

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
SEPTEMBER 9, 2024**

The Town of Valdese Town Council met on Monday, September 9, 2024, 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, Councilman Glenn Harvey, and Councilman Paul Mears. 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.

Rev. Dr. Josh Lail, pastor of the Valdese First Baptist Church offered the invocation. Following the invocation, Mayor Watts led in the Pledge of Allegiance to the Flag.

OPEN FORUM/PUBLIC COMMENT:

WALDENSIAN HERITAGE MUSEUM 50TH BIRTHDAY CELEBRATION: Gretchen Costner invited everyone to the Waldensian Heritage Museum 50th Birthday Celebration on Saturday, September 21, 2024, at 3:00 pm. Ms. Costner shared the museum is the oldest museum in Burke County.

RECOGNITION OF THE VALDESE POLICE DEPARTMENT: Police Chief Marc Sharpe recognized the following Police Officers:

"On Monday, August 19th, 2024 at approximately 12:19 p.m., Sgt. Tyler Angley & Officer Tyler Watson documented a report under Case # 2024-0424 regarding a felonious larceny of items from a construction site located in the Settings, where property had been taken by barge to the Castle Bridge area and stolen. Officer Watson followed up his report with a self-initiated investigation working alongside Burke and Caldwell County Detectives and Deputies. The multi-agency teamwork conducted in this case recovered approximately \$20,000.00 (twenty thousand dollars) in stolen property from multiple crime scenes, much of which has been returned to victims. One arrest has been made in this case and outstanding warrants exist on a suspect now wanted in three separate states. Officer Watson's efforts was supported throughout by his supervision, Sergeant. Angley who worked alongside Watson throughout the investigation insuring its completion. Sergeant Angley obtained additional assistance from our Public Work's Department to transport recovered property. Another example of our town departments working together to accomplish a task. The success of this case is directly related to Officer Watson's and Sgt. Angley's extra effort, attention to detail, and teamwork existing between agencies. My sincerest thanks for the professionalism and perseverance provided by Officer Tyler Watson and Sergeant Tyler Angley to the citizens of Valdese and their dedication toward self-initiated investigative activity. Thank you both for a job well done!"

Chief Sharpe also recognized Code Enforcement Officer Michael Hicks who has completed all his law enforcement training to back up the Officers as his secondary job.

POOL – NANCY TUCKER, 210 FOREST DRIVE NE, VALDESE: Ms. Tucker made the following comments:

SEPTEMBER 9, 2024, MB#32

Good evening mayor and council members. I am here tonight to speak publicly about the need for the permanent pool structure to be approved as soon as possible. I did email each of you on September 3, 2024 to express my concerns about your discussions in a previous meeting about putting up another bubble. And thank you to the ones who responded.

Maybe you had some constituents saying they liked the old bubble, but they may not know all the pros and cons of the permanent structure such as there will be an area for sunbathing, the roof is an architectural fabric that lets light in. A permanent structure requires a lower amount of chemicals and thus a lower cost to operate. The walls that can be removed in warm weather. Also, there will be no need to close the pool 3 to 4 times a year to put the bubble up and down which requires paying people to do that job or taking Valdese personal from their jobs to assist and taking them away from the jobs they are supposed to be doing. And paying for a truck to transport the bubble back and forth from storage. You also are losing the income and participation of pool patrons during the closures. Another part is with a bubble, you can't use the \$500,000 grant, the anonymous donor is not participating, and the town of Valdese will have to pay for the ADA accessibility construction to the gym and tennis courts.

I understand we are waiting for construction bids now. When you look at the bottom line, just remember all the positive aspects of a permanent structure and plans for the years ahead, not just this years budget. If a recommendation from the council is that there needs to be a fund raiser to off set some of the costs for a permanent pool structure, I pledge my support to that effort. The improvements with a permanent pool structure would entice additional memberships in our recreation center and Valdese can be viewed as a town that cares about its citizens and enhancing their quality of life. And I invite each of you to come and enjoy all the offerings at the Valdese Parks and Recreation Center and see what a fine facility and staff we have. It is a great facility and we are just trying to make it better.

TOWN MANAGER SEARCH – BRADY LINKOUS, 301 ST GERMAIN AVE SE, VALDESE: Mr. Linkous shared that on December 18, 2024, the Council discussed hiring a Town Manager and who to use for a search firm. Mr. Linkous shared that Councilman Harvey recommended Baker Tilly in February, which was a higher price of \$17,000. Mr. Linkous said the timeline for having someone in place was June or July, and we have not heard anything. Mr. Linkous would like to hear how it is going, particularly since the Council went with a higher-priced firm. Mr. Linkous asked several questions: How many qualified applicants has the firm produced, how many interviews have been conducted, have you made any offers, and what is the plan going forward? Is the search firm still engaged, and have we paid them? Mr. Linkous would like to know what the problem is and is concerned that our Department Heads have answered to four different individuals in the last ten months, which is not fair and good for the operation of our Town.

POOL – JEAN-MARIE COLE, 705 BERTIS ST, VALDESE: Ms. Cole said that 30 years ago, they bought a house in Valdese and, since then, have been pool users. Ms. Cole was hoping for a permanent structure over the pool and believes that one has been found that is affordable for our Town. Ms. Cole said the advantage is that it never has to be removed, and you do not have to worry about the fog and weather. Ms. Cole said you do not have to worry about storage, will not have to close the pool as much, and will save money on purchasing chlorine. Ms. Cole said that going with the permanent structure would give us money for ADA. Ms. Cole also likes that it will provide pool users shade.

WATER RATE INCREASE – CHASE JACKSON, 1615 NEW EASTWOOD CIRCLE, MORGANTON: Mr. Jackson is from the Triple Community and is concerned with the increase in his water bill. Mr. Jackson has not received any information about why it has increased by \$19.00. Mr. Jackson would like to know if it is permanent.

CONSENT AGENDA: (enacted by one motion) Councilman Harvey requested to remove one item: 6 M, **APPROVAL OF AMENDING ORDINANCE 2-2003: RESIDENCE QUALIFICATIONS OF TOWN MANAGER**

APPROVED AGENDA REVIEW MEETING MINUTES OF JULY 29, 2024

APPROVED SPECIAL MEETING MINUTES OF AUGUST 5, 2024

APPROVED SPECIAL MEETING CLOSED SESSION MINUTES OF AUGUST 5, 2024

APPROVED REGULAR MEETING MINUTES OF AUGUST 5, 2024

APPROVED REGULAR MEETING CLOSED SESSION MINUTES OF AUGUST 5, 2024

APPROVED SPECIAL MEETING MINUTES OF AUGUST 26, 2024

APPROVED SPECIAL MEETING CLOSED SESSION MINUTES OF AUGUST 26, 2024

APPROVED LEASE AGREEMENT AT OLD ROCK SCHOOL WITH TRANQUILITY DAY SPA Lease agreement for rental space at the Old Rock School. The Tranquility Day Spa Lease is in the amount of \$368.00 per month.

APPROVED LEASE AGREEMENT AT OLD ROCK SCHOOL WITH P&W RAILROAD CLUB Lease agreement for rental space at the Old Rock School. The P&W Railroad Club Lease is in the amount of \$230.00 per month.

APPROVED RESOLUTION OF SALE OF TOWN-OWNED PROPERTY – 342 TRON AVE

RESOLUTION AUTHORIZING SALE OF REAL PROPERTY

Sale of 0.46 +/- Acre Tract at 342 Tron Ave NW, Valdese, NC (REID: 41732)

WHEREAS, the Town of Valdese (the "Town") is the owner of that certain tract or parcel of real property (the "Property") situated in Lovelady Township, Valdese, North Carolina commonly known as 342 Tron Ave NW, Valdese, North Carolina, PIN: 2733874604, REID: 41732; and

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

WHEREAS, on or about July 12, 2024, the Town received an offer to purchase the Property from Timothy Norman/T.L. Norman Land Company, LLC (hereinafter collectively, "Norman") for \$10,000.00; and

WHEREAS, Norman has deposited five percent (5%) of its bid with the town clerk; and

WHEREAS, at its _____, 2024 regular meeting, Town Council adopted a Resolution Authorizing Upset Bid Process authorizing the sale of the Property through the upset bid procedure of North Carolina General Statute § 160A-269; and

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

WHEREAS, the offer of Norman for \$10,000.00 is the last and highest bid for the Property; and

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

WHEREAS, Norman will be responsible for all legal fees associated with preparing the closing documents and all closing costs necessary to transfer ownership from the Town to Norman.

IT IS THEREFORE RESOLVED that, pursuant to N.C.G.S. § 160A-269, the sale of the Property to Norman for the purchase price of \$10,000.00 is approved and the Town Manager is hereby authorized and directed to deliver to Norman a special warranty deed for the Property upon receipt of the purchase price, subject to the following terms and conditions: that the Property shall be sold "as is" and subject to all existing easements; that the Town shall reserve easements for all Town utility lines located on or under the property,

SEPTEMBER 9, 2024, MB#32

if any; that Norman pay all legal fees associated with preparation of the closing documents and all closing costs necessary to transfer ownership from the Town to Norman.

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

THE TOWN OF VALDESE,
a North Carolina Municipal Corporation

/s/ Charles Watts, Mayor

ATTEST:

/s/ Town Clerk

APPROVED RESOLUTION OF SALE OF TOWN-OWNED PROPERTY – 338 TRON AVE

RESOLUTION AUTHORIZING SALE OF REAL PROPERTY

Sale of 0.46 +/- Acre Tract at 338 Tron Ave NW, Valdese, NC (REID: 41733)

- WHEREAS, the Town of Valdese (the "Town") is the owner of that certain tract or parcel of real property (the "Property") situated in Lovelady Township, Valdese, North Carolina commonly known as 338 Tron Ave NW, Valdese, North Carolina, PIN: 2733875604, REID: 41733; and
- WHEREAS, North Carolina General Statute §160A-269 permits the Town to sell property by upset bid, after receipt of an offer for the property; and
- WHEREAS, on or about July 12, 2024, the Town received an offer to purchase the Property from Timothy Norman/T.L. Norman Land Company, LLC (hereinafter collectively, "Norman") for \$10,000.00; and
- WHEREAS, Norman has deposited five percent (5%) of its bid with the town clerk; and
- WHEREAS, at its _____, 2024 regular meeting, Town Council adopted a Resolution Authorizing Upset Bid Process authorizing the sale of the Property through the upset bid procedure of North Carolina General Statute § 160A-269; and
- WHEREAS, as required by N.C.G.S. § 160A-269, the Town Council directed Town representatives to publish notice of the Town's intent to accept the offer and notice that persons could raise the bid, and that notice was published; and
- WHEREAS, the offer of Norman for \$10,000.00 is the last and highest bid for the Property; and
- WHEREAS, the Town does not need the Property, and the Town therefore desires to accept the offer made by Norman and sell the Property to Norman upon the terms hereafter set forth; and
- WHEREAS, Norman will be responsible for all legal fees associated with preparing the closing documents and all closing costs necessary to transfer ownership from the Town to Norman.

IT IS THEREFORE RESOLVED that, pursuant to N.C.G.S. § 160A-269, the sale of the Property to Norman for the purchase price of \$10,000.00 is approved and the Town Manager is hereby authorized and directed to deliver to Norman a special warranty deed for the Property upon receipt of the purchase price, subject to the following terms and conditions: that the Property shall be sold "as is" and subject to all existing easements; that the Town shall reserve easements for all Town utility lines located on or under the property, if any; that Norman pay all legal fees associated with preparation of the closing documents and all closing costs necessary to transfer ownership from the Town to Norman.

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

THE TOWN OF VALDESE,
a North Carolina Municipal Corporation

/s/ Charles Watts, Mayor

ATTEST:

/s/ Town Clerk

APPROVED RESOLUTION ACCEPTING DIRECTED PROJECT GRANTS – WATER PLANT UPGRADES

RESOLUTION BY VALDESE, TOWN COUNCIL

WHEREAS, the Town of Valdese has received a Directed Projects grant from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$6,895,000 to perform work detailed in the submitted application, and

WHEREAS, the Town of Valdese intends to perform said project in accordance with the agreed scope of work,

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

That the Town of Valdese does hereby accept the 2023 Appropriations Act Directed Projects Grant offer of \$6,895,000.

That the Town of Valdese does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Mr. Charles Watts, Valdese Mayor, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted the 9th day of September 2024.

/s/ Charles Watts, Mayor

ATTEST:

/s/ Town Clerk

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

Funding Offer and Acceptance

Legal Name and Address of Award Recipient: Town of Valdese, PO Box 339, Valdese, NC 28690
Project Number(s): SRP-D 134 0038
Assistance Listing Number: N/A
Unique Entity ID Number: V67AJH87A055

Funding Program		Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	<input checked="" type="checkbox"/>			
Stormwater	<input type="checkbox"/>			
Wastewater	<input type="checkbox"/>			
State Revolving Fund Repayable Loan	<input type="checkbox"/>			
State Revolving Fund Principal Forgiveness	<input type="checkbox"/>			
State Reserve Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.I. 2023 134)*	<input checked="" type="checkbox"/>			\$6,895,000
American Rescue Plan Act	<input type="checkbox"/>			

Project Description:
Water Treatment Plant Upgrades

Total Financial Assistance Offer: \$6,895,000
Total Project Cost: 57,000,000
Estimated Closing Fee:** \$ 0
for loans
Interest Rate: -- Per Annum
Maximum Loan Term: -- Years

* Federal conditions and requirements will also apply to S.I. 2023 134 projects so funded with federal funds.
 ** Estimated closing fee calculated based on grant and loan amount.

Pursuant to North Carolina General Statute 150C:
 • The applicant is eligible under Federal and State law.
 • The project is eligible under Federal and State law, and
 • The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

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

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure**
 North Carolina Department of Environmental Quality

Digitally signed by Kavitha amirkaderi on 7/29/2024 at 10:00 AM
 Signature: Date:

On Behalf of: Town of Valdese
 Name of Representative in Resolution: _____
 Title (Type or Print): _____

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

Signature: Date:

Councilwoman Ward made a motion to approve the aforementioned items on the Consent Agenda with the exception of item 6 M, seconded by Councilman Harvey. The vote was unanimous.

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA:

APPROVED AMENDING ORDINANCE 2-2003: RESIDENCE QUALIFICATIONS OF TOWN MANAGER

AN ORDINANCE OF THE TOWN OF VALDESE AMENDING THE RESIDENCE QUALIFICATIONS PROVISION OF THE TOWN OF VALDESE CODE OF ORDINANCES

WHEREAS, Town Council has determined that it is necessary and will serve the public interest to amend the residence qualifications provision of the Town of Valdese Code of Ordinances.

SEPTEMBER 9, 2024, MB#32

NOW, THEREFORE, BE IT HEREBY ORDAINED, BY TOWN COUNCIL OF THE TOWN OF VALDESE, NORTH CAROLINA, THAT:

1. Section 2-2003 of the Town of Valdese Code of Ordinances shall be amended to read as follows:

Section 2-2003 Residence qualifications of manager.

At the time of the town manager's appointment, the manager need not be a resident of the town or the State. During the manager's tenure of office, the manager shall reside within the town; provided, however, after a town manager has been appointed, the town council in its discretion may waive this residency requirement upon such terms and conditions as the town council may determine.

2. This Ordinance shall become effective upon adoption.

ORDAINED BY Town Council for the Town of Valdese, North Carolina, this ____ day of _____, 2024.

THE TOWN OF VALDESE,
a North Carolina Municipal Corporation

/s/ Charles Watts, Mayor

ATTEST:

/s/ Town Clerk

Councilman Harvey made a motion to approve the Resolution amending Ordinance 2-2003: Residence Qualifications of Town Manager as presented, seconded by Councilwoman Lowman.

Councilman Harvey shared that he removed this item because he felt there should be some discussion when an Ordinance is amended. Councilman Harvey believes that living in the Town is desired but in reviewing 109 applicants and interviewing several of them, we discussed the desire to live near the Town of Valdese by at least 20 miles. Councilman Harvey said that we have made an offer but are still continuing the search. Councilman Harvey noted that we hope the Town Manager will live in the Town, as well as Department Heads and Police Officers.

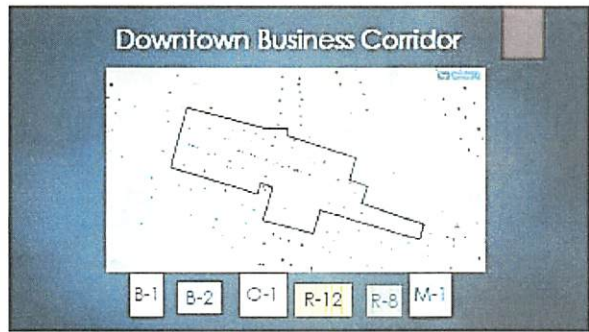
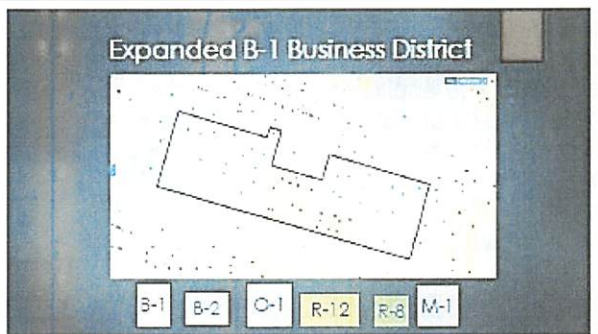
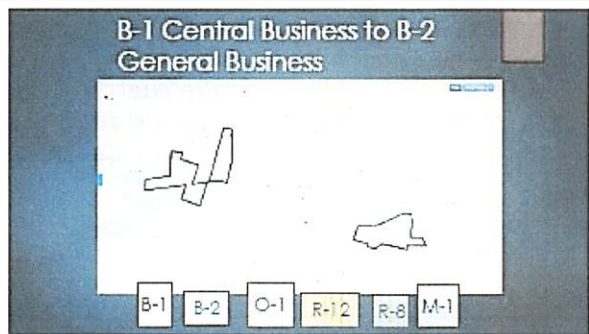
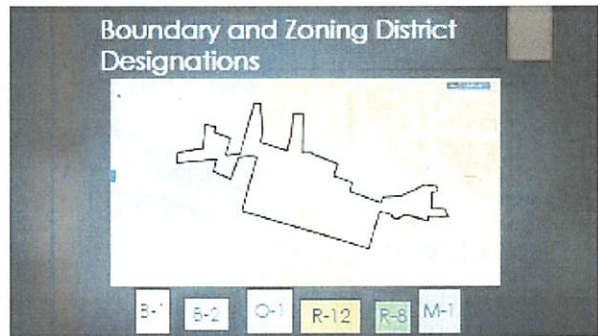
The vote was unanimous.

PUBLIC HEARING: REZONING MAP AMENDMENT #3-7-24 (B-1 EXPANSION) At 6:31 pm, Mayor Watts opened the public hearing. Planning Director Larry Johnson shared the following information for the rezoning of forty-four parcels from the current designations of O-I Office Institutional District and R-12A Residential District to B-1 Central Business District:

Rezoning Amendment 3-7-24 Recommended by the Valdese Planning Board

CD.1.13 Rezone properties in the downtown area to promote the expansion of the Central Business District into several blocks and create a new Zoning District. [Priority-High, Timeframe-Immediate, Responsibility-PB/PL/TC]

- ### Commercial Districts Expansion
- ▶ Rewrite of permitted uses and standards in the B-1 Central Business and B-2 General Business commercial zoning districts
 - ▶ Create a new district, DBC-Downtown Business Corridor
 - ▶ Expand the B-1 Central Business, and
 - ▶ Expand the B-2 General Business District
- Planning priority in the Valdese Vision Land Use Action Plan adopted in 2014



Review of Rezoning Map Amendment 3-7-24

Requested Action: Rezone forty-four parcels from the current zoning designations of O-1 Office Institutional (28) and R-12A Residential (16) to B-1 Central Business District



B-1 Central Business District

The purpose of the B-1 Central Business 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 to provide the mix of activities necessary for shoppers.

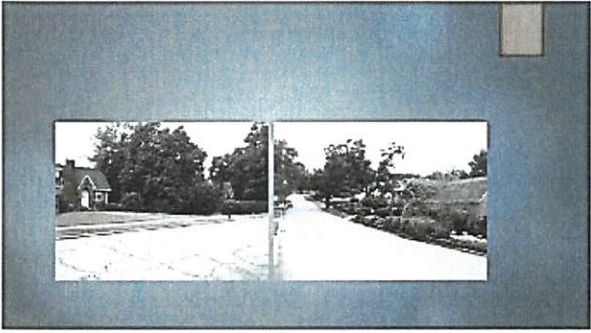
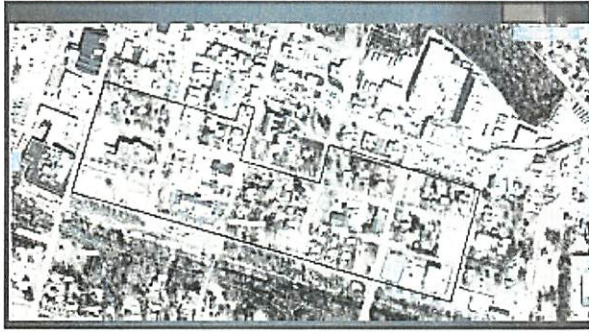
The Future Land Use Map

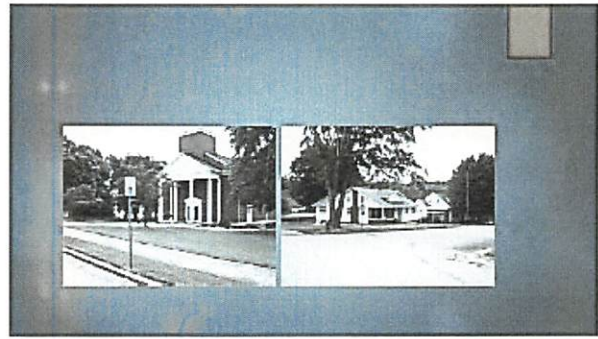
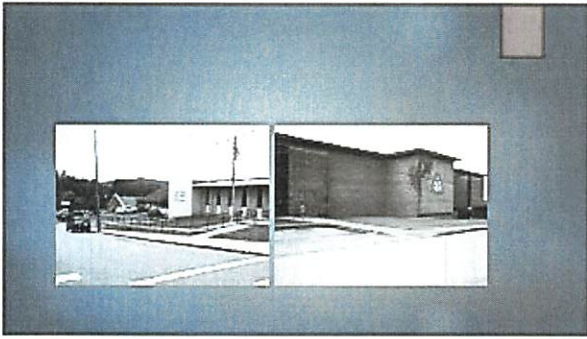


Adopted in 2014 by Valdese Town Council, the land use map is a generalized map of where Valdese may develop in the future and the likely and desired land use type. The Land Use Map serves as a guide for future development over the next 10 to 20 years.

REVIEW CRITERIA (1-5):

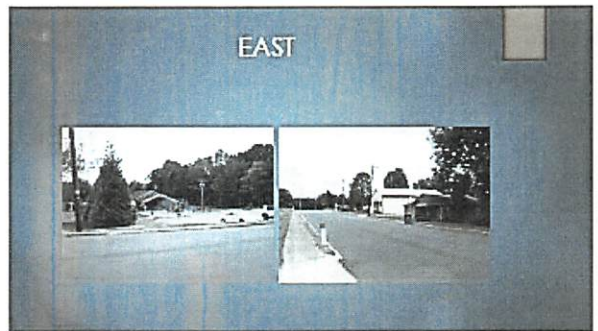
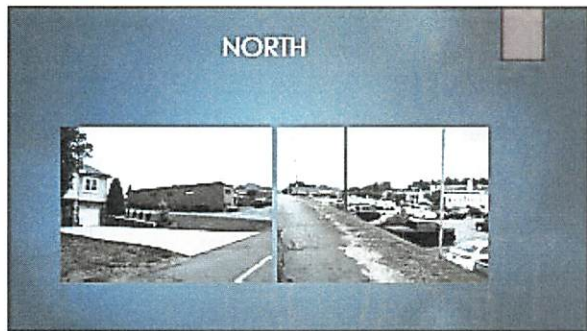
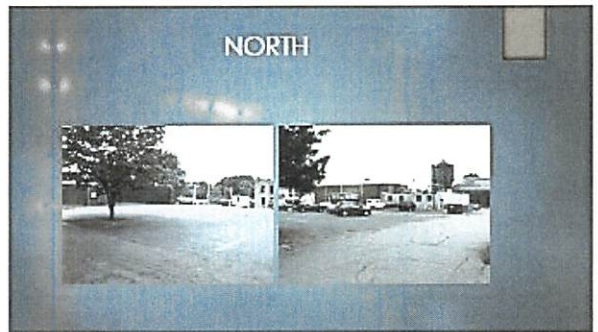
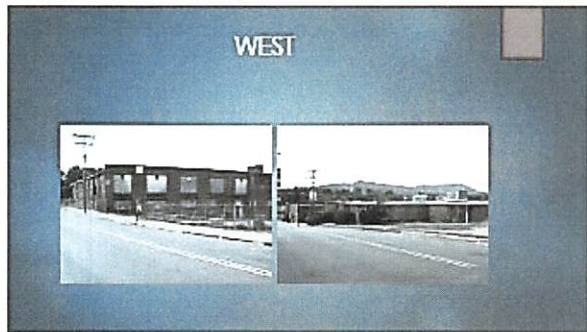
1. Existing Land Uses of the forty-four parcels are primarily single-family homes, with approximately 7 parcels comprised of a business-office type (insurance, administrative), governmental (town hall, post office, library), community center, church, and museum, all of which are allowed in the B-1 Central Business.

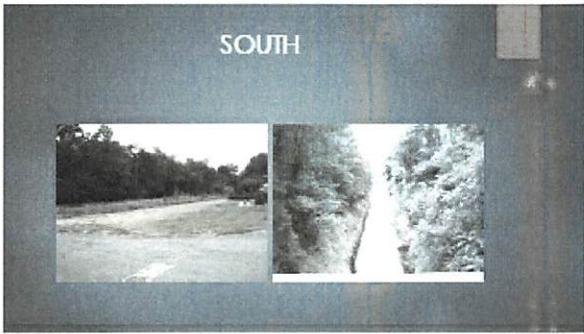




To. Neighboring Land Uses of the forty-four parcels are M-1 Manufacturing, B-1 Central Business, and O-1 Office Institutional.

The uses to the north are retail, sales, services, church, and business office-type. The use to the South is railroad right of way. To the West, the use is manufacturing. The uses to the East are dental, residential, club/lodge, residential, and recreational.





The rezoning of the forty-four parcels to B-1 Central Business District will not detrimentally affect the neighboring properties.

Review Criteria Cont.

2. Traffic - No traffic study was conducted

(No traffic volume increase is anticipated from rezoning these forty-four parcels to B-1 Central Business District.)

3. Public Services include public water and sewer infrastructure, police, and fire protection.

(The proposed amendment (zoning map) will not cause public services to fall below acceptable levels. Public services that are in place and serve the parcels include public water, sewer infrastructure, and police and fire protection.)

4. Consistency with the Valdese Vision: A Land Use Action Plan for the Future.

(This area is classified as commercial by the Land Use Plan. Therefore, this rezoning petition is consistent with The Valdese Vision: Land Use Action Plan.)



5. "Spot" Zoning.

(The total acreage of the forty-four Properties (approximately 31.2 acres) is sufficient not to be construed as "spot" zoning.)

Review

1. The Valdese Planning Board recommends a zoning map amendment during the August 2024 meeting to rezone forty-four parcels with zoning designations of O-1 Office Institutional District and R-12A Residential District to B-1 Central Business District.
2. The forty-four parcels are primarily single-family homes, with approximately 9 parcels comprised of business-office type (insurance, administrative), governmental (town hall, post office, library), community center, church, and museum, all of which are allowed in the B-1 Central Business District.

Review

- 3. No traffic volume increase is anticipated from rezoning these forty-four parcels to B-1 Central Business District.
- 4. The proposed zoning map amendment will not cause public services to fall below acceptable levels. Public services are in place to serve the parcels.

- 5. The rezoning petition is consistent with The Valdese Vision: Land Use Action Plan. The Land Use Action Plan identifies the parcels for commercial development, consistent with the proposed B-1 Central Business designation.
- 6. The total acreage of the forty-four parcels is sufficient in size not to be construed as "spot" zoning.

North Carolina General Statute 160D-605(a) provides, in 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, 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.

North Carolina General Statute 160D-605(b) provides, in part, as follows:

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 governing board. Among other factors, (i) the size, and physical conditions, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) 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; (iv) why the action taken is in the public interest.

Recommended action

- 1. The Valdese Planning Board approves Map Amendment 3-7-24
- 2. Adopts a Consistency and Reasonableness Statement under North Carolina General Statute 160D-605(a)(b) affirming that the rezoning is reasonable and consistent with the Valdese Vision: A Land Use Action Plan for the Future.
- 3. Recommend Approval of Zoning Map Amendment 3-7-24 by the Valdese Town Council.

QUESTIONS?

Will my homeowners insurance increase?

Homeowners insurance increases are not related to the zoning designation of the property!

Will my property tax increase?

Property taxes or property values are not related to the property's zoning designation! Taxes are associated with the use of the land and not with the zoning.

Requested Action: Rezone forty-four parcels from the current designations of O-I Office Institutional District and R-12A Residential District to B-1 Central Business District

BACKGROUND: The Town of Valdese adopted the Valdese Vision: A Land Use Action Plan in January 2014. This development plan was created to establish a vision for the Town's future, help ensure that planning is done in a manner that best serves the public interest, be an adopted policy document that can help guide appointed and elected officials in matters related to the Town's physical

growth and development and help constitute the legal basis for the Town's land use decision-making process.

The action matrix of the Valdese Vision identifies action/policy, types of action, responsibility, resource allocation, time, and prioritization. The Downtown/Commercial Development section of the Valdese Vision Land Use Plan prioritizes rezoning properties in the downtown area to promote the expansion of the Central Business District.

Property Location: Forty-four Parcels between Janavel Avenue South, Praley Street Southwest, and Laurel Street Southeast, north of railroad tracks.

CRITERIA TO CONSIDER:

- a. Surrounding land uses: The uses to the north are parking, residential, sales, services, church, and business office-type. The use to the South is railroad right of way. To the West, the use is manufacturing. The uses to the East are dental, residential, club/lodge, residential, and recreational.
- b. Existing land uses: The primary uses of the properties are currently residential with business-office type (insurance), governmental (town hall, post office, library), community center, church, and museum,

The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it meets a number of goals identified in the Plan. All existing land uses are allowed in the B-1 Central Business District.

c. Traffic: No traffic study was conducted. *No traffic volume increase is anticipated from rezoning the forty-four parcels to O-1 Office Institutional and R-12A Residential to B-1 Central Business District.*

d. Public Services: Public services include public water, sewers, police, and fire protection. *The proposed amendment (zoning map) will not cause public services to fall below acceptable levels. Public services are in place to serve the parcels. These include public water, sewer infrastructure, and police and fire protection.*

e. Consistency with the Valdese Vision: A Land Use Action Plan for the Future: *The area is classified as commercial by the land use plan adopted by the Valdese Town Council. Therefore, this rezoning petition is consistent with The Valdese Vision: Land Use Action Plan.*

f. "Spot" Zoning: The total acreage of the forty-four Properties (approximately 31.2 acres) is sufficient not to be construed as "spot" zoning

After reviewing the criteria, the Valdese Planning Board found Rezoning Petition 3-7-24 *reasonable and consistent* with the Valdese Vision: A Land Use Action Plan for the Future. In so finding, the Board provides the following recommendation:

1. The Valdese Town Council approves Map Amendment 3-7-24
2. Adopts a Consistency and Reasonableness Statement under North Carolina General Statute 160D-605(a)(b) affirming that the rezoning is reasonable and consistent with the Valdese Vision: A Land Use Action Plan for the Future.

Please note that any decision regarding an amendment shall be per North Carolina General Statute 160D-605, (a) and (b).

In part, the North Carolina General Statute 160D (a) states, "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 governing board was

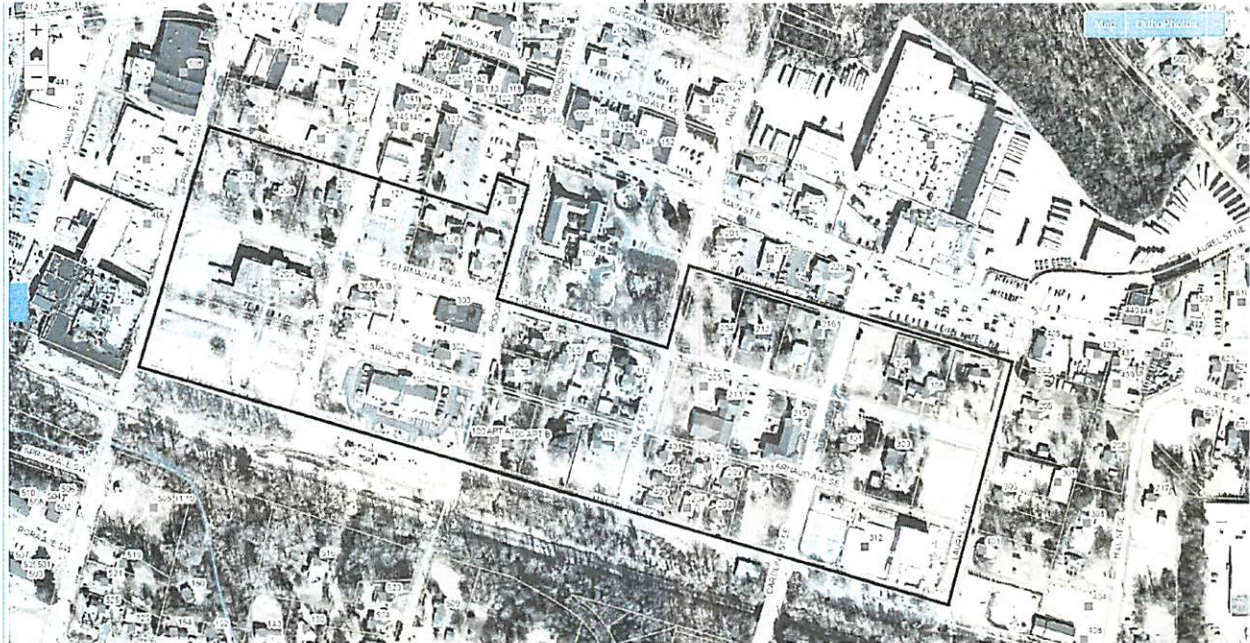
aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive or land-use plan."

160D (b) in part states, "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 governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community...the development would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

PUBLIC NOTICE

The following steps were taken in advance of the public hearing on Rezoning Petition 2-6-24:

- a. adjoining property owners will receive first-class mail notifications.
- b. The Town Clerk advertised the public hearing in the local paper.
- c. Staff placed Rezoning Public Hearing signs where appropriate in the rezoning area.
- d. Received several comments from the public



VALDESE TOWN COUNCIL ZONING MAP AMENDMENT CONSISTENCY AND REASONABLENESS STATEMENT

On September 9, 2024, the Valdese Town Council met to consider Rezoning Petition 3-7-24, which was unanimously approved and recommended by the Valdese Planning Board. After considering the Plan (defined below), ordinances, maps, recommendations, and other materials presented, the Valdese Town Council makes the following findings and conclusions:

1. In 2014, the Town of Valdese adopted a comprehensive land use plan entitled "The Valdese Vision: A Land Use Action Plan for the Future" (hereinafter the "Plan").
2. The Town of Valdese submitted a Rezoning Petition recommended by the Town of Valdese Planning Board requesting to rezone the following forty-four properties from O-I Office Institutional District and R-12 Residential District to B-1 Central Business District and further identified by parcel ID numbers: (the 2743047663, 2743047555, 2743046597, 2743045720, 2743047309, 2743045473, 2743044447, 2743045213, 2743042533, 2743040549, 2743043726, 2743042709, 2743040873, 2733954061, 2733953150, 2733953056, 2733950133, 2733859117, 2733857270, 2733848934, 2733941869, 2733941831, 2733942749, 2733943732, 2733943873, 2733847746, 2733849730, 2733942612, 2733945797, 2733945668, 2733946770, 2733947648, 2733948635,

SEPTEMBER 9, 2024, MB#32

2733945523, 2733946449, 2733947475, 2733949456, 2733949430, 2733949324, 2743040313, 2743040431, 2743041410, 2743040381, 2743042302 "Properties")

3. The Plan seeks to encourage commercial development and recruit and establish more basic and family-oriented businesses to attract more residents and shoppers to downtown.
4. The primary uses of the Properties are currently residential with business-office type (insurance), governmental (town hall, post office, library), community center, church, and museum, all of which are allowed in the B-1 Central Business District.
5. 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.

6. The request for amendment was duly considered at a meeting of the Town of Valdese Planning Board. The Planning Board found the request to amend the Town's Zoning Map around the Properties from their designated zoning of O-I Office Institution and R-12A Residential to B-1 Central Business District *consistent* with the Plan.
7. The Planning Board, at their August 19, 2024 meeting, voted unanimously to recommend that the Town Council amend the Town's Zoning Map regarding the Properties from O-I Office Institutional District and R-12A Residential District to B-1 Central Business District.
8. The Valdese Town Council hereby finds Rezoning Petition 3-7-24 regarding rezoning the Properties from O-I Office Institutional District and R-12A Residential District to B-1 Central Business District to be *consistent* with the Plan.
9. North Carolina General Statute 160D-605(b) provides, in pertinent part, as follows:

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 governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) 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; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

10. The Town Council finds that the zoning amendment is reasonable and in the public interest based on the following:
 - a. The total acreage of the Properties is sufficient not to be construed as "spot" zoning.
 - b. The Plan seeks to encourage commercial development and recruit and establish more basic and family oriented businesses to attract more residents and shoppers to downtown.
 - c. The purpose of the B-1 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 to provide the mix of activities necessary to shoppers.

SEPTEMBER 9, 2024, MB#32

- d. The surrounding zoning designations are M-1 Manufacturing, B-1 Central Business, and O-I Office Institutional. The uses to the north are retail, sales, services, church, parking, and business office-type. The use to the South is railroad right of way. To the West, the use is manufacturing. The uses to the East are dental, residential, club/lodge, residential, and recreational. The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it meets a number of goals identified in the Plan.
- e. To the extent the proposed zoning may detrimentally affect properties in the general vicinity of the Properties, both the former zoning designation and proposed zoning designation permit the existing zoning uses.
- f. The extent to which the proposed amendment (zoning map) will cause public services to fall below acceptable levels, public services are in place and serve the parcels. These include public water, sewer infrastructure, and police and fire protection.

Based upon the recommendation of the Valdese Planning Board and the findings from the public hearing, the Valdese Town Council, having found Rezoning Petition 3-7-24 in regards to rezoning the Properties from their currently designated zoning to B-1 Central Business District to be *consistent* with the Plan and approves Rezoning Petition 3-7-24 and the recommendation from the Valdese Planning Board to amend the Town's Zoning Map regarding the Properties from O-I Office Institutional District and R-12A Residential District to B-1 Central Business District.

Based on those above and the findings from the public hearing, the Valdese Town Council further finds Rezoning Petition 3-7-24 reasonable and approves Rezoning Petition 3-7-24.

Read, approved and adopted this ____ day of _____, 2024.

THE TOWN OF VALDESE,

/s/ Charles Watts, Mayor

ATTEST:

/s/ Town Clerk

John Bridgers, Burke County's tax administrator, assured the Council that Burke County could not tax you based on the zoning, so it would not affect tax values.

Councilwoman Lowman asked if the adoption of this plan changed anything about a home in this area. Mr. Johnson said no; it just determines the use of the property.

Councilman Mears asked if Mr. Johnson had received any questions from the public. Mr. Johnson said that over 70 letters were sent out, six calls/emails were received, and all the questions were answered. Councilman Mears shared that he owns a rental home and a business in this district and does not have any concerns with this.

Mayor Watts asked if anyone wished to speak either for or against the public hearing.

TONYA STEVENS, 101 ST. GERMAIN AVE, VALDESE: Ms. Stevens does not feel we were given adequate time to respond to this and is concerned about the other changes that will occur in a few months.

Mr. Johnson said that changes that would occur would be reducing the list of permitted uses in B1. Mr. Johnson said we followed the General Statutes requirement for the Public Hearing.

RICK MCCLURD, 408 GARROU AVE SE, VALDESE: Mr. McClurd said he served on the Burke County Planning Board, and this seems straightforward. Mr. McClurd noted that Valdese does have a Board of Adjustments where you can ask for adjustments on your property if needed, and they work in your favor.

Mayor Watts closed the public hearing at 6:53 pm.

Councilman Mears made a motion to approve the Zoning Map Amendment 3-7-24 and adopt the Consistency and Reasonableness Statement under NCGS 160D-605(a)(b) affirming that the rezoning is

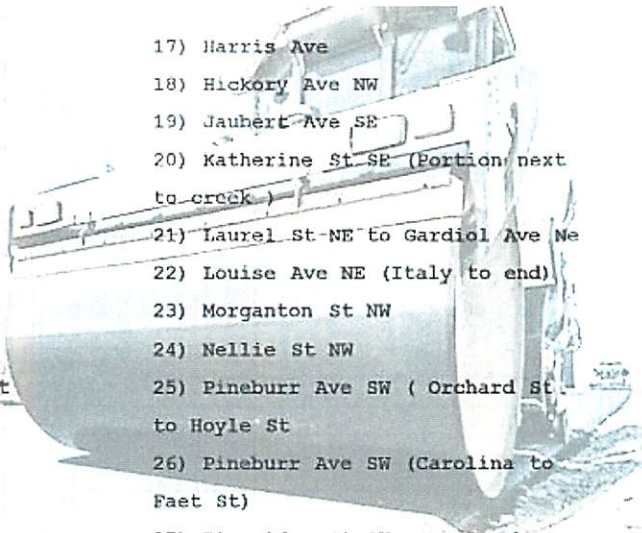
reasonable and consistent with the Valdese Vision: A Land Use Action Plan for the Future, seconded by Councilwoman Lowman.

Councilman Mears noted that Larry Johnson is working hard to update the UDO plan to improve the downtown area, and anyone is welcome to attend a Planning Board meeting.

The vote was unanimous.

FIRE DEPARTMENT BUILDING REVIEW Interim Town Manager Bo Weichel said that in lieu of reviewing this item tonight, Council is going to hold a workshop that he will announce during the Manager's report.

STREET RESURFACING Interim Town Manager Bo Weichel said that DOT has given us a cost to pave in the amount of \$2,065,356, and they are working on agreements now and hope they will be ready by the October meeting. Mr. Weichel noted that the contractor will have through 2026 to complete the project, and it would not happen all at one time. Councilwoman Lowman would like homeowners to get a notice when they will begin paving, if possible. The council discussed financing options.

- 
- 1) Anthony St
 - 2) Bellview Ave Ne (Laurel to Walnut Ave)
 - 3) Bellview to Clyde
 - 4) Berry Ave
 - 5) Bonous St NW
 - 6) Campbell Ave(bottom of hill past Picou)
 - 7) Carter St Ne
 - 8) Cline St SW (Bertis St to Hoyle St)
 - 9) Club Circle Ne
 - 10) Dixie Ave NW
 - 11) Eagle Nest Lane NW
 - 12) Eldred St NE (Main to Laurel St)
 - 13) Flora Lane NE (Gravel Portion)
 - 17) Harris Ave
 - 18) Hickory Ave NW
 - 19) Jaubert Ave SE
 - 20) Katherine St SE (Portion next to creek)
 - 21) Laurel St NE to Gardiol Ave Ne
 - 22) Louise Ave NE (Italy to end)
 - 23) Morganton St NW
 - 24) Nellie St NW
 - 25) Pineburr Ave SW (Orchard St to Hoyle St
 - 26) Pineburr Ave SW (Carolina to Faet St)
 - 27) Pineridge St SW
 - 28) Tarheel Ave Ne
 - 29) Tarvia Ave Ne

Prime Contractor	\$ 1,930,356
NCDOT engineering/overhead	135,000
Total	\$ 2,065,356

How Do We Pay?

- \$500,000 earmarked in current budget
- Leaves ~\$1.5 million remaining:
 - o Pay directly from reserves - no commitment of future funds - limits cash flow
 - o Borrow from our reserves - pay back over the next 3 budget cycles
 - o Finance through USDA for 10 years? = \$191,000 annual payment
 - o Finance through commercial lender for 5 years? = \$368,000 annual payment

Next steps: Supplemental Agreement and Reimbursement Agreement with NCDOT

SEPTEMBER 9, 2024, MB#32

BUDGET AMENDMENT – FIRE DEPARTMENT RELOCATION Interim Town Manager Bo Weichel presented the following budget amendment for the relocation costs of the Fire Department:

Valdese Town Council Meeting

Monday, September 9, 2024

Budget Amendment #: 3-10

Subject: Fire Department relocation costs

Description: Costs associated with moving Fire personnel out of the offices in a mobile jobsite trailer that is stationed on site with their equipment. Costs include trailer delivery, rental through June 2025, electrical hookup to code, and IT cabling / network setup.

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.		23,942
Total		\$0	\$23,942

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
10.5300.450	Contracted Services	23,942	
Total		\$23,942	\$0

Section II.

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

Councilwoman Lowman made a motion to approve the budget amendment as presented, seconded by Councilman Ogle. The vote was unanimous.

INTERIM MANAGER'S REPORT:

Fire Department Building Workshop, Thursday, September 19, 2024, 2:00 p.m. – 5:00 p.m., Valdese Town Hall

Waldensian Heritage Museum 50th Birthday Celebration, Saturday, September 21, 2024, 3:00 p.m., Waldensian Heritage Museum

Next Agenda Review Council meeting is scheduled for Monday, September 30, 2024, 6:00 p.m., Council Chambers, Valdese Town Hall

Old Rock School Rededication Celebration – Saturday, October 5, 2024, 6:00 p.m., ORS Auditorium

Next Regular Council meeting scheduled for Monday, October 7, 2024, 6:00 p.m., Council Chambers, Valdese Town Hall

MAYOR AND COUNCIL COMMENTS:

Councilwoman Lowman was excited to hear that we made the Old Rock School fundraising goal for the auditorium seating.

SEPTEMBER 9, 2024, MB#32

Councilman Mears thinks it is wonderful that local pastors and ministers cover the invocation before our meetings.

Mayor Watts announced that the Draughn High School Homecoming Parade would be held on September 24, 2024. If any members of the Council would like to ride in that, they need to meet at the Fire Department at 5:45 p.m.

Mayor Watts recommended moving the November 25, 2024, pre-agenda meeting to November 18, 2024, due to the Thanksgiving holiday and people being on vacation.

Councilman Harvey made a motion to change the Pre-agenda date to November 18, 2024, seconded by Councilwoman Lowman. The vote was unanimous.

ADJOURNMENT: At 7:16 p.m., there being no further business to come before Council, Councilman Mears made a motion to adjourn, seconded by Councilwoman Ward. The vote was unanimous.



Town Clerk



Mayor

jl