repealed.

7.5.2 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development

permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this chapter.

7.5.3 EFFECTIVE DATE

This chapter shall become effective [INSERT APPLICABLE DATE].

ADOPTION CERTIFICATION

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Town Council of Valdese, North Carolina, on the [INSERT APPLICABLE DATE].

WITNESS my hand and the official seal of [INSERT NAME, TITLE], this the [INSERT DAY] day of [INSERT MONTH, YEAR].

(signature)





Town of Valdese, NC Unified Development Ordinance

CHAPTER 8: WATERSHED PROTECTION

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CHAPTER 8: WATERSHED PROTECTION

8.1 AUTHORITY AND APPLICABILITY

8.1.1 AUTHORITY AND ENACTMENT

- A. The Town of Valdese is authorized to exercise the powers conferred by Chapter 160A, Article 8, Section 174 and Chapter 143, Article 21 of the North Carolina General Statutes to adopt and enforce regulations designed to promote the public health, safety, and general welfare of its citizenry. In addition, N.C.G.S. §§ 160D-926 and 143-214.5 specifically authorize local governments to enact and enforce water supply watershed management regulations. The Town Council of Valdese, North Carolina hereby ordains and enacts into law the following articles as the Water Supply Watershed Protection Ordinance of Valdese, included as a chapter in the Town of Valdese Unified Development Ordinance.

8.1.2 JURISDICTIONS

- A. The provisions of this Chapter shall apply within the overlay zones designated as a Public Water Supply Watershed as defined and established on the Official Zoning Map of the Town of Valdese, North Carolina" (the "Zoning Map"), such overlay zones being adopted simultaneously herewith.
- B. The Zoning Map and all explanatory matter contained thereon accompany and are hereby made a part of this Chapter.

8.1.3 EXCEPTIONS TO APPLICABILITY

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace.
- B. Nor shall any provision of this Chapter amend, modify, or restrict any other provisions of the UDO; however, the adoption of this Chapter shall and does amend any and all ordinances, resolutions, and regulations in effect in the Town of Valdese at the time of the adoption of this Chapter that may be construed to impair or reduce the effectiveness of this Chapter or to conflict with any of its provisions.
- C. It is not intended that these regulations interfere with any easement, covenants, or other agreements between parties. However, if the provisions of these regulations impose



greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

- D. Development activities that do not require a Sedimentation/Erosion Control Plan are exempt from the requirements of this Chapter. Existing Development, as defined in this Chapter, may be continued and maintained subject to the provisions provided herein.
1. All existing development, whether or not it meets the statewide minimum standards, is exempt from the provisions of this ordinance.
 2. Expansions to structures classified as Existing Development must meet the requirements of this Chapter, except single-family residential development, or unless expansion is part of common plan of development.
 3. In an expansion, the built-upon area of the existing development is not required to be included in the density calculations.
 - (a) Where there is a net increase of built upon area, only the area of net increase is subject to this ordinance.
 - (b) Where existing development is being replaced with new built upon area, and there is net increase of built upon area, only areas of net increase shall be subject to this ordinance.
- E. Reconstruction of Buildings or Built-Upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this Chapter that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single-family residential redevelopment, provided:
1. Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
 2. The total amount of space devoted to the build-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.
- F. If a Non-conforming Existing Lot is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Chapter if it is developed for single-family purposes (and zoned for this use). The Town may require the combination of contiguous nonconforming lots of record owned by same party to establish a lot or lots that meet requirements in Section 8.3.



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- G. Any lot or parcel created as part of a Family Subdivision after the effective date of these rules shall be exempt from these rules if it is developed for one single-family detached residence and if it is exempt from local subdivision regulation.
 - H. Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.
 - I. An applicant may exceed the density limits in Section 8.5 if all of the following circumstances apply:
 - 1. The property was developed prior to the effective date of the local water supply watershed program.
 - 2. The property has not been combined with additional lots after January 1, 2021.
 - 3. The property has not been a participant in a density averaging transaction under G.S. 143-214.5(d2).
 - 4. The current use of the property is nonresidential.
 - 5. In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, state, and federal laws and regulations.
 - 6. The remaining vegetated buffers on the property are preserved in accordance with the requirements of this Chapter.

8.1.4 APPLICATION OF REGULATIONS

- A. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.
- B. No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.
- C. Every residential building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified, except as permitted in Section 8.2.2(C).



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- D. If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

8.1.5 SEVERABILITY

Should any section or provision of this Chapter be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Chapter as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

8.2 ADMINISTRATION

8.2.1 WATERSHED ADMINISTRATOR AND DUTIES THEREOF

The Watershed Administrator shall be the same as the Zoning Enforcement Officer as described in this UDO. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Article as follows:

- A. The Watershed Administrator shall issue Zoning Permits and Certificates of Occupancy as provided in this Chapter. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.
- B. All administrative determinations made by the Watershed Administrator shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective.
- C. The Watershed Administrator shall serve as staff to the Watershed Review Board.
- D. The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Chapter and shall provide copies of all amendments upon adoption to the Stormwater Branch of the NC Department of Environmental Quality.
- E. The Watershed Administrator is granted the authority to administer and enforce the provisions of this Chapter, exercising in the fulfillment of his responsibility the full zoning and police power of the Town. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Chapter.
- F. The Watershed Administrator shall keep a record of all variances to the local Water Supply Watershed Protection Chapter that includes a description of each project receiving a



variance and the reasons for granting the variance. These records shall be provided to the NC Division of Water Quality upon request as part of a program audit.

- G. The Watershed Administrator is responsible for ensuring that Stormwater Control Measures (SCMs) are inspected at least once a year and shall keep a record of SCM inspections.

8.2.2 APPEAL FROM WATERSHED ADMINISTRATOR

- A. Any order, requirement, decision, or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.
- B. An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the order, interpretation, decision, or determination is issued. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.”
1. All appeals must be made in writing stating the reasons for the appeal.
 2. Following submission of an appeal, the Watershed Administrator shall transmit to the Watershed Review Board all papers constituting the record upon which the action appealed from was taken.
- C. An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Watershed Review Board after the notice of appeal has been filed with him, that because of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Watershed Review Board or by a court of competent jurisdiction on the application of notice of the officer from whom the appeal is taken and upon due cause shown.
- D. All appeals of decisions issued by the Watershed Administrator shall follow the procedures for appeals of administrative decisions provided in N.C.G.S. 160D-405.

8.2.3 ESTABLISHMENT OF A WATERSHED REVIEW BOARD

- A. There shall be and hereby is created the Watershed Review Board consisting of the Town of Valdese Board of Adjustment.
- B. Terms for members of the Watershed Review Board shall follow those for the Board of Adjustment.



8.2.4 POWERS AND DUTIES OF THE WATERSHED REVIEW BOARD

Appeals: The Watershed Review Board shall hear all appeals of the Watershed Administrator as specified in Section 8.2.2.

A. Watershed Variance Requests: The Watershed Review Board shall hear all requests for watershed variances.

1. For requests for minor watershed variances, the Watershed Review Board shall have the authority to decide such cases.
 2. For requests for major watershed variances, the Watershed Review Board shall review such cases and make a recommended decision to the North Carolina Environmental Management Commission.
3. The Town of Valdese shall notify each local government having jurisdiction in the designated watershed where the variance is being considered, and each entity using the water supply for consumption, at least 30 days in advance of the public hearing for the case.
 - a. Such notice shall include a description of the variance being requested.
 - b. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. If such comments are received by the Watershed Administrator at least 14 days in advance of the public hearing, such comments will be included as part of the record of proceedings of the Watershed Review Board.
4. For all variance cases, the Watershed Review Board shall follow the quasi-judicial procedures specified in Section 2.3.5.
5. The Watershed Review Board shall use the following standards in order to decide minor watershed variance requests, and provide a recommended decision to the N.C. Environmental Management Commission (EMC) on major watershed variance requests:
 - a. There are difficulties or hardships that prevent compliance with the ordinance;
 - b. The variance is in accordance with the general purpose and intent of the local watershed protection ordinance; and
 - c. Granting the variance, the project will ensure equal or better protection of waters of the State than the requirements in Chapter 8 of the UDO and that the stormwater controls will function in perpetuity.



6. The Watershed Review Board may attach conditions to the minor watershed variance approval or major watershed variance recommendation that support the purpose of the watershed protection standards in this Chapter.
7. For major watershed variances, if the Watershed Review Board (WRB) recommends in favor of granting the major variance, then it shall prepare a preliminary record of the hearing and submit it to the N.C. Environmental Management Commission (EMC) for review.
 - a. If the EMC approves the major watershed variance or approves the variance with conditions or stipulations added, then the EMC shall prepare a decision that authorizes the Watershed Review Board to issue a final decision that includes any conditions or stipulations added by the EMC.
 - b. If the EMC denies the major watershed variance, then the EMC shall prepare a decision to be sent to the Watershed Review Board. The Watershed Review Board shall prepare a final decision denying the major watershed variance.

8.2.5 APPEALS FROM THE WATERSHED REVIEW BOARD

- A. Appeals of decisions made by the Watershed Review Board (Watershed Review Board) must be filed with the Superior Court within 30 days from the date of the Watershed Review Board's written decision.
- B. The decisions by the Superior Court will be in the manner of certiorari.

8.2.6 RULES OF CONDUCT FOR THE WATERSHED REVIEW BOARD

The members of the Watershed Review Board shall be subject to the same rules of conduct and conflict of interest provisions as specified for the Board of Adjustment in Section 2.3.4.

8.3 SUBDIVISION REGULATIONS

8.3.1 SUBDIVISION APPLICATION AND REVIEW PROCEDURES

- A. All proposed subdivisions are subject to the regulations in Chapter 6 of this UDO except where they conflict with regulations in this Chapter, in which case the more stringent regulations shall apply.
- B. In addition to the applicable submittal requirements in Chapter 6, all applications shall include:



-
1. A description of the proposed method of providing storm water drainage, and
 2. Supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board.
- C. The Watershed Administrator or the Watershed Review Board may provide public agencies an opportunity to review and make recommendations. These agencies may include:
1. The NCDOT district highway engineer with regard to proposed streets and highways; and
 2. Any other agency or official designated by the Watershed Administrator or Watershed Review Board.
- D. The Watershed Administrator shall review the completed application and shall either approve, approve conditionally, or disapprove each application depending on whether it complies with the applicable standards in the UDO.

8.3.2 SUBDIVISION STANDARDS

- A. All lots shall provide adequate building space in accordance with the development standards contained in Section 8.5.
1. Lots smaller than the minimum required for residential lots may be developed using built-upon area criteria in accordance with Section 8.5.
- B. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- C. Storm Water Drainage Facilities: The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters, incorporates Stormwater Control Measures to minimize water quality impacts, and meets any local requirements.
- D. Erosion and Sedimentation Control: The application shall, where required, be accompanied by the Sedimentation and Erosion Control Plan approval by the NC Division of Energy, Mineral and Land Resources in the NC Department of Environmental Quality.
- E. Roads constructed in critical areas and watershed vegetated conveyance areas: Where possible, roads should be located outside of critical areas and watershed vegetated conveyance areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.



8.3.3 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

See Section 8.8 and Section 8.8.3(B) for penalties for the illegal subdivision, transfer, or sale of land in violation of this Chapter.

8.4 GENERAL STANDARDS

8.4.1 CLUSTER OR PLANNED DEVELOPMENT

- A. Cluster or Planned Unit Development is allowed in all Watershed Areas under the following conditions:
1. Development activities shall comply with all applicable requirements of this UDO.
 2. Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in Section 8.4 of this Chapter.
 - a. Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies.
 3. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize the concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
 4. Areas of concentrated density development shall be located in upland area and as far as practicable from surface waters and drainageways.
 5. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowner's association for management; to the Town of Valdese for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement.
 - a. Where a property association is not incorporated, a maintenance agreement shall be filed with the deeds.
 6. Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.



8.4.2 BUFFER AREAS REQUIRED

- A. A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low-density option; otherwise, a minimum thirty (30) foot vegetative buffer for development activities in the protected area is required along all perennial waters, and a minimum fifty (50) foot vegetative buffer for development activities in the critical area is required along all perennial waters indicated in the most recent versions of USGS 1:24,000 (7.5 minutes) scale topographic maps or as determined by local studies.
 - 1. Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.
- B. Desirable artificial streambank or shoreline stabilization is permitted.
- C. No new development is allowed in the buffer except for water-dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area, and public projects such as road crossings and greenways and their appurtenances where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater Best Management Practices. Any such development must obtain the necessary permit from the Town as specified in this ordinance.

8.5 SPECIFIC STANDARDS

8.5.1 ESTABLISHMENT OF WATERSHED AREAS

For purposes of this ordinance the Town of Valdese is hereby divided into the following area[s]:

- A. WS-IV-CA (Critical Area); and
- B. WS-IV-PA (Protected Area).



8.5.2 WATERSHED PERMITTED USES

The following uses are allowed (“Yes”) and not allowed (“No”) in the Watershed IV Critical Area (“WS-IV-CA”) and Protected Area (“WS-IV-PA”) as specified in Table 8.5.2:

Table 8.5.2: Watershed Table of Allowable Uses

ACTIVITY/USE	WS- IV CA	WS- IV PA
New landfills	No	Yes
New permitted residual land application	No	Yes
New permitted petroleum contaminated soils sites	No	Yes
NPDES General or Individual Stormwater discharges	Yes	Yes
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes	Yes
NPDES Individual Permit trout farm discharges	Yes	Yes
New NPDES Individual Permit domestic treated wastewater discharge	Yes	Yes
New NPDES Individual Permit industrial treated wastewater discharge	Yes	Yes
Non-process industrial waste	Yes	Yes
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	Yes	Yes
Sewage	No ^a	No ^a
Industrial Waste	No ^a	No ^a
Other wastes	No ^a	No ^a
Groundwater remediation project discharges ^b	Yes	Yes
Agriculture ^c	Yes	Yes
Silviculture ^d	Yes	Yes
Residential Development ^e	Yes	Yes
Non-residential Development ^{ef}	Yes	Yes
Nonpoint Source Pollution ^g	Yes	Yes
Animal Operations ^h	Yes	Yes

Notes:

a: Only allowed if specified in 15A NCAC 02B .0104.

b: Where no other practical alternative exists.

c: In WS-I watersheds and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10- foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies.

d: Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209) Effective 4/1/2018.

e: See density requirements in 15A NCAC 02B .0624.

f: See different uses that are allowed and not allowed in this table.

g: Non Point Source pollution shall not have an adverse impact, as defined in 15A NCAC 02H .1002, on use as water supply or any other designated use.

h: Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217.



8.5.3 WATERSHED DENSITY AND BUILT-UPON LIMITS

A. **Project Density.** The following maximum allowable project densities and minimum lot sizes shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development as specified in Table 8.5.3:

Table 8.5.3: Watershed Table of Allowable Uses

WATER SUPPLY CLASSIFICATION	LOCATION IN THE WATERSHED	MAXIMUM ALLOWABLE PROJECT DENSITY OR MINIMUM LOT SIZE		
		Low Density Development		High Density Development
		Single-family detached residential	Non-residential and all other residential	All types
WS-IV	Critical Area	1 dwelling unit (d.u.) per one-half acre or 1 d.u. per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area	24% built-upon area	24 to 50% built-upon area
	Protected Area	1 d.u. per one-half acre or 1 d.u. per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon; or 3 d.u.s per acre or 36% built-upon area without curb and gutter street system	24% built-upon area; or 36% built-upon area without curb and gutter street system	24 to 70% built-upon area

B. **Calculation of Project Density.** The following requirements shall apply to the calculation of project density:

1. Project density shall be calculated as the total built-upon area divided by the total project area;
2. A project with "Existing Development," as defined in this chapter, may use the calculation method in Section 8.5.3(B)(1) or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
3. Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).

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4. Where there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
 5. Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
 6. Total project area shall exclude the following:
 - a. Areas below the Normal High Water Line (NHWL); and
 - b. Areas defined as "coastal wetlands" pursuant to 15A NCAC 07H .0205, herein incorporated by reference, including subsequent amendments and editions, and available at no cost at <http://reports.oah.state.nc.us/ncac.asp>, as measured landward from the NHWL; and
 7. Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high and low density areas based on one or more of the following criteria:
 - a. Natural drainage area boundaries;
 - b. Variations in land use throughout the project; or
 - c. Construction phasing.
- C. **Low Density Projects.** In addition to complying with the project density requirements of Section 8.5.3(A), low density projects shall comply with the following:
1. **Vegetated Conveyances.** Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable.
 - a. In determining whether these criteria have been met, the local government shall take into account site-specific factors such as topography and site layout as well as protection of water quality.
 - b. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed.
 - c. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this Sub-Item:



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1. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the local government that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
 2. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.
2. Curb Outlet Systems. In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:
- a. The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;
 - b. The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
 - c. The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
 - d. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
 - e. The minimum length of the swale or vegetated area shall be 100 feet; and
 - f. Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in Section 8.5.3(C)(2)(a) through (e).

8.5.4 HIGH-DENSITY PROJECTS

- A. In addition to complying with the project density requirements of Section 8.5.3(A), high density projects shall comply with the following:
1. Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621;



2. For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;
3. Stormwater runoff from off-site areas and Existing Development, shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
4. SCMs shall meet the relevant Minimum Design Criteria set forth in 15A NCAC 02H.1050 through .1062; and
5. Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

8.5.5 OPTIONS FOR IMPLEMENTING PROJECT DENSITY

- A. The Town of Valdese shall have the following options in place of or in addition to the requirements of Section 8.5.3(A), as appropriate:
 1. The Town may allow only low-density development in its water supply watershed areas in accordance with this Chapter.
 2. The Town may regulate low density single-family detached residential development using the minimum lot size requirements, dwelling unit per acre requirements, built-upon area percentages, or some combination of these.

8.5.6 DENSITY AVERAGING

- A. An applicant may average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:
 1. The properties are within the same water supply watershed. However, if one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
 2. Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
 3. Vegetated setbacks on both properties meet the minimum statewide water supply watershed protection requirements.



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4. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
 5. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
 6. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the Town of Valdese can ensure long-term compliance through deed restrictions and an electronic permitting mechanism.
 - a. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners covenants, and on individual deeds.
 - b. Any such limitations or restrictions on use shall be irrevocable.
 7. Development permitted under density averaging and meeting applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
 8. The applicant shall obtain a certificate from the local Watershed Review Board to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties.

8.5.7 HIGH-DENSITY DEVELOPMENT PERMIT APPLICATION

- A. A High-Density Development Permit shall be required for new development exceeding the low-density development requirements specified in Section 8.5 of this Chapter.
- B. Application for a High-Density Development Permit shall be addressed and submitted to the Watershed Review Board through the Watershed Administrator. Application for a High-Density Development Permit shall be made on the current application form and shall include the following information:
 1. A completed High-Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or another agent will be accepted on the application only if accompanied by a letter of authorization;



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2. Ten (10) reproducible copies of the development plan including detailed information concerning built-upon area;
 3. Ten (10) reproducible copies of the plans and specifications of the stormwater control structure consistent with Section 8.5.8;
 4. When required by law, written verification that soil erosion and sedimentation control plan has been approved by the appropriate State or local agency;
 5. Permit Application Fees consistent with the latest fee schedule adopted by the Town;
- C. Before taking final action on any application, the Watershed Review Board or the Watershed Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit.
- D. **Public Hearing.** Upon receipt of a completed application, the Watershed Review Board shall hold a public hearing using the quasi-judicial process described in Section 2.3.5. In addition to the notification requirements specified in Section 2.3.5, notice of the hearing shall also be published in a newspaper of general circulation at least 10 days, but not more than 25 days, prior to the date of the hearing. The notice shall state the location of the building, lot, or tract in question, the intended use of the property, the need for engineered stormwater controls, and the time and place of the hearing.
- E. The Watershed Review Board shall issue a High-Density Development Permit within sixty-five (65) days of its first consideration upon finding that the proposal is consistent with the applicable standards outlined in the Watershed Protection Chapter and the following conditions are met:
1. The use will not endanger the public health or safety if located were proposed and developed according to the plan as submitted and approved;
 2. The use minimizes impacts to water quality through the use of Stormwater Control Measures, cluster development, and/or maximum setbacks from perennial waters;
 3. The use is vital to the continued growth and economic development of the Town of Valdese.
 4. The use is consistent with the officially adopted land development plans for the Town.
5. The use meets all applicable requirements of the Unified Development Ordinance.



If the Watershed Review Board finds that any one of the above conditions is not met, the Board shall deny the application.

- F. In addition to any other requirements provided by this Chapter, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Chapter.
1. All additional conditions shall be entered in the minutes of the meeting, at which the permit is granted, on all plans, and the permit certificate.
 2. The approval shall not be valid until the applicant signs a form agreeing in writing to all of the conditions.
- G. 3. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heirs, successors or assigns during the continuation of the permitted use. The Board shall issue a written ruling and make copies available at the office of the Watershed Administrator and the Town Clerk.
1. If the Board approves the application based on its findings, such approval shall be indicated on the permit and all copies of the site plan, and all copies of the plans and specifications of the stormwater control structures).
 2. A High-Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 8.5.9 and executes an Operation and Maintenance Agreement as required in Section 8.6.2.
 3. A copy of the permit and one copy of each set of plans shall be kept on file at the Watershed Administrator's office.
 4. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

8.5.8 STORMWATER CONTROL MEASURES

- A. All stormwater control measures (SCMs) shall be designed by a professional designer qualified to do this work in the state of North Carolina, as listed in the most current version of the N.C. Division of Environmental Quality (NCDEQ) Stormwater Design Manual. The design shall meet or exceed the minimum requirements specified in the most current version of the NCDEQ Stormwater Design Manual.
1. All stormwater control structures that pose a risk of injury or drowning shall be enclosed by a fence with a minimum height of six (6) feet.



8.5.9 PERFORMANCE GUARANTEES FOR CONSTRUCTION OF STORMWATER CONTROL MEASURES

- A. All new stormwater control structures shall meet the performance guarantee provisions for improvements specified in Section 6.2.9.

8.5.10 INSPECTION AND RELEASE OF THE PERFORMANCE BOND FOR CONSTRUCTION OF STORMWATER CONTROL MEASURES

- A. The stormwater control structure shall be inspected by the Town after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide:
1. The survey plat showing the stormwater control structure and related easement(s), and the signed easement(s) ready for filing with the Burke County Register of Deeds;
 2. A certification sealed by an engineer or landscape architect (to the extent that General Statutes allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
- B. The Watershed Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Town of Valdese Town Council at its next regularly scheduled meeting.
1. If the Town Council approves the inspection report and accepts the certification and deed of easement, the Town shall file the easement with the Burke County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and direct the Burke County Buildings Inspections Department to issue a Certificate of Occupancy for the stormwater control structure.
 2. If deficiencies are found, the Town shall direct that improvements and inspections are made and documents corrected and submitted to the Town.
- C. No sooner than one year after the date of filing of the deed of easement, and maintenance agreement, the developer may petition the Town to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Town shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Watershed Administrator shall present the petition and findings to the Town Council.



1. If the Town Council approves the report and accepts the petition, the developer shall deposit with the Town a cash amount equal to that described in Section 8.7.1, after which the Town Council shall release the performance bond or other security.
 2. If the Town Council does not accept the report and rejects the petition, the Town shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release of the performance bond or other security.
- D. A Certificate of Occupancy from the Burke County Buildings Inspections Department shall not be issued for any building within the permitted development until the Town Council has approved the stormwater control structure, as provided in Section 8.5.10(B).
- E. All stormwater control structures shall be inspected at least on an annual basis by an engineer licensed in the State of North Carolina to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year of the filing date of the deed for the stormwater control structure.
- F. In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Town shall inspect and approve the completed improvements if they meet the specified requirements.
- G.

8.6 MAINTENANCE OF STORMWATER CONTROL MEASURES

8.6.1 ESTABLISHMENT OF DEDICATED STORMWATER CONTROL MAINTENANCE FUND

- A. All new stormwater control structures shall be conditioned on the collection and establishment of monies dedicated for maintenance, reconstruction, replacement, and/or repairs necessary for the adequate performance of the stormwater control measures consistent with their approved design. These monies shall be:
1. Collected and retained by the owner of the stormwater control system.



2. Stored in a segregated account used solely for the purposes of maintaining, repairing, replacing, and reconstructing the owner's stormwater control project. This requirement shall be met within five years from the time the stormwater control project was accepted by the Town as constructed per the Town's regulations.
 3. Collected, maintained, and replenished to total 10% of the stormwater control project's original cost of construction once the segregated account is established and from that point forward as long as the operation and maintenance plan for the stormwater control structure described in Section 8.6.2 is in place; and
 4. Documented and attested to the Watershed Administrator in writing by the owner at the establishment of the segregated account and on an annual basis henceforth to demonstrate compliance with these requirements.
- A. Consistent with Section 8.6.2, the permit applicant shall enter into a binding Operation and Maintenance Agreement between the Town and all interests in the development.
1. Said Agreement shall require the owning entity to maintain, repair, and, if necessary, reconstruct the stormwater control structure following the operation and management plan or manual provided by the developer.
 2. The Operation and Maintenance Agreement shall be filed with the County Register of Deeds by the Watershed Administrator.

8.6.2 MAINTENANCE AND UPKEEP

- A. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- B. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement to the stormwater control structure.
- C. Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator before any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan



or manual. After notification by the owning entity, the Town Engineer shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the period to complete said improvements.

- D. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Town Council.

Proposed changes shall:

1. Be prepared by a North Carolina professional designer qualified to do this work in the state of North Carolina, as listed in the most current version of the N.C. Division of Environmental Quality (NCDEQ) Stormwater Design Manual;
 2. Meet or exceed the minimum requirements specified in the most current version of NCDEQ Stormwater Design Manual;
 3. Be submitted to and reviewed by the Watershed Administrator before consideration by the Watershed Review Board;
 4. If the Watershed Review Board approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator;
 5. If the Watershed Review Board disapproves of the changes, the proposal may be revised and resubmitted to the Watershed Review Board as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.
- E. If the Town Council finds that the operation and maintenance plan or manual is inadequate for any reason, the Watershed Review Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the County Register of Deeds, the Office of the Watershed Administrator, and the owning entity.

8.6.3 APPLICATION AND INSPECTION FEES

- A. Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town. Applications shall be returned if not accompanied by the required fee.
- B. A permit and inspection fee schedule, as approved by the Town, shall be posted in the Office of the Watershed Administrator.



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- C. Inspection fees shall be valid for sixty (60) days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 8.6.2, except in the case when a similar fee has been paid within the last sixty (60) days.

8.7 REMEDIES, SANCTIONS, AND PENALTIES

8.7.1 REMEDIES

- A. If any subdivision, development, and/or land use is found to violate this Article, the Town may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the nature of debt of \$100, institute actions or proceedings to restrain, correct, or abate the violations; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, N.C. Environmental Management Commission may assess civil penalties under G.S. 143 - 215.6A. Each day the violation continues shall constitute a separate offense.
- B. If the Watershed Administrator finds that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

8.7.2 SANCTIONS

In addition to the remedies described in Section 8.7.1 of this Chapter, and consistent with Chapter 160D, Article 4 of the North Carolina General Statutes, the Town of Valdese Town Council may seek enforcement of this Chapter by assessing a civil penalty to be recovered by the Town in a civil action like debt if the offender does not pay the penalty in a prescribed period after being cited for violation of the Chapter.

- A. Such violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- B. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.



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- C. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the rules of Civil Procedure in general and Rule 65 in particular.
 - D. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt and the Town may execute the order of abatement.
 - 1. The Town shall have a lien on the property for the cost of executing an order of abatements like a mechanic's and material man's lien.
 - 2. The defendant may secure the cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order.
 - 3. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge.
 - 4. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.
 - E. Enforcement of this Chapter may be by any one, all, or a combination of the remedies authorized in this Chapter.
 - F. Each day's continuing violation shall be a separate and distinct offense.

8.7.3 CRIMINAL PENALTIES

- A. Violations of This Chapter. Any person violating any provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished under G.S. 14-4. The maximum fine for each offense shall not exceed five hundred dollars (\$500). Each day that the violation continues shall constitute a separate offense.
- B. Illegal Subdivision, Transfer, or Sale of Land. Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town of Valdese, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Chapter and recorded in the office of the register of deeds, shall be guilty of a misdemeanor.



1. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
2. The Town of Valdese may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

8.8 INTERPRETATION AND DEFINITIONS

8.8.1 WORD INTERPRETATION

For the purpose of this chapter, certain words shall be interpreted as follows:

- A. Words in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- C. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- D. The word "structure" shall include the word "building."
- E. The word "lot" shall include the words, "plot," "parcel," or "tract."
- F. The words "shall" and "will" are always mandatory.

8.9.2 DEFINITIONS

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Balance of Watershed (BW). The area adjoining and upstream of the critical area in a WS-II and WS-III water supply watershed. The "balance of watershed" is comprised of the entire land area contributing surface drainage to the stream, river, or reservoir where a water supply intake is located.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

Built-upon area. Built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle (except as exempted by State law); or artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.

Cluster Development. Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this ordinance, planned unit developments and mixed-use development are considered as cluster development.

Common Plan of Development. Site with multiple lots where there is a single development plan for all of the lots, usually represented by a master plan or a set of declarations of restrict covenants.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-



half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Customary Home Occupations. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over twenty-five percent (25%) of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

Development. Any land disturbing activity which adds to or changes the amount or nature of impervious or partially impervious cover on a land area, or which otherwise decreases the infiltration of precipitation into the soil.

Dwelling Unit. A building, or portion thereof, providing complete and permanent living facilities for one or more persons.

Existing Development. Those projects that are built or that have established a vested right under North Carolina zoning law as of the effective date of this ordinance.

Existing Lot. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Family Subdivision. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.



Industrial Development. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance, this term does not include composting facilities.

Lot. A parcel of land that can be transferred separate from other parcels of land.

Major Variance. A variance that is not a Minor Variance as defined in this ordinance.

Minor Variance. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high-density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low-density option. For variances to a vegetated setback requirement, the percent variation shall be calculated using the footprint of built-upon area proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.

Nonconforming Existing Lot. A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

Non-residential Development. All development other than residential development, agriculture and silviculture.

Perennial Waterbody: A natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to preclude the growth of non-hydrophilic rooted plants.

Plat. A map or plan of a parcel of land which is to be, or has been, subdivided.

Protected Area. The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Qualified Individual. A person certified to perform stream determinations by completing and passing the Surface Water Identification Training and Certification (SWITC) course offered by the N.C. Div. of Water Resources at N.C. State University.

Residential Development. Buildings constructed for human habitation such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residuals. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Single Family Residential. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Stormwater Control Measure (SCM). A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapotranspiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider. Any person, firm, corporation, or official who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; except those exempt from subdivision regulation by GS 160D-802(a)(1) through (a)(5).

Surface Waters: All waters of the State as defined in NCGS 143-212 except underground waters.

Toxic Substance. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth), or physical deformities in such organisms or their off spring or other adverse health effects.

Variance. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan. Refer to the North Carolina General Statutes Section 160D-108 for more information.

Water Dependent Structure. Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake) or alternatively, the geographic region within which water drains to a particular river, stream or body of water.

Watershed Administrator. An official or designated person of [county][town] responsible for administration and enforcement of this ordinance.



	Town of Valdese, NC Unified Development Ordinance
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CHAPTER 9: NONCONFORMITIES

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CHAPTER 9: NONCONFORMITIES

9.1 ESTABLISHMENT OF NONCONFORMITIES

9.1.1 ESTABLISHMENT OF NONCONFORMING USES, LOTS, STRUCTURES, SITE FEATURES, AND SIGNS

- A. After the effective date of the standards in this UDO, existing uses of land, lots, structures, site features, or signs which would be prohibited under the regulations for the district in which they are located (if they existed on the adoption date of this Chapter), shall be considered as nonconforming.
- B. Nonconforming uses, lots, structures, site features, and signs (as defined in Chapter 11) may be continued provided they conform to the provisions specified in this chapter.
- C. When necessary, it shall be the responsibility of the property owner to demonstrate that a nonconformity was legally established, with assistance as reasonable and appropriate from Town staff to access Town records.

9.2 NONCONFORMING USES

9.2.1 EXTENSION OF USE

The enlargement, extension, or movement of nonconforming uses of land and structures to occupy a different or greater area of land or structures is prohibited.

9.2.2. CHANGE OF USE

Any nonconforming uses of land or structures may be changed to a conforming use by:

- A. Meeting the requirements of the UDO, or
- B. With the approval of the Town Council of a Change of Nonconforming Use application or a Special Use Permit, as applicable, to a use more in character with the uses permitted in the district in question as follows:
 1. The order of classification of uses from highest to lowest for the purpose of this section shall be as follows: residential district uses, business district uses, industrial district uses, as permitted by this UDO.



2. A nonconforming use may be changed to a use of higher classification but not to a use of lower classification.
 3. A nonconforming use may not be changed to another use of the same classification unless the new use shall be deemed by the Town Council, after public notice and hearing, to be less harmful to the surrounding neighborhood, than the existing nonconforming use.
 4. A nonconforming commercial or industrial use may not be extended, but the extension of use to any portion of a building, which portion is at the time of the adoption of this Chapter primarily designed for such nonconforming use, shall not be deemed to be an extension of a nonconforming use.
 5. A Special Use Permit (SUP) has been issued by the Town Council for the proposed change or alteration using the applicable procedures for granting an SUP detailed in Section 2.9.
- C. **Cessation of Use.** When a nonconforming use of land or structures is discontinued for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming uses.

9.3 NONCONFORMING LOTS

9.3.1 USE OF NONCONFORMING LOTS

- A. Except as otherwise provided in subsection B below, a nonconforming lot may be used for any use or structure subject to compliance with applicable use regulations and dimensional standards of this UDO.
- B. A nonconforming vacant lot shall not be developed if it can be combined with an adjoining lot (whether conforming or nonconforming) under the same ownership on or after the effective date of this UDO to create a single lot.
 1. If the combination results in the creation of a single lot that is more than one and one-half (1½) times the minimum lot width or area required in the zoning district, the single lot may be divided into two lots of equal width and area without being further classified as nonconforming.



2. For the purposes of this section, "adjoining" shall be deemed to mean the sharing of one or more common lot lines and access to both lots can be provided by the same street without crossing that street.
3. Any combination or division of lots required or allowed by this subsection shall occur in accordance with Chapter 6.

9.3.2 LOTS MADE NONCONFORMING THROUGH GOVERNMENT ACTION

- A. Any lot reduced in size to become a nonconforming lot by municipal, city or state condemnation or purchase of land, or by land dedication of the property owner that is accepted by the City or State, shall be deemed a conforming lot on receipt of a Site Plan or Building Permit demonstrating that the development existing or proposed on the lot:
 1. Complies with Table 4.1-1 Permitted Uses;
 2. Complies with the dimensional standards of this UDO to the maximum extent practicable;
 3. Complies with the off-street parking and landscaping standards of this UDO to the maximum extent practicable; and
 4. Complies with all other applicable standards and requirements of this UDO.

9.4 NONCONFORMING STRUCTURES

9.4.1 EXTENSION OR ENLARGEMENT OF STRUCTURES

- A. Nonconforming structures may not be enlarged. Additionally, no nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies.
- B. Nonconforming structures may be structurally altered if they follow the procedures and requirements of Section 9.2.2.

9.4.2 REPAIRS, MAINTENANCE, DAMAGE, OR DESTRUCTION OF STRUCTURES

- B. A. Minor repairs to and routine maintenance of property where non-conforming situations exist is permitted and encouraged. A major renovation, defined as works to cost more than 25 percent of the appraised valuation of the structure to be renovated, may be done only following the regulations of the district in which it was located.

1. The 25 percent cost limit stated above shall include all work within any 18-month period.
- C. Nothing in this section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, following an official order of a public official.
1. When improvements are made to restore the property to a safe condition, the costs of such repairs or alterations shall not be included in the 25% renovation cost noted in Subsection A above.
- D. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 50 percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only per the regulations of the district in which it is located.
- E. Any repairs or replacement of a nonconforming situation, including residential structures, must be started by obtaining a building permit within 180 days after the initial damage.

9.4.3 MANUFACTURED HOMES

For regulations regarding potential nonconformities of manufactured homes, refer to Sections 4.3.11 and 4.3.12.

9.5 NONCONFORMING SITE FEATURES

9.5.1 CONTINUATION OF NONCONFORMING FEATURES

- A. Nonconforming site features as defined in Chapter 11 may be continued subject to the following limitations:
1. For development existing (or for which a vested right had been established) before the effective date of this UDO, nonconforming site features created by a change in regulations may continue to exist, and structures comprising such nonconforming site features may be reconstructed if demolished or destroyed.
 2. No action shall be taken that increases the degree or extent of the nonconforming site feature, and no nonconforming site feature shall be extended, expanded, enlarged, or otherwise altered, unless the site feature thereafter conforms to all current requirements of this UDO.



9.5.2 UPGRADING OF NONCONFORMING SITE FEATURES WITH SUBSTANTIAL REMODELING OF STRUCTURES

- A. If an application is filed for a Building Permit for the remodeling of one or more structures on a site containing nonconforming site features, and the cumulative costs of any such remodeling over the past five-year period (as shown on Building Permit applications) exceed 50 percent of the current assessed value of the structures, the nonconforming site features shall be upgraded in conjunction with the remodeling to conform to all current standards of this UDO.

9.5.3 UPGRADING OF NONCONFORMING SITE FEATURES WITH SUBSTANTIAL EXPANSION OF STRUCTURES

- A. If an application is filed for a Building Permit for the expansion of one or more structures on a site containing nonconforming site features, and the cumulative increase in such structures' floor area over the past five-year period (as shown on Building Permit applications) exceeds 50 percent of the floor area of the structures at the start of the five-year period, the nonconforming site features shall be upgraded in conjunction with the expansion to conform to the current standards of this UDO.

9.5.4 UPGRADING OF NONCONFORMING SITE FEATURES WITH SUBSTANTIAL EXPANSION OF OUTDOOR OPERATIONS, STORAGE, AND DISPLAY AREAS

- A. If outdoor operations, storage, and display areas are being expanded on a site containing nonconforming perimeter or streetyard buffers or screening of such outdoor areas, and the increase in the gross square footage of all such outdoor areas exceeds 50 percent of the current area used for outdoor operations, storage, and displays, the nonconforming buffers and screening shall be upgraded in conjunction with the expansion to conform to the current standards of this UDO.

9.5.5. COMPLIANCE TO MAXIMUM EXTENT PRACTICABLE

- A. Where full compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints on development, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Planning Director.

9.6 NONCONFORMING SIGNS

9.6.1 CONTINUATION OF NONCONFORMING SIGNS

Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Article may be continued provided they conform to the following provisions:

- A. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign.
 - a. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition.
 - b. Nor may illumination be added to any nonconforming sign.

9.6.2 MOVEMENT OR REPLACEMENT

A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with the UDO.

9.6.3 DESTRUCTION BY NATURAL CAUSES

- A. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this UDO, and the remnants of the former sign structure shall be cleared from the land within 30 days of destruction.
 - 1. For purposes of this section, a nonconforming sign is "destroyed" if it is damaged to the extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign so damaged.

9.6.4 CHANGING SIGN MESSAGE

The message of a nonconforming sign may be changed so long as this does not create any new nonconformity (for example, by creating an off-premise sign under circumstances where such a sign would not be allowed).

9.6.5 DISCONTINUED PRODUCT OR ACTIVITY

If a nonconforming sign other than a billboard advertises a use, product, or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and

shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

9.6.6 NONCONFORMING BILLBOARD

- A. If a nonconforming billboard that is not regulated by the State of North Carolina remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign.
1. For purposes of this section, a sign is "blank" if:
 - a. It advertises a use, product, or activity that is no longer operating or being offered or conducted; or
 - b. The message displayed becomes illegible in whole or substantial part; or
 - c. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.





Town of Valdese, NC Unified Development Ordinance

CHAPTER 10: ENFORCEMENT

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CHAPTER 10: ENFORCEMENT

10.1 VIOLATIONS

10.1.1 ISSUANCE OF A NOTICE OF VIOLATION

- A. When the Zoning Enforcement Officer determines work or any activity has been undertaken in violation of the Zoning Ordinance, Subdivision Ordinance, or other local development regulations, a Notice of Violation (NOV) may be issued.
- B. Such NOV shall be delivered to the landowner, the person undertaking the work or activity, or occupant of the property by personal delivery, electronic delivery, or first class mail. The Notice of Violation may also be posted on the property.
- C. The Zoning Enforcement Officer shall certify that the notice was provided, and retain a copy of this certificate on file.
- D. A Notice of Violation may be appealed to the Board of Adjustment.

10.2 PENALTIES AND REMEDIES

10.2.1 LEVYING OF PENALTIES

Violations of this UDO are subject to the following penalties:

- A. A violation of this Chapter shall be a civil offense and shall subject the offender to a civil penalty in the nature of debt of one hundred dollars (\$100) per day that the violation continues, or such amount as established in the fee schedule included as part of the annual budget.
 - 1. Any person violating this Chapter shall be issued a written citation.
 - 2. Each day's continuing violation shall be a separate and distinct offense.
 - 3. The penalty shall be paid to the Town within seventy-two hours from the time of issuance of the written citation.

10.2.2 ADDITIONAL REMEDIES

In addition to the penalties required in Subsection 10.2.1, the Town may use any of the following additional remedies, including several of them or all of them, to enforce compliance with this UDO.



A. Stop Work Order

1. If any work or activity subject to regulation by the Unified Development Ordinance or any other development regulation of the Town of Valdese, or any State law delegated to the Town of Valdese for enforcement purposes in lieu of the State, is undertaken in substantial violation of any State or local law, the Zoning Enforcement Officer or staff may order the work or activity that is in violation stopped.
2. If the any work or activity subject to regulation by the Unified Development Ordinance or any other development regulation of the Town of Valdese, or any State law delegated to the Town of Valdese for enforcement purposes in lieu of the State, is undertaken in a manner that endangers life or property, the Zoning Enforcement Officer or staff shall order the work or activity that is in violation stopped immediately.
3. The stop order shall be issued in writing directed to the person doing the work or activity, specifying the work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed.
4. A copy of the Stop Order shall also be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail.
5. The person or persons delivering the stop work order shall certify to the local government that the order was delivered.
6. Except as provided by NCGS 160D-1112 and NCGS 160D-1208, a stop work order may be appealed pursuant to NCGS 160D-405.
7. No further work or activity shall take place in violation of a stop-work order pending a ruling on an appeal.
8. Violation of a stop work order shall constitute a Class 1 misdemeanor.

B. Revocation of Permit or Approval

1. The Zoning Enforcement Officer or staff may revoke any development permit or approval granted under this UDO, by written notice to the permit or approval holder, when false statements or misrepresentations were made in securing the permit or approval, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this UDO, or a permit or approval has been mistakenly granted in violation of this UDO.



2. If a public hearing was required to approve the development permit, then the permit can only be revoked by following the same development review and approval process required for issuance of the development approval, including any required notice or hearing on the revocation of that approval.

C. Denial or Withholding of Related Permits

1. The Town may deny or withhold a Certificate of Compliance/Occupancy in accordance with the Building Code—or deny or withhold any permit, approval, or other authorization under this UDO to use or develop any land, structure, or improvements—until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

D. Equitable Remedies Issued by a Court

1. In addition to the penalties imposed under Section 10.2.1 and Section 10.2.2 above, the provisions of this UDO may also be enforced through equitable remedies issued by a court of competent jurisdiction including injunction and order of abatement.

10.3 APPEALS

Appeals of administrative decisions made under the provisions in this chapter may be appealed to the Board of Adjustment following the provisions in NCGS 160D-405.





Town of Valdese, NC Unified Development Ordinance

CHAPTER 11: INTERPRETATION AND DEFINITIONS

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CHAPTER 11: INTERPRETATION, MEASUREMENT, AND DEFINITIONS

11.1 INTERPRETATION

11.1.1 MEANING AND INTENT OF ORDINANCE LANGUAGE

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.1.3, and the specific purpose and intent statements set forth throughout this UDO. When a specific section of these regulations provides a different meaning than the general definition provided in Section 11.3, Definitions, the specific section's meaning and application of the term shall control.

11.1.2 REFERENCES TO OTHER REGULATIONS AND PUBLICATIONS

Whenever reference is made to a resolution, ordinance, code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, manual, resolution, ordinance, code, statute, regulation, or document, unless otherwise specifically stated.

11.1.3 RULES OF INTERPRETATION FOR ORDINANCE TEXT

To interpret this Chapter, certain words or terms are herein defined. Unless otherwise stated, the following words shall have the meaning herein defined.

- A. Words used in the present tense include the future tense.
- B. Words in the singular include the plural; words in the plural include the singular.
- C. The word "person" includes an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, a public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.
- D. The word "lot" includes the word "structure".
- E. The word "building" includes the word "structure".
- F. The word "shall" is mandatory, establishing an obligation to comply with the particular provision.



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- G. The words “may” and “should” are permissive in nature, constituting a suggestion or recommendation to meet the particular standard.
 - H. The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied".
 - I. The word Zoning Enforcement Officer includes the word Watershed Administrator.
 - J. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 1. “And” indicates that all connected items, conditions, provisions or events apply or are required;
 2. “Or” indicates that only one of the connected items, conditions, provisions, or events applies or is required.

11.1.4 TERMS NOT DEFINED

If a term used in this UDO is not defined in the UDO, the Planning Director shall have the authority to provide a definition based on the definitions used in accepted sources—including, but not limited to, the following documents published by the American Planning Association: *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and/or *A Survey of Zoning Definitions*; and/or the latest edition of *The American Heritage Dictionary*.

11.2 DEFINITIONS

11.2.1 TERMS DEFINED

Access Corridors: A strip of land lying between the side lot boundary lines of a lake or riverfront lots offering access to lots at least one lot depth away from the water’s edge.

Access Street: See “Street, Access”.

Accessory Dwelling: See Dwelling, Accessory.

Accessory Use, Accessory Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Administrative Decision: Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards outlined in Chapter 160D or Town of Valdese development regulations. (Also referred to as “ministerial decisions” or “administrative determinations”)

Administrative Hearing: A proceeding to gather facts needed to make an administrative decision.

Adult Establishment: Any structure or use of land which meets the definitions as outlined in North Carolina General Statute Sec. 14-202.10. Licensed masseurs (e.g. health massage/bodywork therapists) are excluded.

Agricultural Industry: Commercial poultry or swine production, cattle or swine feed lots, fur-bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Alley: A privately recorded or publicly dedicated and maintained right-of-way twenty feet (20') or less in width that provides only a secondary means of access to adjoining property and is not intended for general traffic circulation.

Alternative Tower Structure: Clock towers, sculptures, bell steeples, light poles, and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

Amortization: A provision requiring nonconforming signs to either become conforming or be removed within a set period, otherwise known as the amortization period.

Animal Hospital: See Veterinary Hospital or Clinic.

Antenna: Communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Apartment: See Dwelling, Multi-family.

Approval Authority: Governing Board, or other board or official designated by this UDO as being authorized to grant the specific zoning or land use permit approval that constitutes a site-specific development.

Arterial: A street or highway that carries large volumes of traffic at moderate speeds through and within Town of Valdese. These thoroughfares provide access to major commercial, industrial, and public traffic generators.

Artisan Food and Beverage Producer: An establishment that engages in onsite commercial production of food and/or beverage products to a final form employing batch-processing or hand-crafting using traditional methods, and distributes to customers on-site via product tasting and direct sales and/or off-site to retailers and wholesalers. Typical products may include coffee roasters, chocolatiers, confectioneries, cideries, distilleries, and wineries.

Automotive Repair, Major: An establishment where the following services may be rendered on a motor vehicle: body repair or replacement, straightening of automotive body parts, alignment, engine repair and reconditioning, painting, upholstering, welding, vehicle steam cleaning and undercoating, and storage of automobiles not in operating condition. This use also includes all activities included in “Automobile Repair, Minor”.

Automotive Repair, Minor: The sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, as well as minor repairs, incidental replacement of parts, and maintenance and servicing of passenger automobiles and trucks not exceeding one and one-half ton capacity, and any repairs to motorcycles. This use includes limited temporary storage of these vehicles.

Automobile Sales, Rental, and/or Lease, Major: Storage and display for sale, rental, and/or lease of more than ten cars, trucks, motorcycles, motor scooters, and/or other similar motorized vehicles at the same time.

Automobile Sales, Rental, and/or Lease, Minor: Storage and display for sale, rental, and/or lease of ten or fewer cars, trucks, motorcycles, motor scooters, and/or other similar motorized vehicles at the same time.

Automotive Service Station: See “Convenience Store”.

Automotive Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot of four or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute an automobile wrecking yard.

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

Bank: Financial institutions engaged in deposit banking and closely related functions such as the extension of credit *through* loans and investments, and fiduciary activities.

Banner: A sign intended to be hung, with message or symbol applied to plastic or fabric of any kind, but excluding flags or emblems of any nation, organization of nations, state, city, or any fraternal, religious, or civic organization.

Bar: A commercial enterprise devoted primarily to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. Bars include

taverns, pubs, nightclubs, and similar drinking establishments serving alcoholic beverages but do not include taprooms/tasting rooms in microbreweries and brewpubs.

Basement: That portion of a building that is partly or completely below grade. A basement shall be termed a cellar when more than one-half of its height is below the average adjoining grade. A basement shall be termed a story if the vertical distance from the average adjoining grade to the ceiling is more than five feet (5').

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided for compensation. The operator of the inn shall live on the premises or adjacent premises.

Beer: Includes "Malt beverage" as defined by N.C.G.S.18B-101(9).

Best Management Practices (BMP): A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters to achieve water quality protection goals. Also known as a "stormwater control measure" or "SCM."

Bird: See "Fowl".

Boarding House: A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, where meals or lodging is provided for three or more persons, but not to exceed eight persons. The owner of the boarding house shall reside on the premises.

Bona Fide Farm Purposes: Agricultural Activities as outlined in G.S.160D- 903.

Breezeway: A covered passageway connecting a single-family residence and an accessory structure.

Brewery, Small: An establishment for the manufacture of beer with an annual beer production of up to 15,000 barrels, and may include a taproom/tasting room.

Brewery, Large: An establishment for the manufacture of beer with an annual beer production of over 15,000 barrels, and may contain a taproom/tasting room.

Brewpub: A restaurant with facilities for the manufacture of beer onsite for consumption and retail sale at the restaurant. Where allowed by law, brewpubs may often sell beer "to go" and /or distribute to off-site accounts.

Buffer: A strip of land that may include trees, shrubs, a fence, and/or a berm designed to separate, protect, and/or screen one land use from neighboring land uses.

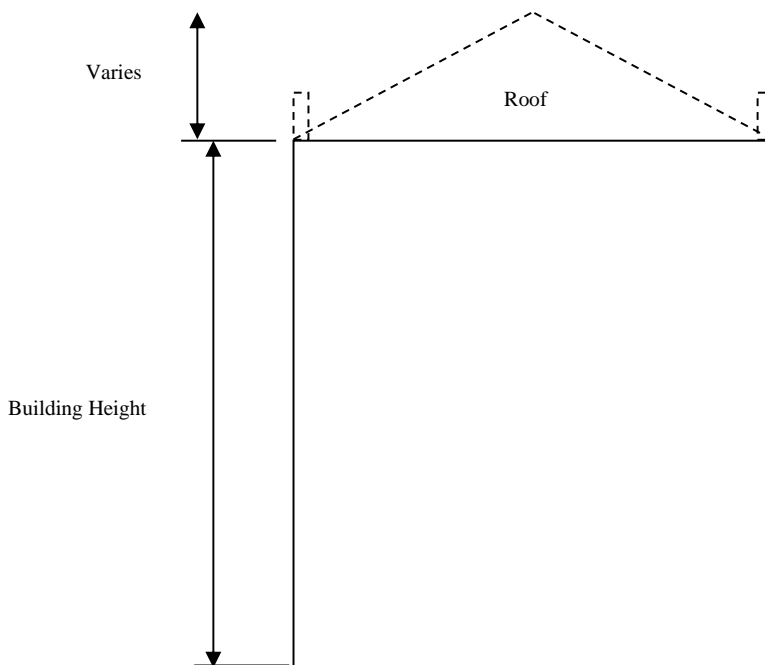
Buffer (Watershed): See definition in Section 8.9.2.

Building (or Buildings): Any structure used or intended for supporting or sheltering any use or occupancy. The connection of two buildings utilizing an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

Building, Accessory: A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building, and located on the same lot therewith.

Building, Coverage: See Lot Coverage.

Building, Height: The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof; to the average height of the gables in the case of a pitched roof; and to the deck line in the case of a mansard roof.



Building, Principal: A building or structure in which the primary use of the lot on which the building is located is conducted. A structure, or where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Building, Setback: A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost five feet (5') of any overhang, uncovered porches, steps, gutters, and similar fixtures, and the related front, rear, or side property or right-of-way line, whichever is closest to the building.

Building Wall: The entire surface area, including windows and doors, of an exterior wall of a building. For this UDO, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.

Built-Upon Area: See definition in Section 8.9.2.

Bulletin Board: A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

Business, General: Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community, including supermarkets, department stores, discount stores, variety stores, hardware, and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture, and home furnishing stores, automotive supply stores, and appliance stores.

Business, Office-type: Quasi-commercial uses that generally accommodate occupations such as but not limited to accounting, administrative, architectural, clerical, drafting, executive, financial, graphic design, engineering, insurance, legal, planning, real estate, software, stenographic, and/or writing occupations, and including offices of a charitable, philanthropic, religious, or educational nature.

Campaign Sign: See “Sign, Campaign”.

Canopy: A permanent structure, not enclosed and not retractable, attached or unattached to a building, to provide shelter to patrons or motor vehicles, or as a decorative feature on a building wall.

Canopy Sign: See “Sign, Canopy”.

Carport: An accessory structure that provides shelter for vehicles or boats, and is open on all sides.

Car Wash, Detail Shop: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles; a building or area that provides facilities for washing and cleaning motor vehicles, which may use

production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

Cellar: See Basement.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including land on which columbarium's, mausoleums, or similar structures are located.

Certificate of Occupancy: Permit that is issued by the Town of Valdese after the erection or structural alteration of a building, or part of a building; the permit allows the owner, tenant, or occupant thereof to occupy the structure and shows that the structure has been completed in conformity with the provisions of this UDO.

Changeable Copy: Copy that is or can be changed in the field, either manually or through mechanical means; e.g., reader boards with changeable letters.

Charter: As defined in N.C.G.S. 160A-1(1)

Child Care Institution: An institutional facility housing orphaned, abandoned, dependent, abused, or neglected children.

Cigar Bar: An establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of G.S. 18B-1001 that satisfies all of the following:

- a. Generates sixty percent (60%) or more of its quarterly gross revenue from the sale of alcoholic beverages and twenty-five percent (25%) or more of its quarterly gross revenue from the sale of cigars;
- b. Has a humidor on the premises; and
- c. Does not allow individuals under the age of 21 to enter the premises.

Revenue generated from other tobacco sales, including cigarette vending machines, shall not be used to determine whether an establishment satisfies the defi

City: A municipal corporation organized under the laws of the State of North Carolina. The term "city" is interchangeable with the term "town" and is used throughout the UDO. "Town" shall reference the Town of Valdese.

Church: See "Religious Institution".

Clerk of Superior Court: Clerk of Superior Court of Burke County, North Carolina.

Clinic: An organization of professional specialists such as physicians or dentists, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

Close Familial Relationship: See “familial relationship, close”.

Club: An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal, or charitable purposes, but which is not operated for profit.

Cluster Development: The grouping of buildings to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential and multi-family developments. For this Chapter, planned unit development and mixed-use development are considered cluster developments.

Collocation: The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term does not include the installation of new utility poles, city utility poles, or wireless support structures.

Commercial Message: A message of a commercial nature including commercial activity, content, commodity, service, entertainment, product, transaction, use, or advertising for any business.

Community Center: A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve the community at large.

Conditional Zoning: A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. The Town uses this process to approve Planned Unit Developments.

Condominium: A single-family dwelling unit constructed in a series or group of attached units where each dwelling unit is to be deeded and/or separately owned from other units, and where all land is owned in common by owners of all the dwelling units collectively. (See also “Dwelling, Multi-Family”)

Construction Sign: See “Sign, Construction”.

Convenience Store: A retail establishment where beverages, packaged food, tobacco products, or similar convenient goods for customers are sold, and where, also gasoline and/or diesel fuel may be supplied and dispensed. A “Car Wash, Detail Shop” is a separate use.

Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

County: or “Burke County”

Craft Distillery: An establishment where grains and/or fruits are distilled into spirituous liquor not to exceed 100,000 proof gallons per year, and which may include bottling, storage, and aging facilities, as well as an area devoted to the sampling and sales of spirits-related products.

Crematory or Crematorium: A properly installed, certified apparatus intended for use in the act of Cremation.

Critical Area: See definition in Section 8.9.2.

Cul-de-sac: A short local street having but one end open to traffic and the other end is permanently terminated, and a vehicular turn around provided.

Day Care Home: A private residence where care, protection, and supervision are provided on a regular schedule, to no more than five (5) preschoolers and three (3) school-age children at one time, including children of the adult provider.

Day Care Center: A building or structure where care, protection, and supervision are provided on a regular schedule to at least nine (9) or more children, including the children of the adult provider. Day Care Centers shall not be located within a dwelling unit.

Decision-making board: The Town Council, Planning Board, or Board of Adjustment, assigned to make planning and land use decisions under Chapter 160D.

Dedication: A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by a written instrument and is completed with an acceptance.

Detached Sign: See “Sign, Detached”.

Determination: A written, final, and binding order, requirement, or determination regarding an administration decision.

Developer: A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development: Any of the following:

- A. The construction, erection, alteration, enlargement, renovation, substantial repair, a movement to another site, or demolition of any structure.
- B. The excavation, grading, filling, clearing, or alteration of land.
- C. The subdivision of land as defined in G.S. 160D-802.
- D. The initiation or substantial change in the use of land or the intensity of use of land.

(This definition does not alter the scope of regulatory authority granted by Chapter 160D.)

Development approval: An administrative, quasi-judicial, or legislative approval is required before starting any activity, project, or development. Development approvals include zoning permits, site plan approvals, special use permits, conditional zonings, variances, and certificates of appropriateness, as well as all other regulatory-approvals required by regulations adopted under Chapter 160D.

Development, Existing: See “Existing development”.

Development, New: See “New development”.

Development Regulation: A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted under Chapter 160D, or a local act or charter that regulates land use or development.

Directional or Instructional Sign: See “Sign, Directional or Instructional”.

Directory Sign: See “Sign, Directory”.

Domestic Pets: Animals that are customarily kept for company, pleasure, or enjoyment within the home or yard such as domestic dogs, domestic cats, domestic tropical birds, domestic rodents, domestic rabbits, and domestic fish.

Double Frontage Lot: A continuous (through) lot that is accessible from both streets upon which it fronts.



Driveway: A vehicular way, other than a street or alley that provides vehicular access from a street to or through off-street parking and/or loading areas.

Dwelling: A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Accessory: A dwelling which is located on the same lot as a detached or attached single-family house, has a first-floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, the use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single home.

Dwelling, Attached: See definition for “Townhome”.

Dwelling, Multi-Family: A dwelling(s) designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Two-Family or Duplex: A dwelling designed exclusively for occupancy by two (2) families independent of each other.

Dwelling Unit: A single unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating cooking and sanitation.

Easement: A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainage ways, and roadways.

Election Sign: See “Sign, campaign”.

Electronic Gaming Operations: Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to, computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or predetermined odds. This includes, but is not limited to, internet sweepstakes or video sweepstakes. This does not include any lottery approved by the State of North Carolina.

Electronic Message Sign: See “Sign, Electronic Message”.

Eligible Facilities Request: A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

- A. Class 1 - Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);
- B. Class 2 - Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with a telephone, electric, steam, and water facilities; raw water treatment facilities.
- C. Class 3 - Generation, production, or treatment facilities such as power plants and sewage treatment plants

Evidentiary hearing: A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required under Chapter 160D.

Existing Development: Those projects that are built, legally established, or that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this UDO based on at least one of the following criteria:

- A. Having expended substantial resources (time, labor, money) based on a good faith reliance upon having received valid Town of Valdese approval to proceed with the project, or
- B. Having an outstanding valid building permit as authorized by the General Statutes (G.S. 160D-108.1).

Expedited Review: A review process whereby the Town of Valdese may require only a final plat for the recordation for a division of a tract or parcel of land in single ownership if all of the criteria specified in N.C.G.S. 160D-802(c) are met.

Familial Relationship, Close: A spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships (see N.C.G.S. 160D-109(f)).

Family: An individual or two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit; or a group of not more than six (6) persons, one (1) or more of whom is not related by blood, marriage, or adoption to the others.

Family Care Home: A dwelling with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than six resident disabled persons. A disabled person means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments but not including mentally ill persons who are dangerous to self or others as defined in G.S. 122C-3(11)b.

Farm, Bona Fide: Any tract of land containing at least three acres which are used for dairying or the raising of agricultural products, forest products, livestock, or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries.

Farmers Market: The seasonal selling or offering for sale at retail of home-grown vegetables, produce, or other farm products occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables, produce, or other farm products, or have taken the same on consignment for retail sale.

Farm Product Sales: Seasonal sale of farm products raised on the premises where products are sold only as an accessory to agricultural use.

Financial Institution: A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings, and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Flag: A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flag Lot: A lot so shaped and designed that the main building site area is set back from the street on which it fronts and has an access strip connecting the main building site with frontage street.

Flashing Sign: See "Sign, Flashing".

Flea Market: An occasional or periodic sales activity held within a structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Flood Damage Prevention Definitions: See definitions in Chapter 7, Section 7.5.

Floodplain: See definition in Section 7.5.

Floor Area, Gross: The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches, and balconies, and any below-grade floor areas used for access and storage. Not countable as floor areas are open terraces, open patios, open atriums, open balconies, open carport garages, and breezeways.

Floor Area Ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Fowl: Includes chickens, game hens, ducks, swans, geese, and other birds typically used as food. This definition for animal keeping does not include parrots, parakeets, and other non-food birds.

Garage: An enclosed accessory structure that provides shelter for vehicles or boats.

Garage, Public: A building designed and used for the storage of automobiles and operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Gated Subdivision: A subdivision in which access to the gated subdivision is restrictive by gates or other devices.

Governing Board: The Town of Valdese Town Council.

Government Building: A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer, or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of a building or structure. For signs, "grade" is defined as the height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

Government Sign: See "Sign, Government".

Ground Mounted Sign: See "Sign, Ground Mounted".

Group Living: The residential occupancy of a structure by a group of people, who do not meet the characteristics of "Dwelling, multi-family." The size of the group will be larger than the



average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for shorter periods are generally not considered group living. Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training or treatment, as long as they also reside at the site.

Hazardous Material: Any substance listed as such in SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hillside Subdivision: Land proposed to be subdivided which has a slope of sixteen percent (16%) or greater. That is an average difference in elevation of at least sixteen (16) feet in a horizontal distance of one hundred (100) feet. The average shall be obtained from at least fifteen (15) measurements, each twenty (20) feet from the next.

Home Occupation: An occupation, service, profession or enterprise carried on within a dwelling unit or accessory structure by a resident. Hobbies shall not be subject to the requirements of this section.

Hospice and Palliative Care Facility: A freestanding licensed facility(s) that provides palliative and supportive medical and other health services to meet the holistic needs of terminally ill patients and their families in an inpatient or group residential setting.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Identification Sign: See "Sign, Identification".

Industrial Development: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for manufacturing, assembling, finishing, cleaning, or developing any product.

Incidental Sign: See "Sign, Incidental".

Inoperable Vehicle: Any wrecked or non-operable automobile, truck, or another vehicle that does not bear a current license plate.



Junk Yard: The use of more than four hundred (400) square feet of any lot for the outdoor storage and/or sale of waste paper, rags, scrap metal, glass, plastic, tires, or other junk, and/or including storage of inoperable motor vehicles and dismantling of such vehicles or machinery and/or the sorting and processing of such materials in preparation for reuse or the shipment to others for use in manufacturing new products.

Kenel: Any premises wherein any person(s) engages in the business of boarding, breeding, buying, letting for hire, training for a fee, grooming, or selling of domestic pets.

Landfill: A Class 3 Essential Services facility for the disposal of solid waste on land in a sanitary manner following Chapter 130A Article 9 of N.C. General Statutes. For this UDO, this term does not include composting facilities.

Landowner or owner: The holder of the title in fee simple.

Land Use Plan: A plan adopted by the Town that designates future use or reuse of land through text and maps.

Large Brewery: See “Brewery, Large”.

Library: A building containing printed information, electronic information, pictorial material, musical recordings, and/or equipment such as computers for the public use, and not normally for sale.

Linear Frontage: The length of a property adjoining a public right-of-way from one side lot line to another.

Loading, Off-Street: Space located outside of any street right-of-way or easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

Local Government: A town, village, city, or county.

Local Street: See “Street, Local”.

Logo: A trademark or symbol for a business or other organization.

Lot: A parcel of land occupied or capable of being occupied by a main building or group of buildings and accessory buildings, together with such yards, open spaces, and lot areas as are required by this UDO, and having not less than the minimum required frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, Corner: A lot adjoining on and at the intersection of two or more streets.



Lot Coverage: The percentage of a lot that may be covered with buildings or structures (excluding walks, drives, and other similar uses) and recreational facilities which are accessory to a permitted use (such as swimming pools). Properties within the critical or protected areas as defined by the Water Supply Watershed Protection Act shall include walks, drives, and all other impervious and graveled surfaces in the total lot coverage.

Lot, Double Frontage, or Through Lot: A lot having its front and rear yards each adjoining on a street.

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot Front: A portion of the lot that is adjacent to the street. In the case of lots which adjoin a stream, lake, or pond, the lot front is considered to be the part of the lot which adjoins the water.

Lot, Frontage: The linear distance by which a lot adjoins an approved public street. **Lot, Interior:** A lot in which only one of its sides adjoins a street.

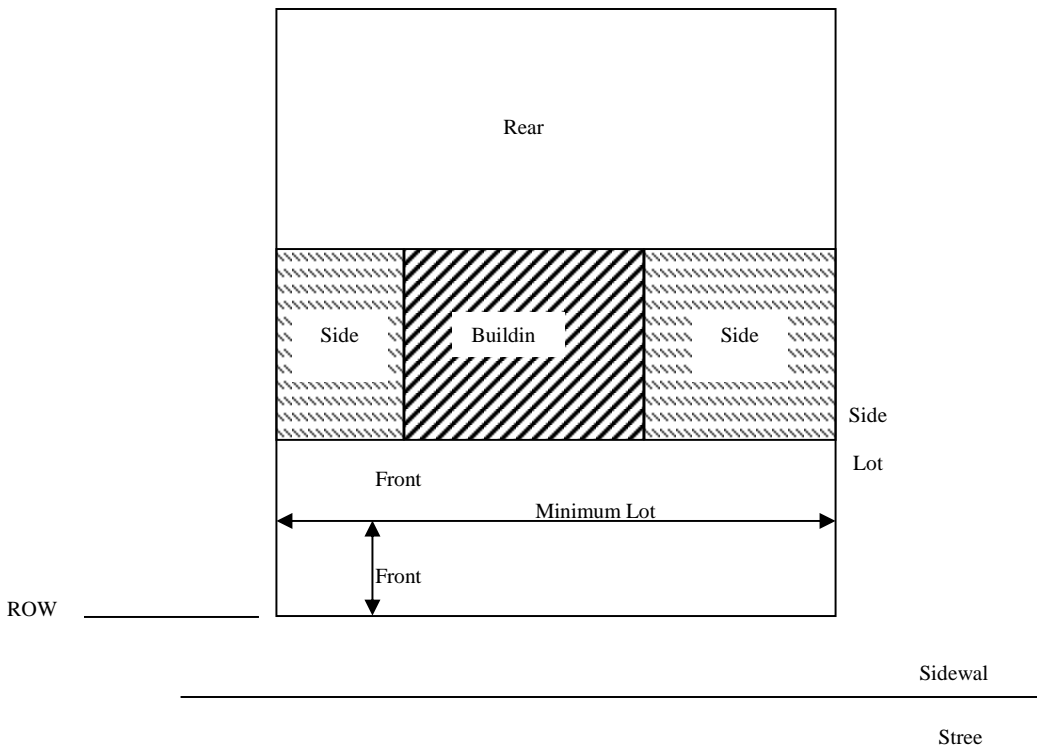
Lot, Landlocked: A lot that does not adjoin a public street or which otherwise does not meet the minimum street frontage requirements of the zoning district in which is located.

Lot Line: A property line dividing one lot from another or a street or other right-of-way.

Lot of Record: A lot which is described by reference to a recorded plat, or described by metes and bounds or similar method, the description of which has been so recorded by the Burke County Register of Deeds, and which has been given a separate tax identification number by the Burke County Tax mapping Department.

Lot, Substandard: A lot that has less than the required minimum area or size as established by the zone in which it is located, and provided that such lot was of record as a legally created lot at the time it was established.

Lot Width: The straight linear distance between the side lot lines, measured at the two points where the minimum building line, or setback line, intersects the side lot lines.



Major Watershed Variance: See definition in Section 8.9.2.

Manufactured Home, Class A: A structure that meets the Manufactured Home Construction and Safety Standards administered by the U.S. Department of Housing and Urban Development (HUD Code) and as defined in N.C.G.S. 143-145(7), being a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured Home, Class A" includes any structure that meets all of the requirements of this subsection except the size requirements and for which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., federal regulations adopted under the Act, and any laws enacted by the United States Congress that supersede or supplement the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and

over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their chassis that connect on-site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Manufactured Home, Class B: A portable manufactured housing unit designed for transportation on its chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width that does not meet the Manufactured Home Construction and Safety Standards administered by the U.S. Department of Housing and Urban Development (HUD Code). This definition includes a double-wide manufactured home that does not meet the HUD Code that is two or more portable manufactured housing units designed for transportation on their chassis that connect on-site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Manufactured Home Park: Any existing lot or parcel on which two (2) or more manufactured homes are used, leased or rented or intended to be used, leased, or rented for occupancy.

Manufacturing, Heavy: An establishment engaged in the processing, fabricating, and/or wholesaling of products primarily from extracted or raw materials or bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond the property line. This includes but is not limited to establishments engaged in producing the following products: animal feeds, building materials, storage of gasoline, oil, or fuel, pottery, porcelain, vitreous china, soap, detergent, and washing compounds. Heavy manufacturing is distinguished from light and medium manufacturing by its potential for off-site impacts, not necessarily being entirely within an enclosed building, not being limited in the extent of outdoor storage it involves, and/or producing products that are combustible or explosive.

Manufacturing, Light: An establishment engaged in the mechanical or chemical transformation of materials or substances into finished products or parts predominately from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided that all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. Examples of light manufacturing include but are not limited to production or repair of small machines or small electronic parts and equipment, beverage products, cabinet and woodworking shops, jewelry and silverware (no plating), printing and publishing, sign making, electronic or optical instruments, sporting goods and toys, and welding shops. Products are



generally made for the wholesale market. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.

Manufacturing, Medium: An establishment engaged in processing, fabricating, assembly, treatment, and/or packaging of products from processed or unprocessed raw materials, where the finished product is noncombustible and nonexplosive, provided all manufacturing activities are contained entirely within a building. This includes the incidental storage, sales, and distribution of such products. This manufacturing may produce noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activities that is perceptible to adjacent land users, but is not offensive or obnoxious. Odors produced on-site shall not have a material negative effect on other businesses or properties in the area. This does not include uses constituting light industrial assembly. Examples of medium industry include but are not limited to the manufacturing, processing, fabricating, and/or wholesaling of the following products: bedding, carpets, pillows, clothing, including hosiery, electric and electronic products, foods and food products not including slaughterhouses, glass, household appliances, ice, leather goods not including the processing or storage of rawhides, machine tools, metals and metal products, paints, paper products not including the manufacturing or processing of paper, plastics, rubber products not including the manufacturing or processing of rubber, textiles, wood and wood products, furniture, milk distribution (non-bottling) facilities.

Marina: A facility for the storing, servicing, fueling, berthing, and launching, and securing of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

Massage Therapy: The systematic and scientific manipulation and treatment of the soft tissues of the body for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting circulation, and promoting health and physical well-being. The term includes, but is not limited to, the manipulation of the muscular structure of the body, by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion, and nonspecific stretching. Massage Therapy does not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Materials Recovery Facility (MRF): See “Recycling Plant”.

Memorial Sign: See “Sign, Memorial”.

Microbrewery: A brewery that produces less than 15,000 barrels of beer per year with a portion of its beer sold to the public.



Mini-warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Minor Watershed Variance: See definition in Chapter 8, Section 8.9.2.

Mixed-Use: Commercial, office-institutional, and/or residential uses within the same building.

Modular Home: A dwelling unit constructed under the standards outlined in the North Carolina State Building Code (NCSBC) and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner like a manufactured home (except that the modular home meets the NCSBC) or may consist of a series of panels or room sections transported on a truck and erected or joined together on the site.

Monument Sign: See “Sign, Monument”.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

Multi-family Building: See “Dwelling, Multi-family”.

Multi-Phased Development: A multi-phased development, if approved, shall have a vested right of seven (7) years for the entire development with the zoning and subdivision regulations in place at the time of the original. A development with a minimum size of 25 acres that is both of the following:

- A. Submitted for development permit approval to occur in more than one phase.
- B. Subject to a master development plan with committed elements showing the type and intensity of use of each phase.

Museum: An establishment for preserving and exhibiting artistic, historical, scientific, natural, and/or human-made objects of interest. Such activity may include the sale of the objects collected and memorabilia, the sale of craft work and artwork, boutiques, and the holding of meetings and social events.

Neighborhood Recreation: Public or private neighborhood, tennis, or other courts, swimming pools, or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located.

"Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

New Development: Any development that does not meet the definition of "Existing development" as defined in this UDO.

Nonconforming Building: Any building that does not meet the limitations on building size and/or location on a lot for the district in which such building is located, and for the use to which such building is being put.

Nonconforming Lot of Record: A lot described by a plat or deed that was recorded prior to and lawfully existed before the adoption of this UDO, but which does not meet the limitations on size, depth, width, street frontage, or other development requirements of the statewide watershed protection rules for the district in which such lot is located.

Nonconforming Sign: See "Sign, Nonconforming".

Nonconforming Site Feature: Any obstruction within a required sight distance triangle or any off-street parking, landscaping, perimeter and streetyard buffer, screening, access and circulation features that were lawfully established before the effective date of this UDO, or a subsequent amendment thereto, but does not comply with the sight distance triangle standards or the off-street parking, landscaping perimeter and streetyard buffer, screening, or access and circulation features standards applied by this UDO or the subsequent amendment. The lack of required sight distance triangle, off-street parking, landscaping, perimeter or streetyard buffer, screening, or access and circulation features also shall constitute a nonconforming site feature. Nonconforming Use: A lawful use of land that does not comply with the use regulation for its zoning district as defined by this UDO.

Non-residential Development: All development other than residential development, agriculture, and silviculture.

Nursing Home: A health care facility licensed by the state to provide long-term medical services according to the directives of a patient's physician and standards of quality set by the state and the facility. Nursing homes in North Carolina are staffed by professional personnel under the direction of a licensed nursing home administrator; they deliver a variety of medical and social services to their patients.

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional, or clerical operations.

Official Maps or Plans: Any maps or plans endorsed by the Town Council as a guide to the development of Town of Valdese.

Off-Premises Sign: See “Sign, Off-Premises”.

On-Premises Sign: See “Sign, On-Premises”.

Open Space: Any front, side, or rear yards, courts, or usable open space provided around a building to meet the requirements of this UDO.

Open Storage: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Ordinance: The Unified Development Ordinance of the Town of Valdese, North Carolina.

Outdoor Advertising Sign: See “Sign, Outdoor Advertising”.

Outdoor Seasonal Sales: Outdoor seasonal sales are temporary uses, which include but are not limited to outdoor Christmas tree sales, pumpkin sales, plant sales, and similar uses. Outdoor seasonal sales are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts, or household goods.

Out Parcel: A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved site plan as a location for a free-standing structure with an intended use such as, but not limited to, banks, savings and loans, dry cleaners, service stations, offices, restaurants, retail establishments, or combination of uses thereof, and adjoins the shopping center or multi-tenant development, or the parking and service drives associated with it, on any side adjacent to a public right-of-way.

Parapet: A low wall encircling the perimeter of a flat building roof generally used to screen roof-mounted mechanical equipment.

Parcel: A lot or group of lots under common ownership.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Lot: Any designated area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition, for a fee, or as a service.

Parking, Off-Street: Space located outside of any street right-of-way or easement and designed to accommodate the parking of motorized domestic and commercial vehicles.



Parking Space: A storage space for one automobile, plus the necessary access space. It shall always be located outside the designated street right-of-way.

Pedestrian Walkways: Any paved or unpaved public or private route intended for pedestrian use, including a pedestrian path or esplanade, regardless of use by other transportation modes.

Person: An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, a public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Personal Service Establishment: An establishment that provides services involving the care of a person or their possessions. Typical uses include but are not limited to, beauty shops, barbershops, body modification establishments (e.g., tattoo, piercing, etc.), health and fitness studios, tanning salons, electronic repair shops, bicycle repair shops, nail salons, shoe repair, laundromats, dry cleaning, and tailors. This use does not include vape shops.

Pet: See “Domestic Pets”.

Planning Board: Any board or commission established according to G.S. 160D-301.

Planned Development: A tract of land under a single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a programmed series of development operations and according to an approved development plan (according to Article I).

Planned Development Sign: See “Sign, Planned Development”.

Planned Unit Development (PUD): A development characterized by a unified site design for several buildings. The design is intended to provide for common open space and for a mix of building types and uses. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site plan must include two or more principal buildings. Such development shall be based on a plan that allows for flexibility of design most available under normal district requirements.

Planning Board: The Planning Board of the Town of Valdese, North Carolina.

Planning and Development Regulations Jurisdiction: The area within which the Town is authorized to plan and regulate development according to the authority granted in Chapter 160D of the North Carolina General Statutes.

Plaque: See “Sign, memorial”.



Plat: A map or plan of a parcel of land which is to be or has been subdivided.

Plat, Final: A map of certain described land prepared to meet Town requirements as an instrument for recording with the Burke County Register of Deeds.

Portable or Movable Sign: See “Sign, Portable or Movable”.

Pre-existing Towers and Antennas: Any tower or antenna on which a permit has been properly issued before the effective date of this UDO.

Premises: A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established under applicable zoning. Out parcels of shopping centers shall be considered on the premises of the shopping center for this UDO.

Private Street: See “Street, Private”.

Projecting Sign: See “Sign, Projecting”.

Property: All real estate property subject to land-use regulation by the Town of Valdese. The term includes any improvements or structures customarily regarded as a part of real property.

Public Interest Sign: See “Sign, Public Interest”.

Quasi-judicial decision: A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

Primary Sign: See “Sign, Primary”.

Protected Area (PA): See definition in Chapter 8, Section 8.9.2.

Real Estate Sign: See “Sign, Real Estate”.

Recreation Area or Park: An area of land or combination of land and water resources that are developed for active and/or passive recreation that may include manmade features that accommodate such activities.

Recycling Center: An establishment in which used materials are collected, separated, and/or processed before shipment to others who will use those materials to manufacture new products. This may include operating facilities for separating these materials from nonhazardous garbage, and/or where commingled recyclable materials such as paper, plastics,

used beverage cans, and metals are sorted into distinct categories. Also known as a “Materials Recovery Facility (MRF)”.

Recycling Collection Point: A drop-off point for the collection and temporary storage of recoverable resources. No processing of such items at the recycling collection point is allowed. Such facilities should generally be located in a shopping center parking lot or other public/quasi-public areas, such as churches and schools.

Recycling Plant: A facility that is not a junkyard and in which recoverable resources, such as paper, glass, and metal products, are recycled, reprocessed, and treated to return such products to a condition in which they may be used again, or serve as feedstocks in manufacturing new products.

Religious Institution: A church, synagogue, temple, mosque, or other places of religious worship, including any accessory use or structure, such as a school, daycare center, or dwelling, located on the same lot.

Reservation: A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep the property free from development for a stated period.

Residential Care Facility: A building or facility used primarily to provide residential, social, and personal care for children, the aged, or others who suffer some limit on the ability for self-care, but where medical care is not a major service, such as adult daycare facilities, homes for the aged, rest homes and other like uses.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, and gazebos.

Restaurant: An establishment in which food or beverages are cooked or prepared and offered for sale for carry out or consumption on the premises whether or not entertainment is offered, and including establishments commonly referred to as cafes, grilles, clubs, private clubs, drive-ins, and fast-food establishments. An establishment that sells alcoholic beverages and food is classified as a “bar” if it derives more of its gross revenue from the sale of alcoholic beverages, or a “brewpub” if it manufactures beer on site for consumption and retail sale.

Retail Sales: Stores selling, leasing, or renting consumer, home and business goods including antiques, appliances, art, art supplies, bicycles, books, butchered meats, clothing, dry goods, electronic equipment, fabric, food sales, furniture, garden supplies, gifts, groceries, hardware, hobby supplies, home improvement products, household products, jewelry, music, pets, pet food, pharmaceuticals, plants, printed material, stationery, sales or leasing of consumer

vehicles including passenger vehicles, motorcycles, light, and medium trucks and other recreational vehicles, shoes, sporting goods, toy, variety, videos, and including similar sale establishments.

Roof Sign: See “Sign, Roof”.

Roof Line: The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

Satellite Dish Antenna: An antenna, three feet (3') or more in diameter, designed to receive television, radio, and other communication signals primarily from orbiting satellites.

School: A facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, middle high schools, and/or high schools.

Secondary Business Identification Sign: See “Sign, Secondary Business Identification”.

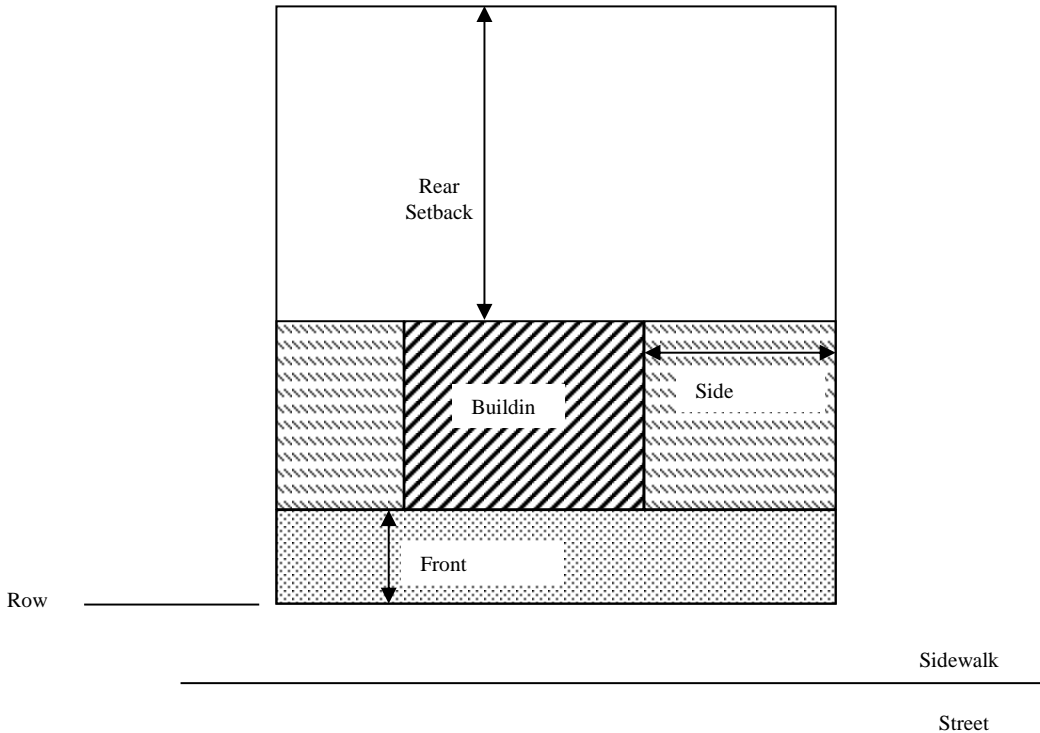
Secondary Sign: See “Sign, Secondary”.

Senior Housing: Multi-family housing designed for and occupied by persons 55 years of age or older.

Service Station: See “Automotive Service Station”.

Setback: A line establishing the minimum allowable distance between the nearest portion of any or building, excluding the outermost five feet (5') of any overhang, uncovered porches, steps, gutters, and similar fixtures, and the related front, rear, or side property or right-of-way line, whichever is closest to the building. Sign setbacks shall apply to the entire sign including any overhang or projection.





Sight Distance Triangle: The triangular area at the intersection of two or more roads where the driver of a motorized vehicle can see potential intersecting traffic. See Section 5.3.6 for the Town's standard for how to calculate a sight triangle.

Sign: Any object, devise, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious, or civic organizations; works of art which in no way identify an object, person, institution, organization, business, product, service, event or location by any means; or scoreboards located on athletic fields.

Sign, Political: Any sign that advocates for political action. The term does not include a commercial sign.

Sign Structure or Support: Any structure that supports or is capable of supporting a sign.

Sign, Business: A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered upon the premises where the sign is displayed; but not a sign about the preceding if such activity is only minor and incidental to the principal use of the premises.

Sign, Campaign: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy or Awning: A sign attached to or painted or printed onto a canopy or awning. The permitted size of a canopy or awning sign will be calculated based on the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Sign, Construction: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign, Detached: Any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such a sign may be a ground-mounted sign or monument sign.

Sign, Directional or Instructional: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One-Way," or similar direction or instruction, but not including any advertising message. The name or logo of the business, organization, or use to which the sign is giving direction may also be included on the sign.

Sign, Directory: A sign that identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or arcades, office complexes, schools, churches, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.

Sign, Electronic Message: A sign capable of displaying words, symbols, figures, or images and that can be electronically or mechanically changed by remote or automatic means. Electronic Message signs may be part of wall-mounted signs, ground-mounted signs, or window signs.

Sign, Flashing: A sign that uses an intermittent or flashing light source to attract attention.

Sign, Government: Any temporary or permanent sign erected and maintained for any governmental purposes.

Sign, Ground Mounted: A sign that extends from the ground or which has support that places the bottom thereof less than 3 feet from the ground.

Sign, Identification: A sign that displays only the name, address, and/or crest, insignia, trademark, occupation, or profession of an occupant, or the name of any building on the premises.

Sign, Incidental: A sign used in conjunction with equipment or other functional elements of use or operation. These shall include, but not be limited to drive-through-window menu boards; signs on automatic teller machines, gas pumps, or vending machines; or newspaper delivery boxes.

Sign, Memorial: A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

Sign, Monument: A monolithic sign in which the bottom of the sign is flush with the ground.

Sign, Nonconforming: Any sign that was lawfully erected in compliance with applicable code provisions and maintained before the effective date of this UDO, and which fails to conform to all applicable standards and restrictions of this UDO.

Sign, Off-Premises: A sign that directs attention to a business, commodity, activity, organization, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

Sign, On-Premises: A sign that directs attention to a business, commodity, activity, organization, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

Sign, Outdoor Advertising: A type of sign, generally, but not always, consisting of a rigidly assembled sign, display, or device, usually free-standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters, typically for a business, commodity, activity, organization, or service not conducted on the site on which the sign is located. Such signs, commonly referred to as "billboards," are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

Sign, Planned Development: A sign used in conjunction with an approved planned residential, office, business, industrial, or mixed-use development.

Sign, Portable or Movable: A sign that is not permanently attached to the ground, a structure, or a building, and which can easily be moved from one location or another, for example, a sign on wheels.

Sign, Primary: The main or principal sign located on the premises.

Sign, Projecting: A sign that is affixed to a building and supported only by the wall on which it is mounted; considered a wall sign for purposes of this UDO.

Sign, Public Interest: A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Sign, Real Estate: Sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, Secondary Business Identification: An auxiliary wall sign, the purpose of which is to identify a business which is housed in the same structure as the principal business, but which is subordinate to, and has separate ownership, management, and operation from, the principal business which occupies the building.

Sign, Secondary: A sign used in addition to a primary sign on-premises.

Sign, Temporary: A sign that is not permanently installed in the ground or affixed to any structure or building, and which is erected for some time as permitted in this UDO.

Sign, Temporary Planned Development: A sign that pertains to the development of a new commercial, residential, or mixed-use development while it is under construction.

Sign, Vehicular: Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For this UDO, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

Sign, Wall: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls shall be considered wall signs.

Sign, Window: Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.

Single-family Home: See Dwelling, Single-family.

Single Family Residential: Any development where: 1) no building contains more than one dwelling unit; 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Single-Tier Lot: A lot that backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Site Plan: A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height, and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, green space, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that apply to the project and the site plan review.

Site Plan, Major: A site plan for a building or use that includes one of the following use categories, as specified in Table 4.1-1:

- Recreation and Entertainment
- Medical Uses
- Transportation, Utility, and Telecommunications Uses
- Retail, Eating, Drinking, and Service Uses
- Office Uses
- Warehousing and Industrial Uses

Site Plan, Minor: A site plan for any building or use other than those buildings or uses required to prepare a major site plan.

Site-Specific Vesting Plan: A plan submitted to the Town of Valdese under Section 2.7 and subject to the provisions of G.S. 160D-108.1 describing with reasonable certainty the type and intensity of use for a specific parcel or parcels. The plan may be in the form of any of the following plans or approvals: 1. Special Use Permit as provided by this UDO; 2. Major Subdivision Preliminary Plat approval as provided in Chapter 6; and 3. Planned Unit Development as provided in this UDO. Notwithstanding the foregoing, neither a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels shall constitute a site-specific vesting plan. A variance shall not be considered to be a site-specific vesting plan.

Small Wireless Facility: A wireless facility that meets the following qualifications:

- A. Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet.
- B. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For the purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based

enclosures, grounding equipment, power transfer switches, and cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

Special Use Permit: A permit, which authorizes development or land uses in a particular zoning district which upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards as well as compliance with specific standards, would promote the public health, safety, and general welfare.

Stormwater Control Measure (SCM): See “Best Management Practice”.

Story: The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above. In computing the height of a building, the height of a basement or cellar shall not be included where more than one-half of the height of such basement or cellar is below the average adjoining grade.

Street (Public Road, Lane, Way, Terrace, Drive): A dedicated and accepted public right-of-way used, or intended to be used, for passage or travel by motor vehicles which affords the principal means of access to adjoining properties.

Street, Access: A platted street designed to giving access to adjacent property owners.

Street, Local: All streets not in one of the higher street classifications. A local street serves primarily to provide direct access to adjoining land and access to the higher-order street system.

Street, Major Collector: A thoroughfare that collects traffic from local streets and carries it to arterial streets. While also serving as connectors between arterials, these streets perform an additional function of providing access to adjoining properties. Smaller volumes of traffic are carried on these streets, and speeds are lower.

Street, Minor: See “Street, Local”.

Street, Private: Any right-of-way or area set aside to provide vehicular access that has not been accepted for maintenance or intended to be accepted for maintenance by the Town or the State of North Carolina, and which is not maintained by the Town or the State of North Carolina. An entity other than the Town, such as property owners, homeowners association, community group, property management company, or similar type of organizations, shall be responsible for upkeep and maintenance.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including

buildings, sheds, carports, swimming pools, shelters, decks, patios, fences, business signs, and billboards and similar structures.

Structural Alterations: Any change, except for repair or replacement, in the supporting members of a structure, such as but not limited to, bearing walls, columns, beams, or girders.

Subdivider: Any person, firm, organization, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: The division of land for sale or development as specified in G.S. 160D-802.

Subdivision Administrator: The Planning Director for the Town of Valdese, North Carolina, or his designated agent.

Subdivision, Minor: A subdivision of land that meets the following criteria:

- A. Involving not more than five (5) lots fronting on an existing approved street; and
- B. Not involving any new street or prospectively requiring any new street for access to the interior property; and
- C. Not requiring an extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear; and
- D. Not adversely affecting the development of the remainder of the parcel or adjoining property; and
- E. Creating no new or residual parcels not conforming to the requirements of these regulations; and
- F. All included land must be under the ownership of one sponsor.

Subdivision Regulation: A subdivision regulation authorized by Article 8 of Chapter 160D.

Substantial Modification (wireless telecommunications): The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. The burden is on the Town to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

- A. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

-
- B. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- C. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

Taproom/Tasting Room: A room and use that is ancillary to a brewery, microbrewery, or Brewpub maintained for tasting, selling, and consumption of malt beverages manufactured on premise.

Telecommunications Tower: Any structure that is designed and constructed primarily to support one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for residential, non-commercial individual use, such as television antennas, satellite dishes, or amateur radio antennas.

Temporary family health care structure: A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).

Temporary Portable Building: A building intended for non-residential use for a limited period, consisting of one or more modules constructed off the ultimate site of use and transported to that site either on its wheels or otherwise.

Temporary Sign: See "Sign, Temporary".

Temporary Planned Development Sign: See "Sign, Temporary Planned Development".

Temporary Uses and Structures, Including Seasonal Markets: See "Outdoor Seasonal Sales".

Ten-Acre Exempt Development: A division of land that meets the statutory exemption from subdivision regulations as outlined in G.S. 160D-802(a)(2), whereby all tracts are greater than 10 acres and where no street right-of-way dedication is involved. A Ten-Acre Development must adjoin a public street and shall not exceed five-building parcels.



Townhome: A dwelling unit within a building that includes two or more dwelling units separated only by a party wall. A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from the foundation to roof and with a yard or public way on at least two sides. A building containing two or more dwelling units that are attached horizontally through common walls. Each dwelling unit occupies space from the ground to the roof of the building, and is located on a separate lot.

Transfer Station, Municipal Solid Waste: A facility where municipal solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Truck Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Two-family Dwelling: See Dwelling, Two-family.

Variance, Zoning: Permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this Chapter, he could not otherwise legally do. Subject to other provisions of this Chapter and North Carolina General Statutes, the Board of Adjustment may permit a variance from certain provisions of this Chapter upon making the findings outlined in Article XI, of this Chapter.

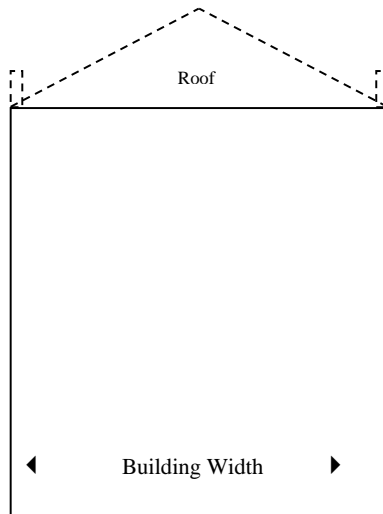
Vape Shop: An electronic Nicotine Delivery system (ENDS) establishment specializing in the selling of a variety of products, including ENDS devices, replacement pieces, hardware, E-liquid, and other ENDS-related products.

Vehicular Sign: See “Sign, Vehicular”.

Veterinary Hospital or Clinic: A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals. The operator shall be licensed by and under the control of the North Carolina State Veterinary Medical Board.

Wall Sign Area: The Wall sign area is the total square footage of all wall signs associated with a business or structure.

Wall Face Area: Wall Face Area is the total square footage of a building front measured by the building height multiplied by the linear width of the building or store bay.



Wall Sign: See “Sign, Wall”.

Water Dependent Structure: Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purposes, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water-dependent structures.

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

Watershed Administrator: An official designated by the Town responsible for administration and enforcement of this Article. This term shall also include the term "Zoning Enforcement Officer".

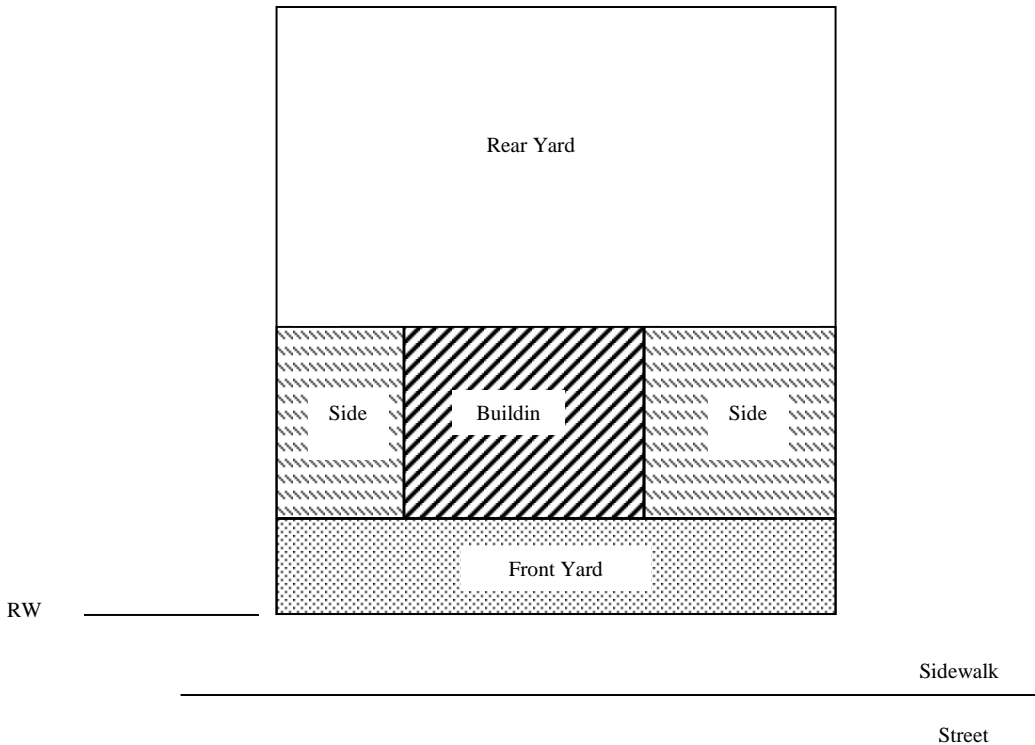
Watershed Variance: See definition for “Minor Watershed Variance” and “Major Watershed Variance” in Section 8.9.2.

Window Sign: See “Sign, Window”.

Winery: A building or property that produces wine, which may include a tasting room.

Yard: A space on the same lot with a principal building, open, unoccupied, and unobstructed by building or structure from ground to sky except where encroachment and accessory buildings are expressly permitted.

Yard, Front: An open space on the same lot between the principal building facade and the closer of the front street right-of-way line or property line extending the full width of the lot.



Yard, Rear: An open space between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

Yard, Side: An open, unoccupied space on the same lot with a principal building between the sideline of the building and the side line of the lot and extending from the front yard line to the rear yard line.

Zoning Map Amendment or Rezoning: An amendment to a zoning regulation to change the zoning district that is applied to specified property or properties. The term also includes (1) the initial application of zoning when land is added to the territorial jurisdiction of the Town of Valdese that has previously adopted zoning regulations and (2) the application of an overlay zoning district. The term does not include (1) the initial adoption of a zoning map by the Town of Valdese, (2) the repeal of a zoning map and re-adoption of a new zoning map for the entire planning and development regulation jurisdiction, or (3) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

Zoning Enforcement Officer: The Town official responsible for enforcement and administration of this Chapter. This term shall also include the terms "Watershed Administrator" and "Zoning Administrator".

Zoning Permit: A permit issued by the Zoning Administrator indicating compliance with the requirements of this Chapter. This term shall also include the term "Watershed Protection Permit".

Zoning regulation: A zoning regulation authorized by Article 7 of Chapter 160D

Zoning Vested Right: A right under G.S. 160D-108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan, provided that such development shall begin within two (2) years following issuance of the zoning vested right.





TOWN OF VALDEESE

NORTH CAROLINA'S FRIENDLY TOWN

P.O. BOX 339

VALDEESE, NORTH CAROLINA 28690-0339

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



VALDEESE TOWN COUNCIL ZONING, SUBDIVISION, FLOOD DAMAGE PREVENTION ORDINANCE TEXT AMENDMENT CONSISTENCY AND REASONABLENESS STATEMENT

On February 3, 2025, the Valdeese Town Council met to consider the Text Amendment Petition to replace the Town's Zoning, Subdivision, and Flood Damage Prevention Ordinances with the Unified Development Ordinance (UDO) and received a recommendation from the Valdeese Planning Board. After considering the Plan (defined below), ordinances, recommendations, and other materials presented, the Valdeese Town Council makes the following findings and conclusions:

1. In 2014, the Town of Valdeese adopted a comprehensive land use plan entitled "The Valdeese Vision: A Land Use Action Plan for the Future" (hereinafter the "Plan"). The Plan identifies the type of community that Valdeese wants to become in the future and the strategies that the Town will use to guide development and land use activities.
2. The UDO is intended to combine the zoning, subdivision, and Flood Damage Prevention ordinances into one comprehensive document that simplifies the Town's ordinances into a more readable document.
3. North Carolina General Statute 160D-605(a) provides, in pertinent part, as follows:

When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment, the governing board was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive or land-use plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning amendment may be considered concurrently.

4. The Text Amendment adopting the UDO is consistent with and supports the Valdese Vision: A Land Use Action Plan priorities, and is reasonable in the public interest including, but not limited to, the following:
 - (a) Brings the Town’s ordinances into compliance with current state statutes;
 - (b) Protection of the natural environment and quality of life for the community by including the floodplain and watershed ordinances within the UDO;
 - (c) Providing a clear and easy to understand ordinance by combining currently separate ordinances into one cohesive document, enhancing formatting for readability, and by adding use tables to clearly illustrate what uses are permitted within zoning districts and steps for approval.
 - (d) The UDO is consistent with the current land use plan, Valdese Vision Land Use Action Plan.
5. The Planning Board, at their December 16, 2024 meeting, voted five to zero to recommend that the Town Council amend the Town’s Zoning, Subdivision, and Flood Damage Prevention ordinances to implement the UDO in their place.
6. The Valdese Town Council hereby finds Zoning, Subdivision, Flood Damage Prevention Ordinance Text Amendment regarding adoption of the Unified Development Ordinance (UDO) to be *consistent* with the Plan.

Based upon the recommendation of the Valdese Planning Board and the findings from the public hearing, the Valdese Town Council, having found Zoning, Subdivision, Flood Damage Prevention Ordinance Text Amendment regarding adoption of the Unified Development Ordinance (UDO) to be consistent and reasonable with the Plan and approves.

THE TOWN OF VALDESE,
a North Carolina Municipal Corporation

ATTEST:

JESSICA LAIL, Town Clerk

CHARLES WATTS, Mayor

(Seal)



Technical Memorandum

TO: Bo Weichel, MPA, CLGPO, CLGFO, Interim Town Manager/CFO, Town of Valdese
CC: Tim Swanson, Town Attorney, Town of Valdese
Ashley Young, Senior Community & Regional Planner, WPCOG/Valdese Interim Town Planner
FROM: Ben Hitchings, FAICP, CZO, Principal, Green Heron Planning
RE: Overview of New Unified Development Ordinance
DATE: January 6, 2025

Introduction

This memo summarizes the major revisions proposed as part of the new Unified Development Ordinance (UDO) prepared for the Town. Over the past two decades, communities across North Carolina have been adopting UDOs for the following reasons to combine planning and development ordinances into a single, easy-to-use document, clarify guidelines with improved text and better graphics, and address persistent code issues and changes to state law.

Over the past two years, I worked with former planning director, Larry Johnson, to do four things:

1. Combine the Town's existing Zoning Ordinance, Subdivision Regulations, and Flood Damage Prevention ordinance into a single, easy-to-use document;
2. Create summary tables to provide a quick reference on the Development Review Procedures, Permitted Uses, and Dimensional Standards established by the Town;
3. Clarify and update the ordinance standards and procedures to remove conflicting language and help comply with current state and federal law; and
4. Update and modernize the development standards to address community land use and development issues on selected topics.

Then, over the past six months, Larry and I worked with Town Attorney, Tim Swanson, to conduct a thorough review of the proposed updates.

The result is a document that, once adopted by the Town Council, will be easier to use and better meet the current planning and development needs of the Town. UDOs are living documents that often change with the evolving needs of the community. As a result, the Town should make periodic updates to the UDO in the years ahead. I also recommend that the Town conduct a review of the UDO one year from now to see how the new standards and procedures are working, and make any other revisions warranted.

The remainder of this memo summarizes the major revisions proposed as part of the UDO.

Major UDO Revisions

The major revisions proposed in the UDO compared with the Town's existing development ordinances include the following:

Chapter 1

Section 1.3.1 (Page 3): Updated language regarding how to handle conflicts with other development standards to reflect changes to the N.C. General Statutes Chapter 160D.

Chapter 2

Section 2.1 (Page 7): Creation of Table 2.1-1 to list different development permits, the public notice requirements, and what responsibilities different boards and staff positions have in the development review process. Note proposed shifts in selected responsibilities.

Section 2.2 (Page 8): Clean-up and updating of Planning Board procedures and responsibilities.

Section 2.3 (Page 12): Clean-up and updating of Board of Adjustment procedures and responsibilities.

Section 2.3.5 (Page 15): Updated procedures for handling quasi-judicial cases such as variances, appeals, and special use permits to reflect the current requirements in N.C.G.S. Chapter 160D.

Section 2.4 (Page 25): Addition of conflict of interest standards for Town Council now required by N.C.G.S. Chapter 160D.

Section 2.9 (Page 36): Proposed shift of decision-making on Special Use Permits from Town Council to Planning Board to reflect Planning Board's greater familiarity with quasi-judicial procedures.

Section 2.9.3 (Page 37): Addition of procedures to allow for administrative review of minor changes to approved Special Use Permits to save applicants, staff, and boards time and resources on minor changes that still meet the UDO standards.

Section 2.10 (Page 39): Authorization for use of conditional zoning to handle Planned Unit Developments and Multi-Phased Developments (now authorized under N.C.G.S. Chapter 160D). A legislative process such as conditional zoning is needed to handle approvals that involve the additions of conditions that may either be stricter or less strict than existing ordinance standards for PUDs. Under state law, Multi-Phased Developments that are approved must grant a vesting of at least seven years, so this is a decision probably best made only by the governing board.

Chapter 3

Section 3.3 (Page 48): Addition of new Downtown Business Corridor district.

Section 3.4 (Page 49): Consolidation of residential and business Planned Unit Development districts into single PUD district option that gives applicants broad latitude to suggest innovatively designed mixed use projects, and the Town Council legislative discretion to approve or deny the proposed projects using a conditional zoning process.

Section 3.6 (Page 51): Creation of Table 3.6-1 to list dimensional requirements for different zoning districts in one easy to use reference.

Chapter 4

Section 4.1 (Page 57): Creation of Table 4.1-1 to list all permitted uses in different zoning districts in one easy to use reference. Note extensive clean-up, consolidation, and updating of which uses are allowed where. Some uses have now been consolidated into more general categories, such as “Retail sales” because their impacts are similar and so they can be allowed in similar zoning districts under using similar review processes.

Section 4.2 (Page 65): Addition of clear standards for how to handle unlisted uses to help the Town address this issue under a changing state legal framework on this topic.

Section 4.3 (Page 66): Miscellaneous clean-up and updates to use specific standards to reflect town needs and updated state statutes.

Section 4.4 (Page 89): Removal of language on amortizing (phasing in) updated standards for auto sales uses. The specified period for this phase-in of one year has long since passed.

Chapter 5: Development Standards

Section 5.3.6(A) (Page 106): Revisions to incorporate updated state statutes on how to calculate sight distances.

Section 5.3.8(F) (Page 108): Addition of provisions to allow swimming pools in side yards with conditions drawn from recent Town of Valdese variance cases.

Section 5.3.9 (Page 109): Relocation of requirements for Home Occupations to Use-Specific Standards section (Section 4.3) in Chapter 4.

Section 5.4.1(C) (Page 115): Revisions to incorporate updates state statutes on maximum size of parking spaces allowed.

Section 5.5.11 (Page 130) and Section 5.5.12 (Page 131): Updates to standards for temporary signs to reflect recent U.S. Supreme Court cases. Communities need to try to distinguish standards for various temporary signs based on the nature, designation, or activities of the properties on which they sit, as opposed to the message on the sign.

Section 5.5.13(B)(9, 11, 12, 13, 14, 15, 16) (Pages 133-136): Updates to requirements to political signs in rights of way to make the state statutory requirements for NCDOT roads applicable on local roads as well for ease of understanding and consistent enforcement.

Section 5.5.13(B)(10) (Page 134): Allowance of one temporary sign with non-commercial message on any residential property without a permit to allow freedom of expression and help address changing framework for temporary signs based on recent U.S. Supreme Court cases.

Chapter 6: Subdivision Regulations

Section 6.2.3 (Page 146): Clarification of confusing language regarding who may apply for minor subdivision approval.

Section 6.2.7(F) (Page 151): Revision of appeal provisions of subdivision decisions made by the Subdivision Administrator to reflect changes to N.C.G.S. Chapter 160D, which now requires that these appeals go to the Board of Adjustment.

Section 6.2.9(C) (Page 160): Revision of provisions for performance guarantees to address updates to state statutes. Consolidation of language regarding amount of guarantee under a separate “amount” section in (C)(4).

Section 6.2.9(C)(6) (Page 162): Addition of requirement to provide extension of existing performance guarantee (or a new guarantee) to Town prior to expiration of existing guarantee.

Section 6.2.12 (Page 171): Addition of provision that appeals of preliminary and final plat decisions made by the Town Council must be made to Superior Court, as required in N.C.G.S. 160D.

Chapter 7: Flood Damage Prevention

A variety of updates have been provided throughout this chapter to match the most recent NC Model Flood Damage Prevention Ordinance provided by the state to help the ordinance comply with state floodplain management requirements and better protect life and property.

Section 7.2.2 (Page 191): Addition of a provision to automatically amend the applicable maps included by reference to specify the most recent adopted versions, as now allowed by NCGS

160D-105(b). This can save time and money to remove having to run an ordinance text amendment each time the maps are updated, and help prevent the inadvertent use of outdated maps.

Section 7.2.8(B) (Page 192): Recommendation to increase the penalty for violations from \$50/day to \$100/day to match what is included in the latest NC Model Flood Damage Prevention Ordinance.

Section 7.3.4(D) (Page 201): Revision to send property owner appeals on orders of corrective action to the Town of Valdese Board of Adjustment instead of the Town Council to reflect the typical practice identified in N.C.G.S. Chapter 160D, and the generally greater familiarity with quasi-judicial procedures held by the Board of Adjustment.

Section 7.4.2(E)(4) (Page 209): Recommendation to update language to include substantial repair, reconstruction, rehabilitation, addition, or improvement to the elevation requirement to provide greater protection for life and property.

Section 7.4.2(I) (Pages 211-212): Addition of language requiring elevation of storage tanks and other kinds of development and infrastructure to be elevated, as called for in the current NC Model Flood Damage Prevention Ordinance.

Section 7.5 (Page 223): Recommendation to increase “Regulatory Flood Protection Elevation” from the “base flood elevation plus two (2) feet of freeboard” to the “base flood elevation plus 4 (4) feet of freeboard” to match the current recommendation from the NC Department of Public Safety.

Section 7.5 (Page 224): Recommendation to add updated language to the “Substantial Damage” provision to provide greater protection to life and property.

Chapter 8: Watershed Protection

A variety of updates have been provided throughout this chapter to match the most recent NC Model Watershed Protection Ordinance prepared by the N.C. Division of Environmental Quality. Updates included in this chapter are intended to implement model ordinance provisions and state statutory and administrative code requirements so that the updated ordinance can be approved by the NC Environmental Management Commission, while preserving available flexibility and appropriate customization for the Town of Valdese.

Section 8.2.4(B)(5)(c) (Page 236): Inclusion of standards for deciding watershed variances recommended in the state model ordinance, which are different than those for deciding zoning variances as specified in NCGS 160D in order to match the standards for deciding watershed variances because they are the specific standards required in the NC Administrative Code.

Section 8.2.6 (Page 236): Recommendation to use the same “Rules of Conduct” (conflict of interest provisions) for the members of the Watershed Review Board as those specified for the Board of Adjustment in Section 2.3.4 of the UDO for consistency and clarity.

Section 8.5.6 (Page 246): Addition of density averaging provision now required under state law.

Section 8.5.7 (Page 247): Recommendation to have decisions on “High-Density Development Permits” made by the Watershed Review Board than the Town Council because of their greater familiarity with the watershed protection requirements and quasi-judicial procedures.

Section 8.5.8 (Page 250): Recommendation to simplify the stormwater management requirements by applying the standards in the current version of the N.C. Division of Environmental Quality (NCDEQ) Stormwater Design Manual.

Section 8.7.1 (Page 253): Revisions to the language requiring a maintenance fund for stormwater control structures to reflect recent changes in state law.

Section 8.8 (Page 258): Recommendation to increase the penalty for violations from \$50/day to \$100/day to match the amount recommended in the most recent NC Model Flood Damage Prevention Ordinance.

Chapter 9: Nonconformities

This chapter has been re-organized and expanded somewhat to address the range of nonconformities that communities often experience.

Section 9.1.1(C) (Page 269): Addition of clarification that establishment of a legal nonconformity is the responsibility of the property owner (with help as needed from Town staff), consistent with the current state of law and practice across the country.

Section 9.3 (Page 270): Addition of a section on nonconforming lots. The Town’s existing zoning ordinance includes a definition of “Nonconforming Lot of Record”, but does not include any standards regarding lots. Yet, this is not an uncommon occurrence. As a result, this section proposes some appropriate standards.

Section 9.3.2 (Page 271): Addition of provision to classify lots that have been reduced in size by municipal, city or state condemnation or purchase of land, or by land dedication of the property owner that is accepted by the City or State, to still be conforming lots if they meet certain requirements for documentation.

Section 9.5 (Page 273): Addition of section on nonconforming features. Currently, the Town’s ordinances don’t address nonconforming “features” – things like parking, buffers, and other site characteristics other than buildings or structures. Yet, these are common elements, particularly

on older properties, and represent site elements that don't meet the Town's current standards. As a result, they too should be gradually brought up to current standards. Recommendations for how to do that in a reasonable way have been included in this section.

Chapter 10: Enforcement

Section 10.2 (Page 278): Revisions to reflect state legislation passed in 2021 that removed authority for enforcing most development ordinance violations as criminal misdemeanors, except for violations regarding unsafe buildings.

Section 10.2.2(A)(2) (Page 279): Revisions to incorporate the current language in NCGS Chapter 160D-404(b). The new phrasing makes it optional for the Town to issue a Stop Work Order for "substantial violations", and keeps it mandatory to issue a Stop Work Order for any violations that endanger life or property.

Section 10.2.2(B) (Pages 279-280): Revisions to clarify that the Town can revoke permits, which can be a very helpful remedy in achieving compliance, especially with the removal of authority to apply criminal penalties.

Section 10.2.2(C) (Page 280): Revisions to clarify that the Town may deny or withhold a Certificate of Compliance/Occupancy in accordance with the Building Code—or deny or withhold any permit, approval, or other authorization under this UDO to use or develop any land, structure, or improvements—until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

Section 10.2.2(D) (Page 280): Revisions to clarify that the UDO may also be enforced through equitable remedies issued by a court of competent jurisdiction including injunction and order of abatement.

Chapter 11: Development Standards

Section 11.1.1 (Page 284): Added subsection to clarify how the ordinance language shall be interpreted.

Section 11.1.4 (Page 285): Added subsection to establish the use of industry documents to help define any terms not included in the definitions section.

Section 11.2 (Page 285): This section adds in definitions from the current sign section and telecommunications section of the Valdese Zoning Ordinance, as well as definitions from the Valdese Subdivision Ordinance. Definitions for flood damage prevention are included in Chapter 7: Flood Damage Prevention, and definitions for watershed protection are in Chapter 8: Watershed Protection to simplify review by state agencies required for those chapters.

Planned Unit Development

The UDO includes updates to the provisions for Planned Unit Developments to match current industry standards and the approval of development projects proposed under this technique using a legislative conditional zoning process. Table 2.1-1 includes Planned Unit Development as one of the types of development approvals authorized by the Town, approvable through a conditional zoning process. Section 2.10 of the UDO details the process for reviewing proposed conditional zonings. Table 4.1-1 includes Planned Unit Development and specifies that this use is allowable through a conditional zoning process in a newly created unique conditional zoning district created just for the proposed project. Section 4.3.18 specifies the use-specific standards that apply to all Planned Unit Developments, incorporating most of the PUD standards from existing zoning ordinance, with minor updates.

Please don't hesitate to follow up with any questions or comments. I look forward to joining you, Town Attorney Swanson, and Senior Planner Young this week to discuss the UDO with the Mayor and Town Council.

Town of Valdese

AGENDA MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Rezoning Request

Meeting: Council Meeting - February 3

Presenter: Ashley Young, WPCOG Senior Planner, Valdese Interim Planner

ITEM OF INTEREST:

Rezoning Request for 401 Morgan St SE from M-1 to R-8

BACKGROUND INFORMATION:

The property is currently zoned for manufacturing use but is being utilized as a daycare facility. The previous daycare owner sold the property to a new owner, who plans to continue operating the daycare. To secure an operating permit from the NC Department of Health and Human Services (NC DHHS), the new owner will need to bring the property into conformity with the Town of Valdese Zoning Ordinance. This will require rezoning the property from M-1 Manufacturing to R-8 Residential, which permits daycare facilities with a conditional use permit. Under the updated Unified Development Ordinance (UDO), the Board of Adjustment will review and approve the conditional use permit following the property's rezoning.

This case was heard during the December Planning Board meeting and was unanimously recommended to Council for approval.

Staff finds the requested rezoning to R-8 to be consistent with the Future Land Use Map adopted under the Valdese Vision: A Land Use Action Plan for the Future.

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

Staff recommends approval of the rezoning request to R-8 Residential

LIST OF ATTACHMENTS:

Staff Report - Rezoning Application 401 Morgan St SE

Consistency and Reasonableness Statement

TO: Valdese Town Council
From: Ashley Young, Interim Planner (WPCOG)
DATE: February 3, 2025
SUBJECT: Rezoning Application 401 Morgan St SE

Property Location: 401 Morgan St SE, Valdese 28645

PIN: 2743240010

ACREAGE: 0.36 acres

REQUESTED ACTION: Rezone property from M-1 to R-8

BACKGROUND: The existing parcel is zoned for manufacturing use and is currently used as a daycare facility. The owner wishes to bring the existing use into conformity. A rezoning to R-8 Residential would allow for a daycare facility with a special use permit.

REVIEW CRITERIA:

1. Existing land uses in the general vicinity of the subject's property
 - **North:** The properties are zoned R-8 Residential and are occupied by a mix of single-family homes and institutional uses.
 - **South:** The property is zoned M-1 Manufacturing and contains manufacturing uses.
 - **East:** The property is zoned M-1 Manufacturing and contains residential use.
 - **West:** The property is zoned M-1 Manufacturing and contains manufacturing uses.
2. Traffic: Morgan St SE dead ends into the manufacturing facility behind 401 Morgan St. The subject parcel is currently operated as a daycare facility, and traffic is not projected to change with rezoning.
3. Public Services: The proposed amendment will not cause public services to fall below acceptable levels. Public services are in place and currently service the area. These public services include water and sewer, police, and fire protection.
4. Consistency of the proposed zoning with the Valdese Vision: A Land Use; The proposed zoning designation of R-8 Residential is compatible with the future land use of "residential" in the Valdese Vision adopted by the Valdese Town Council.
5. Planning Board Recommendation: Planning Board reviewed the petition on December 16, 2024 and unanimously recommended approval by Council.



0 75 150
 Feet
 1 inch = 110 feet
 1:1,325

Burke County, NC



Owner: MIMI'S KIDZ LLC
 2343 DULATOWN HEIGHTS RD

PIN: 2743240010

PIN EXT: 000

REID: 44213

LENOIR, NC 28645

Property Value:

Acreage: 0.36

Deed Book: 002764

Deed Page: 00284

Deed Date: 09/04/2024

Property Address: 401 MORGAN ST SE
 VALDESE 28690
 PROPERTY_DESC

Disclaimer: The information contained on this page is taken from aerial mapping, tax mapping, and public records and is NOT to be construed or used as a survey or legal description. Only a licensed professional land surveyor can legally determine precise locations, elevations, length and direction of a line, and areas.



0 315 630
 Feet
 1 inch = 442 feet
 1:5,300

Burke County, NC



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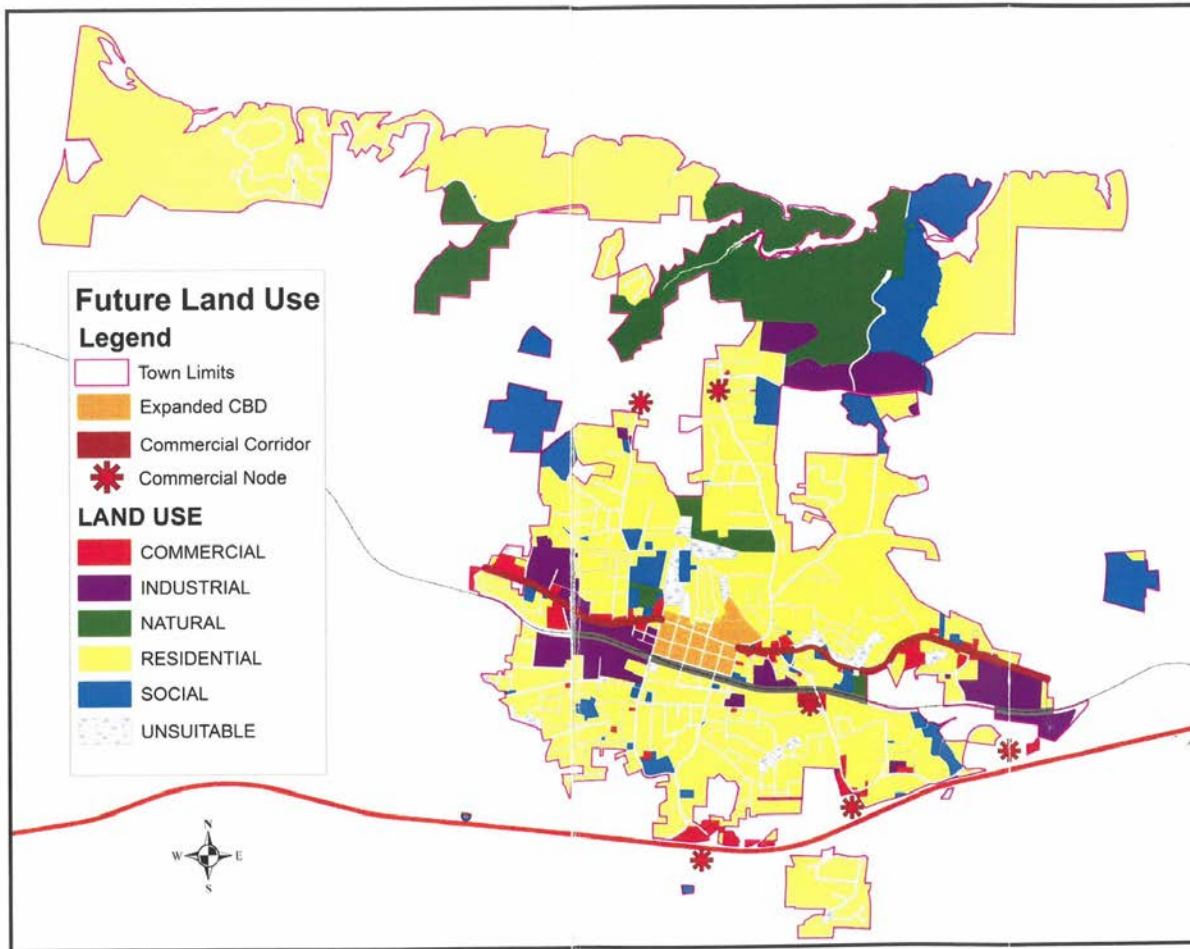
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The Valdese Vision: A Land Use Action Plan for the Future

RECOMMENDED ACTION:

Staff finds Rezoning Petition 401 Morgan St SE to be considered **consistent** with the Valdese Vision: A Land Use Action Plan for the Future, and recommends approval with the following consistency statement:

Consistency Statement: The Town of Valdese Council approves the rezoning application for 401 Morgan St SE from M-1 to R-8 as consistent with the recommendations made by the Valdese Vision: A Land Use Action Plan for the Future; reflecting the property's designation as a residential district on the future land use map.



TOWN OF VALDEESE

NORTH CAROLINA'S FRIENDLY TOWN

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VALDEESE, NORTH CAROLINA 28690-0339

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VALDEESE TOWN COUNCIL ZONING MAP AMENDMENT CONSISTENCY AND REASONABLENESS STATEMENT

On February 3, 2025, the Valdeese Town Council met to consider Rezoning Petition 401 Morgan St SE and received a recommendation from the Valdeese Planning Board. After considering the Plan (defined below), ordinances, maps, recommendations, and other materials presented, the Valdeese Town Council makes the following findings and conclusions:

1. In 2014, the Town of Valdeese adopted a comprehensive land use plan entitled “The Valdeese Vision: A Land Use Action Plan for the Future” (hereinafter the “Plan”). The Plan identifies the type of community that Valdeese wants to become in the future and the strategies that the Town will use to guide development and land use activities.
2. The owner of the property submitted a Rezoning Petition recommended by the Town of Valdeese Planning Board requesting to rezone the property from M-1 Manufacturing to R-8 Residential:

401 Morgan St SE and further identified by parcel ID number 2743240010.
3. The purpose of Manufacturing District (M-1) is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.
4. The Residential District (R-8) is to provide for town-scaled residential development within walking distance (generally one fourth (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.
5. The property is presently used as a daycare, which is allowed in the R-8 Residential District.
6. Rezoning Petition 401 Morgan St SE is intended to bring the existing use of the property into conformance with the Town’s zoning ordinance.
7. North Carolina General Statute 160D-605(a) provides, in pertinent part, as follows:

When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether

its action is consistent or inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment, the governing board was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive or land-use plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning amendment may be considered concurrently.

8. The Zoning Map Amendment rezoning Morgan St SE from M-1 to R-8 is consistent with and supports the Valdese Vision: A Land Use Action Plan priorities, including, but not limited to, the following:
 - (a) Reflects the property's designation as a residential district on the future land use map.
 - (b) Meets the intent of the R-8 zoning district by providing town scaled development within walking distance of services.

9. The Town Council finds that the zoning amendment is reasonable and in the public interest based on the following:
 - (a) The rezoning of the property is consistent with that of the surrounding area;
 - (b) The use of the property will remain the same as the existing, which is allowed within the R-8 district;
 - (c) The use of the property is to be a service which the zoning district is intended to provide walkability to services;
 - (d) The rezoning is taken in the public interest to provide more services to the town;
 - (e) The use of the property will put no additional burden on the town's utilities or services.

10. The Planning Board, at their December 16, 2024 meeting, voted five to zero to recommend that the Town Council amend the Town's Zoning Map regarding 401 Morgan St SW from M-1 Manufacturing to R-8 Residential District.

11. The Valdese Town Council hereby finds Rezoning Petition 401 Morgan St SE regarding rezoning the property from its currently designated zoning to R-8 Residential District to be *consistent* with the Plan.

Based upon the recommendation of the Valdese Planning Board and the findings from the public hearing, the Valdese Town Council, having found Rezoning Petition 401 Morgan St SE in regards to rezoning from M-1 Manufacturing to R-8 Residential District to be consistent and reasonable with the Plan and approves Rezoning Petition 401 Morgan St SE.

THE TOWN OF VALDESE,
a North Carolina Municipal Corporation

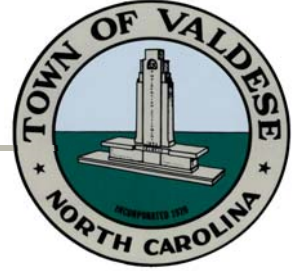
ATTEST:

JESSICA LAIL, Town Clerk

CHARLES WATTS, Mayor (Seal)

Town of Valdese

AGENDA MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Required Documents for the Community Development Block Grant Project

Meeting: February 3, 2025

Presenter: Sherry Long Griffin, WPCOG Special Projects Manager

ITEM OF INTEREST:

Berrytown Waterline Replacement Project

BACKGROUND INFORMATION:

In Spring 2024, the Town of Valdese applied to the NC Department Environmental Quality for a \$3,000,000 Community Development Block Grant- Infrastructure (CDBG-I) grant to upgrade the 2" waterline to a 6" waterline to serve the citizens of the Berrytown community. Also included in the request was funds for fire hydrants and new connections to the houses from the main waterline. On July 26, 2024 the Town received notification of funding for the project in the amount of \$2,236,775, which is less than what was requested. The reduction was due on part to the amount of funding available.

In order to keep the scope of the project the same as originally proposed, the Town applied to the NC Department of Commerce Rural Economic Development Division for additional funds needed to complete the project. In December the Town received notification of an additional \$1,000,000 Community Development Block Grant Neighborhood Revitalization (CDBG-NR) funds to complete the project.

The CDBG program require the adoption the thirteen Plans, Policies, Procedures and Resolutions in order to administer the program. The following items are attached: Citizens Participation Plan; Procurement Policy and Plan, Violence Against Women Act; Analysis of Impediments and Fair Housing Plan; Anti-Displacement and Relocation Plan; Conflict of Interest and Code of Conduct Plan; Equal Employment Opportunity Policy and Plan; Excessive Force Policy; Language Access Plan; Equal Housing Opportunity Resolution and Fair Housing Complaint Procedure; Section 504 Self-Evaluation Survey; Section 504 Grievance Procedure; Section 3 Action Plan Resolution.

BUDGET IMPACT:

No budget impact

RECOMMENDATION / OPTIONS:

The Town Council adopts the attached Policies, Plans and Procedures for the Community Development Block Grant Program.

LIST OF ATTACHMENTS:

See list above under Background information.



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CITIZEN PARTICIPATION PLAN FOR CDBG-I GRANTEES

CDBG-I Recipient/Grantee Name:	TOWN OF VALDEESE
CDBG-I Recipient/Grantee Mailing Address:	PO BOX 339, VALDEESE, NC 28690
CDBG-I Recipient/Grantee Physical Address (if different from mailing):	102 MASSEL AVENUE SOUTH WEST, VALDEESE, NC 28690
Contact Person & Title:	JESSICA LAIL, TOWN CLERK/HR DIRECTOR
Contact Email:	JLAIL@VALDESENC.GOV
Contact Phone Number:	(828)879-2117
TDD#:	#711

I. PURPOSE AND INTRODUCTION

The Town of Valdeese has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program.

This Plan is an essential element of the Town's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the North Carolina Department of Environmental Quality – Division of Water Infrastructure (NCDEQ-DWI) and the Department of Housing and Urban Development (HUD). The Citizen Participation Plan is required by Section 104(a)(2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a)(6).

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the Town's CDBG program(s) and project(s).

The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

The plan is vitally important to the success of CDBG-funded activities undertaken by local units of general government. Compliance with the plan reduces the number of legal challenges and citizen complaints against the local government recipient.

Local units of general government must provide citizens with reasonable advance notice of and opportunity to comment on proposed activities in an application to the state; and for grants already made, the same opportunities must be provided for activities proposed to be added, deleted, or substantially changed from the original application to the state. Substantially changes include, but not limited to, purpose, scope, location or beneficiaries.



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Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the Town.

2. SCOPE OF PARTICIPATION

The Town will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the Town. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. Identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. Changes and/or amendments to approved CDBG projects; and,
- c. Assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of the Town are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

3. CITIZEN PARTICIPATION CONTACT PERSON

Jessica Lail, Town Clerk has been designated Citizen Participation Coordinator by the Mayor and will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at Town Hall/(828)879-2117 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.

4. TECHNICAL ASSISTANCE



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The staff of the Town shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the Mayor of the Town or the Citizen Participation Coordinator.

5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate income persons and residents of areas where CDBG activities are proposed or on-going.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

PUBLIC HEARING TIMES AND LOCATIONS

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the Town. Public hearings may be held at any site which, in the opinion of the Town provides adequate access for citizen participation.

Hearings will normally be held at the Town Hall. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the Town, be held at an alternate location to be specified in the public hearing notice(s).

APPLICATION PUBLIC HEARING



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One public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to the NCDEQ-DWI for CDBG assistance. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also to present for public comment and review the program activities which have been selected by the Town to resolve the identified needs.

An application public hearing will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the Town during any fiscal year. Additional changes in community development or housing needs in the community as determined by local officials can be addressed by a community meeting where citizens can share their comments prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available for the fiscal year and for the funding round; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; a statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people; the schedule of meetings and hearings; location where the application can be reviewed; activities previously funded in the Town through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary; provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in the community development process and potential changes and/or amendments to the Plan shall also be discussed at this meeting.

The Town may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the Town.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.

Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the approximate cost estimate for the proposed activities; the estimate of local match required; the impact of the project on low and moderate income persons; and, the approximate application submittal date.



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PROJECT AMENDMENT PUBLIC HEARINGS

The Town will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the Town. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities.

To ensure adequate opportunity for citizen participation during CDBG programs, the Town shall hold a public hearing on all formal amendments which require the NCDEQ-DWI approval. For "local" amendments and changes for which the NCDEQ-DWI approval is not required, input from citizens concerning changes or amendments will be received at regularly scheduled Town meetings where such changes or amendments are considered.

ASSESSMENT OF PERFORMANCE (CLOSE-OUT) PUBLIC HEARINGS

This public hearing must be held after all third-party contracts' payments have been submitted.

Citizens of the Town will be provided with the opportunity to comment on the performance of local officials, the Town staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the Town in resolving identified community development and housing needs, and in achieving its community development goals and objectives. On-going community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Performance Assessment Report and any other required closeout documents to the NCDEQ-DWI for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

ADDITIONAL HEARINGS

Other public hearings may be held as deemed necessary by the Town in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

6. PUBLIC HEARING ACCOMMODATIONS AND ACCESSIBILITY

HYBRID HEARINGS

Hybrid public hearings provide for the ability of the public and interested parties to attend and participate in meetings without having to physically attend. This increases access of the hearings to additional



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citizens who would be otherwise unable to attend. Currently the Town does not have the technology to provide the required interactive access such as call-in. The Town does provide recorded Board meetings on youtube and as technology continues to improve, the Town will reevaluate the possibility of providing Hybrid Hearings.

LIMITED ENGLISH PROFICIENCY RESIDENTS

The Town has followed the guidance provided in the Language Access Plan (LAP) to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

PUBLIC HEARING NOTICE

Notice of public hearings must be published in a local newspaper of general circulation, in a non-legal section of the paper at least ten (10) days prior to the hearing date, but no more than 25 days prior to the meeting date. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed.

ACCESSIBILITY TO LOW AND MODERATE INCOME PERSONS

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s).

Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary.

Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons, and holding public hearings in low and moderate income neighborhoods or areas of existing or proposed CDBG project activities.

ACCESSIBILITY TO PERSONS WITH DISABILITIES

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The Town shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance.

The Town shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance.

Additionally, the Town shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.



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7. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the Town shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the Planning Office. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials, concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the NCDEQ-DWI and/or HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the Town; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the Town disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the Town shall not disclose any information which may, in the opinion of the Mayor, be deemed of a confidential nature.

8. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the Town.

Any citizen or citizen's group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the Mayor. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Mayor, then the aggrieved may appeal his/her case to the Mayor.



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Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. Should the Town be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the NCDEQ-DWI.

Citizens may, at any time, contact the NCDEQ-DWI and/or HUD directly to register comments, objections or complaints concerning the Town CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting the NCDEQ-DWI or HUD.

All comments or complaints submitted to the NCDEQ-DWI or the HUD shall be addressed in writing to:

NC Department of Environmental Quality
Division of Water Infrastructure / CDBG-I Unit
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

Or:

U.S. Department of Housing and Urban Development
Community Planning and Development Division
Greensboro Field Office
1500 Pincroft Road
Greensboro, North Carolina 27407

Records of all comments, objections and/or complaints by citizens concerning the Town CDBG program and subsequent action taken in response to those comments shall be maintained on file at Town and shall be made available for public inspection upon request.

9. AMENDMENTS

The Town may, from time to time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the Town to periodically review and discuss the



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effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the Town. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the Town and shall be incorporated into this Plan.

10. AUTHORITY

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the Town of Valdese in the development, implementation and execution of any Community Development Block Grant program.

ADOPTED this _____ day of _____, 20____.

Mayor

ATTEST:

Town Clerk



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SAMPLE APPLICATION PUBLIC HEARING NOTICE

Notice is hereby given that the Town of Valdese will conduct a public hearing on **[DATE]** at **[TIME]** AM/PM, or as soon thereafter as the agenda will allow, at the **[LOCATION]** relative to the intention of the Town of Valdese to apply for **FY20XX** CDBG funding under Title I of the Housing and Community Development Act.

The Town of Valdese intends to submit an application for a grant of approximately **\$000** in CDBG Infrastructure funds to **[project description -must match grant application and include all streets with proposed improvements and any alternative streets if time and budget allows]**.

The following is a tentative list of proposed activities and an estimated budget. The final application will be reviewed at the public hearing.

Infrastructure Improvements and
Grant Administration Estimated Budget _____

The proposed project will provide benefits to _____, _____% of whom are low and moderate income individuals based on **[surveys or statistics]** performed by _____ (use if surveyed). No individuals will be displaced nor will any require temporary relocation assistance as a result of the proposed project (this phrase may or may not be true for your particular project).

Citizens will be given the opportunity to provide oral and written comment on the Town's past and proposed use of CDBG funds at the public hearing. All interested citizens are encouraged to attend.

If additional information is needed, please contact the **[Name & Title]** at **[Phone #]**. Formal written complaints or comments concerning the application process that are submitted to the Town prior to or following the public hearing will be responded to with fifteen (15) working days by **[Date]**. A copy of the completed project application will be available for public review after **[Date]**, at the **[Location]**.

Persons with disabilities or who otherwise need assistance should contact _____, at _____ or _____ (email address) (TDD # _____ or Relay North Carolina _____) by _____. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact **[Name & Title]**, at **[phone number]**, or at the **[location]** for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **[Name & Title]**, al **[phone number]** o en **[location]**, de alojamiento para esta solicitud.

EQUAL HOUSING
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SAMPLE PERFORMANCE ASSESSMENT (CLOSE OUT) PUBLIC HEARING NOTICE

The Town of Valdese will hold a public hearing on **(date) at (location)** to discuss the locality's Community Development Block Grant project, CDBG project number **(project number)** performance and closeout of this project.

The above mentioned CDBG project awarded \$0.000 to the **(locality) on (date)**. The **(locality)** used the funds to **(project scope)** which benefited **%** of low-moderate income citizens. The purpose of this public hearing is to review the performance, expenditures and activities that have been accomplished through the CDBG project. All activities are complete and the **(locality)** is in the process of closing the grant with the State of North Carolina.

The Town of Valdese is interested in obtaining all citizens' input on the performance of local officials, the Town staff, consultants and administrators, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program.

Citizens will also be requested to assess the performance of the Town in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend to comment on the proposed activities. Formal written complaints or comments concerning the project performance that are submitted to the Town prior to or following the public hearing will be responded to with fifteen (15) working days by **[Date]**.

Persons with disabilities or whom otherwise need assistance should contact **(Insert Name)** at **(Insert Phone Number)** or Relay North Carolina #711 by **(date)**. Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact **(Insert Name)** at **(Insert Phone Number)** or at **(Insert physical location)** for accommodations for this request."

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **(Insert Name)** al **(Insert Phone Number)** o en **(Insert physical location)** de alojamiento para esta solicitud.



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SAMPLE PROJECT AMENDMENT PUBLIC HEARING NOTICE

The Town of Valdese will hold a public hearing on **(date)** at **(location)** to discuss the proposed project amendment the **locality's** Community Development Block Grant project, CDBG project number (project number). The **locality** submitted and received the CDBG funds in the amount of \$0.00 to conduct **(scope of work)**. The proposed amendment will include **(scope of work in amendment)**. The project and the amendment will still benefit the **same % of LMI residents.**

The **locality** is interested in obtaining all citizens' input on the proposed project amendment. Citizens will also be requested to assess the performance of the original grant of the **(Town/City/County)** in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the accomplished activities. **Formal written complaints or comments concerning the project amendment that are submitted to the City/Town/County prior to or following the public hearing will be responded to with fifteen (15) working days by [Date].**

Persons with disabilities or whom otherwise need assistance should contact **(Insert Name)** at **(Insert Phone Number)** or Relay North Carolina #711 by **(date)**. Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact **(Insert Name)** at **(Insert Phone Number)** or at **(Insert physical location)** for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **(Insert Name)** al **(Insert Phone Number)** o en **(Insert physical location)** de alojamiento para esta solicitud.



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MODIFIED NOTICE OF PUBLIC HEARING RELATIVE TO APPLICATION BY CITY/TOWN/COUNTY FOR FUNDING UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED

Notice is hereby given that the Town of Valdese will conduct an in-person and/or virtual public hearing on _____ at _____ AM/PM, or as soon thereafter as the agenda will allow, at the LOCATION OF IN-PERSON HEARING relative to the intention of the _____ to apply for FY _____ CDBG funding under Title I of the Housing and Community Development Act. The public hearing will be virtual through xxxx and conference call. The live hearing can be accessed at xxxx and the Conference Call-In number is xxxxx and the conference code is xxxxx.

The Town intends to submit an application for a grant of approximately \$xxxx in CDBG Infrastructure funds to xxxx (project description -must match grant application and include all streets with proposed improvements and any alternative streets if time and budget allows).

The following is a tentative list of proposed activities and an estimated budget. The final application will be reviewed at the public hearing.

Infrastructure Improvements Activities and Grant Administration Estimated Budget

The proposed project will provide benefits to xxx, xxxx% of whom are low and moderate income individuals based on (surveys or statistics) performed by xxx (use if surveyed). No individuals will be displaced nor will any require temporary relocation assistance as a result of the proposed project (this phrase may or may not be true for your particular project).

Due to public health and safety concerns amid the Covid-19 and Executive Order XXX restricting the number of persons allowed to gather in public places the meeting will be CLOSED to the public. However, citizens are asked and encouraged to submit written comments on past and proposed use of CDBG funds. All interested citizens are encouraged to participate in the following ways:

1. Present your comments at the public hearing.
2. Send written comments to NAME at LOCATION or at xxx@gmail. All comments received 24 hours (or less) prior to the hearing will be read into the record.

Also, all citizens are encouraged to view and listen to the hearing online via live video at xxxxx; in addition, following the hearing, the recording of the public hearing will be made available.

If additional information is needed, please contact the NAME at CONTACT INFORMATION. Formal written complaints or comments concerning the application process that are submitted to the NAME AFTER THE ABOVE WRITTEN COMMENT prior to or following the public hearing will be responded to within fifteen (15) working days by NAME. A copy of the completed project application will be available for public review after xxxx, at the LOCATION (if public building is closed to public, make other accommodations – website, etc.).



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Persons with disabilities or who otherwise need assistance should contact XXXX, at XXXX or EMAIL ADDRESS, (TDD # XXX or Relay North Carolina XXX) by XXXX. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact NAME at XXX, or at the XXX for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con NAME, al phone number o en Location, de alojamiento para esta solicitud.



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MODIFIED SAMPLE PERFORMANCE ASSESSMENT (CLOSE OUT) PUBLIC HEARING NOTICE

The Town of Valdese will hold an in-person and/or virtual public hearing on **(date) at (location)** to discuss the locality's Community Development Block Grant project, CDBG project number **(project number)** performance and closeout of this project. The public hearing will be virtual through xxxx and conference call. The live hearing can be accessed at **xxxx** and the Conference Call-In number is xxxxx and the conference code is xxxxx.

The above mentioned CDBG project awarded \$0.000 to the **(locality) on (date)**. The **(locality)** used the funds to **(project scope)** which benefited **%** of low-moderate income citizens. The purpose of this public hearing is to review the performance, expenditures and activities that have been accomplished through the CDBG project. All activities are complete and the **(locality)** is in the process of closing the grant with the State of North Carolina.

The **City/Town/County** is interested in obtaining all citizens' input on the performance of local officials, the **City/Town/County** staff, consultants and administrators, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program.

Citizens will also be requested to assess the performance of the Town in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to participate in order to comment on the accomplished activities.

Due to public health and safety concerns amid the Covid-19 and Executive Order XXX restricting the number of persons allowed to gather in public places the meeting will be CLOSED to the public or attendance will be reduced. However, citizens are asked and encouraged to submit written comments on past and proposed use of CDBG funds. All interested citizens are encouraged to participate in the following ways:

1. Present your comments at the public hearing.
2. Send written comments to NAME at LOCATION or at xxx@gmail. All comments received 24 hours (or less) prior to the hearing will be read into the record.

Also, all citizens are encouraged to view and listen to the hearing online via live video at xxxxx; in addition, following the hearing, the recording of the public hearing will be made available.

Persons with disabilities or whom otherwise need assistance should contact **(Insert Name)** at **(Insert Phone Number)** or Relay North Carolina #711 by **(date)**. Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact **(Insert Name)** at **(Insert Phone Number)** or at **(Insert physical location)** for accommodations for this request."

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **(Insert Name)** al **(Insert Phone Number)** o en **(Insert physical location)** de alojamiento para esta solicitud.



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MODIFIED SAMPLE PROJECT AMENDMENT PUBLIC HEARING NOTICE

The Town of Valdese will hold an in-person and/or virtual public hearing on **(date)** at **(location)** to discuss the proposed project amendment the Town's Community Development Block Grant project, CDBG project number (project number). The public hearing will be virtual through xxxx and conference call. The live hearing can be accessed at xxxx and the Conference Call-In number is xxxxx and the conference code is xxxxx.

The Town of Valdese submitted and received the CDBG funds in the amount of \$0.00 to conduct **(scope of work)**. The proposed amendment will include **(scope of work in amendment)**. The project and the amendment will still benefit the **same % of LMI residents**.

The **locality** is interested in obtaining all citizens' input on the proposed project amendment. Citizens will also be requested to assess the performance of the original grant of the **(Town/City/County)** in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities.

Due to public health and safety concerns amid the Covid-19 and Executive Order XXX restricting the number of persons allowed to gather in public places the meeting will be CLOSED to the public or attendance will be reduced. However, citizens are asked and encouraged to submit written comments on past and proposed use of CDBG funds. All interested citizens are encouraged to participate in the following ways:

1. Present your comments at the public hearing.
2. Send written comments to NAME at LOCATION or at xxx@gmail. All comments received 24 hours (or less) prior to the hearing will be read into the record.

Also, all citizens are encouraged to view and listen to the hearing online via live video at xxxxx; in addition, following the hearing, the recording of the public hearing will be made available.

Persons with disabilities or whom otherwise need assistance should contact **(Insert Name)** at **(Insert Phone Number)** or Relay North Carolina #711 by **(date)**. Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact **(Insert Name)** at **(Insert Phone Number)** or at **(Insert physical location)** for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **(Insert Name)** al **(Insert Phone Number)** o en **(Insert physical location)** de alojamiento para esta solicitud.



logo or tag line "Equal Housing Opportunity" is required



TOWN OF VALDEESE

NORTH CAROLINA'S FRIENDLY TOWN



P.O. BOX 339

VALDEESE, NORTH CAROLINA 28690-0339

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PUBLIC HEARING DISCUSSION CHECK LISTS

Application Public Hearing:

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to:

- The goals and objectives of the CDBG program
- The total amount of CDBG funds available for the fiscal year and for the funding round
- The location of the project activities
- The range of activities which may be undertaken (Specific project activities to be included)
- The approximate cost estimate for the proposed activities
- Process to be followed in developing a CDBG application
- A statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people
- The schedule of meetings and hearings
- The role of citizens in program planning, implementation, and assessment
- Location where the application can be reviewed
- Activities previously funded in the (Town/City/County) through the CDBG program
- An identification of projects which could result in the relocation of area residences or businesses, and the actions that would be undertaken if such relocation were necessary
- Provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances.
- The project application(s) to be submitted and the applicable CDBG fund
- The impact of the project on low and moderate income persons
- The approximate application submittal date



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Project Amendment Public Hearing:

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to:

- Initial project scope and budget
- Reason for amendment
- The location of the project activities
- The range of activities which may be undertaken (Specific project activities to be included)
- The approximate cost estimate for the proposed activities
- Process to be followed after public hearing
- LMI statement
- The role of citizens in program planning, implementation, and assessment
- Activities previously, or newly proposed, funded in the (Town/City/County) through the CDBG program
- Provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances.
- The impact of the project on low and moderate income persons
- The approximate amendment submission date



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Project Closeout Public Hearing:

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to:

- Initial project scope and budget
- Any project amendments and change orders
- Final project financials (CDBG received/expended; deobligated amount, if any; local funds, if any)
- Final project accomplishments and performance (description of LF, connections, improvements, etc. and where)
- The benefits of the project on low and moderate income persons (LMI statement)



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Procurement Policy and Plan for CDBG-I Grantees

WHEREAS, the Town of Valdeese will comply with the terms and conditions of federal funding that is awarded and accepted, including, but not limited to, the terms and conditions of the Grant Contract, and the most recent version of the *Procurement Policy of the North Carolina Department of Environmental Quality's Water Infrastructure Division, Community Development Block Grant-Infrastructure Program (CDBG-I Program Procurement Policy)*, attached;

WHEREAS, the States were advised by Housing and Urban Development (HUD) to develop their own procurement policies, and the CDBG-Infrastructure Program has developed and adopted the attached policy (*CDBG-I Program Procurement Policy*) as reference for its grantee communities, using portions of 2 CFR Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards," supplemented with NC General Statutes 143-64.31, 143-129, and 143-131; and 24 C.F.R. § 570.489(g), which explicitly prohibit cost plus a percentage of cost and percentage of construction cost methods of contracting. In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, executive orders, and implementing regulations including the Section 3 clause, per 2 C.F.R. 200.327 (Appendix II of Part 200), 24 C.F.R. 570.489 (g), and 24 C.F.R. 570.607;

WHEREAS, the Town, as the recipient of Federal CDBG funds, acknowledges its responsibility to and will adhere to the aforesaid *CDBG-I Program Procurement Policy* of the North Carolina Department of Environmental Quality's Division of Water Infrastructure;

WHEREAS, the Town will, to the extent applicable, follow methods of procurement, procure by contracting with small, minority firms, women's business enterprises, and labor surplus area firms, when those entities offer the best level of knowledge, skills and abilities for professional services, and when those entities offer the knowledge, skills and abilities and are the lowest cost responsive, responsible bidders in building trade and related services; and

WHEREAS, the Town will demonstrate contract cost and price awareness and adhere to awarding agency contract provisions (2 CFR Part 200, Appendix II, except for items F and J, which were not adopted by the CDBG-Infrastructure Program, as allowed under 2 CFR Part 200.101(e)(1));

NOW THEREFORE, BE IT RESOLVED;

SECTION 1: All procurement of goods and services by the Town with CDBG grant funds shall be accomplished in accordance with the requirements of the *CDBG-I Program Procurement Policy*, and HUD implementing regulations at 24 CFR Part 570.489 (g) and (h), which prohibits cost plus a percentage of construction cost method of contracting for services.

SECTION 2: In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, Executive Orders, and implementing regulations including the Section



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3 clause, per 2 C.F.R. 200.327 (Appendix II of Part 200), 24 CFR 570.489(g), 24 C.F.R. 570.607, or the North Carolina General Statutes Chapter 143 applying to procurement in general by North Carolina municipalities and counties.

SECTION 3: When Federal and State regulations are different, the more restrictive regulation shall apply to the procurement in question, as outlined in the *CDBG-I Program Procurement Policy*

SECTION 4: The Town will adhere to the following guidelines during procurement of goods and services using Federal funds:

- A. In all cases where goods or services are procured based on one bid or proposal received, the Town will follow established principles to verify the reasonable cost of the procurement and shall contact the State Agency supervising the grant program before making any contract award based on non-competitive negotiation. The Town shall follow all noticing and advertising requirements prior to accepting the single source respondent. Written permission from the CDBG-I Program shall be obtained prior to entering into a single source contract.
- B. Section 3 certified businesses, and historically underutilized businesses, including women-owned and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the Town. Firms shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for goods and services.
- C. As applicable, appropriate and to the extent consistent with law, the Town shall, to the greatest extent practicable under a federal award, provide preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, Buy American preferences set forth in 2 C.F.R. part 184, for their infrastructure project.

SECTION 5: The Town will adhere to the following guidelines during procurement of professional service contracts:

- A. Professional services shall be procured through the use of Request for Proposals (administrative services) or Request for Qualifications (engineering services). Respondents offering administrative services shall be selected on the basis of the best qualified respondent for the price. Respondents offering engineering services shall be selected on the basis of the best qualified respondent, without regard for price. A written selection procedure shall be used to evaluate respondents, and those records maintained in the procurement files.



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- B. The Town shall develop a written scope of work for each service to be awarded on the basis of competitive negotiation, which shall include descriptions of tasks to be completed, project timetables, and an outline of fee proposal requirements. The selected engineering services respondent and the Town shall then enter into competitive negotiations to arrive at a mutually agreeable price for engineering services. All contracts awarded through competitive negotiations shall be awarded strictly on the basis of the written selection procedure.

SECTION 6: The Town will adhere to the following guidelines during procurement of construction contacts:

- A. Construction service contracts shall be competitively bid using sealed bids, with the award going to the lowest responsive, responsible bidder. A minimum of three bids shall be received prior to opening the sealed bids.

SECTION 7: Additionally, the Town will adhere to the following guidelines during all procurement:

- A. Prior to any contract award, the Town shall verify the consultant and/or contractor's eligibility to participate in a federally assisted program.
- B. No consultant or bidder shall assist in the development of the Request for Proposals, in the Request for Qualifications, nor the construction bid posting in which the consultant or bidder has a direct or indirect interest.
- C. No consultant or bidder shall assist in the evaluation of proposals or bid packages for contracts in which that consultant or bidder has a direct or indirect interest. The Town shall adhere to all applicable Federal and State conflict of interest regulations in making contract awards.
- D. The Town shall request references or check references of contractors or firms who are awarded contracts with Federal grant funds and will request a written warranty for all goods and services provided through the small purchase's procedure.
- E. The Town shall not award any contract for federally-assisted projects on a contingency or cost-plus-percentage of construction basis.
- F. The Town shall hold a pre-bid meeting and a pre-construction meeting for each construction project bid competitively using CDBG-Infrastructure funds. Evaluation criteria for the bids may add points for attending the pre-bid meeting of contractors, but it is not a prerequisite.



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PASSED BY THE TOWN COUNCIL, VALDEESE, NORTH CAROLINA.

Adopted this _____ day of _____, 20____.

Chief Elected Official

ATTEST:

Town Clerk



TOWN OF VALDEESE
NORTH CAROLINA'S FRIENDLY TOWN



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TOWN OF VALDEESE
VIOLENCE AGAINST WOMEN ACT (VAWA) CERTIFICATION

As Civil Rights Officer, I certify that the Grant Recipient is in compliance with the Violence Against Women Reauthorization Act of 2022.

The Grantee has reviewed its ordinances, local regulations, and policies (collectively referred to as "policies") adopted by the local government and currently in effect, with the following results:

No policies were identified that contain any financial or regulatory penalty imposed on property owners or residents as a result of any use of emergency services.

OR

The following policies were identified that may contain financial or regulatory penalties imposed on property owners or residents as a result of any use of emergency services.

Policy	Purpose of Policy	Financial or Regulatory Penalty (or Potential Penalty)

The Grantee commits to re-evaluating and addressing any policies identified above as follows:

The Grantee understands that any policies identified above must be re-evaluated and addressed within the grant agreement period.

- A summary of efforts to evaluate alternative policies that do not impede the Right to Report Crime and Emergencies from One's Home and a timeline for action on one or more alternatives must be submitted prior to the release of grant funds for construction.



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- The timeline for implementation of alternative policies is subject to CDBG-I review and approval; grant funds will be placed on hold if the Grantee fails to comply with the requirements of this VAWA certification.

Name of Civil Rights Officer

Date Policy Review
Completed

Signature of Civil Rights Officer

Date of Certification



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AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) PLAN

Grantee Name:	Town of Valdese, NC
Time Period for this Plan:	11/06/2024-11/04/2027
Grantee's Mailing Address:	102 Massel Ave SW, Valdese, NC 28690
Grantee Physical Address (if different than mailing):	
Contact Person and Title (Fair Housing Officer):	Jessica Lail, Town Clerk/HR Director
Contact Email:	jlail@valdesenc.gov
Contact Phone Number:	(828)879-2117
TDD and/or TYY Number:	#711

This information is available in Spanish or any other language upon request. Please contact Jessica Lail at 828-879-2117 or at 102 Massel Ave SW, Valdese, NC 28690 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Jessica Lail al 828-879-2117 o en 102 Massel Ave SW, Valdese, NC 28690 de alojamiento para esta solicitud.

I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time Past Activities

II. Identify and analyze obstacles to affirmatively furthering fair housing in Recipient's community. (Use additional pages as necessary)



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- The primary obstacle to promoting fair housing in the Town of Valdese is the lack of affordable housing units in the community. Housing that is available is often times substandard according to building codes and energy efficiency standards.
- Another obstacle is the lack of knowledge of citizens about Title VIII. Many part-time landlords have no knowledge about fair housing, and, in particular, discriminatory advertising.

III. Will the above obstacles apply to the total municipality or county?

Yes No

If no, provide an explanation: *(Use additional pages as necessary)*

IV. Quarterly Activities.

Briefly describe the quarterly activities that the Recipient will undertake over the active period (to grant expiration date on front of grant contact/agreement) of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. Activities must be scheduled for implementation at least on a quarterly basis.

Grantee Name: Quarterly Fair Housing Actions Steps / Activities				
<i>Fill in this table with identified quarterly action steps/activities. These activities must be tied to the identified local fair housing needs/interests and attributes based on local means. May delete this row for final plan. Additional rows can be added to the table.</i>				
Quarterly Fair Housing Action Step / Activity	Months	Year	Estimated Cost	Actual Cost
The Town will publish a notice in the local newspaper, The News Harold, informing citizens of the Town's Fair Housing Procedure for receiving and resolving complaints. This notice will include the Town's TDD number.	Q1	2025	\$100	
The Town will sponsor announcements on the radio regarding Fair Housing laws and compliant procedures during the Fair Housing Month.	Q2	2025	\$0	
Fair Housing information will be distributed in the Town's newsletter.	Q3	2025	\$0	



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Additional Required Action Steps / Activities

1. The Town shall adopt and publicize in the local newspaper, with the TDD# and/or TYY#, the local jurisdiction's fair housing complaint procedures and Fair Housing Officer contact information for housing discrimination complaints.
2. The Town shall include the Equal Housing Opportunity logo and/or the phrase affirming Equal Opportunity in Housing on all the CDBG documents intended to be shared with the public.
3. The Town shall post/display Fair Housing and Equal Housing Opportunity posters, with local Fair Housing Officer name, title, and contact information, and other additional information in prominent locations.

V. Fair Housing Complaints

Describe Recipient's method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. *(Use additional space/pages as necessary)*

Individuals may report housing complaints to the FHO using the Housing Complaint Process outlined below. Contact information for the FHO is:

Jessica Lail, Town Clerk/HR Director
Valdese Town Hall
102 Massel Ave SW
Valdese, NC 28690
(828)879-2117
jlail@valdesenc.gov



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Fair Housing Officer

In accordance with Title VIII, Civil Rights Act of 1968, as amended, the Fair Housing Officer identified on the front page has been designated to handle fair housing complaints and activities. The Fair Housing Officer (FHO) is responsible for the intake and processing of all housing complaints (if UGLG has its own enforcement agency) as well as implementation of the AFFH Plan activities and actions. If the Town does not have their own enforcement body, there should be a clear procedure for referring fair housing complaints to enforcement agencies that serve that municipality.

While not expected to be an “expert” in Fair Housing Laws, at a minimum, the FHO will be familiar with the complaint process and federal and state laws, which address Fair Housing. Records which show the date, time, nature of complaint and decisions made in the complaint process will be fully documented. A separate file will maintain a record of all housing discrimination complaints and follow-up actions. Referrals should be noted in the fair housing file.

The FHO is in charge of receiving fair housing complaints, and tracking them in a fair housing log. They are also responsible for providing referral information in a timely manner. Thus, a specific procedure for receiving fair housing complaints must be developed. The FHO will keep a record of the progress on the number of complaints filed, actions taken, and the status of each complaint.

Housing Complaint Process

1. Any person or persons wishing to file a complaint of housing discrimination in the Town may do so by informing the Town Manager of the facts and circumstance of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the Town Manager shall acknowledge the complaint within fifteen (15) working days in writing and inform the Division of Water Infrastructure and the North Carolina Human Relations Commission about the complaint.
3. The Town Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the Town
4. The Town Manager shall publicize in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

A summary of actions which may constitute housing discrimination, and instructions for completing and filing housing discrimination complaints will be made available to citizens at Town Hall, at 102 Massel Ave NW, Valdese, NC 28655.



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In addition, individuals can file a housing discrimination using the HUD 903 Form and HUD 903-A Form (Spanish version) at the following locations:

1. HUD at https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint#_Information_About_Filing
2. NC Office of Administrative Hearings, Civil Rights Division at <https://www.oah.nc.gov/civil-rights-division/housing-discrimination>
3. US Department of Justice Civil Rights Division at <https://www.justice.gov/crt>

VI. AMENDMENTS

The Town of Valdeese shall amend and revise this Plan as required to keep current with state and federal fair housing and equal housing opportunity statutes and regulations, and local actions and activities to further the purposes of this Plan.

PASSED BY THE VALDEESE TOWN COUNCIL, VALDEESE, NORTH CAROLINA.



Adopted this _____ day of _____, 20__

Mayor

ATTEST:

Town Clerk



TOWN OF VALDESE
NORTH CAROLINA'S FRIENDLY TOWN



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ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI)

Grantee Name:	Town of Valdese, NC
Time Period for this Plan:	11/06/2024-11/04/2027
Grantee's Mailing Address:	102 Massel Ave SW, Valdese, NC 28690
Grantee Physical Address (if different than mailing):	
Contact Person and Title (Fair Housing Officer):	Jessica Lail, Town Clerk/HR Director
Contact Email:	jlail@valdesenc.gov
Contact Phone Number:	(828)879-2117
TDD and/or TYY Number:	#711

Check one:	
Initial AI	<input checked="" type="checkbox"/>
Amended AI	<input type="checkbox"/>
Renewal AI	<input type="checkbox"/>



Adopted this _____ day of _____, 20__

Mayor

ATTEST: _____
Town Clerk



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TOWN OF VALDEESE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI)

I. INTRODUCTION

The Department of Housing and Urban Development (HUD) is committed to eliminating racial and ethnic segregation and other discriminatory practices in housing and will use all its programmatic and enforcement tools to achieve this goal. The fundamental goal of HUD's fair housing policy is to make housing choice a reality through fair housing planning. Fair housing planning involves three main steps:

1. Conducting an analysis of impediments to fair housing choice within the jurisdiction;
2. Taking meaningful actions to overcome the effects of any impediments identified through the analysis; and
3. Maintaining records reflecting the analysis and actions taken.

This report is the Analysis of Impediments to Fair Housing Choice (AI). This analysis has been completed for the Town of Valdeese CDBG-I Berrytown Waterline Project to begin July 16, 2024. This AI and AFFH Plan will be incorporated into the Town of Valdeese's CDBG Policies and Procedures.

The AI is a review of impediments to fair housing choice in the public and private sector. It involves a comprehensive review of the jurisdiction's laws, regulations, policies, procedures, and practices; and an assessment of how those laws, etc. affect the location, availability, and accessibility of housing. In addition, it includes an assessment of conditions, both public and private, affecting fair housing choice for members of the protected groups.

Specifically, impediments to fair housing choice are any actions, omissions, or decisions, which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

The AI includes an analysis of demographic data and a housing needs assessment. It then includes an analysis to determine the nature and extent of discrimination against the protected groups within the jurisdiction. The format used to conduct this analysis is a fair housing planning model developed for use by local government CDBG grantees by the North Carolina Department of Environmental Quality.



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II. SOCIO-ECONOMIC BACKGROUND DATA AND ANALYSIS

A. Community Profile (*local government information, etc.*)

The Town of Valdese (pop. 4,689) is located in eastern Burke County, North Carolina and is a part of the Hickory-Lenoir-Morganton MSA. The town is approximately 7.6 miles to the east of the City of Morganton (pop. 17,474) and 13.8 miles to the west of the City of Hickory (pop. 43,490). US Highway 70 runs east and west through downtown Valdese and serves as the community's Main Street. Additionally, Interstate 40 runs along the southern edge of the town. The town borders Rhodhiss Lake and the Catawba River for approximately 4 miles to the north and boasts a number of outdoor recreation amenities.

The town was settled in 1893 by a group of Waldensians from the Cottian Alps region of Northern Italy. This Waldensian heritage remains a strong component of the community's collective identity and culture.

B. Demographic Profile (*local government, compare with county and state data*)

	Town of Valdese	Burke County	North Carolina
American Indian/Alaskan Native	2 (0.04%)	1,337 (1.53%)	130,032 (1.25%)
Asian	160 (3.41%)	3,168 (3.62%)	343,051 (3.29%)
Black/African American	78 (1.66%)	4,854 (5.54%)	2,140,217 (20.5%)
Native Hawaiian/Pacific Islander	10 (0.21%)	7,184 (8.2%)	8,518 (0.08%)
Some Other Race	91 (1.94%)	3,829 (4.37%)	617,390 (5.91%)
Two or More Races	197 (4.2%)	4,641 (5.28%)	711,721 (6.82%)
White	4,151 (88.53%)	69,671 (79.56%)	6,488,459 (62.15%)
Hispanic/Latino	161 (3.43%)	7,184 (8.2%)	1,118,596 (10.72%)
Not Hispanic/Latino	4,097 (87.37%)	68,664 (78.41%)	6,312,148 (60.46%)
Total Population	4,689 (100%)	87,570 (100%)	10,439,388 (100%)
Median Age	53.2	45.2	39.4
Total 65+ Population	26.2%	22.2%	17.7%



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Median Household Income	\$61,250	\$53,739	\$70,804
Population in Poverty	8.8%	17.7%	12.8%
Total Households	1,775	34,375	4,034,685
Households Below 80% of Median Income	36.6%	39.6%	41.2%
Persons Identified with Disabilities	650 (17.8%)	14,815 (16.4%)	1,661,440 (13.6%)
Total Low Income Census Tracts	0	0	0
Total Minority Census Tracts	0	0	0
Total Minority/Low Income Census Tracts	0	0	0
<i>Source: https://data.census.gov/ (2020 Census, 2023 ACS)</i>			

C. Education and Economic Profile *(local government, compare with county and state data)*

	Town of Valdese	Burke County	North Carolina
Educational Attainment (Bachelor's Degree or higher)	37.9%	19.9%	36.8%
K-12 Enrollment	89.5%	76.4%	67.3%
Employment Rate/Labor Force	55.7%	55.0%	59.5%
Unemployment Rate (11/24)	-	4.0%	3.7%
<i>Source: https://data.census.gov/ (2020 Census, 2023 ACS)</i>			

According to US Census Bureau data, the largest industries in the Town of Valdese ranked by total employed are Educational Services and Health and Social Assistance (22.8%), Retail Trade (15.7%), Manufacturing (15.3%), Construction (11.0%), and Professional, Scientific, and Management, and Administrative and Waste Management Services (9.9%).



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III. ANALYSIS TO DETERMINE DISPROPORTIONATE HOUSING NEED

1. Housing Profile (local government, compare with county and state data)

	Town of Valdese	Burke County	North Carolina
Median Gross Rent	\$627	\$786	\$1,245
Homeownership Rate	76.0%	73.2%	66.3%
Total Housing Units	2,135	39,525	4,708,710
Vacant Housing Units	185 (8.67%)	4,385 (11.09%)	547,854 (11.8%)
Owner Occupied Housing Units	1,197 (56.07%)	20,658 (52.27%)	2,118,765 (45.0%)
Median Home Value (12/24)	\$229,230	\$241,206	\$327,482
MHV 12-Month Change	+5.1%	+4.9%	+2.0%
<small>Source: https://data.census.gov/ (2020 Census, 2023 ACS), https://www.zillow.com/home-values/</small>			

According to the NC Housing Coalition, an average of 21% of households in Burke County are cost burdened with 40% of renters and 16% of homeowners reporting difficulty affording housing. The county ranks at #61 out of North Carolina's 100 counties for evictions with 447 families facing evictions and 86 facing foreclosure over the past year. NCHC also notes that these conditions may not fully capture the impacts of Tropical Storm Helene on housing in the county.

The Median Property Value in the Town of Valdese is \$160,500 with a Median Property Tax payment of \$1,472. The Median Year of Structure Built for homes in the town is 1970.

IV. ANALYSIS TO DETERMINE THE NATURE AND EXTENT OF DISCRIMINATION

1. Analysis of the Level of Segregation and Spatial Isolation (provide answers to the following and how/where you received the information)

1. Are there areas of minority concentration within your jurisdiction?

The Town of Valdese falls within four Census Tracts – 208.01, 209.01, 209.02, and 212.01. The project area for the Berrytown Waterline Project lies entirely within CT 208.01 which has the highest concentration of minority residents within the community. CT 208.01 has



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a Black or African American population of 6.7% while the other three tracts have the same demographic at 3.2% or less. (US Census Bureau 2020 Census)

See attached Map #1.

2. What is the county tier your community is located in?

In 2025, Burke County is designated as Tier 2. (NC Commerce)

See attached Map #2.

2. Historical Incidences that Contribute to Current Housing Patterns (*provide answers to the following and how/where you received the information*)

1. History of public policy decision on segregation within the community.

Burke County and the Town of Valdese have historically had a relatively small percentage of non-white residents. However, the minority populations that do exist within the county have typically resided to the western portion of the county and around the City of Morganton which is the county seat and largest town. While no public policy within the Town of Valdese endorsing segregation can be traced, it is nearly certain that there would have been both formal and informal rules around segregation in the community as was the standard in the region during the 20th century.

2. Number of farms that utilize migrant workers and its effects on housing patterns.

According to the Burke County NC Cooperative Extension Office, approximately 135 farms in the county utilize migrant workers. These workers are typically seasonal with the period of highest demand being April through September. Due to the lack of affordable housing in the region, some farms provide housing for these workers, however, the demand for seasonal housing is often greater than what is available.

3. Industry contributions to current housing patterns.

Burke County and the Town of Valdese have historically been known for furniture and textile manufacturing. In the early part of the 20th century, many businesses in these industries constructed mill housing for their workers. These houses were typically located close to the industrial areas and were prioritized for white workers. Many of these homes still exist in the area, however, the conditions may vary with many needing major updates to meet modern standards.



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3. **Discrimination in the Rental Market** (*provide answers to the following and how/where you received the information*)

1. Are there any zoning requirements that have the effect of limiting the availability of rental units within the jurisdiction?

There are no zoning requirements that have the effect of limiting the availability of rental units within the jurisdiction.

2. Where are the rental units located? Are they located in areas of minority concentration?

Rental units in Valdese are scattered throughout the community. They are not concentrated in any one area of the town.

3. Where are the public housing units located?

There are two public housing complexes in the Town of Valdese. Agape Retirement Home is located just west of downtown and includes 30 one-bedroom apartments for seniors. Valdese Village Apartments is located to the southeast of downtown and includes 34 low-income apartment units and accepting Section 8 Rental Assistance.

4. Determine what barriers exist for protected class members in the rental market.

The primary barriers for protected class members in the rental market is the lack of available rental units as well as the affordability of existing units.

5. Are vouchers and Section 8 certificate holders able to find housing throughout the community? If not, identify the barriers that face them.

The Western Piedmont Council of Governments administers the Section 8 Voucher program for the Valdese Housing Authority. Section 8 Voucher holders are allowed to search for and secure housing anywhere in WPCOG's 4-county service area. However, housing units are subject to an affordability check that will not allow renters to pay over 30-40% of their household income toward rent and utility expenses, so the units cannot generally exceed the cost of our HUD issued Payment Standards.

Because some landlords and owners can get higher amounts of rent from the general unassisted private market, voucher holders do have challenges finding rentals that are affordable, with a landlord is willing to work with the payment standards and voucher program, and that meet HUD's Housing Quality Standards for safe and secure housing.

In summary, the main challenges facing Section 8 Voucher holders are:



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- A shortage of landlords that are willing to accept a Voucher
- A shortage of affordable housing
- A shortage of housing that will meet the federal regulations around decent, safe, and sanitary conditions due to local housing stock being generally older

6. Is steering an issue for protected class members?

There is no known evidence of steering being an ongoing issue in the community. However, a survey of local renters is needed to determine the extent of discrimination in the local housing market.

7. Is housing available for families with children and persons with disabilities?

According to the US Census Bureau, 17.8% of individuals in the Town of Valdeese have an identifiable disability. This does present a concern regarding accessible housing units. As mentioned previously, there is a shortage of housing units in the region, and, of the existing housing units, many are older and in sub-par condition. Older housing stock is less likely to have been constructed to modern accessible standards.

There are also concerns with adequate housing supply for families with children due to the housing shortage. Of the existing housing stock, even fewer are homes with 3 or more bedrooms that can comfortably house a family with children.

4. **Discrimination in the Sales Market** (*provide answers to the following and how/where you received the information*)

1. Does the local association of realtors have an MLS service?

Yes.

2. Is the local association of realtors a VAMA signatory?

No.

3. Is there any evidence of protected class members steering or blockbusting within the local market?

No.

4. What are the relative housing values for minority and non-minority communities of similar economic composition?



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Housing values appear to be relatively consistent throughout the community.

5. Identify any barriers to home ownership opportunities within your jurisdiction.

Lack of or poor credit ratings and lack of knowledge of the home buying process are the primary barriers to home buying. This knowledge includes the actual process of applying for a loan, maintaining good credit, selecting a home, home maintenance, and financial responsibility for owning a home.

5. **Discrimination in Financing** (*provide answers to the following and how/where you received the information*)

1. Are local lenders signatories of HUD's best practices program?

No.

2. Examine the Home Mortgage Disclosure Act information in your area. Is there evidence of higher denial rates for protected class members?

The most recent HMDA data from 2017 shows a total of 1,149 loan applications that year in Burke County. Of those with reported income, 470 (42%) were applications from Low- and Moderate-Income individuals. Of those reporting race, 77 (7%) were minority applicants. Out of the 1,149 loan applications, 100% reported that the loan was originated.

3. Is there evidence of illegal redlining?

No.

4. Are banking services available on an equal opportunity basis?

There is only one bank located in the Valdese town limits. Two credit unions are located just to the east and west of the town. A variety of additional banking services are located in the nearby Cities of Morganton, Lenoir, and Hickory. See attachment 3.

5. Examine the community needs assessment and community reinvestment activities of local banks to determine the adequacy of these activities as compared to community needs as determined through the jurisdiction's planning process.

Thirty-two banks are participating with Burke County and the Unifour Consortium (a HOME Program participating jurisdiction) as lenders offering lower interest rates and/or reduced



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closing costs for participants of the HOME downpayment assistance program. Seven of these banks are located in Burke County.

6. Do local financial institutions participate in housing projects or in the funding of housing related services sponsored by the jurisdiction?

Yes.

6. **Discrimination in the Building and Construction Industry** (*provide answers to the following and how/where you received the information*)

1. Do local building codes include the requirements of the Federal Fair Housing Act?

No. Burke County provides building inspections to all jurisdictions within the county and has adopted the State of North Carolina Building Codes.

2. If not, how are local builders and architects made aware of these requirements?

The local home builders' association receives information on fair housing and accessibility directly from HUD and makes it available to its members as needed.

3. How many single-family and multi-family dwellings funded by local (including non-for-profits), state, or federal funds have been built in the past 20 years?

In the past 20 years, the regional HOME Consortium reports having funding 37 single-family homes and four multi-family complexes comprised of 262 total units in Burke County. Other funding programs, such as the NC Housing Finance Agency, may have data on additional projects.

4. Are they compliant with FFHA requirements? ADA requirements? Section 504?

All projects completed with federal funding are compliant with all federal requirements. No data exists to verify that projects completed with local or state funds are compliant. Site visit surveys would need to be conducted to make this determination.

5. Is the local homebuilders' association a VAMA signatory?

The National Homebuilders' Association is a VAMA signatory which covers local chapters.



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6. Is there an identified community need for persons with disabilities?

Yes. As mentioned previously, much of the existing housing stock in the community predates FFHA and ADA requirements. Therefore, accessible housing in the community is limited.

7. Is there an identified community need for the construction of more affordable housing?

Yes. Affordable housing is identified as a major concern for the region in the Western Piedmont Council of Governments Community Economic Development Strategy (CEDS) 2022. Housing Affordability was also a major concern identified by the public in a survey conducted as part of the Town of Valdeese 2024 Strategic Plan.

7. **Environmental Justice Discrimination** *(provide answers to the following and how/where you received the information)*

1. Identify the location of hazardous materials within the community. Are they located disproportionately in areas of minority and low-income concentration?

The NC Department of Environmental Quality identifies three toxic waste sites within the Town of Valdeese. They are not concentrated in any one area of town. The sites include:

1. Meridian Specialty Yarn Group, Inc (large quantity generator)
2. CVS Pharmacy (small quantity generator)
3. Saft America, Inc (small quantity generator)

2. Identify any superfund sites within your jurisdiction. Are they located disproportionately in areas of minority or low-income concentration?

According to US EPA, there are no superfund sites in Valdeese or Burke County.

3. Identify any areas without public water and sewer services. If there are areas, why are they lacking public services? Are they located disproportionately in areas of minority or low-income concentration? Identify local efforts to provide public services.

The Town of Valdeese provides comprehensive water service throughout the community. This project is intended to address water capacity concerns in the Berrytown Community of Valdeese which has a higher concentration of minority and low-moderate income individuals. The project will achieve this by replacing outdated, 2-inch water lines with new, 6-inch water lines to improve pressure for residents and increase fire safety through upgraded fire hydrants.



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4. Identify any local, state or federal efforts to remove environmental hazards.

There are no known environmental hazards that need to be addressed as a part of this project.

5. What barriers exist to remove environmental hazards from the community?

Should environmental hazards be found that need to be addressed, the most significant barrier would be funding for the removal and/or cleanup.

V. FAIR HOUSING ENFORCEMENT (*provide answers to the following and how/where you received the information*)

1. Does the community have a fair housing ordinance?

Yes.

2. What mechanism exists for citizens to file a complaint alleging illegal discrimination in programs or services funded by your jurisdiction?

The town code of ordinances states:

(a) Any person who contends that the provisions of this chapter have been violated may file a written complaint under oath with the town zoning administrator. Within a reasonable time after the complaint has been filed, the zoning administrator shall make a determination of the merits and reasonableness of the complaint, and shall attempt to adjust the grievance between the parties. The administrator will report all findings to the town council.

(b) The town council will, upon enactment of this chapter, serve as the fair housing board. The town council shall adopt rules governing fair housing proceedings, and shall set aside time during regularly-scheduled council meetings for the hearing and ruling of fair housing complaints.

(c) If the complaint or grievance is not resolved by the parties through the administrator, either party to the alleged complaint or the administrator, may appeal to the fair housing board. The appeal shall be taken within a reasonable time as provided by the rules of the board. Upon an appeal being properly filed, the zoning administrator shall forthwith transmit to the board all paper constituting the record of the matter.

3. Do you have an Affirmative Marketing Plan?



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Each CDBG project has Policies, Procedures, and Plans which include the marketing procedures of the grant. Any project without a defined project area is marketed to the entire population of the county in a fair and equitable manner.

4. The number of discrimination complaints files against your jurisdiction with in the past two years and the results on any investigations.

There have been no complaints filed over the past two years.

5. The number of discrimination complaints filed with the NC Human Relations Commission or HUD originating in your jurisdiction and the results of any investigations.

There have been no complaints filed over the past two years.

6. The number of findings related to Fair Housing or Equal Opportunity issued against your jurisdiction and the corrective action taken.

There have been no complaints filed over the past two years.

VI. FAIR HOUSING EDUCATION AND OUTREACH EFFORTS (*provide answers to the following and how/where you received the information*)

1. Identify all resources available for promotion of fair housing and equal opportunity.

There are two local newspapers and three local radio stations serving Valdeese, NC. Fair Housing posters and pamphlets are distributed at the Valdeese Town Hall, Burke County Administrative Offices, East Burke Senior Center, Burke County Department of Social Services, and local banks.

2. How are citizens made aware of these activities?

Fair Housing notices are published in The News Herald which is the most widely distributed local newspaper.

3. List all such activities during the past two years. What were the results of these activities?

The town publishes the HUD Fair Housing logo and Equal Employment Opportunity (EEO) language in its newspaper advertising. Radio Public Service Announcements (PSA's) are played on WMNC in April as part of Fair Housing month. Two public notices were run in The



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News Herald informing citizens of Fair Housing rights and procedures. The CDBG Office maintains a list of local realtors who are available to assist in locating housing for anyone needing assistance. Letters were sent to area realtors from the mayor informing them of the town's commitment to Fair Housing opportunity. Fair housing pamphlets were enclosed with the letters. The NC Division of Community Assistance reported no compliance findings.

In most CDBG grants, applicants are preselected when the grant is submitted. This most likely has contributed to the lack of complaints stemming from these programs. The town council holds an annual public hearing to announce the availability of CDBG programs. The town council meetings are livestreamed on the town's YouTube channel and available to watch in perpetuity.

VII. EXAMINATION OF PUBLIC POLICY AND PROGRAMS (*provide answers to the following and how/where you received the information*)

1. Do current site selection policies have a disproportionate impact based upon a protected basis? If so, is there a nondiscriminatory reason for this policy and is there an alternative that would have a less discriminatory impact?

Site selection policies do not appear to have a disproportionate impact on protected classes. The town works closely with Burke Development Inc. for industrial site selection. Sites are typically selected based on proximity to existing infrastructure.

2. Are municipal and/or county services equitably distributed throughout the community?

Municipal services are provided on an equitable basis to all citizens. The town strives to address any areas where services may be sub-par, as is the case with this grant project.

3. Are there any zoning requirements that have the effect of limiting housing opportunities to protected groups?

There are no specific zoning requirements that have the effect of limiting housing opportunities for protected groups.

4. Are there any community development or public housing authority activities or programs that have the effect of perpetuating segregation?

There are no community development or public housing activities or programs that are expected to have the effect of perpetuating segregation.



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5. Is the Board or Commission representative of the community?

The Valdese Town Council is elected based on wards in an effort to ensure all regions of the community are represented. The council races are non-partisan, and the current board is made up of three men and three women. There is no minority representation on the board.

VIII. BARRIERS TO EQUAL HOUSING OPPORTUNITIES

Identify and discuss the barriers to equal housing opportunities in your community and how they will be addressed through actions/activities.

1. **Affordability.** Housing affordability is a concern throughout the region. Members of minority groups and those with disabilities have lower incomes on average. Affording a home, whether rental or owned, is often a barrier to housing choice.

2. **Fair housing awareness.** Lack of knowledge about fair housing rights and persistent cultural attitudes that encourage separation impede fair housing. Lack of funding for testing and enforcement and reluctance of victims to pursue legal remedies can be barriers to fair housing.

Education of property owners, landlords, builders, and lenders about fair housing must also be addressed. There is a lack of knowledge and, consequently, a fear by the private sector in addressing fair housing issues. They also fear the costs that may incur if changes are needed to make units accessible.

3. **Housing Availability.** There is a current shortage of all housing types throughout the region – including within Valdese. Specifically, the limited availability of affordable housing is an impediment because members of protected classes are more likely to be economically disadvantaged. For persons with disabilities, there are not enough accessible and affordable units.

4. **Education.** Individuals in protected classes often face challenges with the process of buying a home. This process includes finding a suitable home, choosing a realtor, applying for a mortgage, budgeting, and home maintenance.

5. **Accessibility.** For persons with disabilities, there is difficulty in finding a home that is readily accessible and does not require additional, costly modifications.



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6. Credit Counseling. Minority mortgage applicants are more likely than white applicants to be denied a mortgage loan. Given that HMDA data does not provide any credit history of minority applicants that were denied mortgage loans, it is assumed that minority applicants are experiencing greater challenges with credit applications.

IX. APPENDICES

1. Map #1 – 2020 US Census Demographic Data Map Viewer
2. Map #2 – NC County Tier Designations 2025
3. Attachment #3 – List of Banks in proximity to Valdeese, NC
4. Attachment #4 – List of Media Providers in proximity to Valdeese, NC



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RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-Displacement and Relocation Assistance Plan is prepared by the Town of Valdese in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹ projects.

MINIMIZE DISPLACEMENT

Consistent with the goals and objectives of activities assisted under the Act, the Town will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Work with a HUD approved Housing Counseling Agency to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.

CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.



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A. Relocation Assistance to Displaced Persons

The Town will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

B. One-for-One Replacement of Lower-Income Dwelling Units

The Town will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing the Town of Valdese to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the Town will make public by publish in a local paper of general circulation and post on the information board in Town Hall and submit to State CDBG Program(s) North Carolina Department of Environmental Quality (NC DEQ) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. [*See also 24 CFR 42.375(d)*].
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).



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To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the Town will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

C. Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the Town may submit a request to the State (NC DEQ) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

D. Contacts

The Jessica Lail, Human Resources Director (828)879-2117 is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The Bo D. Weichel, Chief Financial Officer (828)879-2123 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted this _____ day of _____, 20__.

Mayor

ATTEST:

Town Clerk



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CODE OF CONDUCT POLICY FOR CDBG & CDBG-I GRANTEES

WHEREAS, the Town , as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, the conflict of interest provisions, including but not limited to those found at N.C. General Statutes § 14-234, 2 C.F.R. § 200.317-318, 320-321, 323-326, 24 C.F.R. § 570.489 (g) and (h), and 24 C.F.R. § 570.611 must be carried out;

WHEREAS, certain limited exceptions to the conflict of interest rules listed in 24 C.F.R. § 570.489 may be granted in writing by Housing and Urban Development (HUD) and/or NCDEQ upon written request and the provision of information specified in 24 C.F.R. § 570.489(h)(ii)(4);

WHEREAS, no persons described in this policy who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter;

WHEREAS, the conflict of interest provisions of this policy apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds; and

WHEREAS, the failure to adhere and enforce this policy may cause the Town to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED, by the Town Council that the Town of Valdese will pass and adhere to this policy.

Adopted this the ___ day of _____, 20__ in _____, North Carolina.

Mayor

ATTEST:

Town Clerk



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EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PLAN

WHEREAS, the Town of Valdese as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, Section 109 of Title 1 of the Housing and Community Development Act of 1974; Title VII of Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; the Equal Employment Opportunity Act; the Immigration Reform and Control Act of 1986; the Vietnam Era Veterans' Readjustment Act of 1974, amended to Jobs for Veterans Act in 2002; Federal Executive Orders 11246, 11625, 12432, and 12138; Section 3 of the Housing and Urban Development Act of 1968; N.C.G.S. 126-16 (Equal Employment Opportunity); N.C.G.S. 143-422.2 (Equal Employment Practice Act); N.C.G.S. 168A-5-11 (Handicapped Persons Protection Act); N.C.G.S. 75B 1-7 (Discrimination in Business); N.C.G.S. 95-151(OSHA); N.C.G.S. 95-28.1; N.C.G.S. 127B-10-15 (Discrimination Against Military Personnel); N.C.G.S. 130A-148(i); N.C.G.S. 126-16; N.C.G.S. 143-48 and 143-128; and all applicable federal and other state regulations.

WHEREAS, the Town of Valdese maintains the policy of providing equal employment opportunities for all persons regardless of race, color, creed, religion, sex, national origin, physical or mental disability, age, genetic information, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupational qualifications for employment.

NOW THEREFORE, BE IT RESOLVED:

SECTION 1: In furtherance of this policy, the Town of Valdese prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

SECTION 2: The Town of Valdese shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

SECTION 3: Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Mayor to assist in the implementation of this policy statement.

SECTION 4: The Town of Valdese shall develop a self-evaluation mechanism to provide periodic examination and evaluation. Every two years the results of the self-evaluation reporting on the progress of Equal Employment Opportunity and



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Affirmative Action will be presented to the Mayor. Records presented to the Mayor shall be maintained in the files and will be provided to NCDEQ/Division of Water Infrastructure as needed.

SECTION 5: The Town of Valdese is committed to this policy and is aware that with its implementation, the community will receive positive benefits through the greater utilization and development of all its human resources.

SECTION 6: The Town of Valdese shall include the Equal Employment Opportunity logo and/or the phrase affirming Equal Employment Opportunity on all the CDBG documents intended to be shared with the staff and the public.

SECTION 7: The Town of Valdese shall obtain commitment from contractors that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

SECTION 8: The Town of Valdese shall obtain commitment from Contractors that will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

PASSED BY THE TOWN COUNCIL IF VALDESE, NORTH CAROLINA.

Adopted this _____ day of _____, 20_____

ATTEST:

Mayor

Town Clerk

LANGUAGE ACCESS POLICY AND PLAN FOR CDBG & CDBG-I GRANTEES

POLICY AND PLAN FOR PROVIDING MEANINGFUL COMMUNICATION WITH PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

In order to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the Town of Valdese will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the unit of general local government (UGLG) has to ensure LEP individuals can communicate effectively.

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE(S)

FOUR FACTOR ANALYSIS

CDBG recipients must first assess and evaluate four factors when determining how to best serve eligible LEP persons. These factors include:

1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population (town/city/or county level);
2. The frequency with which LEP individuals come in contact with the CDBG program;
3. The nature and importance of the program, activity, or service provided by the CDBG program to people's lives; and
4. The (financial and human) resources available to the grantee/recipient and costs of language service options.

Factor 1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population.

To determine the number or proportion of LEP persons served in the Town of Valdese, use the most recent American Community Survey data and complete the below table. *Attach maps and/or relevant data to this LAP. All data or maps provided must be accurately sourced.*

Grantee Population (<i>5 years and older</i>)	<u>4,545</u>
LEP Population (<i>speaking English "not well" or "not well at all"</i>):	<u>194 (4.3%)</u>
<u>Languages Spoken:</u>	<u>Spanish; Asian and Pacific Islander languages</u>
1. More than 5% of the eligible population or beneficiaries and has more than 50 in number; or	<u>N/A</u>
2. More than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or	<u>N/A</u>
3. More than 1,000 individuals in the eligible population in the market area or among current beneficiaries.	<u>N/A</u>

Factor 2. The frequency with which LEP persons come into contact with the CDBG program.

This frequency with which a program engages with the public can vary depending upon the type of assistance. For CDBG grants, grantees must engage with the public at these critical steps:

- When notifying the public about a grant award application and its proposed activities
- When notifying the public about the grant award and its funded activities
- When seeking applicants to participate in the program (i.e., seeking new connections/ hookups for water/sewer services)
- When seeking qualified contractors to bid on projects
- When working with homeowners selected for assistance
- When notifying the public on their civil rights and complaint procedures
- When notifying the public about the grant closeout and its accommodations

Provide below a description of how your community engages with the public and how frequently does this occur.

The Town has monthly Town Council meetings and other called meetings as needed. There have been no persons needing or requesting language assistance.

Factor 3. The nature and importance of the programs, activities, or services to people's lives

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP persons, the more likely the need for language services. The obligations to communicate rights to a person who is being evicted differ, for example, from those to provide recreational programming. A CDBG recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

Provide below answers to the following questions: 1) What is the nature of the program? e.g. Providing improved water and sewer services, 2) What is the importance of the program? 3) Would denial or delay of access to services or information could serious or even life-threatening implications for the LEP individual?

The Town currently has a project providing water line improvements in the Berrytown Community. It is important to the community because it will improve water pressure and provide fire protection to the community. There should not be serious or life-threatening implications for LEP persons in the project as at the time that the project's door to door survey was completed, there were two persons who spoke Spanish and also spoke English as well.

Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services.

Factor 4. Resources available to grantee/recipient and costs.

Town takes all reasonable steps to ensure meaningful access for LEP persons to CDBG programs and activities. The availability of resources, however, may limit the provision of language assistance services in some instances. “Reasonable steps” may cease to be reasonable when the costs imposed substantially exceed the benefits. Town’s LAP balances the needs of the LEP community with the funding resources available. If resources limit the provision of services already laid out in this document, Town will keep record of both the service requested and financial reasoning for the limitation.

Language assistance measures that Town of Valdese might provide to LEP persons are outlined in Section 2 below.

2. LANGUAGE ASSISTANCE MEASURES

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication Town staff is having with the LEP person (i.e., phone, in-person, or written communication) and in some circumstances more than one method will work. Regardless of how the language assistance is provided, Town recognizes the importance of providing such services in a timely manner and in an appropriate place. Failure to do so may effectively delay or deny LEP residents access to CDBG programs and services. Town staff understands that the extent of the Town obligation is to provide both oral and written translations is dependent on the four-factor analysis conducted by the community.

“I SPEAK” CARDS

Language-specific cards should inform the reader on the use of the card on one side, while instructing staff (on the other side and in their vernacular language) which procedures to follow to assist the card holder. The “I Speak” card in Spanish, for example, would read in Spanish as follows: “The language I speak is Spanish. Please find someone who is fluent so that I may communicate effectively. Thank you.”

The Town of Valdese will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,” <http://www.lep.gov/resources>) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

OBTAINING A QUALIFIED INTERPRETER

List the current name, office telephone number, office address and email address of the local Title VI compliance officer(s)
 Jessica Lail, Town Clerk/HR Director
 102 Massel Ave SW, Valdese NC 28690
 (828)879-2117

Check all methods that will be used.

- Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*):

Note: The Unit of General Local Government (UGLG) must notify the Division of Water Infrastructure (DWI) CDBG-I Compliance Specialist immediately of changes in name or contact information for the local Title VI compliance officer.

- Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language. Identify the organization (s) name(s) with whom you have contracted or made arrangements. The Western Piedmont Council of Governments has bilingual staff (Spanish) and will provide them at no cost as needed.
- Have/has agreed to provide qualified interpreter services. The organization's (or organizations') telephone number(s) is/are insert number here and the hours of availability are insert hours here.
- Other (*describe*): Describe here

UGLG Staff.

All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

Family Member or Friend as an Interpreter.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file.

If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

WRITTEN TRANSLATIONS

The Town has chosen to follow the Safe Harbor rule, contained in HUD's final guidance, to assist in determining when to provide translations of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current beneficiaries and applicants that are LEP. According to the Safe Harbor Rule:

HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or beneficiaries along with more than 50 people. In cases where more than 5% of the eligible population speaks a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person's right to an oral interpretation.

As such, the Town's eligible LEP population or current beneficiaries is:

- Exceeds 1,000 persons. Therefore, vital documents will be translated.
- More than 5% of the eligible LEP population or current beneficiaries and more than 50 in number. Therefore, vital documents will be translated.
- More than 5% of the eligible population or current beneficiaries and 50 or less in number. Therefore, there will be a translated written notice of the person's right to an oral interpretation of vital documents.
- 5% or less of the eligible population or current beneficiaries and less than 1,000 in number. Therefore, vital documents will not be translated at this time but, rather, a translated written notice of the person's right to an oral interpretation will be provided.

When translation of vital documents is needed, the Town will submit documents for translation into frequently-encountered languages. Ensure records are kept of those documents that apply to your local unit of government.

Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

VITAL DOCUMENTS

The Town has chosen to follow the Safe Harbor rule, contained in HUD's final guidance, in determining vital documents. The Town of Valdese has identified those vital documents for each federally funded program that directly faces LEP individuals and for which a delay in service provision might significantly, negatively impact the wellness of any individual that program serves.

The Town of Valdese has prioritized those documents for which either the following statements are true, according to direct program contacts:

- 1) Without this document, an individual could not access the program;
- 2) This document allows access to a major activity within the program.

These vital documents include:

- Public Notices – public meetings and public hearings;
- Notices of Intent to Request the Release of Funds;
- Findings of No Significant Impact;
- Bid Documents and Notices;
- Fair Housing Information;
- Civil Rights Notices;
- Applications for Assistance;
- Income Surveys; and
- Complaint Procedures.

Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services.

NOTICE TO LEP PERSONS

The Town will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. For example, the notification will include, in the primary language of the applicant/recipient, the following language:

“Important: If you need help reading this, ask the Town of Valdese for an interpreter for assistance. An interpreter is available free of charge.”

Minimum Required Phrases.

The Town of Valdese shall include at minimum the following phrases in English and Spanish in any document requesting public comments, or notifying the community of any modifications/amendments to the CDBG program during the life of the grant, including but not limited to, public hearing notifications, citizen participation documents, fair housing notices and documentation, Environmental Review notifications, among other documents:

“This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request.”

*“Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.” **

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

*Note: The address and name itself in the Spanish sentence above should not be translated (e.g. “Charlie” should not be translated to “Carlos”; “Main Street” should not be translated to “Calle Principal”)

MINIMUM REQUIRED NOTICES AND SIGNS

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited, to the main lobbies, waiting rooms, etc.

Notices will be posted at Town Hall and the Recreation Center.

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

Notification will be provided by outreach documents.

3. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the Town will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the Town will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

COMPLIANCE PROCEDURES, REPORTING AND MONITORING

1. Reporting:

The Town will complete an annual compliance report and send this report to DWI. The form can be found at on the Division of Water Infrastructure website under CDBG-I Reports.

2. Monitoring:

The Town will complete a self-monitoring report on a semi-annual basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the Division of Water Infrastructure upon request. The Town will cooperate, when requested, with special reviews by the Division of Water Infrastructure.

APPLICANT/RECIPIENT COMPLAINTS OF DISCRIMINATORY TREATMENT

1. Complaints:

The Town will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint.

- a. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
- b. The form can be found on the Division of Water Infrastructure website under CDBG-I Compliance and Reporting Information.
- c. The Town will maintain records of any complaints filed, the date of filing, actions taken and resolution.
- d. The Town will notify the appropriate section within Division of Water Infrastructure of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

2. Resolution of Matter:

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice (DOJ). This notice will be provided in the primary language of the individual with Limited English Proficiency. If not resolved by Division of Water Infrastructure, then complaint will be forwarded to U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD) Field Office.

SUBMITTED AND ADOPTED BY:

Mayor's Name Printed

Mayor's Signature

Date



TOWN OF VALDESE
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EQUAL HOUSING OPPORTUNITY RESOLUTION

WHEREAS, the Town of Valdese, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, the Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property;

WHEREAS, The Fair Housing Act (Act) declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, rental and financing of housing, or making dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin or disability;

WHEREAS, Executive Order 12892, Equal Opportunity in Housing, as amended (*Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing*), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities; and

WHEREAS, North Carolina State Fair Housing Act, prohibits unlawful discriminatory housing practices for any person in real estate transactions, because of race, color, religion, sex, national origin, handicapping condition, or familial status; unlawful discriminatory housing practice to discriminate in land-use decisions or in the permitting of development based on race, color, religion, sex, national origin, handicapping condition, familial status, or, except as otherwise provided by law, the fact that a development or proposed development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income.

NOW THEREFORE, BE IT RESOLVED:

The Town of Valdese hereby endorses a Affirmatively Furthering Fair Housing Plan that ensures equal opportunity and fair housing for all persons to rent, purchase, obtain financing and enjoy all other housing attributes, that is affordable, safe, decent, free of unlawful discrimination and accessible as required on a non-discriminatory basis as provided by state and federal statutes and regulations.

In addition, the Town of Valdese will take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with the civil rights and fair housing laws.



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PASSED BY THE TOWN COUNCIL OF VALDEESE, NORTH CAROLINA.

Adopted this _____ day of _____, 20_____

ATTEST:

Mayor

Town Clerk





TOWN OF VALDEESE

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FAIR HOUSING COMPLAINT PROCEDURE

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and the North Carolina Fair Housing Act. In an effort to promote fair housing and that the rights of housing discrimination victims are protected, Town of Valdeese has adopted the following procedures for receiving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the Town of Valdeese may do so by informing the Town Manager of the facts and circumstance of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the Town Manager shall acknowledge the complaint within fifteen (15) working days in writing and inform the Division of Water Infrastructure and the North Carolina Human Relations Commission about the complaint.
3. The Town Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the Town.
4. The Town Manager shall publicize in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

It is the policy of the Town of Valdeese to implement the CDBG program to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, sex, familial status, or disability.

If you have any questions about the complaint procedure or would like to register a complaint of fair housing discrimination, please contact the Town of Valdeese (828)879-2117, 102 Massel Avenue SW, Valdeese, NC 28690, jlail@valdesenc.gov, or for the hearing impaired, TDD assistance is available at #711 and providing the facts and circumstances of alleged discriminatory act or practice.

This information is available in Spanish or any other language upon request. Please contact Jessica Lail at (828)879-2117 or at 102 Massel Avenue SW, Valdeese, NC 28690 for accommodations for this request.



Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert name) al (Insert phone number) o en (Insert physical location) de alojamiento para esta solicitud.

Adopted this _____ day of _____, 20__.

_____ Mayor

ATTEST: _____ Town Clerk



TOWN OF VALDESE
NORTH CAROLINA'S FRIENDLY TOWN



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THE PROHIBITION OF THE USE OF EXCESSIVE FORCE FOR CDBG & CDBG-I GRANTEES

WHEREAS, the Town of Valdese, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, Title 1 of the Housing and Community Development Act (HCDA) of 1974, Section 519 of Public Law 101-144, and 1990 HUD Appropriations Act requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations;

WHEREAS, all recipients of CDBG funds are further required to follow a policy enforcing applicable federal, state and local laws against physically barring entrances or exists to a facility that is the subject of a non-violent demonstration;

WHEREAS, the Town of Valdese endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy; and

WHEREAS, the failure to enforce such policy may cause the Town to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED:

SECTION 1: It is the Policy of the Town of Valdese that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and non-violent civil rights demonstrations within the its boundaries.

SECTION 2 It is the Policy of the Town of Valdese to enforce applicable federal, state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.

SECTION 3: The Town Council of the Town of Valdese will coordinate with the local law enforcement agency(ies) to implement this Resolution.

PASSED BY THE TOWN COUNCIL OF VALDESE, NORTH CAROLINA.

Adopted this _____ day of _____, 20__.

ATTEST:

Mayor

Town Clerk



TOWN OF VALDEESE

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SECTION 504 SELF - EVALUATION FORM 24 CFR PART 8

I. RECIPIENT INFORMATION	
CDBG-I Recipient/Grantee Name:	TOWN OF VALDEESE
CDBG-I Recipient/Grantee Mailing Address:	PO BOX 339, VALDEESE, NC 28690
CDBG-I Recipient/Grantee Physical Address <i>(if different from mailing):</i>	102 MASSEL AVE, VALDEESE, NC 28690
Name of Local Government Staff Person Responsible for Self-Evaluation and Coordinating Section 504 Compliance:	BO WEICHAL
Title:	INTERIM TOWN MANAGER/CFO
Department:	ADMINISTRATION
Email:	BWEICHAL@VALDESENC.GOV
Phone Number:	828.879.2123
Date Survey/Evaluation Completed:	01/27/2025

II. PROGRAM POLICY

This section evaluates the program local government policies and their effect on individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

1. Describe briefly the local government programs and services, including their purpose, scope, activities, and participants

The town council's main roles include establishing administrative policy, adopting ordinances based on North Carolina General Statutes and the Town's Charter for public protection, and levying taxes for these functions. The town council represents the citizens of the Town of Valdeese. The council provides community leadership by serving as the legislative and policy-making body. The mayor and council approve policy and budgets and provide direction to the town manager. The council is responsible for providing oversight related to municipal operations



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and assets, and providing services and facilities considered necessary or desirable for taxpayers. The council strives to foster the economic, social, and environmental well-being of the town. The town provides many standard municipal functions including; government administration, planning and zoning, community affairs and economic development, parks and recreation, public works and utilities (water, sewer, and solid waste collection), and police and fire service. These functions are made available to all residents of the Town of Valdese on an equitable basis.

2. How does your agency incorporate provisions to ensure equal opportunity for individuals with disabilities into its policy and program initiatives?

(e.g., Guidelines highlight equal opportunity for persons with disabilities under important information, review criteria, and/or Equal Opportunity issues are discussed with policy and/or service groups; Office undertakes specific effort to enhance equal opportunity for people with disabilities, by: Equal Opportunity for people with disabilities is a consideration when the office conducts special initiatives such as research, studies, symposia and/or future planning efforts.)

Yes No (explain below) N/A (explain below)

The Town of Valdese seeks to ensure equal opportunity for all residents to participate in policy and program initiatives. Efforts include publishing TTY/TTD numbers in all public notices, ensuring public facilities meet ADA requirements for accessibility, providing close captioning options for public meeting broadcasts, and more. The specific efforts depend somewhat on the program or policy in question.

3. Does your agency provide opportunities when developing or amending its policies for qualified people with disabilities to participate as? Check applicable responses and explain efforts.

Staff - Specify efforts: Yes, staff include TTY/TTD numbers in all public notices, closed captioning of public meetings, and other accessibility assistance upon request.

Consultants/Panelists - Specify efforts: Yes, consultants/panelists include TTY/TTD numbers in all public notices, closed captioning of public meetings, and other accessibility assistance upon request.

Other - Specify efforts:

4. How does your agency support any accommodation needed for visitors, staff, or other meeting participants who may have disabilities? (e.g., certified sign language or oral interpreter, a reader or taping printed material). Check applicable responses and explain if "other" is selected.

Funds are set aside in the agency's administration budget for use by all offices?



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Access accommodation as line-item in the office's budget?

Other (Specify): Funds are disbursed on a project/program specific and/or as-needed basis.

5. Is your agency able to modify its programs/activities, if necessary, to provide reasonable accommodations to individuals (staff or the public) with disabilities?

Yes: Programs/activities are always able to be modified in order to provide accommodations to individuals with disabilities.

No – Explain:

6. Is agency staff aware that programs/activities may have to be modified in order to accommodate individuals with disabilities?

Yes: Town staff are alert and adept at identifying needs within the community. If accommodations are needed, staff are always happy to modify programs/activities to appropriately meet the needs of the public.

No – Explain:

7. Does your agency notify individuals with disabilities that they may request reasonable accommodations, including modification of office policies? If so, please identify how such notification is provided, and to whom (public or staff)?

Yes: Notification of accommodation requests are always posted in any public notice whether in print (posters, newspaper), online (website, social media), or in audio (radio) advertising.

No – Explain:

8. Are there any instances where your agency has been unable to modify a policy because such modification would either fundamentally alter the nature of the program, or result in an undue financial or administrative burden?

Yes - Explain:

No – Explain: The town has had no instances to date where a program/activity could not be modified to meet the accessibility needs of the community.

9. Is access for people with disabilities a consideration when your agency undertakes special policy related efforts?

Yes: The town is an equal opportunity provider and always seeks to include all resident input into special policy related efforts.



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No – Explain:

10. Do you have staff members who serve on an emergency evacuation committee to assist visitors and staff with disabilities?

Yes:

No – Explain: The town does not have an emergency evacuation committee.

11. Do staff members receive training in emergency evacuation?

Yes: Town emergency services personnel, such as police and fire department staff, as well as other relevant staff at public facilities do receive training on emergency evacuation procedures.

No – Explain:

12. Please complete the chart below, using the following instructions (add more rows to the below table as needed):

- Identify all of the policies and practices from your completed program policy section that do not or may not meet the requirements of Section 504 and may create barriers for individuals with disabilities.
- List all proposed actions or actions that have been or will be taken by your Agency to modify your policies/practices to ensure compliance with Section 504.
- Has the proposed action/action been identified as a financial and administrative burden? If so, state how the were conclusions reached and list any alternative actions that may be taken that do not constitute a financial and administrative burden.
- List target dates for which action may be taken by your Agency to modify your policies/practices.

Barrier Identified	Proposed Actions/Modification to Remove Barrier	Could the action result in an undue financial/admin. burden or alter the nature of the Program/Activity (if yes, please identify how the conclusion was reached and list any alternative actions)	Target date of action
No emergency evacuation committee exists.	Identify individuals (either town staff or community volunteers) to serve on an emergency evacuation committee and to	It is possible that such a committee could lead to an undue financial/administrative burden if significant staff time is required to implement committee meetings and strategies. An alternative action could be to identify individual staff in each public	12/31/2025



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	<p>review existing evacuation protocols for public spaces.</p>	<p>facility/locale to be the designated emergency evacuation point of contact for that space. These individuals would be responsible for ensuring evacuation procedures for their designated space meet any and all accessibility requirements.</p>	
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III. PROGRAM ACCESS

This section evaluates the program local government access for individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write “N/A” next to the question and explain.

1. Describe the analysis of all programs and activities and all aid, benefits and services to determine the degree to which they are accessible to qualified handicapped persons:

All town programs, activities, aid, benefits, and services are reviewed on an as needed basis dependent on the type of program, activity, aid, benefit, and/or service being provided. Typically, programs, activities, aid, benefits, and services are analyzed by town staff and/or consultants who are primarily responsible for the administration of the programs, etc. For example, a building project may be designed by an architectural firm and executed by a general contractor, both of whom would work in conjunction with town staff to ensure that all ADA requirements for accessibility and safety are met.

2. Describe methods that have been used to involve handicapped persons (or organizations representing handicapped persons) in the development of activities designed to achieve program accessibility:

The public is notified of all projects in the community through public notices, announcement at public meetings/hearings, and through the town’s communication network (such as newsletters or text alerts). These notifications generally invite resident participation and feedback to all in the community.

3. Are there boards, councils or similar bodies on which program participants sit?

Yes - List steps to ensure equal opportunities for selection to, and participation in, such boards by persons with disabilities: Public boards are appointed through a variety of means included being appointed by the Town Council and/or Town Manager (such as the ABC Board or Street Paving Panel), selected based on their profession (such as with the Tourism Commission), or are formed by community volunteers (such as the NC Valdeese Main Street Program). All community members are welcome to apply for board appointments using an application form available on the town website or by visiting town hall. The town encourages active participation from all residents and seeks a diversity of voices on its boards and committees.



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No – Please explain:

- 4. Does the local government notify participants, applicants, beneficiaries, employees, unions of professional organizations, and the general public (posted notices, newspaper ads, office memoranda, etc.) that the grantee does not discriminate on the basis of disability in its federally assisted programs and activities?**

Yes - Briefly describe the methods used to notify the public about non-discrimination policies:
The town includes language notifying the public about non-discrimination policies on the homepage of its website, as well as in project specific public notices and hearings for all federally assisted programs and activities.

No- Modification or corrective action:

IV. PUBLIC OUTREACH

This section evaluates the local government's public outreach for individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

COMMUNICATION AND NOTIFICATION

- 1. Does the recipient engage in any meetings or oral presentations, printed materials, advertisements, or other methods to recruit program participants, or otherwise inform persons or the program's existence?**

Yes- Describe briefly the activities involved and the materials used.

The town informs the public of new programs and activities through regular public meetings, special public hearings, posted/advertised public notices, and, occasionally, other methods as required.

No – Explain

- 2. Has the local government taken appropriate steps to ensure effective communication with applicants, program participants, and members of the public by providing auxiliary aids where necessary so that individuals with speech, vision, or hearing impairments can have the opportunity to participate in, and enjoy the benefits of local government programs and activities?**

Yes- Proceed to Question 3

No- Modification or corrective action:



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- 3. Describe approaches and special procedures adopted to ensure effective communications with project beneficiaries and/or members of the general public with disabilities, especially those vision, speech, and hearing impairments** (*Methods include, but are not limited to: provision or auxiliary aids or presentation or materials in alternative formats qualified sign language and oral interpreters, readers, or the use of taped, large print, closed-captioned video, and Braille materials.*)

The town publishes a TTY/TTD number with all public notices. Public meetings are live-streamed and then published to the town's YouTube page with closed-captions available. Notices include language stating that interpreters and translated print documents can be made available upon request.

- 4. Describe how the local government advertises to the public availability of auxiliary aids and services for effective communication to participate in the local government programs and services.**

For all public meetings, programs, and services, the town advertises that special requests for accommodations can be submitted up to 48 hours prior to meeting time by contacting town hall.

- 5. Describe how the local government will ensure that meetings, hearings, and conferences will be accessible for individuals with communication disabilities.**

The town will provide auxiliary aids, translation services, close captioning of video, and any other assistance required to ensure citizen participation so long as appropriate notice has been given.

- 6. Describe how an individual with a disability may request assistance and express their preference for auxiliary aids and services from the local government.**

Individuals may contact the town hall by phone at 828-879-2120 or TDD 1-800-735-2962 or in person at 102 Massel Ave, Valdese, NC 28690.

- 7. Describe how the local government will provide auxiliary aids or services on request.**

The local government has some auxiliary aids available upon request. Others may be procured from other sources (such as the regional council of governments, local government partners, or rental agencies) given the appropriate notice in advance.

- 8. List steps to ensure inclusion or a notice of the recipient's compliance with Section 504 in all materials and advertisements.**

Language stating compliance with Section 504 will be included in all relevant, federally funded projects or activities. Town staff, in conjunction with relevant consulting parties, will ensure that language is included in all advertising and project/activity materials.



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9. Has the local government installed a reader, developed Braille materials, audio recordings or other similar services and devices for persons with impaired vision?

- Yes
- No - Modification or corrective action:

10. Does the recipient provide services or information to the general public over the telephone?

- Yes- There is a teletypewriter (TTY - also referred to as a Telecommunication Device for the Deaf - TDD) or other equally effective system available so that public entities can communicate with individuals with hearing or speech impairments.
- NO- List steps to ensure effective communications with individuals with hearing or speech impairments. *This can include providing a TTY or relying on a third-party relay service. The Justice Department encourages public entities that have extensive phone contact with the public to have TTYs to assure more immediate access.*

11. What is the TTY/TDD number listed in directories and disseminated information?

#711 & 1-800-735-2962

12. Is signage concerning the location of TTY-equipped pay phones or portable TTYs available?

- Yes
- No - Modification or corrective action:

13. Are all 911 emergency response centers equipped with TTYs or other equally effective technology to make the service accessible to individuals with hearing or speech impairments? Separate, seven-digit phone numbers and/or reliance on a third-party relay service is not an acceptable alternative for making 911 services accessible.

- Yes
- No- Modification or corrective action:

14. Is signage at inaccessible entrances directing people with disabilities to an accessible entrance or a location with information about an accessible entrance?

- Yes
- No- Modification or corrective action:

15. What steps, if any, have been taken to ensure that all of the programs' web site(s) are accessible?



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The town has worked with a web developer to ensure that all public facing websites are accessible.

16. List all local government activities where a sign language and/or oral interpreter, readers, and assistive listening devices might be needed to ensure that persons with hearing and visual impairments can fully participate in the program or activity (*e.g. securing services in an expeditious manner, department responsible for ensuring such services, policy source and date, date policy distributed to staff*).

Activities where auditory and visual aids might be needed include:

- Public meetings/hearings
- Community meetings/Information sessions
- Parks and Recreation Activities
- Public Events



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INFORMATION DISSEMINATION

1. Can copies of written materials be reasonably obtained by individuals with disabilities?

Yes No

2. Have disability groups been included in the dissemination process?

Yes No

3. Does the local government use all available print and broadcast media to ensure that all individuals with disabilities receive appropriate notification?

Yes No

4. Does the local government disseminate information to all agencies or organizations that deal with persons with disabilities in the local government service jurisdiction?

Yes No

5. Does all of the information disseminated by the local government include current non-discrimination policies?

Yes No

If there are NOs to any of the above questions (#1-5), you must provide a modification or corrective action below:

PRINTED MATERIALS

1. Are written materials including posters with non-discrimination notices placed in physically accessible locations?

Yes No

2. Can small print of posted announcements be read from a wheelchair?

Yes No

3. Are all words in printed materials clearly legible?

Yes No

4. Would color blind individuals be able to distinguish all contents in printed materials?



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Yes No

5. Are representations of disabled individuals free of patronizing stereotypes?

Yes No

6. Do graphics in printed material permit easy reading of the contents?

Yes No

7. Is all necessary program information included in printed material?

Yes No

8. Are procedures for providing program access to disabled individuals stated clearly?

Yes No

9. Do all appropriate local government documents include policy statements about non-discrimination on the basis of disabilities?

Yes No

10. Are the Section 504 contact person's name, address, and phone number listed in printed material?

Yes No

If there are NOs to any of the above questions (#1-10), you must provide a modification or corrective action below:

V. PROGRAM ELIGIBILITY/ADMISSION CRITERIA

This section evaluates the local government’s program eligibility and admission criteria for individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write “N/A” next to the question and explain.

1. Are there any limitations on the number of qualified persons with disabilities who may participate in or be admitted to the program?



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- Yes - List steps to be taken to eliminate the limitations.
 No

2. Has the local government examined all policies pertaining to program eligibility and admission criteria to determine if they had the purpose or effect of excluding or limiting the participation of individuals with disabilities in local government's programs and activities?

- Yes
 No- Modification or corrective action:

3. Has the local government, in examining its polices on program eligibility and admission criteria, paid particular attention to those incorporating or establishing: (1) physical or mental fitness or performance requirements; (2) safety standards; (3) testing requirements; (4) educational requirements; (5) work experience requirements; (6) income level requirements (7) credit rating requirements; (8) requirements based on disability; (9) requirements that prohibit participation because of disability; and (10) insurability requirements?

- Yes
 No- Modification or corrective action:

4. Has the local government altered or eliminated policies that have the direct or indirect effect of excluding or limiting the participation of individuals with disabilities in local government's programs and activities?

- Yes - List any policies that have been altered or eliminated.
 No - Modification or corrective action:
 N/A - Explain (e.g. no such policies found in review), then proceed to Question 6. The town has not identified any discriminatory policies. If such policies are found, they will be modified.

5. Has the local government communicated the policy changes to staff members and the public?

- Yes
 No- Modification or corrective action: No policy changes have been made.

6. Are any criteria or tests used in the admission process?

- Yes – Proceed to Question 7
 No - Proceed to Question 8

7. List all criteria (e.g., good health, residency requirements, letters of recommendation) and tests (including the skill, level of achievement, or other factors being tested, whether they



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are written or oral tests and the method of administration) used in the admissions process, that have or could have a disproportionately adverse impact on program applicants with disabilities. Discuss briefly the potential negative impact for each and indicate how they relate to the program. Discuss alternative criteria or tests that will be used to ensure nondiscrimination. The use of a criterion or test may have to be suspended as long as this does not result in an undue hardship or fundamental alteration to the program.

- 8. List steps to be taken to make potential program participants, including those with hearing and vision impairments and learning disabilities, aware of alternative testing/criteria and interview processes.**

There is no testing/criteria for participation required for any ongoing CDBG projects.

- 9. List steps to provide admission forms in alternative formats.**

There are no admission forms required for any ongoing CDBG projects.

- 10. List steps to ensure that applicants are not asked pre-admission inquiries as to the nature and extent of a disability, and that no forms or other written materials make mandatory inquiries related to disability.**

There are no pre-admission inquiries required for any ongoing CDBG projects.

VI. PROGRAM PARTICIPATION

This section evaluates the local government's program participation for individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

- 1. Are post-admission inquiries made regarding disability status to make accommodations for persons with disabilities?**

Yes - List steps to ensure that information is gathered voluntarily, not used to adversely affect any person with a disability and kept confidential.

No

- 2. Is there an orientation for new participants?**

Yes - Describe briefly the orientation and materials used, and list steps to ensure effective communications and usable materials in alternative formats for all participants.



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No

3. Review all written materials, tools, equipment or other aids or devices used for the program. Do any need modification?

Yes - List steps such as the provision of auxiliary aids and equipment modification to ensure that program materials and equipment are accessible and usable.

No

4. Would any steps pose an undue financial or administrative burden?

Yes- List alternative methods of providing accessibility that would not impose an undue financial or administrative burden.

No

5. Are any of the following services or benefits provided to program participants? (Check all that apply. If none provided, proceed to Question 6.)

- Transportation services
- Health services and insurance/benefits
- Housing
- Counseling services
- Employment services
- Food services
- Financial aid
- Social, recreational or athletic activities

6. List steps to ensure that information concerning program schedules and activities are effectively communicated to all program participants, including those with impaired vision, speech, and hearing.

- **List steps to ensure that:**
 - **The service/benefit is equally effective for and usable by persons with disabilities.**
 - **The administration of the service/benefit will be free from discrimination based on disability.**
 - **Communications will reach all persons, including those with hearing and sight impairments.**
 - **Effective application procedures to receive the services exist for persons with disabilities, including those with hearing and vision impairments**

All CDBG funded programs and activities will be designed in a way to ensure the inclusion of persons with disabilities. All communication efforts will include options for those with hearing and vision impairments. No current CDBG programs or activities require an application process,



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however, if such a program were implemented, the town would ensure that an procedures put in place would be inclusive of individuals with disabilities.

VII. EMPLOYMENT POLICY AND PRACTICE

This section evaluates the local government's employment policy and practices to ensure equal opportunity employment for persons with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

GENERAL

- 1. Describe and discuss safeguards that have been used to ensure that all employment decisions are made without discrimination on the basis of handicap, and that such decisions do not limit, segregate or classify applicants or employees based on handicap in a way that adversely affects their opportunities or status.**

The Town of Valdese is an equal opportunity employer and does not discriminate in its hiring processes on the basis of handicap or any other protected class.

- 2. Describe procedures that have been established to make certain that there are no formal relationships regarding employment (e.g. those with labor unions, employment agencies, and so forth) that have the effect of discriminating against qualified persons with disabilities.**

The Town of Valdese currently handles all hiring internally, however, if future hiring was to be handled by another agency, the town would ensure that said agency was in compliance with all non-discrimination requirements and best practices before engaging them.

- 3. Does the local government have 15 or more employees (full or part-time)?**

Yes No

- 4. Do the local government's hiring and promotion practices prohibit discrimination against otherwise qualified handicapped individuals (not a separate policy)?**

Yes- Proceed to Question 5.

No - Modification or corrective action:

- 5. Analyze the following aspects of employment and describe any alterations to make certain that no discrimination based on disability exists, including discrimination that occurs due to an inaccessible facility:**



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- **Recruiting and advertising.**
- **Processing applications.**
- **Interviewing and orientation.**
- **Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring.**
- **Rates of pay or any other form of compensation and changes in compensation.**
- **Job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists.**
- **Leaves of absence, sick leave or any other leave.**
- **Fringe benefits (opportunities for and financial support of training opportunities, conferences, health and insurance benefits) available by virtue of employment, regardless of whether they are administered by the recipient.**
- **Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training.**
- **Employer-sponsored activities, including social and recreational programs.**
- **Any other term, condition or privilege of employment.**

The Town of Valdese does not discriminate based on disability or any other protected class during its hiring process or the term of employment. Town offices and facilities are designed to be accessible and any areas that are not up to modern standards are addressed as needed and as funding allows. Persons with disabilities who are hired by the town are afforded the same pay scale, benefits, and opportunities as any other employee and additional accommodations are made available where necessary.

EMPLOYMENT CRITERIA

- 1. Does the local government administer tests which accurately reflect the applicant's or employee's job skills or aptitude rather than the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test is designed to measure)?**

Yes - Please answer Question 2.

No - Modification or corrective action:

N/A - Explain (e.g. no such test/criteria used), then proceed to Next Section: *Pre-Employment Inquiries*.

- 2. What employment tests or criteria are used for judging potential employees and describe procedures to ensure that these criteria or tests do not discriminate against persons with disabilities, unless they are shown to be consistent with job necessity?**



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- 3. If the local government uses an employment test or other criteria for selection that screens out or tends to screen out individuals with disabilities, can the local government show that the test score or other selection criteria is job related?**

- Yes - Please answer Question 4.
 No - Modification or corrective action:
 N/A - Explain (e.g. no such test/criteria used), then proceed to Next Section: *Pre-Employment Inquiries*.

- 4. Describe methods to identify the job-related characteristics of tests and criteria used in employment decisions, since job-related tests are permitted even if they screen out persons with disabilities.**

PRE-EMPLOYMENT INQUIRIES

- 1. Describe steps to ensure that no pre-employment inquiries are made as to whether an applicant is a person with a disability or as to the nature or severity of a disability. Is the local government aware that it cannot make a pre-employment inquiry or conduct a medical examination of an applicant to determine whether the individual is a person with disability unless the local government is undertaking affirmative action efforts or conditioning an offer of employment on the results of a medical examination given to all prospective employees in the same job category?**

- Yes - Proceed to Question 2.
 No - Modification or corrective action:

- 2. Does your organization conduct or require any medical examinations after making conditional offers of employment? Has the local government informed job applicants that an employment offer may be conditioned on the results of a medical examination if all entering employees in a job category must take an examination regardless of disability, and the examination accurately reflects the employee's job skills?**

- Yes - Proceed to Question 3.
 No - Modification or corrective action:

- 3. Has the information obtained by the local government concerning the medical condition or history of job applicants been collected and maintained on separate forms and accorded confidentially as medical records?**

- Yes - Describe procedures to ensure that (a) all entering employees in that position are subject to medical exams, (b) all offers of employment are conditional based on the results of the exams, (c) the medical results gathered are not used in a discriminatory manner, and (d) all information gathered is kept confidential.



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All final applicants for high risk or safety sensitive positions must pass a drug screening before their first date of employment. This applies to all applicants in that class and all records are kept confidential with Human Resources. No other medical testing is required for any position at the town.

No- Modification or corrective action:

- 4. Review job application forms and interview questions to ensure that applicants are not asked about the existence of or nature or severity of a disability. Inquiries about the candidate's ability to perform job functions are permitted. Ensure that applicants are not asked about their relationship or association with an individual with a disability. List any job forms and questions that were amended.**

No job forms were found to require amending. Hiring staff and department heads are trained in what questions are not appropriate and/or legal to ask during a job interview.

- 5. Review existing job descriptions for each job position in your organization. Determine the essential and marginal functions of job positions in the organization and identify what job accommodations can be made, when necessary, for an applicant or employee. List any job descriptions that were amended.**

No job descriptions were found to require amending. Job descriptions are continually reviewed by human resources staff and the relevant hiring managers on an as needed basis.

- 6. Describe any training or other measures taken to ensure that employees and supervisors do not subject individuals with disabilities to discrimination because of insensitivity or lack of knowledge.**

Department heads and supervisory staff receive human resources training to ensure equitable treatment of all employees. If a supervisor is found to be taking discriminatory action, regardless of intention, corrective action is taken.

- 7. When the local government is undertaking affirmative action efforts, voluntary or otherwise, and inviting applicants for employment to indicate whether and to what extent they are disabled, does the local government meet the following conditions:**

- a. State clearly either orally or in writing that the requested information is intended for the local government's affirmative action efforts? Yes No**
- b. State clearly that the information is being requested on a voluntary basis, that it will be kept confidential and that refusal to give the information will not subject the applicant or employee to any adverse treatment? Yes No**



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If there are NOs to any of the above questions(#a –b) you must provide a modification or corrective action:

VIII. OUTSIDE PERSONS AND ORGANIZATIONS

This section evaluates the local government's use and interaction with outside persons and organizations persons with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

- 1. List below all outside persons and organizations that are involved in the provision of any aid, benefit or service for the program as discussed in Sections II through IX. Include secondary recipients in your discussion.**

There are currently no outside persons or organizations involved in any of the town's CDBG projects and/or activities. The town may enter into future contracts/agreements with outside organizations to successfully complete CDBG projects and/or activities.

- 2. List steps to inform those listed in Question Number #1 of the organization's commitment to nondiscrimination on the basis of disability.**

Should the town enter into any contracts/agreements for the purposes of a CDBG program and/or activity, the town will inform the contracting organization of all non-discrimination requirements and ensure that any necessary language is clearly stated in contracting documents.

- 3. List those persons or organizations from Question Number #1 that receive significant assistance from the organization in the provision of aids, benefits or services to program participants. For example, list organizations which rent or otherwise use your facilities; that depend on your organization for informing its participants of the aid, benefit or service; that have employees of your organization spending time to assist in or coordinate the provision of the aid, benefit or service; and so forth.**

There are no external persons or organizations currently involved in any CDBG funded programs and/or activities.

- 4. List steps to ensure that persons or organizations listed in Question Number #3 do not discriminate on the basis of disability in the provision of any aid benefit or service to your program participants. Such steps may include changes in the program, facility alterations, and/or changes in or discontinuation of the relationship.**

N/A



TOWN OF VALDEESE

NORTH CAROLINA'S FRIENDLY TOWN



P.O. BOX 339

VALDEESE, NORTH CAROLINA 28690-0339

PHONE (828) 879-2120 | FAX (888) 798-1022 | TOWNOFVALDEESE.COM

IX. USE OF CONTRACTORS

This section evaluates the local government's use of contractors. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

1. List contractors that are used by the local government to conduct programs or activities on behalf of the agency.

There are no contractors currently involved in any CDBG funded programs and/or activities. However, the town may engage contractors for such a purpose in the future.

2. Describe steps that have been taken to ensure that local government procurement officials understand Section 504 requirements as they apply to contractors.

Local government officials have been made aware of Section 504 requirements through CDBG compliance trainings.

3. Provide language included in local government contracts to ensure that contractors are aware of their obligations to take steps to facilitate the participation of individuals with handicaps in programs and activities they operate on behalf of the agency.

Section 504 of the Rehabilitation Act of 1973, as Amended – Nondiscrimination on the Basis of Handicap: No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal Financial assistance.

4. Indicate the appropriate policy source to include information about Section 504 requirements as they apply to contractors.

N/A

5. Give a date that the policy was established and distributed to staff and give a citation for the policy.

N/A

X. GRIEVANCE PROCEDURES



TOWN OF VALDEESE

NORTH CAROLINA'S FRIENDLY TOWN



P.O. BOX 339

VALDEESE, NORTH CAROLINA 28690-0339

PHONE (828) 879-2120 | FAX (888) 798-1022 | TOWNOFVALDEESE.COM

This section evaluates the local government's grievance procedures. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

1. What procedures have been established to ensure that at least one person has been designated to coordinate compliance with Section 504?

Ultimately, the town manager is responsible for ensuring that all federally funded projects are compliant with Section 504 and any other federal requirements. However, individual department heads and staff may also bear responsibility for ensuring compliance when projects fall within their department or job description. Additionally, any contracting agency assisting the town with grant and/or project administration will share some responsibility for ensuring that compliance is met.

2. Have there been obvious difficulties or complaints about the local government services from individuals with disabilities?

- Yes – Proceed to Question 3
 No - Proceed to Question 4

3. Describe how resolution of complaints and steps to resolve concerns/complaints is documented?

Anyone alleging a Section 504 violation may submit their complaint in writing to the town manager for review. Complaints are kept on file with the town manager for a period of at least three years. The town strives to resolve all legitimate complaints in a timely manner so long as resolutions are within the town's power and capabilities.

4. What written procedures have been established to ensure that appropriate initial and continuing steps to notify participants, beneficiaries, applicants, etc. that the local government does not discriminate on the basis of handicap (24 CFR 8.54)?

N/A

5. Does the local government have a written grievance procedure/policy for handling the prompt and equitable resolution of any complaints of discrimination based on disability?

- Yes - **ATTACH** a copy of the current local government policy which should include the date the policy was established, the date the policy was distributed to staff, and the citation for the policy.



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No - Modification or corrective action: The town will adopt a policy/procedure for handling any discrimination complaints on 02/03/2025.

6. Has the local government adopted procedures that incorporate due process standards and allow for prompt resolution of any complaints or alleged discrimination based on disabilities (24 CFR 8.53)?

Yes - **ATTACH** a copy of your current grievance procedures and the name of the person or unit responsible for receiving and processing complaints.

No - Modification or corrective action: The town will adopt a policy/procedure for handling any discrimination complaints on 02/03/2025.

7. Has the local government notified staff and program participants about the grievance procedures?

Yes

No - Modification or corrective action: There are no grievance procedures currently in place. Staff will be notified once a policy is developed.

8. Is the grievance procedure and/or nondiscrimination policy published in the newspaper at least once a grant cycle (or once a year)?

Yes

No - Modification or corrective action: There are no grievance procedures currently in place. The policy will be published in the newspaper once it is developed.

9. Does the grievance procedure inform individuals of their rights to file a complaint with a state or federal agency and include the agency's addresses?

Yes

No - Modification or corrective action: There are no grievance procedures currently in place. Any grievance policy that is developed will include information on individual rights.



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SECTION 504 COMPLIANCE OFFICER/GRIEVANCE PROCEDURE COMMUNITY DEVELOPMENT BLOCK GRANT Town of Valdese, NC 102 Massel Ave, Valdese, NC 28690

The Town of Valdese has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) and by United States Department of Housing and Urban Development regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794).

Section 504 states, in part, that "no otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Complaints should be addressed to: Jessica Lail, Human Resources Director, PO Box 339, Valdese, NC 28690 who has been designated to coordinate Section 504/ADA compliance efforts.

1. A complaint should be filed in writing or verbally (alternate methods of communication such as personal interview, tape recording, Braille, etc. are acceptable), contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 90 days after the complainant becomes aware of the alleged violation. (Processing allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, will follow a filing of a complaint. The investigation will be conducted by Jessica Lail, Human Resources Director, who shall be appointed by the chief elected official. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by Jessica Lail, Human Resources Director, and a copy forwarded to the complainant no later than 90 days after its filing.
5. The Section 504/ADA coordinator will maintain the files and records of the Town of Valdese relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days to Bo Weichel, Interim Town Manager. The request for reconsideration may be mailed to PO Box 339, Valdese, NC 28690 or hand delivered at 102 Massel Ave, Valdese, NC 28690. The request will be promptly reviewed, and a final determination issued.



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7. If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Environmental Quality (DEQ), Division of Water Infrastructure (DWI), 1633 Mail Service Center, Raleigh, North Carolina, 27699-1633, Phone: (919) 707-9057, TDD: (800) 735-2962. DEQ will respond only to written comments within ten (10) calendar days of the receipt of the comments.
8. The right of a person to a prompt and equitable resolution of the filed complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or ADA complaint with the U.S. Department of Housing and Urban Development (HUD). Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
9. These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards, and assure that the Town of Valdese complies with the ADA, Section 504 and their implementing regulations.

This information is available in Spanish or any other language upon request. Please contact Jessica Lail at 828.879.2117 or at 102 Massel Ave, Valdese, NC 28690 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Jessica Lail al 828.879.2117 o en 102 Massel Ave, Valdese, NC 28690 de alojamiento para esta solicitud.



Adopted this _____ day of _____, 20__.

Mayor

ATTEST: _____

Town Clerk



TOWN OF VALDESE
NORTH CAROLINA'S FRIENDLY TOWN



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SECTION 3 ACTION PLAN RESOLUTION
TOWN OF VALDESE

WHEREAS, the Town of Valdese was awarded a CDBG-Infrastructure (CDBG-I) grant from the North Carolina Department of Environment Quality (NCDEQ), Division of Water Infrastructure, by virtue of this awarded, the Town of Valdese is required by the North Carolina Department of Environmental Quality and Section 3 of the Housing and Urban Development Act of 1968 to adopt a Section 3 Action Plan; and

WHEREAS, the Section 3 Action Plan is intended to ensure, to the greatest extent feasible, will provide job training, employment and contracting opportunities generated by the U.S. Department of Housing and Urban Development projects be given to low-income workers of the Section 3 project area, and that contracts for work in connection with this project be awarded to qualified Section 3 Business Concerns;

WHEREAS, if awarded, it is the intention of the Town of Valdese to implement its CDBG and CDBG-I projects in accordance with all program regulations including the said Section 3 requirements.

NOW, THEREFORE, BE IT RESOLVED that the Town of Valdese adopts the CDBG & CDBG-I Section 3 Action Plan, which is attached hereto as "Attachment A" and made a part hereof.

ADOPTED this the ____ day of _____, 20____

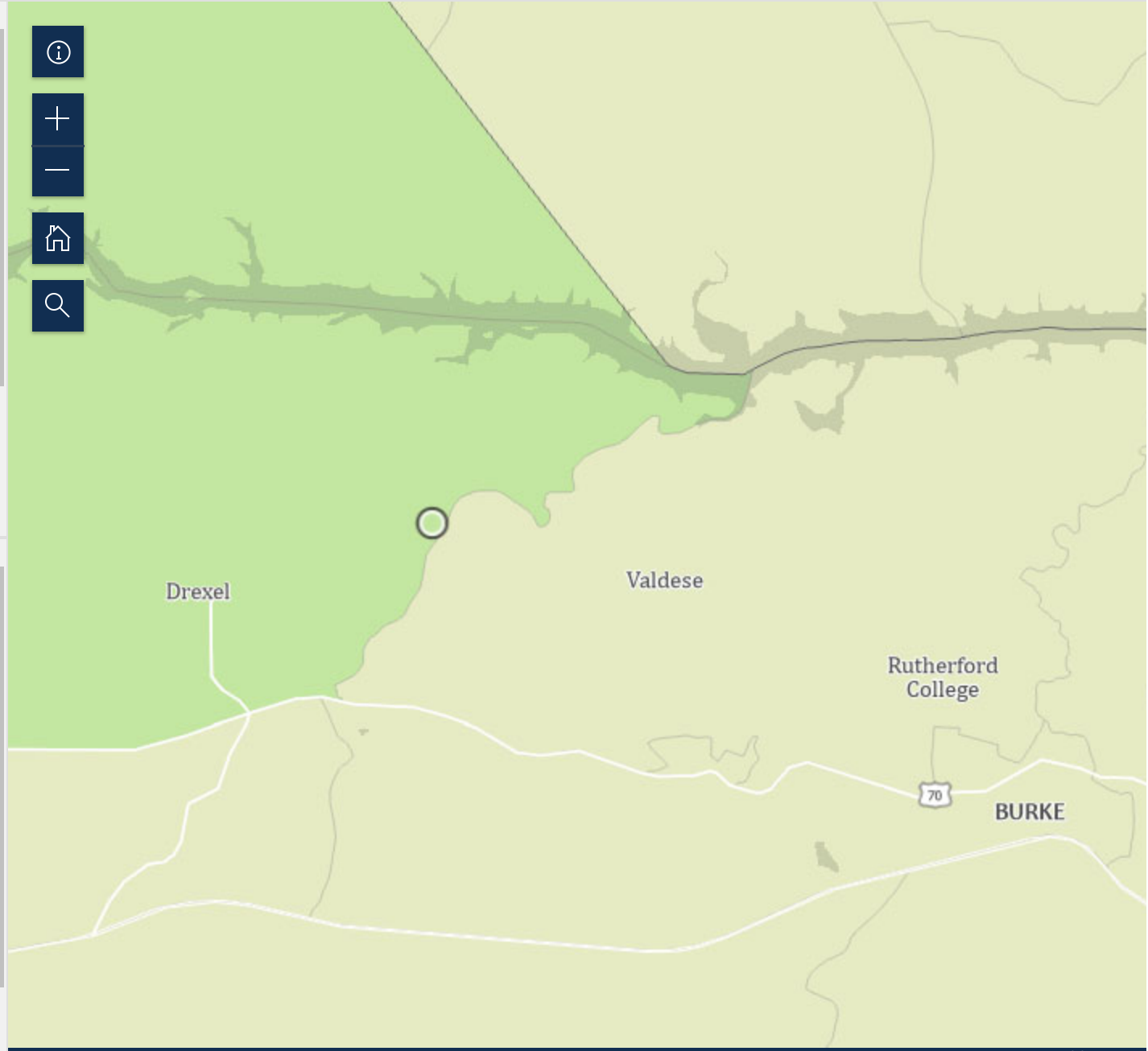
Valdese, North Carolina

ATTEST:

CLERK

BY: _____
MAYOR

- Population
- Race alone, not Hispanic or Latino
- Race alone, Hispanic or Latino
- Race alone or in combination, not Hispanic or Latino
- Race alone or in combination, Hispanic or Latino



Banks in proximity to Valdese, NC

First Citizens Bank

280 Main St W
Valdese, NC 28690
828.874.2147

Members Credit Union

835 Main St W
Valdese, NC 28690
828.874.3900

State Employees' Credit Union

411 Malcolm Blvd
Connelly Springs, NC 28612
828.874.7070

Media Providers in proximity to Valdese, NC

The News Herald (newspaper)

3078 US Highway 70
Morganton, NC 28655
828.437.2161

The Paper (newspaper)

110 S Sterling St
Morganton, NC 28655
828.445.8595

WMNC/The Big Dawg 92.1FM (radio)

1103 N Green St
Morganton, NC 28655
828.437.0521

WCIS (radio)

2828 NC-126
Morganton, NC 28655
828.584.3076

WSVM Radio 96.5FM (radio)

225 Main St W
Valdese, NC 28690
828.475.6980



VALDEESE 2024 STRATEGIC PLAN

ADOPTED: MARCH 18, 2024



The Town Council acknowledges its role in vision and action planning for the future of the Town and pledges that this document will be a living, changing, and evolving document to help guide the Town's path to the future.

Mayor
Charles Watts

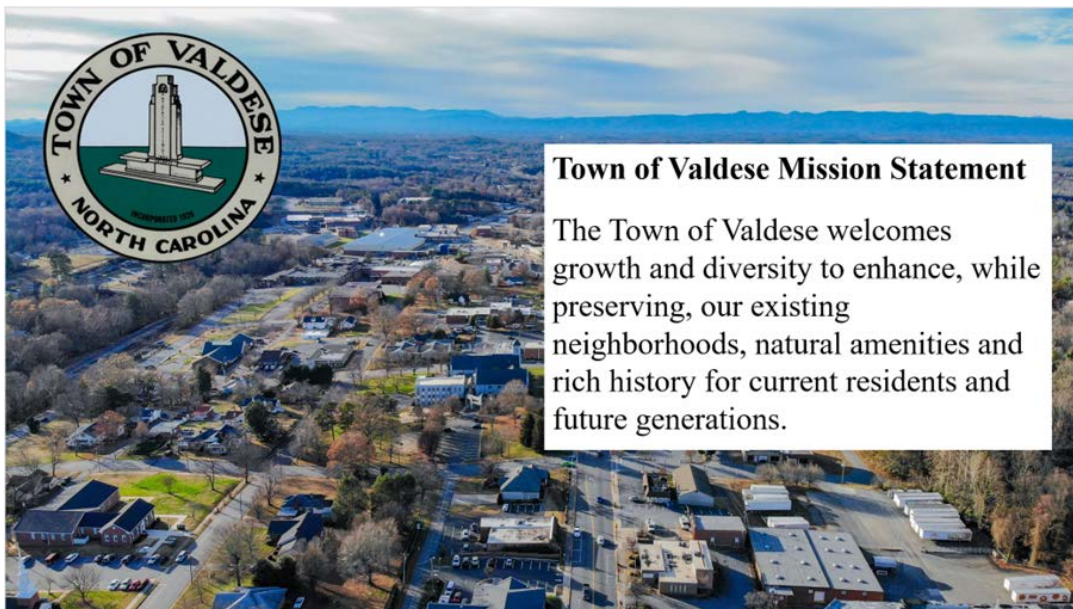
Mayor Pro-Tem
Gary Ogle

Council Members

Glenn Harvey (Ward 1)
Paul Mears (Ward 2)
Rexanna Lowman (Ward 3)
Gary Ogle (Ward 4)
Heather Ward (Ward 5)

Interim Town Manager
Bryan Steen

Town Clerk/Human Resources Director
Jessica Lail



Town of Valdese Demographics*

*Due to the small sample size and a large margin for error, there is no statistically significant change in the data.



Total Population:
 2017: 4,408 people
 2022: 4,682 people
 6.2% Increase



Total Number of Families:
 2017: 1,063 Families
 2022: 1,245 Families
 17.1% Increase



Median Age:
 2017: 48.5 Years Old
 2022: 50.0 Years Old
 3.1% Increase

Of these families, the following have an income below the poverty level:



2017: 132 Families; 12.4%
 2022: 32 Families; 2.6%

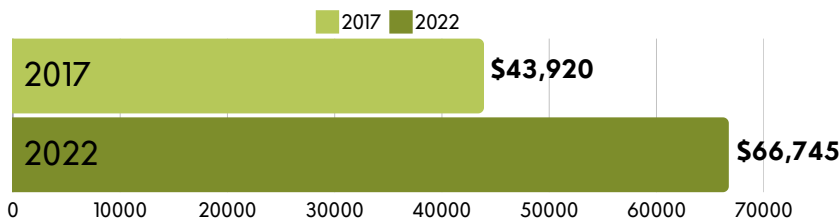
75.8% Decrease



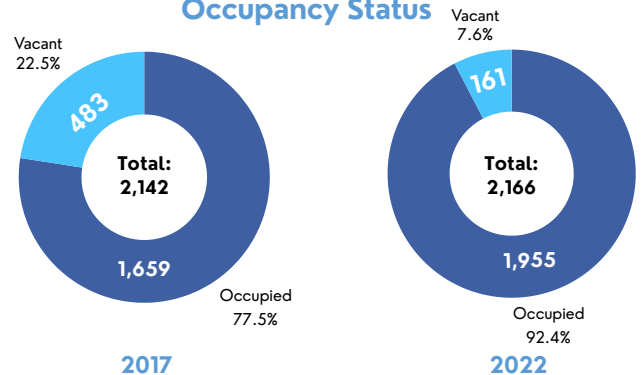
Housing

Median Household Income

Percent Change: 52.0% Growth



Housing Unit Occupancy Status



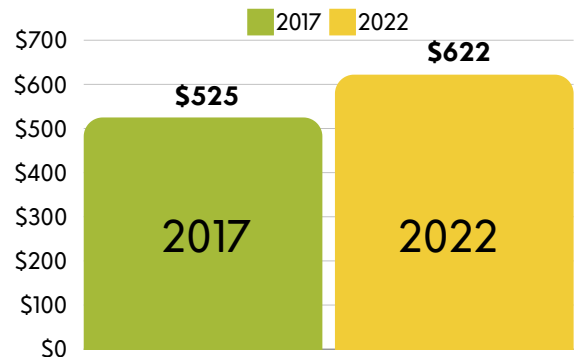
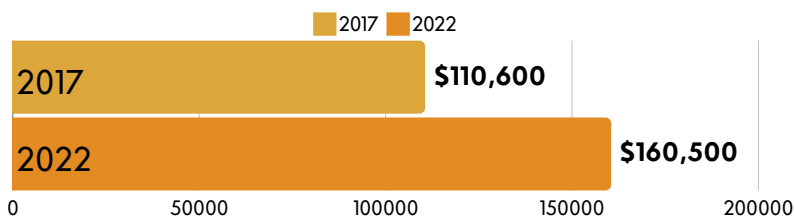
Percent Change
 Overall Units: 1.2% Loss
 Occupied: 17.8% Gain
 Vacant: 66.7% Loss



Median Year of Structure Built:
 2017: 1969
 2022: 1970

Median House Value for All Owner-Occupied Housing Units

Percent Change: 45.1% Growth



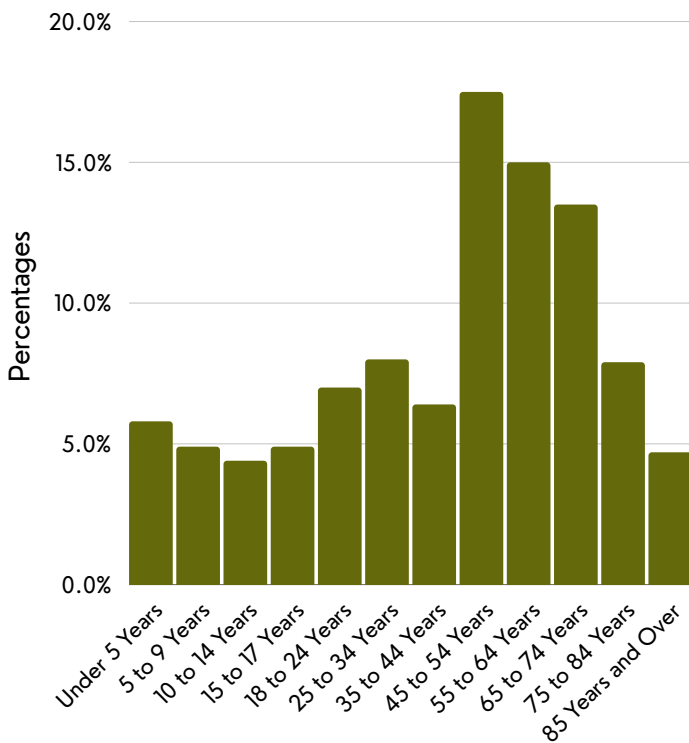
Median Gross Rent
 Percent Change: 18.5% Growth

Town of Valdese Demographics

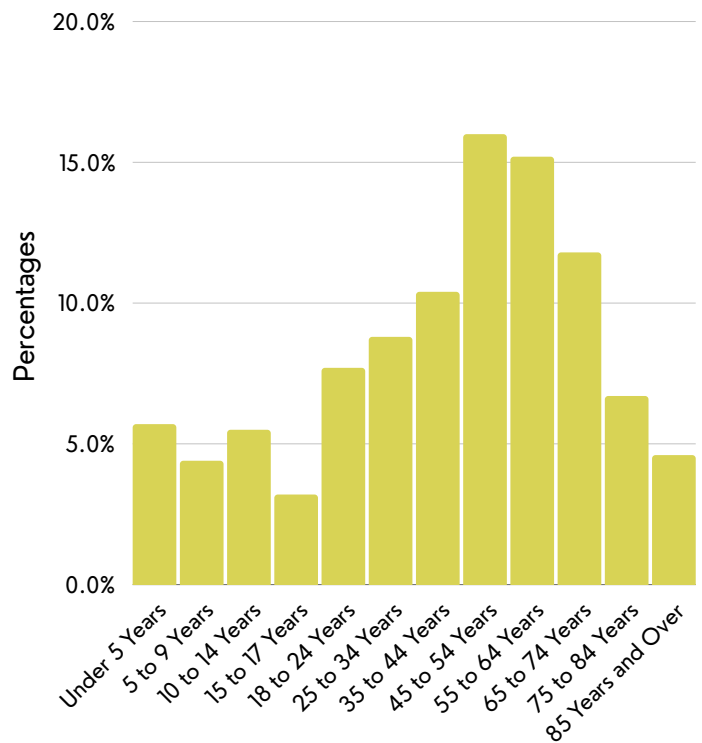
Racial Demographics

Race	2013-2017 ACS Data		2018-2022 ACS Data		Change (2017-2022)
	Number	Percent	Number	Percent	Percent Change
White Alone	4,302	97.6%	4,378	93.5%	1.8%
Black or African American Alone	13	0.3%	69	1.5%	430.8%
American Indian and Alaska Native Alone	17	0.4%	0	0.0%	-100.0%
Asian Alone	59	1.3%	29	0.6%	-50.8%
Mixed Race (Two or More Races)	17	0.4%	131	2.8%	670.6%

2017 Age Distribution
Total Valdese Population: 4,408



2022 Age Distribution
Total Valdese Population: 4,682



Notable Changes in Age Demographics

Increases:

- 73.6% increase in ages 35-44
- 33% increase in ages 10-14
- 17.3% increase in ages 25-33

Decreases

- 29.6% decrease in ages 15-17
- 10.3% decrease in ages 75-84



Role of the Town Council

The town council's main roles include establishing administrative policy, adopting ordinances based on North Carolina General Statutes and the Town's Charter for public protection, and levying taxes for these functions. The town council represents the citizens of the Town of Valdese. The council provides community leadership by serving as the legislative and policy-making body. The mayor and council approve policy and budgets and provide direction to the town manager. The council is responsible for providing oversight related to municipal operations and assets, and to provide services and facilities considered necessary or desirable for taxpayers. The council strives to foster the economic, social, and environmental well-being of the town.



Public Input Meetings

At the request of the mayor and town council, WPCOG staff led attendees through an interactive SWOT analysis to compile input regarding the community's perception of the Town of Valdese's strengths, weaknesses, opportunities and threats. The results of this analysis are a combination of the responses of two public meetings that were held in January 2024. These responses were taken into consideration while drafting the Strategic Plan.

A SWOT (strengths, weaknesses, opportunities, and threats) is defined as the following. Strengths are internal and supportive characteristics that are the foundation of a community and provide stability. Weaknesses are internal and harmful characteristics to the community's stability. Opportunities are external and helpful characteristics for continued growth. Threats are external and harmful characteristics that weaken community stability.

WPCOG staff members moderated a discussion between the attendees on each SWOT category and recorded the identified topics. After the discussion, the attendees voted on individual topics under each SWOT category. Each attendee was instructed to cast up to 4 votes per strength, weakness, opportunity, and threat category. Participants were not permitted to vote for a topic more than once. Below are the collective results from the public input meetings.

Public Input Meeting Top Issues

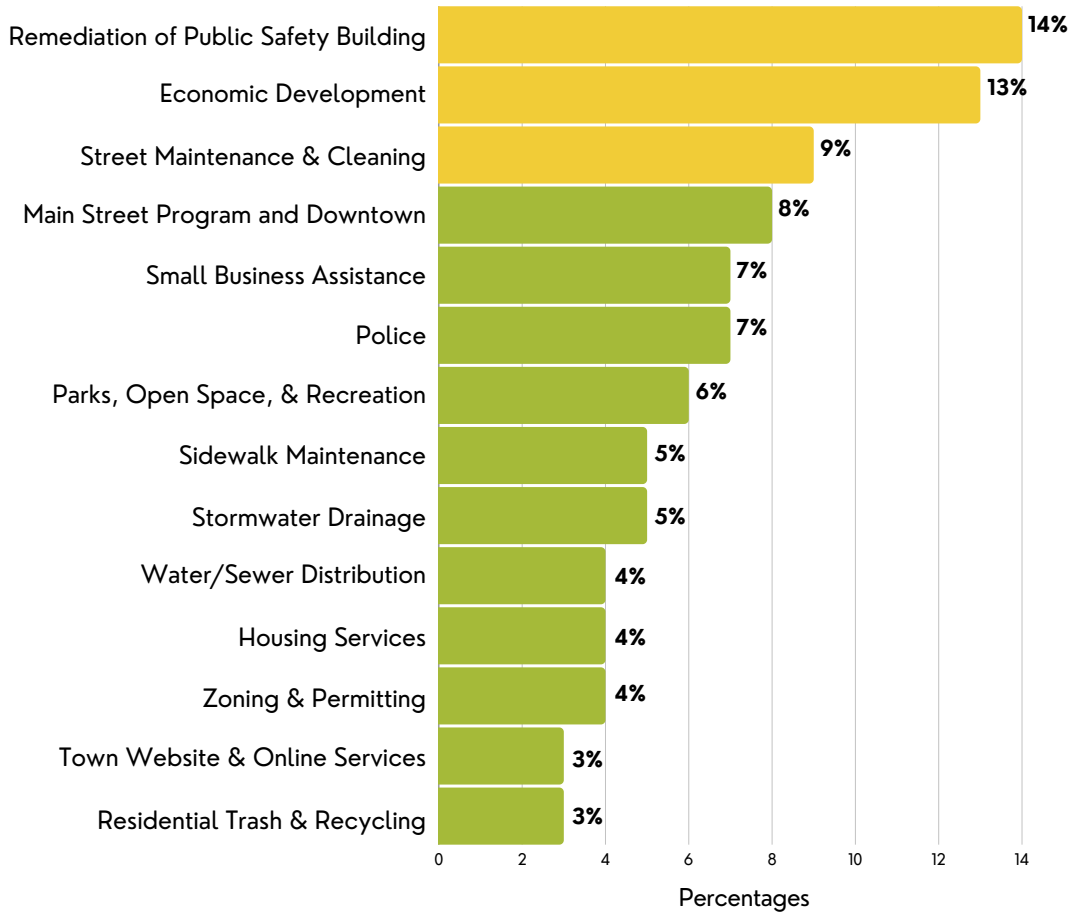


Public Survey Results

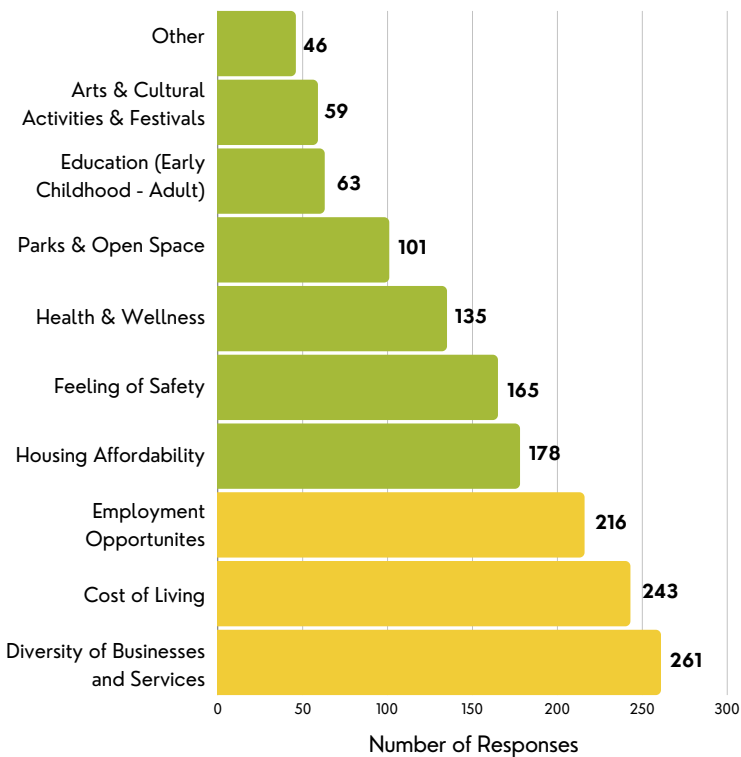
- Both a digital survey and a paper survey were administered to obtain feedback.
- 1,915 paper surveys were sent and 313 were received providing for a 16.3% response rate.
- A total of 218 digital surveys were completed. The total number of responses for both digital and paper were 531.
- A total of 12 questions were asked of the participants – 9 rating scale questions and three open-ended questions.
- Comparisons from the paper to digital survey results were very similar. The top three to four responses were consistent between the two survey types.
- Analyzing the data – paired together the positives (excellent/good), the negatives (fair/poor), neutral and don't know responses were analyzed individually.
- Written explanations were analyzed with AI technology to create a summarized consensus of the comments received.

Survey Results

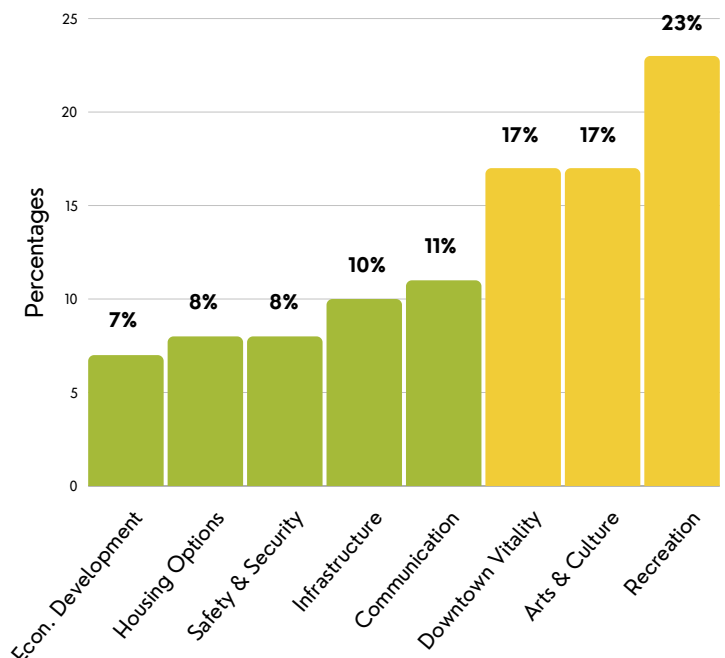
Top three services the town should improve upon



The public's three areas of desired improvements



The public's four areas of most positive change since 2020



Town Council Priorities

During the Town Council's strategic planning session, council members identified the main takeaways from the public input/survey materials. The council participated in a SWOT analysis, which guided a prioritization of goals, needed policy changes, and future projects. The action items stated below were created from the priority identification process and their corresponding votes. The items in bold received the most votes from participating council members.

- **Hiring the best town manager (4)**
- **Tackle the public safety building issues (updating the existing structure) (4)**
- **Recruitment and retention – develop strategies for town employees (3)**
- **Create permanent structure over the recreation pool (3)**
- **Addressing infrastructure (water/sewer and public safety building) (3)**
- **Continue the repaving schedule started in 2023 (3)**
- Address the housing issue (1)
- Continue improving the Old Rock School (consider establishing a committee) (1)
- Recruit at least one job creating industry (significant number of employees) (1)
- Expand cultural affairs program (1)
- Strategy to retain young people



Valdese Town Council Focus Areas 2024-2025

From the identified priorities, four focus areas were created as actionable items for the town.



Employee Retention & Recruitment

Recruitment and retention of a town manager and qualified employees



Economic Development

Business recruitment, retention, and expansion



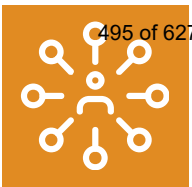
Public Infrastructure

Public buildings, streets, and utility upgrades



Old Rock School

Expand and upgrade Old Rock School



Focus Area 1: Employee Retention & Recruitment

1. Recruit and retain a knowledgeable and experienced town manager.

a. Complete a standardized nationwide search.

b. Recruitment of candidates that not only have experience as a town manager, but show strengths in soft skills (empathy, transparency, attentive to employee and citizen needs).

c. Market position in a way that highlight's Valdese's values and mission.

2. Conduct analysis regarding employee benefits, compensation, and satisfaction.

a. Conduct an anonymous survey regarding current benefits to employees that allows for feedback and assesses current employee needs.

b. Compare Valdese employee benefits and compensation packages to local governments in the region.

c. Identify vacant positions and departments that will need additional staffing capacity.

3. Promote the assets in the area to prospective employees.

a. Promote the excellent healthcare resources, school systems, shopping, and recreation opportunities that impact the quality of life outside of work.

b. Market the quality of life in Valdese.

- i.** Partner with WPCOG to utilize NC Foothills Experience as recruitment/retention tool.
- ii.** Partner with Burke County Tourism for marketing and tourism opportunities.
- iii.** Distribute digital and paper marketing/employee recruitment materials throughout the region.

c. Spotlight and market employee success stories and their employment milestones in order to promote workforce recruitment and retention.



Focus Area 2: Economic Development

1. Attract and retain young people to the area. Specifically, young adults within the workforce age group.

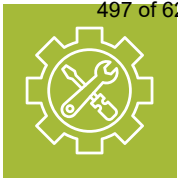
<p>a. Facilitate engagement with young adults within the region. This can be done by job fairs, partnerships with college educators, community college students, and young adult community stakeholders.</p>	<p>b. Use this data to evaluate the target market audience and incorporate in branding strategy.</p>	<p>c. Engage with local employers with information on promotional employment opportunities they can attend in the region.</p>	<p>d. Partner with WPCOG Workforce Development initiatives to promote and attract workforce age adults to the town.</p>
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2. Recruitment of an industry that creates 75 jobs or more.

<p>a. Engage in an industrial site identification that can be marketed to potential industries.</p>	<p>b. Identify possible target industries that would be compatible with Valdese topography, utility capacity, and workforce needs.</p>	<p>c. Work with Burke County Development Inc. to develop and implement economic development/business recruitment strategies.</p>
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3. Increase and diversify the housing stock within the Town of Valdese.

<p>a. Town staff, planning board, and council should provide support for the developers through streamlined efficient processes to ensure project success.</p>	<p>b. Create a zoning "roadmap" for housing developers to easily understand Town zoning policies and approval processes.</p>	<p>c. Consider implementing strategies featured in the Western Piedmont Housing Growth Toolkit to promote diverse housing types.</p>
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Focus Area 3: Public Infrastructure

1. Rehabilitate the public safety building.

a. Provide appropriate support and resources for the fire and police department.

b. Develop a cost-effective rehabilitation plan that meets the current and future needs of the police and fire departments.

2. Construct a permanent structure over the pool at the Valdese Aquatic and Fitness center.

a. Identify possible coverage options, compare the cost and functionality and determine a construction timeline.

b. After construction is complete encourage and market the pool for year-round swimming.

3. Maintain and implement the current Capital Improvement Plan.

a. Expand and replace the water lines on a schedule that represents good stewardship of the utility systems, while balancing consumer needs with the cost burden.

b. Continue advancing water and wastewater infrastructure development.

i. Identify annual projects for implementation.

c. Analyze water and sewer capacity at targeted sites/areas in order to recruit large industries and new employers.

4. Identify and pursue relevant grant funding for building rehabilitation and utility upgrades

a. Work with WPCOG Community and Economic Development Department to seek and obtain grant funding for implementation.

5. Continue current street paving/maintenance schedule.

a. Evaluate feasibility of expediting schedule based on recent progress.

b. Develop and maintain a street re-paving prioritization plan.



Focus Area 4: Old Rock School

1. Create a citizen action group that can provide recommendations and guidance to Town Council regarding the future of Old Rock School.

a. Identify Valdese residents and community members who hold experience in relevant fields and therefor can offer expert recommendations.

b. Consider forming a committee to provide input regarding community activities and future plans for the facility.

2. Assess the expansion and revitalization of the existing facilities.

a. Use insight from the public, town council, the newly formed committee, and staff to identify possible next steps for expansion and revitalization.

3. Identify and pursue relevant grant funding for building rehabilitation and upgrades.

a. Create a funding timeline and planning documents needed to submit grant applications.

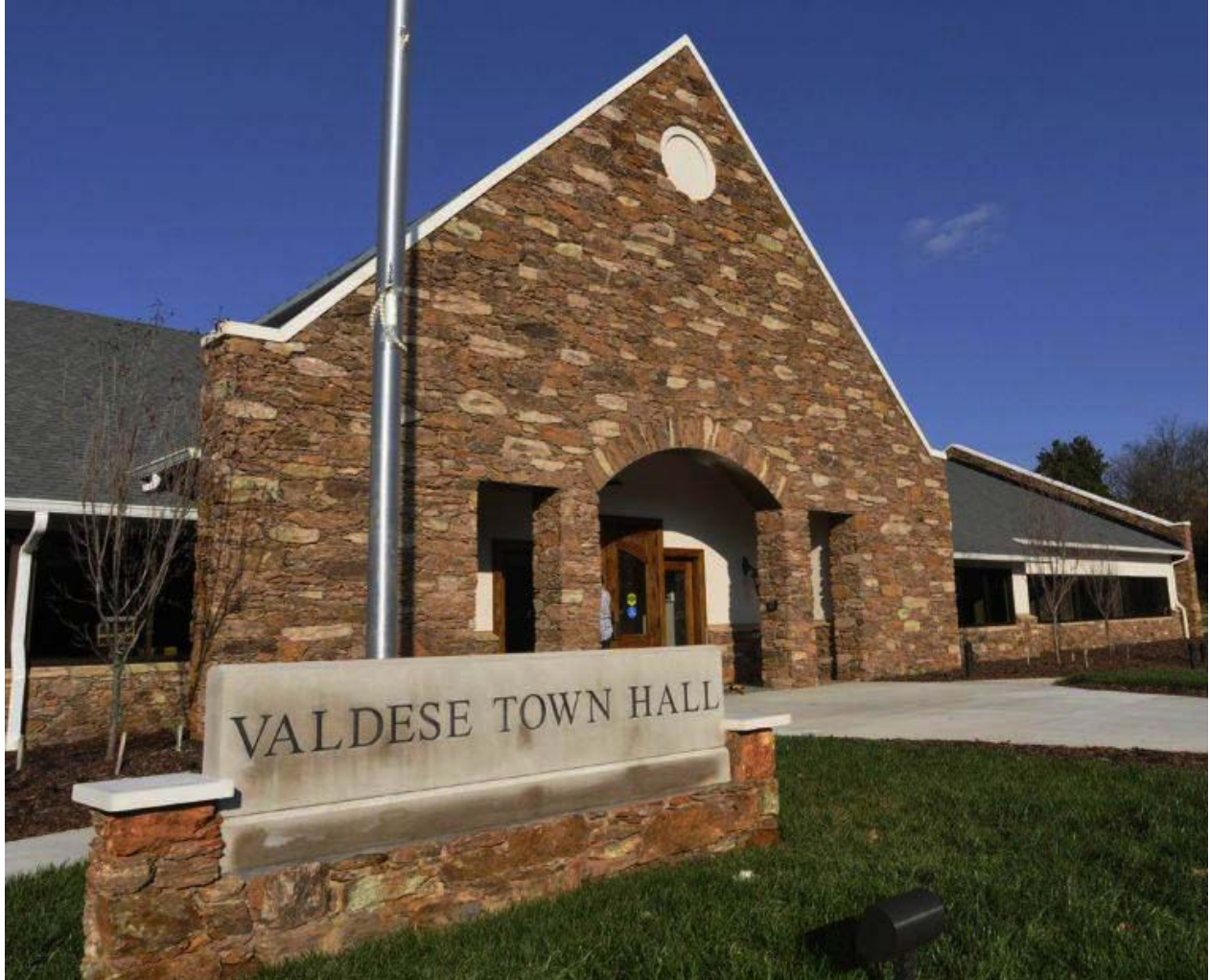
b. Align capital improvement plan with grant submittals and possible funding awards.

4. Market and advertise existing and expanded activities.

a. Evaluate public/private partnerships and small businesses to offer activities/events/etc.

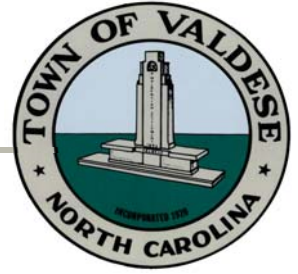
Conclusion

This plan's implementation is dependent on both the staff and the town council acting on the recommendations in this report. The staff has the responsibility to take on these goals as a part of the operations of the Town and the town council must reinforce the desire and need for these actions to occur. The staff and town council should update and review progress on these action points throughout the year along with an annual review prior to the beginning of the budgeting process to ensure alignment of priorities and funding. Ongoing public input is key to assisting the town with implementation of this plan.



Town of Valdese

AGENDA MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Paul Teaque, WPCOG

Subject: RFQ process for Berrytown Waterline Replacement Project

Meeting: February 3, 2025

Presenter: Paul Teaque, WPCOG

ITEM OF INTEREST:

RFQ process to procure an engineer for the Community Development Block Grant Berrytown Waterline Replacement Project

BACKGROUND INFORMATION:

The Town of Valdese has received \$2,236,775 in Community Development Block Grant- Infrastructure (CDBG-I funds) and \$1,000,000 in Community Development Block Grant Neighborhood Revitalization (CDBG-NR) funding.

This project will replace approximately 8,215 LF of 2" waterline with 6" waterline to serve 81 households, and install fire hydrants along Berry School Avenue, Berrytown Avenue, Berrytown Street, Bost Johnson Avenue, Bost Johnson Avenue Extension, and CV Johnson Drive.

BUDGET IMPACT:

Community Development Block Grant funds will pay 100% of the costs associated with the engineering contract.

RECOMMENDATION / OPTIONS:

Instruct WPCOG and Town staff to proceed with the RFQ advertisement to procure an engineering firm to the design, bid and supervise construction of the Berrytown Waterline Replacement Project.

LIST OF ATTACHMENTS:

Request for Qualifications for Engineering Services for the Berrytown Waterline Replacement Project

**TOWN OF VALDESE
BERRYTOWN COMMUNITY
NC DEPARTMENT OF ENVIRONMENTAL QUALITY – CDBG-I AND
NC DEPARTMENT OF COMMERCE – CDBG-NR
WATER LINE REPLACEMENT
RFQ for ENGINEERING SERVICES**

Overview and Purpose

The Town of Valdese, North Carolina is requesting statements of qualifications from qualified professional civil engineers for the design, bidding, and construction oversight upgrades to replace approximately 8,215 linear feet of existing 2-inch PVC, 4-inch PVC, and 6-inch asbestos cement water mains (circa 1965) with 8,215 linear feet of 6" PVC water line. Additionally, the project calls for the installation of fire hydrants and other appurtenances six (6) roads within the project area. The project is in the Berrytown community just outside the Valdese town limits.

This project is funded by the NC Department of Environmental Quality through its Infrastructure program and through the NC Department of Commerce through its Neighborhood Revitalization program.

The overall objectives of this project include the following:

- Planning, design, and permitting for the proposed project
- Preparing bid documents and specifications
- Providing assistance with bidding, bid tabulation, and recommendation of award
- Construction phase administration and observation
- Potential Federal funding requirements

Project Design Schedule

Due to regulations and timelines imposed upon projects being funded through federal resources, it is imperative that the Town of Valdese begin work on this project as practicable.

Project Schedule

<u>Milestone</u>	<u>Date</u>
Engineering RFQ Submittal	February 28, 2025
Engineering Firm Contract Approval	April 7, 2025
Engineering Report Submitted & Received to DEQ	TBD
Engineering Report Approved by Division	TBD
Bid and Design Package Submitted & Received	November 11, 2025
Bid and Design Package Approved by Division	March 15, 2026
Advertise Project, Receive Bids, Submit Bid Information, and Receive Authority to Award	June 30, 2026
Execute Construction Contract(s)	August 31, 2026
Construction: Grant Contract Expiration	September 30, 2027
Construction: Final Report and Final Reimbursement Submitted & Received	November 4, 2027
Planning & Construction: Grant Closeout Submitted & Received	December 19, 2027

Scope of Work

To be considered for selection, the firm/team shall be qualified and capable to provide the necessary professional services associated with project tasks and conformance with local, state, and federal requirements listed herein.

1. Planning, field surveys and mapping, geotechnical investigations, utility location, design and preparation of sealed drawings and construction documents (plans and specifications), and cost estimations.
2. Perform all project management and quality control/quality assurance duties for the survey, design, bidding, and construction oversight.
3. Provide necessary documentation needed for any federal reporting requirements related to the project.
4. Prepare all necessary applications to secure required permits and approvals for construction by NCDEQ, NCDOT, or other necessary permitting agencies.
5. Provide assistance during the construction bidding process to include participation in the pre-bid conference, replying to requests for information, preparing advertisements for bid solicitations, conduct bid opening, preparing a certified bid tabulation, preparing a formal recommendation for award, and issuing the notice to proceed.
6. Construction Administration duties shall include conducting a pre-construction conference, review of project progress (inspections) review of shop drawings and submittals, certification of contractor requests for payment, processing of change orders, preparation of pre-final and final punch lists and project closeout. Provide hard and digital copies of as-built drawings.

Qualifications and Submittal Instructions

SUBMISSION DEADLINE

Qualification submittals must be received by 5:00 p.m. eastern time on XXXXXXXX in order to be considered for evaluation under this RFQ.

SUBMITTAL INSTRUCTIONS

Three (3) copies of the Qualification Submittals should be submitted to Bo Weichel – Interim Town Manager, PO Box 339, Valdese, NC 28690 no later than the submission deadline noted above. Submittals received after the submission deadline will not be considered. Alternative submission methods may be accommodated as needed.

SUBMITTAL FORMAT

Submittals should be limited to fifteen (15) numbered pages excluding front and back cover pages. Please include a letter which identifies a contact person for your firm as well as legal firm name and address information. The following format is encouraged in order to provide consistency between submittals, aiding in evaluation and comparison. If the format below is modified, please ensure to include the following information at a minimum:

- **Individual or Firm Information on a Cover Letter:** Project statement, legal name of firm, and the name, address, telephone number, and email address of a contact person for questions concerning the qualification submittal.
- **Public Utility Experience and References:** Provide a narrative of your firm's prior experience and qualifications with projects of similar size and complexity. A general description of the team's

capabilities, including information related to the history, overall size of the firm, location of firm headquarters, and local offices. Provide references for recently completed projects of similar scope or size to this proposed project including past team member experience, if any, with those projects. For past project references please provide a contact name, position, physical address, phone number, and email address.

- **Project Team:** Provide a list of the project team members, including the office location where they currently work, and identify the responsibility of each team member. For proposed sub consultants, please provide the name of each firm, the office location, contact name, telephone number, and the services to be provided. Only staff who will be directly involved with the execution of the project should be included.
Proposed Work Plan and Schedule for Activities: Based upon the information contained herein, provide a brief narrative explaining the overall approach and timeline your firm/team will take to complete this project.
- **Other Supporting Data:** Please include any other information that you feel is relevant to the evaluation of your firm for this project.

RFQ CONTACT

Inquiries regarding this RFQ process should be directed to Ben Willis – Community & Economic Development Director for the Western Piedmont Council of Governments. Prospective firms may make inquiries to obtain clarification of the requirements contained within this Request for Qualifications (RFQ). All inquiries shall be submitted in writing via email to the following address: ben.willis@wpcog.org or calling (828) 485-4280. All inquiries must be received by 5:00 p.m. eastern time on XXXXXXXXXXXX.

Evaluation Criteria

Qualification submittals should address all aspects of this RFQ and clearly express an understanding of the requirements and qualifications to conduct these services in a thorough and efficient manner. Evaluation of qualification submittals will be performed by Valdese staff.

Submissions will be evaluated according to the following factors equally:

- Qualifications, Competence and Reputation of Firm and Personnel;
- Firm's Capability to Meet Time and Project Budget Requirements;
- Project Workload of Firm;
- Related Experience on Similar Projects.

All firms who choose to respond with a Qualifications Submittal will be evaluated by Town of Valdese staff based on the criteria set forth above. The Town of Valdese reserves the right to reject any or all Qualifications Submittals received in response to this Request for Qualifications and to select the firm/team who are most advantageous to the Town of Valdese. Final selection and contracting will be subject to approval by the Valdese Town Council.

NONDISCRIMINATION & EQUAL OPPORTUNITY EMPLOYER

The Town of Valdese is an Equal Opportunity Employer and invites the submission of qualifications from all entities including those designated as minority and women-owned business enterprises (MWBE), historically underutilized businesses (HUB), and certified/registered Section 3 businesses.

The Town of Valdese complies with all civil rights provisions of federal statutes and related authorities which prohibit discrimination in programs and activities receiving state and federal assistance. The Town of Valdese does not discriminate on the basis of race, sex, color, age, national origin, religion, or disability, in employment or provision of services.

ADMINISTRATIVE INFORMATION

All qualification submittals shall become the property of the Town of Valdese once submitted for consideration and will only be returned to the submitting firm at the Town's option and discretion. Any restrictions on the use of the information and data contained within the qualification submittal must be clearly stated in the submittal itself.

The cost of preparing, submitting, and presenting a submittal is the sole responsibility of the submitting firm. The Town of Valdese shall not be held liable for any costs, direct or indirect, associated with the development, submission, or presentation of any submittal in response to this Request for Qualifications.

The Town of Valdese reserves the right to reject any and all qualification submittals, to consider alternatives, to waive irregularities, and to re-solicit a Request for Qualifications. The Town of Valdese further reserves the right to cancel the RFQ in part or in whole at any time. This Request for Qualifications shall in no way obligate the Town of Valdese to award a contract for this project. The Town of Valdese makes no guarantees to any proposing firm until such time as the Town approves a contract for engineering services for this project.

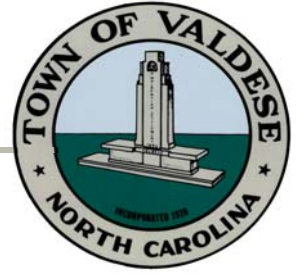
The Town of Valdese will provide information and clarification related to this Request for Qualifications where available.

Está disponible en español o en cualquier otro idioma bajo petición. Póngase en contacto con Bo Weichel at 828-879-2123 or Town of Valdese, PO Box 339, Valdese, NC 28690.

POST WITH FAIR HOUSING AND EEO LOGOS

Town of Valdese

COUNCIL MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Annual Audit

Meeting: 2/3/2025

Presenter: Lowdermilk Church & Co., LLP

ITEM OF INTEREST:

Financial update for fiscal year ending June 30, 2024

BACKGROUND INFORMATION:

The Town's audit has been submitted, reviewed, and accepted by the Local Government Commission (LGC).

The final step in the annual audit process is for the Town's audit firm, Lowdermilk Church & Co., LLP, to provide a financial update.

They will also be available to answer any financial audit related questions.

Any financial advisory or opinion related questions on the health of the Town's finances should be directed to the CFO.

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

None

LIST OF ATTACHMENTS:

Audit report for fiscal year ending June 30, 2024

TOWN OF VALDESE, NORTH CAROLINA

Financial Statements, Supplemental Schedules,
Independent Auditors' Report, and Compliance Reports
For the Year Ended June 30, 2024

Lowdermilk Church & Co., L.L.P.
Certified Public Accountants

TOWN OF VALDESE, NORTH CAROLINA

**Town Officials
June 30, 2024**

Mayor

Charles Watts

Town Council Members

Glenn Harvey

Rexanna Lowman

Paul Mears

Gary Ogle

Heather Ward

Other Town Officials

Brian Steen

Bo Weichel

Rexanna Lowman

Gary Ogle

Jessica Lail

Kimberly Cline

Timothy D Swanson

Interim Town Manager

Assistant Manager/CFO

Town Treasurer

Mayor Pro Tem

Town Clerk/HR

Tax Collector

Town Attorney

TOWN OF VALDESE, NORTH CAROLINA

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Financial Section

Lowdermilk Church & Co., L.L.P.
Certified Public Accountants

121 North Sterling Street
Morganton, North Carolina 28655
Phone: (828) 433-1226
Fax: (828) 433-1230

Independent Auditors' Report

To the Honorable Mayor and
Members of the Town Council
Town of Valdese, North Carolina

Report on the Audit of Financial Statements

Opinion

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the Town of Valdese, North Carolina, as of and for the year ended June 30, 2024, and the related notes to the financial statements, which collectively comprise the Town of Valdese, North Carolina's basic financial statements as listed in the table of contents.

In our opinion, based on our audit, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the Town of Valdese, North Carolina, as of June 30, 2024, and the respective changes in financial position, and, where applicable, cash flows thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town of Valdese, North Carolina and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions. The financial statements of the Town of Valdese ABC Board were not audited in accordance with *Government Auditing Standards*.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Valdese, North Carolina's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town of Valdese, North Carolina's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Valdese, North Carolina's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis, the Other Post-employment Benefits' Schedule of Changes in Total OPEB Liability and Related Ratios, the Local Government Employees' Retirement System's Schedules of the Proportionate Share of the Net Pension Liability (Asset) and Contributions, and the Law Enforcement Officers' Special Separation Allowance Schedules of the Changes in Total Pension Liability and Total Pension Liability as a Percentage of Covered Payroll, on pages 4-11 and 55-59 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Valdese, North Carolina's basic financial statements. The accompanying combining and individual fund financial statements, budgetary schedules, and other schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund financial statements, budgetary schedules, and other schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 4, 2024, on our consideration of the Town of Valdese, North Carolina's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town of Valdese, North Carolina's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Town of Valdese, North Carolina's internal control over financial reporting and compliance.

Lowdermilk Church & Co., L.L.P.

Morganton, North Carolina
December 4, 2024

Management's Discussion and Analysis

As management of the Town of Valdese, we offer readers of the Town of Valdese's financial statements this narrative overview and analysis of the financial activities of the Town of Valdese for the fiscal year ended June 30, 2024. We encourage readers to read the information presented here in conjunction with additional information that we have furnished in the Town's financial statements, which follow this narrative.

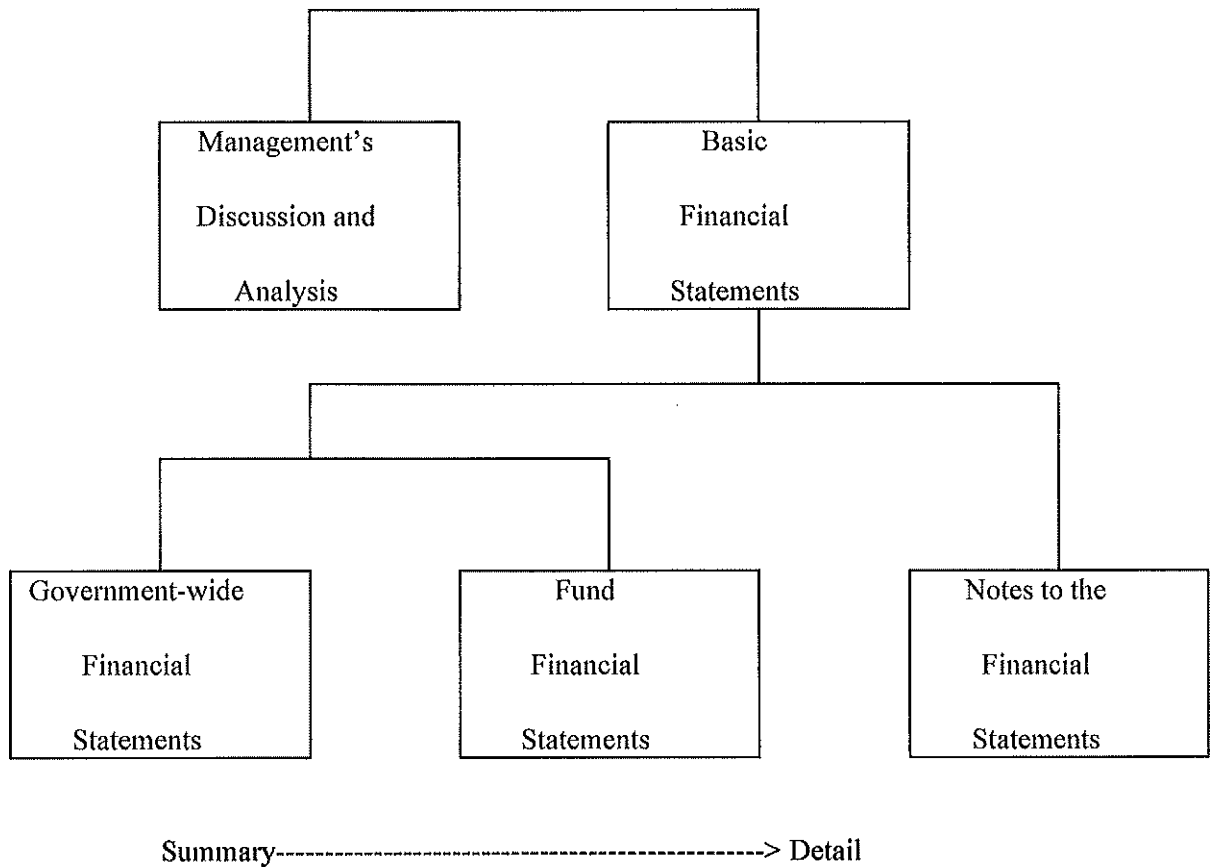
Financial Highlights

- The assets of the Town of Valdese exceeded its liabilities at the close of the fiscal year by \$34,612,335 (net position).
- The government's total net position decreased by \$32,067.
- As of the close of the current fiscal year, the Town of Valdese's governmental funds reported combined ending fund balances of \$10,564,166, with a net increase of \$330,173, in fund balance. Approximately 15.34 percent of this total amount, or \$1,621,393, is non-spendable or restricted.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$6,983,906, or 123.58 percent of total General Fund expenditures for the fiscal year.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Town of Valdese's basic financial statements. The Town's basic financial statements consist of three components: 1) Government-wide Financial Statements, 2) Fund Financial Statements, and 3) Notes to the Financial Statements (see Figure 1). The basic financial statements present two different views of the Town through the use of government-wide statements and fund financial statements. In addition to the basic financial statements, this report contains other supplemental information that will enhance the reader's understanding of the financial condition of the Town of Valdese.

**Required Components of Annual Financial Report
Figure 1**



Basic Financial Statements

The first two statements (Exhibits 1 and 2) in the basic financial statements are the Government-wide Financial Statements. They provide both short and long-term information about the Town's financial status.

The next statements (Exhibits 3 through 10) are Fund Financial Statements. These statements focus on the activities of the individual parts of the Town's government. These statements provide more detail than the government-wide statements. There are four parts to the Fund Financial Statements: 1) the Governmental Funds Statements; 2) the Budgetary Comparison Statements; and 3) the Proprietary Fund Statements.

The next section of the basic financial statements is the notes. The notes to the financial statements explain in detail some of the data contained in those statements. After the notes, supplemental information is provided to show details about the Town's individual funds. Budgetary information required by the North Carolina General Statutes also can be found in this part of the statements.

Government-Wide Financial Statements

The government-wide financial statements are designed to provide the reader with a broad overview of the Town's finances, similar in format to a financial statement of a private-sector business. The government-wide statements provide short and long-term information about the Town's financial status as a whole.

The two government-wide statements report the Town's net position and how it has changed. Net position is the difference between the Town's total assets and total liabilities. Measuring net position is one way to gauge the Town's financial condition.

The government-wide statements are divided into three categories: 1) governmental activities; 2) business-type activities; and 3) component units. The governmental activities include most of the Town's basic services such as public safety, parks and recreation, and general administration. Property taxes and State and federal grant funds finance most of these activities. The business-type activities are those that the Town charges customers to provide. This includes the water and sewer services offered by the Town of Valdese. The final category is the component unit. Although legally separate from the Town, the ABC Board is important to the Town. The Town exercises control over the Board by appointing its members, and because the Board is required to distribute its profits to the Town.

The government-wide financial statements are on Exhibits 1 and 2 of this report.

Fund Financial Statements

The fund financial statements (see Figure 1) provide a more detailed look at the Town's most significant activities. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town of Valdese, like all other governmental entities in North Carolina, uses fund accounting to ensure, and to reflect, compliance (or non-compliance) with finance-related legal requirements, such as the General Statutes or the Town's budget ordinance. All of the funds of the Town of Valdese can be divided into two categories: governmental funds and proprietary funds.

Governmental Funds - Governmental funds are used to account for those functions reported as governmental activities in the government-wide financial statements. Most of the Town's basic services are accounted for in governmental funds. These funds focus on how assets can readily be converted into cash flow in and out and what monies are left at year-end that will be available for spending in the next year. Governmental funds are reported using an accounting method called modified accrual accounting which provides a short-term spending focus. As a result, the governmental fund financial statements give the reader a detailed short-term view that helps him or her determine if there are more or less financial resources available to finance the Town's programs. The relationship between government activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds is described in a reconciliation that is a part of the fund financial statements.

The Town of Valdese adopts an annual budget for its General Fund, as required by the General Statutes. The budget is a legally adopted document that incorporates input from the citizens of the Town, the management of the Town, and the decisions of the Board about which services to provide and how to pay for them. It also authorizes the Town to obtain funds from identified sources to finance these current period activities. The budgetary statement provided for the General Fund demonstrates how well the Town complied with the budget ordinance and whether or not the Town succeeded in providing the services as planned when the budget was adopted. The budgetary comparison statement uses the budgetary basis of accounting and is presented using the same format, language, and classifications as the legal budget document. The statement shows four columns: 1) the original budget as adopted by the Board; 2) the final budget as amended by the Board; 3) the actual resources, charges to appropriations, and ending balances in the General Fund; and 4) the difference or variance between the final budget and the actual resources and charges.

Proprietary Funds - The Town of Valdese has one proprietary fund. Enterprise Funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The Town of Valdese uses enterprise funds to account for its water and sewer activity. This fund is the same as those functions shown in the business-type activities in the Statement of Net Position and the Statement of Activities.

Notes to the Financial Statements - The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements begin on page 23 of this report.

Other Information - In addition to the basic financial statements and accompanying notes, this report includes certain required supplementary information concerning the Town of Valdese's progress in funding its obligation to provide pension benefits to its employees. Required supplementary information can be found beginning on page 55 of this report.

Interdependence with Other Entities - The Town depends on financial resources flowing from, or associated with, both the Federal Government and the State of North Carolina. Because of this dependency, the Town is subject to changes in specific flows of intergovernmental revenues based on modifications to Federal and State laws and Federal and State appropriations. It is also subject to changes in investment earnings and asset values associated with U.S. Treasury Securities because of actions by foreign governments and other holders of publicly held U.S. Treasury Securities.

Government-Wide Financial Analysis

	Town of Valdese's Net Position					
	Figure 2					
	Governmental Activities		Business-type Activities		Total	
	2024	2023	2024	2023	2024	2023
Current and other assets	\$ 13,058,092	\$ 10,498,608	\$ 5,808,568	\$ 4,899,040	\$ 18,866,660	\$ 15,397,648
Capital assets	5,771,327	6,134,560	23,671,038	24,679,284	29,442,365	30,813,844
Deferred outflows of resources	1,345,755	1,359,107	510,138	497,372	1,855,893	1,856,479
Total assets and deferred outflows of resources	20,175,174	17,992,275	29,989,744	30,075,696	50,164,918	48,067,971
Long-term liabilities outstanding	5,845,378	5,884,003	6,541,155	6,762,741	12,386,533	12,646,744
Other liabilities	2,385,285	139,758	226,746	136,293	2,612,031	276,051
Deferred inflows of resources	479,054	428,442	74,970	72,334	554,024	500,776
Total liabilities	8,709,717	6,452,203	6,842,871	6,971,368	15,552,588	13,423,571
Net Position:						
Net investment in capital assets	3,105,984	3,302,768	18,158,521	18,855,319	21,264,505	22,158,087
Restricted	1,403,065	1,016,069	-	-	1,403,065	1,016,069
Unrestricted	6,956,408	7,221,235	4,988,356	4,249,010	11,944,764	11,470,245
Total net position	\$ 11,465,457	\$ 11,540,072	\$ 23,146,877	\$ 23,104,329	\$ 34,612,334	\$ 34,644,401

As noted earlier, net position may serve, over time, as one useful indicator of a government's financial condition. The assets of the Town of Valdese exceeded liabilities by \$34,612,334 as of June 30, 2024. The Town's net position decreased by \$32,067 for the fiscal year ended June 30, 2024. However, the largest portion, 61.44%, reflects the Town's investment in capital assets (e.g., land, buildings, machinery, and equipment), less any related debt still outstanding that was issued to acquire those items. The Town of Valdese uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town of Valdese's investment in its capital assets is reported net of the outstanding related debt, the resources needed to repay that debt must be provided by other sources, since the capital assets cannot be used to liquidate these liabilities. An additional portion of the Town of Valdese's net position \$1,403,065 (4.05%) represents resources that are subject to external restrictions on how they may be used. The remaining balance of \$11,944,764 is unrestricted.

Several particular aspects of the Town's financial operations positively influenced the total unrestricted governmental net position:

- Continued, concerted effort to control cost and manage expenditures responsibly.
- Utilization of the Burke County Tax Collectors office in the collection of taxes and penalization of delinquent taxes.
- Sustained effort to stabilize property tax revenues with both new residential and non-residential development.
- Continued acquisition of grant funding for major projects.
- Annual review and re-prioritizing of 10-year capital improvement needs.
- Adherence to the adopted budget.

Town of Valdese's Changes in Net Position

Figure 3

	Governmental Activities		Business-type Activities		Total	
	2024	2023	2024	2023	2024	2023
Revenue:						
Program revenues:						
Charges for services	\$ 799,426	\$ 769,371	\$ 6,149,682	\$ 5,739,522	\$ 6,949,108	\$ 6,508,893
Operating grants and contributions	254,082	949,681	-	-	254,082	949,681
Capital grants and contributions	237,484	451,828	158,382	37,082	395,866	488,910
General revenues:					-	-
Property taxes	2,940,020	2,409,453	-	-	2,940,020	2,409,453
Other taxes	2,531,627	2,395,966	-	-	2,531,627	2,395,966
Other	522,892	552,100	54,703	274,335	577,595	826,435
Total revenues	7,285,531	7,528,399	6,362,767	6,050,939	13,648,298	13,579,338
Expenses:						
General government	1,077,601	913,173	-	-	1,077,601	913,173
Public safety	2,682,018	2,492,579	-	-	2,682,018	2,492,579
Transportation	470,328	525,318	-	-	470,328	525,318
Environmental protection	406,288	362,604	-	-	406,288	362,604
Economic and physical development	1,373,523	996,763	-	-	1,373,523	996,763
Culture and recreation	1,477,594	1,294,224	-	-	1,477,594	1,294,224
Interest on long-term debt	93,794	97,924	-	-	93,794	97,924
Water and sewer	-	-	6,099,218	5,915,571	6,099,218	5,915,571
Total expenses	7,581,146	6,682,585	6,099,218	5,915,571	13,680,364	12,598,156
Increase (decrease) in net position before transfers	(295,615)	845,814	263,549	135,368	(32,067)	981,182
Transfers	221,000	(372,549)	(221,000)	372,549	-	-
Increase (decrease) in net position	(74,615)	473,265	42,548	507,916	(32,067)	981,181
Net position July 1	11,540,072	11,066,807	23,104,329	22,596,413	34,644,401	33,663,220
Net position June 30	\$ 11,465,457	\$ 11,540,072	\$ 23,146,877	\$ 23,104,329	\$ 34,612,335	\$ 34,644,401

Governmental Activities - Governmental activities decreased the Town's net position by \$74,615. Key elements of this decrease are anticipated, and unanticipated events as follows:

- Slowed growth of sales tax revenue.
- Revenues from grants and contributions lower than the previous year.
- Increase in cost of materials and services from the previous year.
- Total decrease in revenue and total increase in expenditures decreased the net position.

Business-type Activities - Business-type activities increased the Town of Valdese's net position by \$42,548. Key elements of this increase are as follows:

- Continuation of a Capital Improvement Plan and utility system rate model.
- Increase in the amount of grants received.
- Intentional buildup of fund balance.

Financial Analysis of the Town's Funds

As noted earlier, the Town of Valdese uses fund accounting to ensure, and to demonstrate compliance with, finance-related legal requirements.

Governmental Funds - The focus of the Town of Valdese's governmental funds is to provide information on near-term inflows, outflows, and balances of usable resources. Such information is useful in assessing the Town of Valdese's financing requirements. Specifically, unassigned fund balance can be a useful measure of a government's net resources available for spending at the end of the fiscal year.

The General Fund is the chief operating fund of the Town of Valdese. At the end of the current fiscal year, available fund balance of the General Fund was \$6,983,906, while the total fund balance reached \$8,724,530. The Town currently has an available fund balance of 123.58 percent of General Fund expenditures, while the total fund balance represents 154.38 percent of that same amount.

At June 30, 2024, the governmental funds of the Town of Valdese reported a combined fund balance of \$10,564,166, a 3.23 percent increase from last year. Included in this change in fund balance are increases in the fund balance in the General Fund and a decrease in the fund balances of the Other Governmental Funds.

General Fund Budgetary Highlights - During the fiscal year, the Town revised the budget on several occasions. Generally, budget amendments fall into one of three categories: 1) amendments made to adjust the estimates that are used to prepare the original budget ordinance once exact information is available; 2) amendments made to recognize new funding amounts from external sources, such as Federal and State grants; and 3) increases in appropriations that become necessary to maintain services.

Proprietary Funds - The Town of Valdese's proprietary funds provide the same type of information found in the government-wide statements, but in more detail. Unrestricted net position of the Water and Sewer Fund at the end of the fiscal year amounted to \$4,988,356. The total change in net position was an increase of \$42,548. Other factors concerning the finances of this fund have already been addressed in the discussion of the Town of Valdese's business-type activities.

Capital Assets and Debt Administration

Capital Assets - The Town of Valdese's investment in capital assets for its governmental and business-type activities as of June 30, 2024, totals \$29,442,365 (net of accumulated depreciation). These assets include buildings, land, equipment, plant and distribution systems, and vehicles.

Major capital asset transactions during the year include the following additions (there were no significant demolitions or disposals):

- Patrol vehicle
- Replaced old sanitation truck with a newer used model
- Clock tower repairs
- Refreshed entrance signs in main corridors
- Fitness Center equipment
- Fuel Management system

**The Town of Valdese's Capital Assets
(Net of Depreciation)**

Figure 4

	Governmental Activities		Business-type Activities		Total	
	2024	2023	2024	2023	2024	2023
Land	\$ 1,805,787	\$ 1,805,787	\$ 316,070	\$ 316,070	\$ 2,121,857	\$ 2,121,857
Buildings	2,869,132	3,247,253	-	-	2,869,132	3,247,253
Plant and distribution systems	-	-	22,458,317	23,683,909	22,458,317	23,683,909
Equipment	742,312	784,404	524,193	522,174	1,266,505	1,306,578
Vehicles and motorized equipment	354,096	297,116	136,963	89,931	491,059	387,047
Construction in progress	-	-	235,495	67,200	235,495	67,200
Total	\$ 5,771,327	\$ 6,134,560	\$ 23,671,038	\$ 24,679,284	\$ 29,442,365	\$ 30,813,844

Additional information on the Town's capital assets can be found in Note III.A.4 of the Basic Financial Statements.

Long-Term Debt - As of June 30, 2024 the Town of Valdese had total debt outstanding of \$8,177,860.

The Town of Valdese's Outstanding Debt

Figure 5

	Governmental Activities		Business-type Activities		Total	
	2024	2023	2024	2023	2024	2023
General obligation bonds	\$ -	\$ -	\$ 991,000	\$ 1,015,000	\$ 991,000	\$ 1,015,000
Direct placement revolving loans	-	-	4,366,727	4,628,818	4,366,727	4,628,818
Direct placement installment purchases	2,665,343	2,831,792	154,790	180,147	2,820,133	3,011,939
Total	\$ 2,665,343	\$ 2,831,792	\$ 5,512,517	\$ 5,823,965	\$ 8,177,860	\$ 8,655,757

The Town of Valdese's total debt decreased by \$477,867 (5.53%) during the past fiscal year.

North Carolina General Statutes limit the amount of general obligation debt that a unit of government can issue to 8 percent of the total assessed value of taxable property located within that government's boundaries. The legal debt margin for the Town of Valdese is \$35,627,922.

Additional information regarding the Town of Valdese's long-term debt can be found in Note III.B.6 beginning on page 48 of this report.

Economic Factors and Next Year's Budgets and Rates

The following are key economic indicators that continue to affect the status of the Town:

- The Town of Valdese (regional) unemployment rate was 4.1%, compared to the State's rate of 3.6% and the national rate of 4.1% as of June 30, 2024.
- Property taxes remain our largest revenue source.
- Sales and Utility Franchise taxes are our next largest revenue sources. Both have been trending positive. We expect this trend to slow down in the upcoming fiscal year.
- The effects of losing textile industries continues to provide challenges for our Utility System. However, we are optimistic that the current and planned effort to expand our residential customer base through development and acquisition will continue to partially offset these losses.
- Our utility system has aging infrastructure in the ground and at both the Water and Wastewater Treatment Plants. The Town implements a rate study annually that takes these factors into consideration to develop our utility rates.

- Inflation for cost of goods and materials to provide clean water, treat sewage, and provide Town services continues to outpace any increase of revenue creating a struggle to maintain the level of services and compliance with regulatory State agencies as available budgeted funds shrink as these cost of goods and materials increase.

Budget Highlights for the Fiscal Year Ending June 30, 2025

The budget for fiscal year 2024-2025 increased 8.0% over the previous fiscal year. The General fund increase remained flat, however the majority of the budget increase was in the Utility fund. This is due to some large capital projects in the Utility departments such as an aeration basin upgrades at the Wastewater Treatment Plant and air actuated valve operators at the Water Plant. Other smaller capital investments included upgrading the booster pump stations/tank telemetry, SCADA updates, ARC flash study, and a pipe jetter.

The property tax rate decreased to \$0.415 per one hundred dollars (\$100) valuation.

Requests for Information

This report is designed to provide an overview of the Town's finances for those with an interest in this area. Questions concerning any of the information found in this report, or requests for additional information, should be directed to Director of Finance, Town of Valdese, P. O. Box 339, Valdese, N. C. 28690-0339. One can also call (828) 879-2120 or visit our website www.townofvaldese.com.

**Basic
Financial
Statements**

TOWN OF VALDESE, NORTH CAROLINA

Exhibit 1

Statement of Net Position June 30, 2024

<u>Assets</u>	Primary Government			<u>Town of Valdese ABC Board</u>
	<u>Governmental Activities</u>	<u>Business- type Activities</u>	<u>Total</u>	
Current assets:				
Cash and investments	\$ 11,945,749	\$ 4,773,926	\$ 16,719,675	\$ 113,061
Restricted cash and investments	271,806	98,536	370,342	-
Taxes receivable, net	88,011	-	88,011	-
Accounts receivable, net	61,969	752,344	814,313	-
Interest receivable	20,631	-	20,631	-
Due from other governmental agencies	461,629	-	461,629	-
Prepaid expenses	28,023	9,174	37,197	-
Inventories	180,274	174,588	354,862	321,957
Total current assets	13,058,092	5,808,568	18,866,661	435,018
Non-current assets:				
Capital assets:				
Land, non-depreciable assets and construction in progress	1,805,787	551,565	2,357,352	-
Other capital assets, net of depreciation	3,965,540	23,119,473	27,085,013	43,003
Total capital assets	5,771,327	23,671,038	29,442,365	43,003
Total non-current assets	5,771,327	23,671,038	29,442,365	43,003
Right to use leased asset, net of amortization	-	-	-	21,131
Total assets	18,829,419	29,479,606	48,309,026	499,150
Deferred outflows of resources	1,345,755	510,138	1,855,893	61,981
<u>Liabilities</u>				
Current liabilities:				
Accounts payable and other current liabilities	185,285	128,210	313,495	180,158
Refundable advances	2,200,000	-	2,200,000	-
Customer deposits	-	98,536	98,536	-
Long-term liabilities				
Due within one year	152,851	335,340	488,191	23,250
Due in more than one year	5,692,527	6,205,815	11,898,342	62,323
Total liabilities	8,230,663	6,767,901	14,998,564	265,731
Deferred inflows of resources	479,054	74,970	554,024	179
<u>Net Position</u>				
Net investment in capital assets	3,105,984	18,158,521	21,264,505	43,003
Restricted for stabilization by state statute	1,090,358	-	1,090,358	68,215
Restricted for town revitalization	40,901	-	40,901	-
Restricted for USDA	160,132	-	160,132	-
Restricted for streets	111,674	-	111,674	-
Unrestricted	6,956,408	4,988,356	11,944,764	181,419
Total net position	\$ 11,465,457	\$ 23,146,877	\$ 34,612,335	\$ 292,637

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA

Exhibit 2

**Statement of Activities
For the Year Ended June 30, 2024**

Functions/Programs	Expenses	Program Revenues				Primary Government			Town of Valdease ABC Board
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Net (Expense) Revenue and Changes in Net Position				
					Governmental Activities	Business- type Activities	Total		
Governmental activities:									
General government	\$ 1,077,601	\$ 124,008	\$ -	\$ -	\$ (953,593)	\$ -	\$ (953,593)	\$ -	
Public safety	2,682,018	863	10	126,321	(2,554,824)	-	(2,554,824)	-	
Transportation	470,328	-	183,431	-	(286,897)	-	(286,897)	-	
Environmental protection	406,288	256,738	-	-	(149,550)	-	(149,550)	-	
Cultural and recreational	1,477,594	417,817	70,641	111,163	(877,973)	-	(877,973)	-	
Economic and physical development	1,373,523	-	-	-	(1,373,523)	-	(1,373,523)	-	
Interest on long-term debt	93,794	-	-	-	(93,794)	-	(93,794)	-	
Total governmental activities	7,581,146	799,426	254,082	237,484	(6,290,154)	-	(6,290,154)	-	
Business-type activities:									
Water and sewer	6,099,218	6,149,682	-	158,382	-	208,846	208,846	-	
Total business-type activities	6,099,218	6,149,682	-	158,382	-	208,846	208,846	-	
Total primary government	\$ 13,680,364	\$ 6,949,108	\$ 254,082	\$ 395,866	(6,290,154)	208,846	(6,081,308)	-	
Component unit:									
ABC Board	2,277,308	2,296,568	-	-	-	-	-	19,260	
Total component unit	2,277,308	2,296,568	-	-	-	-	-	19,260	
General revenues:									
Ad valorem taxes					2,940,020	-	2,940,020	-	
Local option sales tax					2,048,103	-	2,048,103	-	
Other taxes					483,524	-	483,524	-	
Unrestricted investment earnings					708,322	46,405	754,727	1,031	
Miscellaneous					(185,430)	8,298	(177,132)	-	
Transfers					221,000	(221,000)	-	-	
Total general revenues and transfers					6,215,539	(166,297)	6,049,242	1,031	
Change in net position					(74,615)	42,548	(32,067)	20,291	
Net position, beginning					11,540,072	23,104,329	34,644,402	272,346	
Net position - ending					\$ 11,465,457	\$ 23,146,877	\$ 34,612,335	\$ 292,637	

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA

Exhibit 3

Balance Sheet Governmental Funds June 30, 2024

	Major Funds			Total Governmental Funds
	General Fund	Hoyle Creek Restoration Fund	Total Non-Major Funds	
Assets				
Cash and investments	\$ 7,470,706	\$ 2,200,000	\$ 2,275,043	\$ 11,945,749
Restricted cash and investments	271,806	-	-	271,806
Taxes receivable, net	88,011	-	-	88,011
Accounts receivable, net	61,969	-	-	61,969
Due from other funds	396,596	-	-	396,596
Due from other governmental agencies	461,629	-	-	461,629
Prepaid expenses	28,023	-	-	28,023
Inventories	180,274	-	-	180,274
Total assets	<u>\$ 8,959,015</u>	<u>\$ 2,200,000</u>	<u>\$ 2,275,043</u>	<u>\$ 13,434,058</u>
Liabilities and Fund Balances				
Liabilities:				
Accounts payable and other current liabilities	\$ 146,474	\$ -	\$ 38,811	\$ 185,285
Due to other funds	-	-	396,596	396,596
Refundable advances	-	2,200,000	-	2,200,000
Total liabilities	<u>146,474</u>	<u>2,200,000</u>	<u>435,407</u>	<u>2,781,881</u>
Deferred inflows of resources:				
Property taxes receivable	88,011	-	-	88,011
Fund balances:				
Nonspendable:				
Prepaid expenses	28,023	-	-	28,023
Inventories	180,274	-	-	180,274
Restricted:				
Stabilization by State Statute	1,090,358	-	-	1,090,358
Encumbrances	170,163	-	-	170,163
Town revitalization	-	-	40,901	40,901
Streets	111,674	-	-	111,674
Committed:				
USDA reserve	160,132	-	-	160,132
Assigned:				
Capital projects	-	-	1,798,735	1,798,735
Unassigned	6,983,906	-	-	6,983,906
Total fund balances	<u>8,724,530</u>	<u>-</u>	<u>1,839,636</u>	<u>10,564,166</u>
Total liabilities and fund balances	<u>\$ 8,959,015</u>	<u>\$ 2,200,000</u>	<u>\$ 2,275,043</u>	<u>\$ 13,434,058</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA
Exhibit 4

**Reconciliation of the Governmental Funds
Balance Sheet to the Statement of Net Position
June 30, 2024**

Total governmental fund balances	\$ 10,564,166
Amounts reported for governmental activities in the statement of net position are different because:	
Capital assets used in governmental activities are not financial resources and, therefore are not reported in the funds.	5,771,327
Deferred outflows of resources related to pensions are not reported in the funds	1,234,034
Deferred outflows of resources related to OPEB are not reported in the funds	111,721
Other long-term assets are not available to pay for current-period expenditures and, therefore, are deferred in the funds.	108,641
Deferred inflows of resources related to pensions are not reported in the funds	(186,495)
Deferred inflows of resources related to OPEB are not reported in the funds	(292,559)
Long-term liabilities, including bonds payable, OPEB, pension liability and compensated absences are not due and payable in the current period, and therefore, are not reported in the funds.	<u>(5,845,378)</u>
Net position of governmental activities	<u>\$ 11,465,457</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA
Exhibit 5

**Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2024**

	<u>Major Funds</u>		<u>Total Non-Major Funds</u>	<u>Total Governmental Funds</u>
	<u>General Fund</u>	<u>Hoyle Creek Restoration Fund</u>		
Revenues:				
Ad valorem taxes	\$ 2,956,235	\$ -	\$ -	\$ 2,956,235
Other taxes and licenses	1,895,258	-	-	1,895,258
Unrestricted intergovernmental revenues	654,301	-	-	654,301
Restricted intergovernmental revenues	183,431	-	111,163	294,594
Sales and services	773,238	-	-	773,238
Investment earnings	671,522	-	36,800	708,322
Other revenues	68,608	-	196,972	265,580
Total revenues	<u>7,202,594</u>	<u>-</u>	<u>344,935</u>	<u>7,547,529</u>
Expenditures:				
Current:				
General government	994,885	-	-	994,885
Public safety	2,006,659	-	413,560	2,420,219
Environmental protection	515,384	-	-	515,384
Transportation	361,233	-	-	361,233
Cultural and recreational	1,512,869	-	-	1,512,869
Economic and physical development	-	-	1,373,522	1,373,522
Debt service:				
Principal	166,449	-	-	166,449
Interest and other charges	93,794	-	-	93,794
Total expenditures	<u>5,651,273</u>	<u>-</u>	<u>1,787,082</u>	<u>7,438,355</u>
Revenues over (under) expenditures	<u>1,551,322</u>	<u>-</u>	<u>(1,442,147)</u>	<u>109,175</u>
Other Financing Sources (Uses):				
Operating transfers - in	221,000	-	1,184,290	1,405,290
Operating transfers - out	(1,184,290)	-	-	(1,184,290)
Total other financing sources (uses)	<u>(963,290)</u>	<u>-</u>	<u>1,184,290</u>	<u>221,000</u>
Net change in fund balances	588,030	-	(257,857)	330,173
Fund balances, beginning	<u>8,136,499</u>	<u>-</u>	<u>2,097,494</u>	<u>10,233,993</u>
Fund balances, ending	<u>\$ 8,724,530</u>	<u>\$ -</u>	<u>\$ 1,839,636</u>	<u>\$ 10,564,166</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA

Exhibit 6

**Reconciliation of the Statement of Revenues, Expenditures and
Changes in Fund Balances of the Governmental Funds to the
Statement of Activities
For the Year Ended June 30, 2024**

Amounts reported for governmental activities in the statement of activities are different because:

Net changes in fund balances - total governmental funds	\$ 330,173
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capita outlay in the current period.	(117,450)
Contributions to the pension plan in the current fiscal year are not included on the Statement of Activities	318,204
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds. Change in deferred revenue for tax revenues.	(16,214)
The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of the governmental funds. Neither transaction has any effect on net assets. Also, governmental funds report the effect of issuance cost, premiums, discounts and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This amount is the net effect of these differences in the treatment of long-term debt and related items.	(166,449)
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	
Other postemployment benefits	(130,215)
Pension expense	(292,249)
Compensated absences	<u>(415)</u>
Total changes in net position of governmental activities	<u>\$ (74,615)</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA
Exhibit 7

General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance -
Budget and Actual
For the Year Ended June 30, 2024

	General Fund			Variance with Final Budget - Positive (Negative)
	Original Budget	Final Budget	Actual Amounts	
Revenues:				
Ad valorem taxes	\$ 2,754,668	\$ 2,754,668	\$ 2,956,235	\$ 201,567
Other taxes and licenses	1,720,144	1,720,144	1,895,258	175,114
Unrestricted intergovernmental revenues	629,244	629,244	654,301	25,057
Restricted intergovernmental revenues	146,300	146,300	183,431	37,131
Sales and services	770,474	749,074	773,238	24,164
Investment earnings	100,000	100,000	671,522	571,522
Other revenues	13,500	(650)	68,608	69,258
Total revenues	<u>6,134,330</u>	<u>6,098,780</u>	<u>7,202,594</u>	<u>1,103,815</u>
Expenditures:				
Current:				
General government	1,095,644	1,344,018	994,885	349,133
Public safety	2,129,784	2,147,674	2,006,659	141,015
Transportation	386,377	388,931	361,233	27,698
Environmental protection	533,199	558,199	515,384	42,815
Cultural and recreational	1,514,362	1,563,047	1,512,869	50,178
Debt service:				
Principal	166,449	166,449	166,449	-
Interest and other charges	93,794	93,794	93,794	-
Total expenditures	<u>5,919,609</u>	<u>6,262,112</u>	<u>5,651,273</u>	<u>610,839</u>
Revenues over (under) expenditures	<u>214,721</u>	<u>(163,333)</u>	<u>1,551,322</u>	<u>1,714,654</u>
Other Financing Sources (Uses):				
Appropriated fund balance	238,279	1,126,623	-	(1,126,623)
Operating transfers - in (out)	(453,000)	(963,290)	(963,290)	-
Total other financing sources (uses)	<u>(214,721)</u>	<u>163,333</u>	<u>(963,290)</u>	<u>(1,126,623)</u>
Net change in fund balance	<u>\$ -</u>	<u>\$ -</u>	<u>588,030</u>	<u>\$ 588,030</u>
Fund balance, beginning			<u>8,136,499</u>	
Fund balance, ending			<u>\$ 8,724,530</u>	

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA

Exhibit 8

**Statement of Fund Net Position
Proprietary Fund
June 30, 2024**

	<u>Enterprise Fund</u>
	<u>Utility</u>
	<u>Fund</u>
<u>Assets</u>	
Current assets:	
Cash and investments	\$ 4,773,926
Accounts receivable, net	752,344
Inventories	174,588
Prepaid expenses	9,174
Restricted cash and cash equivalents	<u>98,536</u>
Total current assets	<u>5,808,568</u>
Noncurrent assets:	
Capital assets:	
Land and improvements	316,070
Buildings and improvements	20,508,378
Distribution systems	28,896,412
Furniture and maintenance equipment	987,795
Vehicles	602,202
Construction in progress	235,495
Less accumulated depreciation	<u>(27,875,314)</u>
Capital assets, net	<u>23,671,040</u>
Total noncurrent assets	<u>23,671,040</u>
Total assets	<u>29,479,608</u>
Deferred Outflows of Resources	<u>510,138</u>
<u>Liabilities</u>	
Current liabilities:	
Accounts payable and other current liabilities	128,210
Customer deposits	98,536
General obligation bonds payable - current	36,546
Loans payable - current	<u>298,794</u>
Total current liabilities	562,084
Noncurrent liabilities:	
General obligation bonds payable	1,093,002
Loans payable	4,084,175
Net pension liability	835,562
Other postemployment benefits liability	114,883
Accrued compensated absences	<u>78,193</u>
Total liabilities	<u>6,767,899</u>
Deferred Inflows of Resources	<u>74,970</u>
<u>Net Position</u>	
Net investment in capital assets	18,158,523
Unrestricted	<u>4,988,354</u>
Total net position	<u>23,146,877</u>
Net position of business-type activities	<u>\$ 23,146,877</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA

Exhibit 9

Statement of Revenues, Expenses and Changes in Fund Net Position
Proprietary Fund
For the Year Ended June 30, 2024

	<u>Enterprise Fund</u>
	<u>Utility</u>
	<u>Fund</u>
Operating Revenues:	
Charges for services	\$ 5,328,442
Other operating revenues	821,241
Total operating revenues	<u>6,149,682</u>
Operating Expenses:	
Administration	1,122,524
Water supply and treatment	1,307,157
Wastewater treatment	1,275,738
Water and sewer maintenance	954,737
Depreciation	1,392,124
Total operating expenses	<u>6,052,280</u>
Operating income (loss)	<u>97,402</u>
Nonoperating Revenues (Expenses):	
Debt assistance - Town of Drexel	183
Investment earnings	46,405
Interest expense	(46,938)
Disposal of fixed assets	14,000
Other	(5,887)
Nonoperating revenues (expenses), net	<u>7,764</u>
Income (loss) before operating transfers and capital contributions	105,166
Capital contributions	158,382
Transfers (to) from other funds: General fund	<u>(221,000)</u>
Change in net position	42,548
Total net position-beginning	<u>23,104,329</u>
Total net position- ending	<u>\$ 23,146,877</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA
Exhibit 10
Page 1 of 2
Statement of Cash Flows
Proprietary Fund
For the Fiscal Year Ended June 30, 2024

	<u>Enterprise Fund</u>
	<u>Utility</u>
	<u>Fund</u>
Cash Flows From Operating Activities:	
Cash received from customers	\$ 6,097,168
Cash paid for goods and services	(4,212,187)
Cash paid to employees	<u>(231,922)</u>
Net cash provided (used) by operating activities	<u>1,653,059</u>
Cash Flows From Noncapital Financing Activities:	
Operating transfers out	<u>(221,000)</u>
Cash Flows From Capital and Related Financing Activities:	
Proceeds from sale of fixed assets	14,000
Addition of construction in progress	(168,295)
Acquisition of capital assets	(215,587)
Principal paid on bonds	(311,448)
Interest paid on bonds	(46,938)
Other	(5,702)
Capital contributions	<u>158,382</u>
Net cash provided (used) for capital and related financing activities	<u>(575,588)</u>
Cash Flows From Investing Activities:	
Interest on investments	<u>46,405</u>
Net cash provided (used) by investing activities	<u>46,405</u>
Net increase (decrease) in cash and cash equivalents	902,876
Cash and cash equivalents at beginning of year	<u>3,969,586</u>
Cash and cash equivalents at end of year	<u>\$ 4,872,462</u>

cont.

TOWN OF VALDESE, NORTH CAROLINA
Exhibit 10, cont.
Page 2 of 2
Statement of Cash Flows
Proprietary Fund
For the Fiscal Year Ended June 30, 2024

	<u>Enterprise Fund</u> <u>Utility</u> <u>Fund</u>
Reconciliation of Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities:	
Operating income (loss)	\$ <u>97,402</u>
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities:	
Depreciation	1,392,124
Changes in assets, deferred outflows of resources and liabilities:	
(Increase) decrease in receivables	(60,959)
(Increase) decrease in deferred outflows of resources - pension	(19,460)
(Increase) decrease in deferred outflows of resources - OPEB	6,694
(Increase) decrease in inventories	54,307
Increase (decrease) in net pension liability	119,326
Increase (decrease) in payables	82,009
Increase (decrease) in accrued vacation pay and other postemployment benefits	(29,465)
Increase (decrease) in deferred inflows of resources - pension	(5,995)
Increase (decrease) in deferred inflows of resources - OPEB	8,631
Increase (decrease) in customer deposits	8,445
Total adjustments	<u>1,555,657</u>
Net cash provided (used) by operating activities	<u>\$ 1,653,059</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF VALDESE, NORTH CAROLINA**Notes to the Financial Statements
For the Fiscal Year Ended June 30, 2024**

I. Summary of Significant Accounting Policies

The accounting policies of the Town of Valdese, and its discretely presented component unit, conform to generally accepted accounting principles as applicable to governments. The following is a summary of the more significant accounting policies:

A. Reporting Entity

The Town of Valdese is a municipal corporation which is governed by an elected mayor and a five-member council. As required by generally accepted accounting principles, these financial statements present the Town and its component unit, a legally separate entity for which the Town is financially accountable. The discretely presented component unit presented below is reported in a separate column in the Town's financial statements in order to emphasize that it is legally separate from the Town.

The Town of Valdese ABC Board

The members of the ABC Board's governing board are appointed by the Town. In addition, the ABC Board is required by State statute to distribute its surpluses to the General Fund of the Town. The ABC Board, which has a June 30 year-end, is presented as if it were a proprietary fund (discrete presentation). Complete financial statements for the ABC Board may be obtained from the entity's administrative offices at Town of Valdese ABC Board, P. O. Box 1058, Valdese, N. C. 28690.

B. Basis of Presentation

Government-wide Statements: The Statement of Net Position and the Statement of Activities display information about the primary government and its component unit. These statements include the financial activities of the overall government. Eliminations have been made to minimize the double counting of internal activities. These statements distinguish between the governmental and business-type activities of the Town. Governmental activities, generally, are financed through taxes, intergovernmental revenues, and other non-exchange transactions. Business-type activities are financed in whole, or in part, by fees charged to external parties.

The Statement of Activities presents a comparison between direct expense and program revenues for the different business-type activities of the Town and for each function of the Town's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Indirect expense allocations that have been made in the funds have been reversed for the Statement of Activities. Program revenues include: (a) fees and charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The Fund Financial Statements provide information about the Town's funds. Separate statements for each fund category - governmental and proprietary - are presented. The emphasis of Fund Financial Statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as non-major funds.

Proprietary fund operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. Non-operating revenues, such as subsidies, result from non-exchange transactions. Other non-operating revenues are ancillary activities such as investment earnings.

The Town reports the following major governmental funds:

General Fund - The General Fund is the general operating fund of the Town. The General Fund accounts for all financial resources except those that are required to be accounted for in another fund. The primary revenue sources are ad valorem taxes, State grants, and various other taxes and licenses. The primary expenditures are for public safety, street maintenance and construction, and sanitation services.

Hoyle Creek Restoration Fund - This fund accounts for the funding and expenditures relating to the restoration of Hoyle Creek.

The Town reports the following non-major governmental funds:

Street Improvements Fund - This fund is used to account for improvements to Town streets.

Police Department Capital Project Fund - This fund is used to account for police department capital expenditures.

Public Safety Building Project Fund - This fund is used to account for costs associated with the planning of a new public safety building.

Public Art Fund - This fund is used to account for assets to add art to the Town.

Capital Outlay Fund - This fund accounts for assets held by the Town for the construction of a community house or other capital projects.

Lake Rhodhiss Capital Project Fund - This fund is used to account for improvements to the Lake Rhodhiss Plant.

Pool Structure Fund - This fund is used to account for the construction of a new pool structure.

McGalliard Creek Bridge Fund - This fund is used to construct a bridge to connect the two areas of the park.

Community Center Gym Renovation Fund - This fund is used to account for the renovation of the community center gym.

Lakeside Park Phase I Project Fund - This fund is used to acquire revenue for the first phase of the Lakeside Park construction.

Old Rock School Renovation Fund - This fund is used to account for the renovation of the Old Rock School.

Community Center Renovation Fund - This fund is used to account for the renovation of the Community Center.

The Town reports the following major enterprise fund:

Utility Fund - This fund is used to account for the Town's water and sewer operations.

C. Measurement Focus and Basis of Accounting

In accordance with North Carolina General Statutes, all funds of the Town are maintained during the year using the modified accrual basis of accounting.

Government-wide and Proprietary Fund Financial Statements - The government-wide and proprietary fund financial statements are reported using the economic resources measurement focus. The government-wide and proprietary fund financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned, and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Non-exchange transactions, in which the Town gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Amounts reported as program revenues include: 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Town's enterprise fund are charges to customers for sales and services. The Town also recognizes as operating revenue the portion of tap fees intended to recover the cost of connecting new customers to the water and sewer system. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

Governmental Fund Financial Statements - Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

The Town considers all revenues available if they are collected within 90 days after year-end, except for property taxes. Ad valorem taxes receivable are not accrued as a revenue because the amount is not susceptible to accrual. At June 30, taxes receivable for property other than motor vehicles are materially past due and are not considered to be an available resource to finance the operations of the current year. Also, as of September 1, 2013, State law altered the procedures for the assessment and collection of property taxes on registered motor vehicles in North Carolina. Effective with this change in the law, the State of North Carolina is responsible for billing and collecting the property taxes on registered motor vehicles on behalf of all municipalities and special tax districts. Property taxes are due when the vehicles are registered. The billed taxes are applicable to the fiscal year in which they are received. Uncollected taxes that were billed in periods prior to September 1, 2013, and for limited registration plates, are shown as a receivable in these financial statements and are offset by deferred inflows of resources.

Sales taxes and certain intergovernmental revenues, such as the utilities franchise tax, collected and held by the State at year-end on behalf of the Town, are recognized as revenue. Intergovernmental revenues and sales and services are not susceptible to accrual because, generally, they are not measurable until received in cash. Grant revenues which are unearned at year-end are recorded as unearned revenues. Under the terms of grant agreements, the Town funds certain programs by a combination of specific cost-reimbursement grants, categorical block grants, and general revenues. Thus, when program expenses are incurred, there are both restricted and unrestricted net assets available to finance the program. It is the Town's policy to first apply cost-reimbursement grant resources to such programs, followed by categorical block grants, and then by general revenues.

D. Budgetary Data

The Town's budgets are adopted as required by the North Carolina General Statutes. An annual budget is adopted for the General Fund and the Enterprise Funds. All annual appropriations lapse at the fiscal year-end. Project ordinances are adopted for the Capital Project Funds, Special Revenue Funds, and the Enterprise Fund Capital Projects Funds, which are consolidated with the operating funds for reporting purposes. All budgets are prepared using the modified accrual basis of accounting. Expenditures may not legally exceed appropriations at the department level for all annually budgeted funds and at the object level for the multi-year funds. The Town manager has unlimited authority to transfer appropriations within a department. He is authorized to transfer up to \$1,000 between departments of the same fund with subsequent Board approval. During the year, several immaterial amendments to the original budget were necessary. The budget ordinance must be adopted by July 1 of the fiscal year, or the governing board must adopt an interim budget that covers that time until annual ordinance can be adopted. The Capital Outlay Fund is not required to be budgeted.

E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Fund Equity

1. Deposits and Investments

All deposits of the Town and the ABC Board are made in Board-designated, official depositories and are secured as required by State law (G.S. 159-31). The Town and the ABC Board may designate as an official depository any bank or savings association whose principal office is located in North Carolina. Also, the Town and the ABC Board may establish time deposit accounts such as NOW and Super NOW accounts, money market accounts, and certificates of deposit.

State law (G.S. 159-30(e)) authorizes the Town and the ABC Board to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States; obligations of the State of North Carolina; bonds and notes of any North Carolina local government or public authority; obligations of certain non-guaranteed federal agencies; certain high quality issues of commercial paper and bankers' acceptances; and the North Carolina Capital Management Trust (NCCMT).

The Town's investments and the ABC Board's investments are reported at fair value. Non-participating, interest-earning contracts are accounted for at cost. The NCCMT Government Portfolio, a SEC-registered (2a-7) money market mutual fund, is measured at fair value. The NCCMT-Term Portfolio is a bond fund, has no rating and is measured at fair value. As of June 30, 2024, the Term portfolio has a duration of 0.15 years. Because the NCCMT Government and Term Portfolios have a weighted average maturity of less than 90 days, they are presented as an investment with a maturity of less than 6 months.

2. Cash and Cash Equivalents

The Town pools money from several funds to facilitate disbursement and investment and to maximize investment income and considers all cash and investments to be cash and cash equivalents. The ABC Board considers all highly liquid investments (including restricted assets) with a maturity of three months or less when purchased to be cash and cash equivalents.

3. Restricted Assets

Customer deposits held by the Town before any services are supplied are restricted to the service for which the deposit was collected.

Powell Bill Funds are also classified as restricted cash because they can be expended only for the purpose outlined in G.S. 136-41.1 through 136-41.4.

<u>Town of Valdese Restricted Cash</u>	
Governmental activities	
General Fund	
Streets	\$ 111,674
USDA	160,132
Total governmental activities	<u>271,806</u>
Business-type activities	
Water and sewer fund	
Customer deposits	98,536
Total restricted cash	<u>\$ 370,342</u>

4. Ad Valorem Taxes Receivable

In accordance with State law [G.S. 105-347 and G.S. 159-13(a)], the Town levies ad valorem taxes on property other than motor vehicles on July 1, the beginning of the fiscal year. The taxes are due on September 1 (lien date); however, interest does not accrue until the following January 6th. These taxes are based on the assessed values as of January 1, 2023. As allowed by State law, the Town has established a schedule of discounts that apply to taxes that are paid prior to the due date. In the Town's General Fund, ad valorem tax revenues are reported net of such discounts.

5. Allowances for Doubtful Accounts

All receivables that historically experience uncollectible accounts are shown net of an allowance for doubtful accounts. This amount is estimated by analyzing the percentage of receivables that was written off in prior years.

6. Inventory and Prepaid Items

The inventories of the Town and the ABC Board are valued at cost (first-in, first-out), which approximates market. The Town's General Fund inventory consists of expendable supplies, and they are recorded as expenditures as used, rather than when purchased.

The inventories of the Town's Enterprise Fund, and those of the ABC Board, consists of materials and supplies held for subsequent use. The cost of this inventory is expensed when consumed, rather than when purchased.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements and are expensed as the items are used.

7. Capital Assets

Capital assets are defined by the government as assets with an initial, individual cost of more than a certain cost and an estimated useful life in excess of two years. Minimum capitalization costs are \$5,000. Donated capital assets received prior to June 15, 2015 are recorded at their estimated fair value at the date of donation. Donated capital assets received after June 15, 2015 are recorded at acquisition value. All other purchased or constructed capital assets are reported at cost or estimated historical cost. The cost of normal maintenance and repairs that do not add to the value of the assets, or materially extend assets' lives, is not capitalized.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

<u>Asset Class</u>	<u>Estimated Useful Lives</u>
Infrastructure	30
Buildings	50
Improvements	25
Vehicles	6
Furniture and equipment	10
Computer equipment	3

Property and equipment of the ABC Board are depreciated over their useful lives on a straight-line basis as follows:

<u>Asset Class</u>	<u>Estimated Useful Lives</u>
Equipment and furniture	10
Leasehold improvements	10-20
Computers	3

8. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, Deferred Outflows of Resources, represents a consumption of net position that applies to a future period and so will not be recognized as an expense or expenditure until then. The Town has one item that meets this criterion, pension and OPEB deferrals for the 2024 fiscal year. In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, Deferred Inflows of Resources, represents an acquisition of net position that applies to a future period and so will not be recognized as revenue until then. The Town has three items that meet the criterion for this category - property taxes receivable, unavailable revenues (reported only on the Balance sheet of the Government Funds), and pension and OPEB deferrals.

9. Right to use assets

The Component Unit had recorded right to use lease assets as a result of implementing GASB 87. The right to use assets are initially measured at an amount equal to the initial measurement of the related lease liability plus any lease payments made prior to the lease term, less lease incentives, and plus ancillary charges necessary to place the lease into service. The right to use assets are amortized on a straight-line basis over the life of the related lease.

10. Refundable Advances

During the year ending June 30, 2024, the Town received a grant from the State to assistance in the restoration of Hoyle Creek. No expenditures for this project have been incurred as of year end. Any unspent grant proceeds at the end of the grant period will have to be refunded to the State.

11. Long-Term Obligations

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net assets. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method that approximates the effective interest method. Bonds payable are reported net of the applicable bond premiums or discounts. Bond issuance costs are reported as deferred charges and amortized over the term of the related debt.

In fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources, while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

12. Compensated Absences

The vacation policy of the Town provides for the accumulation of up to thirty days earned vacation leave with such leave being fully vested when earned. For the Town's government-wide and proprietary funds, an expense and a liability for compensated absences and the salary-related payments are recorded as the leave is earned. The Town has assumed a first-in, first-out method of using accumulated compensated time. The portion of the time that is estimated to be used in the next fiscal year has been designated as current liability in the government-wide financial statements.

The Town's sick leave policy provides for an unlimited accumulation of earned sick leave. Sick leave does not vest, but any unused sick leave accumulated at the time of retirement may be used in the determination of length of service for retirement benefit purposes. Since the Town has no obligation for the accumulated sick leave until it is actually taken, no accrual for sick leave has been made.

13. Net Position/Fund Balances

Net Position

Net position in government-wide and proprietary fund financial statements is classified as net investment in capital assets; restricted and unrestricted. Restricted net position represents constraints on resources that are either externally imposed by creditors, grantors, contributors, laws, or regulations of other governments, or imposed by law through State statute.

Fund Balances

In the governmental fund financial statements, fund balance is composed of five classifications designed to disclose the hierarchy of constraints placed on how fund balance can be spent.

The governmental fund types classify fund balances as follows:

Non-spendable Fund Balance - This classification includes amounts that cannot be spent because they are either: (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Inventories - the portion of fund balance that is not an available resource because it represents the year-end balance of ending inventories, which are not spendable resources.

Prepaid expense - the portion of fund balance that is not an available resource, because it represents the year-end balance of prepaid expenses.

Restricted Fund Balance - This classification includes amounts that are restricted to specific purposes externally imposed by creditors or imposed by law.

Restricted for Stabilization by State Statute - the portion of fund balance that is restricted by State Statute [G.S. 159-8(a)].

Restricted for Encumbrances - the portion of fund balance to be used for future obligations.

Restricted for Streets - the Powell Bill portion of fund balance that is restricted by revenue source for street construction and maintenance expenditures. This amount represents the balance of the total unexpended Powell Bill Funds.

Restricted for Town Revitalization - the portion of fund balance to be used for Town improvements.

Committed Fund Balance - the portion of fund balance that can only be used for specific purposes imposed by a majority vote by quorum of the Town of Valdese's governing body (highest level of decision-making authority). The governing body can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

USDA Reserve - the portion of fund balance restricted as stated by USDA.

Assigned Fund Balance - the portion of fund balance that the Town of Valdese intends to use for specific purposes.

Capital Projects - the portion of fund balance that has been budgeted for future capital projects.

Subsequent Year's Expenditures - the portion of fund balance that is appropriated in the next year's budget that is not already classified in restricted or committed.

Unassigned Fund Balance - the portion of the fund balance that has not been restricted, committed, or assigned to specific purposes or other funds.

The Town of Valdese has a revenue spending policy that provides guidance for programs with multiple revenue sources. The Finance Officer will use resources in the following hierarchy: bond proceeds, federal funds, State funds, local, non-Town funds, Town funds. For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first, followed in-order by: committed fund balance, assigned fund balance and, lastly, unassigned fund balance. The Finance Officer has the authority to deviate from this policy if it is in the best interest of the Town.

14. Defined Benefit Cost Sharing Plans

For purposes of measuring the net pension liability (asset), deferred outflows of resources and deferred inflows of resources related to pensions and pension expense, information about the fiduciary net position of the Local Governmental Employees' Retirement System (LGERS) and additions to/deductions from LGERS' fiduciary net position have been determined on the same basis as they are reported by LGERS. For this purpose, plan member contributions are recognized in the period in which the contributions are due. The Town of Valdese's employer contributions are recognized when due, and the Town of Valdese has a legal requirement to provide the contributions. Benefits and refunds are recognized when due and payable in accordance with the terms of LGERS. Investments are reported at fair value.

II. Stewardship, Compliance and Accountability

A. Deficit in Fund Balance of Individual Funds

The Old Rock School Renovation Fund had a deficit fund balance of \$435,407 at June 30, 2024.

Grant and other revenues to be received in 2024/25 will correct the deficit fund balance at June 30, 2024.

B. Excess of Expenditures over Appropriations

None

III. Detail Notes on All Funds

A. Assets

1. Deposits

All the deposits of the Town and the ABC Board are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits that exceed the federal depository insurance coverage level are collateralized with securities held by the Town's or the ABC Board's agent in these units' names. Under the Pooling Method, which is a collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer's agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Town and the ABC Board, these deposits are considered to be held by the Town's and the ABC Board's agent in their names. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest-bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the Town, the ABC Board, or the escrow agent. Because of the inability to measure the exact amounts of collateral pledged for the Town and the ABC Board under the Pooling Method, the potential exists for under-collateralization, and this risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method. The Town has no formal policy regarding custodial credit risk for deposits but relies on the State Treasurer to enforce standards of minimum capitalization for all Pooling Method financial institutions and to monitor them for compliance. The Town complies with the provisions of G.S. 159-31 when designating official depositories and verifying that deposits are properly secured.

The ABC Board has no formal policy regarding custodial credit risk for deposits.

At June 30, 2024, the Town's deposits had a carrying amount of \$848,586 and a bank balance of \$1,175,777. Of the bank balance, \$250,000 was covered by federal depository insurance, and the remainder was covered by collateral held under the Pooling Method. The carrying amount of deposits for the ABC Board was \$87,143, and the bank balance was \$126,029. All of the bank balance was covered by federal depository insurance.

2. Investments

At June 30, 2024, the Town's investment balances were as follows:

<u>Investment by Type</u>	<u>Valuation Measurement Method</u>	<u>Book Value at 6/30/2024</u>	<u>Maturity</u>	<u>Rating</u>
N.C. Capital Management Trust Government Portfolio	Fair Value Level 1	<u>\$16,241,431</u>	N/A	AAAm

Interest Rate Risk. The Town has no formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates.

Credit risk. The Town has no formal policy regarding credit risk but has internal management procedures that limit the Town's investments to the provisions of G.S. 159-30 and restricts the purchase of securities to the highest possible ratings whenever particular types of securities are rated. The Town's investment in the N. C. Capital Management Trust Term Portfolio is unrated. The Term Portfolio is authorized to invest in obligations of the U.S. government and agencies, and in high grade money market instruments as permitted under North Carolina General Statutes 159-30, as amended.

3. Receivables - Allowance for Doubtful Accounts

Receivables at the government-wide level at June 30, 2024 were are follows:

	<u>Accounts</u>	<u>Taxes and Related Accrued Interest</u>	<u>Due from Other Governments</u>	<u>Total</u>
Governmental Activities:				
General	\$ 61,969	\$ 148,642	\$ 461,629	\$ 672,240
Other governmental	-	-	-	-
Total	61,969	148,642	461,629	672,240
Allowance for doubtful accounts	-	(40,000)	-	(40,000)
Total - Governmental activities	<u>\$ 61,969</u>	<u>\$ 108,642</u>	<u>\$ 461,629</u>	<u>\$ 632,240</u>
Business-type Activities:				
Utility fund	\$ 752,344	\$ -	\$ -	\$ 752,344
Allowance for doubtful accounts	-	-	-	-
Total - Business-type activities	<u>\$ 752,344</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 752,344</u>

The due from other governments that is owed to the Town consists of the following:

Sales tax and utility franchise tax \$ 461,629

The amounts presented in the Balance Sheet and the Statement of Net Position are net of the following allowances for doubtful accounts:

General Fund:
Taxes receivable \$ 40,000

4. Capital Assets

Capital asset activity for the Town for the year ended June 30, 2024 was as follows:

	<u>Beginning Balances</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balances</u>
Governmental Activities:				
Capital assets not being depreciated:				
Land	\$ 1,805,787	\$ -	\$ -	\$ 1,805,787
Total capital assets not being depreciated	<u>1,805,787</u>	<u>-</u>	<u>-</u>	<u>1,805,787</u>
Capital assets being depreciated:				
Buildings	7,200,880	-	500,843	6,700,037
Equipment	1,417,982	139,827	135,417	1,422,392
Vehicles and motorized equipment	2,823,531	212,143	462,028	2,573,646
Total capital assets being depreciated	<u>11,442,393</u>	<u>351,970</u>	<u>1,098,288</u>	<u>10,696,075</u>
Less accumulated depreciation for:				
Buildings	3,953,627	132,421	255,143	3,830,905
Equipment	633,578	181,836	135,334	680,080
Vehicles and motorized equipment	2,526,415	155,163	462,028	2,219,550
Total accumulated depreciation	<u>7,113,620</u>	<u>469,420</u>	<u>852,505</u>	<u>6,730,535</u>
Total capital assets being depreciated, net	<u>4,328,773</u>	<u>(117,450)</u>	<u>245,783</u>	<u>3,965,540</u>
Governmental activity capital assets, net	<u>\$ 6,134,560</u>	<u>\$ (117,450)</u>	<u>\$ 245,783</u>	<u>\$ 5,771,327</u>

Depreciation expense was charged to functions/programs of the Town as follows:

General government	\$ 53,330
Public safety	189,578
Transportation	107,958
Environmental protection	10,013
Cultural and recreational	108,541
Total depreciation expense	<u>\$ 469,420</u>

	<u>Beginning Balances</u>	<u>Increase</u>	<u>Decreases</u>	<u>Ending Balances</u>
Business-type Activities:				
Utility Fund:				
Capital assets not being depreciated:				
Land	\$ 316,070	\$ -	\$ -	\$ 316,070
Construction in progress	67,200	168,295	-	235,495
Total capital assets not being depreciated	<u>383,270</u>	<u>168,295</u>	<u>-</u>	<u>551,565</u>
Capital assets being depreciated:				
Plant and distributions systems	49,404,793	-	-	49,404,793
Equipment	851,940	135,855	-	987,795
Vehicles	712,236	79,730	189,763	602,203
Total capital assets being depreciated	<u>50,968,969</u>	<u>215,585</u>	<u>189,763</u>	<u>50,994,791</u>
Less accumulated depreciation for:				
Plant and distributions systems	25,720,884	1,225,592	-	26,946,476
Equipment	329,766	133,836	-	463,602
Vehicles	622,305	32,696	189,763	465,238
Total accumulated depreciation	<u>26,672,955</u>	<u>1,392,124</u>	<u>189,763</u>	<u>27,875,316</u>
Total capital assets being depreciated, net	<u>24,296,014</u>	<u>(1,176,539)</u>	<u>-</u>	<u>23,119,475</u>
Utility fund capital assets, net	<u>\$ 24,679,284</u>	<u>\$ (1,008,244)</u>	<u>\$ -</u>	<u>\$ 23,671,040</u>

Discretely Presented Component Unit

Activity for the ABC Board for the year ended June 30, 2024, was as follows:

	<u>Beginning Balances</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balances</u>
Capital assets being depreciated:				
Furniture and equipment	\$ 63,783	\$ 11,331	\$ -	\$ 75,114
Leasehold improvements	156,914	-	-	156,914
Computers	4,857	-	-	4,857
Total capital assets being depreciated	<u>225,554</u>	<u>\$ 11,331</u>	<u>\$ -</u>	<u>236,885</u>
Less accumulated depreciation for:				
Furniture and equipment	43,616	4,636	-	48,252
Leasehold improvements	131,833	10,596	-	142,429
Computers	3,083	118	-	3,201
Total accumulated depreciation	<u>178,532</u>	<u>\$ 15,350</u>	<u>\$ -</u>	<u>193,882</u>
ABC capital assets, net	<u>\$ 47,022</u>			<u>\$ 43,003</u>

B. Liabilities

1. Payables

Payables at the government-wide level at June 30, 2024 were as follows:

	<u>Vendors</u>
Governmental activities:	
General	\$ 146,474
Non-Major Funds	38,811
Total - governmental activities	<u>\$ 185,285</u>
Business-type activities:	
Water and Sewer	\$ 128,210
Total - business-type activities	<u>\$ 128,210</u>

2. Pension Plan and Post-employment Obligations

a. Local Government Employees' Retirement System

Plan Description. The Town of Valdese is a participating employer in the statewide Local Governmental Employees' Retirement System (LGERS), a cost-sharing, multiple-employer defined benefit pension plan administered by the State of North Carolina. LGERS membership is comprised of general employees and local law enforcement officers (LEOs) of participating local governmental entities. Article 3 of G.S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. Management of the plan is vested in the LGERS Board of Trustees, which consists of 13 members – nine appointed by the Governor, one appointed by the State Senate, and one appointed by the State House of Representatives and the State Treasurer and the State Superintendent, who serve as ex-officio members. The Local Governmental Employees' Retirement System is included in the Annual Comprehensive Financial Report (ACFR) for the State of North Carolina. The State's ACFR includes financial statements and required supplementary information for LGERS. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, by calling (919) 981-5454, or at www.osc.nc.gov.

Benefits Provided. LGERS provides retirement, disability, and survivor benefits. Retirement benefits are determined as 1.85% of the member's average final compensation, times the member's years of creditable service. A member's average final compensation is calculated as the average of a member's four highest consecutive years of compensation. General employee plan members are eligible to retire with full retirement benefits at age 65 with five years of creditable service, at age 60 with 25 years of creditable service, or at any age with 30 years of creditable service. General employee plan members are eligible to retire with partial retirement benefits at age 50 with 20 years of creditable service or at age 60 with five years of creditable service (age 55 for firefighters and rescue squad workers). Disabled members may qualify for disability benefits at earlier ages. Survivor benefits are available to eligible beneficiaries of general employee plan members who die while in active service, or within 180 days of their last day of service and who have either completed 20 years of creditable service regardless of age (15 years of creditable service for firefighters and rescue squad workers who are killed in the line of duty) or have completed five years of service and have reached age 60. Eligible beneficiaries may elect to receive a monthly Survivor's Alternate Benefit for life or a return of the member's contributions. The plan does not provide for automatic post-retirement benefit increases. Cost of living benefit increases are contingent upon investment gains of the plan at the discretion of the LGERS Board of Trustees, except as authorized by the North Carolina General Assembly.

LGERS plan members who are Law Enforcement Officers (LEOs) are eligible to retire with full retirement benefits at age 55 with five years of creditable service as an officer or at any age with 30 years of creditable service. LEO plan members are eligible to retire with partial retirement benefits at age 50 with 15 years of creditable service as an officer. Effective July 1, 2019, LEOs who complete 25 years of creditable service, with 15 years as an officer, are eligible to retire with partial retirement benefits. Survivor benefits are available to eligible beneficiaries of LEO members who die while in active service, or within 180 days of their last day of service and who also have either completed 20 years of creditable service regardless of age, or have completed 15 years of creditable service as a LEO and have reached age 50, or have completed five years of creditable service as a LEO and have reached age 55, or have completed 15 years of creditable service as a LEO if killed in the line of duty. Eligible beneficiaries may elect to receive a monthly Survivor's Alternate Benefit for life or a return of the member's contributions.

Contributions. Contribution provisions are established by North Carolina General Statute 128-30 and may be amended only by the North Carolina General Assembly. Plan members are required to contribute 6% of their annual pay. The required contribution rates for employers are set periodically, and affirmed annually, by the LGERS Board of Trustees. The Board establishes a funding policy from which the accrued liability rates and the normal contribution rates are developed by the consulting actuary for general employees and firefighters as well as for law enforcement officers. The sum of those two rates developed under the funding policy and the past service liability contribution rates, if applicable, is the actuarially determined contribution rate (ADC). Further, the required employer contribution rates set by the Board of Trustees may not be less than the normal contribution rates developed under the established funding policy. For the fiscal year ended June 30, 2024, all employers made contributions of 14.04% of covered payroll for law enforcement officers and 12.91% for general employees and firefighters. These amounts, combined with member contributions and investment income, fund the benefits earned by plan members during the year, a payment to reduce the net pension liability, a payment for past service liability, if applicable, and administrative expenses. In addition, employers with an unfunded liability, established when the employer initially enters the system, must make additional contributions towards that liability. The State's responsibility is administrative only. Contributions to the pension plan from the Town of Valdese was \$454,577 for the year ended June 30, 2024.

Refunds of Contributions. Members who have terminated service as contributing members may file an application for a refund of their contributions. By State law, refunds to members include interest (currently 4%, per year), regardless of the number of years of retirement service credit or of the reason for separation from service. State law requires a 60-day waiting period after service termination before the refund may be paid. The acceptance of a refund payment cancels the individual's right to any other retirement or survivor benefit provided by LGERS.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2024, the Town reported a liability of \$2,785,207 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2023. The total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of December 31, 2022. The total pension liability was then rolled forward to the measurement date of June 30, 2023 utilizing update procedures incorporating the actuarial assumptions. The Town's proportion of the net pension liability was based on a projection of the Town's long-term share of future payroll covered by the pension plan, relative to the projected future payroll covered by the pension plan of all participating LGERS employers, actuarially determined. At June 30, 2023, (measurement date) the Town's proportion was 0.04205% which was a decrease of 0.00027% from its proportion measured as of June 30, 2022.

For the year ended June 30, 2024, the Town recognized pension expense of \$764,558. At June 30, 2024, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 310,355	\$ 6,681
Changes in assumptions	118,355	-
Net difference between projected and actual earnings on pension plan investments	745,443	-
Changes in proportion, and differences between, the Town contributions and proportionate share of contributions	796	57,472
Town contributions subsequent to the measurement date	<u>454,577</u>	<u>-</u>
Total	<u>\$ 1,629,526</u>	<u>\$ 64,153</u>

\$454,577, reported as deferred outflows of resources related to pensions resulting from Town contributions subsequent to the measurement date, will be recognized as an increase of the net pension liability in the year ending June 30, 2025. Other amounts reported as deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ending June 30:	
2025	\$ 383,388
2026	204,991
2027	490,895
2028	<u>31,521</u>
	<u>\$ 1,110,795</u>

Actuarial Assumptions. The total pension liability in the December 31, 2022 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.5 percent
Salary increase	3.25 to 8.5 percent, including inflation and productivity factor
Investment rate of return	6.50 percent, net of pension plan investment expense, including inflation

The plan currently uses mortality tables that vary by age, gender, employee group (i.e., general, law enforcement officer) and health status (i.e., disabled, and healthy). The current mortality rates are based on published tables and based on studies that cover significant portions of the U.S. population. The healthy mortality rates also contain a provision to reflect future mortality improvements.

The actuarial assumptions used in the December 31, 2022 valuation were based on the results of an actuarial experience study for the period January 1, 2014 through December 31, 2019.

Future ad hoc COLA amounts are not considered to be substantively automatic and are therefore not included in the measurement.

The projected long-term investment returns and inflation assumptions are developed through review of current and historical capital markets data, sell-side investment research, consultant whitepapers, and historical performance of investment strategies. Fixed income return projections reflect current yields across the U.S. Treasury yield curve and market expectations of forward yields projected and interpolated for multiple tenors and over multiple year horizons. Global public equity return projections are established through analysis of the equity risk premium and the fixed income return projections. Other asset categories and strategies' return projections reflect the foregoing and historical data analysis. These projections are combined to produce the long-term expected rate of return by weighing the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class as of June 30, 2022 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return
Fixed Income	33.0%	2.4%
Global Equity	38.0%	6.9%
Real Estate	8.0%	6.0%
Alternatives	8.0%	8.6%
Credit	7.0%	5.3%
Inflation Protection	6.0%	4.3%
Total	<u>100.0%</u>	

The information above is based on 30-year expectations developed with the consulting firm's 2024 long term capital market assumptions. The long-term nominal rates of return underlying the real rates of return are arithmetic annualized figures. The real rates of return are calculated from nominal rates by multiplicatively subtracting a long-term inflation assumption of 2.38%. All rates of return and inflation are annualized figures. Source data provided in the 2023 Annual Comprehensive Financial Report published on the website of the NC Office of State Controller.

Discount rate. The discount rate used to measure the total pension liability was 6.50%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on these assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of the current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Town's proportionate share of the net pension asset to changes in the discount rate. The following presents the Town's proportionate share of the net pension asset calculated using the discount rate of 6.50 percent, as well as what the Town's proportionate share of the net pension asset or net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.50 percent) or 1-percentage-point higher (7.50 percent) than the current rate:

	1% Decrease <u>(5.50%)</u>	Discount Rate <u>(6.50%)</u>	1% Increase <u>(7.50%)</u>
Town's Proportionate share of the net pension liability (asset)	<u>\$4,825,261</u>	<u>\$2,785,207</u>	<u>\$1,105,643</u>

Pension plan fiduciary net position. Detailed information about the pension plan's fiduciary net position is available in the separately issued Annual Comprehensive Financial Report (ACFR) for the State of North Carolina.

b. Law Enforcement Officers' Special Separation Allowance

1. Plan Description

Plan Description - The Town administers a public employee retirement system (the "Separation Allowance"), a single-employer defined benefit pension plan that provides retirement benefits to the Town's qualified sworn law enforcement officers under the age of 62 who have completed at least 30 years of creditable service or have attained 55 years of age and have completed five or more years of creditable service. The Separation Allowance is equal to 0.85% of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service. The retirement benefits are not subject to any increases in salary or retirement allowances that may be authorized by the General Assembly. Article 12D of G.S. Chapter 143 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly.

All full-time Town law enforcement officers are covered by the Separation Allowance. At December 31, 2023, the Separation Allowance's membership consisted of:

Inactive members currently receiving benefits	-
Active plan members	<u>11</u>
Total	<u>11</u>

2. Summary of Significant Accounting Policies

Basis of Accounting - The Town has chosen to fund the Separation Allowance on a pay as you go basis. Pension expenditures are made from the General Fund, which is maintained on the modified accrual basis of accounting. Benefits are recognized when due and payable in accordance with the terms of the plan.

The Separation Allowance has no assets accumulated in a trust that meet the following criteria which we outlined in GASB Statements 73.

3. Actuarial Assumptions

The entry age actuarial cost method was used in the December 31, 2023 valuation. The total pension liability in the December 31, 2023 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.5 percent
Salary increases	3.30 to 7.80 percent, including inflation and productivity factor
Discount rate	3.77 percent

The discount rate is based on the yield of the S&P Municipal Bond 20 Year High Grade Rate Index as of December 31, 2023.

Mortality rates are based on the MP-2019 Mortality Tables with adjustments for males and females.

4. Contributions

The Town is required by Article 12D of G.S. Chapter 143 to provide these retirement benefits and has chosen to fund the amounts necessary to cover the benefits earned on a pay as you go basis through appropriations made in the General Fund operating budget. There were no contributions made by employees. The Town's obligation to contribute to this plan is established, and may be amended by, the North Carolina General Assembly. Administration costs of the Separation Allowance are financed through investment earnings. The Town paid \$-0- as benefits came due for the reporting period.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2024, the Town reported a total pension liability of \$310,188. The total pension liability was measured as of December 31, 2023, based on a June 30, 2023 actuarial valuation. The total pension liability was then rolled forward to the measurement date of December 31, 2023 utilizing update procedures incorporating the actuarial assumptions. For the year ended June 30, 2024, the Town recognized pension expense of \$22,089.

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 25,788	\$ 91,773
Changes of assumptions	67,578	49,814
Town benefit payments and plan administrative expense made subsequent to the measurement date	-	-
Total	<u>\$ 93,366</u>	<u>\$ 141,587</u>

Amounts reported as deferred inflows of resources related to pensions will be recognized in the pension expense as follows:

Year ending June 30:

2025	\$ (8,587)
2026	(7,637)
2027	(6,801)
2028	(16,583)
2029	(8,613)
Thereafter	-

Sensitivity of the Town's total pension liability to changes in the discount rate.

The following presents the Town's total pension liability calculated using the discount rate of 3.77 percent, as well as what the Town's total pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (2.77 percent) or 1-percentage-point higher (4.77 percent) than the current rate:

	<u>1% Decrease (2.77%)</u>	<u>Discount Rate (3.77%)</u>	<u>1% Increase (4.77%)</u>
Total pension liability	<u>\$318,615</u>	<u>\$310,188</u>	<u>\$276,921</u>

Schedule of Changes in Total Pension Liability

Law Enforcement Officers' Special Separation Allowance

Beginning Balance	\$ 330,993
Service cost	18,412
Interest on the total pension liability	13,405
Changes of benefit terms	-
Differences between expected and actual experience in the measurement of the total pension liability	(58,500)
Changes of assumptions or other inputs	5,878
Benefit payments	-
Other changes	-
Ending balance of the total pension liability	<u>\$ 310,188</u>

The plan currently uses mortality tables that vary by age and health status (i.e., disabled, and healthy). The current mortality rates are based on published tables and based on studies that cover significant portions of the U. S. population. The healthy mortality rates also contain a provision to reflect future mortality improvements.

The actuarial assumptions used in the December 31, 2023 valuation were based on the results of an actuarial experience study for the period January 1, 2015 through December 31, 2019.

Total Expense, Liabilities, and Deferred Outflows and Inflows of Resources Related to Pensions

Following is information related to the proportionate share and pension expense for all pension plans:

	<u>LGERS</u>	<u>LEOSSA</u>	<u>Total</u>
Pension expense	\$ 764,558	\$ 22,089	\$ 786,647
Pension liability	2,785,207	310,188	3,095,395
Proportionate share of the net pension liability	0.04205%	n/a	
Deferred outflows of resources:			
Differences between expected and actual experience	310,355	25,788	336,143
Changes of assumptions	118,355	67,578	185,933
Net difference between projected and actual earnings on plan investments	745,443	-	745,443
Changes in proportion, and differences between, contributions and proportionate share of contributions	796	-	796
Town contributions subsequent to the measurement date	454,577	-	454,577
Deferred inflows of resources:			
Differences between expected and actual experience	6,681	91,773	98,454
Changes of assumptions	-	49,814	49,814
Net difference between projected and actual earnings on plan investments	-	-	-
Changes in proportion, and differences between, contributions and proportionate share of contributions	57,472	-	57,472

c. Supplemental Retirement Income Plan for Law Enforcement Officers

Plan Description - The Town contributes to the Supplemental Retirement Income Plan (the "Plan"), a defined contribution pension plan administered by the Department of the State Treasurer and a Board of Trustees. The Plan provides retirement benefits to law enforcement officers employed by the Town. Article 5 of G.S. Chapter 135 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. The Supplemental Retirement Income Plan for Law Enforcement Officers is included in the Comprehensive Annual Financial Report (CAFR) for the State of North Carolina. The State's CAFR includes the pension trust fund financial statements for the Internal Revenue Code Section 401(k) plan that includes the Supplemental Retirement Income Plan for Law Enforcement Officers. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, or by calling (919) 981-5454.

Funding Policy - Article 12E of G.S. Chapter 143 requires the Town to contribute each month an amount equal to five percent of each officer's salary, and all amounts contributed are vested immediately. Also, the law enforcement officers may make voluntary contributions to the plan. Contributions for the year ended June 30, 2024 were \$45,555, which consisted of \$32,789 from the Town, and \$12,766 from the law enforcement officers.

d. Other Post-employment Benefits

Healthcare Benefits

Plan Description - Under the terms of a Town resolution, the Town administers a single-employer defined benefit Healthcare Benefits Plan (the "HCB Plan"). This plan provides post-employment healthcare benefits to retirees of the Town, provided they participate in

the North Carolina Local Governmental Employees' Retirement System (the "System") and have at least twenty-five years of creditable service with the Town and were hired prior to July 1, 2016. The Town pays the full cost of coverage for these benefits through private insurers. Also, the Town retirees can purchase coverage for their dependents at the Town's group retiree rates. The Town Council may amend the benefit provisions. A separate report was not issued for the plan.

Membership of the HCB Plan consisted of the following at June 30, 2023, the date of the latest actuarial valuation:

Inactive members or beneficiaries currently receiving benefits	6
Inactive members entitled to, but not yet receiving benefits	0
Active plan members	<u>25</u>
Total	<u>31</u>

Total OPEB Liability

The Town's total OPEB liability of \$858,296 was measured as of June 30, 2023 and was determined by an actuarial valuation as of that date.

Actuarial assumptions and other inputs. The total OPEB liability in the June 30, 2023 actuarial valuation was determined using the following actuarial assumptions, and other inputs, applied to all periods included in the measurement unless otherwise specified:

Inflation	2.5 percent
Salary increases	3.3 to 8.3 percent, average,
Discount rate	3.86 percent
Healthcare cost trend rates	Pre-Medicare – 7.00% for 2024, decreasing to an ultimate rate of 4.5% by 2031

The discount rate is based on the yield of the Bond Buyer 20 Year General Obligation Bond Index as of the measurement date.

Changes in the Total OPEB Liability

Balance at July 1, 2023	<u>\$ 1,013,314</u>
Changes for the year	
Service cost	27,887
Interest	35,067
Changes of benefit terms	-
Differences between expected and actual experience	(154,463)
Changes in assumptions	(18,093)
Benefit payments	<u>(45,416)</u>
Net changes	<u>(155,018)</u>
Balance at June 30, 2024	<u><u>\$ 858,296</u></u>

Changes in assumptions and other inputs reflect a change in the discount rate from 3.54% to 3.86%.

Mortality rates were based on the MP-2019 Total Data Set for Healthy Annuitants Mortality Table.

The actuarial assumptions used in the June 30, 2023 valuation were based on the results of an actuarial experience study for the period January 2015 through December 2019.

Sensitivity of the total OPEB liability to changes in the discount rate. The following presents the total OPEB liability of the Town, as well as what the Town's total OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (2.86 percent) or 1-percentage-point-higher (4.86 percent) than the current discount rate:

	1 % Decrease <u>(2.86%)</u>	Discount Rate <u>(3.86%)</u>	1% Increase <u>(4.86%)</u>
Total OPEB liability	<u>\$914,837</u>	<u>\$858,296</u>	<u>\$805,908</u>

Sensitivity of the total OPEB liability to changes in the healthcare cost trend rates. The following presents the total OPEB liability of the Town, as well as what the Town's total OPEB liability would be if it were calculated using healthcare cost trend rates that are 1-percentage-point lower or 1-percentage-point higher than the current healthcare cost trend rates:

	<u>1% Decrease</u>	<u>Current</u>	<u>1% Increase</u>
Total OPEB liability	<u>\$800,304</u>	<u>\$858,296</u>	<u>\$922,913</u>

OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

For the year ended June 30, 2024, the Town recognized OPEB expense of \$(13,818). At June 30, 2024, the Town reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 8,931	\$ 238,070
Changes of assumptions	124,070	110,214
Total	<u>\$ 133,001</u>	<u>\$ 348,284</u>

Amounts reported as deferred inflows of resources related to pensions will be recognized in the pension expense as follows:

Year ending June 30:	
2025	\$ (76,772)
2026	(76,660)
2027	(56,011)
2028	(5,840)
2029	-
Thereafter	-

e. Other Employee Benefits

The Town has elected to provide death benefits to employees through the Death Benefit Plan for members of the Local Governmental Employees' Retirement System (the "Death Benefit Plan"), a multiple-employer, State-administered, cost-sharing plan funded on a one-year term cost basis. The beneficiaries of those employees who die in active service after one year of contributing membership in the System, or who die within 180 days after retirement or termination of service and have at least one year of contributing membership service in the System at the time of death, are eligible for death benefits. Lump sum death benefit payments to beneficiaries are equal to the employee's 12 highest months salary in a row during the 24 months prior to the employee's death, but the benefit may not exceed \$50,000, or be less than \$25,000. Because all death benefit payments are made from the Death Benefit Plan, and not by the Town, the Town does not determine the number of eligible participants. The Town has no liability beyond the payment of monthly contributions. The contributions to the Death Benefit Plan cannot be separated between the post-employment benefit amount and the other benefit amount. Contributions are determined as a percentage of monthly payroll based upon rates established annually by the State. Separate rates are set for employees not engaged in law enforcement and for law enforcement officers. The Town considers these contributions to be immaterial.

3. Deferred Outflows and Inflows of Resources

Deferred outflows of resources at year-end is comprised of the following:

Contribution to pension plan in current fiscal year	\$ 454,577
Changes of assumptions	310,003
Difference between expected and actual experience	345,074
Net difference between projected and actual earnings on pension plan investments	745,443
Changes in proportion, and differences between, employer contributions and proportionate share of contributions	796
Total	<u>\$ 1,855,893</u>

Deferred inflows of resources at year-end is comprised of the following:

Taxes receivable, less penalties (General Fund)	\$ 88,011
Differences between expected and actual experience	336,524
Changes of assumptions	160,028
Net difference between projected and actual earnings on pension plan investments	-
Changes in proportion, and differences between, employer contributions and proportionate share of contributions	57,472
Total	<u>\$ 642,035</u>

4. Risk Management

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Town participates in three self-funded, risk-financing pools administered by the North Carolina League of Municipalities. Through these pools, the Town obtains general liability and auto liability coverage of \$1 million per occurrence, property coverage up to the total insurance values of the property policy, Workers' Compensation coverage up to statutory limits, and employee health coverage. The liability and property exposures are reinsured through commercial carriers for claims in excess of retentions as selected by the Board of Trustees each year. Excess insurance coverage is purchased by the Board of Trustees to protect against large Workers' Compensation claims that exceed certain dollar cost levels.

Medical stop loss insurance is purchased by the Board of Trustees to protect against large medical claims that exceed certain dollar cost levels. Specific information on the limits of the reinsurance, excess, and stop loss policies purchased by the Board of Trustees can be obtained by contacting the Risk Management Services Department of the N.C. League of Municipalities. The pools are audited annually by certified public accountants, and the audited financial statements are available to the Town upon request.

The Town carries commercial coverage for all other risks of loss. There have been no significant reductions in insurance coverage in the prior year and settled claims have not exceeded coverage in any of the past three fiscal years. The Town does not carry any additional insurance for flooding.

In accordance with G.S. 159-29, the Town's employees that have access to \$100 or more, at any given time, of the Town's funds are performance bonded through a commercial surety bond. The finance officer and tax collector are each individually bonded for \$50,000 and \$10,000, respectively. The remaining employees that have access to funds are bonded under a policy with the following coverage: \$10,000, per occurrence for forgery or alteration, \$5,000, per occurrence for theft inside the premises, and \$5,000, per occurrence for outside.

5. Claims, Judgments and Contingent Liabilities

At June 30, 2024, the Town was a defendant to various lawsuits. In the opinion of the Town's management and the Town's attorney, the ultimate effect of these legal matters will not have a materially adverse effect on the Town's financial position.

6. Long-Term Obligations

a. General Obligation Indebtedness

The Town's general obligations bonds, issued to finance the construction of facilities utilized in the operations of the water and sewer system and which are being retired by its resources, are reported as long-term debt in the Utility Fund. All general obligation debt is collateralized by the full faith, credit, and taxing power of the Town. In the event of a default, the Town agrees to pay the purchaser, on demand, interest on any and all amounts due and owing by the Town under the related agreements. Principal and interest requirements are appropriated when due.

The Town's bond indebtedness at June 30, 2024 is comprised of the following:

Serviced by the Utility Fund:

\$1,280,000 Water and Sewer Series 2008 Bonds with annual principal payments of \$14,000 to \$56,000 due on June 1, with interest at 4.25%, final payment due June 2048, for The Settings	<u>\$991,000</u>
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b. Installment Purchases

The Town's direct placement installment purchases are comprised of the following:

Serviced by the General Fund:

\$350,000 USDA direct installment purchase with annual payments of \$26,908, including interest at 4.50%, final payment due March 2024, secured by a fire truck	\$ 6,913
\$469,000 USDA direct installment purchase with annual payments of \$19,483, including interest at 2.75%, final payment due September 2058, secured by splash pad	426,669
\$1,826,500 USDA direct installment purchase with annual payments of \$88,878, including interest at 3.75%, final payment due November 2051, secured by town hall	1,492,276
\$85,000 bank direct installment purchase with annual payments of \$18,470, including interest at 2.83%, final payment due August 2024, secured by police cars	18,429
\$214,839 bank direct installment purchase with annual payments of \$53,743, including interest at 1.41%, final payment due September 2025, secured by vehicles and equipment	59,047
\$850,000 USDA direct installment purchase with annual payments of \$52,761, including interest at 2.75%, final payment due November 2038, secured by a fire ladder truck	662,009
Serviced by Utility Fund:	
\$58,389 bank direct installment purchase with annual payments of \$14,610, including interest at 1.41%, final payment due September 2025, secured by vehicles and equipment	16,242
\$230,913 installment purchase, with annual principal payments of \$11,546, due on May 1, with interest, and an interest only payment due November 1; interest 2.00%, final payment due May 2036, for Inflow and Infiltration	138,548
Total	\$ 2,820,133

c. Direct Placement Revolving Loans

Serviced by the Utility Fund:

\$466,548 Direct placement revolving loan with annual principal payments of \$19,940 due on May 1, with 0.0% interest, final payment due in 2040, water systems improvements	\$ 373,239
\$1,019,223 direct placement revolving loan with principal payment of \$85,444 due on May 1, with 0.0% interest, final payment due May 2041, for main street water line improvement	\$ 1,201,958
\$1,699,039 direct placement revolving loan with annual principal payments of \$84,952 due on May 1, with 0.0% interest, final payment due in 2040, secured by water meter project	\$ 1,409,790
\$596,461 direct placement revolving loan with annual principal payments of \$31,453 due on May 1, with 0.0% interest, final payment due May 2040, for water plant bleach conversion	\$ 534,697
\$596,609 direct placement revolving loan with principal payments of \$41,961 due on May 1, with 0.0% interest, final payment due May 2042	\$ 717,662
\$172,510 Direct placement revolving loan with annual principal payments of \$8,626 due on May 1, with 0.0% interest, final payment due in 2039, secured by St. Germain Street water lines	\$ 129,383
Total	<u>\$ 4,366,729</u>

At June 30, 2024 the Town of Valdese had a legal debt margin of \$35,627,922.

Annual debt service requirements to maturity for long-term obligations are as follows:

<u>Year Ending June 30, 2024</u>	<u>Governmental Activities</u>		<u>Business-type Activities</u>	
	<u>Principal</u>	<u>Interest</u>	<u>Principal</u>	<u>Interest</u>
2025	\$ 152,851	\$ 88,184	\$ 312,840	\$ 45,292
2026	84,432	84,223	301,675	43,796
2027	80,123	80,999	300,636	42,259
2028	82,681	78,441	301,636	40,881
2029	85,322	75,800	303,636	39,459
2030-2034	469,360	336,252	1,537,181	180,034
2035-2039	580,172	255,946	1,540,544	129,595
2040-2044	369,664	172,141	690,369	80,964
2045-2049	440,879	100,926	224,000	23,800
2050-2054	247,306	26,150	-	-
2055-2058	72,553	5,042	-	-
Total	<u>\$ 2,665,343</u>	<u>\$ 1,304,104</u>	<u>\$ 5,512,517</u>	<u>\$ 626,080</u>

d. Changes in Long-Term Liabilities

	Balance July 1, 2023	Increases	Decreases	Balance June 30, 2024	Current Portion of Balance
Governmental activities:					
Direct placement	\$ 2,831,792	\$ -	\$ 166,449	\$ 2,665,343	\$ 152,851
Total OPEB liability	873,628	-	130,215	743,413	-
Net pension liability (LGERS)	1,671,216	278,429	-	1,949,645	-
Total pension liability (LEO)	330,993	-	20,805	310,188	-
Compensated balances	176,374	415	-	176,789	-
Governmental activity long-term liabilities	<u>\$ 5,884,003</u>	<u>\$ 278,844</u>	<u>\$ 317,469</u>	<u>\$ 5,845,378</u>	<u>\$ 152,851</u>
Business-type activities:					
Direct placement	\$ 180,147	\$ -	\$ 25,357	\$ 154,790	\$ 25,750
General obligation bonds	1,015,000	-	24,000	991,000	25,000
Total OPEB liability	139,686	-	24,803	114,883	-
Net pension liability (LGERS)	716,236	119,326	-	835,562	-
Direct placement revolving loans	4,628,818	-	262,091	4,366,727	262,090
Compensated balances	82,855	-	4,662	78,193	-
Business-type activity long-term liabilities	<u>\$ 6,762,742</u>	<u>\$ 119,326</u>	<u>\$ 340,913</u>	<u>\$ 6,541,155</u>	<u>\$ 312,840</u>

Compensated absences typically have been liquidated in the General Fund, and are accounted for on a LIFO basis, assuming that employees are taking leave time as it is earned.

e. Discretely Presented Component Unit

Debt obligation for the ABC Board for the year ended June 30, 2024 was as follows:

Leases

The ABC Board has entered into an agreement to lease store space. The lease agreement qualifies as other than short-term leases under GASB 87 and, therefore, has been recorded at the present value of the future minimum lease payments as of the date of its inception.

The agreement was executed on January 1, 2021, to lease store space and requires 54 monthly payments of various amounts. There are no variable payment components of the lease. The lease liability is measured at a discount rate of 5.5%. As a result of the lease the Board has recorded a right to use asset with a net book value of \$21,131 at June 30, 2024.

The future minimum lease obligations and the net present value of these minimum lease payments as of June 30, 2024, are as follows:

Year Ending June 30	Principal Payments	Interest Payments	Total
2025	23,450	550	24,000
	<u>\$ 23,450</u>	<u>\$ 550</u>	<u>\$ 24,000</u>

C. Interfund Balances and Activities

Balances due to/from other funds at June 30, 2024 consist of the following:

Due to the General Fund from the Old Rock School Renovation Fund due to timing of bills paid	\$ 396,596
Total	<u>\$ 396,596</u>

Transfers to/from other funds at June 30, 2024 consist of the following:

From the General Fund to the Public Safety Building Fund - to fund project	\$ 324,000
From the General Fund to the Old Rock School Renovation Fund - to fund the project	240,950
From the General Fund to the Street Improvement Fund - to fund the project	500,000
From the General Fund to the Pool Structure Fund - to fund the project	119,340
From the Utility Fund to the General Fund - debt service	<u>221,000</u>
Total	<u>\$ 1,405,290</u>

D. On-Behalf Payments for Fringe Benefits and Salaries

The Town has recognized, as a revenue and an expenditure, on-behalf payments for fringe benefits and salaries of \$10,928 for the salary supplement and stipend benefits paid to eligible firefighters by the local board of trustees of the Firemen's Relief Fund during the fiscal year ended June 30, 2024. Under State law, the local board of trustees for the Fund receives an amount each year which the Board may use at its own discretion for eligible firefighters or their departments.

E. Fund Balance

The following schedule provides management and citizens with information on the portion of General Fund Balance that is available for appropriations:

Total fund balance - General Fund	\$ 8,724,530
Less:	
Inventories	180,274
Prepays	28,023
Stabilization by State Statute	1,090,358
Encumbrances	170,163
USDA Reserve	160,132
Streets - Powell Bill	111,674
Remaining Fund Balance	<u>\$ 6,983,906</u>

F. Net Investment in Capital Assets

	<u>Governmental</u>	<u>Business-type</u>
Capital assets	\$ 5,771,327	\$ 23,671,038
Less long-term debt	2,665,343	2,406,533
Add: unexpended debt proceeds	-	-
Net investment in capital assets	<u>\$ 3,105,984</u>	<u>\$ 21,264,505</u>

IV. Joint Venture

The Town, in conjunction with five other local governments, established the Burke Partnership for Economic Development, Inc. The Town appoints two members of the 24-member board. The Town has an ongoing financial responsibility for the joint venture because the Partnership's continued existence depends on the participating governments' continued funding. None of the participating governments have any equity interest in the Partnership, so no equity interest has been reflected in the financial statements at June 30, 2024. In accordance with the intergovernmental agreement between the participating governments, the Town appropriated \$22,879 to the Partnership to supplement its activities. Complete financial statements for the Partnership can be obtained from the Partnership's office in Morganton, North Carolina.

V. Jointly Governed Organization**Western Piedmont Council of Governments**

The Western Piedmont Council of Governments (WPCOG) is a regional planning organization. It consists of twenty-four municipalities and four counties within western North Carolina. The WPCOG's governing board is comprised of one elected official from each of these local governments and seven at-large citizen members. Each local government has one vote. The Town paid membership dues of \$4,263 during the fiscal year ended June 30, 2024.

VI. Related Organization

The five-member board of the Town of Valdese Housing Authority is appointed by the mayor of the Town of Valdese. The Town is accountable for the Housing Authority because it appoints the governing board; however, the Town is not financially accountable for the Housing Authority. The Town of Valdese is also disclosed as a related organization in the notes to the financial statements for the Town of Valdese Housing Authority.

VII. Summary Disclosure of Significant Contingencies**Federal and State Assisted Programs**

The Town has received proceeds from several federal and State grants. Periodic audits of these grants are required, and certain costs may be questioned as not being appropriate expenditures under the grant agreements. Such audits could result in the refund of grant monies to the grantor agencies. Management believes that any required refunds will be immaterial. No provision has been made in the accompanying financial statements for the refund of grant money.

Other

The Town is subject to the authority of various federal and State regulatory agencies. No provision has been made in these financial statements for any sanctions which could be imposed if the Town were found to be in noncompliance or violation of regulations promulgated by these agencies.

VIII. Significant Utility Customers

The Town of Valdese has four utility customers whose sales represent approximately 16% of the total Utility Sales to all customers for fiscal year 2024. Loss of these customers could have a significant impact on the Town's Utility Fund.

IX. Subsequent Event

Management has evaluated subsequent events through December 4, 2024, the date on which the financial statements were available to be issued. During the period from the end of the year and through this date, the following subsequent event requires recognition in these financial statements:

Hurricane Helene

The Town of Valdese was impacted by Hurricane Helene in late September 2024 which caused devastation to our community as well to public property and equipment. The Town has not fully assessed the damage but will seek FEMA reimbursement to help offset the damages incurred.

**Required Supplemental
Financial Data**

TOWN OF VALDESE, NORTH CAROLINA

Schedule 1-1

**Schedule of Changes in the Total OPEB Liability and Related Ratios
Last Seven Fiscal Years**

	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
Total OPEB Liability							
Service cost	\$ 27,887	\$ 35,506	\$ 49,308	\$ 34,038	\$ 51,300	\$ 53,146	\$ 57,631
Interest	35,067	24,249	25,159	31,724	37,297	33,291	27,725
Changes in benefit terms	-	-	(13,533)	68,763	-	-	-
Difference between expected and actuarial experience	(154,463)	342	(149,942)	15,125	(145,954)	2,074	3,578
Changes in assumptions and other inputs	(18,093)	(112,446)	128,438	113,749	19,291	(32,452)	(53,731)
Benefit payments	<u>(45,416)</u>	<u>(42,689)</u>	<u>(40,198)</u>	<u>(52,831)</u>	<u>(43,938)</u>	<u>(21,089)</u>	<u>(21,248)</u>
Net change in total OPEB liability	(155,018)	(95,038)	(768)	210,568	(82,004)	34,970	13,955
Total OPEB liability, beginning	<u>1,013,314</u>	<u>1,108,352</u>	<u>1,109,120</u>	<u>898,552</u>	<u>980,556</u>	<u>945,586</u>	<u>931,631</u>
Total OPEB liability, ending	<u>\$ 858,296</u>	<u>\$ 1,013,314</u>	<u>\$ 1,108,352</u>	<u>\$ 1,109,120</u>	<u>\$ 898,552</u>	<u>\$ 980,556</u>	<u>\$ 945,586</u>
Covered payroll	\$1,201,853	\$1,661,507	\$1,661,507	\$1,879,478	\$1,879,478	\$2,711,425	\$2,711,425
Total OPEB liability as a percentage of covered payroll	71.41%	60.99%	66.71%	59.01%	47.81%	36.16%	34.87%

Notes to Schedule

Changes of assumptions: Changes of assumptions and other inputs reflect the effects of changes in the discount rate of each period. The following are the discount rates used in each period:

<u>Fiscal year</u>	<u>Rate</u>
2024	3.86%
2023	3.54%
2022	2.16%
2021	2.21%
2020	3.50%
2019	3.89%

TOWN OF VALDESE, NORTH CAROLINA

Schedule 1-2

Town of Valdese's Proportionate Share of Net Pension Liability (Asset)
Required Supplementary Information
Last Ten Fiscal Years*
Local Government Employees' Retirement System

	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Valdese's proportion of the net pension liability (asset) (%)	0.04205%	0.04232%	0.04225%	0.04817%	0.04487%	0.04526%	0.04553%	0.04679%	0.04626%	0.04793%
Valdese's proportion of the net pension liability (asset) (\$)	\$ 2,785,207	\$ 2,387,452	\$ 647,944	\$ 1,721,319	\$ 1,225,365	\$ 1,073,722	\$ 695,572	\$ 993,041	\$ 207,612	\$ (282,665)
Valdese's covered employee payroll	\$ 3,431,364	\$ 3,204,580	\$ 3,106,073	\$ 3,177,195	\$ 2,988,593	\$ 3,055,887	\$ 3,046,132	\$ 2,860,645	\$ 2,739,307	\$ 2,763,622
Valdese's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	81.17%	74.50%	20.86%	54.17%	41.00%	35.13%	22.83%	34.71%	7.58%	(10.23%)
Plan fiduciary net position as a percentage of the total pension liability (asset)**	82.49%	84.14%	95.51%	88.61%	90.86%	91.63%	94.18%	91.47%	98.09%	102.64%

* The amounts presented for each fiscal year were determined as of the prior fiscal year ending June 30.

** This will be the same percentage for all participant employers in the LGERS plan.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 1-3

**Town of Valdese's Contributions
Required Supplementary Information
Last Ten Fiscal Years
Local Government Employees' Retirement System**

	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Contractually required contribution	\$ 454,577	\$ 423,018	\$ 369,379	\$ 321,181	\$ 290,201	\$ 237,585	\$ 235,238	\$ 227,315	\$ 195,576	\$ 195,093
Contributions in relation to the contractually required contribution	<u>454,577</u>	<u>423,018</u>	<u>369,379</u>	<u>321,181</u>	<u>290,201</u>	<u>237,585</u>	<u>235,238</u>	<u>227,315</u>	<u>195,076</u>	<u>195,093</u>
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Valdese's covered-employee payroll	<u>\$ 3,463,059</u>	<u>\$ 3,431,364</u>	<u>\$ 3,204,580</u>	<u>\$ 3,106,073</u>	<u>\$ 3,177,195</u>	<u>\$ 2,988,593</u>	<u>\$ 3,055,887</u>	<u>\$ 3,046,132</u>	<u>\$ 2,860,645</u>	<u>\$ 2,739,307</u>
Contributions as a percentage of covered-employee payroll	13.13%	12.32%	11.52%	10.34%	9.13%	7.94%	7.69%	7.46%	6.84%	7.12%

TOWN OF VALDESE, NORTH CAROLINA

Schedule 1-4

**Schedule of Changes in Total Pension Liability
Law Enforcement Officers' Special Separation Allowance
Last Eight Fiscal Years**

	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Beginning balance	\$ 330,993	\$ 357,781	\$ 408,298	\$ 200,396	\$ 188,730	\$ 175,301	\$ 164,871	\$ 151,859
Service cost	18,412	25,933	25,559	15,928	12,022	13,254	11,128	13,364
Interest	13,405	8,050	7,880	6,533	6,870	5,540	6,364	5,421
Changes in benefit terms	-	-	-	-	-	-	-	-
Difference between expected and actuarial experience	(58,500)	-	(73,491)	54,258	(14,437)	4,344	(20,472)	-
Changes in assumptions and other inputs	5,878	(60,771)	(10,465)	131,183	7,211	(9,709)	13,410	(5,773)
Benefit payments	-	-	-	-	-	-	-	-
Other changes	-	-	-	-	-	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Ending balance of the total pension liability	<u>\$ 310,188</u>	<u>\$ 330,993</u>	<u>\$ 357,781</u>	<u>\$ 408,298</u>	<u>\$ 200,396</u>	<u>\$ 188,730</u>	<u>\$ 175,301</u>	<u>\$ 164,871</u>

The amounts presented for each fiscal year were determined as of the prior fiscal year ending December 31.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 1-5

**Schedule of Total Pension Liability as a Percentage of Covered Payroll
Law Enforcement Officers' Special Separation Allowance
Last Eight Fiscal Years**

	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Total pension liability	\$ 310,188	\$ 330,993	\$ 357,781	\$ 408,298	\$ 200,396	\$ 188,730	\$ 175,301	\$ 164,871
Covered payroll	507,857	563,191	563,191	550,520	473,632	502,527	479,954	534,204
Total pension liability as a percentage of covered payroll	61.08%	58.77%	63.53%	74.17%	42.31%	37.58%	36.52%	30.86%

Notes to schedules:

The Town of Valdese has no assets accumulated in a trust that meet the criteria in paragraph 4 of GASB Statement 73 to pay related benefits.

**Supplementary
Statements**

TOWN OF VALDESE, NORTH CAROLINA
Schedule 2
Page 1 of 11

General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u> <u>Positive</u> <u>(Negative)</u>
Revenues:			
Ad valorem taxes:			
Current year	\$ 2,656,668	\$ 2,925,753	\$ 269,085
Prior years	88,000	24,294	(63,706)
Penalties and interest	10,000	6,188	(3,812)
Total ad valorem taxes	<u>2,754,668</u>	<u>2,956,235</u>	<u>201,567</u>
Other taxes and licenses:			
Unrestricted local option sales tax	<u>1,720,144</u>	<u>1,895,258</u>	<u>175,114</u>
Total other taxes and licenses	<u>1,720,144</u>	<u>1,895,258</u>	<u>175,114</u>
Unrestricted intergovernmental revenues:			
Payments in lieu of taxes -			
Valdese Housing Authority	20,000	26,188	6,188
Franchise tax	440,000	459,600	19,600
Alcohol/beverage tax	18,500	23,924	5,424
Occupancy taxes	152,000	152,845	845
Sales tax refunds	<u>(1,256)</u>	<u>(8,256)</u>	<u>(7,000)</u>
Total unrestricted intergovernmental revenues	<u>629,244</u>	<u>654,301</u>	<u>25,057</u>

cont.

TOWN OF VALDESE, NORTH CAROLINA
**Schedule 2
Page 2 of 11**

**General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Revenues (Continued):			
Restricted intergovernmental revenues:			
"State Street - Aid" allocation	\$ 146,300	\$ 183,431	\$ 37,131
Total restricted intergovernmental revenues	<u>146,300</u>	<u>183,431</u>	<u>37,131</u>
Sales and services:			
Refuse collection fees	205,000	210,549	5,549
Recycling fees	45,000	46,189	1,189
Jail fees	400	863	463
Rent and miscellaneous fees	77,419	97,820	20,401
Valdese Community Center	312,700	311,365	(1,335)
Valdese Tourism Commission	1,000	195	(805)
Rock School fees	84,480	85,212	732
Community affairs	<u>23,075</u>	<u>21,045</u>	<u>(2,030)</u>
Total sales and services	<u>749,074</u>	<u>773,238</u>	<u>24,164</u>
Investment earnings:			
Interest on investments	<u>100,000</u>	<u>671,522</u>	<u>571,522</u>
Total investment earnings	<u>100,000</u>	<u>671,522</u>	<u>571,522</u>
Other revenues:			
Sale of fixed assets	-	11,700	11,700
Other	<u>(650)</u>	<u>56,908</u>	<u>57,558</u>
Total other revenues	<u>(650)</u>	<u>68,608</u>	<u>69,258</u>
Total revenues	<u>6,098,780</u>	<u>7,202,594</u>	<u>1,103,815</u>

cont.

TOWN OF VALDESE, NORTH CAROLINA
**Schedule 2
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**General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures:			
General government:			
Governing body:			
Salaries and wages	\$ -	\$ 16,900	\$ -
FICA tax expense	-	1,232	-
Group insurance	-	44,662	-
Travel	-	1,105	-
Miscellaneous	-	1,048	-
Total governing body	<u>76,989</u>	<u>64,946</u>	<u>12,043</u>
Administration:			
Salaries and wages	-	488,241	-
Professional services	-	164,597	-
FICA tax expense	-	35,875	-
Group insurance	-	39,823	-
Retirement	-	43,019	-
Telephone and postage	-	24,556	-
Utilities	-	9,599	-
Travel	-	10,914	-
Maintenance and repair - buildings and grounds	-	14,349	-
Maintenance and repair - equipment	-	3,249	-
Advertising	-	2,850	-
Auto supplies	-	249	-
Supplies and materials	-	11,497	-
Dues and subscriptions	-	20,476	-
Printing expense	-	298	-
Insurance and bonds	-	132,634	-
Contracted services	-	29,805	-

cont.

TOWN OF VALDESE, NORTH CAROLINA
**Schedule 2
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**General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Administration (continued):			
Burke County Public Library	\$ -	\$ 40,000	\$ -
Capital outlay	-	28,316	-
Debt service	-	88,878	-
Miscellaneous	-	69,180	-
Utility fund reimbursement	-	(557,900)	-
Total administration	876,362	700,506	175,856
Planning and zoning:			
Salaries and wages	-	44,732	-
Professional services	-	91	-
FICA tax expense	-	3,315	-
Supplies and materials	-	700	-
Condeminations	-	555	-
Capital outlay	-	11,331	-
Miscellaneous	-	716	-
Total planning and zoning	163,861	61,441	102,420
Public works:			
Salaries and wages	-	270,849	-
FICA tax expense	-	20,060	-
Group insurance	-	48,479	-
Retirement	-	32,804	-
Utilities	-	12,034	-

cont.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 2

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General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Public works (continued):			
Travel	\$ -	\$ 1,195	\$ -
Maintenance and repair - buildings and grounds	-	10,488	-
Maintenance and repair - equipment	-	3,807	-
Maintenance and repair - autos and trucks	-	1,761	-
Auto supplies	-	14,180	-
Supplies and materials	-	5,393	-
Chemicals	-	2,944	-
Uniforms	-	3,667	-
Contracted services	-	3,845	-
Arbor beautification	-	3,726	-
Capital outlay	-	23,206	-
Miscellaneous	-	3,011	-
Utility fund reimbursement	-	(204,578)	-
Total public works	<u>315,684</u>	<u>256,870</u>	<u>58,814</u>
 Total general government	 <u>1,432,896</u>	 <u>1,083,763</u>	 <u>349,133</u>
 Public safety:			
Police department:			
Salaries and wages	-	728,448	-
FICA tax expense	-	54,526	-
Group insurance	-	114,501	-
Retirement	-	97,583	-
Deferred compensation	-	31,557	-
Professional services	-	1,860	-
Telephone and postage	-	6,758	-
Travel	-	1,582	-
Maintenance and repair - buildings and grounds	-	2,462	-
Maintenance and repair - equipment	-	2,448	-
Maintenance and repair - auto and trucks	-	8,333	-
Auto supplies	-	52,824	-
Supplies and materials	-	22,797	-
Uniforms	-	18,229	-
IT	-	8,802	-

cont.

TOWN OF VALDESE, NORTH CAROLINA
**Schedule 2
Page 6 of 11**

**General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Police department (continued):			
Dues and subscriptions	\$ -	\$ 118	\$ -
Capital outlay	-	44,672	-
Contracted services	-	26,710	-
Debt service	-	18,470	-
Total police department	<u>1,345,563</u>	<u>1,242,680</u>	<u>102,883</u>
Fire department:			
Salaries and wages	-	433,581	-
FICA tax expense	-	33,314	-
Group insurance	-	77,456	-
Retirement	-	49,342	-
Professional services	-	5,755	-
Telephone and postage	-	657	-
Utilities	-	17,758	-
Travel	-	13,525	-
Maintenance and repair - buildings and grounds	-	9,068	-
Maintenance and repair - equipment	-	10,165	-
Maintenance and repair - autos and trucks	-	16,450	-
Auto supplies	-	25,730	-
Supplies and materials	-	40,244	-
Uniforms	-	5,213	-
Insurance and bonds	-	22,735	-
Dues and subscriptions	-	3,961	-
Printing	-	700	-
Fire safety expense	-	8,060	-
IT	-	8,735	-
Debt service	-	79,669	-
Total fire department	<u>900,250</u>	<u>862,118</u>	<u>38,132</u>
Total public safety	<u>2,245,813</u>	<u>2,104,798</u>	<u>141,015</u>

cont.

TOWN OF VALDESE, NORTH CAROLINA
**Schedule 2
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**General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Environmental protection:			
Sanitation department:			
Salaries and wages	\$ -	\$ 36,033	\$ -
FICA tax expenses	-	2,717	-
Group insurance	-	8,556	-
Retirement	-	4,585	-
Maintenance and repair - equipment	-	51	-
Maintenance and repair - autos and trucks	-	1,055	-
Auto supplies	-	5,090	-
Supplies and materials	-	1,155	-
Uniforms	-	585	-
Chemicals	-	102	-
Contracted services	-	294,308	-
Capital outlay - equipment	-	160,092	-
Miscellaneous	-	1,055	-
Total sanitation department	<u>558,199</u>	<u>515,384</u>	<u>42,815</u>
Total environmental protection	<u>558,199</u>	<u>515,384</u>	<u>42,815</u>

cont.

TOWN OF VALDESE, NORTH CAROLINA
**Schedule 2
Page 8 of 11**

**General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Transportation:			
Street department:			
Salaries and wages	\$ -	\$ 150,886	\$ -
FICA tax expense	-	11,124	-
Group insurance	-	33,622	-
Retirement expense	-	19,211	-
Utilities	-	73,067	-
Maintenance and repair - buildings and grounds	-	10,975	-
Maintenance and repair - equipment	-	11,671	-
Maintenance and repair - autos and trucks	-	6,830	-
Auto supplies	-	18,950	-
Supplies and materials	-	3,432	-
Chemicals	-	1,928	-
Uniforms	-	2,400	-
Contracted services	-	1,078	-
Debt service	-	53,743	-
Total street department	<u>418,820</u>	<u>398,918</u>	<u>19,902</u>

cont.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 2

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General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Powell Bill:			
Supplies and materials	\$ -	\$ 2,280	\$ -
Maintenance and repair	-	13,226	-
Snow and ice removal	-	552	-
Total Powell Bill	<u>23,854</u>	<u>16,058</u>	<u>7,796</u>
Total transportation	<u>442,674</u>	<u>414,976</u>	<u>27,698</u>
 Cultural and recreational:			
Recreation:			
Salaries and wages	-	533,428	-
FICA tax expense	-	39,761	-
Group insurance	-	56,124	-
Retirement	-	35,551	-
Telephone and postage	-	1,048	-
Utilities	-	92,279	-
Travel	-	2,498	-
Maintenance and repair - buildings and grounds	-	66,872	-
Maintenance and repair - equipment	-	16,740	-
Maintenance and repair - autos and trucks	-	909	-
Auto supplies	-	3,983	-
Supplies and materials	-	21,315	-
Chemicals	-	14,254	-
Purchases for resale	-	43,521	-
Dues and subscriptions	-	4,018	-
Swim team	-	1,960	-
Triathlon	-	4,454	-
Uniforms	-	1,000	-
Contracted services	-	36,670	-
Advertising	-	1,032	-
Capital outlay	-	110,669	-
Debt service	-	19,483	-
Professional services	-	986	-
Total recreation	<u>1,135,166</u>	<u>1,108,556</u>	<u>26,610</u>

cont.

TOWN OF VALDESE, NORTH CAROLINA
**Schedule 2
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**General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Community affairs:			
Salaries and wages	\$ -	\$ 201,468	\$ -
FICA tax expense	-	14,882	-
Group insurance	-	32,443	-
Retirement expense	-	21,986	-
Printing	-	4,499	-
Utilities	-	42,474	-
Supplies and materials	-	20,488	-
Telephone and postage	-	5,223	-
Maintenance and repair	-	26,413	-
Advertising	-	7,779	-
Contracted services	-	118,174	-
Dues and subscriptions	-	1,048	-
Building reuse and facade	-	5,000	-
Main Street program	-	3,001	-
Valdese Tourism Commission	-	129,411	-
Festival	-	28,674	-
IT	-	499	-
Capital outlay	-	86,863	-
Concession stand trailer	-	3,804	-
Miscellaneous	-	7,192	-
Utility fund reimbursement	-	(337,522)	-
Total community affairs	<u>447,365</u>	<u>423,796</u>	<u>23,569</u>
			cont.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 2, cont.

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General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Total cultural and recreational	\$ 1,582,530	\$ 1,532,352	\$ 50,178
Total expenditures	<u>6,262,112</u>	<u>5,651,273</u>	<u>610,840</u>
Revenues over (under) expenditures	<u>(163,333)</u>	<u>1,551,321</u>	<u>1,714,654</u>
Other Financing Sources (Uses):			
Operating transfers - in (out)			
Capital project funds	(1,184,290)	(1,184,290)	-
Enterprise fund	221,000	221,000	-
Appropriated fund balance	<u>1,126,623</u>	<u>-</u>	<u>(1,126,623)</u>
Total other financing sources (uses)	<u>163,333</u>	<u>(963,290)</u>	<u>(1,126,623)</u>
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	588,030	<u>\$ 588,030</u>
Fund balance, July 1		<u>8,136,499</u>	
Fund balance, June 30		<u>\$ 8,724,530</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 3
Page 1 of 2

**Combining Balance Sheet
Nonmajor Governmental Funds
For the Fiscal Year Ended June 30, 2024**

	Special Revenue Fund	Capital Project Funds				
	Public Art Fund	Street Improvements Fund	Lakeside Park Phase I Project Fund	Pool Structure Fund	Old Rock School Renovation Fund	
<u>Assets</u>						
Current assets:						
Cash and investments	\$ 40,901	\$ 1,500	\$ 18,722	\$ 97,572	\$ -	\$ 13,239
Total assets	<u>\$ 40,901</u>	<u>\$ 1,500</u>	<u>\$ 18,722</u>	<u>\$ 97,572</u>	<u>\$ -</u>	<u>\$ 13,239</u>
<u>Liabilities and Fund Balances</u>						
Accounts payable	\$ -	\$ -	\$ -	\$ -	\$ 38,811	\$ -
Due to other funds	-	-	-	-	396,596	-
Total liabilities	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>435,407</u>	<u>-</u>
Fund balance:						
Restricted:						
Town revitalization	40,901	-	-	-	-	-
Assigned:						
Capital projects	-	1,500	18,722	97,572	(435,407)	13,239
Total fund balance	<u>40,901</u>	<u>1,500</u>	<u>18,722</u>	<u>97,572</u>	<u>(435,407)</u>	<u>13,239</u>
Total liabilities and fund balances	<u>\$ 40,901</u>	<u>\$ 1,500</u>	<u>\$ 18,722</u>	<u>\$ 97,572</u>	<u>\$ -</u>	<u>\$ 13,239</u>

TOWN OF VALDESE, NORTH CAROLINA

Schedule 3
Page 2 of 2

Combining Balance Sheet
Nonmajor Governmental Funds
For the Fiscal Year Ended June 30, 2024

	Capital Project Funds						Total Nonmajor Governmental Funds	
	Capital Outlay Fund	Community Center Renovation Fund	Public Safety Building Project Fund	Lake Rhodhiss Capital Project Fund	Police Dept. Capital Project Fund	McGalliard Creek Bridge Fund		Total
<u>Assets</u>								
Current assets:								
Cash and investments	\$ 843,351	\$ -	\$ 1,116,272	\$ 143,350	\$ 136	\$ -	\$ 2,234,142	\$ 2,275,043
Total assets	<u>\$ 843,351</u>	<u>\$ -</u>	<u>\$ 1,116,272</u>	<u>\$ 143,350</u>	<u>\$ 136</u>	<u>\$ -</u>	<u>\$ 2,234,142</u>	<u>\$ 2,275,043</u>
<u>Liabilities and Fund Balances</u>								
Accounts payable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 38,811	\$ 38,811
Due to other funds	-	-	-	-	-	-	396,596	396,596
Total liabilities	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>435,407</u>	<u>435,407</u>
Fund balance:								
Restricted:								
Town revitalization	-	-	-	-	-	-	-	40,901
Assigned:								
Capital projects	843,351	-	1,116,272	143,350	136	-	1,798,735	1,798,735
Total fund balance	<u>843,351</u>	<u>-</u>	<u>1,116,272</u>	<u>143,350</u>	<u>136</u>	<u>-</u>	<u>1,798,735</u>	<u>1,839,636</u>
Total liabilities and fund balances	<u>\$ 843,351</u>	<u>\$ -</u>	<u>\$ 1,116,272</u>	<u>\$ 143,350</u>	<u>\$ 136</u>	<u>\$ -</u>	<u>\$ 2,234,142</u>	<u>\$ 2,275,043</u>

TOWN OF VALDESE, NORTH CAROLINA

**Schedule 4
Page 1 of 2**

**Combining Statement of Revenues, Expenditures and
Changes in Fund Balances (Deficit)
Nonmajor Governmental Funds
For the Fiscal Year Ended June 30, 2024**

	Special	Capital Project Funds				
	Revenue Fund	Street	Lakeside	Pool	Old Rock	Community
	Public	Improvements	Park Phase I	Structure	School	Center Gym
	Fund	Fund	Project	Fund	Renovation	Renovation
			Fund		Fund	Fund
Revenues:						
Other local revenues:						
Miscellaneous	\$ -	\$ -	\$ 18,723	\$ -	\$ 70,441	\$ 200
Restricted intergovernmental revenues:						
Grants	-	-	47,472	-	63,691	-
Investment earnings:						
Interest earned	-	-	-	-	-	-
Total revenues	<u>-</u>	<u>-</u>	<u>66,195</u>	<u>-</u>	<u>134,132</u>	<u>200</u>
Expenditures:						
Public safety	-	-	-	-	-	-
Economic and physical development	5,174	498,500	30,000	21,768	775,191	17,902
Total expenditures	<u>5,174</u>	<u>498,500</u>	<u>30,000</u>	<u>21,768</u>	<u>775,191</u>	<u>17,902</u>
Revenues over (under) expenditures	<u>(5,174)</u>	<u>(498,500)</u>	<u>36,195</u>	<u>(21,768)</u>	<u>(641,059)</u>	<u>(17,703)</u>
Other Financing Sources (Uses):						
From (to) General Fund	-	500,000	-	119,340	240,950	-
Total other financing sources (uses)	<u>-</u>	<u>500,000</u>	<u>-</u>	<u>119,340</u>	<u>240,950</u>	<u>-</u>
Revenues and other sources over (under) expenditures and other uses	(5,174)	1,500	36,195	97,572	(400,110)	(17,703)
Fund balances (deficit), beginning of year	46,075	-	(17,473)	-	(35,297)	30,941
Fund balances (deficit), end of year	<u>\$ 40,901</u>	<u>\$ 1,500</u>	<u>\$ 18,722</u>	<u>\$ 97,572</u>	<u>\$ (435,407)</u>	<u>\$ 13,239</u>

TOWN OF VALDESE, NORTH CAROLINA

**Schedule 4
Page 2 of 2**

**Combining Statement of Revenues, Expenditures and
Changes in Fund Balances (Deficit)
Nonmajor Governmental Funds
For the Fiscal Year Ended June 30, 2024**

	Capital Project Funds						Total	Total Nonmajor Governmental Funds
	Capital Outlay Fund	Community Center Renovation Fund	Public Safety Building Project Fund	Lake Rhodhiss Capital Project Fund	Police Dept. Capital Project Fund	McGalliard Creek Bridge Fund		
Revenue:								
Other local revenues:								
Miscellaneous	\$ -	\$ -	\$ 126,321	\$ -	\$ 10	\$ (18,723)	\$ 196,972	\$ 196,972
Restricted intergovernmental revenues:								
Grants	-	-	-	-	-	-	111,163	111,163
Investment earnings:								
Interest earned	36,800	-	-	-	-	-	36,800	36,800
Total revenues	<u>36,800</u>	<u>-</u>	<u>126,321</u>	<u>-</u>	<u>10</u>	<u>(18,723)</u>	<u>344,935</u>	<u>344,935</u>
Expenditures:								
Public safety	-	-	413,560	-	-	-	413,560	413,560
Economic and physical development	-	11,518	-	-	-	13,469	1,368,348	1,373,522
Total expenditures	<u>-</u>	<u>11,518</u>	<u>413,560</u>	<u>-</u>	<u>-</u>	<u>13,469</u>	<u>1,781,908</u>	<u>1,787,082</u>
Revenues over (under) expenditures	<u>36,800</u>	<u>(11,518)</u>	<u>(287,239)</u>	<u>-</u>	<u>10</u>	<u>(32,192)</u>	<u>(1,436,973)</u>	<u>(1,442,147)</u>
Other Financing Sources (Uses):								
From (to) General Fund	-	-	324,000	-	-	-	1,184,290	1,184,290
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>324,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,184,290</u>	<u>1,184,290</u>
Revenues and other sources over (under) expenditures and other uses	36,800	(11,518)	36,761	-	10	(32,192)	(252,683)	(257,857)
Fund balances (deficit), beginning of year	<u>806,551</u>	<u>11,518</u>	<u>1,079,511</u>	<u>143,350</u>	<u>126</u>	<u>32,192</u>	<u>2,051,419</u>	<u>2,097,494</u>
Fund balances (deficit), end of year	<u>\$ 843,351</u>	<u>\$ -</u>	<u>\$ 1,116,272</u>	<u>\$ 143,350</u>	<u>\$ 136</u>	<u>\$ -</u>	<u>\$ 1,798,735</u>	<u>\$ 1,839,636</u>

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-1

Lakeside Park Phase I Project Fund
Statement of Revenues, Expenditures and Changes in Fund Balance (Deficit)
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Contributions	\$ 364,582	\$ 345,858	\$ 18,723	\$ 364,581
Restricted intergovernmental revenues:				
Grants	<u>594,945</u>	<u>547,473</u>	<u>47,472</u>	<u>594,945</u>
Total revenues	<u>959,527</u>	<u>893,331</u>	<u>66,195</u>	<u>959,526</u>
Expenditures:				
Administration	10,000	10,000	-	10,000
Engineering	48,000	48,000	-	48,000
Design	89,160	89,160	-	89,160
Survey	10,000	10,000	-	10,000
Construction	<u>802,367</u>	<u>753,644</u>	<u>30,000</u>	<u>783,644</u>
Total expenditures	<u>959,527</u>	<u>910,804</u>	<u>30,000</u>	<u>940,804</u>
Revenues over (under) expenditures	<u>\$ -</u>	<u>\$ (17,473)</u>	36,195	<u>\$ 18,722</u>
Fund balance, beginning of year			<u>(17,473)</u>	
Fund balance, end of year			<u>\$ 18,722</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-2

Public Safety Building Project Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project</u> <u>Authorization</u>	<u>Prior</u> <u>Years</u>	<u>Actual</u> <u>Current</u> <u>Year</u>	<u>Total to</u> <u>Date</u>
Revenues:				
ABC distributions	\$ 81,774	\$ 461,773	\$ 87,121	\$ 548,894
State grant	500,000	500,000	-	500,000
Land sale	-	112,000	39,200	151,200
Total revenues	<u>581,774</u>	<u>1,073,773</u>	<u>126,321</u>	<u>1,200,094</u>
Expenditures:				
Professional services	44,024	44,024	(0)	44,024
Architect contract	364,135	250,606	13,560	264,166
Land acquisition	498,132	98,132	400,000	498,132
Existing facility assessment	25,500	25,500	-	25,500
Construction	<u>500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total expenditures	<u>1,431,791</u>	<u>418,262</u>	<u>413,560</u>	<u>831,822</u>
Revenues over (under) expenditures	<u>(850,017)</u>	<u>655,511</u>	<u>(287,239)</u>	<u>368,272</u>
Other Financing Sources (Uses):				
Operating transfers - in from General Fund	<u>850,017</u>	<u>424,000</u>	<u>324,000</u>	<u>748,000</u>
Total other financing sources (uses)	<u>850,017</u>	<u>424,000</u>	<u>324,000</u>	<u>748,000</u>
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	<u>\$ 1,079,511</u>	36,761	<u>\$ 1,116,272</u>
Fund balance, beginning of year			<u>1,079,511</u>	
Fund balance, end of year			<u>\$ 1,116,272</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-3

Public Art Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Contributions	\$ 6,476	\$ 70,476	\$ -	\$ 70,476
Restricted intergovernmental revenues:				
Grants	<u>54,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total revenues	<u>60,476</u>	<u>70,476</u>	<u>-</u>	<u>70,476</u>
Expenditures:				
Display	2,517	2,516	-	2,516
Public art	<u>74,559</u>	<u>38,485</u>	<u>5,174</u>	<u>43,659</u>
Total expenditures	<u>77,076</u>	<u>41,001</u>	<u>5,174</u>	<u>46,175</u>
Revenues over (under) expenditures	<u>(16,600)</u>	<u>29,475</u>	<u>(5,174)</u>	<u>24,301</u>
Other Financing Sources (Uses):				
Operating transfers - in from General Fund	<u>16,600</u>	<u>16,600</u>	<u>-</u>	<u>16,600</u>
Total other financing sources (uses)	<u>16,600</u>	<u>16,600</u>	<u>-</u>	<u>16,600</u>
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	<u>\$ 46,075</u>	(5,174)	<u>\$ 40,901</u>
Fund balance, beginning of year			<u>46,075</u>	
Fund balance, end of year			<u>\$ 40,901</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-4

Street Improvements Fund
Statement of Revenues, Expenditures and Changes in Fund Balance (Deficit)
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Revenues	\$ -	\$ -	\$ -	\$ -
Expenditures:				
Engineering services	45,100	-	43,600	43,600
Street improvements	444,225	-	444,225	444,225
Contingency	<u>10,675</u>	<u>-</u>	<u>10,675</u>	<u>10,675</u>
Total expenditures	<u>500,000</u>	<u>-</u>	<u>498,500</u>	<u>498,500</u>
Revenues over (under) expenditures	<u>(500,000)</u>	<u>-</u>	<u>(498,500)</u>	<u>(498,500)</u>
Other Financing Sources (Uses):				
Operating transfers - in from General Fund	<u>500,000</u>	<u>-</u>	<u>500,000</u>	<u>500,000</u>
Total other financing sources (uses)	<u>500,000</u>	<u>-</u>	<u>500,000</u>	<u>500,000</u>
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	<u>\$ -</u>	1,500	<u>\$ 1,500</u>
Fund balance, beginning of year			<u>-</u>	
Fund balance, end of year			<u>\$ 1,500</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-5

Capital Outlay Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Revenues:			
Investment earnings	\$ 275,000	\$ 36,800	\$ (238,200)
Expenditures	<u>275,000</u>	<u>-</u>	<u>275,000</u>
Revenues over (under) expenditures	<u>\$ -</u>	36,800	<u>\$ 36,800</u>
Fund balance, beginning of year		<u>806,551</u>	
Fund balance, end of year		<u>\$ 843,351</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-6

Lake Rhodhiss Capital Project Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project</u> <u>Authorization</u>	<u>Prior</u> <u>Years</u>	<u>Actual</u> <u>Current</u> <u>Year</u>	<u>Total to</u> <u>Date</u>
Revenues:				
Other local revenues:				
Town of Drexel	\$ 133,400	\$ 81,108	\$ -	\$ 81,108
Burke County	<u>106,800</u>	<u>62,421</u>	<u>-</u>	<u>62,421</u>
Total other local revenues	240,200	143,529	-	143,529
Investment earnings	<u>-</u>	<u>513,868</u>	<u>-</u>	<u>513,868</u>
Total revenues	<u>240,200</u>	<u>657,397</u>	<u>-</u>	<u>657,397</u>
Expenditures:				
Maintenance and repair	32,000	32,000	-	32,000
Miscellaneous	-	13,715	-	13,715
Capital outlay	<u>27,900</u>	<u>27,900</u>	<u>-</u>	<u>27,900</u>
Total expenditures	<u>59,900</u>	<u>73,615</u>	<u>-</u>	<u>73,615</u>
Revenues over (under) expenditures	<u>180,300</u>	<u>583,782</u>	<u>-</u>	<u>583,782</u>
Other Financing Sources (Uses):				
Operating transfers - in (out):				
To Utility Fund	(1,940,100)	(811,280)	-	(811,280)
From Utility Fund	1,759,800	974,691	-	974,691
To General Fund	-	(728,845)	-	(728,845)
From Capital Projects	<u>-</u>	<u>125,000</u>	<u>-</u>	<u>125,000</u>
Total other financing sources (uses)	<u>(180,300)</u>	<u>(440,434)</u>	<u>-</u>	<u>(440,434)</u>
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	<u>\$ 143,350</u>	<u>-</u>	<u>\$ 143,350</u>
Fund balance, beginning of year			<u>143,350</u>	
Fund balance, end of year			<u>\$ 143,350</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-7

Police Department Capital Project Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Restricted intergovernmental revenues:				
Drug abuse funds	\$ 10,000	\$ 16,071	\$ 10	\$ 16,081
Investment earnings:				
Interest earned	-	404	-	404
Total revenues	<u>10,000</u>	<u>16,475</u>	<u>10</u>	<u>16,485</u>
Expenditures:				
Repairs and maintenance	10,000	1,290	-	1,290
Capital outlay - equipment	<u>88,300</u>	<u>93,092</u>	<u>-</u>	<u>93,092</u>
Total expenditures	<u>98,300</u>	<u>94,382</u>	<u>-</u>	<u>94,382</u>
Revenues over (under) expenditures	<u>(88,300)</u>	<u>(77,907)</u>	<u>10</u>	<u>(77,897)</u>
Other Financing Sources (Uses):				
Operating transfers - in (out)				
From General Fund	<u>88,300</u>	<u>78,033</u>	<u>-</u>	<u>78,033</u>
Total other financing sources (uses)	<u>88,300</u>	<u>78,033</u>	<u>-</u>	<u>78,033</u>
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	<u>\$ 126</u>	10	<u>\$ 136</u>
Fund balance, beginning of year			<u>126</u>	
Fund balance, end of year			<u>\$ 136</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-8

McGalliard Creek Bridge Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project</u> <u>Authorization</u>	<u>Prior</u> <u>Years</u>	<u>Actual</u> <u>Current</u> <u>Year</u>	<u>Total to</u> <u>Date</u>
Revenues:				
Contributions	\$ 62,419	\$ 81,142	\$ (18,723)	\$ 62,419
Grants	<u>157,500</u>	<u>157,500</u>	<u>-</u>	<u>157,500</u>
Total revenues	<u>219,919</u>	<u>238,642</u>	<u>(18,723)</u>	<u>219,919</u>
Expenditures:				
Professional services	24,433	22,300	2,133	24,433
NCFMP review fee	8,000	8,000	-	8,000
Bidding and award	850	850	-	850
Grant administration	5,000	-	5,000	5,000
Construction administration	17,500	17,500	-	17,500
Construction	149,844	149,500	344	149,844
Contingency	<u>14,292</u>	<u>8,300</u>	<u>5,992</u>	<u>14,292</u>
Total expenditures	<u>219,919</u>	<u>206,450</u>	<u>13,469</u>	<u>219,919</u>
Revenues over (under) expenditures	<u>\$ -</u>	<u>\$ 32,192</u>	(32,192)	<u>\$ -</u>
Fund balance, beginning of year			<u>32,192</u>	
Fund balance, end of year			<u>\$ -</u>	

This project was completed and closed out during the year ending June 30, 2024.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-9

Old Rock School Renovation Fund
Statement of Revenues, Expenditures and Changes in Fund Balance (Deficit)
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project</u> <u>Authorization</u>	<u>Prior</u> <u>Years</u>	<u>Actual</u> <u>Current</u> <u>Year</u>	<u>Total to</u> <u>Date</u>
Revenues:				
Grants	\$ 1,397,500	\$ -	\$ 63,691	\$ 63,691
Donations	211,225	-	70,441	70,441
Town match	240,950	-	240,950	240,950
Total revenues	<u>1,849,675</u>	<u>-</u>	<u>375,081</u>	<u>375,081</u>
Expenditures:				
Renovations	1,377,650	-	586,092	586,092
Professional services	120,300	35,105	45,637	80,742
Auditorium seating	151,225	-	-	-
Grant administration	25,000	-	-	-
ARC grant	120,000	-	106,877	106,877
Contingency	<u>55,500</u>	<u>192</u>	<u>36,586</u>	<u>36,778</u>
Total expenditures	<u>1,849,675</u>	<u>35,297</u>	<u>775,191</u>	<u>810,488</u>
Revenues over (under) expenditures	<u>\$ -</u>	<u>\$ (35,297)</u>	(400,110)	<u>\$ (435,407)</u>
Fund balance (deficit), beginning of year			<u>(35,297)</u>	
Fund balance (deficit), end of year			<u>\$ (435,407)</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-10

Hoyle Creek Restoration Fund
Statement of Revenues, Expenditures and Changes in Fund Balance (Deficit)
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
State grant	\$ 2,200,000	\$ -	\$ -	\$ -
Total revenues	<u>2,200,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures:				
Restoration	2,000,000	-	-	-
Contingency	<u>200,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total expenditures	<u>2,200,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Revenues over (under) expenditures	<u>\$ -</u>	<u>\$ -</u>	-	<u>\$ -</u>
Fund balance, beginning of year			<u>-</u>	
Fund balance, end of year			<u>\$ -</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-11

Community Center Gym Renovation Fund
Statement of Revenues, Expenditures and Changes in Fund Balance (Deficit)
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Contributions	\$ 182,489	\$ 186,940	\$ 200	\$ 187,140
Town match	<u>50,000</u>	<u>50,000</u>	-	<u>50,000</u>
Total revenues	<u>232,489</u>	<u>236,940</u>	<u>200</u>	<u>237,140</u>
Expenditures:				
Renovations	331,731	322,425	9,306	331,731
Contingency	<u>30,004</u>	<u>12,819</u>	<u>8,596</u>	<u>21,415</u>
Total expenditures	<u>361,735</u>	<u>335,244</u>	<u>17,902</u>	<u>353,146</u>
Revenues over (under) expenditures	<u>(129,246)</u>	<u>(98,305)</u>	<u>(17,703)</u>	<u>(116,007)</u>
Other Financing Sources (Uses):				
Operating transfers - in from General Fund	<u>129,246</u>	<u>129,246</u>	-	<u>129,246</u>
Total other financing sources (uses)	<u>129,246</u>	<u>129,246</u>	-	<u>129,246</u>
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	<u>\$ 30,941</u>	(17,703)	<u>\$ 13,239</u>
Fund balance (deficit), beginning of year			<u>30,941</u>	
Fund balance (deficit), end of year			<u>\$ 13,239</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-12

Pool Structure Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Revenues	\$ -	\$ -	\$ -	\$ -
Expenditures:				
Engineering services	112,840	-	21,768	21,768
Site evaluation testing	6,500	-	-	-
Total expenditures	119,340	-	21,768	21,768
Revenues over (under) expenditures	(119,340)	-	(21,768)	(21,768)
Other Financing Sources (Uses):				
Operating transfers - in from General Fund	119,340	-	119,340	119,340
Total other financing sources (uses)	119,340	-	119,340	119,340
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	<u>\$ -</u>	97,572	<u>\$ 97,572</u>
Fund balance, beginning of year			-	
Fund balance, end of year			<u>\$ 97,572</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 4-13

Community Center Renovation Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Revenues	\$ -	\$ -	\$ -	\$ -
Expenditures:				
Renovations	587,921	587,921	-	587,921
Contingency	29,396	17,878	11,518	29,396
Total expenditures	<u>617,317</u>	<u>605,799</u>	<u>11,518</u>	<u>617,317</u>
Revenues over (under) expenditures	<u>(617,317)</u>	<u>(605,799)</u>	<u>(11,518)</u>	<u>(617,317)</u>
Other Financing Sources (Uses):				
Operating transfers - in from General Fund	<u>617,317</u>	<u>-</u>	<u>-</u>	<u>617,317</u>
Total other financing sources (uses)	<u>617,317</u>	<u>-</u>	<u>-</u>	<u>617,317</u>
Revenues and other sources over (under) expenditures and other uses	<u>\$ -</u>	<u>\$ (605,799)</u>	(11,518)	<u>\$ -</u>
Fund balance (deficit), beginning of year			<u>11,518</u>	
Fund balance (deficit), end of year			<u>\$ -</u>	

This project was completed and closed out during the year ending June 30, 2024.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5

Utility Fund
Statement of Revenues - Budget and Actual (Non-GAAP)
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Revenues:			
Operating revenues:			
Charges for services:			
Water charges	\$ 2,971,500	\$ 3,146,564	\$ 175,064
Wastewater charges	1,199,950	1,214,439	14,489
Contract sales	840,740	967,439	126,699
Total charges for services	<u>5,012,190</u>	<u>5,328,442</u>	<u>316,252</u>
Other operating revenues:			
Tap and connection fees	10,000	111,710	101,710
Long term monitoring fees	18,500	18,500	(0)
Utility bill penalties	51,000	89,224	38,224
Meter usage charge	479,520	485,984	6,464
Reconnection fees	<u>35,000</u>	<u>115,823</u>	<u>80,823</u>
Total other operating revenues	<u>594,020</u>	<u>821,241</u>	<u>227,221</u>
Total operating revenues	<u>5,606,210</u>	<u>6,149,682</u>	<u>543,472</u>
Nonoperating revenues:			
Interest on investments	5,000	46,405	41,405
Rent-nonoperating property	1,800	-	(1,800)
Debt assistance-Town of Drexel	-	183	183
Sale of fixed assets	-	14,000	14,000
Miscellaneous	-	(5,889)	(5,889)
Fund balance appropriated	<u>815,610</u>	<u>-</u>	<u>(815,610)</u>
Total nonoperating revenues	<u>822,410</u>	<u>54,699</u>	<u>(767,711)</u>
Total revenues	<u>\$ 6,428,620</u>	<u>\$ 6,204,382</u>	<u>\$ (224,238)</u>

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-1

Page 1 of 4

Utility Fund
Statement of Expenditures - Budget and Actual (Non-GAAP)
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures:			
Administration:			
General Fund - administrative services:			
Reimbursement	\$ 1,122,524	\$ 1,122,524	\$ -
Total administration	<u>1,122,524</u>	<u>1,122,524</u>	<u>-</u>
Water and supply treatment:			
Salaries and wages	-	426,283	-
Professional services	-	2,095	-
FICA tax expense	-	31,877	-
Group insurance	-	74,682	-
Retirement	-	54,611	-
Telephone and postage	-	1,111	-
Utilities	-	292,061	-
Travel	-	2,471	-
Maintenance and repair - building and grounds	-	11,860	-
Maintenance and repair - equipment	-	23,427	-
Maintenance and repair - autos and trucks	-	271	-
Auto and truck supplies	-	4,566	-
Supplies and materials	-	7,247	-
Chemicals	-	232,781	-
Uniforms	-	5,908	-
Contracted services	-	4,940	-
Dues and subscriptions	-	10,794	-
Laboratory supplies	-	15,903	-
Water testing	-	6,613	-
Insurance and bonds	-	24,342	-

cont.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-1

Page 2 of 4

Utility Fund**Statement of Expenditures - Budget and Actual (Non-GAAP)****For the Year Ended June 30, 2024**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Water and supply treatment (continued):			
Safety	\$ -	\$ 1,630	\$ -
Economic incentives	-	12,500	-
Total water supply and treatment	<u>1,250,032</u>	<u>1,247,973</u>	<u>2,059</u>
Waste water treatment:			
Salaries and wages	-	396,063	-
Professional services	-	13,633	-
FICA tax expense	-	29,363	-
Group insurance	-	81,761	-
Retirement	-	50,602	-
Telephone and postage	-	3,264	-
Utilities	-	200,951	-
Travel	-	2,703	-
Maintenance and repair - buildings and grounds	-	89,112	-
Maintenance and repair - equipment	-	78,551	-
Maintenance and repair - autos and trucks	-	1,725	-
Auto and truck supplies	-	5,161	-
Laboratory supplies	-	11,997	-
Insurance bonds	-	28,000	-
Supplies and materials	-	11,713	-
Chemicals	-	117,955	-
Uniforms	-	5,329	-
Contracted services	-	15,840	-
Long term monitoring	-	28,439	-
Dues and subscriptions	-	8,291	-
Wood chips	-	30,175	-
Safety	-	1,910	-
Economic incentives	-	12,500	-
Total waste water treatment	<u>1,273,723</u>	<u>1,225,037</u>	<u>48,686</u>
			cont.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-1

Page 3 of 4

Utility Fund
Statement of Expenditures - Budget and Actual (Non-GAAP)
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures (Continued):			
Water and sewer maintenance:			
Salaries and wages	\$ -	\$ 374,630	\$ -
Professional services	-	50,310	-
Travel expense	-	1,509	-
FICA tax expense	-	28,049	-
Group insurance	-	57,164	-
Retirement	-	42,520	-
Maintenance and repair - buildings and grounds	-	28,859	-
Maintenance and repair - equipment	-	74,059	-
Maintenance and repair - autos and trucks	-	3,663	-
Auto and truck supplies	-	20,711	-
Supplies and materials	-	75,334	-
Contracted services	-	104,408	-
Utilities	-	24,849	-
Uniforms	-	3,278	-
Insurance and bonds	-	28,612	-
Meters	-	5,226	-
Miscellaneous expense	-	7,402	-
Total water and sewer maintenance	<u>1,041,101</u>	<u>930,583</u>	<u>110,518</u>
Budgetary appropriations:			
Capital outlay-waste water treatment plant	369,000	-	369,000
Capital outlay-water supply and treatment	493,165	5,504	487,661
Capital outlay-water and sewer maintenance	299,685	210,081	89,604
Payment on debt principal	310,448	311,448	(1,000)
Interest and fees	47,942	46,938	1,005
Transfers	221,000	221,000	-
Total budgetary appropriations	<u>1,741,240</u>	<u>794,971</u>	<u>946,270</u>
Total expenditures	<u>\$ 6,428,620</u>	<u>\$ 5,321,088</u>	<u>\$ 1,107,533</u>

Note: Prepared on the Budgetary Basis which is modified accrual.

cont.

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-1,cont.

Page 4 of 4

Utility Fund
Statement of Expenditures - Budget and Actual (Non-GAAP)
For the Year Ended June 30, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u> <u>Positive</u> <u>(Negative)</u>
Reconciliation from Budgetary Basis (Modified) Accrual Basis) to Full Accrual Basis:			
Total revenues on Schedule 5		\$ 6,204,382	
Total expenditures on Schedule 5-1		<u>5,321,088</u>	
Revenues over (under) expenditures		883,294	
Budgetary appropriations (above):			
Payment of debt principal		311,448	
Adjustment for contributed capital		158,382	
Capital outlay		215,585	
Increase (decrease) in inventory		(54,307)	
(Increase) decrease in accrued vacation pay		4,663	
(Increase) decrease in other postemployment benefits		24,803	
Increase (decrease) in deferred outflows - OPEB		(6,694)	
(Increase) decrease in deferred inflows - OPEB		(8,631)	
(Increase) decrease in net pension liability		(119,326)	
Increase (decrease) in deferred outflows - pension		19,460	
(Increase) decrease in deferred inflows - pension		5,995	
Depreciation		<u>(1,392,124)</u>	
Change in net position (Exhibit 9)		<u>\$ 42,548</u>	

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-2

Utility Capital Projects Fund
Valdese Bluffs Water Line
Statement of Revenues and Expenditures
Budget and Actual (Non-GAAP)
From Inception and for the Year Ended June 30, 2024

	<u>Project Authorization</u>	<u>Actual</u>		<u>Total to Date</u>
		<u>Prior Years</u>	<u>Current Year</u>	
Revenues:				
State grant	\$ 80,403	\$ -	\$ -	\$ -
Total revenues	<u>80,403</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures:				
Planning	6,015	1,400	-	1,400
Design	6,200	6,200	-	6,200
Construction	<u>68,188</u>	<u>6,000</u>	<u>-</u>	<u>6,000</u>
Total expenditures	<u>80,403</u>	<u>13,600</u>	<u>-</u>	<u>13,600</u>
Unexpended revenues and receipts	<u>\$ -</u>	<u>\$ (13,600)</u>	<u>\$ -</u>	<u>\$ (13,600)</u>

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-3

**Utility Capital Projects Fund
Cline Avenue Basin & Pump Station
Statement of Revenues and Expenditures
Budget and Actual (Non-GAAP)
From Inception and for the Year Ended June 30, 2024**

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Total revenues	\$ -	\$ -	\$ -	\$ -
Expenditures:				
Engineering	22,000	22,000	-	22,000
Design	89,000	40,900	48,100	89,000
Bidding and award	7,000	-	6,500	6,500
Construction administration	72,000	-	-	-
Planning and funding administration	20,000	-	-	-
Loan closing fee	30,300	-	-	-
Legal/administration	5,000	-	-	-
Contingency	115,800	-	-	-
Construction	<u>1,158,190</u>	<u>-</u>	<u>480</u>	<u>480</u>
Total expenditures	<u>1,519,290</u>	<u>62,900</u>	<u>55,080</u>	<u>117,980</u>
Revenues over (under) expenditures	<u>(1,519,290)</u>	<u>(62,900)</u>	<u>(55,080)</u>	<u>(117,980)</u>
Other Financing Sources (Uses):				
Utility fund contributions	30,780	23,520	7,260	30,780
SRP loan	<u>1,488,510</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total other financing sources	<u>1,519,290</u>	<u>23,520</u>	<u>7,260</u>	<u>30,780</u>
Unexpended revenues and receipts	<u>\$ -</u>	<u>\$ (39,380)</u>	<u>\$ (47,820)</u>	<u>\$ (87,200)</u>

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-4

**Utility Capital Projects Fund
Water Treatment Plant Upgrades
Statement of Revenues and Expenditures
Budget and Actual (Non-GAAP)
From Inception and for the Year Ended June 30, 2024**

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Total revenues	\$ -	\$ -	\$ -	\$ -
Expenditures:				
Design	488,000	-	25,800	25,800
Funding administration	40,000	-	5,000	5,000
Bidding & award	28,000	-	-	-
Construction services	397,000	-	-	-
Construction	5,357,900	-	-	-
Contingency	479,100	-	-	-
Total expenditures	<u>6,790,000</u>	<u>-</u>	<u>30,800</u>	<u>30,800</u>
Revenues over (under) expenditures	<u>(6,790,000)</u>	<u>-</u>	<u>(30,800)</u>	<u>(30,800)</u>
Other Financing Sources (Uses):				
State appropriation	<u>6,790,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total other financing sources	<u>6,790,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Unexpended revenues and receipts	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (30,800)</u>	<u>\$ (30,800)</u>

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-5

**Utility Capital Projects Fund
Water Distribution System Assessment
Statement of Revenues and Expenditures
Budget and Actual (Non-GAAP)
From Inception and for the Year Ended June 30, 2024**

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
Grant	\$ 150,000	\$ 12,800	\$ 15,159	\$ 27,959
Expenditures:				
Professional services	150,000	27,959	-	27,959
Grant fee	2,250	2,250	-	2,250
Total expenditures	152,250	30,209	-	30,209
Revenues over (under) expenditures	(2,250)	(17,409)	15,159	(2,250)
Other Financing Sources (Uses):				
Town contributions	2,250	2,250	-	2,250
Total other financing sources	2,250	2,250	-	2,250
Unexpended revenues and receipts	<u>\$ -</u>	<u>\$ (15,159)</u>	<u>\$ 15,159</u>	<u>\$ -</u>

TOWN OF VALDESE, NORTH CAROLINA

Schedule 5-6

**Utility Capital Projects Fund
Valdese Bluffs Sewer Line
Statement of Revenues and Expenditures
Budget and Actual (Non-GAAP)
From Inception and for the Year Ended June 30, 2024**

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>
Revenues:				
State grant	\$ 721,580	\$ -	\$ 96,635	\$ 96,635
Total revenues	<u>721,580</u>	<u>-</u>	<u>96,635</u>	<u>96,635</u>
Expenditures:				
Planning	44,110	18,800	20,600	39,400
Design	56,455	34,800	21,655	56,455
Construction	<u>621,015</u>	<u>-</u>	<u>780</u>	<u>780</u>
Total expenditures	<u>721,580</u>	<u>53,600</u>	<u>43,035</u>	<u>96,635</u>
Unexpended revenues and receipts	<u>\$ -</u>	<u>\$ (53,600)</u>	<u>\$ 53,600</u>	<u>\$ -</u>

Other Schedules

- Schedule of Ad Valorem Taxes Receivable
 - Analysis of Current of Tax Levy
-

TOWN OF VALDESE, NORTH CAROLINA

Schedule 6

Schedule of Ad Valorem Taxes Receivable
June 30, 2024

<u>Fiscal Year</u>	<u>July 1, 2023</u>	<u>Additions</u>	<u>Collections and Credits</u>	<u>June 30, 2024</u>
2023 - 2024	\$ -	\$ 2,986,165	\$2,967,383	\$ 18,782
2022 - 2023	53,263	-	12,529	40,734
2021 - 2022	24,267	-	3,958	20,309
2020 - 2021	18,282	-	3,715	14,567
2019 - 2020	11,060	-	679	10,381
2018 - 2019	7,500	-	875	6,625
2017 - 2018	7,177	-	2,056	5,121
2016 - 2017	5,350	-	252	5,098
2015 - 2016	3,940	-	405	3,535
2014 - 2015	3,263	-	404	2,859
2013 - 2014	<u>16,759</u>	<u>-</u>	<u>16,759</u>	<u>-</u>
Total	<u>\$ 150,861</u>	<u>\$ 2,986,165</u>	<u>\$3,009,015</u>	128,011
Less allowance for uncollectibles				<u>(40,000)</u>
Balance				<u>\$ 88,011</u>
Reconciliation With Revenues:				
Ad valorem taxes - General Fund (Schedule 2)				\$ 2,950,047
Releases				8,256
Amount written off per statute of limitation				16,759
Collection fees and other adjustments				<u>40,111</u>
Subtotal				3,015,173
Less penalties and interest collected				<u>(6,158)</u>
Total collections and credits				<u>\$ 3,009,015</u>

TOWN OF VALDESE, NORTH CAROLINA
Schedule 7
**Schedule of Analysis of Current Year Tax Levy
June 30, 2024**

	<u>Town - wide</u>		<u>Total Levy</u>		
	<u>Property Valuation</u>	<u>Rate</u>	<u>Total Levy</u>	<u>Property Excluding Registered Motor Vehicles</u>	<u>Registered Motor Vehicles</u>
Original levy:					
Property taxes at current year's rate	\$ 547,572,294	0.545	\$ 2,984,269	\$ 2,751,302	\$ 232,967
Late lists	<u>-</u>		<u>1,896</u>	<u>1,896</u>	<u>-</u>
Total	<u>\$ 547,572,294</u>		<u>2,986,165</u>	<u>2,753,198</u>	<u>232,967</u>
Net levy			2,986,165	2,753,198	232,967
Less uncollected taxes at June 30, 2023			<u>18,782</u>	<u>18,782</u>	<u>-</u>
Current year's taxes collected			<u>\$ 2,967,383</u>	<u>\$ 2,734,416</u>	<u>\$ 232,967</u>
Current levy collection percentage			<u>99.37</u>	<u>99.00</u>	<u>100.00</u>

**Compliance
Section**

Lowdermilk Church & Co., L.L.P.
Certified Public Accountants

121 North Sterling Street
Morganton, North Carolina 28655
Phone: (828) 433-1226
Fax: (828) 433-1230

**Independent Auditors' Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of Financial Statements
Performed In Accordance With Government Auditing Standards**

To the Honorable Mayor and
Members of the Town Council of
Town of Valdese, North Carolina

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of Town of Valdese, North Carolina, as of and for the year ended June 30, 2024, and the related notes to the financial statements, which collectively comprise Town of Valdese, North Carolina's basic financial statements, and have issued our report thereon dated December 4, 2024.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Town of Valdese, North Carolina's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Town of Valdese, North Carolina's internal control. Accordingly, we do not express an opinion on the effectiveness of Town of Valdese, North Carolina's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements, on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether Town of Valdese, North Carolina's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Lowdermilk Church & Co., L.L.P.

Morganton, North Carolina
December 4, 2024

Town of Valdese

AGENDA MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Withdraw of application

Meeting: 2/3/2025

Presenter: Bo Weichel

ITEM OF INTEREST:

Lovelady Rd. Sidewalk Phase I project, BL-0140A

BACKGROUND INFORMATION:

Per the desire of Town Council not to pursue this project at the January 2025 meeting, a resolution is required to allow the WPCOG to withdraw the application.

BUDGET IMPACT:

None. Project was going to require \$286,200 from General Fund Reserves as well as fronting \$1,144,800 for the project until reimbursement was provided.

RECOMMENDATION / OPTIONS:

Approve the resolution to withdraw the application.

LIST OF ATTACHMENTS:

Resolution- Withdraw Lovelady Rd Sidewalk Phase I

TOWN of VALDESE

RESOLUTION

Resolution to withdraw the Lovelady Rd. Sidewalk Phase I Project, BL-0140A,
from the Statewide Transportation Improvement Plan

WHEREAS, the Greater Hickory Metropolitan Planning Organization (GHMPO) issued a call for projects to agencies in its jurisdiction for Locally Administered Projects Program (LAPP); and

WHEREAS, the Town of Valdese submitted an application and funding was programmed for Preliminary Engineering, Right-of-Way & Utility Acquisition, and Construction for a curb and gutter sidewalk along Lovelady Rd. Valdese starting at Laurel St. NE and ending at Crescent St NE, identified as BL-0140A in GHMPO's Transportation Improvement Plan (TIP); and

WHEREAS, the Town of Valdese has determined that the sidewalk required by the LAPP Grant is cost prohibitive both as a singular project as well as it being cost prohibitive overall to the Town budget due to other competing projects which rose in costs; and

WHEREAS, the Town of Valdese is returning \$1,144,800 in Surface Transportation Block Grant – Direct Attributable (STBG-DA) funds to GHMPO's LAPP discretionary funding.

NOW, THEREFORE, BE IT RESOLVED, the Town of Valdese Town Council requests that the Western Piedmont Council of Governments withdraw the Lovelady Rd. Sidewalk Phase I Project, BL-0140A, from the Statewide Transportation Improvement Plan.

THE FOREGOING RESOLUTION IS ADOPTED THIS 3rd DAY OF February 2025.

Charles Watts, Mayor

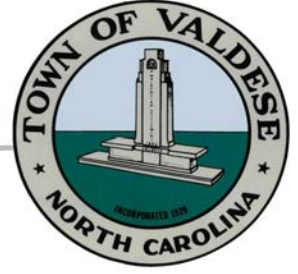
ATTEST:

Jessica Lail, Town Clerk

(corporate seal)

Town of Valdese

AGENDA MEMO



Resolution
 Ordinance
 Contract
 Discussion
 Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Recreation Expenditures

Meeting: February 3, 2025

Presenter: Bo Weichel, Interim Town Manager

ITEM OF INTEREST:

Expenditure overview on Capital investment at the Community Center, Splash Pad, and maint/repairs for past 7 years.

BACKGROUND INFORMATION:

At the January 27th pre-agenda meeting, in response to the proposed budget amendment for gutter repairs, Council requested the following information along with the attached.

- Splash Park: Splash Pad Water Feature is used in summer months for families and visitors, and is controlled by timer and smart switch for easy cut off in storms. Picnic shelter reservable for parties on weekends in warmer months and generates revenue. Inside space is used for group fitness classes every weekday, and it is rented out on Saturdays year around and Sunday afternoons in the summer for revenue.

- Wayne Owens Gymnasium: Used by public and programming year around. Public access weekdays starting at 5:30am until either 5pm or 8pm depending on programming. Saturday and Sunday hours are dependent on season and programming. Adults and youth access and utilize it. Space is not utilized for rentals.

- Swimming Pool: Used by patrons from all around, not just Valdese. Revenue is generated through memberships (not required for use), day passes, swim lessons, pool parties, swim teams (Rec, private, and school related), and lifeguard and first responder training sessions.

- Tiger Gym: Currently being used exclusively in late October-early March for youth athletic programming, used year around for football equipment storage. Used in late summer/early fall as a support facility for football games.

BUDGET IMPACT:

none

RECOMMENDATION / OPTIONS:

LIST OF ATTACHMENTS:

Spreadsheet of expenditures since 2018

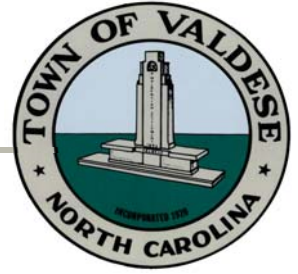
Capital Investment at Community Center, Splash Pad, & Maintenance/Repairs at Recreation Buildings (2018-Present)

Project	Donor Funds	Grant Funds	Town Funds	Loan	Loan Interest	Total Cost	Loan Balance
Splash Pad & Facility	250,000	408,600		469,000	310,320	1,437,920	642,939
Community Center - Gymnasium Renovation	187,139		166,007			353,146	
Community Center - Downstairs Renovation			617,317			617,317	
Fitness Center - equipment 2020			7,953			7,953	
Community Center - Security Cameras			10,675			10,675	
Pool - pumps, plumbing, leak repairs, equipment			23,890			23,890	
HVAC - heat pump replacement			7,400			7,400	
Pool - heaters and plumbing			25,640			25,640	
HVAC -boiler (gas piping,ductwork,electrical)			15,380			15,380	
Pool - cleaner Magnum PVA			4,134			4,134	
Bowling - Kustodian Plus bowling unit (used)			12,000			12,000	
Tennis Courts - resurfance and crack repair			19,371			19,371	
Bowling - Quibica 8 lane scoring package+install			15,317			15,317	
Pool - cover			13,425			13,425	
Bowling - pin decks+install			25,600			25,600	
Bowling - lane repairs and resurfacing			15,680			15,680	
Bowling - party room flooring			4,942			4,942	
Fitness Center - equipment 2024			18,295			18,295	
Maintenance and Repairs of Facilities							
2018			115,181			115,181	
2019			130,432			130,432	
2020			97,526			97,526	
2021			32,803			32,803	
2022			39,171			39,171	
2023			61,208			61,208	
2024			58,591			58,591	
2025			16,937			16,937	

\$3,179,934

\$642,939

Town of Valdese COUNCIL MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Public Safety Facilities

Meeting: 2/3/2025

Presenter: Bo Weichel, Interim Town Manager

ITEM OF INTEREST:

Public Safety Facilities project update

BACKGROUND INFORMATION:

Currently still in the Request for Qualifications (RFQ) process.

Next step is for Statements of Qualifications to be received by January 31st deadline.
Number of SOQ's received will be reported at the February 3rd meeting.

Project Timeline goals:

Hard Copies Statement of Qualifications due	January 31, 2025
Review Statements of Qualification	February 3-11, 2025
Interview final selections	February 24-28, 2025
Selected firm notified and proposed	
Phase I contract delivered to the Town	March 3-14, 2025
Contract review by legal counsel	March 17-21, 2025
Phase I contract adoption by Town Council	April 7, 2025

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

None

LIST OF ATTACHMENTS:

None

Town of Valdese

COUNCIL MEMO



Resolution
 Ordinance
 Contract
 Discussion
 Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: UPDATE - Water Plant Upgrades project

Meeting: 2/3/2025

Presenter: Bo Weichel, Interim Town Manager

ITEM OF INTEREST:

An update to the progress of Water Treatment Plant Upgrades project (Capital Fund 54)

BACKGROUND INFORMATION:

The Water Treatment Plant Upgrades Project (SRP-D-134-0038) consisting of the construction or alteration and improvement of raw water pumps, raw water piping and control valves, modification of the flash-mix basins and replacement of the flash mixers, replacing the existing flocculators, modification of the existing chemical feed systems, adding tube settlers to the sedimentation basins, rehabilitation of the existing filters, adding an air-scour system to the existing filters, process and sample line piping, miscellaneous site work and all related appurtenances. This project's scope of work is intended to improve the viability of aged existing treatment facilities and in conjunction with a corresponding project for a water line interconnect with the City of Lenoir.

Progress and Current Status:

- Research and review of existing WTP record drawings has begun to accurately draw the existing structures
- Drafting work for existing filters, and sedimentation basins has begun
- Electrical review of existing systems and equipment has begun
- Development of preliminary electrical loads and calculations also started
- Preliminary equipment sizing and manufacturer contacts is also completed
- Routing study for the interconnect line is under way, initial review with Lenoir staff has been conducted and general alignment of the HDD crossing planned
- Lenoir staff will review potential booster station sites and evaluate properties for purchase and easements in the coming weeks

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

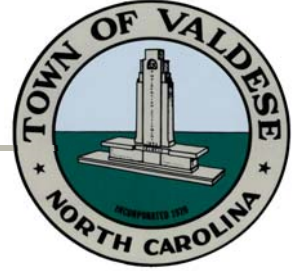
None

LIST OF ATTACHMENTS:

None

Town of Valdese

COUNCIL MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: FY 24-25 Year to Date Financials

Meeting: 2/3/2025

Presenter: Bo Weichel, Interim Town Manager

ITEM OF INTEREST:

An update to the financial standing of the General Fund and Utility Fund July-December 50% of the budget year.

BACKGROUND INFORMATION:

GENERAL:

Total expenditures = 52.94% (compared to 55.02% prior year)

Total revenues = 60.49% (compared to 60.59% prior year)

Items to note:

- Administration Salary 43.32% (\$29k under budget) - due to Town Manager Position
- Ad Valorem Tax revenue 71.81%. \$210,491 less tax revenue compared to prior year.
January will have January collection data around mid February from the County.
- Sales tax revenue 50.72% - on track with budget estimate. Have noticed a decrease from prior year of 1.3% overall
- ORS facility Rentals and Auditorium revenue 34.78% - compared to 51.88% prior year - this is mainly due to the renovation project. This was anticipated and it is expected to make a full recovery.
- Rec Community Center revenues 37.65% - compared to 46.12% prior year - this is mainly due to the pool being down for the past few months. This will be offset by a savings in part time labor (lifeguards).

UTILITY:

Total expenditures = 38.33% (compared to 50.96% prior year) - this will increase next six months due capital items

Total revenues = 48.48% (compared to 49.74% prior year)

Items to note:

- Water and Sewer revenues are 52.50% and 54.80% respectively, compared to 52.84% and 54.43% prior year.
This shows we charging the correct rates and budgeting the correct amounts.

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

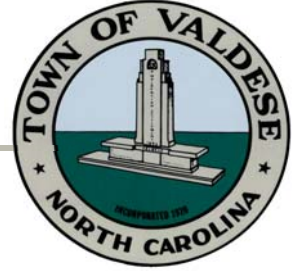
None

LIST OF ATTACHMENTS:

None

Town of Valdese

COUNCIL MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: UPDATE - Parks and Rec Comprehensive Plan

Meeting: 2/3/2025

Presenter: Bo Weichel, Interim Town Manager

ITEM OF INTEREST:

An update to the progress of the Parks and Rec comprehensive plan being performed by WPCOG.

BACKGROUND INFORMATION:

The town entered in to a contract with the WPCOG in March 2024 to complete a comprehensive parks and recreation plan between May 2024 and June 2025.

More specifics on the plan scope and deliverables are contained in the attached agreement.

With regards to plan components seeking town staff and citizen input, WPCOG staff met with full time parks and recreation staff and the Valdese Parks and Recreation Commission during the summer of 2024.

The WPCOG staff members created a survey and collected both online and in-person/paper responses which were available for pick up at the community center. Online surveys were made available via social media and through QR codes posted at facilities and during programming. The survey responses were collected over the course of August and September, 2024. There were 321 responses.

Additional informal, drop-in meetings for feedback from citizens will be provided on Tuesday, January 28 and Saturday, February 1 at the Splash Pad building at 11am and 10am respectively. Citizens will have a chance to review survey responses and offer additional feedback at these meetings.

Once the public drop-in meetings are completed – WPGOG will begin drafting chapters of the plan, conducting inventories at parks, etc.

Per the contract, the estimated completion date is June 30, 2025

BUDGET IMPACT:

The contract with the WPCOG was for \$23,000.

RECOMMENDATION / OPTIONS:

None

LIST OF ATTACHMENTS:

Agreement with WPCOG for the Provision of Technical Assistance- Valdese Parks and Recreation Planning

Town of Valdese

COUNCIL MEMO



Resolution Ordinance Contract Discussion Information Only

To: Valdese Town Council

From: Bo Weichel, Interim Town Manager

Subject: Budget Schedule

Meeting: 2/3/2025

Presenter: Bo Weichel, Interim Town Manager

ITEM OF INTEREST:

FY 25-26 Budget Schedule

BACKGROUND INFORMATION:

Review of schedule January - June for budget process

BUDGET IMPACT:

None

RECOMMENDATION / OPTIONS:

None

LIST OF ATTACHMENTS:

Budget schedule and milestones for FY2025-26 budget development and adoption.

Town of Valdese
FY 25-26 Budget Preparation Schedule

2025 Dates	Item
January 14-22	Department heads meet with Interim Manager for mid-year budget review. Budget kickoff with Interim Manager. Discuss big picture goals.
End of January	Interim Manager prepares formatted worksheets for each Department and distributes operating worksheet
February 6	Utility Fund CIP and Rate Study draft begins with meetings, data sharing, etc.
March 1	Department operational draft budget worksheet due (NCGS 159-10 requests due to Manager / Budget Officer before April 30)
March 11-14	Interim Manager reviews operating draft budget with each Department Head
March 18-28	Interim Manager provides feedback on operating and capital budgets and adjusts
End of March	Utility Fund CIP and Rate Study draft reviewed by Interim Manager in preparation for Budget Review #1
April 15-16	Budget Review #1 with Council (review services, employee benefits, etc.) Town Hall Council Chambers
mid April - early May	Feedback from Council during Review #1 incorporated into budget draft
May 12	Budget Review #2 with Council (present fined tuned budget draft)
mid May	Feedback from Council during Review #2 incorporated into proposed budget
May 23	Manager's budget message due for proposed budget
May 28	Proposed budget completed and submitted for June agenda packet Proposed budget is also delivered separately to Council to meet NCGS 159-11 (NCGS 159-11 Budget with budget message shall be submitted to governing board no later than June 1)
June 2	Council Meeting-Budget Presented to Council and Set Public Hearing Date (Time/Place of public hearing to be published with budget information available to the public)
June 23	Council Meeting-Budget Public Hearing and Budget Ordinance Adoption (NCGS 156-13 Not earlier than 10 days after the day the budget is presented to the board and not later than June 30th, the Board shall adopt a budget ordinance)