

**TOWN OF VALDESE
TOWN COUNCIL REGULAR MEETING
JUNE 28, 2021**

The Town of Valdese Town Council met on Monday, June 28, 2021, at 6:00 p.m., in the Town Council Chambers at Town Hall, 102 Massel Avenue SW, Valdese, North Carolina. The following were present: Mayor John F. "Chip" Black, Jr., Councilman Keith Ogle, Councilwoman Frances Hildebran, Councilwoman Susan Stevenson, Councilman Roy F. Sweezy, and Councilman J. Andrew Thompson. Also present were: Town Attorney Marc Mitchell, Town Manager Seth Eckard, Town Clerk Jessica Lail, and various department heads.

Absent: None

A quorum was present.

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

OPEN FORUM/PUBLIC COMMENT:

909 W MAIN ST - KAY DRAUGHN, 108 WEST END ST SW, VALDESE: Ms. Draughn presented the following statement and pictures to Council:

To: The Valdese Town Council, Town Manager, Planning Director, Chief Moss, Code Enforcement (WPCOG), Burke Co. Chief Building Inspector
From: Kay Draughn (828.443.7187)
Re: 909 W. Main Street – Min. Housing Violation Update
Date: June 28, 2021

The following photo was taken yesterday, June 27, 2021. As you can see, hardly anything has changed since the Town's unanimous decision in early April to grant the property owners additional time to come into compliance.



For easy comparison, I've provided the June 1st photograph. (See below.)



Additionally, property taxes remain outstanding, and no building permits have been pulled as of June 28th. Since the April decision, complaints to properly secure the structure and to cut the grass had to be submitted to staff. For these reasons and for failing to make substantial renovation progress, I respectfully request that the Town Council adopt the ordinance to demolish the dwelling at 909 W. Main Street and appropriate funds for the debris removal as soon as possible.

Best regards,

CONSENT AGENDA: (enacted by one motion)

APPROVED REGULAR MEETING MINUTES OF JUNE 7, 2021

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

End Consent Agenda

ITEMS REMOVED FROM CONSENT AGENDA: None

INTRODUCTION OF NEW EMPLOYEES: Public Services Director Greg Padgett introduced the following new employees: Terry Stillwell – Plant Maintenance Mechanic (Waste Water Plant), Zachary Absher & Joshua Evans – Utility Field Techs (Public Works)

CODE ENFORCMENT UPDATE: WPCOG Code Enforcement Officer Todd Justice shared with Council an update on the progress of 909 W Main St. The property owner has until July 19th, 2021, to reach her 90 days and has been working with a structural engineer to develop a plan for renovating the house. Mr.

Justice explained that she had acquired a zoning permit from the Town to begin construction. The property owner has been advised that the next step would be to get a permit from Burke County. Mr. Justice shared that she has complied with securing the home and removed items around the house that were a concern. Mr. Justice recommends that after the 90 days expires next month, as long as she has a building permit, the Town considers the matter closed and will continue to receive updates from the Town Manager. Town Manager Seth Eckard said he would provide updates as they come.

FY 2021-2022 BUDGET PUBLIC HEARING & ORDINANCE ADOPTION: Mayor Black provided Public Hearing instructions to members of Council and those that wish to speak. Mayor Black opened the Public Hearing at 6:09 p.m. Mayor Black asked Town Manager Seth Eckard if there had been any changes since the June 7th, 2021, Council meeting. Mr. Eckard said there were no changes.

Mayor Black asked if anyone wished to speak either for or against the proposed budget.

WILLIE PASCAL – 909 GARDIOL AVE, VALDESE: Mr. Pascal said he noticed a debt service amount of \$342,000.00 for the Capital Operating Budget. Mr. Pascal only sees a debt service that is placed under Administration for \$88,000.00. Mr. Pascal would like a better idea of where the debt service is being repaid and from what fund. Town Manager shared that the admin operational budget has a Town Hall debt of \$88,878.00. Finance Director Bo Weichel explained that each department has its own debt service, and you have to add them all together. Mayor Black recommended Mr. Pascal look at our annual audit located on the website.

There being no one else wishing to speak, Mayor Black closed the public hearing at 6:13 p.m.

Mayor Black informed Council that the FY 2021-2022 Fee Schedule, FY 2021-2022 General Fund Capital Improvement Plan, FY 2021-2022 Utility Capital Improvements Plan, and the FY 2021-2022 Budget Ordinance could be voted on separately or together.

TOWN OF VALDESE BUDGET ORDINANCE
FISCAL YEAR 2021-2022

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

Section 1: The following amounts are hereby appropriated to the fund set forth for the operation of the town government and its activities for the fiscal year beginning July 1, 2021, and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this town:

GENERAL FUND - OPERATIONS		\$	6,078,522
Governing Body	\$	70,846	
Administration		1,043,162	
Public Works		237,388	
Maintenance & Grounds		234,828	
Planning		65,673	
Police		1,123,965	
Fire		934,819	
Street		412,189	
Powell Bill		144,500	
Sanitation		321,720	
Recreation		929,973	
Tourism/Community Affairs		559,459	
GENERAL FUND - CAPITAL OUTLAY		\$	635,200
Governing Body	\$	-	
Administration		10,000	
Public Works		50,000	
Maintenance & Grounds		-	
Planning		2,000	
Police		45,000	
Fire		32,200	
Street		277,000	
Powell Bill		-	
Sanitation		-	
Recreation		138,000	
Tourism/Community Affairs		81,000	
WATER SEWER FUND - OPERATIONS		\$	4,795,330
Water	\$	1,871,061	
Wastewater		1,689,112	
Water & Sewer Construction		1,235,157	
WATER SEWER FUND - CAPITAL OUTLAY		\$	521,300
Water	\$	165,000	
Wastewater		274,300	
Water & Sewer Construction		82,000	
TOTAL BUDGET		\$	12,030,352

TOWN OF VALDESE BUDGET ORDINANCE
FISCAL YEAR 2021-2022

Section 2: It is estimated, and therefore appropriated, that the following revenues will be made available to the respective funds for the fiscal year beginning July 1, 2021 as follows:

GENERAL FUND	\$	6,713,722
UTILITY FUND		5,316,630
TOTAL REVENUES	\$	12,030,352

Section 3: There is hereby levied an ad valorem tax at the rate of fifty-four and one half cents (\$0.545) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2021, for the purpose of raising a portion of the revenue listed in the General Fund appropriation in Section II of this ordinance. This rate, based upon an estimated total valuation of \$383,312,295 will generate a levy of \$2,040,795 with an estimated collection rate of 97.69%.

Section 4: As set forth in the Utility Fund Debt Service Section of the FY 2021-2022 budget document, the amount of \$352,251 is appropriated for the purpose of debt service and that this amount is sufficient for the complete and proper payment of all bond principal, bond interest and commissions on the outstanding debt of the town relating thereto for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

Section 5: As set forth in the General Fund Debt Service Section of the FY 2021-2022 budget document, the amount of \$260,244 is appropriated for the purpose of debt service and that this amount is sufficient for the complete and proper payment of all bond principal, bond interest and commissions on the outstanding debt of the town relating thereto for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

Section 6: The operating funds encumbered on the financial records of June 30, 2021 are hereby reappropriated into this budget.

Section 7: The corresponding "Fiscal Year 2021-2022 Rate and Fee Schedule" is approved with the adoption of this Annual Budget Ordinance.

Section 8: The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a. He may transfer amounts between line-item expenditures within a department without limitation and without a report being required.
- b. He may transfer amounts of \$10,000 between departments of the same fund with an official report on such transfer at the next regular meeting of the Town Council.
- c. He may not transfer any amounts between funds or from any contingency appropriation within any fund without approval of the Town Council.

Section 9: The Budget Officer is hereby authorized to execute agreements, within funds included in the Budget Ordinance or other actions by the Governing Body, for the following purposes:

- a. Form grant agreements to public and non-profit organizations
- b. Leases of routine business equipment
- c. Consultant, professional, or maintenance service agreements
- d. Purchase of supplies, materials, or equipment where formal bids are not required by law
- e. Applications for and agreements for acceptance of grant funds from federal, state, public, and non-profit organizations, and other funds from other governmental units, for services to be rendered which have been previously approved by the Governing Body
- f. Construction or repair projects
- g. Liability, health, life, disability, casualty, property, or other insurance or performance bonds
- h. Other administrative contracts which include agreements adopted in accordance with the directives of the Governing Body.

TOWN OF VALDESE BUDGET ORDINANCE
FISCAL YEAR 2021-2022

Section 10: Copies of this budget ordinance and accompanying documents shall be furnished to the finance office, budget officer, and other department heads of the Town of Valdese to be kept on file by them for their direction in the disbursement of funds.

Upon introduction by Town Manager Seth B. Eckard, motion to adopt by

Council _____, and seconded by Council _____, the vote was _____.

This ordinance is adopted on this the 28th day June, 2021.

John F. "Chip" Black, Jr., Mayor

Attest: _____
Town Clerk

Councilman Sweezy made a motion to adopt the FY 2021-2022 Fee Schedule, FY 2021-2022 General Fund Capital Improvement Plan, FY 2021-2022 Utility Capital Improvements Plan, and the FY 2021-2022 Budget Ordinance, seconded by Councilwoman Hildebran. The vote was unanimous.

FAMILY FRIDAY NIGHT LOCATION: Community Affairs Director Morrissa Angi presented the following presentation:



Town Council Meeting – Monday, June 28, 2021
Concert Series Location Discussion



May 28: Kickoff = 700 attendees
Beach & Variety Music
80s & Sunny with little storm chances



June 5 = 650 attendees
Dance & Variety Music
80s & Sunny with no rain chances



June 11 = 350 attendees
Classic Rock & Variety
Storm Chances High – Rain all around Valdeese



June 18 = 400 attendees
Bluegrass & Swing
80s & Sunny with no rain chances



June 25 = 500 attendees
Classic Rock & Variety
80s & Sunny with no rain chances

Town Parking Lot at Wells Fargo

Pros

- Proximity to merchants
- On Main Street = Visibility

Challenges

- 18,000 sq. ft.
- Asphalt is extremely hot in summer temps
- 40-60 degrees hotter than the air temp
- Packed area in 2019 = no room to grow event
- Parking can be a challenge
- Location is on a hill
- Little to no band visibility with dancers
- Traffic to ATM with pedestrians coming to the event – until 6pm
- Keeping emergency access road behind stage clear
- Hard to hear music over loud cars and traffic on Main Street
- No area for children to play safely

Field behind the Old Rock School

Pros

- 108,000 sq. ft.
- Permanent Concession Stand
- Grass - Level Area – Cooler during summer heat
- Permanent Restrooms = Slight Cost Savings
- Off Main Street = Safer for Families with young children
- Parking proximity and amount of parking available
- Handicaps accessible
- Utilize Teachers Cottage for Band dressing area
- Easier for families to join - grassy area, picnics, blankets
- Room for the event to grow & expand
- Safer for children - away from traffic
- Game area for children

Challenges

- Proximity to merchants
- Expand Dance Floor Area
- Bass impacting Outdoor Drama – being addressed with sound company and speaker orientation



Current Layout at Town Parking Lot

- STAGE
- CONCESSIONS
- RESTROOMS
- EVENT AREA
- BAND LOADING
- DANCE AREA



Permanent Move Plan At Football Field

- STAGE
- BAND AREA
- CONCESSIONS
- RESTROOMS
- EVENT AREA
- BAND LOADING
- DANCE AREA

Sound directed away from amphitheater

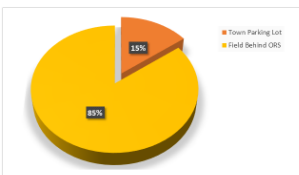


Permanent Move Plan At Football Field

- STAGE
- BAND AREA
- CONCESSIONS
- RESTROOMS
- ATTENDEES
- BAND LOADING
- DANCE AREA

Sound directed away from amphitheater

Attendee Survey Results:



Survey Results for Merchants that are open after 5pm Friday nights:

No Preference:

- Jack B Quick
- Los Compadres
- Dollar Tree
- AutoZone
- McDonald's

Town Parking Lot

- The Levee
- Self's Treasures
- Myra's & Little Italy – "It brings people into the downtown area."

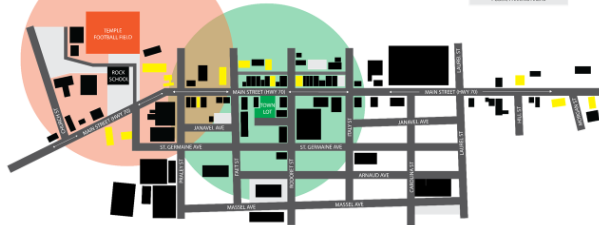
Field at Old Rock School:

- One Stop – "Helps the business a lot – Please keep them forever in the field – Thank you!!"
- Twin Brothers Pizza
- 100 Main – "I have mixed thoughts, but believe the field brings more people to Valdeese overall"

11 Businesses Open Fridays | Of the 11, 6 are locally owned

- Dollar Tree
- One Stop
- AutoZone
- McDonald's
- Myra's & Little Italy
- The Levee
- 100 Main
- Los Compadres
- Twin Brothers Pizza
- Jack B Quick
- Self's Treasures

Businesses Open on Friday Nights
*One More Reg – Open 24hrs for Members
PUBLIC PARKING AREAS



What about the merchants?

- Take out options & dining cards shared with all attendees
- Many merchants remark that they have increased business when events are held at the Old Rock School ex. craft shows
- Concert start time allows for dining and shopping prior to the start (7pm)
- Opportunities for merchants to set up booths, trucks etc. at the field – Examples include:
 - Vine & Prosperity – crafts and produce sales
 - Picnic Basket – lemonade & dessert sales
 - The Levee – for beer sales (potential for an agreement to be made with BCPS)
 - Ice Cream Truck – Myra's (once staffing permits)
 - Spagy Chicks – set up booth 6/25
 - Twin Brothers Pizza – offers delivery

What about the Outdoor Drama?

Statement from General Manager, Edyth Potter:

I believe the field behind the Old Rock School is a far superior venue for the Friday night concerts. There is more room for parking, the town can accommodate many more guests (as evidenced by the larger crowds already seen), and sitting on grass is much cooler for the guests than sitting on the asphalt in the parking lot. My only concern is to work out the sound issues, not only with the sound from the concerts, but also the sound (gunshots) from the production.

We plan to work with Morrissa to alleviate these concerns. There are many options to try that will address the needs of both events.

0.2 Miles = 4 minute walk

From Field at Old Rock School to Town Parking Lot @ former Wells Fargo

Performers:

Shakedown Band: Less traffic noise, ability to spread out – better location for concerts.

SkateRink Jukebox: Much cooler, easier to load in and the location allows for larger crowds of families to join.

Whitewater Bluegrass Company: Really enjoyed playing at the Old Rock School venue. It was crowd friendly and had great facilities. It was great seeing all the chairs and blankets in the grass. Perfect for a concert and dance.

Attendees:

Ken Adams: Enjoyed my first night at the concert behind the Rock School. I was surprised at the tremendous turnout. The new setup was great.

Maggie Morgan: I like how happy the crowd was. There was a lot more room to dance and have fun.

Emily Coulter: The concert was good. I like the field.

Mattison Telfeiler: I like how much open space there is on the football field. The view is also a lot better as it's flat and you're not looking straight up! Also, it's a lot more inviting than the parking lot.

Cynthia Jamigan: I live out of state but have family in the Morganton area and have attended several of the summer concert series in the past few years. This year was by far the best concert I have attended, simply because of the new location. It is family friendly and I loved watching the children dance and play. Thank you to those who were instrumental in moving the concerts to the grassy field.

Samantha Ferris: The field is more open and I enjoy seeing all the kids running around playing together.

Anonymous: My family has lived here for 5 years and we never came until now. We have young kids and this is much better for them.

Jen Svinger: There is more room to spread out! Bring your chairs and a blanket for the kids - great place to spend a family evening! It feels like community!

Marchalle Woody Causby: Loved it - over in Lakeview, nice to hear music coming through the trees on a nice evening.

Tammy Williams Severit: I absolutely love the new location.

Ely Ball: Love the field for the family friendliness that it offers! Great to see kids playing and enjoying the event.

Renae Townsend: Very good location for the concert enjoyed it very much seeing all my friends love to dance so I brought it back thank you Valdeese!

Molly Wetman (Preps): Great location for FFN!

Randy Billings: First time love the new venue from Lenoir. Thanks to the town of Valdeese and all the sponsors.

Barbara Winkler: Great place for FFN! Good job Valdeese!

Gary Nance: Excellent location for the concerts!

Dianna Pruitt: Great music! We are very fortunate to have these free events in our wonderful little town!

Rhonda Turner: Sure do enjoy having it at the ball field, than at the parking lot.

Cathy Davis: I love having the music on the field, lots more room and closer to restrooms.

Karen Pitman: I like the football field better because it is much more spacious, children have a place to play. The concession stand area is larger, and there are tables to eat food brought at the various restaurants in town.

Mayor Black reminded Council that they voted to have the Family Friday Nights Concert Series at the Old Rock School field through the end of June, and then Council would re-evaluate. Mayor Black stated that we are now looking at whether we want to continue the FFN series through September with the expectation of the Independence Day celebration and the Festival. Councilwoman Hildebran shared that she had attended the event and did not hear one negative comment. She also shared that she has heard positive comments on the Police force being present. Councilwoman Stevenson shared that her only concern is with the Outdoor Drama hearing the music. Ms. Angi explained that the sound engineer is working on steps to take to mask the sound as much as they can.

Councilwoman Hildebran made a motion to keep the FFN Series behind the Old Rock School for the rest of this year, seconded by Councilman Sweezy. The vote was unanimous.

APPROVED AMERICAN RESCUE PLAN CAPITAL RESERVE ORDINANCE AMENDMENT: Finance Director Bo Weichel shared that we have received updates from the US Department of Treasury on spending the American Rescue Plan money. The US Department of Treasurer does not want the funds in a Capital Reserve, so this amendment will have to be deleted. Mayor Black asked Mr. Weichel to explain the next step. Mr. Weichel explained that the next step would be to approve a Resolution to approve the funds coming in. Then, the LGC recommends putting the funds in a grant project ordinance rather than the Capital Reserve ordinance. Mr. Weichel shared that the two biggest things we can use the money for are COVID response, such as public safety equipment, and the second is water and sewer infrastructure. Town Manager Seth Eckard shared that we specifically looked to see if we could use the money for streets and or facility improvements, but we cannot from the guidance we received. Mr. Eckard said that items we currently have in the budget, we can use these funds on. Councilman Ogle asked what would happen to the funds currently in the budget if we received this grant money. Mr. Weichel explained that it was built into the budget already in anticipation of receiving the money. Mr. Weichel shared a list of items the grant money would go to: Waste Water Plant - Primary clarifier #2 drive and bridge replacement, recycle valve to the aeration basin, #3 or #4 influent valves and check valves replacement, and from Water Plant - #3 Finish Water Motor replacement and tank maintenance.

TOWN OF VALDESE
AMERICAN RESCUE PLAN
CAPITAL RESERVE ORDINANCE AMENDMENT

Be it ordained by the Town Council of the Town of Valdese that pursuant to Section 19 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve ordinance is hereby amended.

Section 1. The purpose of the reserve fund was to recognize and distribute funding from the American Rescue Plan (ARP) according to the US Department of Treasury guidelines on eligible items. Due to updated guidance by the U.S. Department of the Treasury along with the Local Government Commission, the ARP funding will need to be accounted for utilizing a different financing mechanism other than the Capital Reserve Fund to be in compliance with the grant requirements.

Section 2. The officers of this unit are hereby directed to amend the capital reserve fund and to delete the fund within the terms of the program ordinance and the budget contained herein.

Section 3. No revenues have been or are anticipated to be available to contribute to this fund:

Section 4. No appropriations have been made or obligated from this fund.

Section 5: Copies of this ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this amendment to delete the fund.

Adopted this 28th day of June, 2021.

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

ATTEST:
/s/ Town Clerk

Councilman Sweezy made a motion to approve the American Rescue Plan Capital Reserve Ordinance Amendment, seconded by Councilwoman Stevenson. The vote was unanimous.

APPROVED RESOLUTION APPROVING ACCEPTANCE OF ARP FUNDS: Finance Director Bo Weichel presented the following Resolution:

TOWN of VALDESE
RESOLUTION
American Rescue Plan (ARP) Funding

WHEREAS, the American Rescue Plan Act has appropriated approximately \$1,290,000 to be distributed to the Town of Valdese;

WHEREAS, funds will be distributed through the State of North Carolina in two tranches, half of the funding in 2021 and the remainder in 2022;

WHEREAS, only authorized expenditures outlined in the Interim Final Rule published by the U.S. Department of the Treasury will be eligible;

WHEREAS, funds will remain available through December 31, 2024;

WHEREAS, in accordance with NCGS 160A-17.1, it is the desire of the Town Council to accept these funds;

NOW, THEREFORE, BE IT RESOLVED, the Council of the Town of Valdese, North Carolina accepts to receive reimbursement, delegating the responsibility to execute any necessary agreements on behalf of the board to the Town Manager, and in so doing, obligates the Town to all rules and restrictions placed on the funds, such as repayment of any reimbursement of expenditures from the funds later found to have been spent for an unauthorized purpose(s).

THE FOREGOING RESOLUTION IS ADOPTED THIS 28th DAY OF JUNE, 2021.

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

ATTEST:
/s/ Town Clerk

Councilwoman Hildebran made a motion to approve the Resolution to accept the American Rescue Plan funds, seconded by Councilman Thompson. The vote was unanimous.

APPROVED AMERICAN RESCUE PLAN – GRANT PROJECT ORDINANCE: Finance Director Bo Weichel presented the following Grant Project Ordinance:

TOWN OF VALDESE
AMERICAN RESCUE PLAN
GRANT PROJECT ORDINANCE

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

Section 1. This ordinance is to establish a budget to recognize funding by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF) and distribute these funds according to the US Department of Treasury guidelines on eligible items. The Town anticipates receiving \$1,290,000 in two tranches. The Town Council authorizes the use of these funds for eligible items under the U.S. Department of the Treasury Interim Final Rule. This can include replacement of lost revenue due to the pandemic, eligible expenses under the CARES Act, and utility infrastructure/capital expenses. Funds will be fully accumulated by the end of FY 21-22 and must be used by December 31st, 2024.

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

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

<u>Source</u>	<u>Amount</u>	<u>Account Number</u>
Proceeds for General	\$ 390,000	77.3970.001
Proceeds for Utilities	900,000	77.3970.002

	\$ 1,290,000	
	=====	

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

<u>Source</u>	<u>Amount</u>	<u>Account Number</u>
General Capital Outlay	\$ 390,000	77.4200.740
Utility Capital Outlay	900,000	77.8120.740

	\$ 1,290,000	
	=====	

Section 5. The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 6. The finance officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 7. This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the town, whichever occurs sooner.

Section 8: Copies of this ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 28th day of June, 2021.

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

ATTEST:
/s/ Town Clerk

Councilwoman Stevenson made a motion to approve the American Rescue Plan Grant Project Ordinance, seconded by Councilman Sweezy. The vote was unanimous.

APPROVED CAPITAL PROJECT ORDINANCE AMENDMENT: Town Manager Seth Eckard shared that we received excellent news from NC DEQ where they would give us an additional \$58,945 to go towards Phase I of the Lakeside Park. Finance Director Bo Weichel presented the following Capital Project Ordinance Amendment:

Valdeese Town Council Meeting

Monday, June 28, 2021

Capital Project Ordinance Amendment # 4-34

Subject: Lakeside Park Phase I

Description: To amend capital project ordinance Fund 34
The original CPO was approved at the November 4, 2019 meeting.
This amendment recognizes additional pledge of reimbursable funds from NC DEQ in addition to the original \$200,000 pledge

Proposed Action:

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

Section I:

Amounts appropriated for capital projects are hereby amended as follows:

Section I:

The following revenues available to the Town will be increased:

Account	Description	Decrease/ Debit	Increase/ Credit
34.3970.005	Grant - NC DEQ		58,945
Total		\$0	\$58,945

Amounts appropriated for expenditure are hereby amended as follows:

Account	Description	Increase/ Debit	Decrease/ Credit
34.6200.760	Construction	58,945	
Total		\$58,945	\$0


Section II:

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


Councilman Sweezy made a motion to approve the Capital Project Ordinance Amendment, seconded by Councilwoman Stevenson. The vote was unanimous.

PUBLIC HEARING FOR 160D CODE AMENDMENTS: Mayor Black opened the Public Hearing at 6:48 p.m. Planning Director Larry Johnson presented the following presentation:

Town of Valdeese
Planning Director Report




**Ordinance Updates
to Comply with Chapter 160D**
(June 28, 2021)



Overview of Chapter 160D

- Legislation passed by N.C. General Assembly in 2019 creates Chapter 160D
- Consolidates N.C land use statutes
- Updates and clarifies a number of provisions
- Makes planning and development statutes easier to use
- Local governments have until July 1, 2021 to update their local ordinances
- All Amendments are a result of Chapter 160D Requirements




General Notes on 160D Review

Key 160D Revisions

A. Article B – Fire Prevention and Protection Code.


B. Part 9, Chapter 1 Minimum Housing Standards






General Notes on 160D Review

Key 160D Revisions for Zoning and Subdivisions Regulations
All Amendments are a result of Chapter 160D Requirements. Contracted with Nealon Planning PLLC (School of Governments recommended) to assure compliance.

A. Definitions	G. Variances
B. Vested Rights	H. Third-party Down Zonings
C. Permit Choice	I. Telecommunications facilities
D. Conflict of Interest	J. Performance guarantees
E. Quasi-judicial procedures	
F. Appeals	



General Notes on 160D Review	Question & Answer
<p><u>Key Other Revisions</u></p> <ul style="list-style-type: none">A. Signs – Non-commercial speech; political signs in NCDOT rights of wayB. Temporary health care structuresC. Manufactured homes 	 

Mr. Johnson shared that Fire Chief Greg Stafford worked on the Fire and Protection Code and WPCOG Todd Justice worked on the Minimum Housing Standards. Mr. Johnson shared that 160D was created and passed by N.C. General Assembly in 2019 to consolidate land use statutes. Local governments across the state are required to update their local ordinances by July 1, 2021. Mr. Johnson shared that the Planning Board has reviewed the changes and others from the School of Government. (Changes can be found on the Town of Valdese website or filed in the Clerk's office.)

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE TOWN OF VALDESE ZONING AND SUBDIVISION ORDINANCES, FIRE PREVENTION ORDINANCE, AND MINIMUM HOUSING STANDARDS ORDINANCE TO COMPLY WITH CHAPTER 160D OF THE NORTH CAROLINA GENERAL STATUTES

WHEREAS, the town council of the Town of Valdese desires to amend certain provisions of the Town of Valdese Zoning Ordinance, the Fire Prevention Ordinance, and the Minimum Housing Standards Ordinance to bring those ordinances into compliance with the requirements of NCGS Chapter 160D; and

WHEREAS, the town council has determined that the proposed ordinance amendments are reasonable and necessary to bring the Town of Valdese ordinances into compliance with applicable North Carolina law; and

WHEREAS, the planning board has considered the Zoning Ordinance amendments and the planning board recommends that those amendments be adopted;

NOW, THEREFORE, BE IT ORDAINED that the Town of Valdese Zoning Ordinance, the Fire Prevention Ordinance (Part 3, Article B – Fire Prevention and Hazards), and the Minimum Housing Standards Ordinance (Part 9, chapter 1, Article D – Minimum Housing Standards) are amended to make the deletions (strikethroughs) and the additions (underlining) that have been presented to the town council for its consideration.

Adopted this 28th day of June 2021.

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

ATTEST:

/s/ Town Clerk

Mayor Black asked if anyone wished to speak either for or against the proposed amendments.

WILLIE PASCAL – 909 GARDIOL AVE, VALDESE: Mr. Pascal noticed that the document came from the Planning Board/Department with no representation from the Public Safety. Mr. Pascal asked if he could hear from the Fire Chief. Fire Chief Greg Stafford explained a minor change in the Fire Prevention/Protection code that simply changed G.S.160A-411 to 160D-1102.

There being no one else wishing to speak, Mayor Black closed the public hearing at 7:12 p.m.

Mayor Black expressed his gratitude for the work that the Planning Board/Department did on this project. Councilwoman Hildebran expressed her concern that she hears many times that Council receives a document on Friday and only has the weekend to review. Councilwoman Hildebran stated that she wanted our citizens to know that Council was familiar with this from back in May and she has personally called Mr. Johnson to ask questions. Councilwoman Hildebran shared that this was a routine thing that we usually do with documents to update them when the State requires it.

Councilwoman Hildebran made a motion to approve the Ordinance to amend the provisions regarding the Fire Prevention Ordinance, Minimum Housing Standards Ordinance, and the Valdese Zoning Ordinance in compliance with 160D, seconded by Councilwoman Stevenson. The vote was unanimous.

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

The Independence Day Celebration is scheduled for Friday, July 2, 2021, at 7:00 p.m.

Town Offices will be closed on Monday, July 5, 2021, in observance of Independence Day.

MAYOR AND COUNCIL COMMENTS:

Councilman Ogle shared that a house on Becker Street is in bad shape. The homeowner is three years past due in taxes, with the Town has cut the grass for two years. Councilman Ogle shared that the Town Manager said Burke County was going to foreclose on the house over a year ago, and the owner cannot be found. Councilman Ogle asked since it was an abandoned house, what are our options. Town Attorney Marc Mitchell explained that the statute says you have to make reasonable efforts to find the person, and if you cannot, you can serve the person by publication. Mr. Mitchell explained that the problem when you do that is, you mess up the title to the real estate. Mr. Mitchell said it would be difficult to sell. Town Manager Seth Eckard shared that the Tax Collector is working on this and has a few options to explore first.

Councilwoman Stevenson shared that she has had positive feedback from the Police "Boots on the Ground" initiative.

CLOSED SESSION: Mayor Black called for a motion to recess into 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 7:10 p.m., Councilwoman Stevenson made a motion to recess into 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. Councilwoman Hildebran seconded the motion. The vote was unanimous.

At 7:28 p.m., Councilman Ogle made a motion to return to Open Session, seconded by Councilwoman Hildebran. The vote was unanimous.

TOWN MANAGER'S CONTRACT ADJUSTMENT: Councilman Sweezy made a motion to increase the Town Manager's salary by 3%, seconded by Councilwoman Stevenson. The vote was unanimous.

ADJOURNMENT: At 7:30 p.m., there being no further business to come before Council, Councilman Ogle made a motion to adjourn, seconded by Councilwoman Hildebran. The vote was unanimous.

The next meeting is a regularly scheduled meeting on Monday, August 2, 2021, at 6:00 p.m., Valdese Town Hall.

Town Clerk

Mayor

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